

THE TEXAS 2036 DIFFERENCE

Texas Law Enforcement Data
Landscape Case Study

HISTORY / INTRODUCTION

Each decade, Texas state agencies are thoroughly reviewed by a legislative commission – **the Texas Sunset Commission** – to analyze agency effectiveness and identify necessary improvements. When the **Texas Commission on Law Enforcement (TCOLE)** was under its regularly scheduled Sunset review in 2020, the Sunset Commission adopted a scathing report which called the way **Texas regulates law enforcement “largely ineffective,” “toothless,” and “fundamentally broken.”**



Rather than immediately addressing these issues, the 2020 Sunset report recommended the Legislature establish a **blue ribbon panel of law enforcement professionals** to develop recommendations that future lawmakers might consider and adopt a few other modest reforms.

This blue ribbon panel was supposed to make recommendations on professional standards, training and education requirements, and accountability for licensed peace officers and law enforcement agencies.

However, even this modest 2021 TCOLE Sunset bill failed to pass, failing to even receive a floor vote in either chamber after receiving significant stakeholder pushback.

The bill's failure triggered a re-do by the Sunset Commission after the regular session in 2021, at which point Texas 2036 began its engagement for 2022-23.

2021 TCOLE SUNSET BILL House Bill 1550

The 2021 legislation proposed modest reforms, deferring most challenging matters to a “blue ribbon panel” review of law enforcement regulation.

This panel was tasked with studying professional standards of conduct for licenses, training and continuing education requirements, and accountability for licensees and agencies.

This legislation also included:

- **“Fit-for-duty” exam requirements** for officers to ensure physical and psychological fitness to serve, and
- **Emergency license suspension** authority for TCOLE if a licensed officer constituted an imminent threat to public health, safety, or welfare.

2023 TCOLE SUNSET BILL Senate Bill 1445

2023 legislation comprehensively addressed the governance of Texas’ law enforcement oversight agency, improving transparency and accountability and, as a result, helping to bolster public trust in law enforcement.

Key provisions include a fundamental reform of how “wandering officers” are dealt with in Texas:

- **Removal** of problematic “F-5 discharge” categories and related appeals.
- **Misconduct investigation policies & required reporting to TCOLE** for all agencies and officers.
- **Standardized personnel records** and stronger pre-hiring background checks for all agencies and officers.

In addition to the “fit for duty” exams and emergency license suspensions considered in the failed 2021 effort, other reforms include:

- **Improved minimum standards** for creating and continuing law enforcement agencies.
- **Public-facing officer database** of basic employment, licensing, and training information.

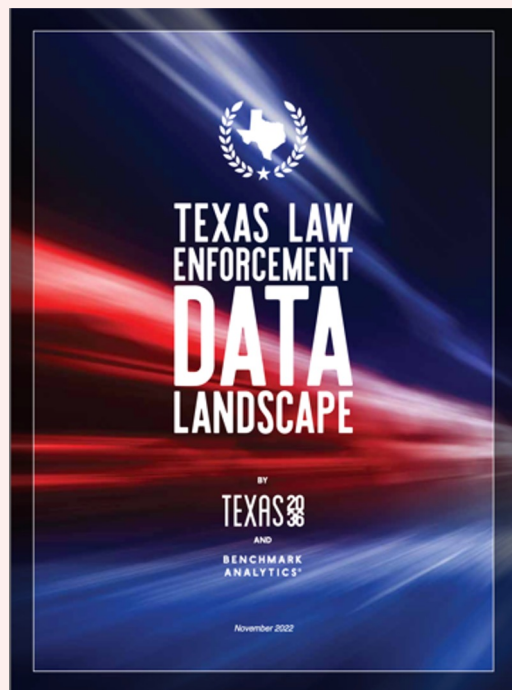
RESULTS

- Political consensus not reached;
- Law enforcement and advocacy stakeholders hostile to the bill;
- **Failed to pass** the Legislature and second sunset review forced.
- ✓ Law enforcement and advocacy groups approval;
- ✓ Passed the Senate 31-0;
- ✓ Passed the House 138-1;
- ✓ **Signed into law** by the Governor.

THE TEXAS 2036 DIFFERENCE

Anticipating the beginning of the new TCOLE Sunset review process, in the late fall of 2021, Texas 2036 began engaging law enforcement experts and stakeholders on outlining areas of fruitful research and advocacy surrounding the regulation of law enforcement in Texas.

These discussions led to Texas 2036 leveraging its existing partnership with January Advisors and creating a **new partnership with law enforcement data-firm Benchmark Analytics** to compare TCOLE to similar agencies in other states, evaluate how Texas manages key data on law enforcement, and assess Texas's response to the challenge of "wandering officers" – those peace officers who are fired from one agency and then get rehired at a different agency.



In addition to informing Texas 2036's advocacy on the TCOLE Sunset bill and related legislation, the **Law Enforcement Data Landscape** became a **baseline for reliable information on the state of law enforcement regulation** and a guide for shared goals among key stakeholders. TCOLE leadership quoted the report in testimony before lawmakers, and the report was regularly cited by other law enforcement groups and associations, particularly on the issue of wandering officers.



The result was the **Texas Law Enforcement Data Landscape**, a nearly 100-page report including dozens of concrete findings and actionable recommendations for lawmakers to consider.

Among the most important recommendations were those related to dealing with the **wandering officer problem**.

Among the key recommendations were to **move away from the F-5 "discharge" system** for reporting officer separations in favor of a more useful, fact-based system, to rely on national data assets and improve the transparency of Texas peace officer information, to address the unusually high number of law enforcement agencies in the state, and to dramatically improve TCOLE's data infrastructure to better serve Texas and the law enforcement community.

KEY ADVOCACY INTERVENTIONS

2022

○ January

- Engagement plan finalized.
- Texas 2036 introductory meetings with TCOLE leadership and staff, advocacy groups, law enforcement stakeholders, & experts.

○ May - June

- Texas 2036 and Benchmark Analytics partnership finalized for Texas Law Enforcement Data Landscape.
- Data-sharing arrangement with TCOLE finalized.

○ October - December

- Texas 2036 and Benchmark Analytics share preview of Texas Law Enforcement Data Landscape Report with TCOLE leadership and staff.
- Texas Law Enforcement Data Landscape Report released.
- Texas 2036 testifies before Texas Sunset Commission.

2023

○ January

- Sunset Commission adopts new recommendations into finalized TCOLE Sunset report.

○ February - March

- Texas 2036 relies on Law Enforcement Data Landscape research to publish blogs generating op-eds and stories on the former Uvalde CISD chief Pete Arredondo's F-5 case.
- TCOLE Sunset and other law enforcement reform bills filed.

○ April - May

- Texas 2036 testifies before relevant Senate and House Committees on the TCOLE Sunset bill.
- Engaged stakeholders and advised bill authors and sponsors, and House and Senate leadership on final changes in the TCOLE Sunset bill.
- TCOLE Sunset bill signed into law after near-unanimous legislative support.