

- SUBJECT:** Supplemental pay for DPS officers proficient in a second language
- COMMITTEE:** Law Enforcement — committee substitute recommended
- VOTE:** 7 ayes — Driver, Garza, Hupp, Burnam, Y. Davis, Hegar, Keel
0 nays
- WITNESSES:** For — Mayor Gus Garcia, City of Austin; Will Harrell, American Civil Liberties Union
Against — None
- BACKGROUND:** Government Code, ch. 411 governs operations of the Department of Public Safety (DPS). Officers commissioned by DPS are authorized to receive supplemental pay for working more than 40 hours in a week. A commissioned officer working on a project funded by the federal government may receive a supplement paid by the federal government.
- DIGEST:** CSHB 2829 would authorize DPS to pay a supplement of up to \$100 per month to a commissioned officer who was proficient in both English and a second language. The department first would have to determine that the second language was beneficial to protecting the public's safety. The officer would have to demonstrate proficiency in the second language by reading, writing, and conversing in the language. The extra pay would be in addition to the officer's regular salary.

The bill would take effect September 1, 2003.
- SUPPORTERS SAY:** CSHB 2829 would go a long way toward improving relations between Texas' burgeoning Hispanic population and the police community. State troopers and officers who can speak a second language, particularly Spanish, can enhance professional policing in many parts of the state. Some officers serve in areas where a second language is sometimes the only language used by people with whom the officers come in contact. The ability to communicate effectively during investigations is crucial, both for officers and for Spanish-speaking members of the community who report crimes.

Some areas of the state are having difficulty recruiting and retaining Spanish-speaking officers. The monthly stipend authorized by CSHB 2829 would give law enforcement agencies an additional tool for use in recruiting and retaining officers. DPS already offers the supplement on a limited basis and has used it successfully in recruiting Spanish-speaking officers. The City of Austin offers a similar stipend.

SB 1074 by West, enacted in 2001, prohibits law enforcement-initiated actions based on a person's race, ethnicity, or national origin. The law requires data collection on traffic stops and annual analysis of the data. Anecdotal evidence had indicated that racial profiling occurs in the state, and the data collected and analyzed under SB 1074 prove its existence. The first analysis, completed in March 2003, shows that Hispanic males are up to four times as likely to be searched as are white males when stopped for the same traffic infraction. According to the data, 80 to 90 percent of those searches were consensual, but the percentage may be that high because the Hispanic people who were stopped may not have understood that they had the right to refuse a search because they could not communicate with the officers.

**OPPONENTS
SAY:**

Although some localities may have used such pay supplements as a successful recruiting tool, the fiscal note for CSHB 2829 indicates that it would cost the state more than \$1 million a year in general revenue that the state cannot afford to spend at this time.

NOTES:

The committee substitute modified the original bill by requiring DPS to determine that the second language was beneficial to protecting the public's safety before an officer could receive the supplemental pay. It would remove a requirement that the second language be the predominant language used in and around the area the officer to which the officer was assigned. The original bill would have set the amount of the monthly stipend at \$100.

The companion bill, SB 1188 by Van de Putte, was reported favorably by the Senate Criminal Justice Committee on April 22.