

- SUBJECT:** Establishing model training, hiring policies for peace officers
- COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended
- VOTE:** 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Jennifer Szimanski, Combined Law Enforcement Associations of Texas; Frederick Frazier, Dallas Police Association/FOP716 State FOP Director; George Craig, Houston Police Department; Brian Hawthorne, Sheriffs' Association of Texas; John Chancellor, Texas Police Chiefs Association; Julie Campbell; Dee Chambless; Detrese Harkey; Thomas Parkinson)
- Against — (*Registered, but did not testify:* Sarah Murphy)
- On — Kim Vickers, Texas Commission on Law Enforcement; (*Registered, but did not testify:* Mitch Landry, Texas Municipal Police Association)
- BACKGROUND:** Occupations Code sec. 1701.251 requires the Texas Commission on Law Enforcement (TCOLE) to establish and maintain training programs for peace officers, county jailers, and telecommunicators. Sec. 1701.253 establishes the minimum curriculum requirements.
- Sec. 1701.351 requires each peace officer to complete at least 40 hours of continuing education programs once every 24 months.
- Some have suggested that effective and more uniform statewide training for peace officers and the development of best practices for the peace officer hiring process would strengthen public confidence in law enforcement and make certain that officers were supported and prepared to perform their duties effectively.

**DIGEST:** CSHB 3712 would establish content requirements for the basic peace officer training program and provide for the development of model training curriculum and policies and model preemployment investigations for peace officers and law enforcement agencies.

**Basic training course.** The basic peace officer training course required as part of a peace officer training program would have to be at least 720 hours. The basic training course would have to include training on:

- the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint by a peace officer in searching or arresting a person, unless the officer reasonably believed the restraint was necessary to prevent serious bodily injury to or the death of the peace officer or another person;
- the duty of a peace officer acting in an official capacity to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if the scene was secure and the amount of force exceeded what the officer reasonably believed was necessary under the circumstances; and
- the duty of a peace officer acting in an official capacity to render aid to a person who had suffered serious bodily injury from the use of force, unless the officer reasonably believed the provision of aid was likely to cause serious bodily injury to or the death of the peace officer or another person.

**Training program and policies.** The Texas Commission on Law Enforcement (TCOLE) would have to consult with the Bill Blackwood Law Enforcement Management Institute of Texas (LEMITE) to develop and maintain a model training curriculum and model policies for law enforcement agencies and peace officers.

The model training would have to include curriculum and policies:

- for field training programs;
- for banning the use of a choke hold, carotid artery hold, or similar

- neck restraint by a peace officer except in certain circumstances;
- on the duty of a peace officer to intervene;
  - on the duty of a peace officer to render aid; and
  - on the use of deadly force.

**Policies for law enforcement agencies.** The bill would require each law enforcement agency in the state to adopt a policy on the topics described by the bill within 180 days after TCOLE provided the model policies. An agency could adopt the model policies.

**Continuing education.** TCOLE would have to specify the mandated topics to be covered in up to 16 of the 40 hours of required continuing education programs that peace officers have to complete every 24 months.

**Preemployment investigation.** TCOLE, in consultation with LEMIT, would have to develop and make available to all law enforcement agencies a model policy for the preemployment investigation of a licensed peace officer. The model policy would have to incorporate:

- the duties and responsibilities of a hiring law enforcement agency or governmental entity;
- the request, analysis, and use of any employment termination report or criminal background check information; and
- any other information considered necessary to conduct a preemployment investigation.

**Implementation, dates.** TCOLE would be required to implement a provision of the bill only if the Legislature appropriated money specifically for that purpose. If money was not appropriated, TCOLE could but would not be required to implement the bill using other funds.

TCOLE would have to modify the curriculum of the basic peace officer training course to comply with the bill by January 1, 2022. The minimum hour and content requirements under the bill would apply only to a person who began the course on or after July 1, 2022.

TCOLE would have to develop and make available the model curriculum and policies by January 1, 2022.

The bill's provision related to continuing education would apply only to a training unit that began on or after the bill's effective date.

The bill would take effect September 1, 2021.

**NOTES:** According to the Legislative Budget Board, the bill would have a negative impact to general revenue of \$334,273 through fiscal 2023.