

**SUBJECT:** Establishing TCOLE standards of conduct for peace officers

**COMMITTEE:** Homeland Security & Public Safety — committee substitute recommended

**VOTE:** 6 ayes — Guillen, Jarvis Johnson, Bowers, Harless, Holland, Troxclair  
1 nays — Dorazio  
2 absent — Canales, Goodwin

**WITNESSES:** For — (*Registered, but did not testify:* M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Luis Soberon, Texas 2036; 9 individuals)  
  
Against — Chris Jones, Combined Law Enforcement Associations of Texas (*Registered, but did not testify:* Thomas Villarreal, Austin Police Association; Marvin Ryals, Cleat and El Paso County Sheriffs Officers Association; Julio Gonzalez, Dallas Police Department; David Batton, Harris County Deputies Organization FOP 39; Carlos Ortiz, San Antonio Police Officers Association)  
  
On — Cullen Grissom, Texas Commission on Law Enforcement; Kevin Lawrence, Texas Municipal Police Assn

**BACKGROUND:** Some have suggested that creating statewide minimum conduct standards for peace officers would help to standardize processes for addressing officer misconduct.

**DIGEST:** CSHB 4873 would require the Texas Commission on Law Enforcement (TCOLE) to create minimum standards of conduct for licensed peace officers, establish a panel to investigate violations of the standards of conduct, and establish provisions related to officer disqualification, license revocation and suspension, and disciplinary action.

**Standards of conduct.** CSHB 4873 would require TCOLE to establish

minimum standards of conduct with respect to:

- pursuit of a suspect;
- arrest and control tactics;
- executing high-risk warrants; and
- conducting traffic stops, including those punishable by fine only.

TCOLE would be required to biennially review and update the standards of conduct as necessary.

CSHB 4873 would require TCOLE to submit to the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training, or a similar database selected by TCOLE, information necessary to create a record in the database for each officer license TCOLE revoked under the bill.

**Panel to investigate violations.** The governor would be required to appoint a nine member panel to investigate alleged violations of the standards of conduct adopted under the bill. The panel would consist of certain relevant individuals, including licensed peace officers recommended by certain law enforcement agencies and associations, a member of the Texas Indigent Defense Commission, and a member of TCOLE who would serve as the presiding officer. Members of the panel would serve two year terms and would meet at the call of the presiding officer. A member of the panel would not be entitled to compensation for service on the panel but would be entitled to reimbursement for expenses incurred in performing official duties as a member of the panel.

In an investigation of an alleged violation of an adopted standard of conduct, TCOLE or the panel could request and compel by subpoena certain information relevant to the investigation. TCOLE or the panel, acting through the attorney general, could bring an action against a person who failed to comply with the subpoena. The bill would prescribe venues where the action could be brought. The court would be required to order compliance with the subpoena if the court found that good cause existed to issue the subpoena. TCOLE would be required to adopt rules for

attendance of a witness by video conference in response to an issued subpoena.

**Disqualification, disciplinary action.** A person would be disqualified to be an officer and from being issued an officer's license, if the person had been issued a license or other authorization to act as an officer in another state and the license or authorization was revoked or suspended.

TCOLE could revoke or suspend a license, place on probation a person whose license had been suspended, or reprimand a license holder for violating a standard of conduct adopted by the bill.

TCOLE could not take disciplinary action against an officer for an alleged violation of a standard of conduct unless the panel, by a two-thirds vote, determined the violation occurred and recommended disciplinary action.

**Implementation.** By January 1, 2024, TCOLE would be required to prescribe the standards of conduct and adopt the rules necessary to implement the bill. The governor would appoint members of the panel by January 1, 2024. The standards of conduct would apply only after January 1, 2024.

The bill would take effect September 1, 2023, and would apply only to an application for an officer's license on or after the effective date.