Texas Law Enforcement Data Landscape

Public confidence in law enforcement is a public safety strategy.
Public trust depends on transparency, accessibility, and accountability.

Texas Law Enforcement Regulation at the Crossroads

The 2020 Sunset Report for the Texas Commission on Law Enforcement (TCOLE) described Texas's system of law enforcement regulation as "largely **ineffective**," "**toothless**," and "fundamentally **broken**." After failing to pass a sunset bill in 2021, the Texas Legislature will face the same questions about the basic regulatory structure overseeing law enforcement.

An effective regulatory structure that oversees law enforcement and serves Texans needs a **strong foundation in data**. Texas 2036 partnered with Benchmark Analytics to explore two issues:

1) The sufficiency of **TCOLE's data** collection and management; and

2) How Texas handles the "**wandering officer**" problem.

The resulting **Data Landscape** report shows a serious need to support an improved data capacity and infrastructure at TCOLE that is based on transparency, accessibility, and accountability.

Data Landscape Key Takeaways

1 Compared to peer states. TCOLE oversees more agencies with fewer resources

2 Texas's broken system for handling the "wandering officer" needs transparency and reform

3 TCOLE's database for licensees and agencies has potential to support agencies and inform the public

4 Texas needs to drastically improve the collection of motor vehicle stop data
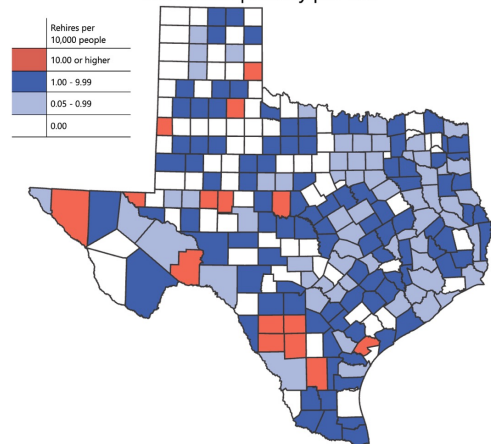
Wandering Officers in Texas

Dishonorably Discharged Peace Officer Rehirings 2012-2022 – Top 10 Agencies

Department Name	# Peace Officers as of 08/2022	County	# DDPO Rehirings: 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 Officer Rehirings
2012-2022 | county per 10k

Rehires per 10,000 people
- 10.00 or higher
- 1.00 - 9.99
- 0.05 - 0.99
- 0.00

Key Findings on Wandering Officers

1,400 peace officers ***rehired*** after receiving a dishonorable discharge since FY2012

75% of cases before SOAH where an officer won an ***upgraded discharge*** in FY2021

59% of the time, officers won an upgraded discharge ***by default*** in FY2021 because the agency didn't participate

Rural / Urban dishonorably discharged officers are concentrated in **smaller agencies** and **less densely populated** areas of Texas

Wandering Officers in Texas

A "**wandering officer**" is a peace officer who is **fired** or resigns in lieu of getting fired, and is then **rehired** to work in law enforcement at another agency.

Research on on Florida's law enforcement showed that despite being only 3% of all peace officers, wandering officers were more likely to be **fired again** for misconduct and receive more complaints of "**moral character violations.**"

Texas has used the **F-5 separation report**, where a Chief ranks a peace officer's discharge as "**honorable**," "**general**," or "**dishonorable**" depending on the nature of the separation. If an officer believes that a "general" or "dishonorable" discharge is incorrect, **they can petition to amend the F-5**. This appeal of the Chief's decision goes through the State Office of Administrative Hearings (SOAH).

The F-5 report, the hearings at SOAH, and the discharges are all **confidential**.

1. The F-5 System is broken: The "dishonorable discharge" category does not distinguish between insubordinate backtalk and violent criminal conduct. The confidentiality surrounding also hurts officers, agencies, and stakeholders in law enforcement. The categories should be **redefined** and the information should be **publicly available**.

2. Hiring agencies need complete records: SB 24 (87R) passed in 2021 is an important step forward, but Texas has more law enforcement agencies **than any other state**. Agencies, both public and private, have their own record retention rules. All agencies should have **uniform employment record requirements** to ensure hiring agencies have access to all relevant records.

Number of law enforcement agencies in peer states: 2022

State	Number
California	607
Florida	339
Texas	2726
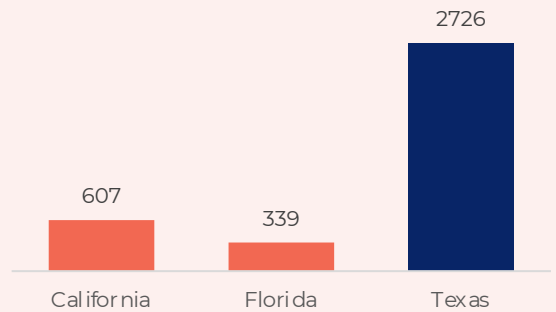
68% of Texas voters **trust their local police** and law enforcement to handle crime and public safety issues

79% of Texas voters support **improved transparency** to make F-5 information available to the public

83% of Texas voters said *making it harder to rehire* law enforcement officers who were previously fired for poor conduct would *increase their confidence* in law enforcement.

Other Data Issues & Deficiencies in Motor Vehicle Stop Data

Law enforcement agencies are generally required to report data to TCOLE about all the stops conducted by officers every year. However, the **motor vehicle stop data** have been plagued with quality problems for years. For example, 2021 data improbably suggests that the number of stops where both officers and suspects were injured outnumbered the total number of stops where an injury occurred.

Bad data quality **obscures real problems** that should be scrutinized and it **makes good agencies look bad**.

TCOLE's recent acquisition of the data system "TCLEDDS" represents an **opportunity to lay a strong foundation** for future changes to the regulatory structure of law enforcement.

6.8 million **motor vehicle stops** conducted by Texas law enforcement agencies in 2021

4,893 stops in 2021 where physical force led to *any* bodily injury $\neq$ **4,897** stops in 2021 where officer & suspect were *both* injured by force

The Legislature should **invest** in TCOLE's data and IT infrastructure, and **require** TCOLE to adopt clear guidelines and policies to help agencies and proactively identify data errors.

78% of Texans supported using *$1 billion of federal funds* to improve the state's *cybersecurity and technology systems* in 2021.

For more information, please contact
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