December 5th, 2022

Ms. Jennifer Jones
Executive Director
Texas Sunset Advisory Commission
P.O. Box 13066
Austin, TX 78711

RE: *Texas Commission on Law Enforcement Sunset Report*

Dear Ms. Jones:

Thank you for the opportunity to offer comments on the Sunset Commission staff report on the Texas Commission on Law Enforcement (TCOLE). Recent critical incidents and tragedies in Texas and across the nation, leadership changes at TCOLE, and this limited-scope review leave the regulation of law enforcement in Texas at a crossroads.

Issue 1 in the staff report reflects the magnitude of the moment by reaffirming the Sunset Commission's recommendation in 2020 calling for the creation of a blue ribbon panel on law enforcement professionalism. However, there are other important regulatory issues and core TCOLE functions that remained unaddressed by the report as a result of the "limited scope" imposed on staff by Senate Bill 713 from the 87th Regular Session.

The sunset review and the pressing issues presented by this crossroads-moment prompted Texas 2036 to develop the *Texas Law Enforcement Data Landscape*. Our report focused on some issues that overlapped with Sunset staff's limited scope and others that were unaddressed. The report included numerous recommendations for both TCOLE and the Texas Legislature to consider on addressing wandering officers and improving TCOLE's data collection and management, particularly on motor vehicle stop data.

These recommendations rely on the premise that the public's trust in law enforcement is key to public safety. Improving the safeguards that prevent officers fired for misconduct from wandering between agencies and resolving serious data quality concerns at TCOLE are both aimed at ultimately maintaining and building the public's trust in the law enforcement that serves them.

Key findings and recommendations include the following:

- Texas has more law enforcement agencies than any other state. There are neither uniform employment record-keeping requirements for LEAs, nor are there any requirements to check national databases for officers who move to Texas LEAs.
- The F-5 system that governs officer re-hiring is broken, and it demands transparency and fundamental reform.
- The motor vehicle stop data reported to TCOLE as part of the racial profiling reports are plagued with data quality problems that make good agencies appear to be outliers and simultaneously obscure potentially problematic policing practices.
- TCOLE needs to follow prior legislative mandates to improve the instructions given to LEAs as well the accessibility of the data it collects from LEAs. The Legislature should also make adjustments to data quality safeguards in statute and direct TCOLE to explore options to improve data collection moving forward.

The executive summary as well as the key findings and recommendations are copied below, and the full report can be reviewed at texas2036.org/TCOLE. Thank you for your time and attention to these comments. We welcome the opportunity to discuss these recommendations with your staff in further detail.

Sincerely,

Luis Soberon
Policy Advisor

cc: Sunset Commission Members