

- SUBJECT:** Longer probationary period for beginning police officers
- COMMITTEE:** Urban Affairs — committee substitute recommended
- VOTE:** 6 ayes — Carter, Clark, Edwards, Hill, Hodge, Najera
3 nays — Bailey, Burnam, Ehrhardt
- SENATE VOTE:** On final passage, March 16 — voice vote (Barrientos, Bernsen, Cain, and Truan recorded nay; Harris and Lucio recorded present not voting)
- WITNESSES:** For — Mary Andrews, City of Lubbock Human Resources, Coalition of Civil Service Cities; Anita Burgess, City of Lubbock; David N. James, City of Carrollton Police Department; Claude Jones, Texas Police Chfs Association; Karl Louis, Paris Police Department; Tom Mann, Lubbock Police Department; Joe Paniagua, Fort Worth City Council

Against — Ron DeLord, Combined Law Enforcement Associations of Texas; Jamie Johnson, Fort Worth Police Officers Association; James Jones, San Antonio Police Officers Association; Mike Sheffield, Austin Police Association; Charley Wilkison, El Paso Municipal Police Officers Association, CLEAT
- BACKGROUND:** Sec. 143.027 of the Local Government Code requires a person appointed to a beginning position in a fire or police department to serve a probationary period of one year, beginning on the person's date of employment as a police officer, fire fighter, or academy trainee.
- DIGEST:** CSSB 264 would establish an 18-month probationary period for certain municipal police officers in cities of less than 1.5 million people. The 18-month probationary period would apply to a person appointed to a beginning position in the department and who had not been commissioned in Texas as a peace officer before the appointment. The probationary period would begin on the person's date of employment as a police officer or trainee.

The bill would take effect on September 1, 1999.

**SUPPORTERS
SAY:**

The one-year probationary period for a police officer currently begins on the first date of employment as a trainee. Most departments send new officers to a training academy for periods averaging five to seven months, counting toward the probationary period. The months remaining in the officer's probationary period do not provide a rookie officer sufficient experience with the wide variety of situations that are encountered on the street. Nor do they provide police departments with enough time to review how the officer would function because performance during academy training or ride-alongs with a field training officers are not the same as real life experience.

SB 264 would provide local police departments with adequate time to assess the skills of rookie officers by mandating a longer probationary period in the months following academy training. Rookies who experienced difficulties performing certain vital, but learnable duties on the job, such as preparing police reports, could be given remedial training during the longer probationary period, rather than simply being terminated because of inability to handle paperwork.

The bill would not affect the timing of pay raises. Pay increases are strictly a local matter. In practice, departments do not necessarily promote officers as soon as they have accrued enough time on the job to qualify.

The bill would exclude the Houston Police Department, which has an agreement with its police union that makes applicability of this proposal unnecessary. Because that department is so large, it should be allowed to set its own probationary policy.

**OPPONENTS
SAY:**

Probationary periods should be negotiated by local departments. Departments have different academy training requirements, so they should be able to base their probationary periods on the variations in training received by their officers. Departments and unions with collective bargaining agreements especially should be allowed to negotiate this issue.

**OTHER
OPPONENTS
SAY:**

Houston should not be excluded from this bill. The Houston Police Department is the largest in the state. Because that department protects the lives of so many people and has the potential for receiving more complaints than other departments, it is most in need of this expanded probationary period. The agreement between Houston's police union and its department should not be used as an excuse to exclude it from state law. Most other

major cities have similar agreements and would also desire an exemption. However, no department should receive special treatment.

NOTES: The committee substitute would specify that the probationary period would last for 18 months, beginning on the date of a person's employment as an officer or trainee, rather than the Senate version's one-year probationary period beginning when the police officer was commissioned.