

SUBJECT: Allowing cities to use unmarked cars to investigate employee fraud

COMMITTEE: Urban Affairs — favorable, with amendment

VOTE: 8 ayes — Carter, Bailey, Burnam, Callegari, Edwards, Hill, E. Jones, Najera
0 nays
1 absent — Ehrhardt

WITNESSES: For — Debra Guerrero, City of San Antonio; Virginia M. Quinn, Department of Internal Review, City of San Antonio; *Registered, but did not testify:* Shanna Igo, Texas Municipal League
Against — None

BACKGROUND: Transportation Code, sec. 721.004 requires municipalities to inscribe their vehicles with the name of the municipality and the department or office that has custody of the vehicle. Sec. 721.005 exempts from this requirement vehicles used by police departments, magistrates, or medical examiners when performing their official duties.

DIGEST: HB 2220, as amended, would amend Transportation Code, sec. 721.005(a) to allow municipalities to authorize municipal employees to use unmarked cars, but only when conducting an investigation of suspected fraud or mismanagement within the municipality.
The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS SAY: HB 2220 would help make municipal governments more accountable to their citizens by making it easier for the city to investigate fraud or other mismanagement by city employees. By using unmarked cars, municipal investigators would be able to conduct surveillance of suspected illegal activities by municipal employees, such as using city equipment for personal use, stealing from the city, or solicitation, and could gather evidence that would allow prosecution of these crimes. The ability to remain anonymous

as needed during an investigation would also prevent alerting an employee who might destroy important evidence.

HB 2220 also would help to protect the identities of those people who contact the city to report possible violations by allowing investigators to visit and interview them anonymously. Using unmarked vehicles would help to protect the reputations of city employees under investigation before charges are filed by keeping knowledge of the investigation limited.

In some cities, investigators use their personal vehicles in order to conduct surveillance. This policy potentially places these city employees at risk because anyone disgruntled by an investigation could use the employee's license plate number to look up their personal information and retaliate. By allowing use of city-owned unmarked vehicles, HB 2220 would prevent such access to an investigator's personal information and help protect these employees.

OPPONENTS
SAY:

HB 2220 could increase the government's authority to monitor its citizens' activities covertly by using unmarked vehicles. Although the bill is aimed at fraud by municipal employees, it could allow a municipal employee to use an unmarked car while conducting an investigation of any fraud occurring within the municipality, not just fraud by municipal employees.

OTHER
OPPONENTS
SAY:

HB 2220 could prevent the investigation of illegal or improper activities by municipal employees that occur outside of the municipality since the bill as written would only grant cities the authority to use unmarked cars within the municipality.

NOTES:

The committee amendment limited the authority to use unmarked cars to only during an investigation.

The companion bill, SB 122 by Madla, was left pending in the Senate Intergovernmental Relations Committee.

A related bill, HB 630 by S. Turner, which would allow municipal code enforcement officers designated to enforce environmental criminal laws to use unmarked vehicles, passed the House by 138-0 on March 8 and was referred to the Senate Intergovernmental Relations Committee.