

SUBJECT: Requiring law enforcement agency reports on officer-involved shootings

COMMITTEE: Emerging Issues In Texas Law Enforcement, Select — committee
substitute recommended

VOTE: 4 ayes — Fletcher, Flynn, Koop, Márquez

1 nay — J. White

2 absent — Dukes, Martinez

WITNESSES: For — Kevin Buckler; Howard Williams; (*Registered, but did not testify*:
Frank Dixon, Austin Police Department; Kelley Shannon, Freedom of
Information Foundation of Texas; Douglas Smith, Texas Criminal Justice
Coalition; Yannis Banks, Texas NAACP; Donald Baker, Texas Police
Chief Association; Donnis Baggett, Texas Press Association)

Against — Chris Jones, Combined Law Enforcement Associations of
Texas (CLEAT); Mark Clark, Houston Police Officers Union, Dallas
Police Association

On — Adrienne McFarland, Office of Attorney General; (*Registered, but
did not testify*: John Helenberg, Texas Commission on Law Enforcement;
Jason Taylor, Texas Department of Public Safety)

DIGEST: CSHB 1036 would require law enforcement agencies to report to the
attorney general on incidents of officer-involved injuries or deaths and on
incidents in which persons who were not peace officers discharged a
firearm and caused injury or death to a peace officer performing official
duties. The bill would require a separate report on each type of incident.

Both reports would have to be made within five days after such an
incident and would have to be on written or electronic forms created by
the attorney general. The attorney general would have to submit annually
a report on all such incidents to the governor and the legislative
committees with primary jurisdiction over criminal justice matters. The

reports would have to include specific information, including the total number of incidents, a summary of the reports submitted, and a copy of each report.

Law enforcement agencies would have to report incidents during which a peace officer discharged a firearm causing injury or death to another.

These reports would have to include:

- the date and location of the incident;
- the age, gender, and race or ethnicity of each peace officer involved in the incident;
- if known, the age, gender, and race or ethnicity of each injured or deceased person involved; and
- whether the person was injured or died as a result of the incident.

The attorney general would have to post the reports on the office's website within five days after receiving them.

Reports on incidents in which a person who was not a peace officer discharged a firearm and caused injury or death to an officer performing an official duty would have to include:

- the date and location of the incident;
- the age, gender, and race or ethnicity of each injured or deceased peace officer involved in the incident;
- if known, the age, gender, and race or ethnicity of each person who discharged a firearm and caused injury or death to a peace officer during the incident;
- whether the officer or anyone else was injured or died as a result of the incident; and
- whether each injured or deceased person used, exhibited, or was carrying a deadly weapon during the incident.

The attorney general would have to create required forms by October 1, 2015.

This bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 1036 would help the state gather an accurate, full picture of statewide peace officer-involved shootings, including incidents when police officers were harmed or killed by another person who discharged a weapon. Currently, there is no compilation of statewide data on these incidents involving deadly force. While incidents may be reported to the state in individual crime reports, the data are reported only in the aggregate and not in the way required by the bill.

CSHB 1036 seeks to have uniform data on individual incidents collected by one statewide entity to help policymakers and researchers. These data could be used to craft solutions to problems and develop public policies. They also could help the state and others develop a full picture of such incidents, which would increase transparency and could further public trust between officers and communities.

The bill would collect only basic, limited statistical information to help policymakers and researchers examine these issues. The narrow scope of the information should allow personnel who were not officers to quickly file the reports, so compliance should not depend on the availability of officers. None of the information reported would identify an officer or individual, nor would it have an impact on investigations. The bill would not create consequences for such incidents.

CSHB 1036 would set a reasonable, five-day deadline for reporting information. The reporting requirement would not be burdensome on law enforcement agencies because the required information should be easily accessible and could be reported electronically.

**OPPONENTS
SAY:**

CSHB 1036 would place a burden on local agencies to report information that already was being reported through the crime reports sent to the Department of Public Safety. Duplicating these efforts could be burdensome for agencies, many of which already are stretched thin. The timelines imposed by the bill could be difficult to meet, especially if an officer was injured or an investigation was ongoing.

The data requested in CSHB 1036 would not necessarily give a full, fair picture of officer-involved shootings. Additional information, such as whether the officer was responding to a call, serving a warrant, or on patrol, could better portray these incidents and be more useful in crafting policy responses.