

- SUBJECT:** Establishing a peace officer's duty to intervene to stop excessive force
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
- 0 nays
- SENATE VOTE:** On final passage, April 22 — 31-0
- WITNESSES:** For — Chris Jones, Combined Law Enforcement Associations of Texas; Rebecca Bernhardt, Innocence Project of Texas; Mike Miller, Warriors For Ranchers; (*Registered, but did not testify:* Juan Salinas, AT&T; Chas Moore, Austin Justice Coalition; TJ Patterson, City of Forth Worth; James Parnell, Dallas Police Association; David Sinclair, Game Warden Peace Officers Association; Tammy Narvaez, Harris County Commissioners Court; Collin Craig, Houston Police Department; Jimmy Rodriguez, San Antonio Police Officers Association; Tom Maddox, Sheriffs Association of Texas; Maggie Luna, Statewide Leadership Council; Alycia Castillo, Texas Criminal Justice Coalition; Gyl Switzer, Texas Gun Sense; Joshua Houston, Texas Impact; Austin Holder, Texas Instruments; Mitch Landry, Texas Municipal Police Association; John Chancellor, Texas Police Chiefs Association; Julie Wheeler, Travis County Commissioners Court; Susana Carranza; Vanessa MacDougal; Thomas Parkinson)
- Against — None
- On — Koretta Brown, Alliance For A New Justice System; Warren Burkley, Austin Justice Coalition; Kathy Mitchell, Just Liberty; Carmen Ivonne, Texas Organizing Project; (*Registered, but did not testify:* Brian Baxter, Texas Department of Public Safety)
- BACKGROUND:** Concerns have been raised about use of excessive force by peace officers, and some have suggested that establishing a duty to intervene policy would benefit both law enforcement and the communities they serve.

**DIGEST:** CSSB 68 would establish that a peace officer would have a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense.

An officer would have a duty to intervene if the amount of force exceeded that which was reasonable under the circumstances and the officer knew or should know that the other officer's use of force:

- violated state or federal law;
- put a person at risk of bodily injury and was not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and
- was not required to apprehend the person suspected of committing the offense.

A peace officer who witnessed the use of excessive force by another peace officer promptly would have to make a detailed report of the incident and deliver the report to the officer's supervisor.

The bill would take effect September 1, 2021.