

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 68
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Jurisprudence
4/16/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 68 requires peace officers to intervene to stop or prevent another peace officer from using excessive force if the officer should have known that another officer who is using excessive force is violating the law, putting someone at risk of bodily harm, and is using force not required to apprehend a suspect. The officer who witnessed the excessive force must promptly submit a detailed report of the incident to the relevant supervisors.

Advocates for such policies requiring officers to intervene argue that these policies can benefit law enforcement organizations by enhancing professionalism and agencies' relationship with the communities they serve and police. Officers sometimes do not intervene when they witness misconduct because some may believe that loyalty is supporting a colleagues actions, whether right or wrong. Furthermore, officers may fear retaliation by peers and a detriment to their own career. S.B. 68 addresses this by requiring officers to intervene. Doing such encourages the recognition that intervening in the excessive use of force benefits the intervening officer and everyone else involved.

According to the International Association of Chiefs of Police, the "benefits [of a standalone duty to intervene policy] may include fewer citizen complaints, fewer instances of misconduct, a decrease in the use of excessive force, an increase in officer safety and wellness, fewer disciplinary issues, increased retention of employees, and increased trust from the community."

C.S.S.B. 68 amends current law relating to a duty for peace officers to intervene and make a report when a peace officer uses excessive force.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.1387, as follows:

Art. 2.1387. INTERVENTION REQUIRED FOR EXCESSIVE FORCE; REPORT REQUIRED. (a) Provides that a peace officer has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

- (1) the amount of force exceeds that which is reasonable under the circumstances; and
- (2) the officer knows or should know that the other officer's use of force:
 - (A) violates state or federal law;
 - (B) puts a person at risk of bodily injury, as that term is defined by Section 1.07 (Definitions), Penal Code, and is not immediately

necessary to avoid imminent bodily injury to a peace officer or other person; and

(C) is not required to apprehend the person suspected of committing an offense.

(b) Requires a peace officer who witnesses the use of excessive force by another peace officer to promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report.

SECTION 2. Effective date: September 1, 2021.