

Rethinking Policing: 9 ways for Texas lawmakers to improve policing and make communities safer in 2021

Reduce over-policing to protect communities of color and reduce wasteful spending

End arrests for certain misdemeanors punishable by fine only, of people who aren't able to afford fines like traffic tickets, and of people accused of minor offenses like marijuana possession. In addition, require police to document permission to search during a "consent" search. Finally, encourage use of citations for minor violations.

Make smarter use of public safety dollars

Reallocate public safety dollars to ensure there are adequate investments in crime-prevention strategies like mental health services, drug treatment, and community support that make our communities safer and healthier. Using police and prisons to address mental illness and drug addiction is wasteful and ineffective.

End impunity for police brutality

When officers engage in illegal behavior or misconduct, they need to be held accountable. But police officers are shielded from scrutiny and accountability by Texas' civil service code, police union contracts, and immunities granted to police officers and departments by the law. We need to fix provisions of the civil service code that allow complaints to be swept under the rug, that provide officers special treatment, and that allow disciplinary records to be hidden in secret files. We also need to allow families to hold officers and their cities or counties liable for misconduct in civil court and to increase fairness and transparency in disciplinary responses to misconduct.

Fix use of force standards

Lethal force should be used only as a last resort when there is an imminent threat of death or serious bodily injury, but Texas law and local policy authorize lethal force in many other circumstances. Many policies allow choke holds and police shooting a fleeing person or vehicle. Texas should amend its lethal force statute and direct departments to institute strong policies mandating de-escalation and proportionate response.

Demilitarize police departments

The use of military equipment during protests, overuse of SWAT teams, paramilitary-style raids, and no-knock warrants by police have led to the serious injury and deaths. Texas should limit no-knock warrants, significantly reduce the use of SWAT tactics, and eliminate most lethal and nonlethal munitions from use during protests. Texas "riot" statutes, passed in the 1960s, should be reformed.

Get police out of schools

Law enforcement should only be called upon and present in schools when there is a real, immediate, and active physical threat to student's and staff's safety. There should be no permanent or regular police presence in school, and school staff should be trained and informed that they should not call the police for anything less than a real and immediate physical threat to safety.

Create a better standard body camera footage release

The body camera law must be amended to end the practice of giving officers access to all the footage before they are required to make a statement concerning episodes of violence, and ensure that footage in critical incidents is always released to the public promptly.

Improve police oversight

Through the Texas Commission on Law Enforcement (TCOLE) Sunset process, lawmakers have an opportunity to make sure a police license is meaningful and can be taken away, to make sure officers can't retire to avoid investigations into serious misconduct, and to improve the information given to the public and other departments when officers move from one jurisdiction to another. Texas should also require corroboration for the testimony of any undercover informant in a drug case, including undercover police, for the testimony to be used in court.

Improve data and transparency

Texas requires police to report deaths in custody, and this has greatly improved our understanding of the number of officer involved deaths. Other use of force goes largely unreported. In jurisdictions that do report locally, we know that thousands of people a year are subject to incidents involving force.