

West Rusk CCISD

Law Enforcement/Police Officer Duties

West Rusk - Safety Program/Risk Management: Security Personnel CKE Local Policy

To ensure sufficient security and protection of students, staff, and property, the Board authorizes the formation of a District police department and shall employ and commission a police officer, who shall serve as chief of police.

Supervisory Authority

The District police officer shall be accountable to and shall report to the Superintendent. In accordance with law, the Superintendent shall not delegate this supervisory responsibility.

Jurisdiction

The jurisdiction of the District police officer shall include all territory within District boundaries, as well as all real and personal property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control.

Police Authority and Duties

The District police officer shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District. Subject to limitations in law, the District police officer shall:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, the District police officer may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.

4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce District policies, rules, and regulations on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in hearings concerning alleged violations.
7. Carry weapons as approved by the Superintendent.
8. Carry out all other duties as directed by the Superintendent.

The District police officer shall not be assigned routine classroom discipline or administrative tasks.

Limitations of Non School Employment

The District police officer commissioned under this policy shall not provide law enforcement or security services for an outside employer without prior written approval from the Superintendent. The District police officer shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while working off-duty or temporarily assigned to another agency.

Relationship with Outside Agencies

The District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into memoranda of understanding and other appropriate interlocal agreements that outline reasonable communication and coordination efforts among the department and the agencies. The District police officer and the Superintendent shall review the memoranda of understanding and other agreements at least once every year. All such agreements shall be approved by the Board.

Interlocal Agreement for Mutual Aid

While operating pursuant to an interlocal agreement for mutual aid or other support for another law enforcement agency, the District police officer shall perform the duties and have the authorities set out in the agreement, including enforcing all laws within the other agency's jurisdiction.

Video Monitoring

If available, video equipment shall be used on a District police car for safety purposes whenever the flashing lights on the car are in use.

Access to Recordings

Recordings shall be considered law enforcement records, shall remain in the custody of the police department, and shall be maintained as required by the department regulations manual and law. A parent or student who wishes to view a video recording in response to disciplinary action taken against the student may request such access under the procedures set out by. [See FL(LEGAL)]

Body Worn Cameras

The District police officer shall use a body-worn camera only when performing official law enforcement duties for the District and in accordance with the provisions of the District police department's body-worn camera program. The District police officer shall receive training on the program, including proper use and operation of cameras. Any District employee who has access to data from body-worn cameras shall receive training on storage, retention, and release of recordings.

Training

The District police officer shall receive at least the minimum amount of education and training required by law.

Department Regulations Manual

To carry out the provisions in this policy, the police department shall compile and maintain a manual that describes and sets forth operational procedures, rules, and regulations pertaining to the administration of police services. The District police officer and the Superintendent shall review the manual annually and make any appropriate revisions.

Racial Profiling

The District police officer shall develop and implement regulations to ensure compliance with laws regarding racial profiling. The District police officer shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.

Use of Force

The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual.

High-Speed Pursuit

The District police officer shall not engage in high-speed chases in a motor vehicle when the immediate danger to the public or the officer created by the pursuit exceeds the immediate or potential danger presented by the offenders remaining at large. Guidelines for high-speed pursuits shall be addressed in the department regulations manual.

Complaints

Complaints against the District police officer shall be in writing on a form provided by the District and shall be signed by the person making the complaint. In accordance with law, the District shall provide to the police officer a copy of the complaint.

Appeals regarding this complaint process shall be filed in accordance with DGBA, FNG, or GF, as appropriate.

[See CKE(LEGAL) and CKEA(LEGAL)]

Employees Authorized to Possess Firearms for Emergency Response

The Board has adopted these provisions regarding firearms to address concerns about effective and timely response to emergency situations on District property, including invasion of a school by an armed outsider; a hostage situation; actions of a student or employee who is armed and poses a direct threat of physical harm to himself, herself, or others; and similar circumstances.

Purpose

Pursuant to its authority under state law, the Board may authorize specific District employees to possess certain firearms in schools, at Board meetings, and at school-sponsored or school-related events on District property, to the extent allowed by law. Each authorized employee shall have immunities as provided by law.

Each specifically authorized employee shall be approved by action of the Board. The Superintendent shall issue written authorization to each approved employee. The written authorization shall specify the District premises and other property where the employee is authorized to carry a firearm, as well as the means of carrying and storing the firearm.

Participation in this safety and security program shall be strictly voluntary.

Revocation

The Superintendent, as well as the Board, shall have the authority to revoke at any time a specific employee's authorization to possess a firearm under this policy.

In addition, authorization for a specific employee to possess a firearm under this policy shall be automatically revoked if the employee is placed on administrative leave or separates from employment with the District, regardless of the reason.

Duties

An authorized employee shall not perform routine law enforcement duties unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, employee, or other individual on a District campus.

In an emergency an authorized employee shall:

1. Act as necessary to protect the safety and welfare of any person in the jurisdiction of the District; and
2. Carry out all other lawful duties as directed by the Superintendent.

Handgun Licensees

Only a District employee who maintains a current license to carry a handgun in accordance with state law shall be eligible for authorization to possess a firearm on District property under this policy and in accordance with the District's emergency operations plan.

A District employee who is a handgun license holder but who has not been specifically authorized by Board action under this policy shall not be permitted to possess a firearm on school property except in accordance with the limited provisions of DH(LOCAL).

Training

The District shall provide to each District employee who is authorized to possess a firearm on District property specialized training in crisis intervention, management of hostage situations, and other topics the Board may determine necessary or appropriate.

Permitted Weapons and Ammunition

Only District-approved firearms and ammunition shall be authorized for possession and use under this policy and the District's emergency operations procedures.

Implementation

The Superintendent shall ensure that procedures to implement this safety and security program are detailed in the District's emergency operations plan.

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Armed Security Officer Required

The board shall determine the appropriate number of armed security officers for each district campus. The board must ensure that at least one armed security officer is present during regular school hours at each district campus.

For this purpose, a security officer must be:

1. A school district peace officer;
2. A school resource officer; or
3. A commissioned peace officer employed as security personnel under Education Code 37.081.

Good Cause Exception

If the board is unable to comply with this requirement, the board may claim a good cause exception if the district's noncompliance is due to the availability of funding or personnel who qualify to serve as a security officer.

Alternative Standard

A board that claims a good cause exception must develop an alternative standard with which the district is able to comply, which may include providing a person to act as a security officer who is:

1. A school marshal; or
2. A school district employee or a person with whom the district contracts who:
 - a. Has completed school safety training provided by a qualified handgun instructor certified in school safety under Government Code 411.1901; and
 - b. Carries a handgun on school premises in accordance with written regulations or written authorization of the district under Penal Code 46.03(a)(1)(A).

Documentation

The board must develop and maintain documentation of the district's implementation of and compliance with this requirement, including documentation related to a good cause exception and shall, if requested by the Texas Education Agency (TEA), provide that documentation in the manner prescribed by TEA.

Education Code 37.0814

School District Police Officers, School Resource Officers, and Security Personnel

To carry out Education Code Chapter 37, Subchapter C (Law and Order), the board may:

1. Employ or contract with security personnel, including contracting with a licensed security services contractor for the provision of a commissioned security officer who has completed the Level II or III training course required by the Department of Public Safety;

2. Enter into a memorandum of understanding with a local law enforcement agency or a county or municipality that is the employing political subdivision of commissioned peace officers for the provision of school resource officers; and
3. Commission peace officers.

Jurisdiction

The jurisdiction of a peace officer, a school resource officer, or security personnel shall be determined by the board and may include all territory in the boundaries of the district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the district and the board that employ or contract with, as applicable, the peace officer or security personnel or that enter into a memorandum of understanding for the provision of a school resource officer.

Education Code 37.081(a), (a-1)

Duties

The board shall determine the law enforcement duties of peace officers, school resource officers, and security personnel. The duties must be included in:

1. The district improvement plan under Education Code 11.252 [see BQ];
2. The student code of conduct adopted under Education Code 37.001 [see FO];
3. Any memorandum of understanding providing for a school resource officer; and
4. Any other campus or district document describing the role of peace officers, school resource officers, or security personnel in the district.

A district peace officer, a school resource officer, and security personnel shall perform law enforcement duties for the school district that must include protecting the safety and welfare of any person in the jurisdiction of the peace officer, resource officer, or security personnel; and the property of the school district.

In determining the law enforcement duties, the board shall coordinate with district campus behavior coordinators and other district employees to ensure that district peace officers, school resource officers, and security personnel are tasked only with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by other district employees.

Education Code 37.081(d), (d-1), (d-4)

Prohibited Duties

A district may not assign or require as duties of a district peace officer, a school resource officer, or security personnel:

1. Routine student discipline or school administrative tasks; or
2. Contact with students unrelated to the law enforcement duties of the peace officer, resource officer, or security personnel.

This provision does not prohibit a district peace officer, a school resource officer, or security personnel from informal contact with a student unrelated to:

1. The assigned duties of the officer or security personnel; or
2. An incident involving student behavior or law enforcement.

Education Code 37.081(d-2), (d-3)

Refusal or Removal from District Property

A school resource officer or district peace officer may refuse to allow a person to enter on or may eject a person from property under the district's control in accordance with Education Code 37.105. Education Code 37.105(a); 19 TAC 103.1207 [See GKA]

Active Shooter Response Training

A district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement (TCOLE) at least once in each four-year period.

A district that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Occupations Code 1701.263.

A district may not contract for the provision of active shooter response training unless the training provider is certified under Occupations Code 1701.2515 to provide the training.

Education Code 37.0812

School-Based Law Enforcement Proficiency

School district peace officers or school resource officers providing law enforcement services at a district must obtain a school-based law enforcement proficiency certificate within 180 days of the officer's commission or placement in the district or campus of the district. 37 TAC 218.3(d)(5); Occupations Code 1701.263(b)

Officer Providing Volunteer Security Services

A peace officer providing volunteer security services on premises where an event sponsored or sanctioned by a public primary or secondary school is taking place may:

1. With the consent of the head of the employing or appointing law enforcement agency, wear the uniform of the agency; or
2. Wear another uniform or badge that gives the person the appearance of being a peace officer.

Occupations Code 1702.333(d)

Immunity from Liability

"Retired peace officer" has the meaning assigned by Occupations Code 1701.3161.

"Security personnel" includes:

1. A school district peace officer;
2. A school marshal;

3. A school resource officer; and
4. A retired peace officer who has been hired by a district to provide security services or volunteers to provide security services to the district.

A district is immune from liability for any damages resulting from any reasonable action taken by security personnel to maintain the safety of the campus, including action relating to possession or use of a firearm.

A district is immune from liability as provided above for any damages resulting from any reasonable action taken by a district employee who has written permission from the board to carry a firearm on campus.

Any security personnel employed by a district is immune from liability for any damages resulting from any reasonable action taken by the security personnel to maintain the safety of the campus, including action relating to possession or use of a firearm.

The statutory immunity provided by these provisions is in addition to and does not preempt the common law doctrine of official and governmental immunity. To the extent that another statute provides greater immunity to a district than these provisions, that statute prevails.

Education Code 37.087

Notice of Exposure to Communicable Disease

A district that employs emergency medical service employees, paramedics, firefighters, law enforcement officers or correctional officers must post the required notice regarding work-related exposure to communicable disease in its workplace to inform employees about Health and Safety Code requirements which may affect qualifying for workers' compensation benefits following a work-related exposure to a reportable communicable disease. 28 TAC 110.108

Authorized Handguns

Under Education Code 11.151(b), a board may promulgate written regulations and authorization as provided by Penal Code 46.03(a)(1) (exception to places where weapons are prohibited). Atty. Gen. Op. GA-1051 (2014)

Role of Persons Carrying a Firearm

A person permitted to carry a firearm on the campus of a school district may not perform the routine law enforcement duties of a peace officer, including making arrests, unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, school district employee, or other individual at the district campus.

This prohibition does not apply to a commissioned peace officer who is assigned law enforcement duties that are included in campus and district documents describing the role of peace officers in the district as required by Education Code 37.081(d) [see Duties, above].

Education Code 37.089

TEC 37.205 Discipline: Law and Order

(a) The board of trustees of any school district may employ security personnel and may commission peace officers to carry out this subchapter (TEC 37.205). If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer. The jurisdiction of a peace officer or security personnel under this section shall be determined by the board of trustees and may include all territory in the boundaries of the school district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the school district and the board of trustees that employ the peace officer or security personnel.

(b) In a peace officer's jurisdiction, a peace officer commissioned under this section:

- (1) has the powers, privileges, and immunities of peace officers;
- (2) may enforce all laws, including municipal ordinances, county ordinances, and state laws;
- (3) may, in accordance with Chapter 52, Family Code, or Article 45.058, Code of Criminal Procedure, take a child into custody; and
- (4) may dispose of cases in accordance with Section 52.03 or 52.031, Family Code.

(c) A school district peace officer may provide assistance to another law enforcement agency. A school district may contract with a political subdivision for the jurisdiction of a school district peace officer to include all territory in the jurisdiction of the political subdivision.

(d) A school district peace officer shall perform law enforcement duties for the school district as determined by the board of trustees of the school district. Those duties must include protecting:

- (1) the safety and welfare of any person in the jurisdiction of the peace officer; and

(2) the property of the school district.

(e) The board of trustees of the district shall determine the scope of the on-duty and off-duty law enforcement activities of school district peace officers. A school district must authorize in writing any off-duty law enforcement activities performed by a school district peace officer.

(f) The chief of police of the school district police department shall be accountable to the superintendent and shall report to the superintendent. School district police officers shall be supervised by the chief of police of the school district or the chief of police's designee and shall be licensed by the Texas Commission on Law Enforcement.

(g) A school district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies.

(h) A peace officer assigned to duty and commissioned under this section shall take and file the oath required of peace officers and shall execute and file a bond in the sum of \$1,000, payable to the board of trustees, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. The bond may be sued in the name of any person injured until the whole amount of the bond is recovered. Any peace officer commissioned under this section must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement.

TEC 37.081 School-Based Law Enforcement (SBLE)

The board of trustees of any school district may employ security personnel, enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers, and commission peace officers. The Texas Commission on Law Enforcement (TCOLE) sets reporting standards and procedures for the appointment and termination of peace officers and county jailers. It also provides that the chief administrative officer of a law enforcement agency is responsible for compliance with the reporting standards and procedures prescribed by the Commission.

A school district peace officer shall perform law enforcement duties for the school district that must include protecting the safety and welfare of any person in the jurisdiction of the peace officer and the property of the school district. If a board of trustees authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer.

A school district may not assign (or require as a duty) routine student discipline or school administrative tasks of a school district peace officer.. (This is not applicable to school marshals or guardians serving in other capacities)

The board of trustees of the school district shall determine the law enforcement duties of peace officers.

TEC 37.0812 School-Based Law Enforcement (SBLE) Training Requirement

A school district peace officer shall complete an active shooter response training program approved by TCOLE. Advanced Law Enforcement Rapid Response Training (ALERRT) Level I can be completed to meet the Active Shooter course requirement.

TCOLE #4064 virtual and in-person training are a two-day, 20 hour training designed to assist SBLE officers and school districts with compliance of legislative mandates requiring districts employing a peace/resource officer to create a policy requiring officers to complete education and training. All TCOLE #4064 trainings are free. The courses are provided by the Texas School Safety Center.

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Powers and Duties

Any peace officer commissioned by the board must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement (TCOLE). Education Code 37.081(h)

Code of Criminal Procedure

Officers commissioned by a board are peace officers. Code of Criminal Procedure 2.12(8)

It is the duty of every peace officer to preserve the peace within the officer's jurisdiction. To effect this purpose, the officer shall use all lawful means. Code of Criminal Procedure 2.13(a)

The peace officer shall perform the duties listed in Code of Criminal Procedure 2.13.

Determined by the Board

A district peace officer shall perform law enforcement duties for the district as determined by the board. Education Code 37.081(d), (d-1) [See CKE(LEGAL)]

The board may authorize any officer commissioned by the board to enforce rules adopted by the board. Education Code Chapter 37, Subchapter D (protection of buildings and grounds) is not intended to restrict the authority of each district to adopt and enforce appropriate rules for the orderly conduct of the district in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel. Education Code 37.103

In a peace officer's jurisdiction, a peace officer commissioned by the board:

1. Has the powers, privileges, and immunities of peace officers;
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws;
3. May take a child into custody in accordance with Family Code Chapter 52 [see GRA] or Code of Criminal Procedure 45.058; and
4. May dispose of cases in accordance with Family Code 52.03 or 52.031.

Education Code 37.081(b); Family Code 52.01(a)(3)

The board shall determine the scope of the on-duty and off-duty law enforcement activities of district peace officers. A district must authorize in writing any off-duty law enforcement activities performed by a district peace officer.

A district peace officer may provide assistance to another law enforcement agency. A district may contract with a political subdivision for the jurisdiction of a district peace officer to include all territory in the jurisdiction of the political subdivision.

Education Code 37.081(c), (e)

Chief of Police

The chief of police of a district police department shall be accountable to the superintendent and shall report to the superintendent.

District police officers shall be supervised by the district chief of police or the chief's designee and shall be licensed by TCOLE.

Education Code 37.081(f)

Oath and Bond

A peace officer assigned to duty and commissioned by a board shall take and file the oath required of peace officers and shall execute and file a bond in the sum of \$1,000, payable to the board, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. Education Code 37.081(h)

Pre Employment Procedures and Reporting Requirements

Before a law enforcement agency may hire a person licensed under Occupations Code 1701 (law enforcement officers), the agency must, on a form and in the manner prescribed by the TCOLE:

1. Obtain the person's written consent for the agency to review the information required to be reviewed under Occupations Code 1701.451;

2. Request from TCOLE and any other applicable person information required to be reviewed under Occupations Code 1701.451; and
3. Submit to TCOLE confirmation that the agency, to the best of the agency's ability before hiring the person:
 - a. Contacted each entity or individual necessary to obtain the information required to be reviewed under Occupations Code 1701.451; and
 - b. Except as provided below, obtained and reviewed as related to the person, as applicable, the information listed in Occupations Code 1701.451(a)(3)(B)

Confirmation Form

The head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under Occupations Code 1701.451 before submission to TCOLE. The failure of an agency head or the agency head's designee to comply with this subsection constitutes grounds for suspension of the agency head's license under Occupations Code 1701.501.

The confirmation form submitted to TCOLE is not confidential and is subject to disclosure under Government Code Chapter 552 (Public Information Act).

Exception

If an entity or individual contacted for information required to be reviewed under Occupations Code 1701.451 refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response.

Duty to Provide Information

If a law enforcement agency receives from a law enforcement agency a request for information under Occupations Code 1701.451 and the person's consent on the forms and in the manner prescribed by TCOLE, the agency shall provide the information to the requesting agency.

Occupations Code 1701.451

Separation Report

When a person licensed by TCOLE separates from an agency, the agency shall, within 7 business days:

1. Submit a separation report (Form F5) to TCOLE; and
2. Provide a copy to the licensee in a manner prescribed by Occupations Code 1701.452 (Employment Termination Report).

37 TAC 217.7(b)

An agency must retain records kept under 37 Administrative Code 217.7 while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency head or designee in a format readily accessible to TCOLE. 37 TAC 217.7(d)

Memoranda of Understanding

A district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies. Education Code 37.081(g)

Use of Force/Duty to Render Aid

Not later than the 180th day after the date TCOLE provides the model policies described by Occupations Code 1701.269(b), each law enforcement agency in this state shall adopt a policy on the topics described by that subsection. A law enforcement agency may adopt the model policies developed by TCOLE under that subsection. Occupations Code 1701.270

Drones

"Drone" means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

1. Is controlled remotely by a human operator; or
2. Operates autonomously through computer software or other programming.

Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

1. Adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and
2. Not later than January 1 of each even-numbered year, submit the policy to TCOLE in the manner prescribed by TCOLE.

Code of Criminal Procedure 2.33

[For additional information on unmanned aircraft systems, see GKA.]

Body-Worn Camera Programs

For the purpose of this provision, "body-worn camera" means a recording device that is capable of recording, or transmitting to be recorded remotely, video or audio; and worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

A law enforcement agency that operates a body-worn camera program shall adopt a policy for the use of body-worn cameras that must ensure that a body-worn camera is activated only for a law enforcement purpose and must include guidelines and provisions required by Occupations Code 1701.655(b).

A policy may not require a peace officer to keep a body-worn camera activated for the entire period of the officer's shift.

A policy must require a peace officer who is equipped with a body-worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy.

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to peace officers who will wear the body-worn cameras and any other personnel who will come into contact with video and audio data obtained from the use of body-worn cameras.

Occupations Code 1701.651(1), .655, .656

Prohibited Release of Recording

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

A recording is confidential and excepted from the requirements of the Public Information Act if the recording was:

1. Not required to be made under Occupations Code Subchapter N or another law or under a policy adopted by the law enforcement agency; and
2. Does not relate to a law enforcement purpose.

"Private space" means a location in which a person has a reasonable expectation of privacy, including a person's home.

Occupations Code 1701.651(1), .661(f), (h)

Motor Vehicle Stops

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including the information required by Code of Criminal Procedure 2.133.

The chief administrator of a law enforcement agency is responsible for auditing these reports to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Code of Criminal Procedure 2.133

A law enforcement agency shall compile and analyze the information contained in each report received by the agency. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to TCOLE. Code of Criminal Procedure 2.134

Civil Penalty

If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2.134, the department is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. Code of Criminal Procedure 2.1385(a)

Racial Profiling

A peace officer may not engage in racial profiling. Code of Criminal Procedure 2.131

Each law enforcement agency that employs peace officers who make traffic stops in the routine performance of the officer's official duties shall adopt a detailed written policy on racial profiling that complies with Code of Criminal Procedure 2.132(b). Code of Criminal Procedure 2.132

Mental Health Crisis or Substance Abuse Issue

A law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

1. There is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
2. It is reasonable to divert the person;
3. The offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
4. The mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

This requirement does not apply to a person who is accused of specified offenses involving intoxication.

Code of Criminal Procedure 16.23

Administration of Epinephrine

A law enforcement agency may acquire and possess epinephrine auto-injectors and a peace officer may possess and administer an epinephrine auto-injector in accordance with Occupations Code Chapter 1701, Subchapter O. Occupations Code 1701.702(a) [See FFAC regarding district maintenance and administration of epinephrine auto-injectors.]

Officer-Involved Injury or Death

"Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2.139(b).

Code of Criminal Procedure 2.139

Not later than the 30th day after the date of the occurrence of an incident in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer, the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2.1395(a). Code of Criminal Procedure 2.1395(b)

Failure to Report

A law enforcement agency that fails to submit the required report on or before the seventh day after the date the agency received notice of failure to report from the office of the attorney general, is liable for a civil penalty in the amount of \$1,000 for each day after the seventh day that the agency fails to submit the report. Beginning on the day after the date of receiving notice of failure to report, a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty is liable for a civil penalty for each day the agency fails to submit the required report in the amount of \$10,000 for the first day and \$1,000 for each additional day that the agency fails to submit the report. Code of Criminal Procedure 2.13951(b), (c)

Complaints Against Peace Officers

To be considered by the head of the district's police department, a complaint against a district peace officer must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed. Disciplinary action may not be taken against the officer unless a copy of the signed complaint is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. Gov't Code 614.021-.023; Colorado County v. Staff, 510 S.W.3d 435 (Tex. 2017); Atty. Gen. Op. GA-251 (2004)

On the commencement of an investigation by a law enforcement agency of a complaint by an individual who believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer. Code of Criminal Procedure 2.132(b)(3), (f)

[See DGBA, FNG, and GF for appeals.]

Legal Representation

A district shall provide a district employee who is a peace officer with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if legal counsel is requested by the employee, and the suit involves an official act of the employee within the scope of the employee's authority.

To defend the employee against the suit, the district may provide counsel already employed by it or may employ private counsel.

An employee may recover from a district that fails to provide counsel as required the reasonable attorney's fees incurred in defending the suit if the trier of fact finds that the fees were incurred in defending a suit covered by these provisions and the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.

Local Gov't Code 180.002(b)-(d)