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**Section I: College
District Peace
Officers**

The governing board of each state institution of higher education, including each community college, may employ and commission peace officers to maintain law and order. The primary jurisdiction of a peace officer so commissioned includes all counties in which property is owned, leased, rented, or otherwise under the control of the college district that employs the peace officer.

Within a peace officer's primary jurisdiction, a peace officer:

1. Is vested with all the powers, privileges, and immunities of peace officers.
2. May, in accordance with Code of Criminal Procedure Chapter 14 arrest without a warrant any person who violates a law of the state.
3. May enforce all traffic laws on streets and highways.

Outside a peace officer's primary jurisdiction a peace officer commissioned under this section is vested with all the powers, privileges, and immunities of peace officers and may arrest any person who violates any law of the state if the peace officer:

1. Is summoned by another law enforcement agency to provide assistance;
2. Is assisting another law enforcement agency; or
3. Is otherwise performing duties as a peace officer for the institution of higher education that employs the peace officer.

Any officer assigned to duty and commissioned shall take and file the oath required of peace officers.

Any person commissioned under this section must be a certified police officer under the requirements of the Texas Commission on Law Enforcement (TCOLE).

Education Code 51.203; Code of Criminal Procedure Art. 2.12

**Motor Vehicle Stops
Reports Required**

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:

1. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - a. The person's gender;

- b. The person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
2. The initial reason for the stop;
3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
4. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
5. The reason for the search, including whether:
 - a. Any contraband or other evidence was in plain view;
 - b. Any probable cause or reasonable suspicion existed to perform the search; or
 - c. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
6. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
7. The street address or approximate location of the stop;
8. Whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
9. Whether the officer used physical force that resulted in bodily injury, as that term is defined by Penal Code 1.07 during the stop.

The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing the 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, including a college district police department, shall compile and analyze the information contained in each report received by the agency under Code of Criminal Proce-

dures 2.133. 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, in accordance with Code of Criminal Procedure 2.134, to TCOLE and to the governing body of each county or municipality served by the agency. *Code of Criminal Procedure 2.134(b)*

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 agency 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
Prohibition

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

*Departmental
Policy Required*

Each law enforcement agency in this state, including each college district police department, that employs peace officers who make traffic stops in the routine performance of the officers' official duties shall adopt a detailed written policy on racial profiling. The policy must:

1. Clearly define acts constituting racial profiling;
2. Strictly prohibit peace officers employed by the agency from engaging in racial profiling;
3. Implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
4. Provide public education relating to the agency's complaint and complaint process, including providing the telephone number, mailing address, and e-mail address to make a complaint or complaint with respect to each ticket, citation, or warning issued by a peace officer;
5. Require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this section;
6. Require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
 - a. The race or ethnicity of the individual detained;

- b. Whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Penal Code 1.07 during the stop;
 - e. The location of the stop; and
 - f. The reason for the stop; and
7. Require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under item 6 to:
- a. TCOLE; and
 - b. The governing body of each county or municipality served by the agency.

On adoption of a racial profiling policy, a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body-worn camera. If a law enforcement agency installs video or audio equipment or equips peace officers with body-worn cameras, the policy adopted by the agency must include standards for reviewing video and audio documentation.

A report required under item 7, above, may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer.

A law enforcement agency shall review the data collected under item 6, above, to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Code of Criminal Procedure 2.132(a)–(b), (d)–(e), (h)

Apprehension of
Certain Individuals

A peace officer, without a warrant, may take a person into custody if the officer has reason to believe and does believe that the person is a person with mental illness and because of that mental illness

there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained and believes that there is not sufficient time to obtain a warrant before taking the person into custody.

In accordance with Health and Safety Code 572.001 and 572.002, the peace officer shall immediately transport the apprehended person to a mental health facility or transfer the apprehended person to emergency services personnel and file the notice of detention.

A law enforcement agency and an emergency medical services provider may execute a memorandum of understanding as described by Health and Safety Code 573.005 under which emergency medical services personnel employed by the provider may transport a person taken into custody under Section 573.001 by a peace officer employed by the law enforcement agency.

Health and Safety Code 573.001-.002, .005

Diversion of Certain
Individuals

Each 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 section does not apply to a person who is accused of an offense under Penal Code 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08.

Code of Criminal Procedure 16.23

Immigration
Enforcement

*Limitation on
Enforcement
Prohibited*

A local entity or campus police department may not:

1. Adopt, enforce, or endorse a policy under which the entity or department prohibits or materially limits the enforcement of immigration laws;
2. As demonstrated by pattern or practice, prohibit or materially limit the enforcement of immigration laws; or

3. For an entity that is a law enforcement agency or for a department, as demonstrated by pattern or practice, intentionally violate Code of Criminal Procedure 2.251, below.

The prohibition on endorsing a policy as described at item 1 does not apply to an elected official.

Gov't Code 752.053(a); City of El Cenizo v. Texas, No. 17-50762, 2018 WL 1282035 (5th Cir. May 13, 2018)

*Limitation on
Peace Officer
Enforcement
Activity*

In compliance with Government Code 752.053(a), a local entity or campus police department may not prohibit or materially limit a person who is a commissioned peace officer described by Code of Criminal Procedure 2.12, a corrections officer, a booking clerk, a magistrate, or a district attorney, criminal district attorney, or other prosecuting attorney and who is employed by or otherwise under the direction or control of the entity or department from doing any of the following:

1. Inquiring into the immigration status of a person under a lawful detention or under arrest;
2. With respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest, including information regarding the person's place of birth:
 - a. Sending the information to or requesting or receiving the information from United States Citizenship and Immigration Services, United States Immigration and Customs Enforcement, or another relevant federal agency;
 - b. Maintaining the information; or
 - c. Exchanging the information with another local entity or campus police department or a federal or state governmental entity;
3. Assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or
4. Permitting a federal immigration officer to enter and conduct enforcement activities at a jail to enforce federal immigration laws.

Gov't Code 752.053(b)

Exception

Notwithstanding Government Code 752.053(b)(3), a local entity or campus police department may prohibit persons who are employed

by or otherwise under the direction or control of the entity or department from assisting or cooperating with a federal immigration officer if the assistance or cooperation occurs at a place of worship. *Gov't Code 752.053(c)*

*Detainer
Requests*

A law enforcement agency that has custody of a person subject to an immigration detainer request issued by United States Immigration and Customs Enforcement shall:

1. Comply with, honor, and fulfill any request made in the detainer request provided by the federal government; and
2. Inform the person that the person is being held pursuant to an immigration detainer request issued by United States Immigration and Customs Enforcement.

Code of Criminal Procedure 2.251(a)

Exception

A law enforcement agency is not required to perform a duty imposed by Code of Criminal Procedure 2.251(a) with respect to a person who has provided proof that the person is a citizen of the United States or that the person has lawful immigration status in the United States, such as a Texas driver's license or similar government-issued identification. *Code of Criminal Procedure 2.251(b)*

*Inquiry during a
Criminal
Investigation*

In the course of investigating an alleged criminal offense, a peace officer may inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to:

1. Investigate the offense; or
2. Provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

Code of Criminal Procedure 2.13(d)

Exception

Code of Criminal Procedure 2.13(d) does not prevent a peace officer from:

1. Conducting a separate investigation of any other alleged criminal offense; or
2. Inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense.

Code of Criminal Procedure 2.13(e)

Community
Outreach

Each law enforcement agency that is subject to the requirements of Government Code Chapter 752, Subchapter C may adopt a written policy requiring the agency to perform community outreach activities to educate the public that a peace officer may not inquire into the immigration status of a victim of or witness to an alleged criminal offense unless, as provided by Code of Criminal Procedure 2.13, the officer determines that the inquiry is necessary to:

1. Investigate the offense; or
2. Provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

A policy adopted under this section must include outreach to victims of family violence, as that term is defined by Family Code 71.004, including those receiving services at family violence centers under Human Resources Code Chapter 51; and sexual assault, including those receiving services under a sexual assault program, as those terms are defined by Government Code 420.003.

Gov't Code 752.057

*Discrimination
Prohibited*

A local entity, campus police department, or a person employed by or otherwise under the direction or control of the entity or department may not consider race, color, religion, language, or national origin while enforcing immigration laws except to the extent permitted by the United States Constitution or Texas Constitution. *Gov't Code 752.054*

Body-worn
Cameras
Policy

A law enforcement agency that receives a grant to provide body worn cameras to its peace officers or that otherwise operates a body-worn camera program shall adopt a policy for the use of body-worn cameras.

A policy described above must ensure that a body-worn camera is activated only for a law enforcement purpose and must include:

1. Guidelines for when a peace officer should activate a camera or discontinue a recording currently in progress, considering the need for privacy in certain situations and at certain locations;
2. Provisions relating to data retention, including a provision requiring the retention of video for a minimum period of 90 days;
3. Provisions relating to storage of video and audio, creation of backup copies of the video and audio, and maintenance of data security;

4. Guidelines for public access, through open records requests, to recordings that are public information;
5. Provisions entitling an officer to access any recording of an incident involving the officer before the officer is required to make a statement about the incident;
6. Procedures for supervisory or internal review; and
7. The handling and documenting of equipment and malfunctions of equipment.

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

The policy must be consistent with the Federal Rules of Evidence and Texas Rules of Evidence.

Occupations Code 1701.655

Training

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to:

1. Peace officers who will wear the body-worn cameras; and
2. Any other personnel who will come into contact with video and audio data obtained from the use of body-worn cameras.

Occupations Code 1701.656(a)

Use of Body-worn Cameras

A peace officer equipped with a body-worn camera shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances a body-worn camera must be activated.

A peace officer equipped with a body worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any nonconfrontational encounter with a person, including an interview of a witness or victim.

A peace officer who does not activate a body-worn camera in response to a call for assistance must include in the officer's incident report or otherwise note in the case file or record the reason for not activating the camera.

Any justification for failing to activate the body-worn camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

Occupations Code 1701.657

Personal
Cameras

A peace officer who is employed by a law enforcement agency that has not received a grant or who has not otherwise been provided with a body worn camera by the agency that employs the officer may operate a body-worn camera that is privately owned only if permitted by the employing agency.

An agency that authorizes the use of privately owned body- worn cameras must make provisions for the security and compatibility of the recordings made by those cameras.

Occupations Code 1701.658(c)–(d)

Custodial
Interrogations

Unless good cause exists that makes electronic recording infeasible, in accordance with Code of Criminal Procedure Article 2.32, a law enforcement agency shall make a complete and contemporaneous electronic recording of any custodial interrogation that occurs in a place of detention and is of a person suspected of committing or charged with the commission of an offense under:

1. Penal Code 19.02 (murder);
2. Penal Code 19.03 (capital murder);
3. Penal Code 20.03 (kidnapping);
4. Penal Code 20.04 (aggravated kidnapping);
5. Penal Code 20A.02 (trafficking of persons);
6. Penal Code 20A.03 (continuous trafficking of persons);
7. Penal Code 21.02 (continuous sexual abuse of young child or children);
8. Penal Code 21.11 (indecent with a child);
9. Penal Code 21.12 (improper relationship between educator and student);
10. Penal Code 22.011 (sexual assault);
11. Penal Code 22.021 (aggravated sexual assault); or
12. Penal Code 43.25 (sexual performance by a child).

"Place of detention" means a police station or other building that is a place of operation for a law enforcement agency, including a municipal police department or county sheriff's department, and is owned or operated by the law enforcement agency for the purpose of detaining persons in connection with the suspected violation of a penal law. The term does not include a courthouse.

Code of Criminal Procedure Art. 2.32

Eyewitness
Identification
Protocols

The TCOLE shall establish a comprehensive education and training program on eyewitness identification, including material regarding variables that affect a witness's vision and memory, practices for minimizing contamination, and effective eyewitness identification protocols. Each law enforcement agency shall require each peace officer who is employed by the agency and who performs eyewitness identification procedures to complete the education and training. *Code of Criminal Procedure Art. 2.1386*

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 using the form created under Code of Criminal Procedure 2.139(b) to the office of the attorney general. The report must include all information described in Code of Criminal Procedure 2.139(b).

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, using the form created under Code of Criminal Procedure 2.139(a), to the office of the attorney general. The report must include all information described in Code of Criminal Procedure 2.1395(a).

A law enforcement agency that fails to submit a required report on or before the seventh day after the date of receiving notice from the attorney general that the agency failed to submit the report 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 from the attorney general, 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 above or under this provision is liable for a civil penalty for each day the agency fails to submit the required report. The amount of a civil penalty under this provision is \$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 2.139(a)(2), (c), .1395–.13951; 1 TAC 54.70

Complaint Against
Peace Officer

To be considered by the head of a fire department or local law enforcement agency, a complaint against a peace officer must be in writing and signed by the person making the complaint. A copy of a signed complaint against a peace officer appointed or employed by a political subdivision of this state shall be given to the officer within a reasonable time after the complaint 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 from employment 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 614.022-.023*

On the commencement of an investigation by a law enforcement agency of a complaint that alleges that a peace officer employed by the department has engaged in racial profiling with respect to an individual and 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(f)*

[See DGBA, FLD, and GB for appeals]

Notice of Exposure
to Communicable
Disease

Each employer covered by workers' compensation insurance, including state and political subdivision employers, which employ emergency medical service employees, paramedics, firefighters, law enforcement officers or correctional officers must post the notice contained in 28 Administrative Code 110.108(d), 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. The notice shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where employees are likely to read the notice on a regular basis. *28 TAC 110.108*

**Section II: School
Marshals**

The governing board of a public junior college may appoint one or more school marshals. "School marshal" means a person who is appointed to serve as a school marshal by the governing board of a public junior college under Education Code 51.220, is licensed under Occupations Code 1701.260, and has powers and duties described by Code of Criminal Procedure Article 2.127. *Education Code 51.220(b); Occupations Code 1701.001(8)*

Regulations

Any written regulations adopted for purposes of Education Code 51.220(d) must provide that a school marshal may carry a concealed handgun as described by Section 51.220(d), except that if

the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a public junior college campus in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. The written regulations must also require that a handgun carried by or within access of a school marshal may be loaded only with frangible duty ammunition approved for that purpose by TCOLE. *Education Code 51.220(e)*

Authorization	A public junior college shall submit and receive approval for an application to appoint a person as a school marshal and upon authorization, notify TCOLE using approved format prior to appointment. <i>37 TAC 227.1(a)</i>
Eligibility	The governing board of a public junior college may select for appointment as a school marshal an applicant who is an employee of the public junior college and certified as eligible for appointment under Occupations Code 1701.260 and 37 Administrative Code 227.3. An appointing entity shall not appoint or employ an ineligible person as a school marshal. The governing board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under Section 1701.260. <i>Education Code 51.220(c); Code of Criminal Procedure 2.127(d); 37 TAC 227.1(b), .3</i>
Authority	A school marshal may make arrests and exercise all authority given peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the governing board of a public junior college under Education Code 51.220 and only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises. <i>Code of Criminal Procedure 2.127(a)</i>
<i>Exception</i>	A school marshal may not issue a traffic citation for a violation of Transportation Code Chapter 521 or Transportation Code Title 7, Subtitle C. <i>Code of Criminal Procedure 2.127(b)</i>
Possession and Use of Handgun	A school marshal appointed by the governing board of a public junior college may carry or possess a handgun on the physical premises of a public junior college campus, but only: <ol style="list-style-type: none">1. In the manner provided by written regulations adopted by the governing board; and2. At a specific public junior college campus as specified by the governing board. <p><i>Education Code 51.220(d)</i></p>

A school marshal may access a handgun under Education Code 51.220 only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33. *Education Code 51.220(f)*

Status Inactivated

A public junior college employee's status as a school marshal becomes inactive on:

1. Expiration of the employee's school marshal license under Occupations Code 1701.260;
2. Suspension or revocation of the employee's license to carry a concealed handgun issued under Government Code Chapter 411, Subchapter H;
3. Termination of the employee's employment with the public junior college; or
4. Notice from the governing board of the public junior college that the employee's services as school marshal are no longer required.

Education Code 51.220(g)

Reports to TCOLE

A public junior college shall:

1. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the appointing entity;
2. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the appointing entity, TCOLE standards, another state agency, or under other law; and
3. Immediately report to TCOLE a school marshal's violation of any TCOLE standard, including the discharge of a firearm carried under the authorization of 37 Administrative Code Chapter 227 outside of a training environment.

37 TAC 227.1(a)

Requests for
Information
Regarding Marshals

If a parent or guardian of a student enrolled at a public junior college inquires in writing, the governing board of the public junior college shall provide the parent or guardian written notice indicating whether any employee of the public junior college is currently appointed a school marshal. The notice may not disclose information that is confidential under Education Code 51.220(h). *Education Code 51.220(i)*

SITE MANAGEMENT
SECURITY

CHA
(LEGAL)

<i>Identity Confidential</i>	The identity of a school marshal appointed under this section is confidential, except as provided by Occupations Code 1701.260(j), and is not subject to a request under the Public Information Act, Government Code Chapter 552. <i>Education Code 51.220(h)</i>
No State Benefits	A school marshal is not entitled to state benefits normally provided by the state to a peace officer. <i>Code of Criminal Procedure 2.127(c)</i>
Records Retention	For five years, the appointing entity must retain documentation that it has met all requirements under law in a format readily accessible to TCOLE. This requirement does not relieve the appointing entity from retaining all other relevant records not otherwise listed. <i>37 TAC 227.1(c)</i>