

Only Reform Will Achieve Results

by Ken Paxton

On Memorial Day, we rightly honor those heroes who fought and died for our freedom. And we are right to honor all who wear a uniform and who put their lives on the line to keep our communities safe. That includes the vast majority of law enforcement officers who discharge their duties faithfully and at great personal cost. Their service demands our respect.

Tragically, we were reminded this past Memorial Day that some officers fail to act in the public interest. In yet another deadly act, Derek Chauvin brutally robbed George Floyd of his life. This time, our nation cried, “Enough!” Peaceful protests and violent riots followed a senseless killing of a fellow American by a police officer sworn to serve the public good.

In Texas, we have not been immune to allegations of police misconduct. Take, for instance, the case of Javier Ambler II, who died in the custody of Williamson County sheriff’s deputies in 2019. Deputies arrested Mr. Ambler following a car chase ending in a crash. He reportedly told the deputies about his health issues and cried out that he couldn’t breathe. According to public reports, the deputies pursued Mr. Ambler because he didn’t dim his headlights. He died after reportedly being subjected to four taser shocks. An investigation remains ongoing.

When an officer entrusted by the community with the power to use deadly force abuses that trust, society is right to demand answers. When someone in custody is senselessly killed, the toughest scrutiny must follow. We have an obligation to all Texans to ensure justice is done.

The Texas Legislature requires that every time a person dies in the custody of or as a result of a law enforcement officer’s use of force, the officer’s agency must make an investigation and file a written report with my office. I post the content of those reports on my website. But under current law, that’s where my authority ends. My office is not empowered to investigate these deaths, nor has it been given the jurisdiction to

prosecute such cases. Instead, the law permits the attorney general to simply act as a filing cabinet.

When it comes to officer-involved deaths, local agencies need more accountability. Local prosecutors must work every day with local law enforcement to bring criminals to justice. Given that fact, it's not reasonable to expect local prosecutors to easily turn to investigate and even prosecute those with whom they work on a regular basis. We need our law enforcement agencies and those responsible for their oversight to be fully transparent when enforcement goes too far. Apparent or actual conflicts of interest in these horrific cases will only serve to further erode public confidence in our law enforcement institutions.

To restore that confidence, I am asking the Texas Legislature to empower the Texas Attorney General's Office to investigate and, where appropriate, prosecute law enforcement officer actions that end in death. Placing this limited, but vital, function in the hands of a statewide elected official will provide the accountability and transparency the public demands. This will benefit prosecutors, who depend upon law enforcement, as well as the communities they serve by providing a new foundation for public confidence that those who abuse their power will face justice.

The killing of George Floyd and the resulting public reaction serve to highlight the enduring divides that exist in our society. The results of these divisions—from victim blaming to calls for abolishing the police—only deepen mutual distrust. We must reject division and reach for common ground. No officer would want their spouse or child to be subject to the type of brutality shown to George Floyd. And no officer who serves faithfully and sacrificially wants his or her reputation unjustly tarnished by the cruel acts of the very few who violate the public trust. Healing must begin, however, with accountability and transparency. Without those crucial elements “Enough” never will be achieved.