



OFFICE OF THE SHERIFF
COLLIN COUNTY, TEXAS

JIM SKINNER, SHERIFF

August 13, 2024

Hon. Chris Hill, County Judge
Hon. Susan Fletcher, Commissioner
Hon. Cheryl Williams, Commissioner
Hon. Darrell Hale, Commissioner
Hon. Duncan Webb, Commissioner
County Administration Building
2300 Bloomdale Rd.
McKinney, TX 75071
972.548.4699

Re: Reasons for the Use of Unmarked Vehicles by the Sheriff's Office (Addendum)

Dear Judge Hill and Commissioners Fletcher, Williams, Hale, and Webb:

Yesterday, the County Administrator, notified me that on Monday, August 19, 2024, you would like to talk about my requests for exceptions to the Transportation Code's requirements that (1) county vehicles be marked as specified, and (2) have a license plate bearing the word "exempt."

¹ The Commissioners Court may grant an exemption from both requirements when the Sheriff's Office uses the vehicle "to perform an official duty."² Thus, I am sending you my reasons for needing unmarked vehicles. I provided this same information to the County Administrator by June 26 letter. On August 8, my Office provided the Director of Public Works with an Excel spreadsheet that lists each SO vehicle that is unmarked, including its assigned deputy sheriff and justification. You should exempt the same list of county-owned vehicles from both requirements.

Reasons for Unmarked Vehicles

A county exception to 721.004's marking requirement and 502.451(c)'s exempt-plate requirement should invoke the breadth of 721.005(b)(1)'s phrase, *"used to perform an official duty."* This is a broad phrase and can accommodate several reasons for an exception.

Here, I have good reasons for the Court to exempt a list of SO vehicles from these requirements for performance of an official duty. For example, plainclothes officers often prefer to use unmarked

¹ See Transportation Code, § 721.004 (inscription requirement), § 721.005(b) (court's authority to exempt an SO vehicle from the inscription requirement), § 502.451(c) (requirement that a county vehicle generally have a license plate bearing the word "exempt"), § 502.451(f)(3) (court's authority to create an exception).

² Transportation Code, § 721.005(b)(1)(B); *id.* § 502.451(f)(3) (incorporating § 721.0015).

vehicles that do not have license plates bearing the word “exempt” to reduce the risk of identification as a peace officer.

In addition, SO officers, including supervisors, drive through areas, neighborhoods, and stretches of road or highway to observe the ordinary or “normal” status. For example, officers do this to assess complaints about speeding or other traffic infractions. People don’t react the same way to unmarked vehicles as they do to marked police vehicles. In fact, on many occasions, deputies driving unmarked cars stop and arrest violators for reckless driving on our open roads. Other times, of course, officers prefer to use marked vehicles for the very purpose of changing behavior, such as slowing traffic. The deployment of marked versus unmarked cars is carefully thought through by the professionals who lead our Operations and Services Bureaus in order to maximize our operational effectiveness and in consideration of officer safety.

SO personnel often prefer to pick up or meet some witnesses, victims, or families, in unmarked vehicles to avoid calling attention. For instance, officers do this in child-abuse or sex-abuse cases or, in the case of informants, drug cases.

By law, when a court orders a person to receive emergency mental-health care, a deputy must transport the person in an unmarked vehicle.³ This provision alone reflects the legislature’s concurrence with this sort of privacy interest.

Deputies frequently use unmarked vehicles on death notifications as well.

All SO vehicles carry expensive or attractive equipment, such as radios, rifles, body armor, and ammunition. A crime-scene vehicle carries cameras and field-test equipment. An unmarked vehicle may be less of a target for theft, especially when unattended.

At times, officers or supervisors drive to a scheduled meeting or a court appearance, or an emergency scene, and they prefer to use unmarked vehicles to reduce the perception that a deputy is ignoring traffic infractions, which would be the appearance if they drove a marked vehicle.

In short, 721.005(b)(1) wisely allows an exception for vehicles “when used to perform an official duty.” Second guessing the legislature by narrowing the list of reasons for exemptions to the vehicle-inscription and exempt-plate requirements serves no one, and in fact can be counter-productive if not done through the lens of providing effective public safety.

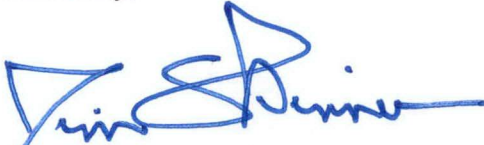
On August 8, my Office provided the Director of Public Works with a list of unmarked vehicles, and the list shows the assigned deputy sheriff and the justification. While some of the justifications are obvious (mental health, range master, and covert ops), some are less obvious (admin and investigator). On August 12, the County Administrator suggested that the justifications on the list were not as “robust nor persuasive” as other requests for exceptions. I disagree, however. I’ve listed my justifications for him and, now, for you, above. The SO uses each of the vehicles on the list for one or more of those reasons. Supervisors, transport officers, and investigators use their vehicles for more than one of these reasons, and I cannot commit that each vehicle will be used

³ See Health & Safety Code, § 574.045(e).

for only one or two of the reasons. Throughout any given week, one of these vehicles could be used for a number of the reasons outlined above.

In sum, I've set out my reasons, and they more than illustrate that we are using these unmarked vehicles to perform an official public-safety duty. I trust that you will see and understand the need for the Collin County Sheriff's Office to operate designated vehicles without markings nor exempt license plates. Please accept this letter as my addendum to the vehicle spreadsheet that was provided. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Skinner". The signature is stylized with a large, looped "J" and a long, horizontal stroke at the end.

Sheriff Jim Skinner