



September 30th, 2026

Chairman Vasut and Members
House Select Committee on Governmental Oversight
Texas House of Representatives

RE: Written Testimony on Prosecutorial Integrity

Chairman Vasut and Members of the Committee,

Thank you for the opportunity to provide comments regarding prosecutorial integrity and the involvement of nongovernmental organizations and consultants in local prosecutorial functions.

Texans are right to expect prosecutors to enforce the law faithfully, protect the public, respect constitutional rights, and remain accountable for their decisions. Prosecutorial discretion is necessary, but it is not immunity from accountability. At the same time, outrage over individual cases should not become a justification for concentrating prosecutorial power in another statewide official.

The decision to investigate, charge, negotiate, dismiss, or prosecute a case is a core governmental responsibility. It must remain under the control of publicly accountable officials and be grounded in applicable law and case-specific facts. Outside organizations may provide legitimate training, research, technology, or specialized expertise, but they should not exercise charging authority, direct government personnel, control prosecutorial policies, or make binding recommendations in individual cases.

Any arrangement with an outside organization should be governed by a written agreement defining its scope, compensation, deliverables, supervision, access to information, and limitations. The public should be able to identify the organization, any public or private funding provided to the governmental entity, relevant financial conflicts, the services performed, and any role the organization has in developing general prosecutorial policy.

Access to case information should be limited to what is necessary for a defined governmental purpose. Agreements should include requirements governing cybersecurity, retention, sharing, deletion, and unauthorized disclosure. Outside involvement must not obscure discovery obligations, chain-of-custody requirements, public-record responsibilities, or accountability when evidence is concealed, altered, lost, or mishandled.

Transparency should protect victims, witnesses, privileged material, and active investigations through narrow exceptions. Those protections should not conceal contracts, expenditures, general policies, performance reports, funding relationships, or conflicts of interest. Contractors should not use taxpayer funds to lobby for expanded prosecutorial authority or additional spending from which they may benefit.

These rules must remain viewpoint-neutral. Organizations should neither receive privileged access nor be excluded merely because public officials agree or disagree with their policy perspectives. The relevant questions are whether the arrangement is lawful, transparent, free of conflicts, protective of sensitive information, and subordinate to the elected prosecutor's public duties.

When prosecutors fail, Texas should enforce existing ethical, disciplinary, removal, electoral, and judicial accountability mechanisms. If the Legislature determines that statutory duties require clarification, it should enact clear and generally applicable laws. It should not transfer open-ended authority to the executive branch or create a statewide prosecutor capable of overriding local decisions based on political disagreement. Centralization does not eliminate political influence. It relocates and magnifies it.

The Texas Liberty Compact calls for protecting due process, restoring legislative supremacy, and making government transparent. Prosecutorial accountability should advance all three.

Thank you for your consideration.

For Liberty, For Texas!

Jeremy D. Kitchen
President | Texas Policy Research Action (TPRA)