

THE BRIEFING

A Publication of the Texas Commission on Law Enforcement

Inside this issue:

Commission Meeting Highlights 2

Government Relations Davison 3

Enforcement Division 5

Special Services Division 5

Field Services Division 7

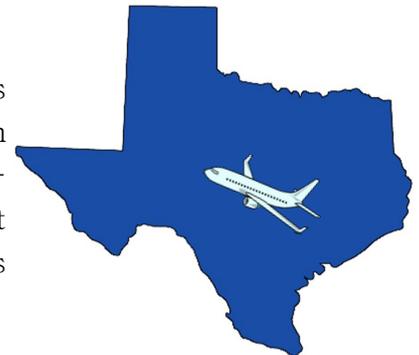
Credentialing Services Division 11

Legal Division 13

The TCOLE Tour of Texas

TCOLE commissioners and staff held regional workshops throughout the state in preparation of the agency's biennial strategic plan. TCOLE reached out to a number of associations and law enforcement membership groups, as well as social media (Twitter: [@TCOLE](#), Facebook: [www.facebook.com/txcole](#)), to help spread the meeting notifications out to the public and gain as much attendance from TCOLE's regulated community as possible.

TCOLE received positive feedback on its communication and customer service with stakeholders. The Field Service Agent program received high marks as a program that needs to continue and the F5 process was discussed as an area that could improve.



These workshops were held in Abilene, Amarillo, Arlington, Tyler, Pasadena, McAllen, Laredo, and San Antonio over the course of January through February 2016.

Comments provided during these workshops were taken into consideration as the Commissioners met on Wednesday, March 2, 2016, to begin developing the agency's strategic plan.

Other Upcoming Events

Quarterly Commission Meetings:

June 23
September 8
December 1

2016 Training Coordinators'
Conference:
Oct 3-6

Commission Meeting Highlights

The latest Commission meeting was held at the J.J. Pickle Research Campus on Thursday, March 3, 2016. Here are a few highlights from the meeting:

Presiding Officer's Report: The Commissioners have started formulating the basics of the strategic plan. He also recognized the presence of two special attendees at the meeting; Executive Director Tim Rutland of the Commission on Fire Protection, and Compliance Manager Paul Maldonado.

Executive Director's Report: We have two new employees. New Enforcement Investigator, Reynaldo Olvera, and Michael Dickey who will be working in Field Services as an Academy and Contract Evaluator.

We received a lot of good feedback from our regulated community during our recent tour of eight different cities in Texas.

Operations Director's Report: Applications for new contract training providers are back in full swing. We are in the process of approving a training contract for Brownsville PD, and have an onsite inspection pending for another provider in the 911 area in Tarrant county.

We continue working toward closing out each of our Non-compliance cases.

Government Relations Director's Report: Seven new curricula have taken effect as a result of recent legislation. There are two legislative hearings set; one to discuss body worn cameras and the implementation of that program, and another to take on mental health issues.

Achievement award nominees were presented to the commissioners for approval. The recipients of the award will be announced on a later date.

Rules: Three rule amendments were proposed and are currently open for public comment. One final rule was adopted. The proposed and final rules are listed in more detail on page 14.

For more information

Meeting Minutes: Other items, including line of duty deaths, waiver requests, proceedings for revocation, suspension, and other disciplinary actions, and previous meeting minutes, can be found under the Who We Are/The Commission section on our website at: www.tcole.texas.gov.

Live Recordings: Live and archived video recordings of the meetings can be found on our website on the Who We Are/The Commission page at: www.tcole.texas.gov.

Public Comment: Anyone wishing to make a public comment may do so at the following email address: public_comment@tcole.texas.gov.

Government Relations Division

2016 Bill Overview

By Susan Brundage/Gretchen Grigsby

We've received many questions about the new courses that came out of the 2015 legislative session. Here is a quick reference guide to help you understand how the courses are implemented and who they impact.

Bill	Course Number	Course Title	Applies to
HB 593	4065	Canine Encounter Training	Peace officers working toward intermediate/advanced proficiency certificate on or after January 1, 2016, and within 2 years from licensing date for those licensed on or after January 1, 2016
HB1338	4066 and 4067	Traumatic and Acquired Brain Injury and Trauma Affected Veterans	Not mandated course(s)
SB 158	8158	Body Worn Cameras	Peace officers and personnel who will come in contact with video/audio data of departments with a body worn camera program.
HB 2684	4064 and 4063	School-Based Law Enforcement Training, and School-Based Law Enforcement Train the Trainer	Peace officers and school resource officers at a school district with enrollment of 30,000 or more. Training to be completed by current officers prior to June 1, 2016, and future officers within 120 days placement in district/campus. Above and to include 2 years experience, TCOLE Instructor, agency endorsement.
HB 2053	4068	Child Safety Check Alert List	Peace officers working toward intermediate/advanced proficiency certificate after January 1, 2016, and Department of Family and Protective Services personnel.
DPS Rider 46	Insert in Chapter 9 (Traffic) of the current Basic Peace Officer Course.	Driver Responsibility Program Outreach and Education	All personnel enrolled in a Basic Peace Officer Course on or after January 1, 2016.
SB 1987	7887	Interacting with Drivers who are Deaf or Hard of Hearing	Peace officers working toward intermediate proficiency certificate on or after January 1, 2016, and within 2 years of licensing date for those licensed on or after January 1, 2016.

Government Relations Division, Continued

Service Animals

By Gretchen Grigsby

In 2013, the Texas Legislature passed House Bill 489, allowing individuals with post-traumatic stress disorder to utilize a service animal under the same protections as persons with other types of disabilities.

As a reminder, in accordance with this law and the Americans with Disabilities Act, the person may **only** be asked:

- Whether the service animal is required due to a disability, and
- What type of task the service animal is trained to perform.

These tasks may include:

- Guiding a person who has a visual impairment;
- Alerting a person who is hard of hearing or is deaf;
- Reminding a person who has a mental illness to take prescribed medication; or
- Calming a person who has post-traumatic stress disorder.

House Bill 489 also added clarification that service animals are allowed into areas of restaurants, grocery stores, and other food service establishments that are open to customers and not used to prepare food.

Violations of this law are punishable by a fine of up to \$300 and up to 30 hours of community service. It is worth noting that the same penalties apply to a person found to be misrepresenting an animal as a service animal.

How does all of this play out in real life? Here's an example:

A woman with no immediately apparent disability walks into a restaurant with a dog. The manager tells the woman she cannot bring her dog into the restaurant. The woman refuses to leave, and the police are called.

The correct way to handle this if you are called to respond: ask the questions above of the person with the animal. The law is clear- the animal is allowed in parts of a restaurant where customers are allowed and is not used to prepare food. Staff may not request credentials to prove that the animal is a trained service animal.

Resources:

House Bill 489-<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=83R&Bill=HB489>

Texas Department of Assistive and Rehabilitative Services-<http://www.dars.state.tx.us/serviceanimals.shtml>

Americans with Disabilities Act- http://www.ada.gov/service_animals_2010.htm

Enforcement Division

New Investigator

The Enforcement Division welcomes Reynaldo Olvera. Rey joins us from Mission PD where he worked for Internal Affairs. Along with his 20 plus years of law enforcement experience, he has FBI security clearance and has worked on FBI task forces including the violent crimes and public corruption task forces in McAllen, Texas. We are happy to have him on the Enforcement Team.

Special Services Division

Are You Getting Our Emails?

By Jessica Teseny

We occasionally send mass emails to department heads and academy training coordinators, but several addresses bounce back to us because the email is either no longer valid, or the receiving server identified our email as spam and rejected it. Please be sure to add our email address to your list of approved addresses, and ensure that we have a good email address for you on file. Mass emails from TCOLE will come from: noreply@tcole.texas.gov

Curriculum Updates

Below is a summary of updates made to course curriculum materials between December 2015 and March 2016. The course materials can be found under the Training/Course Curriculum Materials and Updates section on our website: www.tcole.texas.gov

Course Number	Course Name	What Changed	Revision Date
3003	Training Advisory Board	New Course	January 2016
4066	Traumatic and Acquired Brain Injury	New Course	January 2016
7887	Interacting with Drivers who are Deaf or Hard of Hearing	New Course	March 2016

Special Services Division, Continued

Exam Accommodations for Disabilities

By Donna Soldner

TCOLE has a procedure for individuals who require special accommodations for the licensing examination process, in accordance with the Americans with Disabilities Act (ADA). These guidelines are in place to help departments and academies with individuals who have reading disabilities such as dyslexia. It is important that academies and trainers identify these disabilities early in the hiring or training process so accommodations can be made to help the student learn more effectively. Hiring and retaining good employees is a taxing process, and we want to provide each student with the opportunity to pass the exam.

Our peace officer, county corrections, and telecommunicator licensing exams are computer-based and must be administered the same way to each student. Under no circumstances should an exam ever be read to the student. However, for students who require special accommodations, research has shown that colored monitor overlays help clear up the print on the screen and reduce visual stress. For this reason, colored filters are allowed for students to use while taking the exam. These filters are easy to install by simply placing them over the monitor. Individuals need to research this process to see if colored filters work for them. You can visit www.coloredoverlays.com, just one of many sites, for additional information.



The exam for each license type is constrained to timeframes suitable to the amount of questions presented. For example, the peace officer exam time limit is 3 hours for 250 questions, the county corrections exam allows 1 hour and 45 minutes for 100 questions, and the telecommunicator exam allows 1 hour for 50 questions. All questions are multiple choice. If the individual has provided the approved paperwork documenting their disability, extra time can be requested. In this situation, the exam must be taken at the TCOLE headquarters exam site, located in Austin.

You can find the full policy in the Electronic Examination Manual found on our website under [Help and Resources/Publications](#) at: www.tcole.texas.gov

Please contact donna.soldner@tcole.texas.gov if you have additional questions.

Field Services Division

Firearms Carry for Honorably Retired Peace Officers

By Kenny Merchant

Although Firearms Carry for Honorably Retired Peace Officers (and the issuance of a Retiree ID Card) is mentioned in several Texas Statutes, only one statute falls under the jurisdiction of TCOLE – Chapter 1701.357 of the Occupations Code. Prior to 2013 and the 83rd Legislature, this Chapter applied only to Regular Peace Officers. However, beginning September 1, 2013, Honorably Retired Reserve Peace Officers were added to the statute.

The Texas Statute was created to supplement the Federal Law created under HR 218 in 2004. HR218 allowed current and honorably retired peace officers to carry firearms throughout the nation, *as long as they abided by each state's individual law on current and retired officer firearms carry*. Take note, not all states allow officers from other states to carry firearms and the requirements vary by state!

To be eligible for carry in Texas under this statute the officer must:

- 1) have a cumulative total of at least 15 years of service as a law enforcement officer,
- 2) never have had their law enforcement officer license revoked or suspended,
- 3) have no psychological or physical disability that would interfere with proper handling of a handgun,
- 4) except for reserve officers, be eligible to receive an annuity or pension for service with a state or local law enforcement agency (unless the agency did not offer a pension or annuity to retired officers), and
- 5) satisfy the written procedures established by the agency certifying the officer for Firearms Carry.

[This list should be considered a synopsis of information from OC 1701.357, and is, by no means, intended to be all-inclusive.]

If the eligible officer meets all of the above requirements, and submits a sworn affidavit stating such to a local law enforcement agency, the agency *may* then allow the officer to demonstrate firearms proficiency and issue a certificate of proficiency. Please note that a law enforcement agency is required by OC 1701.357 to have a written policy in place that addresses the issuance of a certificate of proficiency for firearms to a retired officer, but is *not required* to issue a certificate of proficien-

Field Services Division, Continued

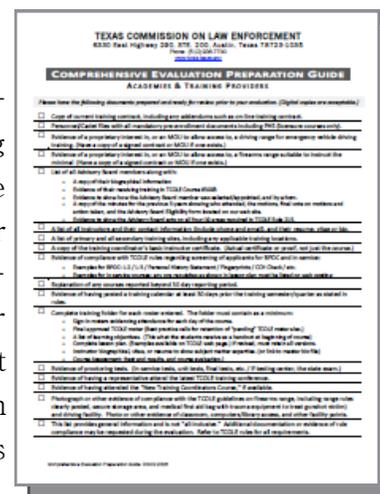
cy. Upon request by an officer who has a certificate of proficiency, the agency that the officer retired from *must* issue a retiree identification card.

Generally speaking, out-of-state officers or eligible Federal officers, must apply for the above mentioned retiree identification card through the Texas Commission on Law Enforcement. TCOLE, however, does not issue the retiree identification card to retired Texas peace officers. Those ID cards will be issued by the agency from which the officer retired.

Academies & Training Providers: New Comprehensive Evaluation Preparation Guide

By Malcolm Jackson

During 2015, TCOLE began a new initiative referred to as a comprehensive evaluation of all academy and contract training providers. Having certain documents prepared and ready for review typically expedites the evaluation process. You will receive this new guide from one of our Academy and Contract Evaluators prior to their evaluation of your facility. The guide, which is still a work in progress, is also available on our website under [Training/Training Provider Resources](#) at www.tcole.texas.gov. As this Academy and Contract Evaluator program grows, the guide is likely to change, therefore bear in mind that this is not an all-inclusive checklist.



New Academy and Contract Evaluator

We are happy to welcome Mike Dickey to the agency. Mike joins us from the Bexar County Sheriff's Office, where he served as Deputy Chief and Training Coordinator. Prior to working at Bexar County Mike served with the U.S. Air Force, retiring after 31 years at the rank of Lt. Colonel. Mike served for several years as the Director of Operations of the Air Force Security Police Academy. He will be working with Malcolm Jackson as an Academy and Contract Evaluator. As such he will be performing evaluations and of law enforcement academies and contract training providers, and on-sight inspections of training contract applications.



Field Services Division, Continued

Help with Training Roster Submission Guidelines

By Malcolm Jackson

The importance of submittal of the appropriate type of training on the proper TCLEDDS tab cannot be over emphasized. Reporting the training on the wrong tab creates potential problems for the trainees and jeopardizes the training provider contract.

TCLEDDS provides two separate tabs or locations for submittal of training rosters. One reporting location is under the Academy and Contract Training Provider section using the “Submit Rosters” tab. The other reporting tab is located under the Department section using the “Training Roster” tab. You must use the appropriate reporting tab for their corresponding purpose.



Training conducted by, or coordinated through, your agency’s training program, and for which you do the reporting to TCOLE for all eligible attendees to receive training credit, is the most common type of reporting. In this case rosters are submitted under the Academy and Contract Training Provider section using “Submit Rosters” tab. For each roster reported under this section, a separate training folder (printed or digitized) must be maintained, and it must include all of the required items, including a lesson plan, instructor bio, sign-in roster, final approved TCLEDDS roster, assessments, and evaluations. This is true whether the training is limited to in-house personnel only, or open to other agencies to attend.

Training conducted by an outside training provider that is neither an academy nor a TCOLE contract training provider is the second type of reporting. Because your department did not provide the training, the reporting of that training through TCLEDDS would be submitted under the Department section using the “Training Roster” tab. As an example, if an “Explosives Technician” course is taken through a company in Atlanta, Georgia, that company would be unable to report that training for TCOLE credit. For each roster submitted under this section, you must maintain a training folder (printed or digitized) that includes completion of the Departmental Report of Training using the “Outside Training Form Checklist,” and it must include all of the associated items as shown on the checklist.

Field Services Division, Continued

Special notes: (1) A TCOLE contract training provider hosting and conducting the training must report the training for all attendees; (2) Only agencies with a TCOLE training contract can teach mandatory or certification courses; (3) Only a TCOLE Academy can instruct a licensure course without a waiver; (4) Agencies without a TCOLE training contract may only conduct training for their in-house personnel, but they must maintain a training folder that contains all of the required contents; (5) The **Department** section for reporting training is NOT the same as the **DRS** reporting section. **DRS** is used for submittal of Racial Profiling and similar reports. The **DRS** training roster submission feature can and should be used ONLY by chief administrators who DO NOT have a TCLEDDS account. If the agency has TCLEDDS access, the training reporting tab in **DRS** is disabled.

You should also ensure all required documentation is on file for each training roster before submission of the training into the TCLEDDS system. Doing so minimizes the risk of incorrect or fraudulent submission of training that could result in adverse consequences, including administrative disciplinary action against your own license. Pay special attention to requests for training credit from unknown providers, especially online providers, as well. Take the time to verify the origin and authenticity of the training and the training provider. If any part of the training is later determined to have been falsified, everyone involved: you, your chief administrator, and the alleged trainee, share the liability of that reporting.

The following scenario examples may help understand the proper reporting process:

Agency Description	Reporting Section and Tab
Training by a Contract Academy or Contract Training Provider conducting training for their personnel only.	Academy Section / "Submit Roster" Tab
Training by a Contract Academy or Contract Training Provider conducting training for their personnel and other agencies' personnel.	Academy Section / "Submit Roster" Tab
Training conducted by an agency that is not a contract academy or a contract training provider, but does have a cooperative agreement or MOU with another contract academy or contract training provider to report that training. (Note: the reporting agency must maintain the appropriate training records.)	Academy Section / "Submit Roster" Tab
Training conducted by either a private, commercial, non-governmental, or other law enforcement agency that does NOT have a Training Contract with TCOLE and said training is reported by the agency that is a contract academy or training provider. (Note: the agency must maintain the TCOLE Departmental Training "Outside Training Checklist" and all related documents.)	Department Section / "Training Roster" Tab
Training conducted by a law enforcement agency for their personnel only, the agency does NOT have a Training Contract with TCOLE, and the reporting agency DOES NOT have access to TCLEDDS. (Note: mandated and certification courses require TCOLE training contract.)	DRS

Credentialing Services Division

Training Requirements

By Lisa Landry

If you are a licensed individual (Peace Officer, Jailer or Telecommunicator) and not working for a department, **you will have to complete your continuing education through an academy or training provider.**

- Find academies in your area: <http://www.tcole.texas.gov/law-enforcement-academies>
- Find a training providers in your area: <http://www.tcole.texas.gov/contract-training-providers>
- TCOLE Online Training is also available through your MyTCOLE account. Any training listed in our catalog is available for all licensees to complete, regardless of your license type.

TELECOMMUNICATORS

20 hours of training are due by 8/31/17.

DEPUTY CONSTABLES

Civil Process is due by 8/31/17. If you do not serve papers, your Constable will have to enter a waiver for you. The Civil Process course will count towards your 40 hour requirement. Please call our Credentialing department with any questions.

JAILERS

Cultural Diversity is due by 8/31/17. If you hold an active Peace Officer license with a proficiency of intermediate or higher, the Cultural Diversity course is not required to keep your jailer license in compliance.

PEACE OFFICERS

If you have a basic or no certificate level, your requirements are the following: 40 hours to include CIT Update, Special Investigative Topics, Cultural Diversity and the current State and Federal Law Update. Training is due by 8/31/17.

If you have an Intermediate certificate or higher, your requirements are 40 hours to include the current State and Federal Law Update (3184). Training is due by 8/31/17.

CONSTABLES

The training must be completed through the Bill Blackwood Institute by 8/31/2017. The State and Federal Law Update is not required in addition to this course.

CHIEF ADMINISTRATORS

The training must be completed through the Bill Blackwood Institute by 8/31/17. The State and Federal Law Update is not required in addition to this course.

Credentialing Services Division, Continued

Online Training—Is this Provider Legit?

By Jessica Teseny

You can find a list of Contract Training Providers on our website under

[Training/
Training Providers/
Contract Training Providers](#)

at:

www.tcole.texas.gov

We get a lot of calls from officers checking to see if the website they've just found offering online courses will earn them TCOLE credit. Nobody wants to put themselves in a situation where they've paid for an online class and can't get credit for it. Here are two simple online training guidelines to follow when in doubt:

- 1) If you find an online training provider that you're unsure of, check the provider's name against our list of contracted providers before taking a class. If they have a contract with us, then they will report your completed course directly to us within 30 days.
- 2) If you can't find the provider on our list, check with your department first, before taking the course. Your department is going to be responsible for reporting non-contracted training, so they must approve it before you begin.

As long as you stick to these guidelines, you can ensure that credit will be received.

FAQ's

By Lisa Landry

Q. How does a department amend an L1?

A. The department will have to submit a new L1 with the corrected information along with a letter on department letterhead, signed by the chief administrator, advising what corrections are being made and why. This information must be submitted to the attention of Michelle Beltran.

Q. I haven't received a copy of my F5?

A. Contact the department you separated from to see if they sent the F5 to you. If not, they are required to send you a copy of the F5. If they have and you did not receive it, please contact our Open Records department to receive a copy. You can reach Open Records by email at open_records@tcole.texas.gov.

Credentialing Services Division, Continued

School-Based Law Enforcement Certification

By Gretchen Grigsby

TCOLE has received several questions on the implementation of the new school-based law enforcement training required under HB 2684.

Officers currently appointed by or who provide law enforcement to an independent school district with an enrollment of 30,000 or more students are required to complete Course 4063 or 4064 by June 1, 2016, and be awarded the associated proficiency certificate. This applies to all officers of independent school district police departments, up to and including chief administrators.

Newly appointed or assigned officers have 120 days from appointment or assignment to complete this requirement.

Legal Division

Legal Statistics

The following proceedings for revocation, suspension and other disciplinary actions took place at the March 2016 Commission Meeting. For a complete listing of these license actions, including names, departments, and case numbers see the meeting agenda found on our website under [Who We Are/The Commission/Meeting Minutes](http://www.tcole.texas.gov) at www.tcole.texas.gov.

Type of Action	Number of Licenses
Default Suspension Orders	15
Default Revocation Orders	1
Default Cancellation Orders	1
Proposal for Decision Orders	2
Statutory Revocation	8
Statutory Suspension	10
Permanent Surrenders	9
Term Surrenders	4
Reprimands for Administrative Violations	12
Reprimands for Failing to Complete Legislatively Required Continuing Education	189

Legal Division, Continued

Proposed Rule Amendments

Rules proposed for amendment during the March 2016 meeting are currently open for public comment. Please send your feedback and comments to: public_comment@tcole.texas.gov

- Proposed Amendment 1
§225.1 Issuance of a Jailer License through a Contract Jail Facility (amend)
- Proposed Amendment 2
§225.3 Issuance of Peace Officer License through a Medical Corporation (amend)
- Proposed Amendment 3
§221.25 Civil Process Proficiency (amend)

Final Rules for Adoption

The Updated rules handbook will be available May 1, 2016, on our website at www.tcole.texas.gov under [Help and Resources/Rules and Policy](#).

- Final Amendment 1
§219.25 License Requirements for Persons with Military Special Forces Training (amend)

Commissioners

Sheriff Joel W. Richardson
Presiding Officer

Patt Scheckel-Hollingsworth
Assistant Presiding Officer

Major Jason D. Hester
Secretary

Patricia Burruss
Constable Ron E. Hood

Rob Kyker
James Oakley
Sr. Police Officer Joseph Pennington
Chief Ruben Villescascas



Contact Information

Mailing Address:

Texas Commission on Law Enforcement

6330 E Highway 290, Ste. 200

Austin, TX 78723-1035

Phone: 512-936-7700

Fax: 512-936-7714

Website:

www.tcole.texas.gov

The Briefing Editor:

[Jessica Teseny](#)

Notice

In compliance with the Americans With Disabilities Act, the publications of the Commission are available by request in alternative formats. To request an accessible format, please contact our ADA Compliance Officer at the address or phone number listed above, or through RELAY Texas at (800) 735-2989.

The Commission is an Equal Opportunity Employer and does not discriminate in providing services or employment.