

Texas Commission on Law Enforcement



Chief Administrators Desk Reference

Revised

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<http://www.tcole.texas.gov/>

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Dear Law Enforcement Administrator:

Your position as a law enforcement administrator will require you to know many things, not the least of which is the rules and regulations of the Texas Commission on Law Enforcement (TCOLE) that are directly related to the daily operation and management of your law enforcement organization. Our goal is to help you properly procure and maintain your officer's credentialing and training records.

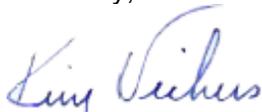
To that effect, we are pleased to provide you with this publication which contains some basic information about our agency, your responsibilities as a law enforcement administrator, and a brief explanation of the processes required for the proper administration of a law enforcement agency.

As a law enforcement administrator, it is your responsibility to ensure that you and your agency's personnel receive required training, and comply with all applicable Texas statutes and TCOLE Regulations.

This publication also includes the legislatively mandated training requirements for new and currently serving Chiefs of Police, Constables, Sheriffs and other law enforcement agency administrators.

If you have questions or need assistance, we encourage you to email or write to us instead of contacting us by telephone, so we can ensure we fully understand your question and can provide you with the correct answer.

Sincerely,



Kim Vickers

Executive Director

www.tcole.texas.gov

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The Texas Commission on Law Enforcement (TCOLE) is a state law enforcement agency created by Senate Bill (SB) 256 of the 59th Legislature, which became effective on August 30, 1965.

Mission of TCOLE

To ensure a Texas where people are served by highly trained and ethical law enforcement and corrections personnel through screening, developing, and monitoring resources and setting standards.

Authority of TCOLE

TCOLE's statutory authority is codified in Occupations Code, Title 10 - Occupations Related to Law Enforcement and Security, Chapter 1701 - Law Enforcement Officers. Through the authority of Section 1701.151(2), TCOLE is empowered to establish minimum standards relating to competence and reliability, including education, training, physical, mental, and moral standards, for licensing as an officer, county jailer, or public security office or employment as a telecommunicator.

Governance

TCOLE is governed by a 9-member board of Commissioners, each appointed to a six-year term by the Governor of the State of Texas. The Commissioners are comprised of three (3) chief law enforcement administrators, three (3) peace officers, and three (3) public members. The Commissioners meet quarterly; usually in March, June, September, and December. For a current listing of Commission members, log on to:

<http://www.tcole.texas.gov/content/txole-commission-and-its-members>

Overview of TCOLE

TCOLE is staffed by a very limited number of dedicated employees. They are responsible for overseeing and administering specific statutory mandates including, but not limited to setting the minimum training and licensing requirements for peace officers, county jailers and emergency communication operators; establishment of minimum requirements for proficiency certifications; facilitation of technical assistance; instruction and evaluation of training providers; auditing of credentialing records; prevention and deterrence of statutory and administrative rule violations through proactive training and disciplinary measures; and the administration of the state's law enforcement achievement awards and Texas flag for deceased peace officers program.

The Executive Staff is comprised of the Executive Director, two Operational Directors; one over Special Services and Enforcement, another over Credentialing and Field Services, General Counsel, Director of Government Relations, Chief Financial Officer, and an executive assistant.

Credentialing Services personnel oversee the issuance of licenses and certifications, recording and filing of training rosters and construction and maintenance of licensee records.

The Special Services Division staff oversees the development and delivery of training curriculum and licensing exams. They also screen, evaluate and approve applications for new agency licenses and training provider contracts as well as continuously evaluating training programs and training files, and are responsible for technical support and information technology projects.

Fiscal Services employees are responsible for the accountability of all budgetary allotments and expenditures; personnel and time records; equipment inventory and all other fiscal programs.

Enforcement Division staff investigate allegations of criminal and administrative rule violations. They initiate disciplinary actions (reprimands, suspensions, revocations, etc.) and file criminal

cases, as warranted, to ensure compliance with Texas Occupations Code and Commission rules.

Field Services staff members conduct audits of credentialing files and facilities to ensure compliance with Rule and statute, conduct training; deliver and present memorial state flags for fallen officers, and provide field support to chief administrators and their staff.

The Office of General Counsel team oversees disciplinary action, separation appeals, and works with the State Office of Administrative Hearings (S.O.A.H.). They also monitor continuing education compliance, open records requests, and rule development.

The Government Relations Director and her staff are the first point of contact for Legislators and their aides. They also handle The Achievement Awards and memorial Texas flag requests.

TCOLE's Service Obligation

Citizens have the right to know how their government performs its responsibilities. At TCOLE, we are committed to help facilitate requests for information as they are received. Under normal working conditions, we strive to return all voicemail messages within 24 hours during the regular business week. It must be pointed out that voicemail and e-mail messages sent to staff members who travel frequently may not be read for several days.

Open records requests should be submitted in writing. Unless the information requested is protected from disclosure by law, (for example, F-5's); requests for information are processed by our public information office staff as soon as possible on a "first come - first served" basis. Please keep in mind that the most commonly requested information is readily available from our agency's website. Immediate familiarization with this helpful resource is, therefore, essential to the continued development of every chief administrator regardless of tenure.

TCOLE Complaint Process

It is our policy to promptly and courteously address any complaints we're made aware of, concerning the official acts of TCOLE Commissioners, employees, services, administrative rules or policies and the quality and impact of our field programs. A sustained complaint against an employee could result in disciplinary action, up to termination of employment, depending on the type and severity of the infraction.

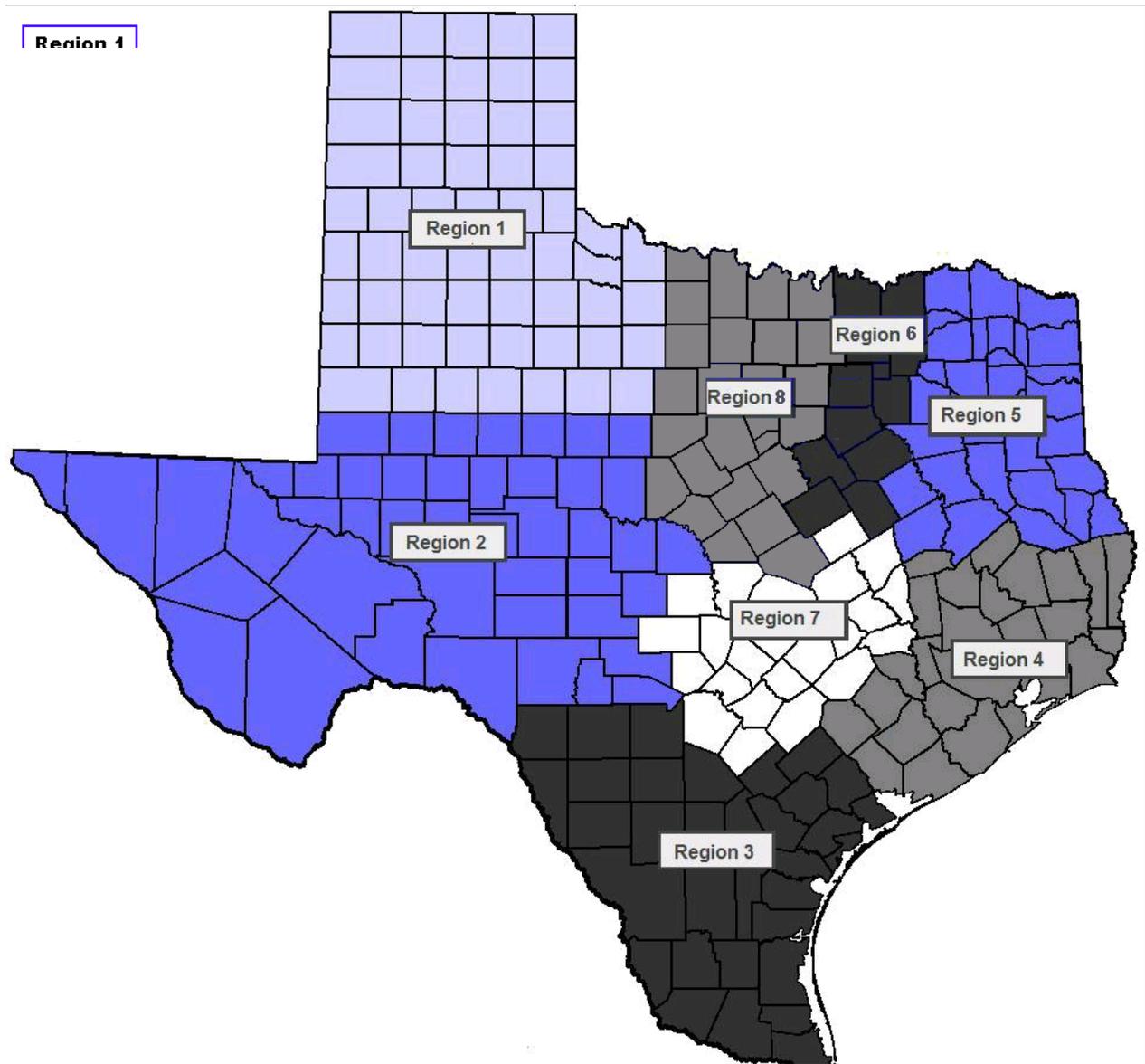
By the same token, and to the extent authorized by statute, we are committed to investigating any and all allegations of Texas Occupations Code and/or Administrative Rule violations committed by any licensee. All complaints will be investigated and processed in accordance with existing statutory and procedural guidelines.

As a general rule, all formal complaints (including those outside of our purview) will be acknowledged in writing. If applicable, a notification of case disposition may also be sent to the complainant.

Field Service Agents

In 2006, TCOLE began deployment of the current Field Agents. The program now has 8 Field Agents, each assigned to a geographic region. The Field Agents provide direct services to the law enforcement agencies in their region, including conducting training, performing audits, and assisting agency heads with technical issues.

<http://www.tcole.texas.gov/content/regional-support-field-service-agents>



Required Training for Initial Licensing

Sections 1701.251 and 1701.253 of the Texas Occupations Code (TOC) requires that TCOLE draft, implement, update and regulate preparatory and continuing education courses for every type of law enforcement license it regulates. The Commission administers said training mandates through licensed law enforcement academies, approved contractual training providers and a few academic alternative programs. A list of the required legislative Training Mandates is available on the TCOLE website.

Section 1701.255 of the TOC requires that TCOLE establish minimum qualifications for enrollment in a basic licensing course. This section specifically prohibits a person from enrolling in a basic course if they are prohibited by statute or administrative rule from being licensed a peace officer, county jailer or emergency telecommunications operator. A complete list of eligibility requirements may be found in TCOLE Rule 217.1, available on the TCOLE website.

Section 1701.304 of the TOC requires the successful completion of a licensing exam for any license issued by TCOLE. Eligibility requirements to take licensing examinations may be found in Section 219.1 of the Administrative Rules.

Basic Training Requirements

Peace Officer

Peace officer applicants are required to successfully complete the current Basic Peace Officer Certification courses (#1000643 & #1033, until 2120, when both are replaced by #1000696) and pass the licensing exam prior to being licensed.

Out of State, Federal, and Military Police officers

After an application has been reviewed and approved by TCOLE staff, officers licensed in other states, selected federal officers (identified in 2.122 CCP), or military police officers are allowed to enroll in the *Supplemental Peace Officer Course* (#1018). Upon successful completion of the course, and any other courses required by TCOLE, applicants earn an endorsement to take the licensing exam.

County Jailer

County jailers must complete the current Basic County Corrections course (1120) and successfully complete the licensing examination to receive their license.

Appointment as a temporary jailer is allowed for up to one (1) year provided the individual meets all the other minimum requirements. Temporary jailers must enroll in the Basic Corrections Officer Certification Course (BCOCC) within 90 days from appointment date and must successfully complete the course and pass the licensing examination within twelve (12) months from the initial appointment date. After that, the temporary license automatically expires and it cannot be renewed.

Section 1701.310 of the TOC states that an individual who successfully completes the Texas Department of Criminal Justice (TDCJ) corrections officer course will not be required to complete the Basic County Corrections training course in order to be appointed as a part-time county jailer. However, all other appointment requirements including the licensing exam, psychological and medical evaluation, will still apply.

Telecommunicator

House Bill (HB) 1951 of the 83rd legislative session upgraded the emergency communications operator's certification to a license effective 01/01/14. With the exception of firearms qualification, all licensing requirements apply to Telecommunicator appointments.

Furthermore, in addition to the existing 40-hr basic telecommunications training course (#1013, replaced by the 80-hr #1080 course in late 2019); the aforementioned legislation mandated a minimum of 20 hours of continuing education training every two (2) years. In cooperation with the Texas Commission on State Emergency Communications, Texas Department of Public Safety and curriculum committees; TCOLE has developed the course material necessary to comply with all applicable mandates.

Sections 1701.405(g) and (h) of the TOC allow temporary appointment of a telecommunicator for a period not to exceed one (1) year. If the appointee does not satisfactorily complete the basic preparatory courses (#1013, #1305 & #2120, all 3 to be replaced by #1080 in late 2019) and licensing exam before the end of the 12-month period, the chief administrator or designee must submit form F-5 to terminate the appointment(s). Once that temporary appointment has expired, it may not be renewed as such for at least another year. Successful completion of all required courses, however, authorizes the appointment of that person at any given time, provided all other prerequisites are met.

Disqualification for Licensure – Criminal Conviction

Section 1701.312 specifically disqualifies a person from being licensed as an officer, county jailer or telecommunicator if the person has been convicted of a felony offense. A felony conviction exists if the person has been adjudged guilty of a felony offense under the laws of Texas, another state, or the United States Code. Further, Chapter 217.1 disqualifies a person who has been convicted of a Class B Misdemeanor offense for a period of 10 years and a person convicted of a Class A misdemeanor for life. Waivers are obtainable 5 years after conviction, under certain circumstances, for misdemeanor offenses, and are addressed in Rule 211.30.

A person adjudged guilty of a disqualifying offense but placed on probation is for all licensing purposes considered to be convicted. Key phrases like “adjudged guilty” or “found guilty” are a clear indication of a permanent conviction. This type of adjudications will be treated as convictions regardless of whether: (1) the sentence is subsequently probated and the person is discharged from community supervision; (2) the accusation, complaint, information, or indictment against the person is dismissed and the person is released from all penalties and disabilities resulting from the offense; or (3) the person is pardoned for the offense, unless the pardon is granted expressly for subsequent proof of innocence.

Under current Federal Statutes (U.S. Code, Title 18, Crimes and Criminal Procedure, Part 1, Crimes, Chapter 44, Firearms, Sections 921(a)(33)(A)&(B), and 922(d)(g)&(h)) a person convicted of any crime involving domestic violence or subject to any type of restraining order issued by a court of competent jurisdiction is prohibited from owning or possessing firearms or ammunition – which automatically disqualifies the individual from being licensed as a peace officer. Furthermore, administrative rules prohibit the issuance of any TCOLE license to a person convicted of family violence.

You are urged to be extra cautious while reviewing an applicant’s criminal history. Section 1701.553 of the Occupations Code makes it a state jail felony to appoint or retain a convicted felon (see also sections 1701.312 and 1701.313). It is also a criminal offense to knowingly make a false statement on any TCOLE license application. Keep in mind that computerized criminal histories (CCH’s) are often inconclusive, incomplete or incorrect. When in doubt, always procure certified copies of court records and up-to-date fingerprint identification. These records are auditable items that must be kept readily accessible for inspection throughout the individual’s employment and no less than five (5) years after termination.

Appointment of Chief Administrators, Peace Officers, County Jailers, and Telecommunicators

Licensing Standards

Section 1701.153 of the TOC, clearly states TCOLE must set prerequisites and reporting standards for the appointment and termination of peace officers, county jailers and telecommunicators. It also reinforces the obligation chief administrators have to comply with all TCOLE reporting requirements.

Section 1701.301 prohibits the appointment of a person without the appropriate license to a peace officer, jailer or telecommunicator position; and section 1701.551 makes it a criminal offense punishable by a fine of up to \$1,000.00 dollars.

Section 1701.303 specifically requires that a law enforcement agency or governmental entity must file the application for a person to be issued a TCOLE license. An individual cannot apply for such license on his own.

Medical Examination required

Section 1701.306 prevents the issuance of a TCOLE license unless the recipient has undergone a psychological and emotional health examination, been screened for any trace of

drug dependency or illegal drug use, and undergone a standardized physical examination. Said examinations must be conducted by a Texas licensed physician or psychologist selected by the appointing agency (not the applicant) within 180 days PRIOR to the date of appointment. If the examinations were completed for the purpose of enrolling in a law enforcement academy, it is permissible for the L-2 and L-3 forms to be used by the first appointing agency as long as the appointment is completed within 180 days from graduation. Medical and drug exams must be documented on an L-2 form, while the psychological and emotional health examination is documented on the L-3 form. These forms are NOT medical records and therefore, are not subject to HIPAA restrictions. It must be noted that even though both of these documents are entrusted to the care and custody of the LEA or appointing agency staff, they belong to TCOLE.

Section 1701.153 of the TOC makes the chief administrator responsible for compliance with all reporting requirements and procedures prescribed by the commission.

Constitutionally Elected Officials

Law enforcement officers elected under the Texas Constitution are exempt from some of the aforementioned licensing requirements. Constables who took office before September 1, 1985 and have continued holding the same office without a break in service, for example, are not required to comply with Chapter 1701 of the Occupations Code. They are exempt from licensure and annual firearms proficiency demonstration.

Constables who took office between September 1, 1985 and August 30, 1999 had two years from the date of taking office to obtain a peace officer license; but they must meet all other requirements of Chapter 1701 Occupations Code.

In 1999, the 76th Legislature amended Section 86.0021, Local Government Code to provide that Constables who take office on or after August 30, 1999 have a maximum of **270 days** to obtain a license and submit it to their commissioner's court.

Sheriffs taking office on or after January 1, 1994, have two years from the date of taking office to obtain a peace officer license.

Elected officials (sheriffs, constables, and elected chiefs of police) are the only peace officers allowed to sign their own L-1 form. All other peace officers must have their L-1 signed by the agency's chief administrator or his designee. The L-1 of an appointed chief of police must be signed by that chief's appointing authority (city managers, airport managers, ISD superintendents etc.)

Municipal Chiefs of Police

Effective September 1, 1997 Section 96.641 of the Education Code requires the chief of a municipal police department to be licensed not later than one year after the date appointed.

Required TCOLE Licensing Paperwork

TOC 1701.1523 mandates electronic submission of forms, data and documents and TCOLE uses the Law Enforcement Data Distribution System (TCLEDDS) to comply with said mandate. Agencies which opt not to use this system may still submit paper forms via US mail but must attach a \$35.00 processing fee for certain form. For information on how to obtain a TCLEDDS account, please contact the Productivity Center at: <http://www.prodctr.com/tcledds.htm>

In order for an individual to be issued a peace officer, jailer or telecommunicator license, the appointing agency must submit a License Application (L-1) form. The agency submitting the license application must retain all supporting documents to prove the applicant meets all minimum requirements for licensing throughout the appointment and then five (5) years after the person leaves the agency.

False affirmations on any credentialing documentation are subject to administrative penalties up to and including revocation of license(s) held as well as criminal prosecution.

Contract Jailers

In 1997, the 75th Legislature amended Section 511.0092(f)(2) of the Texas Government Code to require that all **contract jail** employees be licensed by TCOLE. These jailers must meet all the same requirements as County Jailers.

Sheriffs are responsible for the proper screening, appointment and training of jailers working in any public or privately owned and/or managed detention facility located within their county which, at any time during the calendar year, holds county prisoners for any period of time. Jailer appointments to private detention facilities require a processing fee for initial as well as for subsequent appointments.

Minimum required documentation for initial appointment of all licensees includes:

- 1) Paper copy of "Appointment of Licensee" (**L-1**): *If the form is submitted electronically via TCLEDDS, an original copy of the approved form (front and back) must be printed, signed, notarized and filed in the officer's TCOLE file folder. Note: The second page of the L-1 form must also be properly signed and notarized.*
- 2) Original "Licensee Medical Condition" form (**L-2**) properly completed by a Texas-licensed physician, attesting to the applicant's lack of drug dependency or illegal drug use and overall health condition; (the physician must be selected by the appointing agency – not the applicant);
- 3) Original "Licensee Psychological Health" form (**L-3**) properly completed by a Texas-licensed psychologist or psychiatrist, attesting to the emotional and psychological health of the applicant, (the psychologist or psychiatrist must be selected by the appointing agency - not the applicant);
- 4) A copy of a Criminal History Check;
- 5) Original copy of fingerprint records check return from TDPS and FBI or a copy of the complete electronic return from the official records of a F.A.S.T. branch office;

Simply submitting the applicant's fingerprints to TDPS does not fulfill the requirement. Criminal history check documentation should include certified copies of court records pertaining to any past criminal offenses on the applicant's criminal record.

- 6) A legibly completed Personal History Statement (**PHS**) – obtainable from TCOLE website.
- 7) Documented proof of **minimum education**;
- 8) Legible copy of ALL military discharge records (**DD-214** or equivalent) if applicable;
- 9) Documented proof of **United States citizenship**; *Acceptable proof of US citizenship include: certified copy of a birth certificate, valid US passport, a certificate of US citizenship, US passport card, or US (INS) naturalization papers.*
- 10) For peace officers only; proof of **weapons proficiency** within the previous 12 months.

REMINDER: Section 1701.551 of the Texas Occupations Code makes it a criminal offense to appoint or retain someone who is not currently licensed as a peace officer, jailer or telecommunicator.

Appointment of individuals already licensed by TCOLE:

The Texas Occupations Code 1701.451 mandates that appointing agencies conduct a specific pre-employment background investigation in accordance with TCOLE guidelines, on any person who has already served in a TCOLE licensed capacity. This is referred to as the F-5R process. This process is in addition to, not in replacement of, the normal background investigation. Chief administrators must ensure all pre-employment background investigation requirements are met, properly recorded and kept *readily accessible* for inspection at all times. At minimum, the applicant's file must contain proof of: a properly conducted criminal background check; a signed consent form (release) to view the applicant's previous employment record(s); written record of contacts made with each of the applicant's previous employers (**F-5R**); legible copy of the applicant's TCOLE training and service record (electronic **PSR**); and a proper, legibly completed personal history statement (**PHS**) – free template available on TCOLE website

Section 1701.451 a-1 of the TOC, compels previous employers to make work history available to the requesting agency representative(s) if a properly completed consent form is provided.

180 or less days break in service

In addition to the F-5R requirements, individuals already licensed who are applying for appointment with *180 or less* days break in service must have items 1, 4, 6, 8, and 10 (if applicable) from the initial appointment list, above.

More than 180 days break in service

In addition to the F-5R requirements, individuals already licensed who are applying for appointment with *more than 180* days break in service must have items 1,2,3,4,5,6 8, and 10 (if applicable) from the initial appointment list, above.

To assist in the appointment process, the Commission had developed a Law Enforcement Agency Checklist, available on the TCOLE website under "Forms & Applications", to insure that the proper documentation is available for each licensee. The Checklist is not mandatory, but is highly recommended.

Please remember that proof of submission of applicant's fingerprints to TDPS without a return is not sufficient. Complete criminal history check documentation must include certified copies of court records clearing the applicant to any criminal offenses on his or her record.

Appointment of New Chief Administrators (already licensed):

Appointing agency shall procure and retain the following documentation for the individual's file:

"Appointment of Licensee" (**L-1**) – must check off Chief of Police or applicable designation; If a chief administrator is appointed from outside of the agency, all the aforementioned documents for either "*more than 180 days break in service*" or "*180 days or less*" will be required and must be procured PRIOR to appointment. In addition, the agency should send a letter to TCOLE, by postal mail, informing TCOLE of the new Chief Administrator's name and contact information.

Reporting Separation or Termination of Appointment (F-5)

Peace Officers, County and Contract Jailers, and Telecommunicators

Section 1701.452 of the TOC requires chief administrators to report the separation of a licensee (F-5) and requires them to select one of the following designations: "Honorably discharged", "Generally discharged"; or "Dishonorably discharged"

Section 1701.4521 of the TOC, calls for license suspension after two dishonorable TCOLE discharges (F-5's).

The F-5 must be submitted to TCOLE within 7 business days from date of discharge unless in-house appeal processes are in place – in which case, the form should be submitted within 7 business days after all applicable appeal wait periods have been exhausted. The chief administrator or designee must provide a completed (signed) copy of the report to the licensee in person or by certified mail, within 7 days of separation, and keep a file copy of the form and the signed certified mail receipt for a minimum period of five (5) years.

Section 1701.454 of the TOC clearly states an F-5 report is confidential and not subject to Open Records law, unless the person resigned or was terminated due to substantiated incidents of excessive force or serious violations of the law other than traffic offenses.

Continuing Education

Chiefs of Police

Section 96.641 of the **Texas Education Code** requires that after 9/1/97, all chiefs of police complete initial (*New Chiefs*) and continuing education (*Leadership Series*) training.

A newly elected or appointed police chief must complete the mandatory New Chiefs course no later than the second anniversary of appointment or election as chief of police. This training program must be obtained through the Bill Blackwood Law Enforcement Management Institute. Until new chief's training is completed, all other required training for peace officers under TOC Chapter 1701 still applies. Once new chief's school is completed, the statute exempts the chief from the requirement of continuing education for peace officers under TOC Subchapter H of Chapter 1701, for that training unit and training cycle.

In 2006, section 96.641 was amended to add a minimum of 40 hours of management training for all chiefs of police. The training topics must relate to law enforcement management issues provided by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT) at Sam Houston State University. Other than "New Chief's training" and Chief's Continuing Education course, chiefs of police are exempt from other training requirements under Chapter 1701 Subchapter H. Police Chief's are NOT exempt from any legislatively mandated training listed outside of Subchapter H.

Section 96.64 (1) (i) of the Texas Education Code clearly states that failure to complete the required training on time makes a person ineligible to continue to serve as chief.

Constables

In 2005, the Legislature added Section 1701.3545 of the TOC to require Initial training requirements for new constables. These requirements went into effect on 6/18/05 and by 01/01/06 LEMIT had a training program in place. Newly elected or appointed constables must complete an initial 40-hour training course before the second anniversary of their appointment or election.

In 2007, that same section was amended to require an additional block of Continuing Education training specifically designed for constables every 48 months at LEMIT. In 2019, the Legislature added the additional mandate for Constables to complete the 20hr Civil Process course (1415) at an institution of higher education. Other than the mandated New Constable training, Continuing Education, and the Civil Process course, constables are exempt from other training requirements under TOC chapter 1701, Subchapter H. Constables are NOT exempt from any legislatively mandated training listed outside of Subchapter H.

By law, TCOLE must forward to the Attorney General's Office a list of all constables who failed to comply with the training requirements. A constable who does not comply with 1701.3545

forfeits the office and the attorney general shall institute a quo warranto proceeding under Chapter 66 of the Civil Practice and Remedies Code to remove the constable from office.

Peace Officer

In order to keep an active license, each peace officer must complete certain training courses. Effective 9/1/01, peace officers are required to complete 40 hours of continuing education courses every training unit (24 months) to include the **State and Federal Law Update**. Additionally, certain mandated courses must be completed every training cycle (48 months).

The 24-month continuing education training unit begins on the first day of September of odd-numbered years and ends the last day of August of the next odd-numbered year (Example: September 1, 2017 to August 31, 2019.) A training cycle is composed of two 24-month training units. Notices of impending non-compliance are sent to chief administrators months prior to the end of each training unit and cycle.

In addition to the already mentioned State and Federal Law Update mandate which must be completed every 2 years, Section 1701.352 TOC requires each licensed peace officer without a proficiency certificate or just a Basic Peace Officer Proficiency certificate to complete training in: **Cultural Diversity (3939)**, **Crisis Intervention Training (3843)**, **Special Investigative Topics (3232)** and **De-Escalation (1849)**; every 48-month training cycle. In some cases, equivalent courses are considered for these topics.

Section 1701.258 TOC requires that an officer first licensed on or after 1/1/11 must complete a one-time basic training program on the **Human Trafficking (3270)** within 2 years of licensure.

Section 1701.253 TOC requires that an officer first licensed on or after 01/01/2016 must complete the **Canine Encounters (4065)** training within 2 years of licensure, if not completed in the BPOC.

Section 1701.253 TOC requires that an officer first licensed on or after 03/01/2016 must complete the **Interacting with Deaf and Hard of Hearing Drivers (7887)** training within 2 years of licensure, if not completed in the BPOC.

Section 1701.253 TOC requires that an officer first licensed on or after 04/01/2018 must complete the 40hr **Crisis Intervention Training (CIT, 1850)** within 2 years of licensure, if not completed in the BPOC.

Section 1701.253 TOC requires that an officer first licensed before 01/01/2018 must complete the **Civilian Interaction Training Program (CITP,)** by 01/01/2020. Those licensed on or after 01/01/2018, must complete the training within 2 years of licensure.

Section 1701.352 requires that a person appointed to their first supervisory position in law enforcement must complete a **New Supervisor** training program (**#3737**) as part of their 40-hour continuing education program within one (1) year (before or after) of appointment to the supervisory position.

Deputy Constables

Section 1701.354 requires each deputy constable to complete a 20-hour course of instruction in Civil Process (**#3101, #3131**) each 48-month cycle as a part of their continuing education program. The 79th Legislature made allowances for deputy constables that have assignments not involving civil process to be granted training waivers. If the Constable feels this is applicable to one of his deputies, he must approve and submit a training roster through TCLEDDs or DRS, using course number 3102, "**Civil Process Exemption by Constable.**" The Commission may then waive the requirement for the civil process training.

Licensed peace officers appointed as reserve deputy constables must also comply with civil process training just like any other deputy constable.

Persons licensed as Jailers, Reserve Officers, & Public Security Officers

Individuals *licensed* as reserve officers, jailers or public security officers must complete cultural diversity training every training cycle (4 yrs.), which includes: Civil Rights, Racial Sensitivity, and Cultural Diversity. Cultural Diversity, (course **#3939**) meets this requirement. If the licensee holds a certification level (for any license held) which exempts him or her from the #3939 requirement (or any other course), that exemption will cover ALL licenses held.

Telecommunicators

Individuals issued a Telecommunicator certificate or license on or after 1/1/12 must complete 24 hours of Commission-approved Crisis Communications training (**#2120**) before the first anniversary of the telecommunicator's first day of appointment, if not completed in the basic licensing course. A full Telecommunicator license will not be awarded until the Crisis Communications course (**#2120**) has been successfully completed. A Telecommunicator must also complete 20 hours of continuing education each 24-month training unit. No specific course is required in these 20 hours.

Assignment-specific Training

Be aware that other training, specific to certain assignments as peace officers, is also legislatively mandated. Examples include, but are not limited to, training for persons assigned: as **School Resource Officers**, to use **Body Worn Video**, to **Courtroom Security**, to perform **Eyewitness Identification**, to use **Epinephrine Auto-Injectors**, as **Jailer's Carrying Firearms**, and as **College/University Peace Officers**.

For further details on ALL legislatively mandated training for ALL license types, please see the Licensee Training Mandate Guide on the TCOLE website.

Consequences of failing to meet all Continuing Education requirements:

Individuals appointed at an agency, who fail to meet all continuing education requirements during the 24-month training units, the 48 month training cycle, or within time limits stated above for specific mandated courses, are subject to suspension. Once suspended, licensees are ineligible for appointment or retention.

The license of an individual not currently appointed to an agency who fails to meet all applicable continuing education requirements during a training unit or cycle becomes inactive. An inactive license is NOT a valid license and unless it is reactivated, may not be used for future appointments. It is, therefore, imperative that chief administrators verify the validity of an individual's license before considering appointing him or her to any licensed position.

Proficiency Certification Requirements

Since 9/1/11, proficiency certifications have been listed on the Personal Status Report (PSR) – available online and free of charge through the TCOLE online training system. However, in order to obtain the actual hard-copy certificate, an online application and issuance fee are required. Certificates issued in error or obtained by fraudulent means will be recalled.

Proficiency certifications are voluntary and not mandated by rule or statute. However, certain continuing education requirements are based on the licensee's certification level. For example, as stated before, licensees who have not yet achieved an Intermediate level of proficiency are required to complete Cultural Diversity, Special Investigating Topics, Crisis Intervention Techniques, and De-escalation every 48-month training cycle. Eligibility for proficiency

certifications is generally based on a combination of course prerequisites, total training hours and service time.

Chief administrators may submit a college education credit request (**F-7** form) to enable licensees appointed to their respective agencies to earn training credits. Each chief administrator is responsible for verifying the authenticity of the transcript and the accreditation of the college. Academic credits obtained from institutions not duly accredited in accordance with Administrative Rule 211.1(3) will not be accepted. If qualified, credit will be awarded at the rate of 20 training hours per semester hour – i.e. 35 college hours will convert into 700 training hours (35 x 20 = 700). College hours granted for completion of a Basic Peace Officer Certification course (BPOC) will not be applied until the degree is awarded by the College or University. Beginning 09/01/19, prior military service may also be credited toward proficiency certification.

Proficiency Certifications

An updated list of all proficiency certification prerequisites is available on the TCOLE website by clicking on the following link: <http://www.tcole.texas.gov/content/proficiency-certificates> More detailed information is available to each licensee via the TCOLE online training system.

Framing-type certificates for Proficiency levels already achieved may be purchased online by logging on to the individual licensee's "MYTCOLE" account.

Professional Achievement Awards

Each year, TCOLE accepts nominations for the annual Law Enforcement Achievement Awards. Award categories are: valor, public service, and professional achievement. Nominations must be submitted by an elected official of the state or political subdivision, the chief administrator of a law enforcement agency, or any person holding a currently valid TCOLE license.

Created in 1989, the awards are presented to selected peace officers, reserve peace officers, county jailers and telecommunicators licensed by the Commission. To be eligible for an award, nominees must exceed normal expectations of job performance through acts of valor, public service, or professional achievement.

Nominations must be received by the Professional Awards Review Committee no later than December 31st. Each nominee is rated by the PARC members using a set numerical scale. Ratings are then compiled and tallied to determine recipients for each award category. Awards consist of a proclamation, a medal, and a ribbon suitable for uniform wear. They are presented in the name of Texas at the State Capitol during May of each year. You are encouraged to nominate qualified licensees by logging on to:

<http://www.tcole.texas.gov/content/state-texas-achievement-awards>

Training Provider Requirements

Section 1701.153 states that TCOLE shall set reporting standards and procedures for the activities of licensed training schools. It also provides that the chief administrative officer of a licensed training school is responsible for compliance with the reporting standards and procedures prescribed by TCOLE.

Section 1701.254 authorizes TCOLE staff to visit and inspect contractual training providers conducting basic or advanced training for peace officers, county jailers, or telecommunicators. These evaluations are required to ensure full compliance with Commission rules. TCOLE is also responsible for the development and implementation of risk assessment review methods to monitor the progress of contractual training providers that are placed on probation due to noncompliance. Risk assessment programs must include: scores of students enrolled in a

school on the basic peace officer examination, past inspections records, self-assessment in a non-inspection year, and periodic unannounced visits and inspections.

Chapter 215 of the Texas Administrative Code identifies the types of training providers that may be authorized to conduct training on behalf of TCOLE; application requirements for law enforcement academies, contractual training providers, and licensed academic alternative programs. It also stipulates in detail the strict rules and regulations that must be met in order to apply, obtain and retain a training contract.

Agency chief administrators may NOT report training for licensees appointed to another agency unless they have a valid Training Provider contract. Chief administrators without a contract may report training for their own appointees in accordance with Commission Rule 218.1(b), but may not report any Basic Licensing Course, Legislatively Mandated Training, or Certification Course.

Audits of Agency Records

Section 1701.162 of the Texas Occupations Code requires that all law enforcement agencies in the state be audited at least once every five (5) years. Agencies found to have numerous or repeated deficiencies will be evaluated more frequently, as determined by the Commission.

Random audits of agency records are intended not only to ensure full compliance with all legislatively mandated requirements; but to appraise chief administrators and/or their designees of changes in administrative rules and TOC statutes. The ultimate objective of the field inspection program is to help stake holders achieve full compliance and prevent serious infractions. Agency records are compared with TCOLE records to ensure their accuracy and authenticity. When errors or deficiencies are uncovered, immediate assistance is provided to rectify the discrepancies.

Chief administrators are responsible for the integrity and security of credentialing records and training files for each licensee appointed to their agency. This includes making all required documents immediately available to TCOLE representatives upon request. All licensing, educational and proficiency records must be retained by the appointing agency for a minimum of five (5) years after the licensee's date of termination. Failure to maintain these records is a serious violation of rule and statute subject to suspension of the chief administrator's own license, administrative fines, and in some cases, even criminal prosecution.

Texas Peace Officers Memorial

The memorial (authorized by the 71st Legislature in 1989 and dedicated on May 10, 1999), is a monument of honor and remembrance to all the peace officers, correctional officers, and federal officers performing duties in the state of Texas who have died in the line of duty. TCOLE was charged with the responsibility of ensuring that each of those officers is recognized appropriately for their service and ultimate sacrifice. The monument contains the names of those officers who have been killed in the line of duty since August 5, 1823, when Stephen F. Austin commissioned the first group of Texas Rangers.

The Texas Peace Officers' Memorial stands at the west wall of the Sam Houston State Office building on the northeast quadrant of the Capitol grounds in Austin. Contributions to the Texas Preservation Board – responsible for the maintenance and inscription of additional of names – should made be made payable to: **Texas Peace Officers' Memorial** and mailed to:

**Texas State Preservation Board
P.O. Box 13286
Austin, TX 78711**



State Flag Distribution

When requested by next of kin of a deceased peace officer who had an active appointment or was honorably retired at the time of death; the Commission provides, free of charge, an official state flag. These flags are accompanied by letter from the Executive Director of TCOLE along with a certificate and letter of condolence signed by the Governor recognizing the officer's service to the citizens of Texas.

In order for the flag to be available for funeral services, all required information must be received no less than 2 business days in advance – not counting weekends or holidays.

The easiest way to request a state flag is to click on:

<http://www.tcole.texas.gov/sites/default/files/documents/Request%20for%20Texas%20Flag.pdf> and fill out the request form. You may also access the form by logging on to the TCOLE website and typing in “*Texas Peace Officer Flag*” in the search bar located in the upper right-hand corner of the homepage. Two other options are to call our office at: (512) 936-7700 or your regional Field Service Agent.

Contributions to the Texas Peace Officer Flag Fund may be sent directly to the Commission at the following address:

TCOLE
Texas State Flag Fund
6330 East Highway 290, Suite 200
Austin, Texas 78723-0135



or to the Texas Peace Officer Flag Fund at: <http://www.texaspeaceofficerflagfund.org/donations.php>

Statutory Requirements

Racial Profiling Reporting Requirements- Changes needed?

In 2009, the 81st Legislature enacted Section 1701.164 of the Texas Occupations Code to require chief administrators to report incident-based racial profiling data annually as provided by the Code of Criminal Procedure 2.132 and 2.134. By Law, reports must be made in a prescribed electronic format no later than March 1 of the year following the collection of the data.

Section 1701.501 of the TOC was amended to require disciplinary action by the Commission for violation of CCP 2.132 and 2.134. Severity of sanctions ranges from letters of reprimand to a permanent revocation of the agency's chief administrator's license. Additionally, Section 1701.507 of the same Code provides for administrative penalties up to \$5000 per day per violation to be assessed in accordance with legal proceedings found in the Government Code chapter 2001.

For additional information click on: <http://www.tcole.texas.gov/content/racial-profiling-reports>

Disciplinary Actions

Section 1701.501 of the TOC also requires the revocation, suspension, probation and/or letters of reprimand to licensees for violation of Chapter 1701 or Commission Rules. More detailed provisions of these disciplinary actions are contained in the Administrative Rules.

In 2006, Section 1701.501 of the TOC was further amended to allow TCOLE to revoke the license(s) of a constitutionally elected officer who is convicted of a felony or a criminal offense directly involving the individual's duties as an officer.

Commission Rules require the reporting of an arrest, charge, or indictment for a criminal offense above the grade of Class C misdemeanor or any degree of offense involving family violence. The arresting agency, appointing agency and licensee are all required to submit an E-1 form to TCOLE within 30 days by the most expeditious means. Final disposition documents from the appropriate criminal court must also be submitted by the licensee within 30 days of the effective date of case disposition.

By rule, a license must be suspended or revoked upon conviction or placement on probation (i.e. deferred adjudication/community supervision) for a criminal offense above level C misdemeanor; or any family violence offense. TCOLE may revoke the license of individuals convicted of any level misdemeanor (includes deferred sentences) for offenses directly related to the duties of any TCOLE-regulated office held by that person.

Section 1701.502 of the TOC requires TCOLE license revocation for individuals convicted or placed on deferred adjudication for any felony offense. This statutory revocation is applicable when the Commission receives a certified copy of court documents indicating that the licensee has been convicted of a felony offense. Should the licensee receive deferred adjudication and community supervision for a felony offense, his or her license will be suspended immediately upon receipt of the certified court documents. Section 1701.504 of the same Code provides that a person is entitled to request a hearing conducted by the State Office of Administrative Hearings (SOAH) to appeal the suspension. This entitlement does not extend to felony or barratry cases.

When a statutory revocation or suspension is issued by TCOLE, notification is sent to the licensee at the address on record and also to the last appointing agency explaining the reason(s) behind the disciplinary action. If the licensee provides evidence the information of conviction or deferred adjudication is incorrect, the Commission will review all information submitted by the individual and proceed as necessary. Otherwise, a final order is prepared and presented to the Commissioners for final action. The right to a SOAH hearing also applies to misdemeanor convictions (deferred or not) provided a hearing is requested by the licensee within 20 days of notification.

Commission Rules allow for the surrender of any issued license which can be for a specific period of time or permanently as part of an employee termination agreement, plea bargain to a criminal charge, settlement to TCOLE action, or for any other reason. A summary of the reason for the surrender must be included in the official template.

Individuals with revocation, cancellation, surrender, or permanent suspension of their TCOLE license(s) will be entered in the National Decertification Database (NDD).

Once the term of suspension has expired; individuals eligible for reinstatement may attempt to recover their license by completing the required continuing education training, submitting a properly filled out application and paying the applicable fee. If the length of suspension causes the licensee to be out of service for more than two years, that person must first apply for authorization to reactivate the license(s) through successful completion of all applicable, license-specific supplemental courses and licensing exam(s). For additional information and reinstatement form templates, click on the link below:

http://www.tcole.texas.gov/sites/default/files/FormsAppsPubs/licensee_reinststate_7.8.16.pdf