



TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION

Timothy A. Braaten
Executive Director

MINUTES – WORK SESSION

The work session of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was held on Thursday, June 3, at 9:30 a.m. The meeting was held at the Texas State Capitol Extension Auditorium, Room E1.004, 1100 Congress Avenue, Austin, Texas.

Commissioners attending were: Constable Charles Hall, Presiding Officer; Mr. Steve Griffith, Assistant Presiding Officer; Dr. Johnny E. Lovejoy, II, Secretary; Ms. Melissa Goodwin; Mr. James Oakley; Mr. Joe Pennington; Sheriff Joel Richardson; Ms. Patt Scheckel-Hollingsworth; Chief Ruben Villescas.

Also attending was Assistant Attorney General John Beauchamp and TCLEOSE staff members Executive Director Timothy A. Braaten, Director Kim Vickers, Director Chris Davis, Director Brian Roth, Laurie Abernathy, Jim Clifton, Darla Dixon, Thurman Felder, Dennis Graffious, Richard Gutierrez, John Helenberg, Nicole Hendrickson, John Hunt, Carey McKinney, Kenny Merchant, Ivan Messer, James Oswald, Carnecia Penson, Doug Staudt, Kaye Wilson, and Mary Kay Wright.

Agenda Item #1 - Call to order and roll call of members

Presiding Officer Hall called the meeting to order. Kaye Wilson conducted the roll call of commissioners and reported that all were present.

Agenda Item #2 - Presiding Officer's Report

- Presiding Officer Hall introduced James Oakley as the new commissioner, fulfilling the unexpired term of Allen Cain. Commissioner Oakley's term will expire August 30, 2011.
- Presiding Officer Hall offered an apology as he had mistakenly understood that the core courses for the Intermediate peace officer proficiency certificate are mandated by the legislature. Dr. Messer stated that there are six (6) courses that are statutory requirements for the Intermediate certificate and five (5) are rule requirements. Presiding Officer Hall has asked Director Vickers to create a committee to review the course requirements. Director Vickers stated he is creating a committee of 12 – 13 committed individuals to look at all of the Intermediate courses and consider possible revisions to them. They will also be considering which courses can become Advanced certificate requirements.

Agenda Item #3 - Executive Director's Report

- Sunset Commission Process
We will soon be reviewed on our progress of completing the recommendations in the report. In the Fall, the Sunset Commission staff will perform a paper audit.
- FY 2010 Budget Cash Flow Analysis and Revenue History
The budget is available on the TCLEOSE website under "Transparency in Government."



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Spending to date is in the black and revenues are ahead of projections. The June financials will reflect the 5% budget cuts and will provide a clear picture of FY 2010. We are preparing our budget to present to the Legislative Budget Board.

- **Racial Profiling Status**
Senator's West's office has applied for a grant to fund TCLEOSE's responsibilities of maintaining the racial profiling records.
- **Strategic Plan**
The commissioners have been provided a draft of the strategic plan and are asked to respond by June 16 with any corrections. The finalized version will be submitted by June 18.
- **POSEIT**
Commissioners were given the monthly POSEIT figures for February 2010 – April 2010
- **Monthly Division Reports**
Samples of the reports were included in the commissioner's notebook.
- **Staff Changes**
Two valued employees retired recently. Celia Velazquez retired after 29 plus years, and with the credits for vacation and sick leave will have thirty years with the State of Texas, all of them at TCLEOSE. Ned Anderson is the second retiree effective March 31st. Ned served many years with the Austin Police Department and then served for five years at the Texas Lottery Commission before joining TCLEOSE five years ago.

Thurman Felder has joined TCLEOSE after spending 4 years with the Texas Department of Transportation. He holds a Master's degree from Texas State University.

- **Peace Officer Memorial**
Doug Young with the State Preservation Board addressed the commissioners. He expects to receive more information on the project by mid-July. Estimates to finish the granite are \$100,000.
- **Achievement Awards**
The awards ceremony will be tomorrow, June 4, at 10:00 am in the extension auditorium.
- **Telephone System "Go Direct" with DIR and Scanning Contract "Single Source" - DIR**
The telephone system plans have been finalized, the equipment has been ordered, and will be put in place during the end of FY 2010 and the first part of FY 2011.

The contract for scanning is anticipated to be a "single source" – DIR approved state vendor. The equipment and software needed for scanning will be purchased in FY 2010 and be the property of TCLEOSE. The professional services "single source" will be agreed to in FY 2011.

- **IADLEST Conference**
Texas was asked to host the IADLEST conference for 2010. This conference will be held in Corpus Christi at the request of IADLEST leadership from June 20-23.

Agenda Item #4 - Items of Interest

- Peace Officers and Bailiffs to become certified to watch / handle inmates
Gary Painter, Sheriff, Midland County, addressed the commissioners. A committee has reviewed the 96 hour basic county corrections course and has modified it to a 40 hour course for peace officers to take to become certified as jailers. There will also be a 2-day course for bailiff's and a 3-day course for booking officers so that they will be certified to handle inmates. This will affect county jailers and contract jailers only, it does not apply to municipalities. The commissioners directed several questions to Sheriff Painter. Executive Director Braaten asked about the "road and bridge certification" that has previously been discussed, and Sheriff Painter stated this is not being recommended at this time.
- Family violence issues
The commissioners passed on this issue.
- Full-time – Part-time Paid – Reserve designation
These designations can now be found on the L1 form, using the same definitions as required by state law.
- Place on hold – Recommendation reference Firearms Qualification
- Advisory Board Officer's tutorial
This is now available on the TCLEOSE web site.
- Discussion of rule 211.1(3) definition of colleges and universities accreditation accepted by TCLEOSE for training credits
Executive Director Braaten believes this needs further consideration. At this time, TCLEOSE uses college hours for qualifying for proficiency certificates; the Occupations Code (1701.309) allows a person with 60 hours or an associate's degree from an accredited college to become a peace officer at age 18 rather than 21; many agencies use education as an entry level requirement; many agencies pay educational incentive pay and proficiency certificate pay using the TCLEOSE accreditation definition. In some communities, high school students can earn college credits and receive their 2-year degree shortly after high school graduation.
- Second time dishonorable
Those receiving a dishonorable discharge (on an F-5) for the second time receive an automatic suspension. The first dishonorable discharge must have occurred after 9/1/2007.
- Revision of F-5 form
TCLEOSE staff recommends having only three categories of discharge on the F5 form: Honorable; General; and Dishonorable.

Agenda Item #5 - Consider and receive public comment on the application of the Texas Association of Hostage Negotiators to be an approved Training Provider.

Tom Catron with the Texas Association of Hostage Negotiators addressed the commissioners. He explained that the organization specializes in hostage negotiations training and wants to streamline the credit process by becoming a training provider. Questions were asked including whether they had public members on their advisory board.

Agenda Item #6 - Consider and receive public comment on the application of the Elite Training Academy to be an approved Training Provider.

Cleave (Van) Maples addressed the commission explaining that the Academy will be taking training to the law enforcement agencies and reporting the training to TCLEOSE.

Agenda Item #7 - Consider and receive public comment on the application of the Hunt County Sheriff's Office to be an approved Training Academy.

Chad Wilhelm addressed the commission explaining that the sheriff's office currently has training provider status and would like to change it to training academy status.

Agenda Item #8 - Discuss Request for Waiver of TCLEOSE Rules 215.15 Enrollment Standards and 217.1 Minimum Standards for Initial Licensure for Benigno Rocha and the Carrizo Springs CISD Police Department.

Chief Esteban Ortiz and Benigno Rocha addressed the commission, requesting a waiver. Mr. Rocha was issued a citation for driving with a suspended license and stated he did not know his license had been suspended. The commissioners asked numerous questions of Mr. Rocha.

Agenda Item #9 - Peace Officer Memorial report

This item was already discussed during the Executive Director's report.

Agenda Item #10 - Report from Cybercrimes Investigators committee

Constable Ron Hickman, Harris County Pct. 4, presented the report to the commissioners. At this time, no standard exists for peace officers investigating cybercrimes. Constable Hickman asked the commissioners to consider setting requirements for and issuing a certificate for a cybercrimes investigator. Members of the committee included: Chairman Constable Ron Hickman; Vice-Chair Sgt. Gary Spurger; ADA Eric Devlin; Lt. Matthew Gray; Det. Troy Lawrence; Sgt. Christopher Meehan; Det. Dennis Domagas and Det. Russell Ackley.

Agenda Item #11 - Discuss the proposed changes to the Organizational Chart

This agenda item was skipped.

Agenda Item #12 - Discuss additional Field Service Agents and the necessary funding

This agenda item was skipped.

Agenda Item #13 - Discuss proposed fee schedule

Dr. Messer brought to the commissioner's attention new items to the fee schedule including new and renewal fees for firearms proficiency for juvenile probation officers, advanced instructor certificate, and the processing of paper documents. Staff was asked to look at adding a fee for a cybercrimes investigator certificate.

Agenda Item #14 - Discuss the proposed orders of amendments to existing TCLEOSE rules

- 10-28-217.9 Continuing Education Credit for Licensees
- 10-35-211.23 Date of Licensing or Certification
- 10-36-215.3 Academy Licensing
- 10-37-215.5 Contractual Training
- 10-38-215.6 Academic Alternative Licensing
- 10-39-215.15 Enrollment Standards
- 10-40-217.8 Contesting an Employment Termination Report

- 10-41-219.2 Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police
- 10-42-221.28 Advanced Instructor Proficiency
- 10-43-223.15 Suspension of License
- 10-44-223.16 Suspension of License for Constitutionally Elected Officials
- 10-45-223.19 Revocation of License
- 10-46-223.20 Revocation of License for Constitutionally Elected Officials

Dr. Messer stated the rules would become effective October 28, 2010.

Agenda Item #15 - Discuss the final orders of amendments to existing TCLEOSE rules

- 10-25-211.19 Forms and Applications
- 10-26-215.9 Training Coordinator
- 10-27-217.7 Reporting Appointment and Termination of a Licensee
- 10-29-221.5 Jailer Proficiency
- 10-30-221.21 Firearms Proficiency for Community Supervision Officers
- 10-31-221.35 Firearms Proficiency for Juvenile Probation Officers
- 10-32-223.17 Reinstatement of a License
- 10-33-225.1 Issuance of Jailer License through a Contract Jail Facility
- 10-34-225.3 Issuance of Peace Officer License through a Medical Corporation

Dr. Messer informed the commission that no comments were received and these rules will become effective July 15, 2010.

Agenda Item #16 - Discuss the Expense Recovery for court reporter services in F-5 appeal: "SOAH Docket No. 407-09-3824; In the Matter of Reginald Milton Request for Correction of F-5 Report of Separation; Expense Recovery"

Assistant Attorney General John Beauchamp explained that the SOAH judge required more than one day to hear the matter of Reginald Milton and in these circumstances a court reporter is required, at a cost of \$2,928.60. Patrick Gilpin, representing Reginald Milton, addressed the commission stating the F-5 from Texas Southern University was modified by SOAH. Texas Southern University provided information to the commission via letter.

Agenda Item #17 - Discuss the Motion for Rehearing on the Suspension of License of Daryl A. Sultemeier.

The Proposal for Decision by the Administrative Law Judge was voted on at the March 2010 meeting. The ALJ recommended a letter of reprimand, and the commission overturned the ALJ and voted to give a 10 year suspension of Mr. Sultemeier's license. Mr. Sultemeier filed a motion for rehearing. Assistant Attorney General John Beauchamp notified the commission that they could: 1. take no action and the motion would be overruled by operation of law; 2. overrule the motion; or 3. or grant the motion.

Agenda Item #18 - Adjourn

The work session adjourned at 12:02 p.m.