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Executive Director

TEXAS COMMISSION ON LAW ENFORCEMENT

Technical Assistance Bulletin

To: All Texas Law Enforcement Agencies/Contract Training Providers/Licensees
From: Kenny Merchant/Director, Credentialing and Field Services
Regarding: **Changes to Agency Heads**
Date: June 5, 2019

Every agency, whether through election, retirement, resignation, or those other causes we don't like to talk about, will eventually go through a change in agency head. This would seem like a relatively simple process, but it is more complicated than the simple appointment of a licensee. For example, some agencies will have an interim licensed agency head, others may choose to use a civilian on a temporary basis, and still others may use a civilian on a permanent basis. To further complicate matters, new agency heads (if not elected) are normally chosen by the leaders of the unit of government or governing body, who may have no idea what is required to appoint any law enforcement officer, let alone an agency head. Here are a few guidelines to help you through the process:

1. Every agency must have an agency head designated through the Commission, at all times, and must notify the Commission of any change in agency head within 30 days of occurrence. This requires more than a simple F5-Separation of the previous agency head and L1-Appointment of the incoming agency head (We will call this step 1). Those documents must still be completed (if the agency head is a licensee), but an additional notification is required. The Office of our Executive Director, through his Executive Assistant, must be provided the updated information on the new agency head (we will call this Step 2). To insure we get the proper information, please contact the Executive Assistant for required documentation.
2. Not all agencies must have Licensed Peace Officers as Agency Heads. Sheriff's Offices may have a civilian Sheriff for up to 2 years. Constable's Offices may be headed by civilians for up to 270 days. Municipal Police Departments may have a civilian agency head for up to 1 year. For these three, you must eventually get a licensed peace officer appointed to the position, but a civilian can serve temporarily, within the time limits shown. Other agency types may or may not have statutory restrictions on licensed or unlicensed agency heads. Be sure to check your authorizing statutes to be familiar with the requirements for your agency. And remember, other than Sheriffs and Constables, who are Constitutionally elected Peace Officers, civilian agency heads carry NO Peace Officer authority. Civilian Sheriffs and Constables, even if not yet licensed as peace officers, must still complete Step 1 and Step 2, above. All other civilian agency heads will complete Step 2, only.
3. Interim agency heads are not designated by L1's. If an internal Interim agency head is appointed, Step 2, above, must be completed, but no L1 designation of the Interim should be completed. If the Interim is from outside the agency, then appoint appropriately according to Step 1, if a licensee, and Step 2 for both licensees and civilians.
4. A change in agency head does not require that all existing licensees be re-appointed to the agency. L1 and L1T appointment documents appoint a licensee to the agency, not to the agency head, so changes in agency head do not affect the status of the existing licensees.
5. An agency head, even an interim, becomes responsible immediately upon appointment for all of the applicable Commission Rule and Statutes regarding their licensees. The Commission chooses to give a reasonable amount of time for a new agency head to insure that all licensees are properly appointed and trained, so blaming the previous agency head will only work for a short time!