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TEXAS COMMISSION ON LAW ENFORCEMENT

Technical Assistance Bulletin

To: All Texas Law Enforcement Agencies/Contract Training Providers
From: Kenny Merchant/Director of Operations, Credentialing and Field Services
Regarding: **Constable's and Police Chief's Exemption from Certain Training**
Date: August 30, 2019

For many years both Police Chief's and Constable's have heard the Commission say that they are exempt from ALL other training, once they have been appointed and completed the legislatively mandated New and Continuing Education. However, recent legislative requirements and mandates have effectively put an end to this exemption.

Here's the background- wording in both Education Code 96.641(f) (Police Chiefs) and Occupations Code 1701.3545(f) (Constables) have, for quite some time, exempted Chiefs and Constables from the requirements of Subchapter H of the Occupations Code. Subchapter H is where all of the Training Unit and Training Cycle requirements for peace officers are listed. However, over the last few legislative sessions, statutes have been added in other subchapters, outside of Subchapter H, which are not covered by the previously mentioned exemption. These provisions are centered on additions to Occupations Code Subchapter F.

Before the panic sets in, let's point out that most of those new mandates under Subchapter F are about initial educational mandates and assignment specific mandates. Initial educational requirements are those that normally end up being added to the Basic Peace Officer Course (BPOC), but also carry a time limit for new licensees- "An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter..." is typical wording. For many veteran Chiefs or Constables, this does not pose a problem, but for those first licensed after the date these statutes took effect, the mandate is in force.

Assignment specific courses, such as Courtroom Security, Eyewitness Identification, School-based Law Enforcement Officer training, or Body Worn Camera training, etc., only come into play if the person is specifically assigned that duty, but do apply to ALL persons who perform that duty, even Chiefs and Constables.

In addition, a specific mandate came into play with the 85th Legislature which affects ALL peace officers, regardless of their rank or level of certification- Civilian Interaction Training Program (CITP). CITP must be completed by 01/01/2020 by ALL peace officers licensed before 01/01/2018 and by ALL peace officers licensed after that date, within 2 years of being licensed. Once again, we are adding this course into the BPOC as soon as possible to help eliminate follow up, but there will be quite a few licensees coming out of BPOC's that did not include the CITP.

Mandate courses not included in OC 1701 Subchapter H, include:

Assignment Specific courses-



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- Peace Officers using Body Worn Cameras must take the Body Worn Camera course (8158) before using the cameras (Rule 218.3(d)), if not taken in BPOC.
- Peace Officers appointed to court security at ANY level of court, after 09/01/2017, must take the Court Security course (10999) within 1year of assignment to that duty. Persons already appointed to courtroom security on 09/01/2017 are required to complete the course by 09/01/2019. (Rule 218.3(d) and SB42).
- Peace Officers performing the function of eyewitness identification, as designated by their agency, must first complete the Eyewitness Identification course (3286), beginning 01/01/18 (Rule 218.3(d)).
- Peace Officers performing the function of School District Peace Officer or School Resource Officer must complete the School Based Law Enforcement Training (4064) within 180 days of assignment (Rule 218.3(d)) and a TCOLE approved SBLE Active Shooter Training (2195). Those who were appointed, prior to 09/01/2019, at school districts with a student population of 30,000 or less, have until 09/01/2020 to comply with both courses.
- Peace officers at colleges/universities must complete a course on trauma informed investigation into sexual assault/harassment/dating violence/stalking (course numbers 4070, 470 (TCOLE Online) and 3232 (if completed after 08/20/19) are acceptable). No specific date is provided by the statute.
- Peace officers assigned to carry epinephrine auto-injectors (Epi-pens) must first complete the Epinephrine Auto-Injector training (1826).

Miscellaneous Courses-

- Peace Officers first licensed on or after 01/01/2011, must take Human Trafficking (3270) within 2 years of initial licensing (Rule 218.3(e)), if not taken in the BPOC.
- Peace Officers first licensed on or after 01/01/16, must take Canine Encounters (4065) within 2 years of initial licensing (Rule 218.3 (e)), if not taken in BPOC.
- Peace Officers first licensed on or after 03/01/2016, must take Deaf and Hard of Hearing Drivers (7887) within 2 years of licensing (Rule 218.3(e)), if not taken in BPOC.
- Peace Officers first licensed on or after 04/01/2018, must take the 40hr CIT (1850) within 2 years of licensing (Rule 218.3(e)), if not taken in BPOC.
- Peace Officers licensed before 01/01/18, must take Civilian Interaction Training Program (CITP, 30418) by 01/01/20. All others within 2 years of initial licensing, if not taken in BPOC. NO EXEMPTIONS (Rule 218.3(e)).