



TEXAS COMMISSION ON LAW ENFORCEMENT

Commissioner Workshop Minutes March 3, 2025

On Monday, March 3, 2025, at 1:00 p.m., a workshop meeting of the Texas Commission on Law Enforcement (TCOLE) was held at TCOLE Headquarters, 2nd Floor, Training Room, 6330 East Highway 290, Austin, Texas, 78723.

Commissioners attending were: Presiding Officer Kim Lemaux; Assistant Presiding Officer Jason Hester; Secretary Justin West; Patricia Burruss; Janna Atkins; Sheriff Michael Griffis; Justin Berry; Sergio Saenz. Commissioner Conor Harvey was absent.

Agenda Item 1, Call to order.

Presiding Officer Lemaux called the meeting to order at 1:00 p.m.

Agenda Item 2, Roll call of members.

Roll call of members was called, and a quorum was present.

Agenda Item 3, Welcoming remarks from Presiding Officer Kim Lemaux.

Welcoming remarks were made by Presiding Officer Lemaux and thanked all who attended. She stated the June meeting agenda will include discussion on the format of going back to additional commission meetings a year and is looking at ways to streamline meetings to make them shorter. She also encouraged feedback from the public on this topic.

Agenda Item 4, Discuss timelines for waiver eligibility under TCOLE Rule 211.30, Chief Administrator Responsibilities for Class A and B Waivers.

General Counsel John Beauchamp gave an overview of the Class A and B misdemeanor waiver process and historical information between the years of 2014 through 2025, including waiver types, number of applicants, approvals, denials, actively appointed, separated, and transfers.

Commissioner Griffis stated the basis for this discussion is due to shortages in law enforcement applicants adding that his own department is struggling because they have a 35-40% shortage on patrol. He stated this would offer another avenue for those who have been arrested and could apply sooner, rather than later.

Assistant General Counsel Aaron Heath provided an overview of waiver eligibility timelines and history of Class A and B waiver timelines. On October 26, 2009, the waiver

process began and only consisted of Class B misdemeanors, and on June 1, 2014, the waivers began to include Class A misdemeanors.

Mr. Beauchamp offered that staff could bring a proposed rule to the June meeting, along with any discussion that tethered the concealed handgun license requirements to TCOLE licensee requirements. He stated if the Commission would want to change the standards, it would require a change to TCOLE Rule 217.1, but the other option could adjust the waiver timeline process to open more opportunities for those to apply.

Assistant Presiding Officer Hester stated that the reason it is tethered to the license to carry requirements is due to individuals being federally disqualified from carrying a firearm during the five-year timeframe and he believes that is what drove the decision for a five-year window.

Commissioner Berry stated there is a current recruiting challenge, and he would be interested in seeing what options could be presented regarding eligibility timelines for lower offenses or one-time offenders.

Assistant Presiding Officer Hester asked that TCOLE staff look at all requirements that could be affected, such as CJIS and firearms. He stated this will not prohibit agencies from keeping the current ten-year timeline. In addition, he requested that TCOLE staff gather more information from organizations and other state POST agencies to look at best practices.

Commissioner Saenz stated he has previously spoken to chief administrators who are not aware of the waiver process. He also stated it is important to keep the integrity of law enforcement and does not want to open the process to hire those who are not qualified.

After further discussion, Presiding Officer Lemaux asked that TCOLE staff bring back a rule for the first reading at the June meeting and if additional time is needed, it can be pushed to September. She requested to include what effect this could have on TCOLE staffing, how the licensed community would respond, and any other stakeholders' thoughts on this topic.

Agenda Item 5, Discuss TCOLE Rule 223.19, relating to revocation for criminal dispositions involving care, custody, or control of vulnerable persons, including children, and abuse of office offenses.

Mr. Beauchamp provided an overview of TCOLE Rule 223.19 and turned it over to Assistant General Counsel Daniel Walker to explain graphic depicting of total revocations and suspensions from 2021 through 2024 for criminal cases. The data

presented a total of 80 suspensions and 31 revocations during this timeframe which was also broken down by offense type.

Mr. Beauchamp discussed the purpose of the rule and how it will allow revocation to capture the more egregious misdemeanor offenses.

The Commission took a break from 1:59-2:17 p.m.

Mr. Heath proceeded with the first reading of the TCOLE Rule 223.19 adding new sections: (d) *(the license of a person convicted or placed on community supervision for any offense under Chapter 39 of the Texas Penal Code shall be revoked)*; and (e) *(the license of a person convicted or placed on community supervision for any offense committed against a vulnerable person may be revoked)*. He added that these amendments do not alter subsection (b), which pertains to directly related offenses, but expand revocation eligibility in line with Commissioner recommendations and allows revocation for a crime that was committed against a person that is defined as child, elderly, disabled individual, intoxicated or incapacitated and includes care custody and control of vulnerable persons.

Commissioner Burruss asked about the "care, custody, and control" language, and stated the defense side could argue that the language is overly broad.

Deputy Chief T.J. Vineyard gave examples of previous cases where this would apply, and it was not charged under Chapter 39, adding this will be a "may" revoke and not "shall" revoke. He emphasized that individuals who have demonstrated they cannot be trusted in certain situations should not be entrusted with the responsibilities of a law enforcement officer.

Mr. Heath added that this same language was used by the Administrative Law Judge in a recent proposal for decision hearing and the language is used in "injury to child."

Secretary West asked if this would include adding an additional subsection stating they would not be eligible for reappointment after the suspension.

Mr. Beauchamp discussed that there is not anything in place to prohibit reappointment after the term of suspension. He stated staff would need to research this and bring back their findings to the Commission.

Presiding Officer Lemaux suggested an addition to include animal cruelty, since research and data suggest this is a precursor to behavioral issues.

Mr. Heath further provided an overview of a potential amendment to rule 211.1, the definitions section, and minimum standards in 217.1, relating to family violence. He stated this amendment to family violence mirrors language in the penal code which focuses on the relationship to the actor of the victim and would remove the potentially heightened burden of proving an intentional act of family violence, as written in the family code.

The Commissioners agreed to move forward with the first draft, which will be presented at the June Commission Meeting and will be posted for public comment.

Agenda Item 6, Discuss mandated continuing education topics for the 2025-27 training unit in accordance with Texas Occupations Code Section 1701.351(a-2).

Executive Director Greg Stevens initiated a discussion regarding required training for licensees in the upcoming training cycle. He proposed the addition of a 2-hour course titled "TCOLE for Licensees," which would focus on maintaining a license in good standing. He also recommended including the "Elementary Education Outreach" course as part of the required curriculum. He reported that TCOLE has collaborated with partner agencies to expand access to ALERRT Level 1 courses statewide, to support licensees in meeting mandatory training requirements.

Deputy Chief Cullen Grissom explained that anything the Commission mandates is available and offered under the MyTCOLE account, so it takes away the unfunded mandate argument. He stated that both courses are low impact. Deputy Chief Grissom stated the TCOLE course does not exist now and it would require an agreement so it can be pushed at the June meeting, giving enough time to introduce it to licensees before the new cycle begins. He said that there is an instructor resource guide offered with each course, so agencies could offer the course face-to-face.

Assistant Presiding Officer Hester advised that there should be a good balance and not require too many mandated courses because agencies may not have coverage if they are in-person courses. He advised that if they can be offered online, that would be an easier option.

The Commissioners agreed to add this item to the June meeting agenda.

Agenda Item 7, Discuss pay status categories for licensee appointments.

Executive Director Stevens addressed the Commission regarding the issue of reserve officers appointed by agencies who are working roadside jobs across various jurisdictions in the state.

This topic has drawn attention from state legislators and legislative proposals are under consideration that could help address these concerns. He added that regardless of whether those measures are enacted, there are existing rules and statutes that provide potential solutions.

Executive Director Stevens stated one solution involves how TCOLE categorizes officer appointments on the L-1 form because there is not a reserve category. Currently, TCOLE records don't consistently reflect how agency heads appoint licensees. To correct this, a two-phase initiative includes how L-1's are accepted and cleaning up existing records to reflect appointments defined to match the statute, which defines three categories of officers: full-time, part-time, and reserve. This would preserve the role of reserve officers and the four types of agencies that can appoint them, which are city police, county sheriffs, constable's offices, and water districts. He presented the Local Government Codes 85.004, 86.012, 341.012 and Water Code 60.0775 explaining the provisions for appointing reserve officers, stating the commissioners court of a county or a governing body of a city, must approve and limit the number of reserve officers appointed and would need to allot for these positions in their budget.

Executive Director Stevens further explained that putting the three types of appointments in a TCOLE rule would help address the problems across the state with reserved officers and wandering officers. He stated that all of this will be included in an educational campaign.

The Commissioners agreed to move forward with the first draft, which will be presented at the June Commission Meeting.

Agenda Item 8, Receive public comment on any topic, without action.

No public comment.

Agenda Item 9, Executive Session to discuss pending or contemplated litigation, settlement offers, and personnel issues, including evaluation of Executive Director's job performance pursuant to Sections 551.071 and .074 of the Texas Government Code, Open Meetings Act.

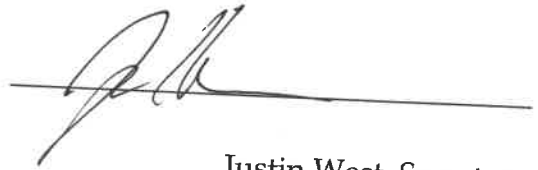
No executive session.

Agenda Item 10, Return from Executive Session to report and discuss further actions to be taken as a result of Executive Session, if necessary.

No executive session.

Agenda Item 11, Adjourn.

Secretary West made a motion to adjourn the workshop. Assistant Presiding Officer Hester seconded the motion. The motion passed unanimously. The meeting adjourned at 3:39 p.m.

A handwritten signature in black ink, appearing to be 'JW', is written over a horizontal line.

Justin West, Secretary
JW/sf