

Quarterly Meeting Minutes

December 5, 2019

On Thursday, December 5, 2019, at 9:30 a.m., the quarterly meeting of the Texas Commission on Law Enforcement (TCOLE) was held at the J.J. Pickle Research Campus, The Commons Learning Center, 10100 Burnet Road, Bldg. 137, Austin, Texas.

Commissioners attending were Sheriff Joel W. Richardson, Presiding Officer; Major Jason D. Hester, Assistant Presiding Officer; Patricia Burruss, Secretary; Chief Kim Lemaux; Janna Atkins; and Commissioner Tim Whitaker. Commissioners Sharon Breckenridge Thomas, Jack W. Taylor, and Constable Ron Hood were absent.

Attending from the Office of the Attorney General were Raymond C. Winter, Halie Daniels, and Robert Savage. TCOLE staff attending included Executive Director Kim Vickers, Credentialing and Field Services Director Kenny Merchant, Enforcement and Special Services Director Michael Antu, Government Relations Director Gretchen Grigsby, Finance Director Brian Roth, General Counsel John Beauchamp, Lisa Landry, Doug Skolaut, David New, Derry Minor, Lynn Beard, Jessica Capraro, Dennis Graffious, Trey Slider, Gary Connella, Lita Rendon, Iris Martinez, Richard Gutierrez, Kaitlyn Tonkin, Cullen Grissom, Hillary Lyon, Mike Dickey, and Laurie Jackson.

Agenda item #1, Call to order.

The Presiding Officer called the meeting to order at 9:30 a.m. Sgt. Cody Weaver, Sgt. Tegan Tupin, Deputy Jay Claxton, Deputy Paula Hicks, Deputy Matt Mitchell, Corrections Officer Hannah Martinez of the Randall County Sheriff's Office Color Guard posted the colors. Commissioner Whitaker led the pledges of allegiance and Commissioner Hester gave the invocation. Roll was called and a quorum was present.

Agenda item #2, Reading of peace officer/jailer deaths since the September 5, 2019 meeting.

Director Grigsby read the name of the officers killed in the line of duty.

- Deputy Sheriff Sandeep Singh Dhaliwal, Harris County Sheriff's Office
EOW September 27, 2019
- Deputy Sheriff Matthew Ryan Jones, Falls County Sheriff's Office
EOW October 11, 2019

A moment of silence was observed.

Agenda item #3, Approval of the minutes of the September 5, 2019, quarterly commission meeting at Austin, Texas.

Commissioner Hester made a motion to approve the minutes. Commissioner Burruss seconded the motion. The motion passed unanimously.

Agenda item #4, Receive reports. Take action if necessary.

Presiding Officer Richardson spoke about his time on the Commission, the Strategic Planning meetings, and thanked the Commission for all that they do.

Executive Director Kim Vickers talked about the success of the 2019 TCOLE Conference. There were 924 attendees and the reviews were favorable. Planning for the Tour of Texas has begun. Susan Brundage, who will be retiring at the end of the year, was acknowledged for her contribution to the Commission. Executive Director Vickers recognized the partnership with TEEX and the West Central Council of Governments. Sheriff Richardson was recognized and thanked for his service on the Commission.

Enforcement and Special Services Director Michael Antu stated that there have been two new training providers since the last commission meeting. The My TCOLE Account has been moved into user testing. The second phase will be the DRS component. The new Learning Management System is being worked on with TEEX. Renewal of training contracts is being worked on. Non-Compliance has moved to Special Services.

Credentialing and Field Services Director Kenny Merchant spoke about Non-Compliance. The 2017-2019 training unit has been transferred to Enforcement. Other courses being looked at for non-compliance are Human Trafficking, Canine Encounters, and Interacting with Deaf and Hard of Hearing Drivers. Director Merchant noted that there were multiple Technical Assistance Bulletins available.

Government Relations Director Gretchen Grigsby noted that nuances of legislation that was passed are being finalized including modification of courses. The Sunset process has begun. TCOLE's self-report was completed and submitted. Interviews start in June. The Law Enforcement Achievement Awards nominations deadline is December 31.

Commissioner Atkins made a motion to accept the reports as presented. Commissioner Burruss seconded the motion. The motion passed unanimously.

Agenda item #5, Take action to enroll and induct officers in the Texas Peace Officers' Memorial Monument.

Director Grigsby read the names being presented for inclusion on the Peace Officers' Memorial Monument. Commissioner Hester made a motion to enroll and induct the listed officers in the Texas Peace Officers' Memorial Monument. Commissioners Lemaux and Burruss seconded the motion.

Norman D. Merkel

United States Department of Justice January 16, 2019

Ray Elwin Horn, III

Comal County Sheriff's Office January 17, 2019

Russell Dean "Rusty" Salazar

Kendall County Adult Probation Office January 31, 2019

Donna Doss

U.S. DHS- Customs and Border Protection February 2, 2019

Nathan Hayden Heidelberg

Midland Police Department March 5, 2019

Peter Herrera

El Paso County Sheriff's Office March 24, 2019

Albert Ramirez Castaneda, Jr.

Grand Prairie Police Department June 7, 2019

David Jones Fitzpatrick

The Colony Police Department June 10, 2019

Jose Luis "Speedy" Espericueta, Jr.

Mission Police Department June 20, 2019

Carlos A. Ramirez

Kendall County Sheriff's Office July 2, 2019

Moises Sanchez

Texas Department of Public Safety August 24, 2019

Sandeep Singh Dhaliwal

Harris County Sheriff's Office September 27, 2019

Matthew Ryan Jones

Falls County Sheriff's Office October 11, 2019

Research Names

Henry J. Willis

Texas Rangers September 15, 1851

Jonathon Thompson

Texas Rangers February 27, 1859

James Charles Henry Walker	
<u>Nueces County Sheriff's Office</u>	<u>June 15, 1875</u>
Edward C. Smith	
<u>Brazoria County Sheriff's Office</u>	<u>August 10, 1902</u>
Pablo Falcon	
<u>Cameron County Constable's Office Precinct 2</u>	<u>July 12, 1915</u>
Dewitt Clinton Willbern	
<u>Kinney County Constable's Office Precinct 1</u>	<u>May 29, 1948</u>
William Madison Culberson	
<u>Bowie County Constable's Office Precinct 1</u>	<u>April 6, 1938</u>
Edwin Littleton	
<u>Perryton Police Department</u>	<u>April 29, 1939</u>
Manuel Gonzalez	
<u>Zapata County Constable's Office Precinct 1</u>	<u>January 20, 1977</u>
Sang T. Jun	
<u>U.S. DOJ, Federal Bureau of Investigation</u>	<u>October 22, 2008</u>
Christopher David Murray	
<u>Frisco Police Department</u>	<u>November 16, 2016</u>

Agenda item #6, Discuss and take action on proposed orders of amendments to existing and new TCOLE rules.

Presiding Officer Richardson asked that all of the final rules be voted on with one motion. General Counsel John Beauchamp presented the list of final amendments for consideration. Commissioner Hester made a motion to approve amendments 1 through 11. Commissioner Burruss seconded the motion. The motion passed unanimously.

- Final Amendment 1
§211.1. Definitions.
- Final Amendment 2
§211.26. Law Enforcement Agency Audits.
- Final Amendment 3
§217.1. Minimum Standards for Enrollment and Initial Licensure.
- Final Amendment 4
§217.7. Reporting Appointment and Separation of a Licensee.
- Final Amendment 5
§218.3. Legislatively Required Continuing Education for Licensees.

- Final Amendment 6
§218.9. Continuing Firearms Proficiency Requirements.
- Final Amendment 7
§219.2. Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police.
- Final Amendment 8
§219.11. Reactivation of a License.
- Final Amendment 9
§221.1. Proficiency Certificate Requirements.
- Final Amendment 10
§221.43. School-Based Law Enforcement Proficiency Certificate.
- Final Amendment 11
§221.45. Jailer Firearm Certificate.

The Commission took a break from 10:11 am to 10:30 am.

Agenda item #7, Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions.

Raymond C. Winter reviewed the disciplinary actions.

Default Suspension Orders

Burks, Rance L.	Jailer	McLennan Cnty. Sheriff's Office
Davidson, Cody J.	Peace Officer, Jailer	Gilmer Police Dep't
DeAlejandro, John C.	Peace Officer, Jailer	Harris Cnty. Sheriff's Office
Jack, Christopher M.	Peace Officer	Richland Hills Police Dep't
Jackson Jr., Claude H.	Peace Officer	Houston Police Dep't
Jones Jr., Charles W.	Peace Officer	Houston Police Dep't
Kasly Jr., Joseph L.	Jailer	Williamson Cnty. Sheriff's Office
Larkey, Ryan A.	Jailer	Denton Cnty. Sheriff's Office
Magana, Michael A.	Peace Officer, Jailer	Bexar Cnty. Sheriff's Office
Perez, Nicole Y.	Jailer	Milam Cnty. Sheriff's Office
Trevino, Ricardo	Jailer	Hidalgo Cnty. Sheriff's Office

Commissioner Hester moved that the Commission accept and adopt the recommendations of the Executive Director to enter a default final order as authorized under the provisions of 37 Texas Administrative Code, Section 223.3, and as required under the provisions of Texas Occupations Code, Chapter 1701, Section 501 to suspend the licenses as read by Mr. Winter. Commissioner Burruss seconded the motion. The motion passed unanimously.

Agreed Suspension Waivers

Jimmerson, Leonard	Peace Officer	Wortham Police Dep't
Mitchel, Joe R.	Peace Officer	University of Texas System Police

Commissioner Hester moved that the Commission accept and adopt the recommendations of the Executive Director to enter a final Agreed Suspension Waiver for Leonard Jimmerson and Joe Mitchel. Commissioner Burruss seconded the motion. The motion passed unanimously.

Default Revocation Orders

Montgomery, John M.	Peace Officer, Jailer	Cisco Police Dep't
Sandoval, Pedro	Peace Officer	Houston Police Dep't

Commissioner Hester moved that the Commission accept and adopt the recommendations of the Executive Director to enter a default final order as authorized under the provisions of 37 Texas Administrative Code, Section 223.3, and as required under the provisions of Chapter 1701, Section 501 to revoke the licenses of John Montgomery and Pedro Sandoval. Commissioners Burruss seconded the motion. The motion passed unanimously.

Default Cancellation Orders

Beckner, Zacharie T.	Peace Officer	Ennis Police Dep't
Mancillas Jr., Romeo	Peace Officer	San Benito Fire Dep't

Commissioner Hester moved that the Commission accept and adopt the recommendations of the Executive Director to enter a final Default Cancellation Order to cancel the licenses Zacharie Beckner and Romeo Mancillas Jr. Commissioner Burruss seconded the motion. The motion passed unanimously.

Agreed Cancellation Order

Battaile, Kenneth Z.	Jailer	Hopkins Cnty. Sheriff's Office
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Commissioner Hester moved that the Commission accept and adopt the recommendations of the Executive Director to enter a final Agreed Cancellation Order for Kenneth Battaile. Commissioner Burruss seconded the motion. The motion passed unanimously.

Agreed Suspension Orders

Adair, Eric L.	Peace Officer	Caney City Police Dept
Hutchison, Troy C.	Peace Officer	Dallas Police Dep't
Pelayo, Jose M.	Peace Officer	Houston Police Dep't
Tate, Wesley A.	Jailer	Travis Cnty. Sheriff's Office

Commission Hester moved that the Commission accept and adopt the recommendations of the Executive Director to enter a final Agreed Suspension Order for Eric Adair, Troy Hutchinson, Jose Pelayo, and Wesley Tate. Commissioner Burruss seconded the motion. The motion passed unanimously.

Proposal for Decision Order

Rodriguez, Juan R.	Jailer	Travis Cnty. Sheriff's Office
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Commissioner Hester moved to suspend the license of Juan R. Rodriguez for a 4 year hard suspension and a 6 year probated. Commissioner Burruss seconded the motion. Attorney Joshua Humphreys spoke on behalf of Juan R. Rodriguez. The motion passed unanimously.

For Information Only

Statutory Revocations

Hernandez, Salvador	Peace Officer	San Juan Police Dep't
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Permanent Surrenders

Dean, Brandley J.	Peace Officer	Farmersville I.S.D. Police Dep't
Dennis, Michael G.	Peace Officer, Jailer	Fritch Police Dep't
Dieguez, Alan E.	Peace Officer	El Paso Police Dep't
Kala, Krzysztof J.	Peace Officer	Nolanville Police Dep't
Lam, Thomas T.	Peace Officer	Houston Police Dep't
Lockett, Jason J.	Peace Officer	Tarrant Cnty. Constable, Precinct 8
Lopez, Willy A.	Peace Officer	Waco Police Dep't
Ly, Huy	Peace Officer	Houston Police Dep't
Martin, Ethan W.	Peace Officer, Jailer	Montgomery Cnty. Sheriff's Office
Nguyen, Larry	Peace Officer	Houston Police Dep't
Roddy, Eric W.	Peace Officer, Jailer	Harris Cnty. Sheriff's Office
Walton Sr., Ted E.	Peace Officer	Lexington Police Dep't
Wilson, James J.	Peace Officer	Bertram Police Dep't

Reprimands for Administrative Violations

Godlove, Jimmy J.	Peace Officer	Lubbock Cnty. Sheriff's Office
Rodriguez, Alberto A.	Peace Officer	Progreso Police Dep't

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

The Presiding Officer invited anyone in the audience to address the Commission. Robert Armbruster thanked Sheriff Richardson for his service to the Commission.

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 551.074 and .071 of the Texas Government Code, Open Meetings Act.

The Presiding Officer noted that there would be no Executive Session.

Agenda item #10, Return from Executive Session to report and /or discuss further actions to be taken as a result of the Executive Session. Take action, if necessary.

Agenda item #11, Adjourn.

The Presiding Officer adjourned the meeting until the next meeting on March 5, 2020.

Patricia G. Burruss, Secretary
PGB/lj