

Quarterly Meeting Minutes

March 4, 2021

On Thursday, March 4, 2021, at 9:30 a.m., the quarterly meeting of the Texas Commission on Law Enforcement (TCOLE) was held virtually.

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

Attending from the Office of the Attorney General were Raymond C. Winter. TCOLE staff attending included Executive Director Kim Vickers, Credentialing and Field Services Director Cullen Grissom, Enforcement and Special Services Director Michael Antu, Government Relations Director Gretchen Grigsby, Finance Director Brian Roth, General Counsel John Beauchamp, Lita Rendon, Jessica Capraro, Dennis Graffious, and Laurie Jackson.

Agenda item #1, Call to order.

The Presiding Officer called the meeting to order at 9:30 a.m. Commissioner Atkins 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 December 3, 2020, meeting.

Director Grigsby read the name of the officers killed in the line of duty and COVID-19 deaths. A moment of silence was observed.

Agenda item #3, Approval of the minutes of the December 3, 2020, quarterly commission meeting at Austin, Texas.

Commissioner Burruss made a motion to approve the quarterly December 3 meeting minutes. Commissioner Griffis seconded the motion. The vote was taken by roll call. The motion passed unanimously.

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

Executive Director Kim Vickers thanked Representative Tony Tinderholt for reserving a meeting room at the Capitol for staff to be a part of the Commission meeting while at the Capitol. A staff change was announced. The decision has been made to cancel the 2021 TCOLE conference. Director Vickers spoke about the Legislative session stating that several bills had been introduced. Changes have been made to our responsibility for Racial Profiling reports. TCOLE staff was thanked for the work on collecting the data. Fifteen agencies failed to submit all required portions of their report by the deadline.

Enforcement and Special Services Director Michael Antu talked about Racial Profiling. Fifteen cases have been transferred to Enforcement. Commissioner Hester asked for an explanation of what was done to help agencies get in compliance with the comparative analysis. Director Antu stated that more information was put on the website including samples.

Credentialing and Field Services Director Cullen Grissom stated that Field Services was fully engaged in helping with Racial Profiling compliance. The first training compliance has been run. The list had 36,049 peace officers had not met all the continuing education requirements for this unit, 8,720 jailer licensees had not met their continuing education requirement, and 3,380 telecommunicators. Director Vickers added that there were no plans to waive or extend continuing education requirements or deadlines. Commissioner Burruss asked for an update on the out of state applications. Director Grissom stated there was an increase in the number of phone calls and not an increase in the applications. Director Grissom gave a breakdown of what peace officers were missing according to the compliance run.

Government Relations Director Gretchen Grigsby gave an update on the legislative session and the number of bills that had been filed. At this time the TCOLE Sunset Bill has not been filed. The deadline to file the bill is March 12, 2021. The Peace Officer Memorial ceremony will be held offsite at House Park. The ceremony will be held May 2, 2021. The Achievement Awards ceremony has not been finalized. Commissioner Burruss asked for updates on legislative requests made by TCOLE.

Finance Director Brian Roth gave an update on the grant progress. TCOLE has completed two school marshal grants and waiting on approval for a third school marshal grant. A curriculum grant has been completed and we are about sixty percent done with a second curriculum grant. Because of the cancellation of the TCOLE conference, any associated revenue will not be coming in. We are still under reduced travel and a hiring freeze.

Commissioner Burruss asked about in person meetings in the future. There was discussion about protocol that would be in place to have in person meetings and having a location to hold the meeting.

Commissioner Burruss made a motion to accept the staff reports as presented. Commissioner Atkins seconded the motion. The vote was taken by roll call. 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 of the officers for inclusion on the Peace Officers' Memorial Monument.

Corrections Officer Jonathon Keith Goodman

Texas Department of Criminal Justice 4/21/2020

Chaplain Akbar N. Shabazz

Texas Department of Criminal Justice 4/23/2020

Director N. Kyle Coleman

Bexar County Fire Marshal's Office 7/14/2020

Chaplain Walterio Rodriguez

Texas Department of Criminal Justice 8/13/2020

Corrections Officer James Weston, Jr.

Texas Department of Criminal Justice 8/26/2020

Chief Deputy Constable M. Wayne Rhodes

Denton County Constable's Office Pct. 2 12/1/2020

Commissioner Burruss made a motion to enroll and induct the officers presented by Director Grigsby into the Texas Peace Officers' Memorial Monument. Commissioner Griffis seconded the motion. The vote was taken by roll call and the motion passed unanimously.

Agenda item #6, Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions.

Raymond C. Winter reviewed the disciplinary actions.

Default Suspension Orders

Abshier, Joshua L.	Peace Officer, Jailer	Port Arthur Police Dep't
Bullock, Jaron F.	Jailer	Navarro Cnty. Sheriff's Office
Esquivel, Marisol	Peace Officer, Jailer	Fort Bend Cnty. Sheriff's Office
Garcia, Betsabe	Jailer	Hudspeth Cnty. Sheriff's Office
Leakes, Ricky D.	Jailer	Bowie Cnty. Sheriff's Office
Luna, Orlando	Jailer	Lubbock Cnty. Sheriff's Office
Mercado, Elvia G.	Peace Officer	Dallas Police Dep't
Metzler, Aaron M.	Jailer	Aransas Cnty. Sheriff's Office
Miller, Adam	Peace Officer, Jailer	Bexar Cnty. Sheriff's Office
Montoya, Lizbeth	Jailer	Randall Cnty. Sheriff's Office
Pena, Ryan P.	Peace Officer	Lubbock Cnty. Sheriff's Office

Rodriguez, Libmar	Peace Officer, Jailer	Bexar Cnty. Sheriff's Office
Rodriguez, Marco A.	Jailer	Dallas Cnty. Sheriff's Office
St. Cyr, Eric P.	Peace Officer	Houston Police Dep't

Commissioner Hester moved that the Commission accept and adopt the recommendation of the Executive Director to enter the default final order to suspend the licenses that Mr. Winter read from Joshua Abshier through Eric St. Cyr. Commissioner Burruss seconded the motion. The vote was taken by roll call. The motion passed unanimously.

Agreed Suspension Waiver

Le, Danny V.	Peace Officer	Houston Police Dep't
--------------	---------------	----------------------

Commissioner Hester moved that we accept and adopt the recommendations of the Executive Director to enter a final agreed suspension waiver for Danny Le. Commissioner Burruss seconded the motion. The vote was taken by roll call. The motion passed unanimously.

Default Revocation Orders

Brown, Daniel C.	Peace Officer	Walker Cnty. Constable Precinct 3
Brown, Devine D.	Jailer	Dallas Cnty. Sheriff's Office
Carlson, Michael L.	Peace Officer, Jailer	Knox Cnty. Sheriff's Office
Flores, Raul	Jailer	Nueces Cnty. Sheriff's Office
Petschelt, Edward K.	Peace Officer, Jailer	Bexar Cnty. Sheriff's Office
Stephens, James D.	Jailer	Walker Cnty. Sheriff's Office
Van Slooten, Karl A.	Peace Officer, Jailer	Yoakum Police Dep't

Commissioner Hester moved that we accept and adopt the recommendations of the Executive Director and enter a default final order to revoke the licenses of the names read off by Mr. Winter from Daniel Brown through Karl Van Slooten. Commissioner Burruss seconded the motion. The vote was taken by roll call. The motion passed unanimously.

Default Cancellation Order

Hall, Lawrence B.	Jailer, Telecommunicator	Donley Cnty. Sheriff's Office
-------------------	--------------------------	-------------------------------

Commission Hester moved that the Commission accept and adopt the recommendations of the Executive Director to enter a final default cancellation order for Lawrence Hall. Commissioner Burruss seconded the motion. The vote was taken by roll call. The motion passed unanimously.

Agreed Suspension Orders

Huizar, Matthew B.	Peace Officer, Jailer	Northside I.S.D. Police Dep't
Rivera, Heriberto	Peace Officer, Jailer, Telecommunicator	Bexar Cnty. Sheriff's Office
Smith, La'Marcus O.	Peace Officer, Jailer	Fort Bend Cnty. Sheriff's Office

Commissioner Hester moved that the Commission accept and adopt the recommendations of the Executive Director to enter an agreed suspension order to suspend the licenses of Matthew Huizar, Heriberto Rivera, La'Marcus Smith. Commissioner Burruss seconded the motion. The vote was taken by roll call. The motion passed unanimously.

For Information Only

Statutory Revocations

Garcia, Albert	Peace Officer	Rio Grande City Police Dep't
Gauger, Brent T.	Peace Officer, Telecommunicator	Nolan Cnty. Sheriff's Office
Luevano, Marco A.	Jailer	Dimmit Cnty. Sheriff's Office
Moreno, Gracie H.	Peace Officer, Jailer	Harris Cnty. Sheriff's Office

Permanent Surrenders

Cleland, Alexander J.	Peace Officer	Dallas Police Dep't
Guzman Sr., Juan J.	Peace Officer	Kenedy Cnty. Sheriff's Office
Lawrence, Joseph C.	Peace Officer	Texas Dep't of Public Safety
Liebbe, Jeremy M.	Peace Officer	Van Zandt Cnty. Sheriff's Office
Kirkwood, Michael J.	Peace Officer, Jailer	Hays Cnty. Sheriff's Office
Palmer, Samuel J.	Peace Officer	Terrell Police Dep't
Rhone, Terrell L.	Peace Officer	Texas City Police Dep't
Spurger III, Jimmy H.	Peace Officer, Jailer	Henderson Cnty. Sheriff's Office

Reprimands for Administrative Violations

Osborne, Clifton O.	Peace Officer	Central Texas College LEA
---------------------	---------------	---------------------------

Reprimands for Failing to Complete Legislatively Required Continuing Education

Alaniz, Juan A.	Peace Officer	Starr Cnty. Sheriff's Office
Beekman, Theresa C.	Telecommunicator	Limestone Cnty. Sheriff's Office

Agenda item #7, Receive public comment on any topic, without action.

Commissioner Burruss noted that a public comment was received by way of electronic communication, but no one will be speaking today.

Agenda item #8, 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 will be an Executive Session. The session began at 10:45 A.M. and ended at 11:01 A.M.

Agenda item #9, 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.

The regular session resumed at 11:04 A.M. Presiding Officer Lemaux noted that there were no items to take action on as a result of the Executive Session.

Agenda item #10, Adjourn.

Commissioner Lemaux made closing remarks. Commissioner Burruss made a motion to adjourn. Commissioner Griffis seconded the motion. The vote was taken by raising of hands. The motion passed unanimously. The meeting adjourned at 11:05 am.

Patricia G. Burruss, Secretary
PGB/lj