

THE BRIEFING

A Publication of the Texas Commission on Law Enforcement

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The “10% unwritten rule” is 100% Legend

By The Field Services Division

Like other folklore stories, the belief that some mystical TCOLE Rule allows students to miss up to 10% of a class without penalty is not based on factual information. Nobody seems to know how or when this rumor got started. What we do know, is that despite years of official disclaimers, it continues to resurface throughout the state.

Under normal circumstances, training coordinators and instructors are expected to enforce a 100% class attendance rule to protect the integrity of the training session. By the same token, the Commission recognizes that unforeseen circumstances require instructor discretion and individual, case-by-case evaluation. Ultimately, the training coordinator and instructor are responsible for providing sufficient, tangible proof that the exception was justified and all learning objectives were properly taught and learned.

Detailed documentation of what prompted the student’s absence and the steps taken to make up any missed class time or assignment is a must. Additionally, training coordinators and instructors must also ensure the absence approval meets minimum standards set by Administrative Rule and Advisory Board guidelines. Key points to consider include: (1) Overall length of course; (2) Amount and type of missed instruction (i.e. lecture vs. practical exercises or proficiency demonstrations); (3) Amount and reliability of factual, documented justification.

Other Upcoming Events

Quarterly Commission Meetings:

September 7

December 7

2016 Training Coordinators’

Conference:

Oct 16-19

Commission Meeting Highlights

The latest Commission meeting was held at the J.J. Pickle Research Campus on Thursday, June 8, 2017. Here are a few highlights from the meeting:

Presiding Officer's Report: Governor Abbott has appointed three new Commissioners. Kim Lemaux, of Arlington is chief of police for The University of Texas at Arlington. Sharon Thomas, of San Antonio is principal and owner of Breckenridge Thomas Law Office. Timothy Whitaker, of Richmond is a senior patrol officer for the Houston Police Department. They will replace outgoing Commissioners Kyker, Pennington, and Villescascas.

Executive Director's Report: Hemphill County Sheriff's Office has been approved as a contract training provider since the last commission meeting. There are several applications in the approval process.

One staff change: Tom Bickers, is our new Field Services Agent. Tom began his law enforcement career with Tyler PD in 1977. Of his 38 year career, he has spent the last 25 in Higher Education law enforcement as either an Assistant Chief of Police or the Chief of Police. He retired from the University of Texas Southwestern Medical Center Police Department where he was the Chief of Police. In addition, he retired from the US Army Criminal Investigations Command as a Master Sergeant, where he was an accredited federal agent. Tom has also completed two combat tours. Tom holds a Master of Science degree from the University of Houston and was in class 185 of the FBI National Academy.

Operations Director's Report: Warning notices regarding Non-Compliance to agencies have been sent. The number of licensees that need training as of the first of May stands at: 23,475 Peace Officers, 3,500 jailers, and 2,000 Telecommunicators. Over the last three months, the

For more information

Meeting Minutes: Other items, including line of duty deaths, waiver requests, proceedings for revocation, suspension, and other disciplinary actions, and previous meeting minutes, can be found under the Who We Are/The Commission section on our website at: www.tcole.texas.gov.

Live Recordings: Live and archived video recordings of the meetings can be found on our website on the Who We Are/The Commission page at: www.tcole.texas.gov.

Public Comment: Anyone wishing to make a public comment may do so at the following email address: public_comment@tcole.texas.gov.

Commission Meeting Highlights

agency has received about 15,000 phone calls to the different divisions. Our third and last group of the Mexico Delegation will meet the week of June 12 – 16. Committee updates: The Background Committee has been appointed, and we expect that group to meet later this month or the first of July. The Basic Peace Officer Curriculum committee is currently working, with a draft expected sometime in August for review, anticipating a presentation at the October conference in Corpus Christi. Other Committees working on curriculum are the Jail Committee, Peace Officer Skills, School Marshal, and the State and Federal Law Update.

Government Relations Director's Report: The regular legislative session has concluded. There were 59 bills filed that would have had a direct impact to TCOLE. In the end, only eight bills passed. Four bills require new training. HB34 establishes eyewitness identification training. SB42 requires training for those providing security in the courtroom. SB30 requires civilian interaction training. SB1849, the Sandra Bland Act, requires de-escalation training in the BPOC. It also requires mental health training to be included in the basic jailer course and for those that already hold a jailer license. One bill requires new rules; those will be presented at the next commission meeting. The budget was finalized, TCOLE will sustain a 1.6% decrease over the biennium.

Law Enforcement Achievement Awards: Commissioners approved the proposed recipients of the State of Texas Law Enforcement Achievement Awards. The ceremony will be held on Friday, June 9, 2017, at the Capitol Auditorium. The ceremony begins at 10:00 a.m. and there will be a reception following in the Legislative Conference Room sponsored by TMPA. Awards will be given for Valor, Professional Achievement, and Public Service.

Credentialing Services Division

TRAINING!!!!!! Have you completed yours??

Peace Officers –

Basic Certificate or No Certificate: You will need 40 hours to include 3184 – State and Federal Law Update, 3232 – Special Investigative Topics, 3843 – CIT Update and 3939 – Cultural Diversity.

Intermediate Certificate or higher: You will need 40 hours to include 3184 – State and Federal Law Update.

Deputy Constables have an additional course – Civil Process that must be completed by 8/31/17.

Jailers –

You will need Cultural Diversity. The ONLY EXCEPTION: If you have an **active** PO license **and** are at an Intermediate PO Certificate or higher, then Cultural Diversity does not need to be completed.

Telecommunicators –

20 hours of anything.

To view training for each license, please visit <http://www.tcole.texas.gov/content/training-requirements>.

NON-APPOINTED LICENSEES – Training can only be completed thru an approved TCOLE Training Provider. Please visit <https://www.tcole.texas.gov/law-enforcement-academies> for a link to our academies. Please visit <https://www.tcole.texas.gov/contract-training-providers> for a link to our contract training providers. Also remember, you can access training thru your MyTCOLE Account!!!

We will be sending our last warning letter mid-July. Make sure that you complete your training by August 31, 2017. Please be aware that we are not accepting any training that was completed outside of this current unit unless it was a provider issue i.e. entered the incorrect PID for an individual. The provider must correct the issue with our staff; the individual cannot make that request.

College Request Forms – F7

Please make sure, when submitting the information, that the college is a regionally accredited organization. Please visit <http://chea.org/> for a list of those organizations.

Is your address up to date?

According to Rule §211.27, an individual shall report an address change within 30 days. Please log into your MyTCOLE Account to make changes to your information. Those changes cannot be made over the phone.

Credentialing paperwork received from Departments

Due to an increase in phone calls to our Credentialing department, please allow 10 days for paperwork to be completed/updated.

Please call our department with any questions.

2017 Conference

2017 TCOLE TRAINING COORDINATORS' CONFERENCE

AMERICAN BANK CENTER

1901 North Shoreline Blvd.
Corpus Christi, TX 78401

REGISTRATION \$125

Early Bird registration ends Sept 15, 2017
fees are non-refundable, but are transferrable
for this year's conference only
Register through your MyTCOLE account

EVENTS

Fun Run - Silent Auction - Social Networking
Director's Reception, Karaoke, Band, and Live Auction

OCTOBER
16-19

REGISTER NOW

2017 Achievement Awards Ceremony

The 2016 State of Texas Law Enforcement Achievement Award Ceremony was held at the Texas State Capitol on June 9, 2017.

Public Service



Sergeant Anthony Hardee
Caldwell County Sheriff's Office



Deputy Stephanie Womack and Sergeant Charles Jantzen
Harris County Constable's Office Pct. 5

Professional Achievement



Officer Gezim Pollozani
Fort Worth Police Department



Corporal Katherine Creekmore
Texas Department of Public
Safety



Sergeant Ron Barzyk
Dallas-Ft. Worth Airport Police
Department



Chief Criminal Investigator
Willie Ng
Bexar County District Attorney's
Office

Valor



Officer Donovan Polk
Houston Police Department



Patrol Officers Raul Montes, Ryan Wood, and Matthew Schwindt
Belton Police Department



Officers Eddie Castillo, Kyle Canales, Sasha Gajic, and Clifton Mays (not pictured)
Houston Police Department



Officer J.C. Drennan, Amarillo Police Department
and Deputy Scott Bragg,
Smith County Constable's Office Pct. #3



Patrol Officer Cory Mosearay
Baytown Police Department



Corporals Brian Ainsworth and Gary Hamilton
Amarillo Police Department



Senior Police Officer
Abraham Vanderberry
Houston Police Department

2017 Achievement Awards Ceremony, Continued



Guest Speaker David Maxwell, Director of Law Enforcement for the Office of the Attorney General



Officer Gezim Pollozani and Constables Sharon Breckenridge Thomas, Ron E. Hood, and Chief Kim Lemaux
Photo courtesy of Fort Worth Police Department



Photo courtesy of Fort Worth Police Department



2016 Award Recipients
Photo courtesy of Fort Worth Police Department



Tarrant County Sheriff's Office Color Guard



Officer Donovan Polk
Houston Police Department

Special Services Division























Free Online Training

By Jessica Teseny

The deadline to complete training is quickly approaching! All peace officers and fully licensed jailers and telecommunicators must have their training complete by midnight on August 31, 2017. The majority of the classes needed to meet your requirements can be found on our Online Training website, for free! That's right, Jailers – you can take cultural diversity online for free! Same goes for all telecommunicators; you need 20 hours of anything you choose, so why not chose free classes? We offer the Law Update 3184 and over 40 hours for peace officers as well!

All you have to do to get started is log into your MyTCOLE account, click Applications (at the top of the page), and launch the TCOLE Online Training application. Our catalog offers over 50 hours of online classes, all of which will apply to your license, no matter what type of license you hold. So, if you're a peace officer interested in taking TDD/TTY or Crisis Communications for telecommunicators, you can rest assured knowing that the credit will count toward your peace officer training hours.

Courses

 <p>Human Trafficking (TCOLE 3270) - 4 Hours</p> <p>★★★★</p> 	 <p>Cultural Diversity (TCOLE 394) - 8 Hours</p> <p>★★★★</p> 	 <p>Rules Overview - 1033 (For Peace Officers)</p> <p>★★★★</p> 	 <p>Law Update - 3183 (2013 - 2015) - 3 Hours</p> <p>★★★★</p> 
 <p>Open Carry Law Update (TCOLE 450) - 1 Hour</p> <p>★★★★</p> 	 <p>Ethics (TCOLE 3925) - 4 Hours</p> <p>★★★★</p> 	 <p>Rules Overview 1305 (For Telecommunicators & Jailers)</p> <p>★★</p> 	 <p>TDD/TTY (TCOLE 412) - 4 Hours</p> <p>★★★★</p> 
 <p>Stress Management (TCOLE 403) - 4 Hours</p> <p>★★★★</p> 	 <p>Crisis Communications (TCOLE 420) - 24 Hours</p> <p>★★★★</p> 	 <p>Law Update 3384 (2015-2017)-3184 equivalent - 4 Hours</p> <p>★★★★</p> 	

Special Services Division, Continued

Changes Coming in 2017–2019

By Jessica Teseny

Have you ever wanted to be able to look at your MyTCOLE account or personal status report (PSR) and tell whether you are compliant or non-compliant for the training unit without having to interpret your training?

Starting in the 2017–2019 training unit, you will be able to quickly glance at your license actions to find out if you have met all the training requirements for the unit. Since this will update on a daily basis, you won't have to wait until the end of the unit to get a warning letter from TCOLE about your training. Instead, you'll be able see a 'compliant for 2017–2019' action on your license as soon as you've meet the requirements!

Inside TCOLE

TCOLE gives back!

By TCOLE Staff

State employees in the capital area, gave a total of almost 2 million dollars to charities through the Capital Area State Employees Charitable Campaign (SECC). Ninety different state agencies participated in 2016 including TCOLE.

The generosity and big hearts of our employees was recognized in February 2017. TCOLE was the recipient of the 2016 Capital Area SECC Rising Star Award for Most Improved Campaign for agencies with 26–50 employees! Our participation increased 55% in just one year. Special thanks to our campaign coordinator Shelley Knight, pictured right, for her hard work in making this happen.



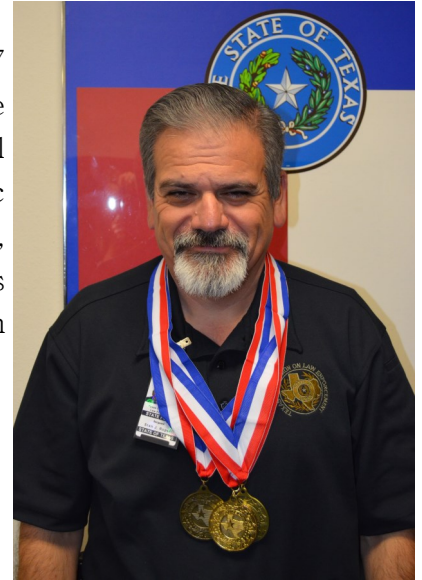
Photo courtesy of Lawrence Peart

Inside TCOLE, continued

There's not a moment to Spare!

By TCOLE Staff

TCOLE Investigator Stan Roper, recently competed in the 2017 Texas Police Games in Dallas on June 13-15. The mission of the non profit Texas Police Athletic Federation, is to promote physical fitness and comradeship of Texas Peace Officers through athletic competition. The event was held at the Plano Super Lanes in Plano, Texas. Stan cleaned house while there! His bowling prowess earned him three medals! Bronze in the singles, Gold in the Team Event, and Bronze in All Events. Congratulations Stan!



Retirement

By TCOLE Staff



Back in late December 2016, Field Agent Kenny Merchant traveled to Vernon, Texas to attend the retirement ceremony for Wilbarger County Constable PCT. 1, Bobby Martin. While there, FSA Merchant had the pleasure of presenting the TCOLE Dinosaur Award to Constable Martin. The TCOLE Dinosaur Award is only given to officers that have 50 or more years of service. Constable Martin had 52! Thank you for your service Constable Martin!

Photo courtesy of Daniel Walker

Field Services Division

Alert! – Inaccurate and Double Reporting Can Be Double Trouble!

By The Field Services Division

Double reporting, as well as inaccurate or missing training entries, are being identified on some Personal Status Reports (PSR). Every licensee (peace officer, telecommunicator and jailer) is encouraged to check their own PSR through MyTCOLE for accuracy. They should look for any double entries, reportable courses which they know were completed but are not listed on their PSR; and vice-versa, training they know should not be listed on their training history.

Double entries can cause significant and serious issues down the road. For example, a licensee checks his PSR to confirm he has met the minimum continuing education requirements. He sees a balance of 44 training hours and figures he's good for the current training unit. However, he fails to notice that one of the 8-hour courses is listed twice – same course, same date. Several months after the end of the training unit or cycle the double entry is discovered during a routine audit and is immediately deleted (as it should) from the PSR by TCOLE staff. The total training hours for the unit or cycle are now down to only 36 – making the licensee non-compliant and subject to potential administrative disciplinary action.

Sometimes a licensee completes an 8-hour online course, prints his certificate, fills out and attaches the required form and submits them both to the training coordinator. Not knowing the online course will be reported by the online training provider, the training coordinator submits the roster thus creating a double entry. Other times, the person uploading the training to TCLEDDS misreads or mistypes the PID number by one digit and the credit goes to the wrong recipient. Those are just two of the reasons why every licensee must check his or her training history periodically.

We all must do our part to safeguard the integrity of the data entry system and our own training history.



Field Services Division, continued

Correcting Roster Entries – A How-To Guide

By The Field Services Division

Training providers and non-training provider agencies submit rosters. As hard as we may try, there will be an occasional “oops” that needs to be fixed. If you find you need to make a request to TCOLE for a correction to a roster already filed through TCLEDDS, and you are authorized to make such a request, here are the steps:

1. Contact the designated special TCOLE email amend.roster@tcole.texas.gov to obtain the latest Training Roster Amendment Form
2. Complete the Training Roster Amendment Form, and attach a copy of the TCOLE approved roster that was previously submitted incorrectly.
3. Email the completed Training Roster Amendment Form and a copy of the TCOLE approved roster that was previously submitted to amend.roster@tcole.texas.gov for processing.
4. Allow 3-5 business days to confirm corrections made to TCLEDDS, and then print corrected TCOLE approved roster for the training files.

It is a good idea to save all correspondences, amendment requests and confirmations of amendment in the corresponding training folder for review by the field agents and evaluators. This is particularly important when a high volume of requests (more than 3 a year) are submitted on a regular basis.

TCOLE Online Services

By The Field Services Division

TCOLE has three online systems, accessible to individuals with PID numbers, or to agencies with valid login information. To access these systems, go to the TCOLE website at www.tcole.texas.gov, and select Online Services, or one of the other applicable links on the website.

MyTCOLE is a system to be used by individuals to access their own TCOLE history. It allows the user to access free online training on the TCOLE website. Users may check MyTCOLE to insure they are compliant with legislatively mandated training, or to see what Certification courses they have taken. Users may update their contact information to ensure TCOLE may communicate with them when needed.

TCLEDDS is a system to be used by agencies. With TCLEDDS, you pay a yearly subscription fee based on the number of officers in your agency. Multiple sign-ins are provided (various access au-

Field Services Division, continued

thority). TCLEDDS allows you to easily handle all appointments and separations, as well as reporting department level training. TCLEDDS allows you to check each officer's training record at any time. An add on component called TCLEDDS Assistant gives robust query ability on training records. With TCLEDDS, there are no fees to submit forms to TCOLE. TCLEDDS phone number is 800-975-0599 and you may access their log-in site via TCOLE's home WEB page.

Department Reporting System (DRS) is a system to be used by agencies without TCLEDDS, or by ALL agencies to submit their yearly Racial Profiling Report. This is a program accessed via the TCOLE web page under "Online Services." You must have and be logged-in to your "MyTCOLE" account to access the DRS. This requires two separate passwords, one for the "MyTCOLE" account and one for the DRS. You must know your TCOLE agency number to register. If you have never registered, contact your Field Agent for assistance. It is used by agencies that don't subscribe to TCLEDDS, but it is very limited. You cannot submit an L1 or F5. You can submit an F5R request and get a return within 24 hours. You can update contact information for the Chief Administrator. Only one sign-in allowed per agency. You must use the DRS to submit the annual Racial Profiling Report.

Government Relations Division

The 85th Regular Session of the Texas Legislature has concluded.

By Gretchen Grigsby

House Bill 34 by Representative John Smithee implements recommendations from the Timothy Cole Exoneration Review Commission. These include a requirement that custodial interrogations for certain offenses be electronically recorded, and that training be required on eyewitness identification protocols and variables that can affect a witness's vision and memory for those officers who perform eyewitness identification procedures, as designated by the employing law enforcement agency.

Senate Bill 30 by Senators Royce West and John Whitmire establishes training on interactions between drivers and law enforcement. TCOLE is to work with the State Board of Education and the Texas Department of Licensing and Regulation to develop training both for new drivers and for peace officers. Peace officers licensed on or after January 1, 2018, will receive this training dur-

Government Relations Division, continued

ing the Basic Peace Officer Course or within two years of licensure. All other peace officers will be required to obtain the training by January 1, 2020.

Senate Bill 42 by Senator Judith Zaffirini addresses a number of court security issues. The bill includes a requirement for court security officers to receive court security training within one year of that assignment. The training will be a shortened version of the Court Security Specialist Proficiency Certificate course that is currently available.

Senate Bill 1849 by Senator John Whitmire, known as the Sandra Bland Act, adds or expands training for both peace officers and jailers. The mental health training currently in the Basic Peace Officer Course is to be expanded to 40 hours. Under this bill, peace officers are required to receive training on de-escalation techniques for interacting with members of the public in the Basic Peace Officer Course or within one year of licensure, or to obtain an intermediate or advanced proficiency certificate. The Basic Jailer Course must incorporate mental health training, and existing jailers must receive mental health training by August 31, 2021.

Other law enforcement bills:

SB 12-by Senator Royce West creates a grant within the Office of the Governor to assist law enforcement agencies in purchasing bulletproof vests

House Bill 2908 by Representative Todd Hunter enhances the penalties for certain crimes committed against peace officers or judges if that crime was determined to be due to a bias against peace officers or judges.

HB 2619 by Representative Helen Giddings creates a mental health grant program within the Office of the Governor to help pay for mental health services or critical incident stress debriefing for peace officers who may have suffered emotional harm in the course of their duties.

HB 873 by Representative Joe Pickett clarifies that an establishment serving the public cannot restrict a peace officer from carrying a firearm on its premises.

Though Governor Abbott could add items to the agenda, the special session that has been called beginning July 18 does not have any major law enforcement issues at this time. TCOLE will continue to be available to all officers and agencies as these, and any other new laws coming out of a special session, are implemented.

Legal Division

Legal Statistics

The following proceedings for revocation, suspension and other disciplinary actions took place at the June 2017 Commission Meeting. For a complete listing of these license actions, including names, departments, and case numbers see the meeting agenda found on our website under

[Who We Are/The Commission/Meeting Minutes](#) at www.tcole.texas.gov.

Type of Action	Number of Licenses
Default Suspension Orders	16
Default Revocation Orders	2
Default Cancellation Orders	5
Agreed Suspension Waivers	4
Agreed Suspension Orders	8
Statutory Revocations	17
Statutory Suspensions	10
Permanent Surrenders	39
Reprimands for Administrative Violations	3
Term Surrenders	2

Commissioners

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Presiding Officer

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Hollingsworth
Assistant Presiding Officer

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Chief Kim Lemaux



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