

THE BRIEFING

A Publication of the Texas Commission on Law Enforcement

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Honoring our Heroes

By Chief Kim Vickers



On June 15th, TCOLE had the honor of recognizing 23 officers from around the state and presenting them State of Texas Law Enforcement Achievement Awards in the areas of Professional Achievement, Public Service, and Valor. This annual ceremony is one of my absolute favorite events of the year, and I want to take just one more opportunity to congratulate all of the recipients and their families, and to thank the nominators for bringing their service to our attention. You can find a list of recipients and a summary of the events for which they were nominated on our [website](#).

We encourage anyone who would like to nominate a licensee for one of these awards to please do so. Nominations are accepted through December 31st each year. We know there are many licensees out there doing great things, and we want to honor them for it!

Upcoming Events

Quarterly Commission Meetings:

September 6, 2018

December 6, 2018

Training Coordinators Conference

October 15-18, 2018

July 2018

Commission Meeting Highlights

The latest Commission meeting was held at the J.J. Pickle Research Campus on Thursday, June 14, 2018. Here are a few highlights from the meeting:

Executive Director's Report: The Texas Association of School Resource Officers and the Trident Response Group have been approved as contract training providers. Bryan Police Department and Round Rock Police Department, who were contract training providers, are now academies. Staff changes were announced and new employees were introduced. Several staff members attended the IADLEST Conference in Boston, MA. Executive Director Vickers was voted in as first vice president, and Texas will be hosting the 2020 conference in Fort Worth. Executive Director Vickers attended the Governor's round table on school safety. A summary of Class A waivers was given from a request of Commissioner Hester in the March quarterly commission meeting. Since 2014 there were 19 requests submitted. Ten were presented to the commissioners; 10 were approved, and 10 are still working for the approved agency.

Credentialing and Field Services Director's Report: TCOLE will be receiving additional funding for the school marshal program from the governor's office. TCOLE is working on a grant to work in partnership with existing training providers to train additional school marshals before the school year begins. Retiree firearms qualifications policy follows federal statute allowing for 10 years of service.

Enforcement and Special Services Director's Report: A school marshal class is beginning on Sunday, June 17th. This is an 80 hour course that will be done in 7 days. There will be three classes before September 1st. The school marshal curriculum has been updated but will need

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, Continued

some adjustments. These three classes are being used for trainers to go through the class as a train the trainer. The focus is on these three classes and we are planning on having a train the trainer class after the first of the year. TCOLE has received 13 new ISD applications since the shootings in Santa Fe. We will get the paperwork processed with a 30 day turnaround. Noncompliance cases are now below 500. These are the ones that we are having difficulty locating the officers.

Government Relations Director's Report: The Texas Peace Officers' Memorial ceremony received good feedback. The committee is now planning the 2019 ceremony. The TCOLE Achievement Awards are tomorrow morning. The school safety Senate hearing was this week and the House hearing is on June 28th. For the next legislative session, the Legislative Appropriations Request will be submitted late July, and the Strategic Plan was submitted last month.

Law Enforcement Achievement Awards: The Commission approved 23 officers to receive State of Texas Law Enforcement Achievement Awards in the areas of Professional Achievement, Public Service, and Valor.

Rules: Four rules were proposed for publishing in the *Texas Register*. More details are available on page 10.

Credentialing Division

Reporting Training- How old is Too Old?

Although TCOLE wants a licensee's training record in our database to be a true and accurate report of their training history, we do have some limits on how long we will accept reports of training, after it is completed. Rules §215.9 and §218.5 clearly state that training must be submitted to TCOLE within 30 days of completion.

Even with that in mind, TCOLE is willing to take reports of training beyond the 30 days, but the agency must consider that this means they are violating a Rule, and are, therefore, subject to disciplinary action. TCOLE may choose not to take any action if the late reporting is an occasional occurrence, but a pattern of late reporting will definitely have some consequence. Any training up to one year old will be accepted if properly documented and submitted. Contract Training Providers should keep in mind that EVERY instance of training reported beyond 30 days will be submitted to our Academy Contract Evaluators for your next evaluation.

Beyond one year, however, there are very narrow circumstances where training will be accepted.

- The training is for Personnel Orientation (1999) or FTO (3720, 3721, 3722). These may be reported at any point, with NO penalty or disciplinary action.
- The training is for a legislatively mandated course- not to meet minimum hour requirements, but to meet a specific topic requirement, such as Cultural Diversity. These may be reported regardless of age, but will be considered late.
- Roster corrections- this is not considered a new report of training, therefore a roster correction/amendment does not have a time limitation and is not considered a Rule violation.

Agencies must remember that reports of training are governmental documents, so reporting training that did not occur, or persons who did not attend, is a felony, and will be aggressively pursued by TCOLE. All reported training must be backed up by the documentation that is required by Rules §215.9 and §218.1.

Individual licensees must remember that their training is their own responsibility. Once completed, it is up to them to make sure it is properly reported. Don't always rely on "the other guy" to get it done for you!

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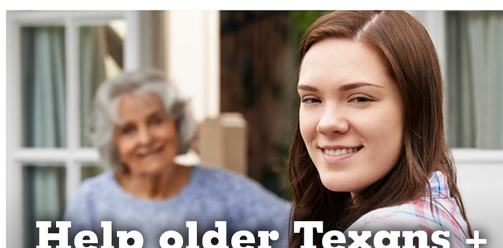
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Field Services Division

What is a Mandate?

The addition of numerous training requirements for licensees in the last several legislative sessions has led to a great deal of confusion as to what the actual training requirements are. Some of the confusion relates directly to what a mandate is, as it can mean different things in different circumstances. There are currently six different ways that the legislature can mandate training. Determining which mandate applies to each training course is crucial. The six different types of mandates are:

1. A Basic Licensing Mandate- this means that the course must be added to the applicable basic licensing course. The Commission normally adds the basic licensing mandate in the next update of the basic licensing course, but depending on the wording in the legislation, the course could become an immediate requirement in the existing basic licensing course.
2. A Post Licensing Mandate- this normally defines courses which must be completed within a certain timeframe after licensing. For example, Canine Encounters, which became a Post Licensing Mandate as of January 1, 2016, was mandated to be completed within two years of licensing for all persons initially licensed on or after January 1, 2016.
3. A Unit/Cycle Mandate- this requires a course to be taken each applicable Training Unit, or Training Cycle, according to level of Proficiency Certification. An example is the new De-escalation course. This course is required to be completed every Training Cycle, by peace officers, unless the peace officer has reached Intermediate Certification.
4. A Proficiency Certification Mandate- this mandate requires a course to be completed as part of the certification requirements for Basic, Intermediate, Advanced, or Master Certification. The mandate can apply to more than one level of certification, as does the new requirement for the 40-hour Crisis Intervention Training.
5. An Assignment-Specific Mandate- this requires a licensee who engages in a certain duty or activity to complete the required course. The mandate may specify that the course be completed prior to engaging in the activity, such as Body Worn Cameras, or within a certain timeframe after being assigned the duty, as with School Resource Officer Certification, which must be completed within 120 days of initial assignment.

Field Services Division, Continued

6. An Across-the-Board Mandate- this requires all persons with a particular license type (few or no exceptions) to complete a course, usually within a certain timeframe or by a specific date. For example, the newly-required Civilian Interaction Training Program course (not yet released) is required to complete by ALL peace officers by January 1, 2020.

A course being mandated in any one of the above categories does not necessarily mean it is mandated in all. A good example here is the new De-escalation course. This course was required as a Basic Licensing Mandate, a Training Cycle Mandate, and as a Proficiency Certification Mandate (Intermediate and Advanced Peace Officer). It is not, however, mandated for Post Licensing, Assignment, or Across the Board. The enacting legislation/statute must be examined closely to see exactly which mandate categories the course falls into and what license type the course applies to, before making the decision on whether the course is a mandate for each licensee.

Further information on how these mandate categories apply to the new CIT course may be found in the March, 2018 issue of the Briefing.

How Does the Reporting of Training really work for TCOLE Licensees?

All Texas TCOLE licensees and their appointing agencies really need to understand how the process of getting the required credit for courses works. After all, failing to understand could result in a licensee having their license suspended for not being credited for legislatively mandated training. So here are the basics that everyone should know:

TCOLE has been tasked by the Legislature with providing basic licensing courses, legislatively mandated courses, and courses required for proficiency certificates. As TCOLE has never been an agency large enough to provide this service to all active licensees, the agency has chosen to contract out that responsibility. Approximately 300 of the 2700 agencies across the State have a contract with TCOLE, allowing them to instruct the above courses. TCOLE calls them Training Providers. Agencies without a contract are referred to as Non-Training Providers. Here's the important part- what are the differences (and similarities) between a Training Provider and a Non-Training Provider? (continued on next page)

Field Services Division, Continued

Question	Training Provider	Non-Training Provider
1. Can a Basic Licensing Course (academy) be reported?	Yes, if they have an Academy Contract or prior approval from TCOLE.	No
2. Can a Legislatively Mandated course be reported?	Yes	No
3. Can Certification courses be reported?	Yes	No
4. Can courses not listed above be reported?	Yes	Yes
5. How can you tell which courses are reportable?	Use the "Specific Courses" number list on the TCOLE website to determine what can be reported.	Use the "General Courses" number list on the TCOLE website to determine what can be reported.
6. Can they report a legislatively mandated curriculum prior to its release by TCOLE?	No	No
7. How long do they have to report a course?	By Rule, within 30 days of course completion.	By Rule, within 30 days of course completion.
8. Who can they report training for?	Any person with a TCOLE PID number.	Only persons appointed at that agency.
9. Can they conduct/report distance education*?	Yes, they may conduct it if they have a contract that specifically allows it. They may also report distance education conducted for them by another entity.	No, they may not conduct distance education, but may report it if conducted for them by another entity.
10. Do they have to use TCOLE Certified Instructors?	Generally, no. Very few courses <u>require</u> an Instructor Certification.	Generally, no. Only a very few courses <u>require</u> an Instructor Certification.
11. Are they required to use TCLEDDS to report?	Yes	No, they may use the Department Reporting System (DRS), if they do not have TCLEDDS.
12. What are the documentation requirements for reported training?	The agency must abide by the requirements of 215.9(b)(3), which are extensive, unless they are reporting a course instructed by another entity, in which case they must abide by Rule 218.1(b).	The agency must abide by the requirements of Rule 218.1(b), which are much simpler.

Field Services Division, Continued

The lesson to learn here, as an individual licensee and as an agency, is to question in advance any type of training which you wish to have submitted for TCOLE credit. If the course must be reported by a Training Provider, but is not being instructed by one, find out why. If the course is not taught by a Training Provider, determine if your agency is willing and able to report the training for you. And lastly, don't even think about conducting any of the training restricted to a Training Provider, if you are not affiliated with a Provider and have received their advanced blessing to do your reporting. Doing so could result in a long line of angry cops/jailers/telecommunicators (and TCOLE) being on your case for having wasted their time.

Lastly, we want to remind unappointed licensees that they may not report training directly to TCOLE. Any training they take should be taken at a Training Provider to ensure that it is properly reported to TCOLE.

* Distance education: Study, at a distance, with an educational provider that conducts organized, formal learning opportunities for students. The instruction is offered wholly or primarily by distance study, through virtually any media. It may include the use of: videotapes, DVD, audio recordings, telephone and email communications, and Web-based delivery systems.

New TCOLE Staff

Shane Norie, Sergeant Investigator, Enforcement Division

Shane was raised in Sanger, Texas and is married to his wife of 15 years and they have one daughter. Shane has worked various positions in his 22 year law enforcement career including Criminal Investigations, Narcotics and Patrol. He finished his career with the Cooke County Sheriff's Office as an Operations Lieutenant. Shane is also a graduate of the Bill Blackwood Law Enforcement Management Institute of Texas.



Cailey Fritz, Customer Service Representative, Credentialing Division

Cailey joined TCOLE in May. She recently married her best friend Ryan and they have a fur baby named Shiner who is their world! Cailey has a customer service background, but most recently came from Immanuel Lutheran Day School as a teacher, teaching little minds from infant to school age. She loves to travel and work on the ranch caring for their abundance of animals!



Special Services Division

Court Security Officer Course: Now Online Option

Per the 85th Legislative session, a person who serves as a security officer for an appellate, district, statutory county, county, municipal, or justice court in the state of Texas is required to hold a court security certification before the first anniversary of the date the officer began providing security for the court. This mandated certification course designed by subject matter experts in conjunction with the Texas Commission on Law Enforcement (TCOLE) is titled "Court Security Officer Course" # 10999 and is required to be completed (by existing officers) by September 1, 2019.

Due to the amount of officers needing this course and the September 1, 2019 deadline, this course has now been given the go-ahead to be presented in an online format. This new format option will allow for departments to assist their officers in completing their court security officer mandate in a timelier and more cost effective manner.

The Court Security Officer Certification Course is a mandated course, so it can only be adapted in this online format by academies or contract training providers who possess their online addendums. If you are a provider in one of these categories you are now approved to conduct this training in the online format. If you are a security officer looking for course 10999 in the online format please refer to the TCOLE website for possible sources in the provider contact information section <http://www.tcole.texas.gov/content/training-providers> .

Legal Division

License Actions

The following proceedings for revocation, suspension and other disciplinary actions took place at the June 2018 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	15
Default Revocation Orders	3
Proposals for Decision	3
Agreed Suspension Orders	3
Statutory Revocations	3
Statutory Suspensions	6
Permanent Surrenders	19
Term Surrenders	1
Reprimands for Administrative Violations	375

Proposed Rule Amendments

Rules proposed for amendment during the June 2018 Commission Meeting are currently open for public comment. For a summary of the rule changes, please see <http://www.tcole.texas.gov/commission-meeting-minutes>.

Please send your feedback and comments to: public_comment@tcole.texas.gov.

- **Proposed Amendment 1**
§211.1 Definitions (amend)
Clarifies which chief administrators are required to attend chiefs training through LEMIT.
- **Proposed Amendment 2**
§218.3 Required Continuing Education for Licensees (repeal)
- **Proposed Amendment 3**
§218.3 Required Continuing Education for Licensees (new)
Consolidates all legislatively required continuing education requirements into one rule.
- **Proposed Amendment 4**
§223.17 Reinstatement of a license (amend)
Mirrors the reactivation process.

Government Relations Division

Rulemaking Process

From time to time, the Commission gets questions on the process to propose and implement new or amended administrative rules. Below is a summary of the steps in this process:

1. TCOLE staff and, as applicable, outside subject matter experts, draft rules for review by the TCOLE Commissioners;
2. Commissioners vote to publish the proposed rule changes in the Texas Register at a regular quarterly meeting;
3. A public comment period of a minimum of 30 days must be made available; the Commission accepts public comment for the approximately 90 days between quarterly meetings; and
4. Commissioners vote again to approve the rules for final adoption and implementation.
5. If substantive changes are made, the rules must begin again at step 2.

Issues in Law Enforcement

Peace Officer Crash Reports (CR-3)

By Lacey Cox, Texas Department of Transportation

Senate Bill 312 (85th Legislature), has mandated that all Peace Officer Crash Reports (CR-3) are to be submitted electronically by 09/01/2019. Texas Transportation Code §550.62(b) was amended to read as follows: “(b) *The report required by Subsection (a) must be filed electronically with the department not later than the 10th day after the date of the accident.*” TxDOT currently offers two approved electronic formats for submitting crash data that validate the crash, when submitted:

Crash Reporting and Analysis for Safer Highways (CRASH): The CRASH application was created to allow Law Enforcement Officers to submit the Texas Peace Officer’s Crash Report (form CR-3) electronically to the State of Texas. Please visit our website for more details, <https://www.txdotcrash.com>.

Submission Services: Developed for agencies with an existing application and requires a web services client and adherence to the 800+ business rules and edits. Please contact esubmission@txdot.gov for more information.

Senate Bill 312 has also mandated that all Driver’s Crash Reports (Form CR-2) are no longer retained by the Texas Department of Transportation, Effective Sept. 1, 2017. The drivers involved in a crash not investigated by a police officer should retain this form for their records.

2018 State of Texas Law Enforcement Achievement Awards



2018 State of Texas Law Enforcement Achievement Awards, cont'd



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