

Texas Commission on Law Enforcement



Chief Administrator's Desk Reference

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<http://www.tcole.texas.gov/>

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INTRODUCTION

To effectively perform the duties of law enforcement agency chief administrator, a person must be well-versed in Chapter 1701 of the Texas Occupations Code and Chapters 211 to 229 of Title 37 in the Texas Administrative Code. New agency heads must make time to carefully read and fully understand the information on the above-referenced codes to fully understand and comply with them.

This publication is by no means an all-inclusive step-by-step instruction manual, or a substitute for the publications cited in the previous paragraph. It's more of a quick-reference guide intended to help newly appointed agency heads navigate through the initial stages of their administration. It contains answers to some of the most commonly asked questions, error-prevention strategies and lots of other vital information a first-time administrator must have to comply with TCOLE rules.

Agency heads are responsible for (among other things) ensuring that all personnel under their command complete the mandatory training prior to the end of each training unit and cycle. However, training is only one part of the equation. Chief administrators must also see to it that every licensed peace officer, jailer or telecommunicator appointed at their agency complies with all applicable Texas Occupation Code statutes and Texas Administrative Code regulations.

This publication also includes the legislatively mandated training requirements for new and currently serving Chiefs of Police, Constables, Sheriffs, and other law enforcement agency administrators.

If you have questions or need assistance, we encourage you to email or write to us instead of contacting us by telephone, so we can ensure we fully understand your question and can provide you with the correct answer.

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The Texas Commission on Law Enforcement (TCOLE) is a state law enforcement agency originally created on August 30th of 1965 by Senate Bill 256 of the 59th Legislature.

Mission of TCOLE (paraphrased)

To develop, implement and enforce minimum screening, educational and proficiency standards that will ensure Texas residents are served by properly trained and ethical law enforcement, corrections, and telecommunications personnel.

Authority of TCOLE

TCOLE's statutory authority is codified in Occupations Code, Title 10 - Occupations Related to Law Enforcement and Security, Chapter 1701 - Law Enforcement Officers. Through the authority of Section 1701.151(2), TCOLE is empowered to establish minimum standards relating to competence and reliability, including education, training, physical, mental, and moral standards, for licensing as an officer, county jailer, or public security office or employment as a telecommunicator.

Governance

TCOLE is governed by a 9-member board of Commissioners, each appointed to a six-year term by the Governor of the State of Texas. The Commissioners are comprised of three (3) chief law enforcement administrators, three (3) peace officers, and three (3) public members. Commissioners usually meet quarterly but may meet more often if necessary. To access the list of Commission members and meeting schedule log on to:

<http://www.tcole.texas.gov/content/tcole-commission-and-its-members>

Overview of TCOLE

TCOLE personnel are responsible for overseeing and administering specific statutory mandates including, but not limited to setting the minimum training and licensing requirements for peace officers, county jailers and emergency communication operators; establishment of minimum requirements for proficiency certifications; facilitation of technical assistance; instruction and evaluation of training providers; auditing of credentialing records; prevention and deterrence of statutory and administrative rule violations through proactive training and disciplinary measures; and the administration of the state's law enforcement achievement awards and Texas flag for deceased peace officers program.

TCOLE's organizational structure is composed of nine main divisions led by commissioned as well as non-commissioned personnel. Credentialing Services staff handle the issuance and termination of appointments, review and approval of training rosters, proficiency certificate issuance, creation, maintenance and correction of licensee records, and most important of all, electronic and in-person communication with appointing agency staffers and licensees in need of assistance.

Education Services Division staff are responsible for the development and implementation of new curricula, the regulation of state licensing examination centers, the development and management of "MyTCOLE Online" courses, and facilitation of technical support for contractual training providers statewide.

Field Service agents audit credentialing and training files, issue warning letters, conduct the on-site inspection of agencies applying for a TCOLE number, put on instructional presentations throughout the year and at the annual Training Conference, hand-deliver memorial state flags for line-of-duty deaths and provide highly technical one-on-one consultation and year-round training to chief administrators, LEA directors, training coordinators and their staff.

The Special Services Division staff reviews and approves applications for new agency licenses and manages all law enforcement academy and training provider contracts. They also oversee the annual Racial Profiling reporting program and deactivation of agency numbers.

Enforcement Division officers investigate complaints of non-compliance with Texas Occupations Code statutes or Texas Administrative Code rules. They also initiate and/or assist in criminal investigations within their agency's purview. Additionally, they initiate and track all administrative disciplinary actions – including field-issued courtesy and warning letters, written reprimands, license suspensions, recalls, and revocations.

The Information Technology section provides technical support and cyber security to internal as well as external users. They issue, maintain and inventor all state-issued equipment within the agency. They are responsible for agency website design, maintenance, and security.

The Office of General Counsel division staff handle all disciplinary actions, appeal petitions, and State Office of Administrative Hearings (S.O.A.H.) appointments.

The Government Relations Director and her staff are the first point of contact for Legislators and their aides. They also help administer the Peace Officer Achievement Awards, memorial Texas flag program, and Open Records information requests.

The Fiscal Services team members help ensure that all of the agency's budget allocations and disbursements are accounted for; workman's compensation claims are properly filed and processed, and on-duty time and paid leave accruals are properly recorded and filed.

TCOLE's Public Service Obligation

Citizens have the right to know how their government performs its responsibilities. At TCOLE, we are committed to help facilitate requests for information as they are received. Under normal working conditions, we strive to return all voicemail messages within 24 hours during the regular business week. It must be pointed out that voicemail and e-mail messages sent to staff members who travel frequently may not be read for several days.

Open records requests should be submitted in writing. Unless the information requested is protected from disclosure by law, (for example, F-5's); requests for information are processed by our public information office staff as soon as possible on a "first come - first served" basis. Please keep in mind that the vast majority of the information requested online or by phone is readily available on the TCOLE website. Therefore, prompt familiarization, research, and use of the TCOLE website can be extremely beneficial to all chief administrators regardless of tenure.

TCOLE Complaint Process

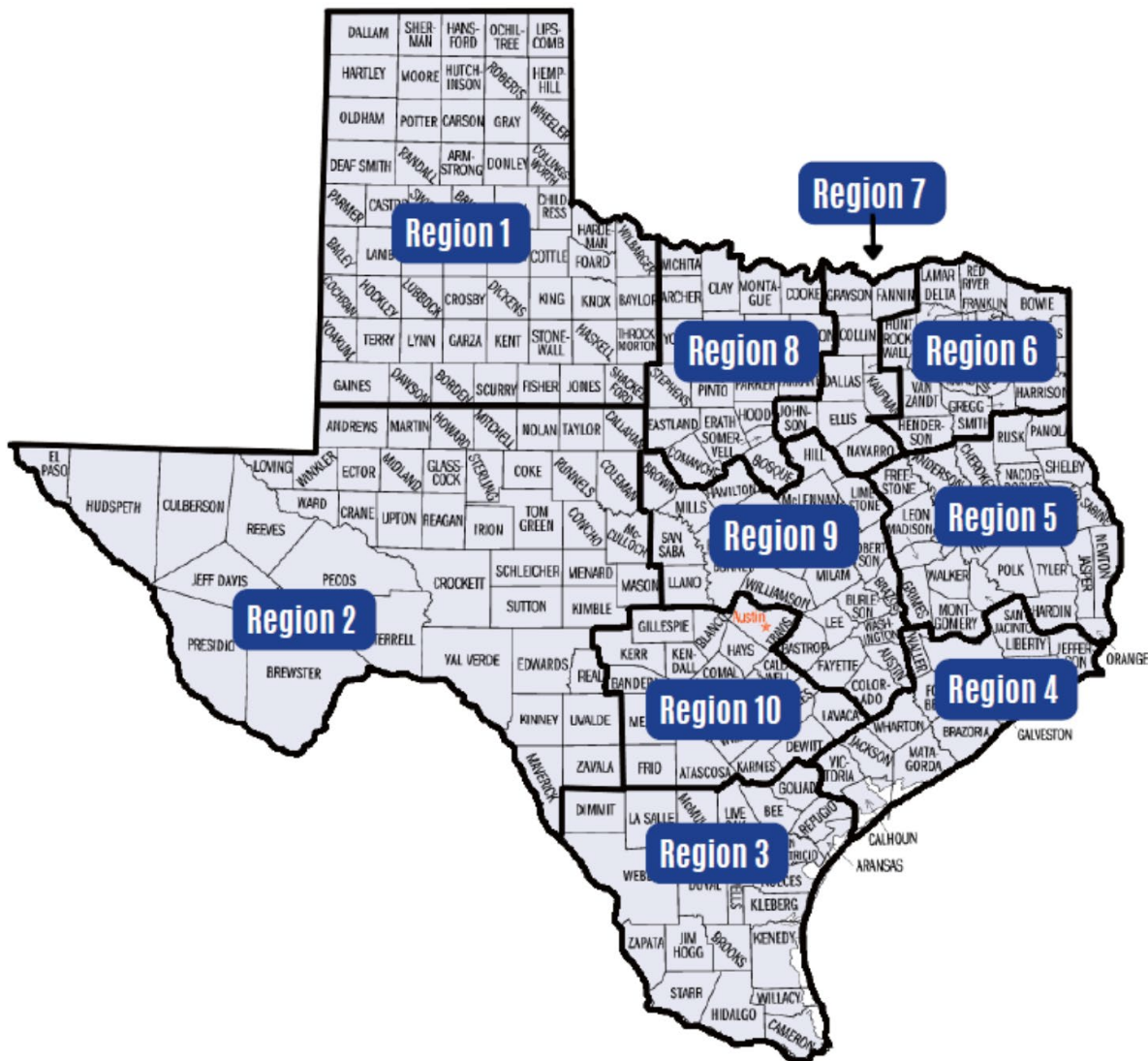
Any complaint filed against any member or employee of TCOLE must be investigated and processed in a prompt and effective manner. Depending on the type, severity, and factual veracity of the allegation(s), sustained complaints can result in serious disciplinary action up to and including termination of employment.

By the same token, and to the extent authorized by rule and statute, TCOLE personnel are obligated to investigate all allegations of Texas Occupations Code and/or Administrative Rule violations committed by any licensee or stakeholder. All complaints must be investigated in accordance with currently established statutory and procedural guidelines.

Generally, any formal complaint (including non-jurisdictional ones) is acknowledged in writing. When applicable and practical, notification of case disposition is also sent to the complainant.

Field Service Agents

In 2006, TCOLE brought back the Field Service Agent program with only 4 FSA's. The program has since grown to 10 agents, each assigned to a geographical region, who are primarily responsible for overseeing and auditing the hundred thousand plus credentialing and training records around the state. The program is in higher demand than ever – particularly among chief administrators and Training Coordinators. For additional information, click on the following link: <http://www.tcole.texas.gov/content/regional-support-field-service-agents>



Required Training for Initial Licensing

Sections 1701.251 and 1701.253 of the Texas Occupations Code (TOC) require that TCOLE draft, implement, update, and regulate preparatory and continuing education courses for every type of law enforcement license it regulates. The Commission administers said training mandates through authorized law enforcement academies (LEA's) and approved contractual training providers. Mandated courses are listed at: <https://www.tcole.texas.gov/content/training-requirements>

Section 1701.255 of the TOC requires that TCOLE establish minimum qualifications for enrollment in any basic licensing course. This section specifically prohibits the enrollment of an individual who does not meet the minimum requirements stipulated under Rule 217.1.

Section 1701.304 of the TOC requires successful completion of a licensing exam for any license issued by TCOLE. The eligibility requirements to take a licensing exam are in Section 219.1 of the Administrative Rules book.

Basic Certification & Training Requirements

Peace Officer

Peace officer applicants must qualify for and successfully complete the current Basic Peace Officer Certification course (#1000736) to receive an endorsement to sit for the state licensing exam. Upon successful completion of the exam, a license is issued and the recipient becomes eligible for appointment as a Texas Peace Officer.

For out of State, Federal, and Military Police officers

After the initial application is reviewed and approved by TCOLE staff, currently licensed out-of-state applicants, selected federal officers (*see CCP 2.122*), and military police officers may be endorsed to enroll in the *Supplemental Peace Officer Course* (#1018). Upon successful completion of that course, and all legislatively mandated continuing education courses, applicants earn the endorsement to take the licensing exam.

County Jailer

County jailers must complete the current Basic County Corrections courses (#1120) and successfully complete the licensing examination to receive their license.

Appointment as a temporary jailer is allowed for up to one (1) year provided the individual meets all the other minimum requirements. Temporary jailers must enroll in the Basic Corrections Officer Certification Course (BCOCC) within 90 days from appointment date and must successfully complete the Basic Corrections Officer (BCO) course and pass the licensing examination within twelve (12) months from the initial appointment date.

Telecommunicator

House Bill (HB) 1951 of the 83rd legislative session upgraded the emergency communications operator's certification to a license effective 01/01/14. Therefore, the prerequisites for appointment of a telecommunicator are basically the same as the other TCOLE licenses – except for the demonstration of firearms proficiency.

In addition to the current 80 hours of basic telecommunications training (#1080); a minimum of 20 hours of continuing education training every training unit (2 years) and CPR for telecommunicators are now part of the legislatively mandated training for telecommunicators.

Sections 1701.405(g) and (h) of the TOC allow temporary appointment of a telecommunicator for a period not to exceed one (1) year. If the appointee does not satisfactorily complete the basic preparatory course (#1080) the appointment must be terminated using form F-5. Once that temporary appointment has expired, it may not be renewed for a minimum period of 1 year. Successful completion of all licensing courses, however, authorizes the permanent appointment of the individual at any time – provided of course, that all other prerequisites have been met.

Disqualification for Licensure – Criminal Conviction

Section 1701.312 specifically disqualifies a person from being licensed as an officer, county jailer or telecommunicator if the person has been convicted of a felony offense. A felony conviction exists if the person has been adjudged guilty of a felony offense under the laws of

Texas, another state, or the United States Code. Furthermore, Chapter 217.1 disqualifies a person who has been convicted of a Class B Misdemeanor offense for a period of 10 years and a person convicted of a Class A misdemeanor for life. A waiver option is available, but only after 5 years have passed from the date of conviction (*see Rule 211.30 for details*).

Once approved, the waiver cannot be transferred from one agency to the next. Each agency head must apply for a new waiver and appear in person before the Commission to answer questions.

A person adjudged guilty but placed on probation is for all licensing purposes considered to be convicted. Key phrases like “adjudged guilty” or “found guilty” are a clear indication of a permanent conviction. This adjudication type is considered a conviction regardless of whether: (1) the sentence is subsequently probated, and the person is discharged from community supervision (aka “*deferred adjudication*”); (2) the accusation, complaint, information, or indictment against the person is dismissed and the person is released from all penalties and disabilities resulting from the offense; or (3) the person is pardoned for the offense, unless the pardon is granted expressly for subsequent proof of innocence.

Under current Federal Statutes (*U.S. Code, Title 18, Crimes and Criminal Procedure, Part 1, Crimes, Chapter 44, Firearms, Sections 921(a)(33)(A)&(B), and 922(d)(g)&(h)*) a person convicted of any crime involving domestic violence or subject to any type of restraining order issued by a court of competent jurisdiction is prohibited from owning or possessing firearms or ammunition – which automatically disqualifies the individual from being licensed as a peace officer. Conversely, administrative rules prohibit the issuance of any TCOLE license to a person convicted of an offense involving family violence.

Extra caution must be used when reviewing an applicant’s criminal history. Section 1701.553 of the Occupations Code makes it a state jail felony to appoint or retain a convicted felon (*see also sections 1701.312 and 1701.313*). It is also a criminal offense to knowingly make a false statement on any TCOLE license application. Keep in mind that computerized criminal histories (CCH’s) are often inconclusive, incomplete, or incorrect. When in doubt, always procure certified copies of court records and up-to-date fingerprint verification. All these records are auditable items which must be kept readily accessible for inspection by TCOLE reps throughout the individual’s employment and for a minimum of five (5) years after date of termination.

Appointment of Chief Administrators, Peace Officers, County Jailers, and Telecommunicators

Licensing Standards

Section 1701.153 of the TOC requires that TCOLE set prerequisites and processing guidelines for appointment and termination of peace officers, county jailers and telecommunicators. It also emphasizes a chief administrator’s obligation to comply with all TCOLE reporting requirements.

Section 1701.301 prohibits the appointment or employment of an unlicensed person as a peace officer, county jailer, school marshal, public security officer or telecommunicator. This type of violation is punishable by a fine of up to \$1,000.00 dollars (*See section 1701.551*).

Section 1701.303 requires law enforcement agency administrators to notify TCOLE of all new appointments and to ensure that all required documentation has been obtained and filed.

Medical Examination required (L-2 & L-3 forms)

Section 1701.306 prohibits issuance of a TCOLE license unless the applicant has undergone a psychological and emotional health examination, been screened for any trace of drug dependency or illegal drug use and undergone a standardized physical examination. These examinations must be conducted by a Texas-licensed physician or psychologist selected by the appointing agency (*not the applicant*) within 180 days PRIOR to the date of appointment. The first appointing agency is allowed to use the examination forms from the LE Academy provided the appointment takes place within 180 days from date of graduation. Medical and drug exams

must be documented on the L-2 form, and the psychological and emotional health evaluation must be documented on the L-3 form. These two forms are not subject to HIPAA restrictions because they are not a medical record. NOTE: Both documents belong to TCOLE, but they are temporarily entrusted to the care and custody of the LE Academy or appointing agency staff.

TOC Section 1701.153 holds the chief administrator of the agency responsible for full compliance with all reporting and bookkeeping requirements contained in the Texas Administrative Code.

Constitutionally Elected Officials

Certain law enforcement officers elected under the Texas Constitution are exempt from some of the aforementioned licensing requirements. For example, constables who took office before September 1, 1985, and have continued holding the same office without a break in service, are not required to comply with Chapter 1701 of the Occupations Code. They are exempt from licensure and annual firearms proficiency demonstration.

Constables who took office between September 1, 1985, and August 30, 1999, were granted 2 whole years from the date they took office to obtain a peace officer license; but they are not exempted from all the other TOC requirements.

In 1999, the 76th Legislature amended Section 86.0021, Local Government Code to provide that Constables who take office on or after August 30, 1999, have a maximum of **270 days** to obtain a license and submit it to their commissioner's court. Sheriffs, on the other hand, still have up to two years from the date of taking office to obtain their peace officer license.

Elected officials (sheriffs, constables, and elected chiefs of police) are allowed to sign their own L-1 form. All other peace officers must have their L-1 signed by the agency's chief administrator or his designee. The L-1 of an appointed chief of police must be signed by that chief's appointing authority (city managers, airport managers, ISD superintendents etc.)

Municipal Chiefs of Police

Section 96.641 of the Texas Education Code (TEC) requires the chief of a municipal police department to be licensed not later than one year after the appointment date. Unlike their constitutionally elected counterparts, municipal chief administrators (mayors, city managers, public safety directors, etc.) have no law enforcement authority prior to licensure.

Required TCOLE Licensing Paperwork

TOC 1701.1523 mandates electronic submission of all forms, data, and documents. Currently, the Law Enforcement Data Distribution System (TCLEDDS) is used to meet that requirement.

In order for an individual to be legally appointed as a peace officer, jailer or telecommunicator, the chief administrator or designee must submit a license application (L-1) form within 7 days. All required documentation must be properly secured at the appointing agency and be readily accessible for inspection by TCOLE personnel for a minimum of five (5) years after the appointment ends. False affirmations on any licensing or appointment documentation are subject to criminal prosecution as well as administrative sanctions against all parties involved.

Contract Jailers

In 1997, the 75th Legislature amended Section 511.0092(f)(2) of the Texas Government Code to require that individuals employed and compensated by a private, for-profit corporation but serving as county jailers be licensed by TCOLE. This type of appointment is subject to all the training and credentialing requirements as regular County Jailers employed by a Sheriff's Office.

County Sheriffs are responsible for the proper screening, credentialing, and training of jailers working in any public or privately owned and/or managed detention facility located within their county which, at any time during the calendar year, may hold county prisoners for any period of

time. Contract jailer applicants are also eligible for the one-time temporary appointment (which is valid for up to 12 months), provided all other prerequisites are in place. Enrollment in the Basic Corrections Officer course within 90 days is mandatory.

Credentialing documents required for each initial appointment:

- 1) Printed copy of “Appointment of Licensee” (L-1): Once the form has been electronically submitted, reviewed, and approved via TCLEDDS, a hard copy of the approved form must be printed (*front and back*), signed, notarized, and filed away in the officer’s TCOLE file folder. Note: This form must be submitted AFTER all required documentation listed below (*L-2, L-3, CCH, fingerprint return, etc.*) is in place.
- 2) Original copy of the “*Licensee Medical Condition*” form (L-2) properly completed by a physician licensed in Texas attesting to the applicant’s lack of drug dependency or illegal drug use and overall health condition. The physician must be selected by the appointing agency – not the applicant. An updated copy of the job description must be provided to the doctor prior to the exam.
- 3) Original copy of the “*Licensee Psychological Health*” form (L-3) properly completed by a Texas-licensed psychologist or psychiatrist, attesting to the emotional and psychological health of the applicant. The psychologist or psychiatrist must be selected by the appointing agency - not the applicant. An updated copy of the job description must be provided to the doctor prior to the exam.
- 4) A copy of the applicant’s complete (TCIC/NCIC) Criminal History Check (CCH):
- 5) Original copy of fingerprint records check return from TDPS and FBI or a copy of the complete electronic return from the official records of a F.A.S.T. branch office.

Simply submitting the applicant’s fingerprints to TDPS does not fulfill the requirement. Criminal history check documentation should include certified copies of court records pertaining to any past criminal offenses on the applicant’s criminal record.

- 6) A legibly completed Personal History Statement (PHS) – available on TCOLE website.
- 7) A properly filled out and signed **F-5R** and Background Confirmation form (BCF).

The BCF is your agency’s affirmation that a pre-appointment background investigation was properly conducted as mandated by Senate Bill 24 of the 87th Texas Legislative Session. For more information, visit: <https://www.tcole.texas.gov/content/background-confirmation-and-tcole-secure-share-0>

- 8) Documented proof that applicant meets or exceeds **minimum education** requirements.
- 9) Legible copy of ALL military discharge records (**DD-214** or equivalent) if applicable.
- 10) Documented proof of **United States citizenship**; *Acceptable proof of US citizenship include certified copy of a birth certificate, valid US passport, a certificate of US citizenship, US passport card, or US (INS) naturalization papers.*
- 11) For peace officers only; proof of **weapons proficiency** within the previous 12 months.

REMINDER: Section 1701.551 of the Texas Occupations Code makes it a criminal offense to appoint or retain someone who is not currently licensed as a peace officer, jailer or telecommunicator.

Appointment of individuals already licensed by TCOLE:

The Texas Occupations Code 1701.451 mandates that appointing agencies conduct an in-depth pre-employment background investigation in accordance with TCOLE guidelines, on any person who has already served in a TCOLE licensed capacity. This legislatively mandated requirement applies to all appointments – including temporary county jailers and telecommunicators. The Background Confirmation Form (BCF) is an essential component of this vetting process. By law, chief administrators must ensure that properly documented proof of full compliance with all pre-employment background investigation requirements is maintained at the appointing agency in format readily accessible for inspection at all times. At minimum, the appointee's file must contain proof of a properly conducted criminal background check (CCH); a signed and dated consent form to view the applicant's previous employment records (RPI); properly filled out and signed written record of contacts made with each of the applicant's previous employers (F-5R); properly filled out and signed background confirmation form (BCF); legible copy of the applicant's TCOLE training and service record (PSR); and a legibly completed personal history statement (PHS) – free template available on TCOLE website

Section 1701.451 a-1 of the TOC compels previous employers to make work history available to the requesting agency representative(s) either in person or through the Texas Secure Share system if a properly filled out release of personal information form is provided. The same section requires appointing agencies to obtain and review personnel files and other employee records from each previous law enforcement agency employer. Submission of a properly executed BCF form is the chief administrator's affirmation that this has been done.

To assist in the appointment process, the Commission had developed a **Law Enforcement Agency Checklist**, available on the TCOLE website under "Forms & Applications", to ensure that the proper documentation is available for each licensee. This checklist is highly recommended and can be accessed by clicking on the link below:

<https://www.tcole.texas.gov/document/law-enforcement-agency-audit-checklist.pdf>

Please remember that proof of submission of applicant's fingerprints to TDPS without a return is not sufficient. Complete criminal history check documentation must include certified copies of court records clearing the applicant to any criminal offenses on his or her record.

Appointment of New Chief Administrators (already licensed):

Credentialing File – required documents:

Appointing agency must procure and retain all the documents listed in the aforementioned Law Enforcement Agency Self-Audit Checklist. All required documentation must be on file PRIOR to submission of the appointment application (L-1) and should be kept for a minimum of five (5) years after the appointment ends.

The applicable title box should be checked under section 3 of the L-1 form ("*Appointment Information*") block #18. Appointing agency must also email us written notification (on department letterhead) of the new chief administrator's name, contact information, and effective date of the appointment.

Reporting Separation or Termination of Appointment (F-5 form)

Section 1701.452 of the TOC requires chief administrators to use the **F-5** form to report all appointment terminations. **New** The 88th Legislature eliminated the 3 designations on the form, but old forms still have an "Honorable", "General" or "Dishonorable" designation on them.

An F-5 must be electronically submitted via TCLEDDS within 7 business days from the date of termination – unless time limits for in-agency appeals have not yet expired.

The chief administrator or designee must provide a completed (signed) copy of the report to the licensee in person or by certified mail. A copy of the form and the signed certified mail receipt must be retained for a minimum period of five (5) years after termination of employment.

Section 1701.454 of the TOC designates the F-5 form as confidential and *not* subject to Open Records law unless the person resigned or was terminated due to substantiated incidents of excessive force or serious violations of the law other than traffic offenses.

Continuing Education

Chiefs of Police

Section 96.641 of the **Texas Education Code** requires that after 9/1/97, all chiefs of police complete initial (*New Chiefs*) and continuing education (*Leadership Series*) training.

A newly elected or appointed police chief must complete the 2 mandatory New Chiefs courses no later than the second anniversary of appointment or election as chief of police. This initial one-time training program must be obtained through the Bill Blackwood Law Enforcement Management Institute (LEMIT).

In 2006, section 96.641 of the Texas Education Code was amended to add a minimum of 40 hours of recurring management training for all chiefs of police. The training topics must relate to law enforcement management issues provided by LEMIT at Sam Houston State University in Huntsville, Texas. Once the initial 2-part New Chiefs training has been completed, the aforementioned 40-hr. continuing education course must be completed for every 24-month training unit thereafter. Successful completion of the recurring continuing education training at LEMIT automatically exempts chiefs from the requirement of continuing education for peace officers under TOC Subchapter H of Chapter 1701, for that training unit. It must be pointed out that even though this Texas Education Code section exempts police chiefs from the general Continuing Education requirements under Chapter 1701, it does not automatically exempt them from legislatively mandated training listed outside of Subchapter H.

Section 96.641(1) (i) of the Texas Education Code specifically states that failure to complete the required training on time makes a person ineligible to continue to serve as chief.

Constables

In 2005, the Legislature added Section 1701.3545 of the TOC to require Initial training requirements for new constables. This one-time training requirement was enacted on 6/18/05 and less than six months later, on 01/01/06 LEMIT had a training program ready to go. By statute, all newly elected or appointed constables must complete the one-time, 40-hour training course (#3742) before the second anniversary of their appointment or election.

The next year, that same section was amended to require an additional block of Continuing Education training specifically designed for constables every 48 months at LEMIT. This recurring training is often referred to as the "Constable School" (#3743) and must be completed prior to the end of every 4-year training cycle.

In 2019, the Legislature added an additional mandate which required Constables to complete a 20-hr Civil Process course (#1415) through the Texas Justice Court Training Center (JCTC) at Texas State University. Other than the mandated New Constable training, Continuing Education, and the Civil Process course, constables are exempt from other training requirements under TOC chapter 1701, Subchapter H. They are not, however, exempt from legislatively mandated training listed outside of Subchapter H.

By law, TCOLE must forward to the Attorney General's Office a list of all constables who failed to comply with the training requirements. A constable who does not comply with 1701.3545 forfeits the office and the Texas Attorney General (or the District Attorney of the corresponding

county) may initiate quo warranto proceedings under Chapter 66 of the Civil Practice and Remedies Code to remove the constable from office.

Peace Officer

In order to keep an active license, each peace officer must complete certain training courses. Effective 9/1/01, peace officers are required to complete 40 hours of continuing education courses every training unit (24 months) to include the **State and Federal Law Update**. Additionally, certain mandated courses must be completed every training cycle (48 months).

The 24-month **continuing education training unit** begins on the first day of September of odd-numbered years and ends the last day of August of the next odd-numbered year. For example: *September 1, 2021, to August 31, 2023*. A **training cycle** is composed of two of these 24-month training units – i.e., *September 1, 2021, to August 31, 2025*. Notices of impending non-compliance are sent to chief administrators and licensees months prior to the end of each training unit and cycle in an effort to allow ample time for the training to be completed.

In addition to the already mentioned State and Federal Law Update mandate which must be completed every 2 years, Section 1701.352 TOC requires each licensed peace officer without a proficiency certificate or just a Basic Peace Officer Proficiency certificate to complete training in: *Cultural Diversity (#3939)*, *Crisis Intervention Training (#3843)*, *Special Investigative Topics (#3232)* and *De-Escalation (#1849)*; every 48-month training cycle.

Section 1701.258 TOC requires that an officer first licensed on or after 1/1/11 must complete a one-time basic training program on the *Human Trafficking (#3270)* within 2 years of licensure.

Section 1701.253 TOC requires that officers first licensed on or after 01/01/2016 must complete the *Canine Encounters (#4065)* training within 2 years of licensure, unless included in the BPOC.

Section 1701.253 TOC requires that officers first licensed on or after 03/01/2016 must complete the *Interacting with Deaf and Hard of Hearing Drivers (#7887)* training within 2 years of licensure, unless included in the BPOC.

Section 1701.253 TOC requires that officers first licensed on or after 04/01/2018 must complete the 40-hr *Crisis Intervention Training (#1850)* within 2 years of licensure, unless included in the BPOC.

Section 1701.253 TOC requires that officers first licensed before 01/01/2018 must complete the *Civilian Interaction Training Program (#30418)* by 01/01/2020. Those licensed on or after 01/01/2018, must complete the training within 2 years of licensure.

Section 1701.352 dictates that a person appointed to their first supervisory position in law enforcement must complete a *New Supervisor training program (#3737)* as part of their 40-hour continuing education program within one (1) year prior to or after appointment to the supervisory position.

New SB-1852 enacted by the 88th Legislature in 2023, requires that all Texas peace officers and chief administrators (*including constitutionally elected Sheriffs and Constables*) to complete **ALERRT – Level One** (*course #3311*) at least once before 8/31/27. They all must also complete a minimum of 16 training hours of combined ALERRT courses every training unit.

Deputy Constables

Section 1701.354 requires each deputy constable to complete a 20-hour course of instruction in *Civil Process (#3101, #3131)* each 48-month cycle as a part of their continuing education program. The 79th Legislature allowed deputy constables whose assignments don't involve civil process to be granted training waivers. Constables can apply for such a waiver by submitting a training

roster via TCLEDDDS with course number #3102, “Civil Process Exemption by Constable.” The Commission may then waive the requirement for the civil process training.

The mandatory civil process training applies to ALL deputy constables – whether appointed as “full time” officers or not.

Persons licensed as Jailers, Reserve Officers, & Public Security Officers

Individuals *licensed* (not appointed) as reserve officers, jailers or public security officers must complete training which includes Civil Rights, Racial Sensitivity, and Cultural Diversity every training cycle (4 yrs.). **Cultural Diversity**, (course #3939) meets this requirement. If the licensee holds a proficiency certification level exempt from the #3939 mandate, then the exemption will apply to ALL the valid licenses held by that licensee.

Telecommunicators

Individuals licensed as Telecommunicators must complete 20 hours of continuing education each 24-month training unit. They must also complete the TCOLE approved CPR course for Telecommunicators.

Assignment-specific Training

Peace officers assigned specialized tasks must complete certain legislatively mandated courses prior to performing their duties. For example: School Based Law Enforcement training for school resource officers (SRO’s), BWC training for individuals using body-worn video camera equipment, Courtroom Security training for individuals with court security assignments, Eyewitness Identification training for officers preparing and conducting line-ups, Epinephrine Auto-Injector training, and College/University Peace Officer training. For a complete and up to date list of legislatively mandated training requirements, click on the following link:

<https://www.tcole.texas.gov/content/training-requirements>

Consequences of failing to meet all Continuing Education requirements:

Individuals appointed at an agency, who fail to meet all continuing education requirements during the 24-month training units, the 48-month training cycle, or within time limits stated above for specific mandated courses, are subject to suspension. Once suspended, licensees are ineligible for appointment or retention.

The license of an individual not currently appointed to an agency who fails to meet all applicable continuing education requirements during a training unit or cycle becomes inactive. An inactive license is not a valid or appointable license. It is, therefore, imperative that chief administrators verify the validity of a person’s license before appointing him or her to any position which requires a TCOLE license.

Proficiency Certification Requirements

Since 9/1/11, proficiency certifications have been listed on the Personal Status Report (PSR). This information is available online free of charge through the licensee’s MyTCOLE online account. An original or duplicate paper copy of any proficiency certificate requires submission of an application and a small processing fee.

Proficiency certifications are voluntary and not mandated by rule or statute. However, certain continuing education requirements are based on the licensee’s certification level. For example, as stated before, licensees who have not yet achieved an Intermediate level of proficiency are required to complete *Cultural Diversity*, *Special Investigating Topics*, *Crisis Intervention Techniques*, and *De-escalation* every 48-month training cycle. Eligibility for proficiency certifications is generally based on a combination of course prerequisites, total training hours and service time.

To access the updated list of proficiency certification requirements, fees, and application forms, click on the following link: <http://www.tcole.texas.gov/content/proficiency-certificates>

Framing-type certificates for Proficiency levels already achieved may be purchased online by logging on to the individual licensee's "MYTCOLE" account.

In order for a licensee to add college education credits to his or her training record, the chief administrator of the agency where he or she is currently appointed must submit a college education credit request (F-7) form. The chief administrator must verify the authenticity of the transcript and the accreditation of the college prior to submitting the F-7. Academic credits obtained from unaccredited institutions (see Rule 211.1(3)) cannot be accepted.

If qualified, credit will be awarded at the rate of 20 training hours per semester hour – i.e., 35 college hours will convert into 700 training hours (35 x 20 = 700). College hours granted for completion of a Basic Peace Officer Certification course (BPOC) will not be applied until the degree is awarded by the College or University. Beginning 09/01/19, prior military service may also be credited toward proficiency certification using form F-8.

Professional Achievement Awards

Each year, TCOLE accepts nominations for the annual Law Enforcement Achievement Awards. Award categories are valor, public service, and professional achievement. Nominations must be submitted by either an elected official of the state or political subdivision, the chief administrator of any law enforcement agency, or any person holding a currently valid TCOLE license.

Created in 1989, the awards are presented to selected peace officers, reserve peace officers, county jailers and telecommunicators licensed by the Commission. To be eligible for an award, nominees must exceed normal expectations of job performance through acts of valor, public service, or professional achievement.

Nominations must be received by the Professional Awards Review Committee no later than December 31st. Members of the PARC rate each nominee using a preset numerical scale. Ratings are then compiled and tallied to determine recipients for each award category. Awards consist of a proclamation, a medal, and a ribbon suitable for uniform wear. They are presented in the name of Texas at the State Capitol during May of each year. You are encouraged to nominate qualified licensees by logging on to:

<http://www.tcole.texas.gov/content/state-texas-achievement-awards>

Training Provider Requirements

Section 1701.153 states that TCOLE shall set reporting standards and procedures for the activities of licensed training schools. It also provides that the chief administrative officer of a licensed training school is responsible for compliance with the reporting standards and procedures prescribed by TCOLE.

Agency chief administrators may NOT report training for licensees appointed to another agency unless they have a valid Training Provider contract. Chief administrators without a contract are allowed to report training for their own appointees in accordance with Rule 218.1(b), but cannot report any Basic Licensing Course, Legislatively Mandated Training, or Certification Course.

Section 1701.254 stipulates the terms and conditions under which contractual training providers should be evaluated. These periodic assessments are required to ensure full compliance with TOC statutes and Commission rules. TCOLE is also responsible for the development and implementation of risk assessment review methods to monitor the progress of contractual training providers that are placed on probation due to noncompliance. Risk assessment programs must include first-attempt exam scores of students enrolled in Basic Peace Officer

Certification course (BPOC) or other licensing courses, past inspection and/or sanction history, and unannounced visit results.

Chapter 215 of the Administrative Code identifies the three types of training providers TCOLE can authorize to conduct training on its behalf. This rule also spells out the prerequisites and application process law enforcement agencies, council of governments, associations or corporations must comply with in order to qualify for a training contract. Training contracts are awarded for a maximum period of 5 years. Qualifying agencies or associations may apply for a Law Enforcement Academy (LEA), training contract or academic alternative contract.

Audits of Agency Records

Section 1701.162 of the Texas Occupations Code requires that all law enforcement agencies in the state be audited at least once every five (5) years. Agencies found to have numerous or repeated deficiencies may be evaluated more frequently.

Random audits of agency records are intended not only to ensure full compliance with all legislatively mandated requirements; but to appraise chief administrators and/or their designees of changes in administrative rules and TOC statutes. The primary objective of the field inspection program is to proactively help stakeholders achieve full compliance and minimize liability risks. Agency audits help ensure credentialing and training files are accurate, complete and in line with current requirements. When errors or deficiencies are uncovered, immediate assistance is provided to rectify the discrepancies.

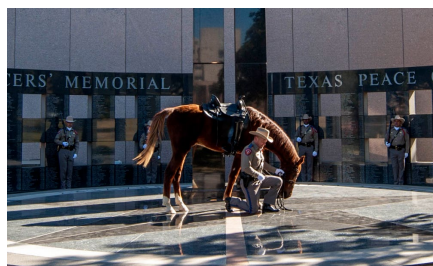
Chief administrators are ultimately responsible for the integrity and security of all credentialing and training records entrusted to their agency; and must see to it that all TCOLE-related documents are readily accessible for inspection by TCOLE staff upon request. Please keep in mind that all these files must be retained by the appointing agency for a minimum of five (5) years after the licensee's date of termination. Failure to retain these records as required by law can result in the suspension of the chief administrator's license, hefty administrative fines, and in some cases, even criminal prosecution.

Texas Peace Officers Memorial

Authorized by the 71st Legislature in 1989, and officially dedicated on May 10, 1999, the Texas Peace Officers Memorial is a tribute to all those officers, jailers, and federal agents who have lost their lives while performing law enforcement duties in the state of Texas. The monument contains the names of those officers who have been killed in the line of duty since August 5, 1823, when Stephen F. Austin commissioned the first group of Texas Rangers. TCOLE is tasked with the coordination of the nomination/selection process as well as the annual dedication ceremony.

The Texas Peace Officers' Memorial stands at the west wall of the Sam Houston State Office building on the northeast quadrant of the Capitol grounds in Austin. Contributions to the Texas Preservation Board – responsible for the maintenance and inscription of additional of names – should be made payable to: **Texas Peace Officers' Memorial** and mailed to:

Texas State Preservation Board
P.O. Box 13286
Austin, TX 78711



State Flag Distribution

Upon request by next of kin of a deceased peace officer who had an active appointment or was honorably retired at the time of death; TCOLE will provide (free of charge) an official state flag. These flags are issued with a certificate and letter of condolence signed by the Governor recognizing the officer's service to the citizens of Texas.

In order for the flag to be available for funeral services, all required information must be received no less than 2 business days in advance – not counting weekends or holidays.

To access the request form, click on the following link: <https://www.tcole.texas.gov/node/49>

You may also access the required form on our website by typing in “Texas Peace Officer Flag” in the search bar located in the upper right-hand corner of the homepage; or calling our office at: (512) 936-7700

Tax deductible contributions to the Texas Peace Officer Flag Fund may be sent directly to the Commission at the following address:

TCOLE
Texas State Flag Fund
6330 East Highway 290, Suite 200
Austin, Texas 78723-0135



or to the Texas Peace Officer Flag Fund at: <http://www.texaspeaceofficerflagfund.org/donations.php>

Other Statutory Requirements

New MODEL POLICIES

Senate Bill 1445 (88th regular legislative session) mandated minimum standards for licensee fitness for duty, misconduct investigations, hiring procedures, and personnel files. Advisory Committees were carefully selected and empowered to draft the required guidelines; and based on their recommendations, the TCOLE approved and published the following model policies:

| | |
|--|------------------|
| Medical/Psychological Examination of a Licensee | Effective 9/1/24 |
| Hiring Procedures | Effective 6/1/25 |
| Misconduct Allegations | Effective 6/1/25 |
| Personnel Files | Effective 6/1/25 |

All law enforcement agencies must adopt these model policies, or substantively similar policies, and submit them to TCOLE no later than the effective date listed above. The 88th Legislature also enacted minimum standards for establishment and continued operation of law enforcement agencies statewide. The approved model policy templates are available on the TCOLE website along with all new and amended Administrative Rules.

New and Amended Administrative Rules

Definitions (37 Tex. Admin. Code § 211.1): Added 4 new definitions and reworded another to conform changes made section § 211.16 of Chapter 37 of the Texas Administrative Code.

Establishment or Continued Operation of an Appointing Entity (211.1 & 16): Outlines minimum standards for establishment or continued operation of any law enforcement agency in the state.

Licensee Service Report Database (211.24): Outlines requirements and processes for access, use, and exemption request from the statewide TCOLE Licensee Service Report database.

Risk Assessment (215.13): Amends minimum average passing grade rule to 3 attempts instead of just one.

Minimum Standards for Enrollment and Initial Licensure (217.1): Amends minimum eligibility prerequisites to enroll in any TCOLE licensing course or be licensed as a peace officer, public security officer, jailer, telecommunicator or school marshal.

Licensee's Refusal to Submit to Medical or Psychological Exam (217.9): Outlines process for determining if licensee had good cause to refuse to submit to the requested medical or psychological examination following a LE agency's Refusal Report submission to TCOLE.

Legislatively Required Continued Education (218.3): Delineates changes and additions to the minimum Continuing Education requirements for each training unit and cycle including the new ALERRT Level One mandate.

Appointing Entity Responsibilities (227.1): Clarifies reporting requirements for school marshal appointing entities by requiring that a report be submitted to TCOLE when a school marshal is no longer psychologically fit to carry out the duties of that position.

Demonstration of Psychological Fitness (227.4): Outlines the requirements and processes for the psychological examination of a school marshal.

Fit for Duty Review (227.6): Outlines requirements and processes for the "Fit for Duty Review" of school marshals.

Active Shooter Training for Public Schools and Institutions of Higher Education (221.46): Prescribes minimum requirements and processes for training and certification of peace officers assigned to public school, colleges and universities.

Racial Profiling Reporting Requirements

In 2009, the 81st Legislature enacted Section 1701.164 of the Texas Occupations Code to require chief administrators to report incident-based racial profiling data annually as provided by the Code of Criminal Procedure 2.132 and 2.134. By Law, this annual report must be submitted in the electronic format prescribed by TCOLE no later than March 1 of the year following the collection of the data.

Section 1701.501 of the TOC was amended to require disciplinary action by the Commission for violation of CCP 2.132 and 2.134. Severity of sanctions ranges from letters of reprimand to a permanent revocation of the agency's chief administrator's license. Additionally, Section 1701.507 of the same Code provides for administrative penalties up to \$1,000.00 per day per violation to be assessed in accordance with legal proceedings found in the Government Code chapter 2001.

For additional information click on: <http://www.tcole.texas.gov/content/racial-profiling-reports>

Disciplinary Actions

Section 1701.501 of the TOC also requires the revocation, suspension, probation and/or letters of reprimand to licensees for violation of Chapter 1701 or any Commission Rule – including failure to submit the annual Racial Profiling Report on time. For a more detailed listing of disciplinary sanctions, see Section 223 of the Texas Administrative Code.

In 2006, Section 1701.501 of the TOC was amended to require revocation of a constitutionally elected peace officer's license upon conviction of a felony or any other criminal offense involving his or her official duties.

Commission Rules require the reporting of an arrest, charge, or indictment for a criminal offense above the grade of Class C misdemeanor or any degree of offense involving family violence. The arresting agency, appointing agency and licensee are all required to submit an E-1 form to TCOLE within 30 days by the most expeditious means. Final disposition documents from the appropriate criminal court must also be submitted by the licensee within 30 days of the effective date of case disposition. Furthermore, a license must be suspended or revoked upon conviction or deferred adjudication for a criminal offense above class C misdemeanor, or any other offense involving family violence. TCOLE may also revoke the license of individuals convicted of any level misdemeanor (*including deferred sentences*) for an offense directly related to duties of office.

Section 1701.502 requires license revocation for conviction (or deferred adjudication) of any felony offense. Section 1701.504 entitles the licensee to an appeal hearing through the State Office of Administrative Hearings (SOAH) but only for non-felony convictions or probations.

Upon issuance of a statutory revocation or suspension, TCOLE notifies the licensee at the last address on record. The chief administrator of the last appointing agency is also notified. In every case, the licensee is afforded the opportunity to disprove the conviction information and request reversal of the disciplinary action. The right to a SOAH hearing also applies to misdemeanor convictions (deferred or not) provided a hearing is requested by the licensee within 20 days of notification.

Commission Rules allow for the surrender of any issued license (which can be for a specific period of time or permanently) as part of an employee termination agreement, plea bargain to a criminal charge, settlement to TCOLE action, or for any other reason. A summary of the reason for the surrender must be included in the official surrender format.

Individuals with revocation, cancellation, surrender, or permanent suspension of their TCOLE license(s) must be entered in the National Decertification Index (NDI).

Once the term of suspension has expired; individuals eligible for reinstatement may attempt to recover their license by completing the required continuing education training, submitting a properly filled out application and paying the applicable fee. If the length of suspension causes the licensee to be out of service for more than two years, that person must first apply for authorization to reactivate the license(s) through successful completion of all applicable, license-specific supplemental courses and licensing exam(s). For additional information and reinstatement form templates, click on the link below:

https://www.tcole.texas.gov/document/peace-officer-reactivation-packet_09-01-23.pdf