



TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION

Timothy A. Braaten
Executive Director

MINUTES – WORK SESSION

The work session of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was held on Thursday, January 13, 2011, at 9:30 a.m. The meeting was at the J.J. Pickle Research Campus, The Commons Learning Center, 10100 Burnet Road, Bldg 137, Austin, Texas.

Commissioners attending were: Constable Charles Hall, Presiding Officer; Mr. Steve Griffith, Assistant Presiding Officer; Dr. Johnny E. Lovejoy, II, Secretary; Mr. James Oakley; Senior Police Officer Joe Pennington; Sheriff Joel Richardson; Ms. Patt Scheckel-Hollingsworth; Chief Ruben Villescas; Mr. Randy Watson.

Also attending were Assistant Attorneys General John Beauchamp and Daniel Wiseman, and TCLEOSE staff members Executive Director Timothy A. Braaten, Director Kim Vickers, Director Brian Roth, Director Chris Davis, Laurie Abernathy, Jason Ball, Lynn Beard, Jim Clifton, Darla Dixon, David Englert, Thurman Felder, Dennis Graffious, Richard Gutierrez, John Helenberg, Nicole Hendrickson, John Hunt, Ivan Messer, Kaye Wilson, and Mary Kay Wright.

Agenda item #1 Call to order and invocation

Presiding Officer Hall called the meeting to order. The invocation was given by Kim Vickers.

Agenda item #2 Presentation of colors

The flags were posted by members of the Travis County Constable Precinct 5 color guard. The members of the color guard included: Chief Carlos Lopez, Sgt. Skip Blaylock, Sr. Deputy Dale Multer, and Deputy Laurence Caldwell.

Agenda item #3 Pledge of allegiance to the American flag

The pledge was led by Commissioner James Oakley.

Agenda item #4 Pledge of allegiance to the Texas flag

The pledge was led by Commissioner Johnny Lovejoy

Agenda item #5 Roll call of members

Kaye Wilson called the roll and reported that all commissioners were present.

Agenda item #6 Executive Director's Report

Before reviewing the report, Mr. Braaten recognized TCLEOSE staff member, Dawn Sekel, for her dedicated work on preparing the electronic reporting of racial profiling data as is legislatively mandated.

John Beauchamp with the Office of the Attorney General was recently reassigned other duties so will no longer be the attorney working with TCLEOSE. Mr. Braaten recognized Mr. Beauchamp and thanked him



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for his dedicated service to TCLEOSE. Daniel Wiseman has been assigned to TCLEOSE to assist with legal matters.

Mr. Braaten also announced that Dallas Reed has replaced Amy Baillargeon as the TCLEOSE point of contact with the Governor's Office of Budget, Planning & Policy.

Items in the Executive Director's Report included:

- Sunset Commission Review of Statutory Issues
- Budget Progress
- Racial Profiling
- Legislative Appropriations Request (LAR)
- POSEIT
- Monthly Division Report
- Peace Officer Memorial
- Achievement Awards
- Telephone System and Scanning Project
- Training Coordinator's Conference – November 1-4, 2010, Addison, Texas
- Legislation Tracking
- Basic Peace Officer and Basic Jailer Licensing Examinations FY 2010 Experience
- Events Attended

Agenda item #7 Items of Interest

- a. Definition of minimum background investigation requiring hiring agency to meet or exceed a minimum background established by TCLEOSE and background investigation form to be maintain in officer's file

Mr. Braaten stated that a minimum background investigation would be a minimum requirement by rule, not requiring a statutory change. The Sheriff's Association of Texas and the Texas Police Chiefs Association have copies of the proposed background to review and give input. Commissioner Villescas stated this will be good for law enforcement in Texas. Commissioner Pennington asked if academies will be required to have a background investigation if they will be training an individual that is not yet being hired by an agency. He suggested this be incorporated in a rule change for 215.15.

- b. Review the process for on-line training / alternative delivery methods

Mr. Vickers noted that in the past month, we have received numerous requests to review on-line and alternative delivery courses. Commissioner Pennington asked if staff has communicated with on-line universities for ideas on best practices. Mr. Braaten noted that in the past we have used the University of Texas, Sam Houston State University and Texas Engineering Extension Service, and we will continue using universities for information on on-line courses.

- c. Intermediate proficiency certificate, required courses

Mr. Vickers reported that some sections of the Basic Peace Officer Course (BPOC) are being reviewed, and that the committee has decided to incorporate some intermediate courses in the BPOC. Mr. Vickers publically thanked the members of the committee for devoting their time to the committee.

- d. Removal of the SFST practitioner certification

Mr. Vickers informed the commissioners that the SFST certificate is being used in court against Texas peace officers. Staff is suggesting that we no longer issuing the SFST practitioner certification due to its misuse in court. Commissioner Hollingsworth went on record in support of this change.

- e. Occupations Code, Chapter 53, and jailer disqualification

This is a result of Sunset legislation 1701.1524 that requires new disciplinary rules for jailers only. At the next meeting, staff will present proposed rules to reflect this legislation. It was proposed that we consider pursuing legislation on this.

Agenda item #8 Follow up items from September 2010 meeting

- a. Destruction of an F-5 that has been amended.

TCLEOSE is mailing the original F-5 back to the submitting agency.

- b. Add to the legislative agenda to have public members on training provider/training academy advisory boards.

This is already in the statute. Any changes will require a statutory change.

- c. Prior to 2005, was an application and fee a part of the Master peace officer proficiency certificate issuance process?

Yes, it was part of the process. Documentation was submitted to the commissioners and Ray Hunt, Houston Police Officers Union, on September 29, 2010.

Ray Hunt, representing the Houston Police Officer's Union, and speaking on the behalf of Ed Hatrick, Keith Muse, and S.R. Sweet, addressed the commissioners. Mr. Hatrick, Mr. Muse, and Mr. Sweet also addressed the commissioners. After lengthy discussion, Presiding Officer Hall stated this item will be on the March agenda.

- d. Research the history of the L-3 being sent directly to TCLEOSE.

A committee has been formed to address the issue of the L-3

Mr. Braaten informed the commissioners that a committee has been formed and that Commissioner Lovejoy is the chair of the committee. The commissioners will be apprised of the committee's progress at the June 2011 meeting.

- e. Review the notification letter reference the arrest of a peace officer.

The letter has been revised so that it is a courtesy notification letter asking that TCLEOSE be notified within 30 days of receiving knowledge of the arrest.

Mr. Braaten stated that a proposed rule change will be brought before the commissioners at this meeting.

Agenda item #9 Consider and receive public comment on the application of Hill College to move from an academic alternative provider to be a law enforcement academy

Mr. Vickers informed the commissioners that the Hill College application is complete. Tom Hargrave with the Johnson County Sheriff's Office and Steven Girsh with Hill County Sheriff's Office spoke in favor of Hill College becoming an academy. Dr. Sheryl Kappus, Hill College President, Lizza Trenkle, Dean of Technical Education, and Stacy Kolar, Training Coordinator, addressed the commissioners and were available for questions. Individuals completing the Basic Peace Officer Course will earn 22 college hours through Hill College. Commissioners questions included the amount of tuition for the BPOC, the amount of money per contact hour that the college would receive from the state, and the distance traveled to receive training.

Agenda item #10 Consider and receive public comment on the application of the San Patricio County Sheriff's Office to be a contractual training provider

Mr. Vickers announced that the application for the San Patricio County Sheriff's Office is complete. Sheriff Leroy Moody addressed the commissioners, stating his officers needed training "at home" eliminating the

cost of hotels, gasoline, and overtime pay for travel. Commissioners asked about the proximity of other training providers including the Nueces County Sheriff's Office, Corpus Christi Police Department, and Del Mar College Regional Police Academy. Some of these facilities are 45 miles away and are sometimes unavailable.

Agenda item #11 Consider and receive public comment on the application of the Watauga Police Department to be a contractual training provider

Mr. Vickers indicated that the application for the Watauga Police Department is complete. Ben Little was present representing the Watauga Police Department. The agency has a 2-year-old, state-of-the-art training facility. They are part of a training consortium and want to be able to offer training to other members of the consortium.

Agenda item #12 Discuss Request for Waiver of TCLEOSE Rules 215.15 Enrollment Standards and 217.1 Minimum Standards for Initial Licensure

a. Nicholas Nolte by the Comal County Sheriff's Office

Nicholas Nolte and Sheriff Bob Holder were present to address the commission. Sheriff Holder explained the circumstances surrounding Mr. Nolte's arrest and conviction. He has known Mr. Nolte for several years, his father is a peace officer and his mother works at the sheriff's office. Mr. Nolte stated he took responsibility for his actions and received an honorable discharge from the military.

b. Louis Warren by the Travis County Sheriff's Office

Louis Warren and Sheriff Greg Hamilton addressed the commission. Sheriff Hamilton has known Mr. Warren for 6 years and some of his senior officers have known him longer. Mr. Warren explained the circumstances of his arrest and conviction. He explained that his actions were not appropriate. He has received additional citations since this incident.

Agenda item #13 Reports or items to discuss

a. Legislative tracking issues

Mr. Braaten stated that the legislative tracking will begin on Friday, January 14. Items will appear on the front page of the TCLEOSE web site and will be updated every Wednesday and Friday.

b. Contract training provider revocations

Mr. Vickers informed the commissioners that there are three academies that are at-risk and subject to revocation of their training agreements. They are Del Mar College Regional Police Academy, Ellis County Sheriff's Office and Burnet County Sheriff's Office. The standard practice is to offer a probationary contract to training academies that are at-risk. Ellis County has announced they will drop their training agreement and the other two have expressed an interest in the probationary contract.

c. Autumn Wheat – disciplinary action tabled from September 2010 meeting

This item has been postponed until the March 2011 meeting.

Agenda item #14 Discuss the proposed orders of amendments to existing TCLEOSE rules

Ivan Messer brought to the commissioner's attention that four proposed orders were re-written after the notebook was mailed to them. Rules 211.27, 217.1, and 223.19 had re-wording of the military discharge portion of the rule. He also noted that Rule 211.28 was changed to include input from Commissioners Goodwin and Villescás concerning the notification of arrest, and that it must be reported to TCLEOSE within 30 days from becoming aware of the arrest of a licensee.

a. 11-10-217.7 Reporting the Appointment and Termination of a License

- b. 11-11-211.28 Responsibility of a Law Enforcement Agency to Report an Arrest of a Peace Officer or County Jailer
- c. 11-12-211.27 Reporting Responsibilities of Individuals
- d. 11-13-215.7 Training Provider Advisory Board
- e. 11-14-217.1 Minimum Standards for Initial Licensure
- f. 11-15-217.19 Reactivation of a License
- g. 11-16-221.28 Advanced Instructor Proficiency
- h. 11-17-223.19 Revocation of License
- i. 11-18-211.26 Law Enforcement Agency Audits
- j. 11-20-223.15 Suspension of License
- k. 11-21-215.13 Risk Assessment
- l. 11-22-215.5 Contractual Training
- m. 11-23-211.1 Definitions

Agenda item # 15 Discuss the final orders of amendments to existing TCLEOSE rules

Mr. Messer noted that these orders will become effective on February 24, 2011.

- a. 11-01-221.13 Emergency Telecommunications Proficiency
- b. 11-03-217.20 Retired Peace Officer Reactivation
- c. 11-04-219.1 Eligibility to Take State Examinations
- d. 11-05-219.2 Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police
- e. 11-07-221.33 SFST [Standardized Field Sobriety Testing (S.F.S.T.)] Instructor Proficiency
- f. 11-08-221.9 Standardized Field Sobriety Testing (SFST) Proficiency [Standardized Field Sobriety Testing Practitioner (SFST)]
- g. 11-09-221.37 Cybercrime Investigator Proficiency

NOTE: Pulled down 211.28 to incorporate Commissioners Goodwin and Villescascas suggestions

Agenda item # 16 Discussion of the development of a police scope of practice

Colette Michalec addressed the commissioners suggesting law enforcement officers need a police scope of practice. She provided a bound handout to the commissioners, stated her concerns, and was available for questions from the commissioners. Presiding Officer Hall explained that it would take legislative action to include a scope of practice to the Texas Occupations Code, Section 1701.

Agenda item # 17 Adjourn

The meeting was adjourned at 12:10 p.m.

Dr. Johnny E. Lovejoy, II, Secretary
JL/kw