



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, March 3, 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; and Mr. Randy Watson.

Also attending were Assistant Attorneys General Raymond Winter and Daniel Wiseman, and TCLEOSE staff members Executive Director Timothy A. Braaten, Director Kim Vickers, Director Brian Roth, Director Chris Davis, Laurie Abernathy, Lynn Beard, Darla Dixon, 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

- a. Presentation of colors by the Texas Department of Public Safety Color Guard
Color Guard members included Troopers Eric Morgan, James Jones, Mike Campos, Mike Harris, Chuck Foust, and Harold Estep.
- b. Pledge of allegiance to the American flag was led by Commissioner Ruben Villescas.
- c. Pledge of allegiance to the Texas flag was led by Commissioner Johnny E. Lovejoy, II.
- d. Invocation was given by TCLEOSE Director Kim Vickers.
- e. Roll call of board members by Kaye Wilson confirmed that all commissioners were present.
- f. Welcoming remarks were given by the Presiding Officer Charles Hall who welcomed Commissioner Randy Watson, the newest member to the commission.

Agenda item #2 Executive Director's Report

The commissioners were provided the full report in the notebooks they received prior to the meeting. Executive Director Braaten expounded further on several items.

- a. Legislative Update
Executive Director Braaten confirmed that the TCLEOSE clean-up bill, the F-5 bill, and the Chapter 53 bill have all been filed. Staff will be tracking bills affecting TCLEOSE and Texas law enforcement, and will be relaying this information to the commissioners regularly.



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- b. Budget Process
At this time, the agency is within budget. Information on the current budget may be found on the TCLEOSE website under Transparency in Government.
- c. Racial Profiling
As of this meeting, almost 80% of the law enforcement agencies in Texas have reported their racial profiling statistics. Those missing the March 1 deadline will face some repercussions.
- d. POSEIT
- e. Monthly Division Reports
- f. Achievement Awards
- g. State Capitol Police Memorial Services
The 2011 Candlelight Service will be held at the Memorial on Sunday, May 1, with the 2011 Memorial Service on Monday, May 2, at the Capitol.
- h. Events Attended

Agenda item #3 Items of Interest

- a. Definition of minimum background investigation requiring hiring agency / academy to meet or exceed a minimum background / personal history questionnaire established by TCLEOSE and background investigation form to be maintained in officer's file.

Executive Director Braaten stated that a rule proposal requiring a minimum background / personal history questionnaire to be completed by law enforcement agencies and training academies will be presented at the June commission meeting. To date, the agency has not received any negative comments.

Executive Director Braaten noted that future audits by the TCLEOSE field service agents will only include the records of those employed since the last audit that was conducted on the agency.

Commissioner Villescascas asked that future Executive Director Report's include statistics on the number of officers arrested in the previous quarter, and a report on cases where the commission has previously taken action or granted a waiver and the individual has again been involved in misconduct. The report should also include the type of offense committed by the officer or jailer. Commissioner Pennington asked for statistics on the number of peace officers and the number of jailers which have open cases with TCLEOSE. Commissioner Villescascas asked for solutions to the problem of determining if an arrestee is a peace officer or jailer, as the arresting agency is required to report the arrest to TCLEOSE.

- b. Notice that fee schedule will be presented at June meeting to be implemented September 1, 2011.

Executive Director Braaten notified the commissioners that due to current budget constraints, we are considering raising fees. The agency will need to raise an additional \$280,000 in fees during the next budget.

- c. Legislative tracking issues
- d. Mitigating circumstances, Rule 223.15(h)
This rule will be proposed at the June 2011 commission meeting.
- e. Legal issues – Quo warranto
Director Davis explained that a quo warranto has been filed on a constable that did not complete the required legislatively mandated training. This individual has resigned, and we are working on the settlement of a law suit.
- f. Current status of new jail course
Director Vickers indicated the new “peace officer to jailer” course (Course 1107) is currently being beta tested and should be available shortly. The licensing exam is slated to be a 100 question test. This course is available to those that have been through the basic peace officer training and are licensed as a peace officer.
- g. Other
Director Davis indicated that the intent in Chapter 53 from the 81st session was to exclude everyone licensed under 1701, Texas Occupations Code. The final bill, as passed, did not include jailers. A bill being introduced this session will correct the oversight of the 81st session. If the bill does not pass, proposed rules are ready to meet Chapter 53 requirements for jailers.

Agenda item #4 Consider and receive public comment on the application of the Guadalupe County Sheriff’s Office to be a contractual training provider.

Director Vickers stated that the application is complete and that the Guadalupe County Sheriff’s Office has met the requirements to be a contractual training provider. Sheriff Arnold Zwicke stated his agency has doubled in manpower in the last 10 years. Conducting in-house training will be more cost effective and they will be available to offer training to area agencies. The commissioners directed several questions to Sheriff Zwicke.

Agenda item #5 Peace Officers’ Memorial report

Executive Director Braaten reported that the golf tournament has a name sponsor, lunch sponsor, hole sponsors, and 6-8 teams already signed up. The goal is to have \$25,000 from the tournament to add to the Memorial fund. Commissioner Hollingsworth stated that several donations have recently been received, including a \$5,000 donation from the Fleetwood Foundation. There will be live television broadcasts from the Memorial next week, and TCLEOSE commissioners and staff continue to notify individuals, agencies, organizations, and private businesses about the need to restore the Memorial.

Agenda item #6 Discuss the proposed orders of amendments to existing TCLEOSE rules

- a. 11-24-§221.9 Standardized Field Sobriety Testing (SFST) Proficiency
Dr. Messer reported that staff is recommending the repeal of rule 221.9 as this course is taught in the basic peace officer course, and there is not a need to have a proficiency certificate available as all officers are now receiving this training.
- b. 11-25-§223.20 Revocation of License for Constitutionally Elected Officials
This proposed rule change is for clarification and includes a notification requirement.
- c. 11-26-§221.1 Proficiency Certificate Requirements

This proposed rule change allows officers and jailers to request a change of issue date on certificates.

Agenda item #7 Adjourn

The Presiding Officer called for adjournment until 10:45 a.m. when the quarterly meeting will begin.

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