



Kim Vickers
Executive Director

TEXAS COMMISSION ON LAW ENFORCEMENT

Technical Assistance Bulletin

To: All Texas Law Enforcement Agency Heads and Licensees
From: Kenny Merchant/Director, Credentialing and Field Services
Regarding: **Determining When a Legislative Training Mandate Applies**
Date: January 23, 2019

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. **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. **Pre/Post Licensing Mandate-** this normally defines courses which must be completed within a certain timeframe of 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. **Training 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. **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. Since earning Proficiency Certificates is NOT required by statute, failure to complete these courses will not result in any negative action against the licensee by the Commission. This doesn't mean that Certifications are not important- they increase your credibility, may allow you to skip some Cycle Mandates, and, depending on your agency, could make you eligible for incentive pay.
5. **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 Video, 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.
6. **Across the Board Mandate-** this requires all persons within a particular license (few or no exceptions) to complete a course, usually within a certain timeframe or by a specific date. For



Kim Vickers
Executive Director

TEXAS COMMISSION ON LAW ENFORCEMENT

example, the newly required Citizen Interaction Training Program course is required to be completed 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 Pre/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.