

THE BRIEFING

A Publication of the Texas Commission on Law Enforcement

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To CIT, or Not to CIT, That is the Question...

Of all of the legislation passed in the 85th Legislative Session regarding peace officer training, the portions of SB1849 that seem to be causing the most stir, and the most confusion, are about the “New” CIT.

Everyone seems to be on board with the fact that the existing 16hr “Old” CIT will cease to exist on April 1, 2018. But what does that mean for the Basic Peace Officer Licensing Course and initial licens-

ing, for Intermediate Certification requirements, and for Continuing Education requirements? Let’s break it down for each of those requirements:

Starting with the BPOC and initial licensing – it is clear under 1701.253(j) that the 40 hour course is added to the minimum curriculum requirements. To that end, the New CIT will be included in the upcoming update to the BPOC. 1701.2539(j) also states that a licensee must take the New CIT (if not taken in the academy) “not later than the second anniversary of the date the officer is licensed under this chapter, or the date the officer applies for an intermediate proficiency certificate, whichever is earlier.”

(continued on page 3)



Photo Credit: <http://files.abovetopsecret.com/files/img/xk55235a66.jpg>

Upcoming Events

Peace Officers’ Memorial Ceremony

May 7, 2018

Law Enforcement Achievement Awards Ceremony

June 15, 2018

Quarterly Commission Meetings:

June 14, 2018

September 6, 2018

December 6, 2018

March 2018

Commission Meeting Highlights

The latest Commission meeting was held at the J.J. Pickle Research Campus on Thursday, March 1, 2018. Here are a few highlights from the meeting:

Executive Director's Report: Midland College Training Center Academy has been approved as a training academy, and West University Place Police Department has discontinued their training provider contract. In January and February, meetings were held throughout the state to gather information from stakeholders. Attendance at the eight regional meetings totaled 781, which is the largest turnout in the past several years. Information from these meetings were used by the Commissioners as they drafted the agency's strategic plan.

Credentialing and Field Services Director's Report: The number of non-compliance licensees has dropped since the December meeting. Licensees will soon receive notices of non-compliance. *The Briefing* will now be sent via email blast.

Enforcement and Special Services Director's Report: Six new law enforcement agencies have been opened since the December meeting. As requested by the U.S. State Department, TCOLE is currently hosting a delegation from Mexico, sharing information on how Texas law enforcement officers are trained.

Government Relations Director's Report: The Peace Officers' Memorial candlelight vigil will be held May 6 with the ceremony on May 7 at the Capitol. The Basic Peace Officer Course and the Basic County Corrections Course should be completed before the next meeting. We have testified at two legislative hearings, one which was in Tyler dealing with police and citizen interactions and one in Houston on the implementation of the Sandra Bland Act.

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

Texas Peace Officers' Memorial Monument: The Commission took action to enroll and induct 48 officers for the Texas Peace Officers' Memorial Monument to be memorialized at the annual ceremony in May. These are in addition to the 17 officers enrolled at the December 2017 meeting.

Rules: Several proposed rules were finally adopted following proposal and a public comment period. More details are available on page 10.

To CIT, or Not to CIT... Continued

So for those officers licensed after April 1, 2018 (the effective date of this legislation), who have not had the New CIT as part of their BPOC, the New CIT must be taken within 2 years of license issuance.

For purposes of Intermediate Certification, we once again use the quote from 1701.253(j), above, that reads “not later than the second anniversary of the date the officer is licensed under this chapter, or the date the officer applies for an intermediate proficiency certificate, whichever is earlier.” Now we know the officer must have the New CIT for their Intermediate Certification, if they apply for the Certification after April 1, 2018 (the effective date of the legislation).

Lastly, continuing education- since the text of SB 1849 only addresses the New CIT requirements under the context of the BPOC, new licensees, and Intermediate Certification, it is not required for continuing education under the 40 hour format. Therefore, the existing CIT Update (course 3843) may still be an 8 hour course.

Before we close out, please do not make the mistake of confusing the Old CIT course or the New CIT course with the Civilian Interaction Training created under SB 30! That is a totally separate course with separate requirements! TCOLE will be referring to this course as the Civilian Interaction Training Program, or CITP.

Credentialing Division

Reactivation Skills Course

Earlier this month the Commission posted the curriculum for the “Skills Course (7878)” which was required by HB 872 in the 84th Legislative Session. In short, the Skills Course (codified under Occupations Code 1701.316 and Commission Rule 219.11) is required for peace officers who are reactivating their licenses under the following two circumstances:

- The peace officer has an Inactive license, has a total of at least 10 years of full-time service, and has been separated from his last agency for more than 5 years,
- The peace officer has an Inactive license, has at least 5 years, but less than 10 years of full-time service, and has been separated from his last agency for at least 5 years, but less than 10 years.

The Skills Course may be instructed by any Training Provider with an Academy Contract. The course is intended to be a demonstration of the applicant’s ability to perform the basic physical skills required of a peace officer, including: firearms proficiency, handcuffing, etc. If the applicant does not demonstrate proficiency, the Academy may then include remedial training until proficiency is shown. The course is a minimum of 8 hours and a maximum of 40 hours, to be determined by the Academy. The course must be successfully completed before the license will be reactivated. For more information, see the course curriculum posted on the TCOLE website at <http://www.tcole.texas.gov/content/course-curriculum-materials-and-updates-0>.

For more information on all reactivation situations and their corresponding requirements, check out the Reactivation Packet on our website under Forms and Applications.

GENERAL OVERVIEW

The Racial Profiling report is available through the Department Reporting System (DRS) application. To reach the DRS app, you must first log into your MyTCOLE 2.0 account.

Logging into your personal MyTCOLE 2.0 account allows TCOLE to track who submits the racial profiling report for each agency.

TWO PASSWORDS

You will use 2 different passwords to access the DRS app.

Your personal MyTCOLE 2.0 password

Your department's DRS password

SUGGESTED BROWSER

The MyTCOLE 2.0, DRS, and Racial Profiling applications all work best with the Google Chrome browser.

You're welcome to use other browsers, such as Internet Explorer, Edge, or Firefox. Just beware that scrolling up or down on the racial profiling entry form page may unintentionally change selections you've made from drop-down menus.



SUPPORT

PASSWORD AND TECHNICAL SUPPORT

512-936-7780

POLICY/PROCEDURAL QUESTIONS

512-936-7774

512-936-7773

EMAIL SUPPORT

racialprofiling@tcole.texas.gov

GETTING STARTED

Log into your MyTCOLE 2.0 account here:

<https://tcole.nuvolanet.io/>

This is your personal account

If you cannot remember your password, click the Forgot password link to reset your password.

Click Applications at the top of the page, next to the MyTCOLE 2.0 logo

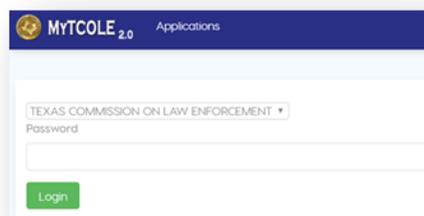


Launch the DRS application

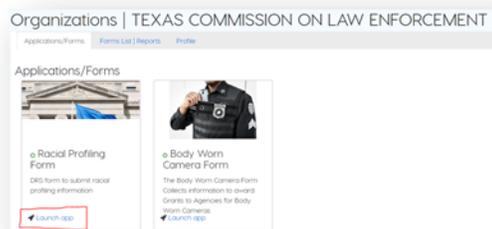


Verify that the correct agency is listed in the drop-down menu

Expand the menu to see more agencies if you are dual-commissioned



Enter your Department's password for DRS, click Login
Launch the Racial Profiling Form



Field Services Division

What exactly is online training?

The concept of “distance learning” originated decades ago in the use of correspondence courses, usually involving watching a tele-vised presentation or reading materials and then providing written confirmation of having absorbed the material.

Improvements in technology have created more opportunity for the use of online and other digital courses, and new companies emerged to provide delivery of training courses and/or services in the design and development of digitally-based training directly to law enforcement agencies. Regrettably, those same innovations made it easier for some entities and individuals to circumvent the intent and scope of professionally established minimum standards. TCOLE supports innovation and creativity in delivering training effectively and efficiently, provided such training stays within the lines of existing regulations for reportable training.



TCOLE Rule 211.1 defines “Distance Education” as the “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.” Additionally, Rule 215.17(e) states that training credit may *not be awarded* if “(6) distance education courses of a proprietary nature, equivalency, or the distance education portion of a basic licensing course were not submitted and approved under commission distance education guidelines; or (7) the training provider has not complied with terms of a contract.” Such training reported and later determined to be non-compliant may be removed, which in some cases could result in the licensee falling below the required training hours for that reporting period.

The “Distance Education Manual” is available under Publications on the TCOLE website. It clearly states that the Commission has developed specific guidelines for distance learning. These guidelines apply to all distance learning methods and providers, with or without a TCOLE contract training provider provision. Contract training providers who report training delivered by distance learning must have the distance learning stipulation in their contract or obtain an addendum to their previously approved contract. Law Enforcement agencies **WITHOUT** a training provider contract may conduct distance learning training for “in-house” licensees only. Said training may be submitted for credit only after being properly screened, documented and approved by that agency’s Chief admin-

Field Services Division, Continued

istrator. The bottom line is that all distance learning must meet current TCOLE standards. So, to recap: “Distance Learning” is the broad term for all instructional methods outside of traditional classroom, instructor-led, or “face-to-face” courses. All agencies and individuals must comply with the rules and reporting standards to report or receive legitimately approved training credit through TCLEDDS. Agencies and organizations holding a TCOLE Training Provider Contract, both academies and regular contract training providers, must ensure a currently approved online addendum is in place before submitting any type of distance learning instruction for training credit.

For additional information, please contact an academy and contract evaluator (ACE). Their contact information is located on the TCOLE web site under “Who We Are.”

Training Providers– Chemical Dispensing Device Training for Private Security Officers

In December of 2017, TCOLE was notified by the Texas Department of Public Safety Regulatory Services Division that the Private Security Board would no longer approve training for Private Security Officers on Chemical Dispensing Devices mentioned under Penal Code §46.05(f). In short, this portion of the statute makes it a defense to prosecution for security officers who have been trained in the use of chemical dispensing devices as: 1) approved by either the Private Security Board, or 2) provided by TCOLE. This means that security officers’ only option to carry the chemical dispensing device is to obtain training “provided by TCOLE.”

TCOLE does not have the facilities or ability to instruct the Chemical Dispensing Device course(s) on a regular basis. Therefore, TCOLE will not be providing the course directly. TxDPS Regulatory Services will be posting a notice on their website instructing security officers to inquire about taking the course at any TCOLE Training Provider. This is by no means a mandate for training providers to instruct the course, just a notification that the situation has changed and that security officers may be contacting you to inquire about taking the course. There is no specific curriculum required for the course, so the existing course used by the individual Training Provider, properly documented, will suffice.

For individual security officers, however, TCOLE cannot advise as to whether such training will support the defense to prosecution provided in Penal Code §46.05(f). Those seeking such training should consult with private counsel.

Government Relations Division

New Basic Licensing Courses Imminent

The new Basic Peace Officer Course and the new Basic Jailer Course are due out SOON! As the committees responsible for each course finalize their work, we thought we would share the current thinking for the minimum number of hours required. Both have new legislative requirements that will increase the overall number of hours, but the committees have done a tremendous job of eliminating existing redundancies to prevent a major increase in hours, and to make both courses high-quality, useful learning tools.

The Basic Peace Officer Course will be increasing from the current 643 hours to 682.

The Basic County Corrections Course will be increasing from the current 96 hours to 120.

Keep an eye on our website, and follow us on Facebook ([facebook.com/txcole](https://www.facebook.com/txcole)) and Twitter (@TCOLE)– we'll send out updates as soon as the new courses are released.

New TCOLE Staff

David New, Sergeant Investigator, Enforcement Division

David was raised in South Austin and served 26 years on the Austin Police Department. He worked Patrol, Narcotics, Career Criminal Unit, K9, Integrity Crimes Unit, Internal Affairs and ended his career as a Lieutenant over the Learned Skills Unit at the Austin Police Academy. He is married to his wife of 24 years and has one son who is a Junior at Schreiner University in Kerrville, TX. David is a Sergeant Investigator in Enforcement.



Shain Burks, Region 2 Field Service Agent, Field Services Division

As a result of the selection process to fill the Region 2 vacancy generated by Kenny Merchant's promotion to Director, Shain Burks will be taking over the Field Service Agent duties in West Texas as soon as his Field Training Program is completed. Shain is a long-time resident of Taylor County who just recently retired from the Abilene Police Department. His 25+ years of service there included several different supervisory and administrative positions. He is military veteran and a graduate of the FBI's National Academy.



Legal Division

Legal Statistics

The following proceedings for revocation, suspension and other disciplinary actions took place at the March 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	10
Default Revocation Orders	3
Default Cancellation Orders	1
Agreed Suspension Orders	3
Statutory Revocations	1
Statutory Suspensions	0
Permanent Surrenders	18
Term Surrenders	0
Reprimands for Administrative Violations	9

Legal Division, Continued

Final Rules for Adoption

The updated rules handbook will be available May 1, 2018, on our website at www.tcole.texas.gov under [Help and Resources/Rules and Policy](#).

<ul style="list-style-type: none"> • Final Amendment 1 §211.1 Definitions (amend) Reflects statutory changes broadening the definition of school marshal. 	<ul style="list-style-type: none"> • Final Amendment 2 §215.9 Training Coordinator (amend) Ties the employment of the training coordinator to the training provider.
<ul style="list-style-type: none"> • Final Amendment 3 §217.1 Minimum Standards for Enrollment and Initial Licensure (amend) Clarifies the temporary licensing of a jailer and a telecommunicator. 	<ul style="list-style-type: none"> • Final Amendment 4 §217.7 Reporting Appointment and Separation of a Licensee (amend) Consolidates all appointment requirements into one rule.
<ul style="list-style-type: none"> • Final Amendment 5 §217.27 Appointment Eligibility of a Telecommunicator (repeal) Combined with new rule §217.7. 	<ul style="list-style-type: none"> • Final Amendment 6 §218.3 Legislatively Required Continuing Education for Licensees (amend) Clarifies that 40 hrs of CE includes legal update.
<ul style="list-style-type: none"> • Final Amendment 7 §227.1 Appointing Entity Responsibilities (amend) 	<ul style="list-style-type: none"> • Final Amendment 8 §227.3 School Marshal Licensing and Reporting Requirements (amend)
<ul style="list-style-type: none"> • Final Amendment 9 §227.5 School Marshal Training Entities (amend) Reflects statutory changes broadening the definition of school marshal. 	<ul style="list-style-type: none"> • Final Amendment 10 §229.1 Eligibility for Memorial Monument (repeal)
<ul style="list-style-type: none"> • Final Amendment 11 §227.5 School Marshal Training Entities (amend) Reflects statutory changes broadening the definition of school marshal. 	<ul style="list-style-type: none"> • Final Amendment 12 §229.1 Eligibility for Memorial Monument (repeal)
<ul style="list-style-type: none"> • Final Amendment 13 §229.3 Specific Eligibility of Memorial Monument (replace) New rule entitled Nomination and Selection condenses the nomination and selection requirements into one rule per HB 3647 (85R) and replaces §229.5. 	<ul style="list-style-type: none"> • Final Amendment 14 §229.5 Determination Standards (repeal) Replaced by new §229.3

Special Services Division

New Agencies

Since December 2017, the following new agencies have been established:

- Castro County District Attorney's Office
- Center Point ISD Police Department
- Roma Fire Marshal's Office
- University of Dallas Police Department
- Tenaha Police Department
- 50th Judicial District Attorney's Office

Racial Profiling

As of the time of publication, over 90 percent of all law enforcement agencies had submitted their racial profiling reports that were due March 1, with 255 agencies to go. If you are one of those 255 agencies, submit your report today through the Department Reporting System. See [page 5](#) for a step-by-step guide. Other questions? Contact Lt. Gary Connella at 512-936-7774.

From the Desk of the Executive Director

I wanted to take a moment to say a huge thank you to all of our licensees who came out to our regional strategic planning meetings in January and February. This is a process that we undergo every two years to get feedback from you, our stakeholders. We had fantastic dialogue, and several of the questions that came up are addressed here in this newsletter.

We made 8 stops along the way:

San Angelo	Laredo
Amarillo	McAllen
Arlington	Pasadena
Tyler	Belton

All told, this was the best attended series of regional meetings we have had. We will be back at it again in 2020, but if you have any questions or concerns before then, please don't hesitate to reach out to any of our staff, or myself directly. Our contact information is on our [website](#), and we'd be happy to hear from you.

Commissioners

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Presiding Officer

Patt Scheckel-Hollingsworth
Assistant Presiding Officer

Major Jason D. Hester
Secretary

Patricia Burruss
Constable Ron E. Hood
Chief Kim Lemaux
Jack Taylor

Sharon Breckenridge Thomas
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