

# *Operational Report*

Texas Commission on Law Enforcement

# 2014



## *FROM THE EXECUTIVE DIRECTOR*

The Texas Commission on Law Enforcement (TCOLE) was created in 1965 by the 59<sup>th</sup> Legislature because state legislative leaders recognized the need for a program to establish and maintain training and education standards for law enforcement and county corrections officers. The intent of these standards was to ensure continued improvement in the delivery of law enforcement services in Texas. This enabling statute drove an ambitious plan to achieve excellence in this vital area of the Texas criminal justice system. Since that time, TCOLE's mission and scope of responsibility has expanded greatly through legislative mandates.

Law enforcement in Texas today is much different than it has been even up to 5 years ago. Texas, and our country, is facing an unprecedented threat from sources around the world. The news is full of stories regarding the battle along our border. However, we have seen that this is not just a border battle, but rather is a state-wide issue. We have for many months now seen indicators that prison and Cartel gangs are going to great lengths to infiltrate law enforcement across Texas. Doing so would greatly further their illegal agendas and we remain convinced that these gangs are dedicated to that purpose. A clear case in point is the recent revelation of an officer with direct ties to MS13, a violent and notorious prison gang.

Fighting these infiltration efforts requires constant diligence and oversight of not only the persons that are being hired by law enforcement agencies, but oversight of the academy admittance processes as well. It is at these two levels we can best combat the infiltration efforts being faced by Texas academies and law enforcement agencies. The only entity in Texas that is in a position to effectively provide that oversight is TCOLE. It is, in fact, one of the fundamental duties placed upon TCOLE by the legislature.

Our mission, as a regulatory State agency, is to establish and enforce standards to ensure that the people of Texas are served by highly trained and ethical law enforcement, corrections, and telecommunications personnel. TCOLE is committed to fulfilling that mission, but must have the resources to do so. We are extremely grateful to the Texas Legislature for their generous support with both legislation and funding in helping us fulfill our responsibilities. Our mission has always been one that is critical to Texas citizens and the quality of life in this state, but has become even more so with issues and problems faced by our state today. We look forward to working with the Legislature in facing these problems and striving to keep Texas as a wonderful and safe place to live.

Kim Vickers  
Executive Director

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# WHAT WE DO

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## OUR MISSION

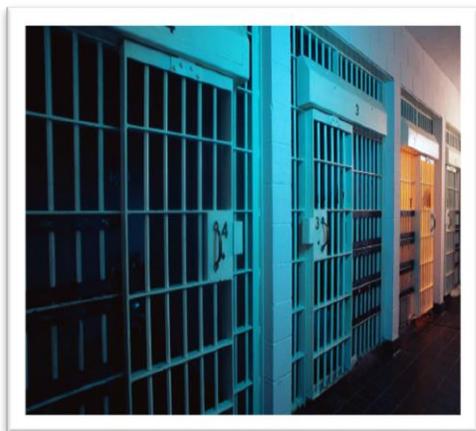
To establish and enforce standards which ensure that Texans are served by highly trained and ethical law enforcement, corrections, and telecommunications personnel.

## HOW WE PROTECT TEXANS



**Telecommunicators:** Telecommunicators are the first voice of assistance that a person will hear in a time of crisis. We regulate and license telecommunicators so that Texans calling 911 are assisted by a qualified, highly trained, and professional telecommunicator. The 9,836 licensed telecommunicators across this state are required to attend, at minimum, a 40 hour basic academy. This includes training in crisis communication and use of devices for assisting the hearing impaired.

**Peace Officer:** A police officer's authority to investigate, detain, and arrest makes them one of society's most powerful persons. We provide a safeguard so that Texans encounter highly trained and professional officers. Every ranger, trooper, county deputy, municipal, and other commissioned officer is required to be trained according to, and licensed by, Commission standards. Today's peace officers are required to attend a Basic Peace Officer Academy consisting of at least 643 hours of training. Further, each of the 75,783 Texas Peace Officers is required to take a minimum of 40 hours of continuing education every two years. Each officer is monitored for compliance with legislative mandates. When necessary, the Commission takes action against an officer's license for administrative, training, or criminal misconduct.



**County Jailer:** When a person is arrested for a criminal offense, they can be booked into a county jail. We regulate each of the 25,882 county jailers who are qualified and trained to safely secure, keep from harm, and prevent the escape of inmates. Every jailer in Texas is required to attend a minimum 96 hour basic academy and take mandatory training in cultural diversity. When necessary, the Commission takes action against a jailer's license for administrative, training, or criminal misconduct.

**Juvenile and Adult Probation:** Parole and probation officers are authorized to carry firearms in the performance of their duties. We administer a training program for the 2,005 officers who are required to demonstrate weapons proficiency. Once proficiency is shown, the Commission issues an identification card to these officers authorizing their ability to carry a firearm.



**School Marshal:** Under the 2014 “Protection of Texas Children Act,” a School Marshal is responsible for preventing the act of murder or serious bodily injury on a school campus. We oversee training provided to each School Marshal in order to safely and professionally protect school children. Already, participating districts have instituted the program and will begin protecting schools in the 2015 school year.

## ADDITIONAL RESPONSIBILITIES

**New Law Enforcement Agencies:** The Commission is responsible for reviewing and approving new law enforcement agencies to ensure they meet Commission requirements.

**Racial Profiling:** The Commission is required by statute to collect and maintain incident-based data submitted to the Commission under the Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency.

**Providing a Texas Flag to the next of kin of a deceased peace officer:** Upon request of the next of kin, the Commission provides a Texas Flag to the family of a fallen peace officer if the deceased was a current peace officer at the time of death or honorably retired and voluntarily terminated employment with a Texas law enforcement agency.

**Achievement Awards:** Each year, the Commission issues achievement awards to nominated and approved licensees for exemplary valor, public service, and professional achievement. To determine award eligibility, Commission rules require recommendations from a Texas elected official, a law enforcement agency administrator, or a Commission licensee. Once approved, award recipients are honored at a ceremony at the State Capitol and receive a medal and accompanying award ribbon.

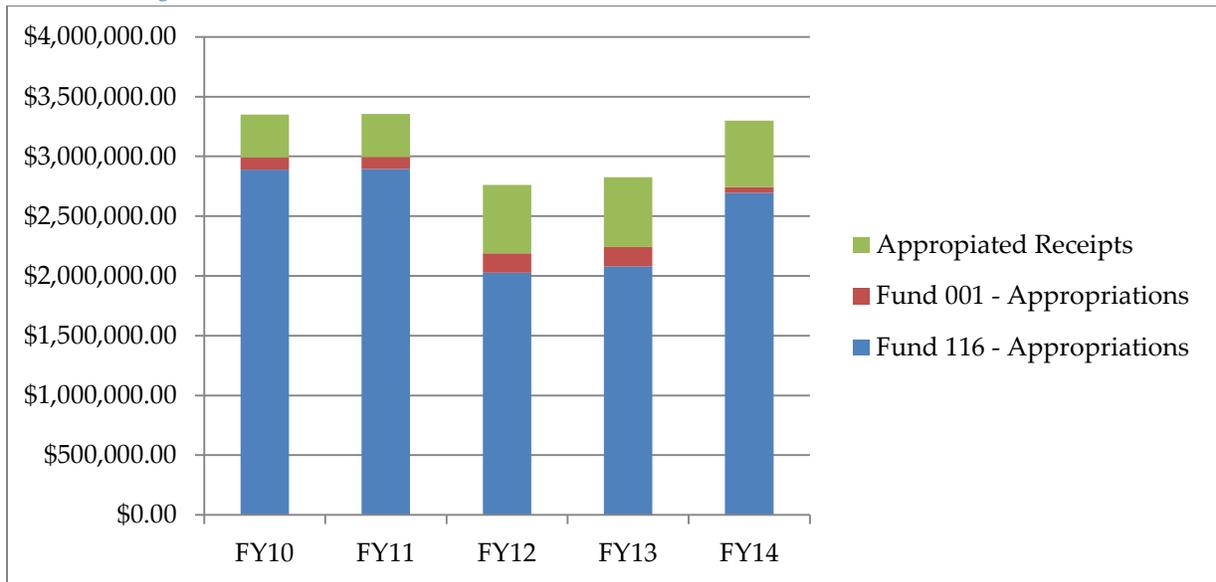
**Retired Out of State & Federal Officer Firearms Qualification:** The commission provides firearm qualification cards to retired out of state & federal officers who now live in the state. These officers are authorized to carry their firearms under federal law as long as they prove qualifications to the commission.

# How We Do It

## FUNDING

Only about 1% of Commission funding comes from General Revenue. Instead, the Commission is primarily funded through appropriations from General Revenue Dedicated Account 116 (Fund 116). By law, one-third of Fund 116 must be set-aside to pay for the Commission’s administrative expenses.<sup>1</sup>

Chart 1 – Funding Levels



As of August 31, 2013, the Comptroller’s *Annual Cash Report* shows Fund 116’s cash balance to be about \$25 million. Fund 116 is funded by roughly 5% of the state-wide court surcharges collected from persons convicted of criminal offenses. Historically, the balance of Fund 116 has been used to certify the budget.

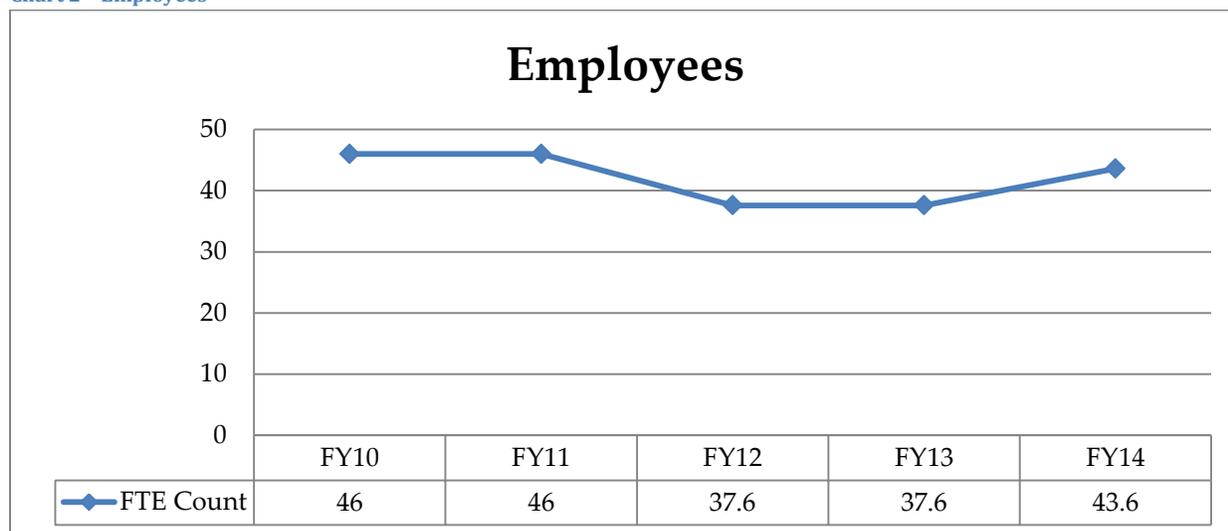
The Commission is authorized to accept donations, contributions, grants and gifts, as well as to establish reasonable and necessary fees. Revenues that the agency collects account for over 20% of the agency’s funding.

<sup>1</sup> Loc. Gov’t Code § 133.102 (f)(1).

## STAFF RESOURCES

The Commission was most recently appropriated forty-four full-time employees and a budget of \$3.3 million. With this staffing level, the Commission is responsible for 2,633 agencies, 287 academies and training providers, and over 400,000 active and inactive licensees. Despite this overwhelming 1:9000 staff to regulated population ratio, these dedicated and diverse employees have earned their long-standing reputation of quickly responding and adapting to changing conditions, needs, and demands. The Commission relies heavily on these specialized and customer-focused employees to carry out the mission and regulatory posture of the agency.

Chart 2 - Employees



Texas ranks high in the nation in the number of licensed law enforcement personnel and law enforcement agencies. Over the next five years, these numbers are projected to grow significantly in relation to the rising Texas population.

The stakes for law enforcement are increasing. The population of Texas continues to grow across every district and, with such growth, there is a greater need for law enforcement to protect our citizens, cities and way of life. Operational complexities continue to expand with increases in population, licensees, sophistication of crimes, law enforcement agencies, and new legislative mandates.

In order to continue to be an asset to the state, and not a bottleneck, the Commission is requesting operational personnel and resources to retain our valued employees and recruit and retain high quality employees.

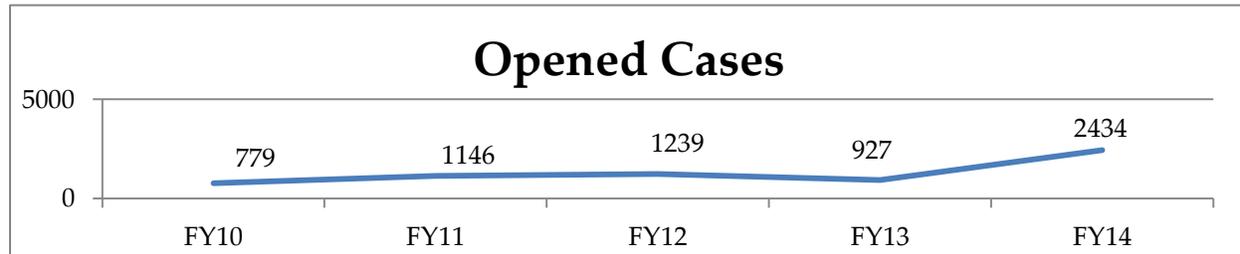
The operational complexity of the Commission continues to expand with increases in population, licensees, sophistication of crimes, law enforcement agencies and new legislative mandates.

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## ENFORCEMENT OPERATIONS

Increasing caseloads and complaint intake have caused an overload on the three investigators assigned to review, classify, investigate, and close each complaint. Cases are classified by three distinct types; non-jurisdictional, administrative, or criminal.

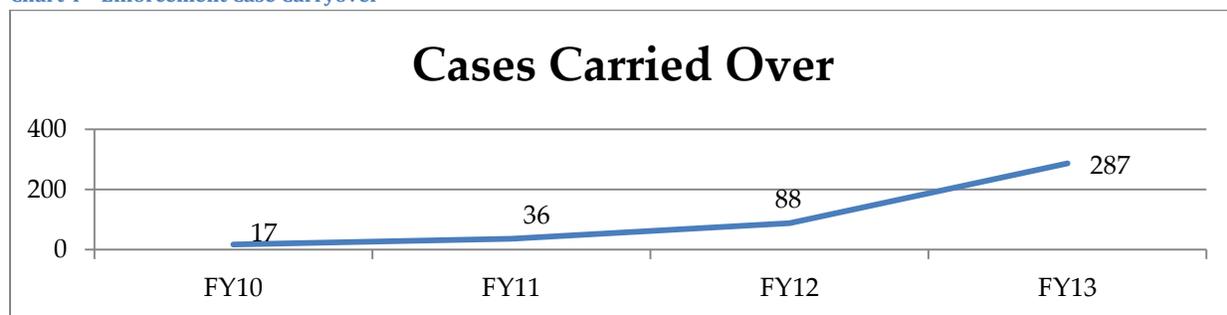
Chart 3 - Enforcement Cases



Non-jurisdictional complaints are received and typically involve improper use of force, violation of departmental policy, or civil rights violations. After review, complaints are either returned to the complainant or referred to another agency.

Chart 5, on page 7, shows the administrative cases involving acts of misconduct where an officer has been arrested and is pending criminal action or a violation of Commission rules. Criminal cases include acts that violate Texas Penal Code such as tampering with a government document and impersonating a peace officer.

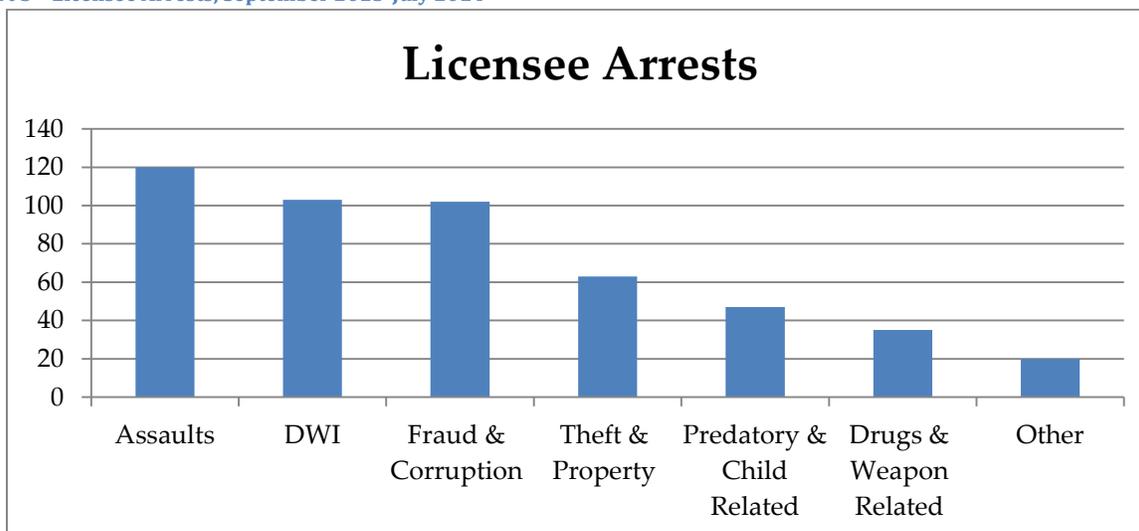
Chart 4 - Enforcement Case Carryover



Consistently in FY10 to FY13 the Commission received approximately 1000 cases per year with an increase in FY14 due to noncompliance with legislatively mandated training requirements. In review of past procedures related to noncompliance, staff found that case numbers were not issued to all noncompliance cases. Instead, just those cases going for final suspension action were issued case numbers, thus, showing a lower case count in previous years.

Failure to maintain the case closure rate results in cases being carried over to the next FY. Taking a case count at 1000 per year dispersed to three investigators equals a case load of 333 cases per investigator. This will require each investigator to close 1.22 cases each workday to keep current. Many cases take weeks or months to work depending on the availability of witnesses and officers for statements.

Chart 5 – Licensee Arrests, September 2013-July 2014



These arrest categories include the following offenses:

(1) *Assault*—use of a deadly weapon, forty-three instances of family violence (including choking a family member), manslaughter, murder, terroristic threats, and cruelty to animals;

(2) *DWI*—includes drinking and driving with a child passenger;

(3) *Fraud and Corruption*—abuse of official capacity, aggravated perjury, bribery, giving false reports, misuse of official information, money laundering, smuggling, tampering with and fabricating records and evidence, improper sexual activity with and violating the civil rights of persons in custody, and twenty-five instances of official oppression;

(4) *Theft and Property*—burglarizing buildings, vehicles, and a home with an intent to assault, six instances of theft by a public servant;

(5) *Predatory and Child Related*—aggravated sexual assaults, sexual assaults on children, possession of child pornography, continuous sexual abuse of a children, exploiting an elderly person, and soliciting minors online;

(6) *Drugs and Weapons Related*—manufacturing, delivery, and possession of controlled substances, ten instances of possessing marijuana, prescription fraud, ten instances unlawfully carrying a weapon, possession of a prohibited weapon, and exporting arms and ammunition from the United States;

(7) *Other*—prostitution, promoting gambling, disorderly conduct, racing, public lewdness, and bail jumping.

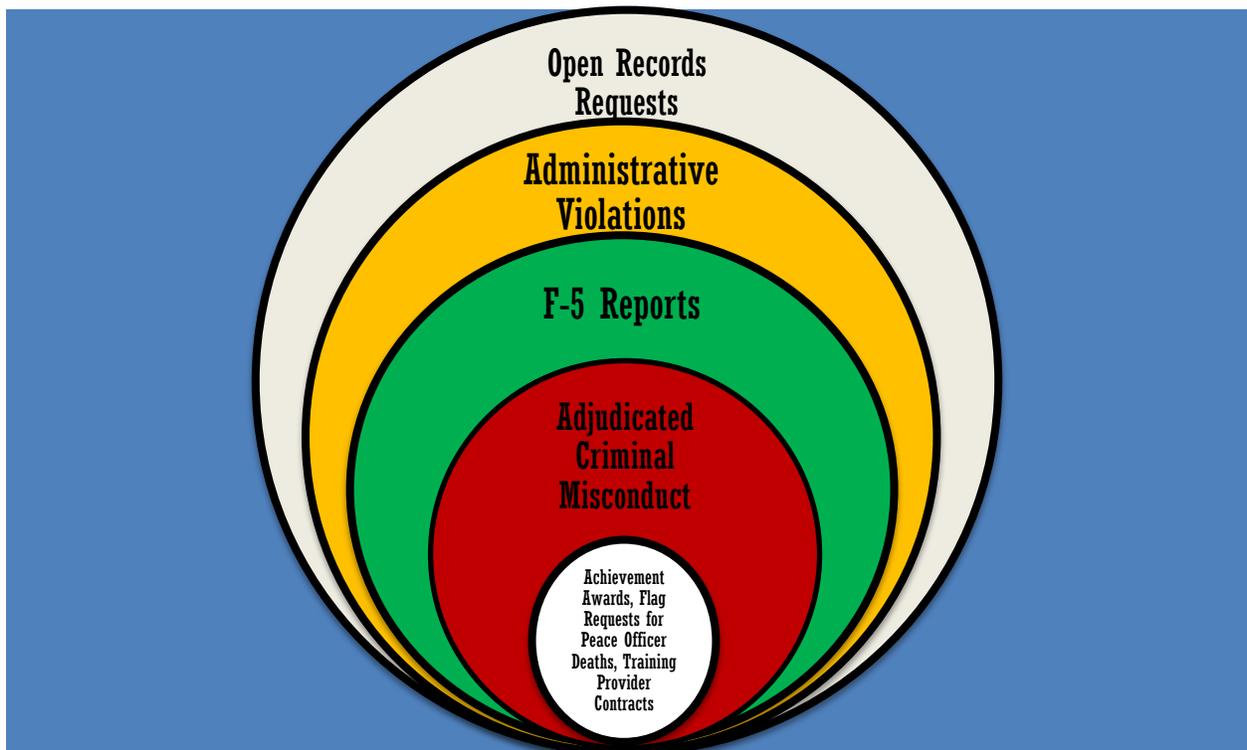
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## LEGAL OPERATIONS

The Legal Division provides legal counsel and services which provide direct and indirect support for all agency legal matters, including:

- Prosecuting enforcement cases, including criminal misconduct and administrative violations;
- Ensuring compliance with open government laws;
- Issuing training provider contracts;
- Administering F-5 Report of Separation matters\*;
- Responding to public inquiries into agency operations; and
- Delivering Texas flags to the families of fallen Texas peace officers.

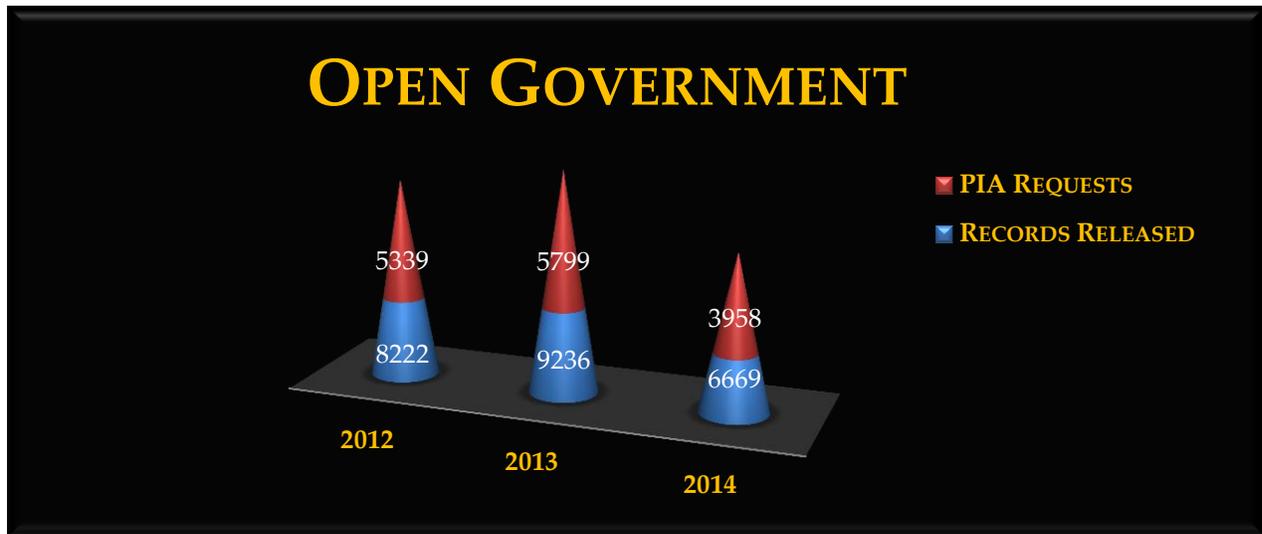
Chart 6 – Legal Functions



The Legal Division accomplishes its varied duties with three information specialist, two legal assistants, and one attorney. This fiscal year alone, legal staff has handled over 400 administrative violation and misconduct cases, 150 F-5 Report of Separation cases, released almost 7,000 pages of open records in response to 4,000 requests, and delivered 70 flags to the families of fallen officers.

*\*F-5 Separations refer to the classification of discharge which a licensee receives when separated from a law enforcement agency. A licensee may receive an Honorable, General, or Dishonorable discharge when separated. The licensee has 30 days to request a hearing contesting the category of discharge at the State Office of Administrative Hearings.*

Chart 7 – Open Government



The Legal Division’s caseload directly relates to the number of cases referred by the Enforcement Division. Looking forward, an increased in such referrals is expected because of a legislative and policy reorientation towards the Commission’s regulatory function. Hand-in-hand with this heightened enforcement posture, any increase in investigative assets strongly correlates with the result of more cases referred to the Legal Division.

Chart 8 – Legal Intake



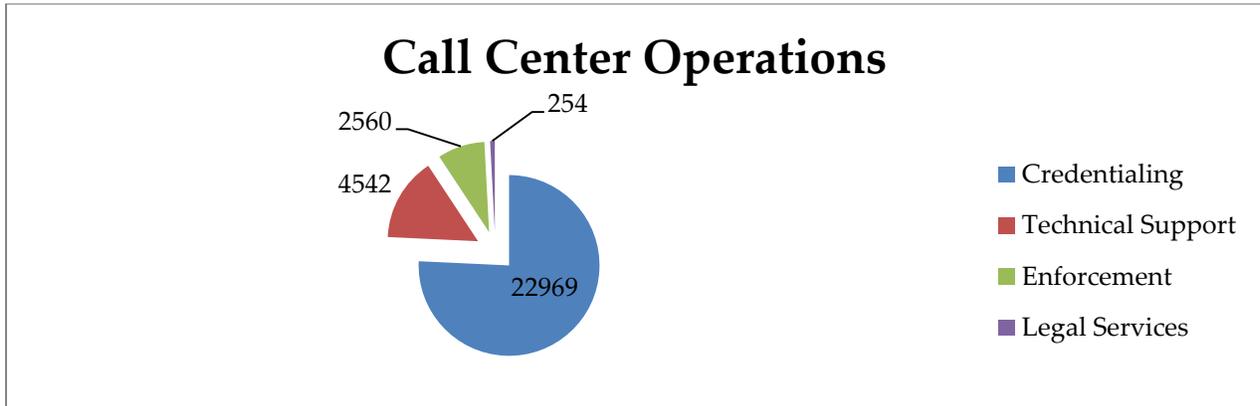
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## CREDENTIALING OPERATIONS

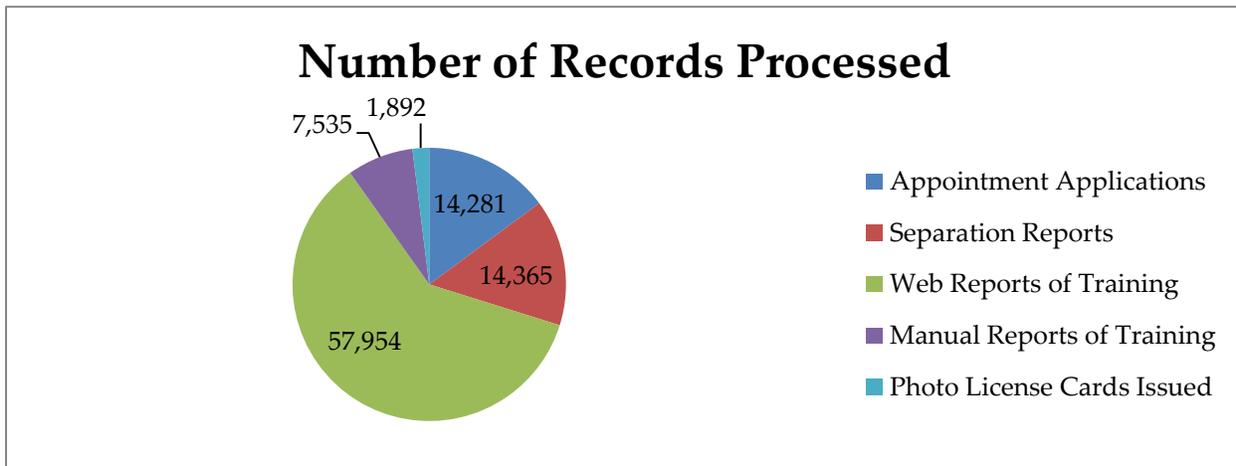
The Credentialing Division is the core of the agency, which operates our call center and maintains our licensee records. The credentialing call center handled and routed over 30,000 calls for assistance from September 1, 2013 thru July 10, 2014.

Chart 10 – Call Center Stats



The Credentialing Division is responsible for the tracking of every appointment and separation of the approximately 110,000 active licensees from any of the nearly 2,700 law enforcement agencies across the state. In addition, the division processed approximately 64,000 training roster from September 1, 2013 through July 10, 2014.

Chart 11 – Records Processed



Out of state peace officers, federal agents, and military police applications to obtain Texas licensure are evaluated and processed by credentialing personnel. These applications are screened and verified for eligibility and authenticity.

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# Going Forward

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## 84<sup>TH</sup> LEGISLATURE

Texas is a well-known leader in law enforcement standards and professionalism across this nation. Texas is the only state where all law enforcement officers must adhere to the same state standards, and Texas is looked upon by other states as the model standards and training entity. Essential funding is necessary to effectively regulate and train our diverse law enforcement personnel who serve each and every day protecting the people of Texas.

This upcoming legislative year will be focused in the following areas:

*Homeland Security* - Texas is facing an unprecedented level of threat from forces that would undermine our quality of life and endanger the lives of Texas citizens. One method of fulfilling that threat is the attempted infiltration of Texas law enforcement agencies by gangs and criminals. This Commission is on the front line of fighting that threat, and it is critical that we have the resources to fulfill that mission. The Commission has demonstrated its commitment to addressing this threat by reassigning one of our agents to work with DPS Intelligence in support of Operation Strong Safety along the border.

*Investigation, Prosecution and Enforcement* - Our Enforcement Division, which serves as the backbone for our efforts to meet our mission statement, handles both criminal and administrative investigations. Administrative cases involve acts of misconduct by both academies and training providers, and by licensed persons. Criminal cases involve criminal acts by licensees, most of which center around tampering or falsifying official government documents and impersonating a peace officer.

*Enhanced Field Service* - The field services agent program is probably the most popular program we have, and is widely utilized throughout Texas. The Commission receives continual positive feedback from the agencies and licensees served. The Commission is required by Texas Occupation Code §1701.162 to conduct audits on each law enforcement agency every five years, and this mandate is handled by the field service agent program. Additions to this program will decrease the time between audits and increase the number of agencies served each year.

With the support from the Texas Legislature the Commission is dedicated to the men and women who comprise the state's law enforcement community and who put their lives in harm's way to protect the citizens and visitors of the Great State of Texas.