

Texas Commission on Law Enforcement



Chief Administrators Desk Reference

Revised
July 2016

www.tcole.texas.gov

Table of Contents

<i>Mission of TCOLE</i>	5
<i>Authority of TCOLE</i>	5
<i>Governance</i>	5
<i>Overview of TCOLE</i>	5
<i>TCOLE’s Service Obligation</i>	6
<i>TCOLE Complaint Process</i>	6
<i>Field Service Agents</i>	6
<i>Required Training for Initial Licensing</i>	7
<i>Basic Training Requirements</i>	8
Peace Officer	8
Out of State, Federal, and Military Police officers	8
County Jailer	8
Telecommunicator	8
<i>Disqualification for Licensure – Criminal Conviction</i>	8
<i>Appointment of Chief Administrators, Peace Officers, County Jailers, and Telecommunicators</i>	9
Licensing Standards	9
Medical Examination required	9
Constitutionally Elected Officials	10
Municipal Chiefs of Police	10
<i>Required TCOLE Licensing Paperwork</i>	10
<i>Appointment of individuals already licensed by TCOLE:</i>	11
180 or less days break in service	12
More than 180 dasy break in service	12
<i>Appointment of New Chief Administrators (already licensed):</i>	12
<i>Reporting Separation or Termination of Appointment (F-5)</i>	13
Peace Officers, County and Contract Jailers, and Telecommunicators	13
<i>Continuing Education</i>	13
Chiefs of Police	13
Constables	13
Peace Officer	14
Deputy Constables	14
Persons licensed as Jailers, Reserve Officers, & Public Security Officers	15
Telecommunicators	15
Consequences of failing to meet all Continuing Education requirements:.....	15

Proficiency Certification Requirements	15
Peace Officer Proficiency Certifications	15
An updated list of all proficiency certification prerequisites is available on the TCOLE website by clicking on the following link:	15
Basic Certificate	16
Intermediate Certificate	16
Advanced Certificate	16
Master Certificate	16
County Jailer Proficiency	16
Basic Certificate	16
Intermediate Certificate	16
Advanced Certificate	16
Masters Certificate	16
Basic Certificate	16
Intermediate Certificate	17
Advanced Certificate	17
Professional Achievement Awards	17
http://www.tcole.texas.gov/sites/default/files/documents/2017%20Law%20Enforcement%20Achievement%20Award%20Nomination%20Form.pdf	17
Training Provider Requirements	17
Audits of Agency Records	18
Texas Peace Officers Memorial	18
State Flag Distribution	18
Statutory Requirements	19
Racial Profiling Reporting Requirements	19
Disciplinary Actions	19

Dear Law Enforcement Administrator:

Your position as a law enforcement administrator will require you to know many things, not the least of which is the rules and regulations of the Texas Commission on Law Enforcement (TCOLE) that are directly related to the daily operation and management of your law enforcement organization. Our goal is to help you properly procure and maintain your officer's credentialing and training records.

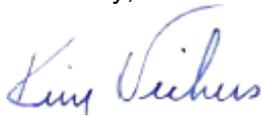
To that effect, we are pleased to provide you with this publication which contains some basic information about our agency, your responsibilities as a law enforcement administrator, and a brief explanation of the processes required for the proper administration of a law enforcement agency.

As a law enforcement administrator, it is your responsibility to ensure that you and your agency's personnel receive required training, and comply with all applicable Texas statutes and TCOLE Regulations.

This publication also includes the legislatively mandated training requirements for new and currently serving Chiefs of Police, Constables, Sheriffs and other law enforcement agency administrators.

If you have questions or need assistance, we encourage you to email or write to us instead of contacting us by telephone, so we can ensure we fully understand your question and can provide you with the correct answer.

Sincerely,



Kim Vickers
Executive Director
www.tcole.texas.gov

Staff Contact Information

Executive Director

Chief Kim Vickers, Executive Director (512) 936-7712

Ms. Kaye Wilson, Exec. Asst. (512) 936-7713

Agency Operations

John M. Helenberg, Director Phone: (512) 936-7768

Ms. Laurie Abernathy, Administrative Assistant (512) 936-7771

General Counsel Division

John Beauchamp, General Counsel Phone: (512) 936-7746

TBD, Legal Asst. Phone: (512) 936-7779

Government Relations Division

Gretchen Grisby, Director of Government Relations & PIO Phone: (512) 936-7715

Nikki Johnson, Achievement Awards & Open Records requests Phone: (512) 936-7763

Ken Mobley, Memorial Flag Program Phone: (512) 936-7705

Financial Services

Brian Roth, Director Chief Financial Officer Phone: 512-936-7725

Finance, Purchasing, Fiscal Affairs and HUB vendors

Credentialing & Licensing Services Division

Lisa Landry, Supervisor Phone: 512-936-7749

Special Services Division

Michael Antu, Chief Phone: 512-936-7750

Dennis Graffious, Jessica Teseny & Thurman Felder, Informational Resources. Phone: 512-936-7700

Gary Connella, New Agency and Course Evaluations Phone: 512-936-7774

Nazareth Munoz, Fingerprinting, CCH's, F.A.S.T. & TDPS liaison Phone 512-936-7721

Field Services Division

Richard Gutierrez, Field Supervisor Phone: 512-923-0916

Lt. Kenneth Merchant, Assistant Field Supervisor Phone: 512-668-3292

Enforcement Division

Cap't. Candice Simon, Phone 512-936-7704

Sgt. Mike Hobbs, Phone 512-936-7756

Postal Address & Additional Numbers

Texas Commission on Law Enforcement
Officer Standard and Education,
6330 E Highway 290, Suite 200
Austin, Texas 723-0135

Main Number

512-936-7700

Fax Number

512-936-7714

TCOLE Website Address:

www.tcole.texas.gov

The Texas Commission on Law Enforcement (TCOLE) is a state agency created by Senate Bill (SB) 256 of the 59th Legislature, which became effective on August 30, 1965.

Mission of TCOLE

To ensure a Texas where people are served by highly trained and ethical law enforcement and corrections personnel through screening, developing, and monitoring resources and setting standards.

Authority of TCOLE

TCOLE's statutory authority is codified in Occupations Code, Title 10 - Occupations Related to Law Enforcement and Security, Chapter 1701 - Law Enforcement Officers. Through the authority of Section 1701.151(2), TCOLE is empowered to establish minimum standards relating to competence and reliability, including education, training, physical, mental, and moral standards, for licensing as an officer, county jailer, or public security office or employment as a telecommunicator.

Governance

TCOLE Commissioners are appointed to six-year terms by the Governor of the State of Texas, and are made up of three (3) chief law enforcement administrators, three (3) peace officers, and three (3) public members.

The Commissioners meet quarterly; usually in March, June, September, and December. For a current listing of Commission members, log on to:

<http://www.tcole.texas.gov/content/tcole-commission-and-its-members>

Overview of TCOLE

TCOLE is staffed by a very limited number of dedicated employees. They are responsible for overseeing and administering specific statutory mandates including, but not limited to setting the minimum training and licensing requirements for peace officers, county jailers and emergency communication operators; establishment of minimum requirements for proficiency certifications; facilitation of technical assistance; instruction and evaluation of training providers; auditing of credentialing records; prevention and deterrence of statutory and administrative rule violations through proactive training and disciplinary measures; and the administration of the state's law enforcement achievement awards and Texas flag for deceased peace officers program.

The Executive Staff is comprised of the Executive Director, Director of Operations, General Counsel, Director of Government Relations, Chief Financial Officer, and two executive assistants.

Credentialing Services personnel oversee the issuance of licenses and certifications, recording and filing of training rosters and construction and maintenance of licensee records.

The Special Services Division staff oversees the development and delivery of training curriculum and licensing exams. They also screen, evaluate and approve applications for new agency licenses and training provider contracts and are responsible for technical support and information technology projects.

Fiscal Services employees are responsible for the accountability of all budgetary allotments and expenditures; personnel and time records; equipment inventory and all other fiscal programs.

Enforcement Division staff investigate allegations of criminal and administrative rule violations. They initiate disciplinary actions (reprimands, suspensions, revocations, etc.) and file criminal cases as warranted to ensure compliance with Texas Occupations Code and Commission rules.

Field Services staff members conduct audits of credentialing files and training provider records. They assist in the preparation, review, approval and renewal of training provider contracts. Continuous evaluation of training programs, files and facilities to ensure compliance with Rule and statute; as well as field support to chief administrators and their staff are two more important tasks assigned to the Field Services Division.

The Office of General Counsel team oversees disciplinary action, separation appeals, and S.O.A.H. hearings. They also monitor continuing education compliance, open records requests, rule development, memorial Texas flag distribution, and the Achievement Awards.

TCOLE's Service Obligation

Citizens have the right to know how their government performs its responsibilities. At TCOLE, we are committed to help facilitate requests for information as they are received. Under normal working conditions, we strive to return all voicemail messages within 24 hours during the regular business week. It must be pointed out that voicemail and e-mail messages sent to staff members who travel frequently may not be read for several days.

Open records requests should be submitted in writing. Unless the information requested is protected from disclosure by law, (for example, F-5's); requests for information are processed by our public information office staff as soon as possible on a "first come - first served" basis. Please keep in mind that the most commonly requested information is readily available from our agency's website. Immediate familiarization with this helpful resource is, therefore, essential to the continued development of every chief administrator regardless of tenure.

TCOLE Complaint Process

It is our policy to promptly and courteously address any complaints we're made aware of, concerning the official acts of TCOLE Commissioners, employees, services, administrative rules or policies and the quality and impact of our field programs. A sustained complaint against an employee could result in disciplinary action, up to termination of employment depending on the type and severity of the infraction.

By the same token, and to the extent authorized by statute, we are committed to investigating any and all allegations of Texas Occupations Code and/or Administrative Rule violations committed by any licensee. All complaints will be investigated and processed in accordance with existing statutory and procedural guidelines.

As a general rule, all formal complaints (including those outside of our purview) will be acknowledged in writing. If applicable, a notification of case disposition may also be sent to the complainant.

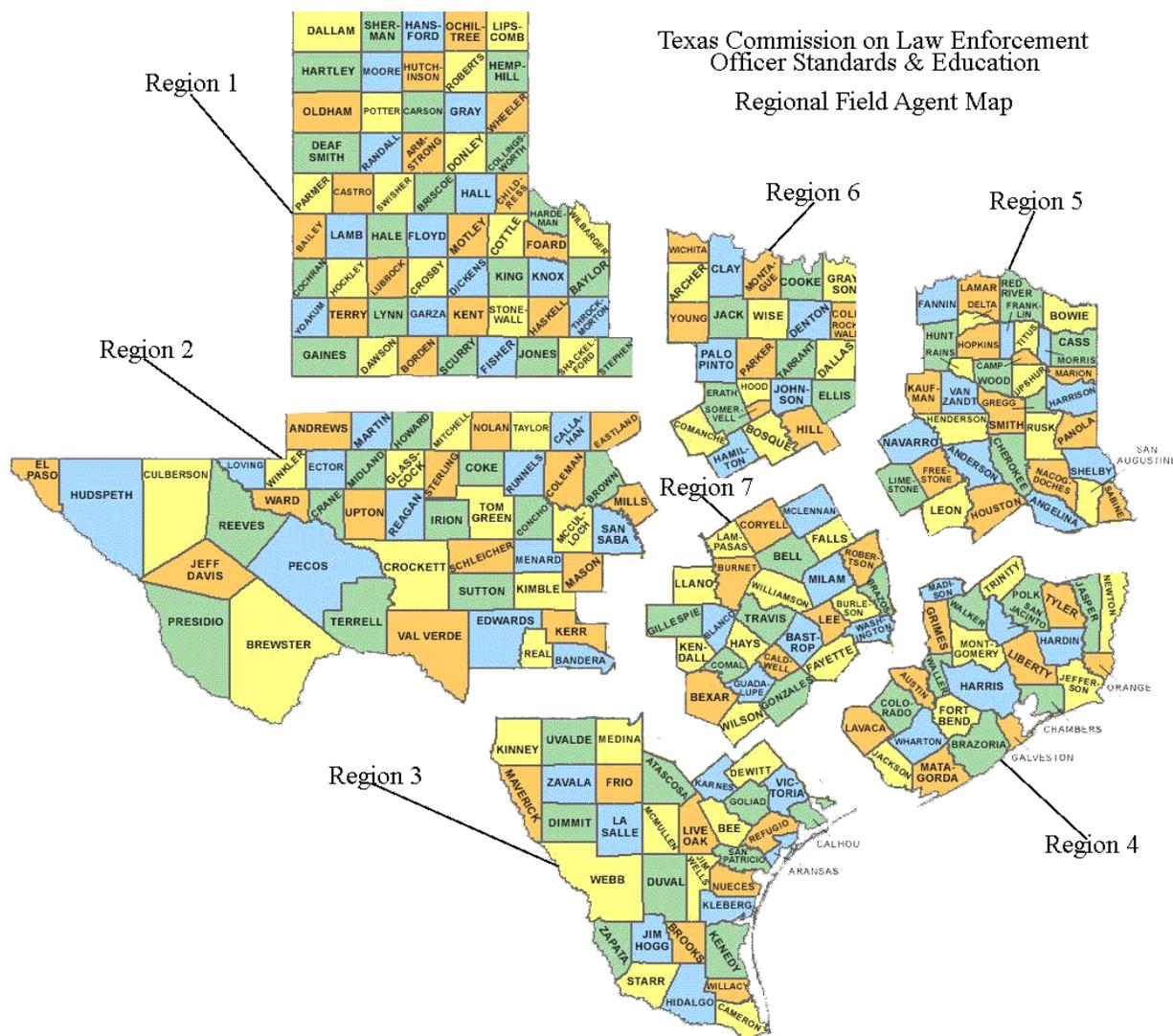
<http://www.tcole.texas.gov/content/tcole-commission-and-its-members>

Field Service Agents

In 2006, the TCOLE deployed four (4) Field Agents to four (4) Regions based in Austin, Abilene, Sherman, and Palestine. The mission of the field agents is to provide an open method of communications between the Commission and the law enforcement community to reinforce and promote voluntary compliance with state law and Administrative Rules. In 2007, during the 80th legislature, TCOLE received additional funding and authorization to deploy three (3) more agents which were based in Houston, Lubbock and Victoria. Between September of 2015 and April of 2016, two (2) Academy and Contractual Evaluator and one (1) Compliance Review Specialist positions were approved to enhance the Training Provider inspection program.

Currently, the Field Service agents are supervised by a Supervisory Agent and located in seven (7) geographical zones. They perform a wide variety of very important tasks and support all the other divisions. Field Service Agent Contact information may be found at:

<http://www.tcole.texas.gov/content/regional-support-field-service-agents>



Required Training for Initial Licensing

Sections 1701.251 and 1701.253 of the Texas Occupations Code (TOC) requires that TCOLE draft, implement, update and regulate preparatory and continuing education courses for every type of law enforcement license it regulates. The Commission administers said training mandates through licensed law enforcement academies, approved contractual training providers and a few academic alternative programs.

Section 1701.255 of the TOC requires that TCOLE establish minimum qualifications for enrollment in a basic licensing course. This section specifically prohibits a person from enrolling in a basic course if they are prohibited by statute or administrative rule from being licensed a peace officer, county jailer or emergency telecommunications operator. For example, effective 03/01/03, U.S. citizenship was restored as a requirement to enroll in any licensing course.

Section 1701.304 of the TOC requires the successful completion of a licensing exam for any license issued by TCOLE. Eligibility requirements to take licensing examinations may be found

in Section 219.1 of the Administrative Rules.

Basic Training Requirements

Peace Officer

Peace officer applicants are required to successfully complete the current Basic Peace Officer Certification courses (#1000643 & #1033) and pass the licensing exam prior to being licensed.

Out of State, Federal, and Military Police officers

After an application has been reviewed and approved by TCOLE staff, officers licensed in other states, selected federal officers (identified in 2.122 CCP), or military police officers are allowed to enroll in the *Supplemental Peace Officer Course* (#1018). Upon successful completion of the course, applicants earn an endorsement to attempt the licensing exam.

County Jailer

County jailers must complete the current Basic County Corrections courses (#1305 & #1035) and successfully complete the licensing examination prior to appointment.

Appointment as a temporary jailer is allowed for up to one (1) year provided the individual meets all the other minimum requirements. Temporary jailers must successfully complete the Basic County Corrections training course and pass the licensing examination within twelve (12) months from the initial appointment date. After that, the temporary license automatically expires and it cannot be renewed. However, a Sheriff may petition TCOLE for reinstatement of the person to a new temporary appointment after one (1) full year from the expiration date has passed.

Section 1701.310 of the TOC states that an individual who successfully completes the Texas Department of Criminal Justice (TDCJ) corrections officer course will not be required to complete the Basic County Corrections training course in order to be appointed as a part-time county jailer. However, all other appointment requirements including the licensing exam, psychological and medical evaluation, will still apply.

Telecommunicator

House Bill (HB) 1951 of the 83rd legislative session upgraded the emergency communications operator's certification to a license effective 01/01/14. With the exception of firearms qualification, all licensing requirements apply to police communications operator appointments.

Furthermore, in addition to the existing 40-hr basic telecommunications training course (#1013); the aforementioned legislation mandated a minimum of 20 hours of continuing education training every two (2) years. In cooperation with the Texas Commission on State Emergency Communications, Texas Department of Public Safety and curriculum committees; TCOLE has developed the course material necessary to comply with all applicable mandates.

Sections 1701.405(g) and (h) of the TOC allow temporary appointment of a telecommunicator for a period not to exceed one (1) year. If the appointee does not satisfactorily complete the basic preparatory courses (#1013, #1305 & #2120) and licensing exam before the end of the 12-month period, the chief administrator or designee must submit form F-5 to terminate the appointment(s). Once that temporary appointment has expired, it may not be renewed as such for at least another year. Successful completion of all required courses, however, authorizes the appointment of that person at any given time, provided all other prerequisites are met.

Disqualification for Licensure – Criminal Conviction

Section 1701.312 specifically disqualifies a person from being licensed as an officer, county jailer or telecommunicator if the person has been convicted of a felony offense. A felony

conviction exists if the person has been adjudged guilty of a felony offense under the laws of Texas, another state, or the United States Code. A person adjudged guilty of a disqualifying offense but placed on probation is for all licensing purposes considered to be convicted. Key phrases like “adjudged guilty” or “found guilty” are a clear indication of a permanent conviction. This type of adjudications will be treated as convictions regardless of whether: (1) the sentence is subsequently probated and the person is discharged from community supervision; (2) the accusation, complaint, information, or indictment against the person is dismissed and the person is released from all penalties and disabilities resulting from the offense; or (3) the person is pardoned for the offense, unless the pardon is granted expressly for subsequent proof of innocence.

Under current Federal Statutes (U.S. Code, Title 18, Crimes and Criminal Procedure, Part 1, Crimes, Chapter 44, Firearms, Sections 921(a)(33)(A)&(B), and 922(d)(g)&(h)) a person convicted of any crime involving domestic violence or subject to any type of restraining order issued by a court of competent jurisdiction is prohibited from owning or possessing firearms or ammunition – which automatically disqualifies the individual from being licensed as a peace officer. Furthermore, administrative rules prohibit the issuance of any TCOLE license to a person convicted of family violence.

You are urged to be extra cautious while reviewing an applicant’s criminal history. Section 1701.553 of the Occupations Code makes it a state jail felony to appoint or retain a convicted felon (see also sections 1701.312 and 1701.313). It is also a criminal offense to knowingly make a false statement on any TCOLE license application. Keep in mind that computerized criminal histories (CCH’s) are often inconclusive. When in doubt, always procure certified copies of court records and up-to-date fingerprint identification. These records are auditable items that must be kept readily accessible for inspection throughout the individual’s employment and no less than five (5) years after termination.

Appointment of Chief Administrators, Peace Officers, County Jailers, and Telecommunicators

Licensing Standards

Section 1701.153 of the TOC, clearly states TCOLE must set prerequisites and reporting standards for the appointment and termination of peace officers, county jailers and telecommunicators. It also reinforces the obligation chief administrators have to comply with all TCOLE reporting requirements.

Section 1701.301 prohibits the appointment of a person without the appropriate license to a peace officer, jailer or telecommunicator position; and section 1701.551 makes it a criminal offense punishable by a fine of up to \$1,000.00 dollars.

Section 1701.303 specifically requires that a law enforcement agency or governmental entity must file the application for a person to be issued a TCOLE license. An individual cannot apply for such license on his own.

Medical Examination required

Section 1701.306 prevents the issuance of a TCOLE license unless the recipient has undergone a psychological and emotional health examination, been screened for any trace of drug dependency or illegal drug use, and undergone a standardized physical examination. Said examinations must be conducted by a Texas licensed physician or psychologist selected by the appointing agency (not the applicant) within 180 days PRIOR to the date of appointment. If the examinations were completed for the purpose of enrolling in a law enforcement academy, it is permissible for the L-2 and L-3 forms to be used by the first appointing agency as long as the appointment is completed within 180 days from graduation. Medical and drug exams must be documented on an L-2 form, while the psychological and emotional health examination is documented on the L-3 form. These forms are NOT medical records and therefore, are not

subject to HIPAA restrictions. It must be noted that even though both of these documents are entrusted to the care and custody of the LEA or appointing agency staff, they belong to TCOLE.

Section 1701.153 of the TOC makes the chief administrator responsible for compliance with all reporting requirements and procedures prescribed by the commission.

Constitutionally Elected Officials

Law enforcement officers elected under the Texas Constitution are exempt from some of the aforementioned licensing requirements. Constables who took office before September 1, 1985 and have continued holding the same office without a break in service, for example, are not required to comply with Chapter 1701 of the Occupations Code. They are exempt from licensure and annual firearms proficiency demonstration.

Constables who took office between September 1, 1985 and August 30, 1999 had two years from the date of taking office to obtain a peace officer license; but they must meet all other requirements of Chapter 1701 Occupations Code.

In 1999, the 76th Legislature amended Section 86.0021, Local Government Code to provide that Constables who take office on or after August 30, 1999 have a maximum of **270 days** to obtain a license and submit it to their commissioner's court.

Sheriffs who took office prior to 1/1/94 and have continuously held that same office without a break in service are not required to comply with Chapter 1701, Occupations Code. They are not required to be licensed, comply with continuing education requirements, or demonstrate weapons proficiency. Sheriffs taking office on or after January 1, 1994, have two years from the date of taking office to obtain a peace officer license.

Elected officials (sheriffs, constables, and elected chiefs of police) are the only peace officers allowed to sign their own L-1 form. All other peace officers must have their L-1 signed by the agency's chief administrator or his designee. The L-1 of an appointed chief of police must be signed by that chief's appointing authority (city managers, airport managers, ISD superintendents etc.)

Municipal Chiefs of Police

Effective September 1, 1997 Section 96.641 of the Education Code requires the chief of a municipal department to be licensed not later than one year after the date appointed.

Required TCOLE Licensing Paperwork

Effective 9/1/11, submission of paper forms by mail require a \$35.00 processing fee each. Electronic submission via the Law Enforcement Data Distribution System (TCLEDDS) is not only faster and more secure but also free of charge. The Department Reporting System (DRS) affords some transaction capabilities to agencies without a TCLEDDS account.

<http://www.prodctr.com/tcledds.htm>

<https://my.tcole.texas.gov/tcleoseDRS/index.cfm>

In order for an individual to be issued a peace officer, jailer or telecommunicator license, the appointing agency must submit an L-1 form. The agency submitting the license application must retain all supporting documents to prove the applicant meets all minimum requirements for licensing throughout the appointment and then five (5) years after the person leaves the agency. False affirmations on any credentialing documentation are subject to administrative penalties up to and including revocation of license(s) held as well as criminal prosecution.

Contract Jailers

In 1997, the 75th Legislature amended Section 511.0092(f)(2) of the Texas Government Code to

require employees of counties, municipalities, or private vendors who operate a **contract jail** to be licensed by TCOLE. These jailers must meet all the same requirements as County Jailers.

Sheriffs are responsible for the proper screening, appointment and training of jailers working in any public or private detention facility located within their county which, at any time during the calendar year, holds county prisoners for any period of time. Jailer appointments to private detention facilities require a processing fee for initial as well as for subsequent appointments.

Minimum required documentation for initial appointment includes:

Paper copy of "Appointment of Licensee" (**L-1**): *If the form is submitted electronically via TCLEDDS, an original copy of the approved form (front and back) must be printed, signed, notarized and filed in the officer's TCOLE file folder. Note: The second page of the L-1 form must also be properly signed and notarized.*

Original "Licensee Medical Condition" form (**L-2**) properly completed by a Texas-licensed physician, attesting to the applicant's lack of drug dependency or illegal drug use and overall health condition; (the physician must be selected by the appointing agency – not the applicant);

Original "Licensee Psychological Health" form (**L-3**) properly completed by a Texas-licensed psychologist or psychiatrist, attesting to the emotional and psychological health of the applicant, (the psychologist or psychiatrist must be selected by the appointing agency - not the applicant);

A paper copy of a Criminal History Check;

Original copy of **fingerprint records check return** from TDPS and FBI or a copy of the complete electronic return from F.A.S.T. records;

Simply submitting the applicant's fingerprints to TDPS does not fulfill the requirement. Criminal history check documentation should include certified copies of court records pertaining to any past criminal offenses on the applicant's criminal record.

A legibly completed Personal History Statement (**PHS**) – obtainable from TCOLE website.

Documented proof of **minimum education**;

Legible copy of ALL military discharge records (**DD-214** or equivalent) if applicable;

Documented proof of **United States citizenship**; *Acceptable proof of US citizenship include: certified copy of a birth certificate, valid US passport, certificate of US citizenship, US passport card, or US (INS) naturalization papers.*

For peace officers only; proof of **weapons proficiency** within the previous 12 months.

REMINDER: Section 1701.551 of the Texas Occupations Code makes it a criminal offense to appoint or retain someone who is not currently licensed as a peace officer, jailer or telecommunicator.

Appointment of individuals already licensed by TCOLE:

The Texas Occupations Code mandates that appointing agencies conduct a pre-employment background investigation in accordance with TCOLE guidelines. Chief administrators must ensure all pre-employment background investigation requirements are met, properly recorded and kept readily accessible for inspection at all times. At minimum, the applicant's file must contain proof of: a properly conducted criminal background check; a signed consent form (release) to view the applicant's previous employment record(s); written record of contacts made with each of the applicant's previous employers (**F-5R**); legible copy of the applicant's TCOLE training and service record (electronic **PSR**); and a proper, legibly completed personal history statement (**PHS**) – free template available on TCOLE website

Section 1701.451 a-1 of the TOC, compels previous employers to make work history available to the requesting agency representative(s) if a properly completed consent form is provided.

180 or less days break in service

In addition to the four (4) items listed at the bottom of the previous page, individuals previously licensed who are applying for appointment with 180 or less days break in service must also have the following:

Hard copy of "Appointment of Licensee" form (L-1): If submitted electronically via TCLEDDS, the approved copy must be printed, signed, notarized (front and back) and filed in the officer's TCOLE file folder.

For peace officers only; proof of weapons proficiency within the previous 12 months.

More than 180 dasy break in service

In addition to the four (4) items listed at the bottom of the previous page, individuals previously licensed who are applying for appointment with more than 180 days break in service must also have the following:

Hard copy of "Appointment of Licensee" form (L-1): If submitted electronically via TCLEDDS, the approved copy must be printed, signed, notarized (front and back) and filed in the officer's TCOLE file folder.

Original "Licensee Medical Condition" (L-2) form properly completed by a physician licensed in Texas (and selected by the appointing agency – not the applicant); attesting to the applicant's lack of drug dependency or illegal drug use and overall health condition;

Original "Licensee Psychological Health" (L-3) form properly completed by a psychologist or psychiatrist licensed in Texas, attesting to the emotional and psychological health of the applicant, (the psychologist or psychiatrist must be selected by the appointing agency – not the applicant);

A paper copy of a complete (TCIC/NCIC) Criminal History Check; with proof of final disposition for any class B arrest or higher and any charge of family violence regardless of degree.

Original copy of returned fingerprint records check from TDPS and FBI or a copy of the complete electronic return from F.A.S.T. records;

Proof of submission of applicant's fingerprints to TDPS without a return does not fulfill this requirement. Criminal history documentation must include certified copies of court records clearing the applicant to any criminal offenses on his or her record.

Legible copy of ALL military discharge records (DD-214 or equivalent); certain dishonorable or bad conduct discharges can result in license revocation, even if already licensed.

For peace officers only; proof of weapons proficiency within the previous 12 months.

Appointment of New Chief Administrators (already licensed):

Appointing agency shall procure and retain the following documentation for the individual's file:

"Appointment of Licensee" (L-1) – must check off Chief of Police or applicable designation; If a chief administrator is appointed from outside of the agency, all the aforementioned documents for either "more than 180 days break in service" or "180 days or less" will be required and must be procured PRIOR to appointment.

Reporting Separation or Termination of Appointment (F-5)

Peace Officers, County and Contract Jailers, and Telecommunicators

Section 1701.452 of the TOC requires chief administrators to report the separation of a licensee and requires them to select one of the following designations: “Honorably discharged”, “Generally discharged”; or “Dishonorably discharged”

Section 1701.4521 of the TOC, calls for license suspension after two dishonorable discharges.

The F-5 must be submitted within 7 business days from date of discharge unless in-house appeal processes are in place – in which case, the form should be submitted *after* all applicable appeal wait periods have been exhausted. The chief administrator or designee must provide a completed (signed) copy of the report to the licensee in person or by certified mail and keep a file copy of the form and the signed certified mail receipt.

Section 1701.454 of the TOC clearly stipulates that this report is confidential and not subject to Open Records law, unless the person resigned or was terminated due to substantiated incidents of excessive force or serious violations of the law other than traffic offenses.

Continuing Education

Chiefs of Police

Section 96.641 of the **Texas Education Code** requires that after 9/1/97, all chiefs of police complete initial (*New Chiefs*) and continuing education (*Leadership Series*) training.

A newly elected or appointed police chief must complete the mandatory New Chiefs course no later than the second anniversary of appointment or election as chief of police. This training program must be obtained through the Bill Blackwood Law Enforcement Management Institute. Until new chief’s training is completed, all other required training for peace officers under TOC Chapter 1701 still applies. Once new chief’s school is completed, the statute exempts the chief from the requirement of continuing education for peace officers under TOC Subchapter H of Chapter 1701, for that training unit.

In 2006, TEC Section 96.641 was amended to add a minimum of 40 hours of management training for all chiefs of police. The training topics must relate to law enforcement management issues provided by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT) at Sam Houston State University. Other than “New Chief’s training” and Chief’s Continuing Education course, chiefs of police are exempt from other training requirements under Chapter 1701.

Section 96.64 (1) (i) of the Texas Education Code clearly states that failure to complete the required training on time makes a person ineligible to continue to serve as chief.

Constables

In 2005, the Legislature added Section 1701.3545 of the TOC to require Initial training requirements for new constables. These requirements went into effect on 6/18/05 and by 01/01/06 LEMIT had a training program in place. Newly elected or appointed constables must complete an initial 40-hour training course before the second anniversary of their appointment or election.

In 2007, that same section was amended to require an additional block of Continuing Education training specifically designed for constables every 48 months at LEMIT. Other than the mandated New Constable training and Continuing Education course, constables are exempt from other training requirements under TOC chapter 1701.

By law, TCOLE must forward to the Attorney General's Office a list of all constables who failed to comply with the training requirements. A constable who does not comply forfeits the office and the attorney general shall institute a quo warranto proceeding under Chapter 66 of the Civil Practice and Remedies Code to remove the constable from office.

Peace Officer

In order to keep an active license, each peace officer must complete certain training courses. Effective 9/1/01, peace officers are required to complete 40 hours of continuing education courses every training unit (24 months) to include the State and Federal Law Update. Additionally, certain mandated courses must be completed every training cycle (48 months).

The 24-month continuing education training unit begins on the first of September of odd-numbered years and ends the last day of August of the next odd-numbered year (Example: September 1, 2015 to August 31, 2017.) A training cycle is composed of two 24-month training units. Notices of impending non-compliance are sent to chief administrators several weeks prior to the end of each training unit and cycle.

In addition to the already mentioned State and Federal Law Update mandate which must be completed every 2 years, Section 1701.352 TOC requires each licensed peace officer without a proficiency certificate or just a Basic Peace Officer Proficiency certificate to complete training in: **Civil Rights, Racial Sensitivity and Cultural Diversity**, recognition and documentation of cases that involve: **Child Abuse, Child Neglect, Family Violence, Sexual Assault, and Issues Concerning Sex Offender Characteristics;** and **De-escalation and Crisis Intervention Techniques** to facilitate interaction with persons with mental impairments; every 48-month training cycle.

The Cultural Diversity course (**#3939**) covers the Civil Rights, Racial Sensitivity, and Cultural Diversity issues. Special Investigative Topics course (**#3232**) covers the special investigative topics (Child Abuse and Neglect; Family Violence; Sexual Assault; and Sex Offender Characteristics). The Sexual Assault Family Violence Investigator Course (SAFVIC) provided by the Texas Municipal Police Association (TMPA) fulfills the investigative topic requirement for the training cycle in which it is completed. If an agency's chief administrator determines that the investigative topics training is not consistent with an officer's assigned duties, he or she may request permission from the Commission in writing to allow the officer to complete a different course in lieu of investigative topics. Crisis Intervention Update (**#3843**) covers the de-escalation and crisis intervention techniques designed to facilitate interaction with mentally or emotionally unstable individuals.

Section 1701.258 TOC requires that an officer first licensed on or after 1/1/11 must complete a one-time basic training program on the trafficking of persons within 1 year of licensure (**#3270**).

Section 1701.352 requires that a person appointed to their first supervisory position in law enforcement must complete a training program on supervision issues (**#3737**) as part of their 40-hour continuing education program within one (1) year (before or after) of appointment to the supervisory position.

Deputy Constables

Section 1701.354 requires each deputy constable to complete a 20-hour course of instruction in Civil Process (**#3101, #3131**) each 48-month cycle as a part of their continuing education program. The 79th Legislature made allowances for deputy constables that have assignments not involving civil process to be granted training waivers. The Commission may waive the requirement for the civil process training if a hardship exists.

Licensed peace officers appointed as reserve deputy constables must also comply with civil process training just like any other deputy constable.

Persons licensed as Jailers, Reserve Officers, & Public Security Officers

Individuals *licensed* as reserve officers, jailers or public security officers must complete cultural diversity training every training cycle (4 yrs.), which includes: Civil Rights, Racial Sensitivity, and Cultural Diversity. Cultural Diversity, (course #3939) meets this requirement.

Telecommunicators

Individuals issued a Telecommunicator certificate on or after 1/1/12 must complete 24 hours of Commission-approved Crisis Communications training before the first anniversary of the telecommunicator's first day of appointment. A full Telecommunicator license will not be awarded until the Crisis Communications course (#2120) has been successfully completed.

In addition, effective 1/1/14, licensed Telecommunicators must complete at least 20 hours of continuing education training every 2 years in order to keep their license active.

Consequences of failing to meet all Continuing Education requirements:

Individuals appointed at an agency, who fail to meet all continuing education requirements during the 24-month training units or the 48 month training cycle, are subject to suspension. Once suspended, licensees are ineligible for appointment or retention.

The license of an individual not currently appointed to an agency who fails to meet all applicable continuing education requirements during a training unit or cycle becomes inactive. An inactive license is NOT a valid license and unless it is reactivated, it may not be used for future appointments. It is, therefore, imperative that chief administrators verify the validity of an individual's license before considering appointing him or her to any licensed position.

Proficiency Certification Requirements

Since 9/1/11, proficiency certifications have been listed on the Personal Status Report (PSR) – available online and free of charge through “MYTCOLE” accounts. However, in order to obtain the actual certificate, an online application and fee are required. Certificates issued in error or obtained by fraudulent means will be recalled.

Proficiency certifications are voluntary and not mandated by rule or statute. However, certain continuing education requirements are based on the licensee's certification level. For example, as stated before, licensees who have not yet achieved an Intermediate level of proficiency are required to complete Cultural Diversity, Special Investigating Topics and Crisis Intervention Techniques every 48-month training cycle. Eligibility for proficiency certifications is generally based on a combination of course prerequisites, total training hours and service time.

Chief administrators may submit a college education credit request (F-7 form) to enable licensees appointed to their respective agencies to earn training credits. Each chief administrator is responsible for verifying the authenticity of the transcript and the accreditation of the college. Academic credits obtained from institutions not duly accredited in accordance with Administrative Rule 211.1(3) will not be accepted. If qualified, credit will be awarded at the rate of 20 training hours per semester hour – i.e. 35 college hours will convert into 700 training hours (35 x 20 = 700). College hours granted by an Academic Alternative Police Academy for completion of the Basic Peace Officer Certification course (BPOC) will not be applied until the degree is awarded by the College or University.

Peace Officer Proficiency Certifications

An updated list of all proficiency certification prerequisites is available on the TCOLE website by clicking on the following link: <http://www.tcole.texas.gov/content/proficiency-certificates> More detailed information is available to each licensee via their individual “MYTCOLE” account.

Basic Certificate – Individuals appointed after 9/1/97 must have at least one (1) year of service time and a properly completed Personnel Orientation (reported as zero (0) training hours under course #1999); which, at minimum, must cover: civil service; compensation, including overtime compensation, and vacation time; personnel files and other employee records; management-employee relations in law enforcement organizations; work-related injuries; complaints and investigations of employee misconduct; disciplinary actions and the agency's internal appeal process. Effective 6/1/04, they must also have documented proof of successful completion of a field training program (reported as course #3722) on file before the certification may be issued. **Note:** the maximum number of training hours that may be credited for basic field training is 160. As already noted, officers licensed on or after 1/1/11 must also have successfully completed one of the Human Trafficking courses (#3270 or #3271).

Intermediate Certificate – Basic Certificate and successful completion of all service time and educational prerequisites found at: <http://www.tcole.texas.gov/content/proficiency-certificates>

Advanced Certificate – Must already hold Basic and Intermediate Proficiency certificates plus have successfully completed all service time and educational prerequisites found at: <http://www.tcole.texas.gov/content/proficiency-certificates>

Master Certificate – Must have Basic, Intermediate and Advanced Proficiency certificates plus have successfully completed all service time and educational prerequisites found at: <http://www.tcole.texas.gov/content/proficiency-certificates>

County Jailer Proficiency

Basic Certificate – appointments made on or after 9/1/97 require at least one (1) year of service time. The appointing agency must conduct and document the Personnel Orientation – reported as zero (0) training hours under course #1999 – which, at minimum, must cover: civil service; compensation, including overtime compensation, and vacation time; personnel files and other employee records; management-employee relations in law enforcement organizations; work-related injuries; complaints and investigations of employee misconduct; disciplinary actions and the agency's internal appeal process. Effective 6/1/04, they must also have documented proof of their successful completion of a field training program (reported as course #3721) before the certification may be issued. **Note:** Here too, the maximum number of training hours that may be credited for field training is 160.

Intermediate Certificate – licensee must have been awarded a Basic Jail Certificate. If said certificate was issued or qualified for on or after 3/1/93, the applicant must also meet all service time and training prerequisites listed at: <http://www.tcole.texas.gov/content/proficiency-certificates>

Advanced Certificate – Must already hold Basic and Intermediate Proficiency certificates plus have successfully completed of all service time and educational prerequisites found at: <http://www.tcole.texas.gov/content/proficiency-certificates>

Masters Certificate – Must have Basic, Intermediate and Advanced Proficiency certificates plus have successfully completed of all the service time and educational prerequisites found at: <http://www.tcole.texas.gov/content/proficiency-certificates>

Telecommunicator Proficiency

Basic Certificate – requires successful completion of Basic Telecommunications course #1013 and at least one (1) year of service time. The appointing agency must also conduct and document the Personnel Orientation – reported as zero (0) training hours under course #1999 – which, at minimum, must cover: civil service; compensation, including overtime compensation, and vacation time; personnel files and other employee records; management-employee relations in law enforcement organizations; work-related injuries; complaints and investigations of employee misconduct; disciplinary actions and the agency's internal appeal process. Effective 6/1/04, documented proof of successful completion of a field training program (reported

as course #3720) must be on file before basic certification can be issued. **Note:** As stated above, the maximum number of training hours that may be credited for field training is 160.

Intermediate Certificate – Basic Certificate and successful completion of all service time and educational prerequisites found at: <http://www.tcole.texas.gov/content/proficiency-certificates>

Advanced Certificate – Must already hold Basic and Intermediate Proficiency certificates plus have successfully completed all service time and educational prerequisites found at: <http://www.tcole.texas.gov/content/proficiency-certificates>

Framing-type certificates for Proficiency levels already achieved may be purchased online by logging on to the individual licensee's "MYTCOLE" account.

Professional Achievement Awards

Each year, TCOLE accepts nominations for the annual Law Enforcement Achievement Awards. Award categories are: valor, public service, and professional achievement. Nominations must be submitted by an elected official of the state or political subdivision, the chief administrator of a law enforcement agency, or any person holding a currently valid TCOLE license.

Created in 1989, the awards are presented to selected peace officers, reserve peace officers, county jailers and telecommunicators licensed by the Commission. To be eligible for an award, nominees must exceed normal expectations of job performance through acts of valor, public service, or professional achievement.

Nominations must be received by the Professional Awards Review Committee no later than December 31st. Each nominee is rated by the PARC members using a set numerical scale. Ratings are then compiled and tallied to determine recipients for each award category. Awards consist of a proclamation, a medal, and a ribbon suitable for uniform wear. They are presented in the name of Texas at the State Capitol during May of each year. You are encouraged to nominate qualified licensees by logging on to:

<http://www.tcole.texas.gov/sites/default/files/documents/2017%20Law%20Enforcement%20Achievement%20Award%20Nomination%20Form.pdf>

Training Provider Requirements

Section 1701.153 states that TCLEOSE shall set reporting standards and procedures for the activities of licensed training schools. It also provides that the chief administrative officer of a licensed training school is responsible for compliance with the reporting standards and procedures prescribed by TCOLE.

Section 1701.254 authorizes TCOLE staff to visit and inspect contractual training providers conducting basic or advanced training for peace officers, county jailers, or telecommunicators. These evaluations are required to ensure full compliance with Commission rules. TCOLE is also responsible for the development and implementation of risk assessment methods to monitor the progress of contractual training providers that are placed on probation due to noncompliance. Risk assessment programs must include: scores of students enrolled in a school on the basic peace officer examination, past inspections records, self-assessment in a non-inspection year, and periodic unannounced visits and inspections.

Chapter 215 of the Texas Administrative Code identifies the types of training providers that may be authorized to conduct training on behalf of TCOLE; application requirements for law enforcement academies, contractual training providers, and licensed academic alternative programs. It also stipulates in detail the strict rules and regulations that must be met in order to apply, obtain and retain a training contract.

Agency chief administrators may NOT report training for licensees appointed to another agency unless they have a valid Training Provider contract. Chief administrators without a contract may report training for their own appointees in accordance with Commission Rule 218.1(b), but may not report any Basic Licensing Course, Legislatively Mandated Training, or Certification Course.

Audits of Agency Records

Section 1701.162 of the Texas Occupations Code requires that all law enforcement agencies in the state be audited at least once every five (5) years. Agencies found to have drastic or repeated deficiencies will be evaluated more frequently, as determined by the Commission.

Random audits of agency records are intended not only to ensure full compliance with all legislatively mandated requirements; but to appraise chief administrators and/or their designees of changes in administrative rules and TOC statutes. The ultimate objective of the field inspection program is to help stake holders achieve full compliance and prevent serious infractions. Agency records are compared with TCLOE records to ensure their accuracy and authenticity. When errors or deficiencies are uncovered, immediate assistance is provided to rectify the discrepancies.

Chief administrators are responsible for the accuracy and security of credentialing as well as training files for each licensee appointed to their agency. This includes making all required documents immediately available to TCOLE representatives upon request. All licensing, educational and proficiency records must be retained by the appointing agency for a minimum of five (5) years after the licensee's date of termination. Failure to maintain these records is a serious violation of rule and statute subject to suspension of the chief administrator's own license, imposition of stiff administrative fines, and in some cases, even criminal prosecution.

Texas Peace Officers Memorial

The memorial (authorized by the 71st Legislature in 1989 and dedicated on May 10, 1999), is a monument of honor and remembrance to all the peace officers, correctional officers, and federal officers performing duties in the state of Texas who have died in the line of duty. TCOLE was charged with the responsibility of ensuring that each of those officers is recognized appropriately for their service and ultimate sacrifice. The monument contains the names of those officers who have been killed in the line of duty since August 5, 1823, when Stephen F. Austin commissioned the first group of Texas Rangers.

The Texas Peace Officers' Memorial stands at the west wall of the Sam Houston State Office building on the northeast quadrant of the Capitol grounds in Austin. Contributions to the Texas Preservation Board – responsible for the maintenance and inscription of additional of names – should made be made payable to: **Texas Peace Officers' Memorial** and mailed to:

**Texas State Preservation Board
To the attention of: Barb Hanus
Post Office Box # 13286
Austin, TX 78711**



State Flag Distribution

When requested by next of kin of a deceased peace officer who had an active appointment or was honorably retired at the time of death; the Commission provides, free of charge, an official state flag. For line-of-duty deaths, a letter from the Executive Director of TCOLE along with a certificate signed by the Governor recognizing the officer's service to the citizens of Texas, accompany the flag.

In order for the flag to be available for funeral services, all required information must be received no less than 2 business days in advance – not counting weekends or holidays.

The easiest way to request a state flag is to click on:

<http://www.tcole.texas.gov/sites/default/files/documents/Request%20for%20Texas%20Flag.pdf> and fill out the request form. You may also access the form by logging on to the TCOLE website and typing in “*Texas Peace Officer Flag*” in the search bar located in the upper right-hand corner of the homepage. Two other options are to call our office at: (512) 936-7700 or your regional Field Service Agent.

Contributions to the Texas Peace Officer Flag Fund may be sent directly to the Commission at the following address:

TCOLE
Texas State Flag Fund
6330 East State Highway 290, Ste. #200
Austin, Texas 78723-0135



or to the Texas Peace Officer Flag Fund at: <http://www.texaspeaceofficerflagfund.org/donations.php>

Statutory Requirements

Racial Profiling Reporting Requirements

In 2009, the 81st Legislature enacted Section 1701.164 of the Texas Occupations Code to require chief administrators to report incident-based racial profiling data annually as provided by the Code of Criminal Procedure 2.132 and 2.134. By Law, reports must be made in a prescribed electronic format no later than March 1 of the year following the collection of the data.

Section 1701.501 of the TOC was amended to require disciplinary action by the Commission for violation of CCP 2.132 and 2.134. Severity of sanctions ranges from letters of reprimand to a permanent revocation of the agency's chief administrator's license. Additionally, Section 1701.507 of the same Code provides for administrative penalties up to \$1000 per day per violation to be assessed in accordance with legal proceedings found in the Government Code chapter 2001.

For additional information click on: <http://www.tcole.texas.gov/content/racial-profiling-reports>

Disciplinary Actions

Section 1701.501 of the TOC also requires the revocation, suspension, probation and/or letters of reprimand to licensees for violation of Chapter 1701 or Commission Rules. More detailed provisions of these disciplinary actions are contained in the Administrative Rules.

In 2006, Section 1701.501 of the TOC was further amended to allow TCOLE to revoke the license(s) of a constitutionally elected officer who is convicted of a felony or a criminal offense directly involving the individual's duties as an officer.

Commission Rules require the reporting of an arrest, charge, or indictment for a criminal offense above the grade of Class C misdemeanor or any degree of offense involving family violence. The arresting agency, appointing agency and licensee are all required to submit an E-1 form to TCOLE within 30 days by the most expeditious means. Final disposition documents from the appropriate criminal court must also be submitted by the licensee within 30 days of the effective date of case disposition.

By rule, a license must be suspended or revoked upon conviction or placement on probation (i.e. deferred adjudication/community supervision) for a criminal offense above level C misdemeanor; or any family violence offense. TCOLE may revoke the license of individuals

convicted of any level misdemeanor (includes deferred sentences) for offenses directly related to the duties of any related office held by that person.

Section 1701.502 of the TOC requires TCOLE license revocation for individuals convicted or placed on deferred adjudication for any felony offense. This statutory revocation is applicable when the Commission receives a certified copy of court documents indicating that the licensee has been convicted of a felony offense. Should the licensee receive deferred adjudication and community supervision for a felony offense, his or her license will be suspended immediately upon receipt of the certified court documents. Section 1701.504 of the same Code provides that a person is entitled to a hearing conducted by the State Office of Administrative Hearings (SOAH). This entitlement does not extend to felony or barratry cases.

When a statutory revocation or suspension is issued by TCOLE, notification is sent to the licensee at the address on record and also to the last appointing agency explaining the reason(s) behind the disciplinary action. If the licensee provides evidence the information of conviction or deferred adjudication is incorrect, the Commission will review all information submitted by the individual and proceed as necessary. Otherwise, a final order is prepared and presented to the Commissioners for final action. The right to a SOAH hearing also applies to misdemeanor convictions (deferred or not) provided a hearing is requested by the licensee within 20 days of notification.

Commission Rules allow for the surrender of any issued license which can be for a specific period of time or permanently as part of an employee termination agreement, plea bargain to a criminal charge, settlement to TCOLE action, or for any other reason. A summary of the reason for the surrender must be included in the official template.

Individuals with revocation, cancellation, surrender, or permanent suspension of their TCOLE license(s) will be entered in the National Decertification Database (NDD).

Once the term of suspension has expired; a licensee can seek reinstatement by completing the required continuing education training, submitting a properly filled out application and paying the applicable fee. If the length of suspension causes the licensee to be out of service for more than two years, that person must first apply for authorization to reactivate the license(s) through successful completion of all applicable, license-specific supplemental courses and licensing exam(s). For additional information and reinstatement form templates, click on the link below:

http://www.tcole.texas.gov/sites/default/files/FormsAppsPubs/licensee_reinststate_7.8.16.pdf