



Kim Vickers
Executive Director

TEXAS COMMISSION ON LAW ENFORCEMENT

TCOLE SPECIAL CALLED MEETING March 2, 2016

The special called meeting of the Texas Commission on Law Enforcement (TCOLE) was held on Wednesday, March 2, 2016, starting at 3:00 p.m. The meeting was held at the TCOLE offices, 6330 East Hwy 290, Austin, Texas.

Commissioners attending were Sheriff Joel Richardson, Presiding Officer; Ms. Patt Scheckel-Hollingsworth, Assistant Presiding Officer; Major Jason D. Hester, Secretary; Ms. Patricia Burruss; Constable Ron E. Hood; Mr. James Oakley; and Senior Police Officer Joe Pennington. Chief Ruben Villegas and Mr. Rob Kyker were absent.

TCOLE staff attending included Executive Director Kim Vickers, Operations Director John Helenberg, Finance Director Brian Roth, Government Relations Director Gretchen Grigsby, General Counsel John Beauchamp, Division Chief Michael Antu, Lisa Landry, Lt. Candice Simon, Laurie Jackson, and Kaye Wilson.

Presiding Officer Richardson called the meeting to order. A quorum was present.

Executive Director Vickers reported on the regional meetings that were held in January and February where we received input from our stakeholders. Mr. Vickers noted that for the most part these meetings well attended. In January, meetings were held in Abilene, Amarillo, Arlington, and Tyler. The February meetings were in Pasadena, McAllen, Laredo, and San Antonio. Three questions were asked at each meeting which resulted in good, open dialogue between attendees and staff. These questions were: What are we doing well? What could we do better? What are we not doing currently that we could be doing?

Many of the responses were repetitive such as positive feedback for the FSA program, responsiveness from the field agents and headquarters staff, quality of the website, multiple comments about the conference, and overall good communication.

There was a collective concern that the F-5 should be a separation notice only and not a marker for judging an individual's quality as a licensee, as well as concerns and issues on backgrounds. In some areas of the state, the L2 drug screening is being outsourced

and the doctors completing the medical exam portion will not sign the drug screen portion since they did not conduct the screening.

Commissioners reviewed past goals and brought forth new ones. They declined to prioritize the goals.

- **Continued emphasis on customer service**

The Presiding Officer and Executive Director concur that this will be an ongoing focus for the agency.

- **Continued work on curriculum update**

Because the agency has only one curriculum writer, we rely on committees comprised of subject matter experts. Without funds to cover travel expenses, volunteer committee members pay out of pocket or rely on their employers to cover travel expenses. We will be asking for travel funds for curriculum development in the next Legislative Appropriations Request (LAR).

- **Assist the development of training providers in underserved areas**

Director Helenberg explained the new vetting and approving process for training contracts. One training provider has been approved under the new process and another is pending approval. Commissioner Hester asked if the academic alternative contracts are working. Austin Community College is the only truly active contract at this time. Commissioner Hollingsworth suggested we work with areas to develop training consortiums. We are currently working with one agency as they form a centralized consortium. Under current rules, an agency must have 75 officers to meet one of the qualifications for an academy. But a consortium could have a composite of 75 officers from several agencies to qualify.

- **Investigate alternative ways to improve oversight of curricula and curricula committees**

Commissioner Hester said that although our focus is regulation, we are still required to build curriculum. The agency will search for alternative ways to fund curriculum building. One suggestion was to look at CJD grants. We may also ask for funding for additional curriculum FTE's.

- **Utilize Commissioners in the Legislative process**

This goal combines a previous goal of continued legislative education with a new goal of involving the Commissioners in the legislative education process. Director Grigsby will coordinate joint visits to Legislators by Commissioners and staff.

Scripts will be prepared and visits scheduled with legislators in their home offices. Now is the time to make these visits.

- **Check out facility space for improvement and expansion**

Commissioner Oakley asked if the agency's current facilities are meeting our needs and will continue to meet our needs in the next two years. We have reached our maximum on space and if the agency expands, we will need more floor space, preferably in our current location. Staff will seek legislative appropriations for additional office space, as needed.

- **Improve oversight of licensing documentation and hiring processes**

Commissioner Hester is looking for ways the agency can improve oversight to ensure licensing documentation and psychological examination meet the agency's mission. Currently, agency audits are conducted on a five year basis. This may mean more staff to improve the audit process.

- **Improve the process for agency standards and compliance**

Improving new agency start-ups may result in a proposed rule allowing for action on agencies who fall below the minimum standards. This would be for agencies established in 2009 and after. Commissioner Hester suggested additional resources to ensure agency compliance. Director Vickers indicated we may be in a reactive mode until resources can catch up with issues.

- **Improve the process for required data reporting compliance**

Currently TCOLE is required by statute to collect racial profile data from all Texas law enforcement agencies. However, TCOLE has no disciplinary authority should an agency not report. Commissioner Hester suggested we work to improve the process and requirements for racial profile reporting. A large part of this goal will be legislative. At the least, prepare a rule that requires agencies to respond whether or not they make traffic stops. The goal is not restricted to racial profile reporting, but includes any required data reporting.

- **Promote veteran and mental health issues education in law enforcement across Texas**

Commissioner Burruss said that mental health has been a legislative priority for the past two legislative sessions and this is an area, along with veteran issues, that needs to be explored and promoted.

Other topics discussed:

Mr. Vickers noted that in some areas, the nearest psychologist is 250 miles so obtaining an L3 is difficult. Commissioner Burruss suggested the agencies use the local mental health center to obtain psychological testing. Presiding Officer Richardson asked if Skype can be used for the L3. HIPAA requirements would have to be met. Commissioner Pennington suggested that the field service agents proctor a psychological test, but this could over-tax staff.

Increasing fees for the for-profit training providers was again discussed. Mr. Beauchamp reported that the Governor's office takes a limited view of a state agency's scope of authority that creates barriers to private entities, such as charging a higher fee than that charged to a governmental entity.

Improving the process on evaluations/audits of academies has been addressed through the hiring of two academy evaluators.

Improve the investigation process has been addressed by working with District and County Attorneys making a Permanent Voluntary Surrender part of a plea process and not in lieu of prosecution.

The Presiding Officer of TCOLE and the Presiding Officer of the Commission on Fire Protection met to discuss common ways to train together and common ways to support legislation with specific discussion on active shooter. ALERRT is working on training that incorporates staging EMS and using firemen to sweep the building after law enforcement has diffused the active shooter issue. Executive Director Vickers met with the head of the Commission on Fire Protection, and they discussed common legislation that the agencies could work on together. Mr. Vickers has suggested that at subsequent meetings the director of the Commission on Jail Standards be included.

Commissioner Hollingsworth made a motion to accept the list of suggestions for the strategic plan for the next two years. Commissioner Hester seconded the motion. The motion passed unanimously.

Presiding Officer Richardson asked if anyone in attendance had public comments they wished to make. No one came forward.

Presiding Officer Richardson adjourned the meeting at 4:30 p.m.

Jason D. Hester, Secretary
JDH/kw