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TEXAS COMMISSION ON LAW ENFORCEMENT

Technical Assistance Bulletin

To: All Texas Law Enforcement Agencies/Contract Training Providers
From: Kenny Merchant/Director of Operations, Credentialing and Field Services
Regarding: **Non-Compliance with Legislatively Mandated Training**
Date: March 1, 2019

All Commission Licensees have some type of legislatively mandated continuing education (training) which must be completed within certain time frames. For more information on the mandated training topics and time frames, see the Technical Assistance Bulletin on "Training Mandates." Failure to complete the required training within the time frame set for the training results in something that the Commission refers to as "non-compliance."

Let's start with acknowledging that only one person is responsible for a license issued by the Commission, and that is the Licensee, themselves. Rule 218.3 "Legislatively Required Continuing Education for Licensees," clearly states- "Each licensee shall complete the legislatively mandated continuing education in this chapter." Although the Commission tries to send warnings to appointed licensees and many agencies will likely try to keep their licensees up to date on training mandates, in the end, it is the Licensee who is responsible. "I didn't know" will not suffice as an excuse for non-compliance.

How does a licensee become non-compliant? The licensee simply fails to complete the specific course curriculum required for the continuing education topic. Licensees should be aware that only certain Commission approved courses meet their training mandates- a course that contains the same topic, or is "close," may not meet the curriculum requirements of the mandated course. It is, therefore, up to the licensee to be sure they are taking the right course. Some courses may have equivalents, meaning a substitute may be taken to meet the mandate, but all mandate courses and their equivalents must be pre-approved by the Commission.

So what happens if a licensee is non-compliant? If the licensee is currently appointed, Rule requires that their license be suspended- meaning the licensee no longer has the rights and privileges afforded by the license. They cannot work in that capacity. The first time suspension is normally 90 days and may increase in length for each subsequent suspension. If the licensee is not currently appointed, there is no penalty, the license simply goes inactive, meaning the licensee cannot be appointed in that capacity until they reactivate the license with the Commission.

Keeping up with the continuing education mandates can be difficult, but must be done. The licensee or person trying to assist the licensees should regularly consult the Training Mandates TAB listed above, identify the courses required for the licensee, and note the time frames involved for each mandate. Not all mandates apply to all licensees. Regularly checking the Training Mandates, as they may be modified at any time by new statute, case law, or other circumstances, is essential for EVERY licensee.

If the licensee should have the misfortune of becoming non-compliant, they will receive notices from the Commission, before any action is taken against their license. It is, therefore, imperative, that each licensee insure that correct contact information is associated with their PID# in the Commission's database. Listing contact addresses/emails/phone numbers at your current agency may make it hard for us to notify you if you should leave that agency. Check and update your MyTCOLE account, regularly.