

# THE BRIEFING

A Publication of the Texas Commission on Law Enforcement

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## Looking back at 2017, and forward to 2018

By Chief Kim Vickers



It's always amazing to me to look back at the end of a year and see how much things have changed since the year started. The year 2017 was certainly a busy year for TCOLE, and for law enforcement statewide.

TCOLE has had some staff changes at our command level. As you may have heard, Agency Operations Director John Helenberg was named Executive Director of the Texas Board of Veterinary Medical Examiners. This led us to do some restructuring. Newly appointed Director Kenny Merchant now oversees the Credentialing and Field Services divisions, and Director Michael Antu now oversees the Enforcement and Special Services divisions.

We have rolled out four new courses, available now on our website, developed as a result of legislative changes from this year's session. We have also made available information and a model racial profiling report that conforms to changes made by the Sandra Bland Act. More information on new racial profiling report changes can be found on page 8.

[\(continued on page 2\)](#)

## Upcoming Events

### Strategic Planning Meetings

January 30, 2018– San Angelo  
January 31, 2018– Amarillo, Arlington  
February 1, 2018– Tyler  
February 5, 2018– Laredo, McAllen  
February 6, 2018– Houston area

### Quarterly Commission Meetings:

March 1, 2018  
June 14, 2018  
September 6, 2018  
December 6, 2018

## Looking back at 2017, and forward to 2018, continued

(continued from page 1)

No look back at 2017 would be complete without taking into account the massive impact that Hurricane Harvey had on our state. We continue to hold those affected in our thoughts and prayers. To our licensees that were part of this response, you have our undying gratitude. You will find additional information on the continuing education extension granted during this period on page 6.

In 2018, we will have much more to come. We will be traveling the state as part of our biannual strategic planning tour; the dates and cities we will be visiting are under Upcoming Events on page 1. Stay tuned to our website (or Facebook page, or Twitter account) for the times and exact locations. We look forward to meeting with many of you and talking about the issues you may be facing.

We are also excited for the rollout of the revised basic licensing courses for peace officers, jailers, and telecommunicators. These have been a labor of love (emphasis on labor) for the committees working on them, and we are endlessly grateful for the amount of work they have put into the new courses. We will be presenting a draft of the new courses for public comment early in the year for full rollout in the fall.

As always, I am tremendously proud and thankful to count myself among the ranks of law enforcement in Texas. Keep it clean, do the right thing, and let's do some good for the people of Texas in 2018.

## Commission Meeting Highlights

The latest Commission meeting was held at the J.J. Pickle Research Campus on Thursday, December 7, 2017. Here are a few highlights from the meeting:

Executive Director's Report: Three training contracts have been approved since the September meeting; Williamson County Sheriff's Office, Texas DPS Officers Association, and Savant Learning Systems (Virtual Academy). There was discussion about the recent training coordinator's conference that was held in Corpus Christi. Staff changes were announced and new employees were introduced.

Credentialing and Field Services Director's Report: This non-compliance cycle, there is a 35% decrease in non-compliant licensees from the previous cycle.

Enforcement and Special Services Director's Report: New processes are expediting the work of the agency. Several independent school districts are opting for police departments rather than having school marshals. Commissioner Hester asked that an ongoing goal be to improve the case load for the agency's investigators.

Government Relations Director's Report: Curriculum committees continue to prepare courses as required by the recent legislative session. Three additional courses have been posted on the Commission's website.

Texas Peace Officers' Memorial Monument: The Commission took action to enroll and induct seventeen officers for the Texas Peace Officers' Memorial Monument to be memorialized at the annual ceremony in May.

Rules: One final rule was adopted, and eight proposed rules were approved for publishing in the Texas Register. More details available on pages 9-10

### For more information

Meeting Minutes: Other items, including line of duty deaths, waiver requests, proceedings for revocation, suspension, and other disciplinary actions, and previous meeting minutes, can be found under the Who We Are/The Commission section on our website at: [www.tcole.texas.gov](http://www.tcole.texas.gov).

Live Recordings: Live and archived video recordings of the meetings can be found on our website on the Who We Are/The Commission page at: [www.tcole.texas.gov](http://www.tcole.texas.gov).

Public Comment: Anyone wishing to make a public comment may do so at the following email address: [public\\_comment@tcole.texas.gov](mailto:public_comment@tcole.texas.gov).

## Credentialing Division

### The New Unit has Begun– What will I Need?

#### Training requirements for the 9/1/2017 – 8/31/2019 unit:

Peace Officers –

ALL Officers

40 hours to include #3185 – State and Federal Law Update

Those holding a Basic certificate or no certificate will also need the following by 8/31/2021

Cultural Diversity

Crisis Intervention Training

Special Investigative Topics

De-escalation Techniques

Civilian Interaction Training is required by 1/1/2020 for **all officers** licensed on or before 1/1/2018. **No exceptions** are included.

Do not wait until the last minute to get your training! The classroom setting courses get harder to find the closer we get to the end of the unit/cycle.

Other courses not tied to a training unit/cycle, but to a peace officer's date of licensure:

Any peace officer **licensed on or after January 1, 2011** has one year from the date of licensure to complete **Human Trafficking**.

Any peace officer **licensed on or after January 1, 2016** has two years from the date of licensure to complete **Canine Encounters AND Interacting with Drivers Deaf/Hard of Hearing**.

Jailers –

Cultural Diversity by 8/31/2021

The **ONLY EXCEPTION** is if you have an Intermediate Peace Officer certificate or higher. If you do, you do not have to complete Cultural Diversity.

Mental Health by 8/31/2021

All jailers holding an appointment on 9/1/2017 must complete Mental Health for Jailers by the end of the next continuing education cycle.

Telecommunicators –

20 hours of training of your choice. No mandated courses.

Licensees that are not appointed –

If you choose to keep your training up to date and your license active, you will have to com-

## Credentialing Division, Continued

plete training through one of the many contract training providers throughout the state. They will submit the training for you.

TCOLE will not accept any training for non-appointed licensees that was completed outside of our providers. For a list of providers please see: <http://www.tcole.texas.gov/contract-training-providers> or <http://www.tcole.texas.gov/law-enforcement-academies>

### Non-compliance for the 13-17 cycle and the 15-17 unit:

Letters were sent out recently for those individuals who did not meet the required training by the end of the unit/cycle.

The first letter is sent to the department requesting a response on why the training was not completed.

The next letter will go to the individual requesting the training be completed to mitigate their suspension. Once the training has been completed, the individual will receive a reprimand on their record. The reprimand is given because the individual did not complete training in the required time. Non-appointed licensees do not receive compliance notifications.

### Temporary Jailer/ Telecommunicator licenses

Please be aware of the temporary licenses for your department. If a temporary expires before the individual can complete all of the licensing requirements, they must be removed from that position. They will not be able to work as a jailer or telecommunicator until they have met licensing requirements. That will require you submit an F5 to remove them and a new L1 to bring them back as a licensee. If you have any questions, please contact our Credentialing department for assistance.

### FAQs

Q: Can my 40 training hours as a Peace Officer count toward my Telecommunicator license?

A: Yes, 20 of those hours can count toward the Telecommunicator license.

Q: How can I verify the accreditation of a college/university?

A: The university website will always include information on its accreditation. That is usually listed under school information. Remember that TCOLE will only accept those universities that are accredited by the entities listed in [§211.1\(a\)\(3\)](#).

Q: My L1 was rejected because I have not completed Human Trafficking. What do I need to do?

A: You will need to complete the course prior to the department resubmitting the L1. An emailed certificate of completion is not sufficient. The course will need to be posted to your record before we will accept the L1.

## Field Services Division

### Your TCOLE Record after the “Harvey” extension

As was mentioned in the previous issue of “The Briefing,” all licensees were given a 30-day extension on the last Training Unit and Training Cycle, due to the time and resources being diverted to the rescue and emergency operations on the Gulf Coast during Hurricane Harvey. One unexpected side effect of the extension is that our number of non-compliant licensees appears to be down as we head into the inactivation/disciplinary round of non-compliance. The extra attention and advertising seems to have paid off!

Another outcome that will affect any licensee who took a course during the extension period, September 1 through September 30, 2017, is how your Personal Status Report (PSR), either in MyTCOLE or from TCLEDDS, will read. The credit hours for those courses will count toward both the last Unit/Cycle and toward the current Unit/Cycle. In other words, if you took the Cultural Diversity course in September 2017, it satisfied both your 2013- 2017 Cycle mandate, and will also count toward the 2017- 2021 Cycle mandate. The same with the 8 hours credit for the course- it is reflected in the total hours for both the 2015- 2017 Unit and for the 2017- 2019 Unit. Great news for everyone!

TCOLE, however, does not allow licensees to get overall credit twice for the same course. If the person who took the above Cultural Diversity course in September looks at the total hours at the bottom of the PSR, they will see they only received 8 hours for the course, and not 16, as if it had been taken twice. Please keep this in mind, especially when calculating your total hours for a Proficiency Certification- it’s the bottom line (Total Course Hours) that counts, as indicated in these snips from the PSR of a person who took a 4 hour Legislative Update Course in September:

09/01/2017 - 08/31/2019						01/01/1900 - 08/31/1987					
Course No.	Course Title	Course Date	Course Hours	Institution	Training Mandates	Course No.	Course Title	Course Date	Course Hours	Institution	Training Mandates
355	Annual Firearms Qualification 1701.355	11/9/2017	0	TEXAS COMMISSION ON LAW ENFORCEMENT (Training Rosters)		1000	Basic Peace Officer	12/10/1985	400	East Texas Police Academy	Cultural Diversity (Mandate) Special Investigative Topic (Mandate)
3185	85th Legislative Session Legal Update	11/8/2017	4	Texas Commission on Law Enforcement	85th Session State and Federal Law Update	1002	Basic Reserve Officer	8/5/1982	83	test	
3185	85th Legislative Session Legal Update	9/8/2017	4	East Texas Police Academy	85th Session State and Federal Law Update			<b>Unit Hours</b>	483		
			<b>Unit Hours</b>	8				<b>Total Hours</b>	1696		
09/01/2015 - 09/30/2017						<b>Total Hours</b>					
3185	85th Legislative Session Legal Update	9/8/2017	4	East Texas Police Academy	85th Session State and Federal Law Update			<b>Total Training Hours From Education</b>	2720		
6019	Policy Instruction and Review	3/30/2017	10	Texas Commission on Law Enforcement				<b>Total Course Hours</b>	1692		
								<b>Total Hours</b>	4412		

*minus 4 hrs*

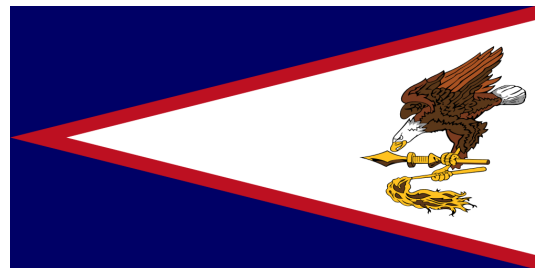
## Field Services Division

### Are you from American Samoa or Swains Island?

You would not think that the 50,000 plus nationals of American Samoa or Swains Island would have much of an impact on Texas law enforcement. After all, they represent only .01538% of the United States population! But recently, no less than 3 of these nationals have either applied for, or been found to already have, a TCOLE license. This, in spite of TCOLE Rules clearly stating that only U.S. citizens are eligible for licensure.



What is the big deal, anyway? The only substantive difference between American nationals and American citizens is the right to vote, which nationals cannot do. They hold passports, serve in the military, travel freely throughout the U.S., pay taxes, etc. This was exactly how Executive Director Vickers felt- why restrict persons from this small and loyal population from service as a licensee? So, although TCOLE cannot grant citizenship, we do now choose to view American nationals as eligible for licensure, as long as they meet all other minimum eligibility standards.



Vi'ivi'iga!- that's Samoan for "Congratulations!"

## Government Relations Division

### Racial Profiling Changes

Among the many changes put into place by the 85th Texas Legislature through Senate Bill 1849, commonly known as the Sandra Bland Act, as well as House Bill 3051, are some significant changes to racial profiling reports required under Code of Criminal Procedure Sections 2.132-4. The Commission has put out information on these changes in several places, but it bears repeating, as agencies that conduct traffic stops will need to ensure that new data is collected, and/or collected in a different manner.

**Please note that these changes apply to data collected in 2018 for the report to be submitted in 2019.** The report due March 1, 2018, for traffic stops conducted in 2017 will be the same as previous years.

A few of the important changes to be aware of:

- SB 1849, the Sandra Bland Act, repeals the partial exemption for agencies with in-car cameras. **All agencies will need to submit** either a full report, or submit confirmation that the agency is exempt because it does not conduct traffic stops.
- Data will have to be collected for all traffic stops; this includes those that results in a verbal or written warning.
- Citations must include contact information for the agency (phone, email, mailing address) so that citizens can convey compliments or complaints.
- Upon compiling annual data, chief administrators are asked to look into two things:
  - ◊ Feasibility of equipping officers with body-worn cameras (2.132(d))
  - ◊ Any needed improvements to practices or policies regarding motor vehicle stops (2.132(h))
- The categories of race/ethnicity required to be recorded have changed.

For more information, please refer to the Racial Profiling page on the TCOLE website at <http://www.tcole.texas.gov/content/racial-profiling-reports>, or contact Lieutenant Gary Connella at (512) 936-7774 or [gary.connella@tcole.texas.gov](mailto:gary.connella@tcole.texas.gov).



## Legal Division

### Legal Statistics

The following proceedings for revocation, suspension and other disciplinary actions took place at the December 2017 Commission Meeting. For a complete listing of these license actions, including names, departments, and case numbers, see the meeting agenda found on our website under [Who We Are/The Commission/Meeting Minutes](#) at [www.tcole.texas.gov](http://www.tcole.texas.gov).

Type of Action	Number of Licenses
Default Suspension Orders	25
Default Revocation Orders	2
Proposal for Decision Orders	0
Agreed Suspension Orders	1
Statutory Revocations	13
Statutory Suspensions	15
Permanent Surrenders	19
Term Surrenders	0
Reprimands for Administrative Violations	11

### Final Rule for Adoption

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

- Final Amendment 1

§215.21 Credit for High School Public Services Endorsement

## Legal Division, Continued

### Proposed Rule Amendments

Rules proposed for amendment during the December 2017 meeting are currently open for public comment. For a summary of the rule changes, please see <http://www.tcole.texas.gov/commission-meeting-minutes>.

Please send your feedback and comments to: [public\\_comment@tcole.texas.gov](mailto:public_comment@tcole.texas.gov)

- **Proposed Amendment 1**

§211.1 Definitions (amend)

Reflects statutory changes broadening the definition of school marshal.

- **Proposed Amendment 2**

§215.9 Training Coordinator (amend)

Ties the employment of the training coordinator to the training provider.

- **Proposed Amendment 3**

§217.1 Minimum Standards for Enrollment and Initial Licensure (amend)

Clarifies the temporary licensing of a jailer and a telecommunicator.

- **Proposed Amendment 4**

§217.7 Reporting Appointment and Separation of a Licensee (amend)

Consolidates all appointment requirements into one rule.

- **Proposed Amendment 5**

§217.27 Appointment Eligibility of a Telecommunicator (repeal)

Combined with new rule §217.7.

- **Proposed Amendment 6**

§218.3 Legislatively Required Continuing Education for Licensees (amend)

Clarifies that the 40 hours of continuing education training includes the legal update changes.

- **Proposed Amendment 7**

§227.1 Appointing Entity Responsibilities (amend)

§227.3 School Marshal Licensing and Reporting Requirements (amend)

§227.5 School Marshal Training Entities (amend)  
These amendments reflect statutory changes broadening the definition of school marshal.

ing proposed that condenses the eligibility for memorial monument requirements into one rule.

§229.3 Specific Eligibility of Memorial Monument (repeal and replace)

A new rule named Nomination and Selection is created. This new rule condenses the nomination and selection requirements into one rule which follows the requirements of HB 3647 (85R) and replaces §229.5.

- **Proposed Amendment 8**

§229.1 Eligibility for Memorial Monument (repeal and replace)

This rule is being repealed and a new rule is be-

§229.5 Determination Standards (repeal)

Replaced by new §229.3

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## Commissioners

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