

# THE BRIEFING

A Publication of the Texas Commission on Law Enforcement

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## TCLEDDS Upgrade

The long anticipated TCLEDDS 3 has finally launched! The updated TCLEDDS includes an updated look and feel, simplified menu structure, offer more search options, and has a smoother roster entry form.

Additionally, TCOLE is updating the MyTCOLE, Online Training, and DRS systems, with restoration expected in May 2019. We know many of you are eager to finish your continuing education requirements as the end of the unit approaches, and we are working to restore MyTCOLE as quickly as possible. During the outage, we encourage licensees to seek training from one of the many TCOLE contracted training providers. A list of providers, including several of which provide online training (yes, including 3185), can be found on our website at: <https://www.tcole.texas.gov/content/training-providers>.

Refer to the below forms on the [Forms and Applications](#) page accessed on our website for the following services:

**Photo ID and Certificate Request Form:** Purchase certificates or photo IDs

**Name/Address Change Form:** Update your contact information

If you have any questions, please contact us at (512) 936-7700.

## Upcoming Events

**Peace Officers' Memorial Candlelight Vigil**

May 5, 2019

**Peace Officers' Memorial Ceremony**

May 6, 2019

**Quarterly Commission Meeting**

June 20, 2019

**Law Enforcement Achievement Awards Ceremony**

June 21, 2019

March 2019

## Commission Meeting Highlights

The latest Commission meeting was held at the J.J. Pickle Research Campus on Thursday, March 7, 2019. Here are a few highlights from the meeting:

Executive Director's Report: Executive Director Kim Vickers announced that the Texas State Guard and the Pasadena Fire Marshal's Office had been approved as new training providers. Director Vickers announced staff changes and the new employees were introduced. Director Vickers gave a report on the waiver process since it was started. There have been a total of 24 Class A waivers requests. Twelve of the 24 were approved through the commission and 12 were denied before it got to the commission. Of the 24, 10 have been appointed. One was appointed and has been F5'd. There have been 12 Class B waiver requests. Eight of the 12 were approved and four were denied. One of the four was denied by the commission. All of the Class B waiver requests that were approved have gone to work and not been F5'd.

Credentialing and Field Services Director's Report: Noncompliance letters were mailed to 1,200 agencies. The letters included 23,000 peace officers, 400 chiefs, and 2,400 telecommunicators that need training. Director Kenny Merchant discussed possible changes to TCOLE Rule §219.2, Reciprocity for Out of State Peace Officers, Federal Criminal Investigators, and Military Police, which amount to about 150 applications per year.

Enforcement and Special Services Director's Report: Racial Profiling was closed with 93 percent of agencies reporting. Director Vickers added that the law has changed and that there would be a penalty for an agency not filing a Racial Profiling report. There was discussion on what the penalty would be for not filing and if there would be a timeline to correct. The planned trainings under the School Marshal grant have been completed. An application has been submitted to renew the grant for a

### 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).

## Commission Meeting Highlights, Continued.

twelve-month period to conduct six more classes throughout the state. There is legislation proposed to change some of the requirements for School Marshals. Since the last commission meeting, six new agencies have opened, four of them being ISD police departments. The release of the Basic Peace Officer Course (BPOC) will be delayed due to legislative changes that may add courses to the BPOC. TCOLE anticipates knowing a solid release date in May. The new BPOC course will be approximately 690 hours for the proposed new course without any additions the legislature may add. Director Antu stated that they would have 180 days to implement the new BPOC course. The Jailer course was rolled out successfully. There have been 330 new jailers that have taken and passed the course. Of those, 27 did not succeed on the first attempt. The Telecommunicator course is in final review. It is currently 40 hours with the addition of 24 hours of Crisis Communications. The proposed course will combine the two courses into the Basic Telecommunicator course that would make the proposed hours for the course 80 hours. TCLEDDS is being upgraded and is in beta testing. The current system will be brought down to get everything in place. Online services will be brought down until May 2019. Director Antu stated that certificates would be processed manually. Director Antu also stated that email blasts will be sent to educate the users. There will also be an article in the Briefing.

Government Relations Director's Report: Director Gretchen Grigsby gave an update on the legislative session.

There have been 47 bills filed that have a direct impact to TCOLE. Several of the changes are to the School Marshal program. Five new trainings are among the 47 filed bills.

Rules: Two rules were proposed for publishing in the *Texas Register*. More details are available on page 10.

## Credentialing Division

### Another Training Unit Nears its End– Are you Compliant?

Midnight on August 31, 2019 marks the end of another Training Unit— my how time flies! As the clock rolls to September 1, 2019 those who have not completed their Legislative Mandates are immediately considered Non-Compliant.

The first round of letters notifying those who are currently appointed and have not yet completed their mandates was sent out to agencies on February 27, 2019, so many of you may already know where you stand. If you don't, here is what we are looking at for this Training Unit:

Peace Officers- except those specifically exempted by statute and those who were first licensed on or after September 1, 2017, must have completed 40 hours of total training, with the only required course being the 3185 Legislative Update. (sometimes referred to as State and Federal Law Update)

Telecommunicators- except those who were first licensed on or after September 1, 2017, must complete 20 hours of total training, with no specific courses being required.

Police Chiefs- those subject to the requirements of Education Code Section 96.641, who were first appointed prior to September 1, 2017, and completed their New Chief's Training before that date; must complete the Chief's Continuing Education through the Law Enforcement Management Institute of Texas at Sam Houston State University.

This does not mean that there aren't other mandated requirements out there, some of which may be coming up soon. Depending on your individual circumstance, the above are the only Training Unit specific courses. For more information on other potential mandates, consult the Technical Assistance Bulletin on our website entitled "Training Mandates," located here— <https://www.tcole.texas.gov/content/technical-assistance-bulletins>.

Please remember, compliance is based on the training submitted to the Commission, not just any training that you have completed. The required courses must meet specific curricula guidelines. Be sure you follow these suggestions when completing training for your mandates:

(Continued on next page)

## Credentialing Division, Continued

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Be sure the training is reported to TCOLE. Mistakes can happen and licensees are sometimes left off rosters. Also, some providers may not be able to report for some licensees or may be restricted from reporting certain courses. More information is contained in the Technical Assistance Bulletin entitled, "Reporting TCOLE Training."

Be sure the course you are taking meets the legislative mandate. (Similar topics or titles don't count).

If you are not currently appointed, be sure to complete your courses at a Commission-approved training provider.

Individuals cannot report their own training to TCOLE, with the exception of FEMA courses IS-100, 200, 300, 400, 700, and 800. Currently approved training providers are listed here: <http://www.tcole.texas.gov/content/training-providers>.

Don't worry yet, you still have several months left to get your training in, but what happens if you don't? If you are an appointed licensee, the Commission will, after making contact with you and ensuring that the non-compliance is accurate, will seek to suspend your license for 90 days (longer for repeat offenders!). If you are a licensee who is not appointed, your license will simply go inactive. This is not a penalty, it simply means that you must reactivate your license before you are eligible to be appointed.

Lastly, we must stress that it is the individual licensee's responsibility to ensure that they are compliant with legislative mandates. Agencies cannot be blamed, nor can the Commission. It is YOUR license and you are obligated to meet the requirements that go along with ownership. Multiple notifications will go out to agencies before the training unit ends, but don't wait for your agency to notify you.

TAKE CARE OF YOUR OWN LICENSE– no one else will!

## Credentialing Division Continued

### Exempt or Not Exempt?

For many years, Police Chiefs and Constables have heard the Commission say that they are exempt from ALL other training after they have been appointed and completed the legislatively mandated New and Continuing Education. However, recent legislative requirements and mandates have effectively put an end to this exemption.

Here's the background— wording in both the Education Code 96.641(f) (Police Chiefs) and Occupations Code 1701.3545(f) (Constables) have, for quite some time, exempted Chiefs and Constables from the requirements of Subchapter H of the Occupations Code. Subchapter H is where all of the Training Unit and Training Cycle requirements for peace officers are listed. However, over the last few legislative sessions statutes have been added in other subchapters, outside of Subchapter H, which are not covered by the previously mentioned exemption. These provisions are centered on additions to the Occupations Code Subchapter F.

Before the panic sets in, let's point out that most of those new mandates under Subchapter F are about initial educational and assignment specific mandates. Initial educational requirements are those that normally end up being added to the Basic Peace Officer Course (BPOC), but also carry a time limit for new licensees— "An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter..." is typical wording. For many veteran Chiefs or Constables, this does not pose a problem, but for those first licensed after the date these statutes took effect, the mandate is enforced.

Assignment-specific courses such as Courtroom Security, Eyewitness Identification, School-based Law Enforcement Officer training, or Body Worn Camera training only come into play if the person is specifically assigned that duty; but do apply to ALL who perform that duty, even Chiefs and Constables.

In addition, a specific mandate enacted by the 85<sup>th</sup> Legislature, which affects ALL peace officers regardless of their rank or level of certification— Civilian Interaction Training Program (CITP). CITP must be completed by January 1, 2020, by ALL peace officers licensed before January 1, 2018, and by ALL peace officers licensed after that date within two years of being licensed. Once again, we are adding this course into the BPOC curriculum as soon as possible to help eliminate follow up, but there will be quite a few licensees coming out of BPOCs that did not include CITP.

## Field Services Division

### Basic Instructor Certificate Requirements

The term "TCOLE certified instructor," is often misunderstood, and causes even more confusion about who is required to obtain a TCOLE instructor certificate and what can be taught with it.

TCOLE Rule §221.27 outlines the requirements to purchase a Basic Instructor Proficiency Certificate—aka, the TCOLE Instructor certification. The two separate components of the qualification process are:

First, an applicant must have at least one of the following:

- Two years' experience as a peace officer, telecommunicator, or jailer; OR
- A bachelor's degree and two years of teaching experience; OR
- A graduate degree.

The second component requires that an applicant also have one of the following:

- Successful completion of Basic Instructor Course # 1014; or
- Successful completion of an equivalent course. Examples: USAF Basic Instructor, Texas Fire Commission Instructor, or another State's POST Instructor Course.
- Successful completion of course #1014 by itself, does not constitute a certification. An individual must also submit a properly filled out application form and pay the required fee in order to obtain a TCOLE instructor certification.

Part of the confusion stems from the misconception that a TCOLE-issued instructor certification is required to teach any law enforcement class. This is incorrect. As long as an instructor's subject matter expertise is documented in an official biography, and included in the training file of each course presented, he or she does not have to hold a TCOLE instructor certificate. However, a TCOLE-issued instructor certificate is required to become a Training Coordinator for a contract training provider; to obtain a Firearms Instructor Proficiency Certification or to instruct at Law Enforcement Academies, which require that level of certification.

For questions concerning this or any other training related topic, please contact:

**Malcolm Jackson**, phone (512) 940-0635 [malcolm.jackson@tcole.texas.gov](mailto:malcolm.jackson@tcole.texas.gov), or

**Mike Dickey**, phone (512) 484-3846 [michael.dickey@tcole.texas.gov](mailto:michael.dickey@tcole.texas.gov).

## Special Services Division Continued

### Jailer Exams

Reminder to training coordinators and training sites:

Due to the inclusion of the rules overview chapter/test in the new Basic County Corrections Course 1120, students will need to log in to a different version of the rules overview test in their MyTCOLE accounts to complete the test portion.

When logging into their MyTCOLE account, they will need to find the 1033 version to take the test, instead of the previous 1305 version.

During the MyTCOLE outage, the academy teaching the course will contact our office to request an endorsement for the state exam. The jailer will then have 180 days following the restoration of MyTCOLE to complete the rules overview, or a reprimand will be placed on his or her license.

## Government Relations Division

### Legislative Session Continues...

The 86th Texas Legislative Session is in full swing, and will continue until May 27, 2019.

There are a number of bills that affect licensing requirements and training. You can follow along with us by checking our [bill tracking page](#).

Just remember– we've said it before, and we'll say it again: a bill does not become law until it has passed both the House and Senate (or vice versa). If you love (or hate) a piece of legislation, don't get caught celebrating (or crying) too soon. Or worse, implementing requirements that aren't yet requirements.

We'll be back with more in June, including a rundown of legislation you need to be aware of.



## Legal Division

### License Actions

The following proceedings for revocation, suspension and other disciplinary actions took place at the March 2019 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	6
Default Cancellation Orders	1
Default Revocation Orders	1
Proposal for Decision Orders	0
Agreed Suspension Waivers	2
Agreed Suspension Orders	2
Statutory Revocations	2
Statutory Suspensions	0
Permanent Surrenders	20
Reprimands for Administrative Violations	3
Suspensions for Failing to Complete Legislatively Required Continuing Education	57
Reprimands for Failing to Complete Legislatively Required Continuing Education	3

### Proposed Rule Amendments

Rules proposed for amendment during the March 2019 Commission 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)  
Clarifies who shall conduct a background investigation.

- **Proposed Amendment 2**

§217.1 Minimum Standards for Enrollment and Licensure (amend)  
Clarifies what information is included on a background investigation for applicants.

## New TCOLE Staff

### Kaitlyn Tonkin

Kaitlyn is from Hutto, Texas and attended Tarleton State University. She graduated in December 2015 with a Bachelors of Science in Communications. She spent time as the Community News Reporter for The Hutto News, and following that went to work for the Texas Commission on Environmental Quality as a Legal Secretary. She enjoys fitness, reading, and spending time with family and friends. She hopes to earn a Master's Degree in Communications.



## Commissioner News



For 12 years, TCOLE has been fortunate to have Patt Scheckel Hollingsworth as a Commissioner, including having her serve as assistant presiding officer since September 2013. She has seen many changes at the agency and has been a steadfast voice throughout. As such, it was fitting that prior to the March quarterly meeting, TCOLE staff and her fellow commissioners joined together to thank Commissioner Hollingsworth for her service, and to honor her as her appointment came to an end.

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## Commissioners

Sheriff Joel W. Richardson  
*Presiding Officer*

Major Jason D. Hester  
*Assistant Presiding Officer*

Patricia Burruss  
*Secretary*

Constable Ron E. Hood  
Chief Kim Lemaux  
Jack W. Taylor  
Sharon Breckenridge Thomas  
Sr. Police Officer Tim Whitaker  
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