



Kim Vickers  
Executive Director

# TEXAS COMMISSION ON LAW ENFORCEMENT

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## Quarterly Meeting Minutes March 2, 2017

On Thursday, March 2, 2017, at 9:30 a.m., the quarterly meeting of the Texas Commission on Law Enforcement (TCOLE) was held at the J.J. Pickle Research Campus, The Commons Learning Center, 10100 Burnet Road, Bldg 137, Austin, Texas.

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

Raymond Winter, Veena Mohan, and Haile Daniels represented the Office of the Attorney General. TCOLE staff attending included Executive Director Kim Vickers, Operations Director John Helenberg, Finance Director Brian Roth, Government Relations Director Gretchen Grigsby, Legal Counsel John Beauchamp, Division Chief Michael Antu, Captain Candice Simon, Lisa Landry, Richard Gutierrez, Ashtyn Cain, Lt. Gary Connella, Dennis Graffious, Laurie Jackson, Nikki Johnson, Leena Mahaffey, Kenny Merchant, Ken Mobley, Rey Olvera, Stan Roper, Doug Skolaut, Jessica Teseny, Chris Varady, Michael Watts, Kaye Wilson, and Renee Wolff.

### **Agenda item #1, Call to order**

Presiding Officer Joel Richardson called the meeting to order at 9:30 a.m. He opened the meeting by thanking Patt Scheckel-Hollingsworth, Assistant Presiding Officer, for presiding at the December 2016 meeting. The presentation of colors was by the Williamson County Sheriff's Office Honor Guard members Lt. Kelli Bomar, Sgt. Deanna Lewis, Deputy Rajib Bhattacharjee, and Deputy Rey Ramirez. Commissioner Hollingsworth led the pledge of allegiance and Commissioner Hester gave the invocation. Roll was called and all commissioners were present.

### **Agenda item #2, Reading of peace officer/jailer deaths since the December 1, 2016, meeting.**

Ken Mobley read the name of the line of duty death since the last commission meeting.

*Detective Jerry Walker, Little Elm Police Department, EOW January 17, 2017*

Detective Walker was shot and killed after responding to a call involving an armed subject. Detective Walker was a U.S. Army veteran and had served with the Little Elm Police Department for 18 years. He is survived by his four children.

**Agenda item #3, Approval of the minutes of the December 1, 2016 quarterly commission meeting at Austin, Texas.**

Commissioner Hester made a motion to approve the minutes. Commissioner Burruss seconded the motion. The motion passed unanimously.

**Agenda item #4, Receive reports. Take action if necessary.**

- Executive Director's Report  
The Executive Director reviewed the information sent to the Commissioners prior to the meeting which included staff changes, no new training academy/provider applications approved since the last meeting, and TCOLE's assistance with the U.S. State Department as they work to improve law enforcement worldwide. Recently TCOLE was involved in a one-week visit by a delegation of ten high-ranking senior law enforcement officials from Mexico. Commissioner Hester asked about the progress of forming a committee to review Rule 211.1 concerning background investigations as discussed in the December meeting. Executive Director Vickers noted that we are in the process of forming the committee.
- Operations Director's Report  
Director Helenberg reported on current non-compliant numbers for all licensees, including Human Trafficking, current committees including the BPOC and jail curriculum committees, the school marshal academy, and a revamping of the academy evaluation process.
- Government Relations Director's Report  
Director Grigsby reported that currently there are 27 bills directly relating to TCOLE, ten will require the creation of new rules, and four will require the development of new training courses, although some are duplicate bills. One deals with court security and is already in place, and three deal with proper procedures for traffic stops including the appropriate use of force. We are tracking 366 changes to the Penal Code and Code of Criminal Procedure and 285 changes to the Transportation Code.

**Agenda item #5, Receive reports, items to discuss, follow-up items from previous meeting. Take action, if necessary.**

- Academic Alternative program follow-up

Executive Director Vickers noted that a report has been prepared and distributed to the Commissioners. Staff is not ready to take definitive action as we are waiting for more information from Austin Community College. Commissioner Hester has asked for the pass rate for the three academic alternative programs that exist.

**Agenda item #6, Take action to enroll and induct officers in the Texas Peace Officers' Memorial Monument. Waive the requirement for induction at a separate Commission meeting, and take action to induct officers into the Texas Peace Officers' Memorial Monument who were enrolled today.**

Ken Mobley reported that the candlelight ceremony will be held on Sunday, April 30 at 7:30 p.m. on the grounds of the Capitol, and the Memorial inductions will begin at 10:30 a.m. on Monday, May 1. Mr. Mobley then read the names of those to be enrolled and inducted into the Texas Peace Officers' Memorial Monument.

David S. Hofer	Eules Police Department	March 1, 2016
David Ortiz	El Paso Police Department	March 14, 2016
Jeffrey Nichols	Texas Department of Public Safety	March 26, 2016
Jose D. Barraza	U.S. Border Patrol	April 18, 2016
Endy N. Ekpanya	Pearland Police Department	June 12, 2016
Stacey Baumgartner	Patton Village Police Department	June 19, 2016
Michael J. Smith	Dallas Police Department	July 7, 2016
Michael L. Krol	Dallas Police Department	July 7, 2016
Patricio E. Zamarripa	Dallas Police Department	July 7, 2016
Brent A. Thompson	Dallas Area Rapid Transit Police	July 7, 2016
Lorne B. Ahrens	Dallas Police Department	July 8, 2016
Anthony M. Zarate	Bellaire Police Department	July 12, 2016
Mari Johnson	Texas Department of Criminal Justice	July 16, 2016
Justin Scherlen	Amarillo Police Department	August 4, 2016
Kenneth H. Maltby	Eastland County Sheriff's Office	September 7, 2016
Robert E. Ransom	Gregg County Sheriff's Office	September 30, 2016
Kenneth J. Starrs	South Texas Specialized Crime and Narcotics Task Force	November 16, 2016
Benjamin E. Marconi	San Antonio Police Department	November 20, 2016
Frank BuPont	United States Department of the Treasury	May 26, 1869

Alden McLaughlin	United States Department of the Treasury	September 1, 1871
John F. Green	Texas Rangers	July 9, 1873
James E. Stewart	Young County Sheriff's Office	September 21, 1877
Fletcher W. Smith	Wise County Sheriff's Office	February 24, 1884
Isreal S. Ewan	Texas Department of Criminal Justice	December 8, 1887
Deputy Rhodes	Polk County Sheriff's Office	September 25, 1889
Shadrick R. Heslep	Trinity County Constable Pct. 1	April 22, 1893
James K. Phillips	Tyler County Constable Pct. 2	December 11, 1893
Serapio Andrade	Val Verde County Sheriff's Office	November 28, 1906
John A. Beasley	San Patricio County Sheriff's Office	January 30, 1910
Marion A. Bledsoe	Cleburne Police Department	April 15, 1912
J.H. Suber	Texas A&M Police	December 14, 1913
James O. Long	Briscoe County Sheriff's Office	May 5, 1915
Clark Blair	Midlothian Police Department	May 1, 1916
Henry Benoit	Comal County Sheriff's Office	August 7, 1916
William K. Reynolds	Texas and Pacific Railroad	February 24, 1921
Lester E. Roland	Southern Pacific Railroad Police Department	August 23, 1934
Oscar Briones	Duval County Sheriff's Office	February 28, 1949
Kimberly A. Storm	401 <sup>st</sup> MP Company 729 Battalion 89 <sup>th</sup> Brigade U.S. Army	June 3, 1986

Commissioner Hollingsworth made a motion to accept the names as read into the Texas Peace Officers' Memorial. Commissioners Burruss and Kyker seconded the motion. The motion passed unanimously.

**Agenda item #7, Discuss and take action to approve the recommendations for the 2017 Law Enforcement Achievement Awards.**

This item will be voted on at the June 8, 2017 meeting.

**Agenda item #8, Discuss and take action on final orders of amendments to existing and new TCOLE rules.**

- Final Amendment 1, §215.10 Course Instructor Requirements  
After discussion, the following changes were suggested:  
Subsection (b) will say "The instructor is responsible for:"  
Subsection (b)(6) will say "maintaining the discipline and demeanor of each student during class;"

Subsection (b)(8) will say “ensuring that all learning objectives are taught; and”  
Subsection (b)(9) will say “ensuring examinations are proctored or supervised to have fair, honest results.”

Commissioner Hester made a motion to approve final amendment #1, with the changes discussed. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

Before the vote, Commissioner Hester asked that the same language changes be added to the basic instructor course and the advanced instructor course.

- Final Amendment 2 - Repeal  
§217.7 Reporting Appointment and Separation of a Licensee
- Final Amendment 3 - New  
§217.7 Reporting Appointment and Separation of a Licensee  
Mr. Beauchamp noted that discussion at the December 2016 meeting surrounding Subsection (a)(8) of this new rule included all licensees. However, the motion that was made only referred to the basic peace officer course. He asked if the Commissioners wanted to amend the proposed rule to include all licensing courses.

Commissioner Hester made a motion to approve final amendment #3 with the changes discussed by General Counsel and approve amendment #2. Commissioner Oakley seconded the motion. The motion passed unanimously.

- Final Amendment 4  
§223.15 License Suspension  
Commissioner Oakley made a motion for approval. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.
- Final Amendment 5  
§223.18 Suspension Following Felony Arrest  
Commissioner Hester made a motion to approve amendment #5. Commissioner Villegas seconded the motion. The motion passed unanimously.

**Agenda item #9, Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions.**

Mr. Winter addressed the Commission, reviewing the disciplinary actions.

### *Default Suspension Orders*

Agboola, Oydele	Peace Officer	Roman Forest Police Department
Aguirre, Henry	Peace Officer	Bexar County Constable Pct. 1
Anderson, Robert	Jailer	Harris County Sheriff's Office
Arispe, Ramon	Peace Officer	Nueces County Constable Pct. 4
Arredondo, Erich	Jailer	Washington County Sheriff's Office
Atchison, Burl	Jailer/Peace Officer	Harris County Sheriff's Office
Atchison, Burl	Jailer/Peace Officer	Harris County Sheriff's Office
Betler, Byron	Peace Officer	Plano Police Department
Cooper, Monica	Jailer/Peace Officer	Harris County Sheriff's Office
Cortez, Genaro.	Peace Officer	Jacinto City Police Department
Cox, Timothy	Jailer	Fannin County Sheriff's Office
Cox, Timothy	Jailer	Fannin County Sheriff's Office
Cox, Timothy	Jailer	Fannin County Sheriff's Office
Demerson, Tim	Peace Officer	Keller Police Department
Dozier, Brooks	Jailer/Peace Officer	Harris County Sheriff's Office
Harbison, Clayton	Jailer	Orange County Sheriff's Office
Henry, LaVonte	Jailer	Bowie County Sheriff's Office
Hernandez, Marcelino C.	Jailer	Lubbock County Sheriff's Office
Hess, Troy	Jailer/Peace Officer	Little River Academy Police Department
Kulow, Christopher	Jailer/Peace Officer	Washington County Sheriff's Office
Lute, Phillip	Jailer/Peace Officer	San Antonio Police Department
Martin, Michael	Jailer/Peace Officer	Bowie County Sheriff's Office
Morris, Brandon R.	Jailer	Cherokee County Sheriff's Office
Nichols, Kameron	Jailer	Parker County Sheriff's Office
Norton, Rhonda L.	Jailer	Tarrant County Sheriff's Office
Perkins, Darrell	Peace Officer	Orange County Sheriff's Office
Reyes, Raul L.	Jailer	Zavala County Sheriff's Office
Serna, Gilberto	Jailer	Comal County Sheriff's Office
Sharkey, Johnathan N.	Jailer/Peace Officer	Dallas Police Department
Van der Westhuizen, Johan	Peace Officer	Waller County Constable Pct. 3

Commissioner Hollingsworth made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter a default final order as authorized under the provisions of 37 Texas Administrative Code, Section 223.3, and as required under the provisions of Texas Occupations Code 1701, Section 1701.501 to suspend the license of the list beginning with Oydele Agboola and ending with Johan

Van der Westhuizen. Commissioner Hester seconded the motion. The motion passed unanimously.

#### *Default Revocation Orders*

Diaz, Daniel	Peace Officer	Texas Parks & Wildlife Department
Garza, David E.	Jailer	Karnes County Correctional Center

Commissioner Hollingsworth made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter a default final order as authorized under the provisions of 37 Texas Administrative Code, Section 223.3, as required under the provisions of Chapter 1701, Section 1701.501 to revoke the license of Daniel Diaz and David E. Garza. Commissioner Hester seconded the motion. The motion passed unanimously.

#### *Agreed Suspension Orders*

Aguilar, Felicia	Telecommunicator	Balcones Heights Police Department
Hall, Bryant	Peace Officer	Houston Police Department
Rogers, Amber	Telecommunicator	Harris County Constable Pct. 1
Stallings, Tatum	Jailer/Peace Officer	Lorenzo Police Department

Commissioner Hollingsworth made a motion that the Commission accept and adopt the recommendations of the Executive Director to enter a final Agreed Suspension Order for Felicia Aguilar, Bryant Hall, Amber Rogers, and Tatum Stallings. Commissioner Hester seconded the motion. The motion passed unanimously.

#### *Proposal for Decision Orders*

Kahl, Christopher	Peace Officer	Richmond Fire Department
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The Executive Director seeks to cancel the peace officer license issued to Christopher D. Kahl. The Respondent's criminal history makes him ineligible for licensing. The Administrative Law Judge recommended that TCOLE cancel the peace officer license.

Commissioner Hollingsworth made a motion to adopt and accept the proposed decision of the Administrative Law Judge to cancel the license of Christopher D. Kahl. Commissioner Hester seconded the motion. The motion passed unanimously.

Mr. Winter noted that the remaining disciplinary items are for information only and do not require action.

## **For Information Only**

### *Statutory Suspensions*

Murillo, Jesus	Peace Officer	Big Spring Police Department
Simpson, Dewayne	Jailer	Nueces County Sheriff's Office
Treadaway, Roger	Peace Officer	Ennis Police Department
Trevino, Jose	Jailer	Nueces County Sheriff's Officer

### *Statutory Revocations*

Carrillo, Juan	Peace Officer	Houston Police Department
Lively, Linda	Peace Officer	Fredericksburg Police Department
Milburn, Kenneth	Jailer	Johnson County Sheriff's Office
Torres, Christian	Jailer	Harris County Sheriff's Office

### *Permanent Surrenders*

Bouse, Craig	Peace Officer	Woodway Public Safety Department
Cantu, Adrian	Peace Officer	Pharr Police Department
Carsten, Cee	Jailer/Peace Officer	Harris County Sheriff's Office
Cervantes, Susana	Jailer/Peace Officer	Bexar County Sheriff's Office
Cortazar, David	Jailer/Peace Officer	Harris County Sheriff's Office
Hall, Mary	Telecommunicator	Athen's Police Department
Lane, Russel A.	Peace Officer	Jamaica Beach Police Department
McWilliams, Aaron	Jailer/Peace Officer	Memphis Police Department
Padilla, Pedro	Peace Officer	Houston, Police Department
Requejo Jr., Joe	Peace Officer	San Diego Police Department
Rodarte, Aaron	Peace Officer	Dallas Police Department
Skarpa, Barbie	Peace Officer	Cleveland I.S.D. Police Department
Trask, Russell	Peace Officer	Dallas Police Department
Wicker, Mark	Peace Officer	Clute Police Department

### *Reprimands for Administrative Violations*

Eaglin, Damien	Peace Officer	Marlin Police Department
Espinosa, Rodolfo	Peace Officer	Hidalgo Police Department
Garcia, Javier	Peace Officer	Alton Fire Marshal's Office
Moore, Mark	Peace Officer	Refugio County Constable Pct. 1 & 1A



*Reprimands for Failing to Complete Legislatively Required Continuing Education*  
Angelle, Bryan                      Peace Officer                      Patton Village Police Department  
Flores, Jose                          Peace Officer                      El Paso Police Department

**Agenda item #10, Receive public comment on any topic, without action.**

The Presiding Officer invited public comment. No one came forward.

**Agenda item #11, Executive Session to discuss pending or contemplated litigation, settlement offers, and personnel issues, including evaluation of executive director's job performance, pursuant to sections 551.074 and .071 of the Texas Government Code, Open Meetings Act.**

The Presiding Officer announced that the Commission would not go into executive session.

**Agenda item #12, Return from Executive Session to report and /or discuss further actions to be taken as a result of the Executive Session. Take action, if necessary.**

**Agenda item #13, Adjourn.**

The meeting was adjourned at 11:07 a.m.