



Kim Vickers
Executive Director

TEXAS COMMISSION ON LAW ENFORCEMENT

Quarterly Meeting Minutes September 7, 2017

On Thursday, September 7, 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 Richardson, Presiding Officer; Ms. Patt Scheckel-Hollingsworth, Assistant Presiding Officer; Major Jason Hester, Secretary; Constable Ron Hood; Chief Kim Lemaux; Judge James Oakley and Ms. Sharon Breckenridge Thomas.

Representatives from the Office of the Attorney General were Raymond Winter and Haile Daniels. TCOLE staff attending were Executive Director Kim Vickers, Finance Director Brian Roth, Government Relations Director Gretchen Grigsby, Legal Counsel John Beauchamp, Division Chief Michael Antu, Lisa Landry, Richard Gutierrez, Lynn Beard, Ashtyn Cain, Lt. Gary Connella, Dennis Graffious, Laurie Jackson, Nikki Johnson, Leena Mahaffey, Kayla Manders, Kenny Merchant, Lita Rendon, Stan Roper, Doug Skolaut, Chris Varady, Michael Watts, and Kaye Wilson.

Agenda item #1, Call to order

The Presiding Officer called the meeting to order at 9:30 a.m. and recognized fellow officers that are busy along the coast in the aftermath of Hurricane Harvey. The Round Rock Police Department Color Guard led by Jerry Hallford, Joseph Claypool, Dominique Pagan, and Rey Rodriguez posted the colors. Commissioner Oakley led the pledges of allegiance and Commissioner Hester gave the invocation. The roll was called, and there was a quorum present. Commissioners Patricia Burruss and Tim Whitaker were absent from the meeting. Commissioner Oakley was not present for the action taken as a result of the Executive Session. There was a quorum present for all votes.

Agenda item #2, Reading of peace officer/jailer deaths since the June 8, 2017, meeting.

Director Gretchen Grigsby noted that there have been six deaths in the law enforcement community in Texas since the last commission meeting.

***Corrections Officer Shana Tedder, Texas Department of Criminal Justice,
EOW Friday, June 9, 2017***

Corrections Officer Shana Tedder died after suffering a suspected heart attack following a use of force incident with an inmate at the Christina Melton Crain Unit in Gatesville, Texas. She began to experience shortness of breath following the incident and collapsed after walking to a different area of the facility to rest. Other officers immediately began CPR as medics responded to the facility; however, they were unable to revive her. Officer Tedder had served with the Texas Department of Criminal Justice for 12 years.

***Police Officer Miguel I. Moreno, San Antonio Police Department,
EOW Friday, June 30, 2017***

Police Officer Miguel Moreno was shot and killed as he and his partner attempted to contact two subjects near the intersection of Evergreen and Howard Streets. The officers observed the men near a car that appeared to have been broken into. As they stopped to speak to the subjects one of the men immediately opened fire with a revolver, striking Officer Moreno in the head and his partner in the torso. Despite his wounds, Officer Moreno's partner was able to pull him out of the line of fire and then returned fire, wounding the suspect. The man then committed suicide. The second subject was taken into custody. Officer Moreno was transported to a local hospital where he succumbed to his wound the following morning. Officer Moreno had served with the San Antonio Police Department for nine years.

***Deputy Sheriff Jason Fann, Yoakum County Sheriff's Office,
EOW Saturday, August 5, 2017***

Deputy Sheriff Jason Fann was killed in a vehicle crash at approximately 6:00 pm while responding to an accident on Highway 214, two miles south of Plains. His patrol car left the roadway and overturned, causing him to sustain fatal injuries. Deputy Fann served with both the Seagraves Police Department and Yoakum County Sheriff's Office.

***Detective Elise Ybarra, Abilene Police Department,
EOW Sunday, August 6, 2017***

Detective Elise Ybarra was killed in a vehicle crash on I-20, outside of Abilene, when her department vehicle was struck by another car at approximately 6:15 pm. She and two other detectives were enroute to Dallas to attend the Crimes Against Children Conference. They encountered slow traffic due to a previous wreck on the interstate. A few moments later a pickup truck struck the rear of their unmarked car, causing Detective Ybarra to suffer fatal injuries. The other two detectives were transported to a local hospital with non-life threatening injuries. Detective Ybarra had served with the

Abilene Police Department for three years and was assigned to the Special Victims Unit. She had previously served with the Sedalia, Missouri, Police Department. She is survived by her husband and 10-month-old daughter.

***Corporal Monty D. Platt, West Texas A&M University Police Department,
EOW Tuesday, August 8, 2017***

Corporal Monty Platt died of complications of an animal bite sustained on July 24th, 2017, as he attempted to capture an injured feral cat on campus in the area of 301 26th Street. The cat bit him through his work gloves and punctured his skin. He received medical treatment and was given medication, which caused him to suffer a severe allergic reaction. He was transferred to the ICU at University Medical Center in Lubbock where he was placed on a ventilator. His condition rapidly deteriorated and he passed away on August 8th, 2017. Corporal Platt had served with the West Texas A&M University Police Department for 21 years and had served in law enforcement for 24 years. He is survived by his wife, son, and mother.

Sergeant Steve Perez, Houston Police Department, EOW Sunday, August 27, 2017

Sergeant Steve Perez drowned after his patrol car was caught in floodwaters in the aftermath of Hurricane Harvey. He was attempting to report to duty station in the downtown area, but was unable to reach it due to all of the impassible roads. He then attempted to reach the Kingwood station, but his patrol car was washed away in high water in the area of Hardy Tollway and Beltway 8. His body was recovered by members of Houston Police Department dive team and citizens on August 29th, 2017. Sergeant Perez had served with the Houston Police Department for 34 years and was only days shy of his 61st birthday. He is survived by his wife and two adult children.

Agenda item #3, Election of Assistant Presiding Officer and Secretary to comply with Chapter 1701.055(b), Texas Occupations Code.

Commissioner Hester nominated Patt Scheckel Hollingsworth as Assistant Presiding Officer. There being no other nominations, Commissioner Hollingsworth was selected by acclamation.

Commissioner Oakley nominated Commissioner Hester to fill the role of Secretary. There being no other nominations, Commissioner Hester was selected by acclamation.

Agenda item #4, Approval of the minutes of the June 8, 2017, quarterly commission meeting at Austin, Texas.

Commissioner Oakley made a motion to approve the minutes. Commissioner Lemaux seconded the motion. The motion passed unanimously.

Agenda item #5, Receive reports. Take action if necessary.

Presiding Officer's Report

Presiding Officer Richardson announced the dates for the 2018 quarterly commission meetings.

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

All meetings will be at the J.J. Pickle Research Center.

Executive Director's Report

Mr. Vickers addressed several items:

No training provider applications have been approved since the last meeting, but there are some pending. One training contract has been cancelled.

The training coordinators conference will be held as scheduled as the venues in Corpus Christi were not damaged by the hurricane.

We will continue to monitor the training being offered in underserved areas, specifically the West Texas area.

The agency will soon begin the strategic planning process. We've worked diligently on the regulatory side of our legislative responsibilities, and will be looking at the need for TCOLE to become more involved in training.

The work being done on the crosswalk system by Austin Community College for the Academic Alternative program is complete. Currently there are three academic alternative programs, one is very active and one is looking to be more active.

We assisted the Governor's office getting federal officers involved in the hurricane efforts having the authority to act as Texas peace officers.

TCOLE has extended the training unit/cycle deadline to September 30 due to many licensees statewide assisting with the Hurricane Harvey relief efforts.

Government Relations Director's Report – Gretchen Grigsby

Director Grigsby reported on the progress being made to implement the training requirements from four bills that passed during the regular legislative session. The development of these classes is on track to be completed within the guidelines given by the legislature. Peace officer and jailer licensing course reviews are already taking place. This will be a complete course review concentrating on best practices. Communication skills and mental health are also being reviewed as well

as crisis intervention training and de-escalation techniques. The curriculum for the newest legal update course is available on the TCOLE website.

The ten entities involved in the planning of the annual Peace Officer Memorial ceremony have met, and will continue to meet monthly.

Director Grigsby introduced Fisher Reynolds, the Legislative Budget Board analyst that has been assigned to TCOLE.

In response to a question from Commissioner Hester, Executive Director Vickers noted that the curriculum committee members have been asked to try to keep the newly mandated courses to 8 hours or less while enduring a quality product that covers the subject matter.

Audit Committee Report – Patt Hollingsworth

Commissioners Hollingsworth (committee chair), Hood, and Lemaux met with Director Roth, Executive Director Vickers, and Division Chief Antu to review the current audit reports. Reports that were reviewed included a State Office of Risk Management (SORM) audit, a safety and security audit, Criminal Justice Information Services (CJIS) audit, computer security, data storage, and telephone system audits. An audit by the Comptroller is scheduled for December and another SORM audit will take place in January. Sound money management and a hiring freeze contributed to the agency ending the fiscal year on a positive note.

Commissioner Oakley made a motion to accept all reports. Commissioner Thomas seconded the motion. The motion passed unanimously.

Agenda item #6, Receive items of interest. Take action, if necessary.

- Out of state/federal equivalency for county jailer training and telecommunicator training

Executive Director Vickers asked the Commission if they would like for us to pursue the possibility of accepting jailer and telecommunicator training given outside the state of Texas as meeting licensing requirements. After discussion, Presiding Officer Richardson asked staff to move forward.

Agenda item #7, Discuss and take action on the Request for Waiver of TCOLE Rule 217.1 Minimum Standards for Enrollment and Initial Licensure for Electra Police Department for Jessica Manry.

Chief Michael Dozier addressed the Commissioners and requested a waiver on behalf of Jessica Manry who was also present.

Commissioner Oakley made a motion to approve the waiver. Commissioner Hester seconded the motion. The motion passed unanimously.

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

- Proposed Amendment 1
§215.21 Credit for High School Public Services Endorsement

Mr. Beauchamp noted that this rule is based on House Bill 1545. Director Grigsby explained that the 40 hours of credit allotted from these high school courses will apply toward higher levels of certification and will not replace any training given in the Basic Peace Officer Course. This credit would only be for those applying for a license on or after September 1, 2017. It is not retroactive.

Commissioner Oakley made a motion to approve the proposed amendment. Commissioner Hood 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 reviewed the disciplinary actions.

Default Suspension Orders

Adcock, Gregory R.	Jailer	Lee County Sheriff's Office
Allen, David	Jailer	Brown County Sheriff's Office
Amador, Antonio A.	Peace Officer	Horizon City Police Department
Cartwright, Randall	Jailer	Dallas County Sheriff's Office
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Fernandez, Jose R.	Jailer	Cameron County Sheriff's Office
Garcia, Jesus A.	Jailer	Kinney County Sheriff's Office
Garcia, Jesus A.	Jailer	Kinney County Sheriff's Office
Jacobsen, Alan	Peace Officer	Univ of Texas System Police
Tapia, Miguel A.	Jailer	Gray County Sheriff's Office
Womble, Casarae	Peace Officer	Dallas Police Department

Commissioner Hollingsworth made a motion to accept and adopt the recommendations of the Executive Director to enter a default order as authorized under the provisions of Texas Administrative Code, 223.3 and Occupations Code, 1701, Section 1701.501 to

suspend the licenses of Gregory Adcock, David Allen, Antonio Amador, two cases against Randall Cartwright, Jose Fernandez, two cases for Jesus Garcia, Alan Jacobsen, Miguel Tapia, and Casarae Womble. Commissioner Hester seconded the motion. The motion passed unanimously.

Default Revocation Orders

Contreras, Alberto	Jailer	Milam County Sheriff's Office
Darthard, D'Andre	Jailer/Peace Officer	Harris County Sheriff's Office
Everett, Jeremy	Peace Officer	Quitman Police Department
Frazier, Ashley	Jailer	Orange County Sheriff's Office
Hernandez, Xavier	Jailer/Peace Officer	Los Fresnos Police Department
Liscano, Jacob	Jailer	Deaf Smith County Sheriff's Office
Norris, Jason M.	Jailer	Eastland County Sheriff's Office
Rodriguez, Ernest	Telecommunications Operator	Houston Emergency 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 Texas Administrative Code, Section 223.3, as required under the provisions of Chapter 1701, Section 1701.501 to revoke the licenses of Alberto Contreras, D'Andre Darthard, Jeremy Everett, Ashley Frazier, Xavier Hernandez, Jacob Liscano, Jason Norris, and Ernest Rodriguez. Commissioner Hester seconded the motion. The motion passed unanimously.

Proposal for Decision (PFD)

Jackson, Justin	Peace Officer	Ellis County Constable Pct. 3
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The Executive Director seeks to cancel the peace officer license issued to Justin Jackson. He filed a Motion for Summary Disposition asserting that Mr. Jackson failed to complete the training and examination requirements for a peace officer. Therefore, his license should be cancelled. The Administrative Law Judge recommended that TCOLE cancel the peace officer license.

Commissioner Hollingsworth made a motion to accept the Executive Director and the SOAH PFD for cancellation of the license of Justin Jackson. Commissioner Hester seconded the motion. The motion passed unanimously.

Agreed Suspension Orders

Arriola, Brandon	Jailer/Peace Officer	Cleburne Police Department
Brown, Jason	Jailer	Tarrant County Sheriff's Office
Null, Robert	Peace Officer	Bonham Police Department
Palacios, Hector	Peace Officer	Somerset 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 Brandon Arriola, Jason Brown, Robert Null, and Hector Palacios.

Commissioner Hester seconded the motion. The motion passed unanimously.

Mr. Winter stated the remaining items are for information only and do not require action by the Commissioners.

For Information Only

Double Dishonorable Revocation

Fox, William	Peace Officer	Patton Village Police Department
Haffa Jr., Charles	Jailer/Peace Officer	Bandera Co. Sheriff's Office
Menefield, Charles	Peace Officer	Harris County Constable Pct. 2
Starkweather, Sherry	Peace Officer	San Jacinto County Sheriff's Office

Statutory Suspensions

Francois, Fredrick D	Jailer	LaSalle Southwest Corrections Jefferson Co. Downtown
Feria, Edgar	Peace Officer	El Paso Police Department

Permanent Surrenders

Adcock, Gregory	Peace Officer	Valley View Police Department
Andrews, Michael	Jailer/Peace Officer	Galveston Police Department
Benham, Jamie	Peace Officer	Santa Fe I.S.D. Police Department
Bryant, Cody	Jailer/Peace Officer	Montgomery County Constable Pct. 1
Champion, Christopher	Peace Officer	Texas Department of Public Safety
Crabb, Brandon	Jailer	Ellis County Sheriff's Office
Davis, Tyron	Peace Officer	Ellis County Constable Pct. 3
Delgadillo, Jacob	Peace Officer	Houston I.S.D. Police Department
Elliot, Tremaine	Jailer	Bexar County Sheriff's Office
Encinia, Brian T.	Peace Officer	Texas Department of Public Safety

Hurd, Gary	Peace Officer	Fort Bend County Constable Pct. 2
Megliorino, Christopher	Jailer/Peace Officer	Austin Police Department
Morgan, Frank	Jailer	Upton County Sheriff's Office
Peterson, Sean	Jailer	Harris County Sheriff's Office
Piercefield, Joseph	Jailer	Harris County Sheriff's Office
Rivers, Christopher	Jailer/Peace Officer	Stephen F. Austin State Univ.
Rowell, Ben	Peace Officer	DeLeon Police Department
Smith, Donald	Jailer/Peace Officer	Kountze Police Department
Sutton, Chad	Peace Officer	Stinnett Police Department
White, Steven R.	Peace Officer	Gray County Sheriff's Office
Wirfs, Michael	Jailer/Peace Officer	Beaumont Police Department
Yowman, Ken W	Peace Officer	Jefferson County Constable Pct. 8

Term Surrenders

Williams, Mario	Peace Officer	Montgomery County Constable Pct. 4
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Reprimands for Failing to Complete Legislatively Required Continuing Education

Blakenship, James	Peace Officer	Wilmer Police Department
Gusman, Janis	Peace Officer	Wharton County Sheriff's Office

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

The Presiding Officer invited comments from the public. No one came forward.

At 10:23 a.m. the Presiding Officer called for a brief recess.

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.

At 10:55 a.m. Executive Session began.

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.

At 11:05 a.m. Executive Session ended and open session began. The Presiding Officer noted that no action was taken or votes made during executive session.

Commissioner Hollingsworth made a motion to approve a salary increase for the Executive Director to the maximum allowable by the general appropriations act. Commissioner Thomas seconded the motion. The motion passed unanimously.

Agenda item #13, Adjourn.

The Presiding Officer adjourned the meeting until December 7, 2017.

Jason D. Hester, Secretary
JDH/kw