

THE BRIEFING

A Publication of the Texas Commission on Law Enforcement

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A New Training Unit, and The End of a Cycle

By Lisa Landry

The new training unit has begun! This unit began on September 1, 2015, and will end August 31, 2017. With the beginning of this unit brings the latter half of the current four-year cycle (September 1, 2013 through August 31, 2017). All licensees are required to complete training during this unit, including Telecommunicators. Please be sure to read below and find out what training is required for your license.

TCOLE offers training that can be completed free of charge through your MyTCOLE Account for all licensees. We also provide a complete list of contracted TCOLE training providers on our website under [Training/ Training Providers](#) at: www.tcole.texas.gov.

Telecommunicators:



- You will need 20 hours of training by August 31, 2017. There are no specific training courses required.

Peace Officers:

- If you have a Basic or no certificate level, you must complete 40 hours to include the following: State and Federal Law Update, Cultural Diversity, CIT Update and Special Investigative Topics.

Upcoming Events

Training Coordinators' Conference:

- October 19-22

2015 Commission Meeting:

- December 3

Training Coordinators Workshop

- December 2

New Training Unit, Continued

Peace Officers, Continued:

- If you have an Intermediate certificate or higher, you must complete 40 hours to include the State and Federal Law Update.
- If you work for a Constable's office, you must also complete Civil Process in addition to the appropriate peace officer training listed above. If you do not serve papers, the Constable must request a waiver for you.

Jailers:

- If you have an active Peace Officer license AND hold a Peace Officer Intermediate certificate or above, Cultural Diversity is not required.
- If you DO NOT have a Peace Officer license, you MUST complete Cultural Diversity – regardless of your jailer certificate level.

Constables:

- Must complete the training through Bill Blackwood (LEMIT) by 8/31/2017.

Chiefs Administrators:

- Must complete the training through Bill Blackwood (LEMIT) by 8/31/2017.

Preparations for the First Telecommunicator Training Unit

By Lisa Landry

Training begins this unit for all licensed Telecommunicators. Licensees will be required to complete 20 hours of training during the unit (September 1, 2015 through August 31, 2017).

In preparation for the first telecommunicator training unit, TCOLE will be mailing notices to departments for verification of all Telecommunicators on their department roster. We're asking the departments to verify that all Telecommunicators are showing on their list and to correct any inaccuracies.

We recommend all licensed telecommunicators check their personal status report to verify all service time on the record. If you have any questions, please give the Credentialing department a call.

Commission Meeting Highlights

The latest Commission meeting was held at the J.J. Pickle Research Campus on Thursday, September 10, 2015. Here are a few highlights from the meeting:

Presiding Officer's Report: Presiding Officer Richardson thanked Governor Greg Abbott for supporting the law enforcement community and thanked the licensees for protecting and serving the citizens.

Executive Director's Report: We are in the application and hiring process on a few new positions in the Enforcement and Field Services Divisions.

The Training Coordinator's Conference registration total is already in the 700's and all exhibit booths have been booked.

We wanted to have a celebration for TCOLE's 50th anniversary, but our budget wouldn't allow it. We're grateful to Representative Tony Dale, who introduced a resolution during the 84th legislature commemorating TCOLE's 50th anniversary.

Legislative Report: There are several curriculum committees underway that ensure each bill passed is properly implemented. Legislative committees have been meeting on the topic of jail safety. We will start agency strategic planning next year.

Non-Compliance: The total number of officers in non-compliance for the 2011-2013 unit was roughly 2,600. That total for this unit is under 800.

Provider Contracts: The new approval process for contract training providers will consist of two steps. First, providers will submit an application to TCOLE. A needs assessment will be conducted by staff, who will approve the contract to move forward or deny the application. Denials may be appealed to the Commissioners.

Upon approval, the applicant will pay a \$1,000 fee. The fee covers the expenses of step two, an on-site inspection. A two-year probationary contract will be awarded, and if all is satisfactory at the end of the second year, a contract for the remaining 3 years will be issued.

Proposed Amendments: Several new and amended rules were proposed. We are trying to achieve a cleaner, more efficient set of rules that are easier for the end user. Remember, these rules are proposed; they will not be up for final adoption until December. This allows time for revisions and public comment, and we encourage your feedback. (see [page 13](#) for full list of proposed amendments)

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.

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.

Public Comment: Anyone wishing to make a public comment may do so at the following email address: public_comment@tcole.texas.gov.

2015 Conference

TCOLE TRAINING COORDINATORS' CONFERENCE | 2015



Corpus Christi, TX | October 19-22, 2015

OMNI BAYFRONT HOTEL

900 North Shoreline Blvd.
Corpus Christi, TX 78401

REGISTRATION \$200

non-refundable

Register through your MyTCOLE account

EVENTS

Fun Run - Silent Auction - Social Networking
Dine with Vendors, Karaoke, Dance Off and Live Auction

SPEAKERS

Dr. Lianna Evans

Dr. Joe Serio

Gordon Graham

Michael Ferguson

W. Clay Abbott

Davis Merrell

John "Jack" Ryan

PLUS

TCOLE Speaks with:
Chief Kim Vickers and
John Helenberg

REGISTER NOW

Enforcement Division

Enforcement's Newest Addition

The Enforcement Division welcomes Donna Suderman to the team. Donna joins TCOLE from her former employment at Custom Leather Tack, a company that makes high quality leather products including Rodeo awards and trophies. In her new role at TCOLE, she will be responsible for a number of enforcement administrative duties, including assisting with E-1 forms, opening and maintaining cases, helping with non-compliance, and requesting court documents.



Government Relations Division

Updates on Implementation of Legislation

By Gretchen Grigsby

As TCOLE and other state agencies work to implement the changes passed by the Texas Legislature, we have a few reminders for all law enforcement personnel working out there.

First, the reporting requirement for officer-involved shootings under House Bill 1036 by Rep. Eric Johnson is now in effect. The Office of the Attorney General has created a form to report officer-involved shootings, as well as a form to report line-of-duty injuries or deaths of officers. These incidents are required to be reported to the Office of the Attorney General within 30 days. The forms and instructions can be found at <https://www.texasattorneygeneral.gov/cj/peace-officer-involved-shooting-report>.

Second, committees are hard at work developing curriculum for the new trainings referenced in the previous edition of *The Briefing*. One question that has come up related to canine encounter training under House Bill 593 was to whom the requirement is intended to apply. After clarifying with Rep. Nicole Collier, the author of the bill, the mandate only applies to officers currently within their first two years of licensure or those applying for an intermediate or advanced proficiency certificate. The intent was not to require the training of those who have already obtained their advanced proficiency certificate or beyond, though individual agencies may require their officers to complete the training.

Please keep an eye on the [TCOLE website](#), [Facebook page](#), or [Twitter account](#) for other updates.

Special Services Division

Curriculum Updates

Below is a summary of updates made to course curriculum materials between June 2015 and September 2015. The course materials can be found under the Training/Course Curriculum Materials and Updates section on our website: www.tcole.texas.gov

Course	Course Name	What Changed	Revision Date
2105	Child Abuse Prevention and Investigation	Reformatted and Updated	2015
1014	Basic Instructor	Reformatted	2015
1017	Advanced Instructor Course	Reformatted	2015
3737	New Supervisor	Updated	2015
3804	HIV, AIDS, and Viral Hepatitis in the Criminal Justice Profession	Updated	2015
3184	State and Federal Law Update	New	8/8/2015
	Brady Video	New	06/09/2015

New Course Committees

By Susan Brundage

The following committees have been formulated to address newly mandated courses and law updates:

COURSE	ASSOCIATED BILL	COMMITTEE CHAIR	LOCATION
Canine Encounters	HB593	Jason Hall	League City PD
Training for School District Peace Officers and School Resource Officers	HB2684	Chief Solomon Cook	Humble ISD
Body Worn Camera Program	SB158	Johnnie Moreno	San Antonio PD
Acquired and Traumatic Brain Injury and Trauma Affected Veteran's Training	HB1338	Ashley Griffen	University of Texas PD
Supplemental Peace Officer Plus	HB872	Chief Wayne Nero	Georgetown PD
Basic Peace Officer Update Committee		Jeff Cotner	Dallas PD

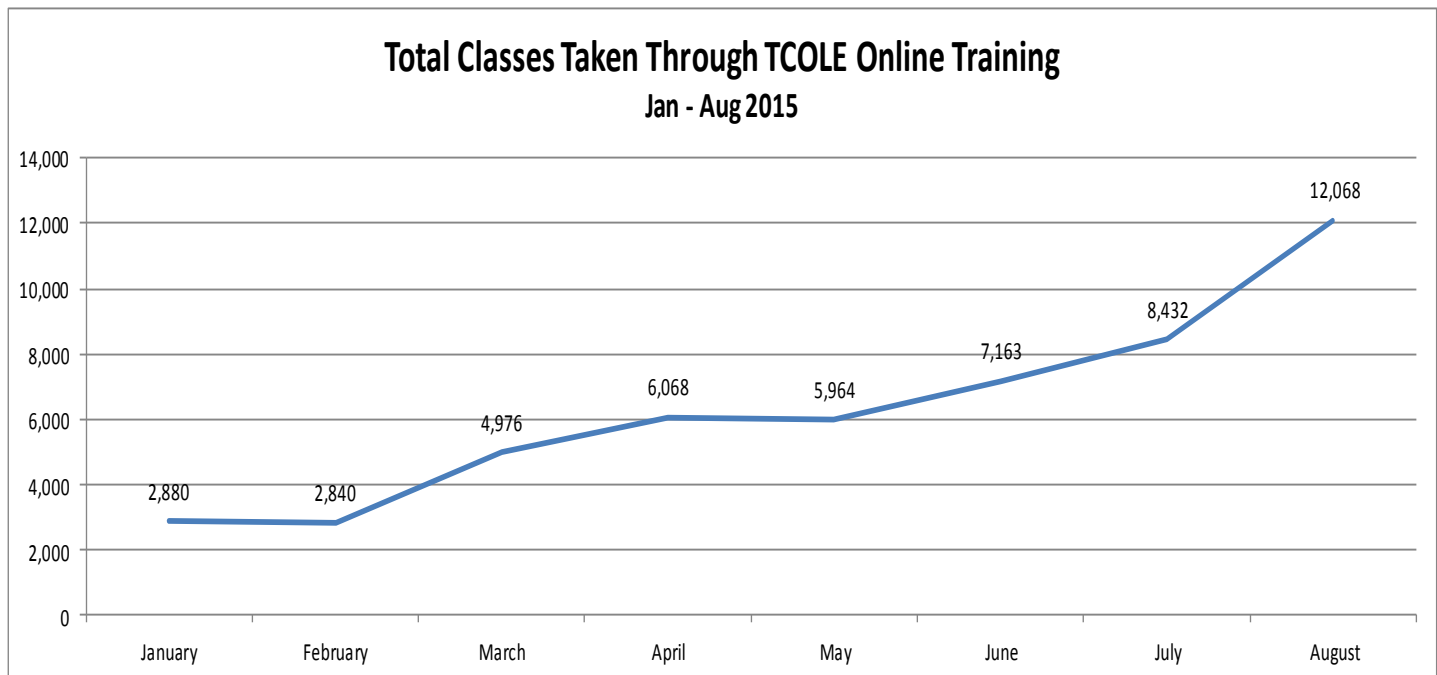
All committees have had their initial meeting and will be working diligently to get courses completed by the end of the year.

You can see a listing of all active committees under the Training/Training Committees List and Draft Courses for Review section of our website: www.tcole.texas.gov.

Special Services Division, Continued

Online Training Trends

Did you wait until August to complete your training for the unit? If so, you weren't alone. TCOLE saw a steep increase in the number of courses taken online through MyTCOLE accounts in the month of August 2015. In fact, about 24% of all classes taken online since January 2015 were taken in August alone. So, it makes you wonder what classes people chose to take in that very last month before they hit their deadline. You'd think the most popular online course would have been the State and Federal Law update, considering this was the first year TCOLE offered it online, and that it was the mandated course of the unit. However, 3183 ranked second place, closely followed by Human Trafficking. The first place prize ended up going to Cultural Diversity!



New Agencies

Since June 2015, the following new agencies have been established:

- Uvalde Consolidated I.S.D. PD
- Keene I.S.D. PD
- Farmers Branch Marshal's Office
- North Texas Emergency Communication Center
- Daingerfield-Lone Star I.S.D. PD
- Eustace I.S.D.PD
- Ropes I.S.D.PD
- Idalou I.S.D.PD
- Bastrop I.S.D. PD

Field Services Division

Reporting Training in Non-Contract Training Provider Agencies

By Kenny Merchant

The following information is intended for agencies that do not have a Training Provider Contract with TCOLE.

It constantly amazes me how much quality training is being completed by TCOLE licensees around the state that never gets reported to TCOLE. The process for reporting is really rather simple, the documentation required is minimal, and the time used in reporting training amounts to just a few minutes per entry. Why, then, are we neglecting to submit training to TCOLE? In asking this question in my region, I have found that there are a few misconceptions that are leading to the lack of reporting. Let's take a cue from a popular television program and see if we can get the facts straight, and "bust" a few "myths."

Myth #1 – "I do not have a Training Provider Contract with TCOLE, so I cannot report training."

False – every agency in the State that has a TCOLE Agency Number has the capability of reporting training for any licensee on their roster. However, only a Contract Training Provider can report training for licensees appointed at other agencies.

Myth #2 – "I do not have a TCOLE Basic Instructor Certification, therefore I cannot teach a course for credit."

False – there are only a handful of courses that require Basic Instructor Certification. TCOLE's only instructor requirements for all other courses are that the instructor be a Subject Matter Expert and that they be a capable instructor. Determining both of these characteristics is up to the head of the agency reporting the training. Of course, being a TCOLE Certified Instructor will lend greater credibility to the training, if it is ever called into question (such as in court).

Myth #3 – "TCOLE must certify my course before it may be instructed and reported."

False – although certification by TCOLE does add credibility to the course, it is not required that we review and certify all courses. In fact, it would be almost impossible for us to do so, as we lack the staff to review the hundreds of potential course topics available.

Myth #4 – "I am a TCOLE Certified Instructor, therefore I can teach and report any course to any licensee."

False – only an instructor associated with a Contract Training Provider may teach any course or report training for any licensee. They do this by reporting through the Contract Training Provider. Many smaller agencies would benefit by contacting their closest Contract Training Provider to see if that Provider will use the agency's instructor(s) as an adjunct instructor for the Provider.

Field Services Division, Continued

Now that we have dispelled a few of the more common myths about the reporting of training, let's see what the facts are:

Fact – agencies without a Training Provider Contract may not report Basic Licensing Courses, Legislatively Mandated Courses, or any course required for Proficiency Certification. All others are reportable. And remember – not only may law enforcement–related topics be reported, but also those topics required for a licensee's assigned duties. For example, a small engine repair class would not normally be considered a law enforcement–related topic. However, if the licensee in question is tasked with maintaining the emergency generators for the agency, it would definitely be required for their assigned duties.

Fact – agencies reporting training must do so within 30 days of completion of the course (Rule 218.5 (a)).

Fact – in order to document training that is being reported, an agency without a Training Provider Contract must have on hand either a certificate of completion (if taught by another agency, like FEMA), or an outline of the course material (if taught in-house). A certificate of completion must contain the course title, the student's name, the instructor's name, the date of completion, and the number of course hours. In addition, a Course Critique must be completed for each course submitted. Specifically, the course critique must have an assessment of how the training was applicable to the licensee's assigned duties (Rule 218.1(b)).

Fact – training must be reported on one of two electronic venues– TCLEDDS or the Departmental Reporting System (the system used to do your Racial Profiling Report). The software in each system is easy to navigate and asks some simple questions such as: what is the course title, what date was the course completed, what is the PID number of the attendee, etc.

Fact – if you are nervous or skeptical about reporting training, you can contact your Regional Field Service Agent for assistance. They will be more than glad to help and can make you an expert on reporting training on your first attempt.

The article on page 10 goes into more detail about reporting this type of training. Now get out there and report!

Field Services Division, Continued

§218.1. Continuing Education Credit for Licensees.

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(b) A law enforcement agency submitting continuing education courses under the chief administrator's approval through a departmental report of training, must have the following on file and readily accessible to the commission:

- (1) lesson plans; or
- (2) certificate of completion with hours indicated on the certificate;
- (3) attendees' critique of the course that includes:
 - (A) written evaluation of the instructor; and
 - (B) an assessment of how this training was applicable to their assigned duties;
- (4) number of students attending from the agency;
- (5) copy of course outline (if available); and
- (6) copy of available handouts.

Reporting and Maintaining Non-Contracted Training

By Carey McKinney

The Commission staff get a number of questions related to training conducted by an outside provider (one that is not a TCOLE recognized Academy or Contract Training Provider). This type of training can be taken by any type of license holder whether it's a Peace Officer, Jailer, or Telecommunicator. It should be reported by the law enforcement agency where the licensee is currently appointed using a [General Course Reporting Number](#).

Common examples of these types of "outside" or "non-contracted" training courses are K-9 courses, FEMA courses, or Drug Interdiction courses taken in another state. Commission Rule §218.1(b) specifically describes how such training is to be reported and maintained.

Each law enforcement agency should develop a policy specific to their department on how and when course materials (certificates, critiques, etc...) from outside training need to be turned in to their Training Coordinator (see side panel for a list of required documents to be maintained on file). When setting your departmental policy, keep in mind that training rosters are required to be submitted to the Commission within 30 days of the course completion date as described in Commission Rule §218.5.

A document similar to a sample found on our website under [Training Provider Resources](#) can be used by the department's Training Coordinator to document when the submission by a licensee was completed, and when it was received. (Note: Reporting must be in whole hour increments.)

Be careful not to double report. On occasion, a licensee will attend a training course taught and reported by an Academy or Contract Provider. The Training Coordinator will mistake it for an outside training certificate, and submit the training again through a department roster. If you are unsure whether or not the provider is recognized as a TCOLE contracted provider, you can [check the list of providers on our website under Training](#).

Credentialing Services Division

A School Marshal's Letter To Their Local Law Enforcement

Hi, I am a school marshal. You may know my face and you may know my name. We may have a strong relationship or none at all. You may have heard of a school marshal, but are not exactly sure what that is.

You see, we are not so different from one another as you might think. Like you, I have a profound and vested interest in those around me. I commit my life's energy to others, I want them to do their best, I want to see them happy, and I want them to be safe. I have a fierce sense of duty to my school and take great pride devoting myself to those within it. I too am a public servant.

Safety is a top concern for me. Looking at the students I serve, I know I would do anything to protect them. Like you, I am a sheepdog. Should there be a threat, I have been trained to respond. A group of you trained me. Dedicated and knowledgeable, you were tough on me during the intensive, week long training; you prepared me for the psychological, emotional, and physical factors I might deal with. I was forced to change; I would not have done so, had I not trusted you. You imparted grit, self-control, strength, and courage to me; you taught me what it is to have a warrior mind set. If ever I must draw on the instruction you gave me, I feel I will succeed. You helped me get there, without you, I wouldn't have made it.

Should you be called to my campus because I had to defend it against a deadly threat, I hope that you know me. I hope my face is a familiar one, that we are acquainted with each other. I hope we have attended relevant training together. I hope you know my skills, strengths, and weaknesses. Practice of the skills you taught me are essential to my success if I am forced to suppress an active shooter. I know I will perform the way I train. I hope you have helped me to be the best school marshal that I can be.

For more information about the School Marshal program please contact Nikki Johnson at:

512-936-7777

or

schoolmarshal@tcole.texas.gov

Credentialing Services Division, Continued

Reactivation Changes

By Lisa Landry

HB 872 became effective September 1, 2015. It states that someone who is inactive and has at least 10 years of full-time service will be given an opportunity to reactivate their peace officer license without having to go through an academy. Please contact our Credentialing department with specific questions concerning the reactivation of a license.

Frequently Asked Questions about Training

By Lisa Landry

Q. If I receive my Intermediate this unit, must I complete Cultural Diversity, CIT Update and Special Investigative Topics?

A. No, as long as the certificate is issued prior to August 31, 2017, you will not be required to complete Cultural Diversity, CIT Update and Special Investigative Topics.

Q. Are the Cultural Diversity, CIT Update and Special Investigative Topics courses available through the MyTCOLE Account?

A. No, these courses can be taken through other online training providers or in a classroom setting. Please see our list of academies and contract training providers under Training/Training Providers at: www.tcole.texas.gov.

Q. When will the new Law Update be available through MyTCOLE Account?

A. We're happy to host online training donated to us by various training providers and free of charge to you. As soon as the State and Federal Law Update for the 84th Legislative Session becomes available, we will let you know. In the mean time, you are welcome to take the course through an academy or contract training provider. You can find providers on our website under Training/Training Providers at: www.tcole.texas.gov.

Q. I am not commissioned with an agency. Can I submit my training to TCOLE to be added to my record?

A. As long as you take a course through a TCOLE academy or contract training provider, they will report the course for you. If you are not commissioned and choose to take outside training, keep in mind that we will only accept the following courses: IS-100, IS-200, IS-300, IS-400, IS-700 and IS-800. The "IS" courses are FEMA courses that can be found on the FEMA training website. You may also access online training through your MyTCOLE Account.

Legal Division

Legal Statistics

The following proceedings for revocation, suspension and other disciplinary actions took place at the September 2015 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.

Type of Action	Number of Licenses
Default Suspension Orders	21
Agreed Suspension Waivers	1
Default Revocation Orders	1
Proposal for Decision Orders	1
Statutory Revocations	10
Statutory Suspensions	7
Permanent Surrenders	21
Term Surrenders	1
Reprimands for Administrative Violations	4
Suspensions for Failing to Complete Legislatively Required Continuing Education	4
Reprimands for Failing to Complete Legislatively Required Continuing Education	2

Proposed Rule Amendments

Rules proposed for amendment during the September 2015 meeting are currently open for public comment. Please send your feedback and comments to: public_comment@tcole.texas.gov

- Proposed Amendment 1—4
§211.1. Definitions. (amend “Background Investigation”, add new definition of “Contract Jailer”, amend “Community Supervision”, add new definition of “Honorably Retired Peace Officer”)
- Proposed Amendment 5
§211.5. Licensee Lists. (repeal)
- Proposed Amendment 6
§211.7. Meeting Dates and Procedures. (amend)
- Proposed Amendment 7
§211.13. Notice of Commission Rulemaking. (repeal and replace)
- Proposed Amendment 8
§211.16. Establishment of an Appointing Entity. (amend)
- Proposed Amendment 9
§211.25. Date of Appointment. (amend)

Legal Division, Continued

- Proposed Amendment 10
§211.29. Responsibilities of Agency Chief Administrators. (amend)
- Proposed Amendment 11
§211.35. Tuition Reimbursement for Commission Employees. (new)
- Proposed Amendment 12
§215.9. Training Coordinator. (amend)
- Proposed Amendment 13
§215.13. Risk Assessment. (amend)
- Proposed Amendment 14
§217.1. Minimum Standards for Enrollment and Initial Licensure. (amend)
- Proposed Amendment 15
§218.9. Continuing Firearms Proficiency Requirements. (amend)
- Proposed Amendment 16
§219.1. Eligibility to Take State Examinations. (amend)
- Proposed Amendment 17
§219.11. Reactivation of a License. (repeal and replace)
- Proposed Amendment 18
§219.13. Retired Peace Officer Reactivation. (repeal and consolidate into Proposed Amendment 17)
- Proposed Amendment 19
§221.3. Proficiency Certificates. (amend)
§221.3. Peace Officer Proficiency. (repeal and consolidate into proposed §221.3)
- Proposed Amendment 20
§221.5. Jailer Proficiency. (repeal and consolidate into Proposed Amendment 19)
- Proposed Amendment 21
§221.13. Emergency Telecommunications Proficiency. (repeal and consolidate into Proposed Amendment 19)
- Proposed Amendment 22
§221.43. School-Based Law Enforcement Proficiency Certificate. (new)
- Proposed Amendment 23
§223.1. License Action and Notification. (amend)
- Proposed Amendment 24
§223.3. Answer Required. (amend)
- Proposed Amendment 25
§223.5. Contested Cases and Hearings. (amend)
- Proposed Amendment 26
§223.5. Filing of Documents. (repeal and consolidate into new §223.5)
§223.7. Contested Cases and Hearings. (repeal and consolidate)
§223.9. Place and Nature of Hearings. (repeal and consolidate)
§223.11. Proposal for Decision and Exceptions or Briefs. (repeal and consolidate)

Legal Division, Continued

- Proposed Amendment 27
§223.14. Construction of Other Laws. (reorganize from current suspension rule)
- Proposed Amendment 28
§223.15. Suspension of License. (amend)
- Proposed Amendment 29
§223.16. Suspension of License for Constitutionally Elected Officials. (repeal and consolidate into Proposed Amendment 28)
- Proposed Amendment 30
§223.16. Probation and Mitigating Factors. (reorganize from current suspension rule)
- Proposed Amendment 31
§223.17. Reinstatement of a License. (amend)
- Proposed Amendment 32
§223.18. Suspension Following Felony Arrest. (new)
- Proposed Amendment 33
§223.19. License Revocation. (amend)
§223.20. Revocation of License for Constitutionally Elected Officials. (repeal and consolidate)
- Proposed Amendment 34
§223.21. Appeal. (repeal and consolidate into Proposed Amendment 26)
- Proposed Amendment 35
§227.1. Appointing Entity Responsibilities. (amend)
- Proposed Amendment 36
§227.3. School Marshal Licensing and Reporting Requirements. (amend)
- Proposed Amendment 37
§227.5. School Marshal Training Entities. (amend)
- Proposed Amendment 38
§227.9. License Action. (amend)
- Proposed Amendment 39
§227.11. Confidentiality of Information. (repeal)
- Proposed Amendment 40
§218.11 Child Safety Check Alert List Training. (new)
- Proposed Amendment 41
§219.25. License Requirements for Persons with Military Special Forces Training. (amend)
- Proposal 42
Re-adoption of all other existing rules not amended or repealed

To see summaries of the proposed additions and changes, visit the Commission page of our website found under [Who We Are/The Commission](#) at www.tcole.texas.gov.

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