



TEXAS COMMISSION ON LAW ENFORCEMENT

Advisory Committee Meeting Minutes Hiring, Personnel Files, and Misconduct October 10, 2023

On Tuesday, October 10, 2023, at 10:00 a.m., an advisory committee meeting for the Texas Commission on Law Enforcement (TCOLE) was held. The meeting was held at the TCOLE Headquarters, 2nd Floor, Training Room, 6330 East Highway 290, Austin, Texas, 78723.

Committee members attending were: Presiding Officer Chief Stan Standridge, Assistant Presiding Officer Jessica Anderson, City Manager James Devlin, Lt. Clifford Drake, District Attorney Carlos Garcia, H.R. Director Kristie Lewis, Mr. James Parnell, Captain Dennis Rice, Chief Victor Rodriguez, Mr. T.J. Smetzer, Ms. Jennifer Szimanski, and Chief Deputy Jason Warren. Mr. Robert McCabe was absent.

TCOLE staff attending were: Interim Executive Director John Beauchamp, Directors Gretchen Grigsby, Cullen Grissom, Jessica Capraro, Brian Roth, Major T.J. Vineyard, Assistant General Counsel Aaron Heath, Captain Gary Connella, Iris Martinez, Sarah Beth Barksdale, Sarah Flautt, Alyssa Tobola, and Shelley Knight.

Agenda Item 1, Call to order.

Roll call of members was called, and a quorum was present.

Presiding Officer Chief Stan Standridge called the meeting to order at 10:00 a.m. and made welcoming remarks. The committee members and TCOLE staff introduced themselves.

Agenda Item 2, Discuss and take action on Advisory Committee procedural and preliminary matters, if necessary.

The committee agreed to not follow Robert's Rules of Order. There were no further discussions, and no action was taken.

Agenda Item 3, Discuss and take action on matters related to developing model policies establishing procedures applicable to a law enforcement agency investigating alleged misconduct by a license holder employed by the agency and hiring a license holder and regarding personnel files maintained with respect to a license holder as established under Texas Occupation Code §§ 1701.4522 and .4535.

Prior to the advisory committee meeting, the committee was provided with a MEMO identifying the Scope of Statutory Authority and Responsibility, a Misconduct Flow Chart, and a Personnel Files Comparison table. All these documents were reviewed and further discussed.

Chief Standridge turned over to Mr. Beauchamp who introduced the overview of Sunset Bill 1445 that includes the outcome of the three advisory committees. Specifically, this committee is to help establish a confidential database for TCOLE that will contain each officer's license status, actions, and personnel files, which include "misconduct" information. In addition, the committee is to create model policies for TCOLE to adopt and establish a date by which each law enforcement agency shall adopt such model policies by March 1, 2024.

During the Sunset Bill 1445 overview, the committee had discussions and questions related to open records such as what would be releasable to the public, what would be considered confidential and how the records stay protected. Mr. Beauchamp explained that the confidential database is a continuation and expansion to the previous legislative session of SB 24 where TCOLE's Secure Share (TSS) was created to be used for law enforcement agencies to share personnel files for prospective hiring purposes. Directors Grigsby and Capraro added an overview of TCOLE's Secure Share and Background Confirmation Forms (BCF). Major Vineyard briefly discussed about the investigations that have been conducted on agencies for failure to properly comply with BCFs and TSS procedures.

Mr. Beauchamp moved to introduce the Misconduct Flow Chart that gives a process overview of when an agency is required to initiate an investigation into "Alleged Misconduct" of an officer employed by an agency, complete the investigation in a "timely manner", the meaning of "Misconduct", documentation of completed investigation, agency due process, storing into agency files, and the confidential database.

Chief Standridge requested clarification on why every "allegation" will now have to be reported to the licensee. This brought concerns and questions on the definition of misconduct, when does the agency determine if to initiate an investigation, and who makes the judgment to suspend, demote, or terminate a license holder's employment. There was also discussion about what is the proper time frame for the meaning of "timely manner" and when reporting an allegation to TCOLE, what will need to be included with the summary report. After discussion, the committee considered that TCOLE will only get notified when a licensee is separated from the agency. Additional discussion was made on what the delivery method of notice to the licensee should be. A decision would be determined in a future meeting.

Mr. Beauchamp proceeded with introducing the hiring procedures under Texas Occupation Code § 1701.451. Director Grissom added that under this statute, TCOLE has designated the

National Decertification Index (NDI) that would be freely available for all agencies. Major Vineyard discussed how this tool would be used for background investigations. Director Capraro added that an additional step for checking the NDI would be inserted into the hiring module.

Mr. Beauchamp continued with introducing the Personnel Files Comparison table which compares personnel files under Texas Local Government Code § 143.089 and Texas Occ. Code §§ 1701.4535 and .4522. There continued to be discussions related to open records, the confidentiality to the public but not to prospective hiring agencies, and the different types of files between and within agencies.

Chief Standridge finished this agenda item by creating specific work group assignments on the categories that needed to be further discussed in the next meeting. These assignments were related to identifying “may investigate,” “timely manner,” policies associated with hiring a license holder and the methods of notification to a licensee related to personnel files.

Agenda Item 4, Discuss and take action on future Advisory Committee meeting dates and location, including videoconferencing.

Chief Standridge asked the committee their preference of in-person versus videoconference meetings, time, and location. A majority vote of members favored for an in-person meeting, same time, and location to be at TCOLE headquarters.

The next advisory committee meeting was scheduled for November 6, 2023, at TCOLE headquarters.

Agenda Item 5, Receive public comment on any topic, without action.

There were no public comments.

Agenda Item 6, Adjourn.

The meeting adjourned at 2:20 p.m.