



TEXAS COMMISSION ON LAW ENFORCEMENT

Advisory Committee Meeting Minutes Hiring, Personnel Files, and Misconduct November 6, 2023

On Monday, November 6, 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. Robert McCabe, Mr. James Parnell, Captain Dennis Rice, Chief Victor Rodriguez, Mr. T.J. Smetzer, Ms. Jennifer Szimanski, and Chief Deputy Jason Warren.

TCOLE staff attending were: Interim Executive Director John Beauchamp, Director Cullen Grissom, Director Brian Roth, Major T.J. Vineyard, Aaron Heath, Captain Gary Connella, Iris Martinez, Alyssa Tobola, and Shelley Knight.

Agenda Item 1, Call to order.

Presiding Officer Chief Stan Standridge called the meeting to order at 10:00 a.m.

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

Chief Standridge directed Mr. Robert McCabe to introduce himself to the committee due to his absence in the first meeting. Chief Standridge then made welcoming remarks stating that this committee is to help create model policies and a confidential database for TCOLE to adopt and establish a date by which each law enforcement agency shall adopt by March 1, 2024.

Agenda Item 2, Approval of the minutes of the October 10, 2023 Advisory Committee meeting.

Chief Deputy Jason Warren made a motion to approve the October 10, 2023 advisory committee meeting minutes. District Attorney Carlos Garcia seconded the motion. The motion passed unanimously.

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. This includes the review, discussion, and any action on working group assignments:

Each working group provided draft language for the following assignments for review and discussion.

- **“May Investigate” and scope of misconduct subject to investigation**

City Manager James Devlin chaired this group assignment and discussed their task of defining “misconduct” and the “may” aspect of language as defined in the provision of SB 1445. Mr. Devlin with the help of Chief Victor Rodriguez drafted a suggestion for defining “misconduct” and further discussed three solid reasonings. Additional discussion was made in reference to only reporting alleged misconduct that is considered finally sustained and not on appeal.

The committee and TCOLE staff further discussed listing out the types of misconduct allegations that are required to be investigated and may result in suspension, demotion, or termination of a licensee to help narrow down the variety of interpretations there may be based on the size of the agencies and the scope of policies across the state.

The committee made edits to the proposed language and will review a final draft in the next meeting.

- **“Timely Manner” for submitting criminal and administrative misconduct reports to TCOLE**

Assistant Chief Jessica Anderson, Ms. Jennifer Szimanski, and Mr. James Parnell were assigned to this group assignment and tasked to discuss how to interpret Tex. Occupation Code § 1701.4522(b)(1)(F), regarding the submission of the completed investigation. The group interpreted that submission of completed investigations is upon the employee’s separation but with further discussion, decided that it will be better to wait upon the committee defining misconduct to inform the approach for submission of reports.

After discussion, the committee agreed that an agency will be required to submit the report to TCOLE not later than the 30th day after the completed investigation or separation for criminal investigations.

The committee made edits to the proposed language and will review a final draft in the next meeting.

Interim Executive Director John Beauchamp left the meeting at noon during the lunch break.

- **Best practice policy associated with hiring a license holder**

Mr. TJ Smetzer chaired this group assignment and discussed the purpose of the draft model policy for hiring procedures is to establish guidelines for hiring and background investigations for applicants of a TCOLE license.

The committee discussed personal history statements and written consent; background investigations as defined under the Tex. Occupation Code § 1701.452(a)(3); background investigation report; background confirmation form; medical examination and drug screening; and psychological exam. The committee further agreed to hold off discussion on the medical examination and drug screening including the psychological exam portion due to the Examination of a Licensee Advisory Committee being charged with developing a model policy related to these examinations.

The committee made minor edits to the proposed language and will review a final draft in the next meeting.

Chief Victor Rodriguez left the meeting at 1:30 p.m.

- **Methods of notification including by in-person or certified mail related to personnel files**

H.R. Director Kristie Lewis chaired this group assignment and discussed the proposed language that included notice be provided to a licensee by personal delivery or electronically to a personal or department email address listed in the license holder's personnel file. Additional discussion included assuring that the licensee confirms receipt of the notice.

The committee made minor edits to the proposed language and will review a final draft in the next meeting.

District Attorney Carlos Garcia left the meeting at 1:50 p.m.

Chief Standridge ended this agenda item by initiating another group assignment to draft sample policies for "personnel files" for further review and discussion. In addition, all other proposed drafts would be finalized in the next meeting.

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

The committee agreed to continue an in-person meeting at the same time and location.

The next advisory committee meeting was scheduled for December 4, 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 2:04 p.m.