

THE BRIEFING



A Publication of the Texas Commission on Law Enforcement

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CITP Deadline Approaching

If you haven't yet taken Civilian Interaction Training Program (Course #30418)- now is your chance! This course, passed by the Texas Legislature under Senate Bill 30 in 2017, is required of all peace officers, by January 1, 2020.



This includes all sheriffs, constables, chiefs, and the like who have been exempt from

previous training or been told they had a "silver bullet" class. The only exemption is for retirees who have an appointment as a DPS Special Ranger or Special Texas Ranger, TPWD Special Game Warden, or TABC Special Agents/Inspectors.

If you're not able to get the class in person, don't forget there are several online providers who are offering CITP. A list of all [academies](#) and [contract training providers](#) can be found on our website.

We know that the outage of MyTCOLE self-service has presented some challenges in finding what outstanding training requirements you may have. We recommend asking your agency first; if you still have questions, or if you are unappointed, feel free to contact our Credentialing staff at 512-936-7700.

You have time, but don't wait too long! The same consequences will apply for failure to complete this course as failure to complete your typical 40 hours.

Upcoming Events

2019 TCOLE Conference
October 21-24, 2019

Quarterly Commission Meetings
December 5, 2019
March 5, 2020

Commission Meeting Notes

The latest Commission meeting was held at the J.J. Pickle Research Campus on Thursday, September 5, 2019. Here are a few highlights from the meeting:

Executive Director's Report: Executive Director Vickers announced staff changes and the new employee was introduced. Executive Director Vickers talked about the TCOLE Training Conference. The conference will offer training sessions and special focus sessions. Registration is ongoing. Legislative changes now require constables and their deputies to take Civil Process training. The provider chosen to provide the training is the Justice Court Training Center. Commissioner Hester asked about how we finished the fiscal year. Director Roth gave an overview of what was done in the previous fiscal year.

Enforcement and Special Services Director's Report: Enforcement and Special Services Director Michael Antu stated that the Basic Peace Officer Course has been released. It will become mandatory to use April 1st. The Telecommunicator course will be released in the next few weeks. The VAWA grant will be closing out this month. The goals of the grant were met. A provider has been found to reestablish the MyTCOLE Account. There is not a definitive date that it will be back online. A new vendor is being looked at for a new Learning Management System.

Credentialing and Field Services Director's Report: Credentialing and Field Services Director Kenny Merchant noted that the number of non-compliance officers is expected to be around 1,000 after all rosters are entered. There have been several updates to documents on our website as a result of legislative changes.

Government Relations Director's Report: Government Relations Director Gretchen Grigsby noted that the Sunset evaluation process has begun. Our self-evaluation report has been turned in. The School Marshal process continues with 2 providers conducting the training. A School Marshal day was held in College Station for legislators and media. There were 26 attendees.

Rules:

Eleven rules were approved for proposal and publishing in the *Texas Register*. Additional information can be found on page 8.

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.

What's Happening with MyTCOLE Accounts?



MYTCOLE 3.0

If you read the April 2019 edition of *The Briefing*, follow our social media accounts, or attended or watched the past few quarterly Commission meetings, you know that the MyTCOLE system has been down.

Unfortunately, this meant that several of the services that our licensees had come to rely on were no longer available. Fortunately, we were able to restore online training within a short time, but other helpful items, including the ability for licensees to update their contact information and obtain a training report, have remained down.

We determined through this outage that we would need to identify a new vendor to manage the self services portion of the MyTCOLE account and replace our existing online training system. We have identified one vendor to support a new learning management system for online training, and a second vendor to develop a new online services system.

The new MyTCOLE 3.0 is expected to be released in November. Once it has been deployed, we will place an announcement on our website, send an email to training providers and agency heads, and post it to our Facebook and Twitter accounts, as well as an article in the next edition of *The Briefing*. The new learning management system will be available in the spring, and the current online training system will be available until that time. Though it has taken longer than we had hoped to restore services, we believe that once implemented, this will be a very useful and user friendly option for our licensees to use.

Retired Officers

Those retiring from positions requiring a TCOLE license often have questions about the status of their licenses and any rights or privileges they may have as a result of their service time. Here are a few of the more common questions and their answers:

How do I apply to be a Retired Peace Officer/Jailer/Telecommunicator?

There is no official status of "retired" attached to a TCOLE license. Simply put, a license is either active or inactive. An active license means that the licensee is eligible for appointment to that position. An inactive license means that the person is not eligible for appointment to that position. Allowing the license to go inactive is the normal course of events at some point after retirement or separation- it carries no penalties or negative connotations.

How do I keep my license active?

To keep a license active, simply complete the legislatively mandated training for that license. No appointment is necessary to keep the license active. When the mandated training is not completed, the license will go inactive.

If I do let my license go inactive, can I get it back?

Yes, as long as you continue to meet the current minimum eligibility requirements for a licensee you may reactivate the license by following the instructions on the applicable Reactivation Packet on our website. The requirements vary according to how long you served and how long since your last appointment to that license type.

When I retire, can I still carry my handgun and act as a peace officer?

NO! With any license, your authority to act in that capacity comes from your appointment, NOT from your license. If you are not currently appointed or do not go through a specific process to carry your firearm, you may be subject to criminal charges. If you represent yourself as a peace officer and take action reserved to peace officers, you may also be subject to criminal charges.

(Continued on next page)

I am a retired peace officer, what must I do to be able to carry my handgun?

If you were a Texas state or local peace officer with a TCOLE license, you need to hold both a weapons proficiency certificate, which can be obtained from any law enforcement agency in the state, and an ID card from the agency where you retired or worked 20 years or more. The order in which these two components are issued may vary by agency. Out-of-State/Federal/Military retirees will send application directly to TCOLE for the Certification using [the form on our website](#). In brief, the Certification requires that you have at least 10 years of cumulative honorable service, sign an affidavit stating that you are physically and psychologically fit to properly use a handgun, meet the applicable policy at the certifying agency, and perform the standard firearms qualification. See Occupations Code 1701.357 for full information.

My old agency (or another agency) wants me to come back and work part-time for them on occasion, can I do that?

As long as your license is active and they take the proper appointment steps through TCOLE, you may return to work in a licensed position. Doing so without an active license and without being appointed subjects both you AND the agency head to potential criminal charges.

Changes to Special Officers

The 86th Legislature enacted SB 1397 which made changes to the existing statute in Occupations Code (OC) 1701.356, regarding training exemptions for certain retired State Police Officers, effective August 26, 2019. To understand those changes, let's first define who they apply to:

Special Ranger- a peace officer who retired from service with Department of Public Safety (DPS) and is then reappointed under Government Code (GC) 411.023. Per DPS, this person must surrender the Special Ranger designation if subsequently appointed at another agency.

Special Texas Ranger- a peace officer who retired from service with the Texas Rangers and is then reappointed under GC 411.024. Per DPS, this person must surrender the Special Texas Ranger designation if subsequently appointed at another agency.

Special Game Warden- a peace officer who retired from service with Texas Parks and Wildlife Department (TPWD) and is then reappointed under Section 11.0201 Parks and Wildlife Code. Per TPWD, this person does not need to surrender the Special Game Warden designation if subsequently appointed at another agency.

Special Inspector- a peace officer who retired from service with The Texas Alcoholic Beverage Commission (TABC) and is then reappointed under Section 5.142, Alcoholic Beverage Code. Per TABC, this person must surrender the Special Inspector designation if subsequently appointed at another agency.

Retired State Officer (RSO)- a peace officer appointed prior to 01/01/1981 and still currently licensed on 01/01/1995, who retired from State service. This person retains RSO status regardless of whether or not they are subsequently appointed at another agency. *Note- an RSO must be commissioned to carry peace officer authority.*

It is possible for a person to be included in more than one of the above definitions. For example, a DPS Special Ranger may also be an RSO, if his dates of service match the RSO requirements.

Beginning on 08/26/2019, the first four "Special" categories above are exempt from all Training Unit and all Training Cycle Mandates (OC 1701.351 and 1701.352). They are also exempt from any training required under OC 1701.253, which includes Asset Forfeiture (3255), Racial Profiling (3256), Identity Theft (3277), Crisis Intervention Training (1850- 40hrs), Canine Encounters (4065), Interacting with Deaf and Hard of Hearing Drivers (7887), and the Civilian Interaction Training Program (CITP- 30418). Licensees qualifying as RSOs are exempt from the Training Unit requirements, only (OC 1701.351).

Changes to School-Based Law Enforcement

In the 84th Legislative session, HB 2684 introduced requirements for peace officers working as School Resource Officers (SRO's) and Independent School District Police Officers (ISDPO's) in schools with a student population of 30,000 students or more. In short, the requirements were that the SRO's and ISDPO's complete a School Based Law Enforcement Training program (SBLE) within 120 days of being assigned to that duty and also obtain an SBLE Proficiency Certificate from the Commission: (<http://www.tcole.texas.gov/sites/default/files/FormsAppsPubs/CRT%2011.002%20School%20Based%20Law%20Enforcement%20Proficiency%20Certificate%205.21.2019.pdf>).

Officers in schools with smaller populations were not affected. Course 4064 was created to fill this requirement (several other equivalent courses may be substituted, see Commission website for more information- <http://www.tcole.texas.gov/content/course-equivalents-0>).

In the 86th Legislative session, SB 11 and HB 2195 modified the provisions of the previous bill listed above. The major change was the deletion of the school population requirement- meaning that ALL SRO's and ALL ISDPO's were now required to complete the SBLE training. Moreover, with that the time frame of training to be completed was also changed from 120 days to 180 days. Lastly, a new active shooter response course (2195, or its equivalent), has been added and is required to obtain the SBLE Certification. For those officers who already have the SBLE Certification, the Active Shooter course will still be required. No time frame was set for completion of that training, but, for liability reasons the sooner, the better.

This seems relatively simple, but numerous questions are already being raised- here are the most frequent:

What about my officers who were already appointed as SROs and ISDPOs before the bill goes into effect on 09/01/2019?

Those officers who were already appointed at schools with a student population below 30,000 before 09/01/2019 have until 09/01/2020 to complete the required training- a little bit of a break.

I have officers who work at the school only occasionally, do they need the training?

Possibly- yes. The definition of SRO is very broad (Occupations Code 1701.601). In layman's terms, it says any peace officer assigned to a school by his agency to teach safety or drug education, to provide a police presence, or other similar services is an SRO. If your officers fit this description, they must obtain the required training. For any questions about the applicability of this definition, consult your agency legal advisors. This is a definition with MAJOR liability implications, if not properly interpreted.

My officers contract directly with the school to provide security services, do the requirements still apply?

Possibly- yes. Again, you must consult your legal advisors for their opinion. Also consider things that would lead a normal person to believe the officers are assigned by their agency i.e. do they wear the agency uniform while on campus, drive an agency assigned vehicle, are they covered by your agency insurance/Worker's Compensation? The Commission recommends that you take the side of caution with these new requirements, and take every effort to increase your effectiveness (training) and reduce your liability (also through training).

2019 TCOLE CONFERENCE | October 21-24 Corpus Christi



REGISTRATION IS OPEN

THIS YEAR'S CONFERENCE FEATURES:

NEW TRAINING COORDINATORS COURSE

3186

CITP



AMERICAN BANK CENTER

1901 North Shoreline Blvd.

Corpus Christi, TX 78401

REGISTRATION \$225

Fees are non-refundable, but are transferrable for this year's conference only

Changes to Temporary Jailer Licenses

HB 4468 from the 86th Legislative session made some major changes to temporary jailer licensing in the Occupations Code (1701.310), which went into effect on September 1, 2019. Some of the changes are very clear, while others are more difficult to understand. What is very clear is that temporary licenses for jailers can no longer be repeated. A jailer gets one temporary license, for a period of one year, during their lifetime that cannot be renewed or re-issued. Meaning that a person with an expired temporary jailer license must be separated (F5'd) from their agency and cannot be re-appointed (L1'd) until they have completed all licensing and training requirements for the position. A result of this is that a licensed jailer who has allowed their license to go inactive may no longer be appointed as a temporary jailer while completing the reactivation process.

This bill also stipulates that a temporary jailer may not be appointed to a supervisory position until the full jailer license has been awarded.

The last provision of this bill is a little less defined. Persons licensed as a temporary jailer after the bill goes into effect on September 1, 2019 must be enrolled in the Basic County Corrections Course (BCCC) on or before the 90th day after the temporary license is issued. There are no clear definitions of "enrolled" provided in the bill, but it is being interpreted by TCOLE as meaning "registered for the course." **The bill does not require course completion, or even for the first day of the class, to be within 90 days - only course enrollment.** The Commission will monitor the enrollment status of temporary jailers through audits and on-site visits to jails, so records of enrollment must be maintained by the agency. All that is required for compliance is documentation of the temporary jailer's registration for the BCCC at a Training Provider who provides the course.

Preventing Mass Shootings

After the tragic mass shooting in El Paso on August 3, 2019, followed just weeks later by another mass shooting in Midland-Odessa on August 31, members of state leadership have discussed many varied issues and proposed solutions, including any steps that could be taken to prevent similar situations in the future. While these events are still being dissected, and will be for some time, there are a couple of tools available for law enforcement personnel in Texas to keep in mind.

First, as you may have heard, Governor Abbott has issued an Executive Order with several directives involving suspicious activity reporting. Among the directives is an instruction for TCOLE to make training available on suspicious activity reporting. This is intended to help law enforcement identify what relevant information could be collected from members of their communities and when it should be submitted to the Texas Suspicious Activity Reporting Network. TCOLE is working with the Texas Department of Public Safety to make this training available, and will be found on the TCOLE website as quickly as possible.

Second, the *Texas Safety Action Report* released by Governor Abbott includes a reminder for law enforcement of the option available for emergency detentions in the event of a mental health crisis that indicates an individual is a danger to him/herself or others. As the report states, "The Health and Safety Code Ch. 573 grants licensed peace officers the authority to place a person under an emergency detention in limited circumstances. The authority in Chapter 573 is a tool for peace officers to protect individuals from a substantial risk of serious harm." This is an opportune time for all officers to refresh their memories on the justifications for emergency detentions, both with and without a warrant, and the steps to be taken should an emergency detention be necessary for public safety. Sadly, warning signs where an emergency detention might have prevented a tragedy are often identified only with the benefit of hindsight. For more information on emergency detentions, please see [Health and Safety Code Chapter 573](#), or Chapter 29 of the latest Basic Peace Officer Course (#1000696), which is available on the [TCOLE website](#).

Thank you as always to our law enforcement personnel who help protect our communities. Stay vigilant, and stay safe.

License Actions

The following proceedings for revocation, suspension and other disciplinary actions took place at the September 2019 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	4
Default Cancellation Orders	0
Default Revocation Orders	3
Proposal for Decision Orders	0
Agreed Suspension Waivers	1
Agreed Suspension Orders	0
Statutory Revocations	1
Statutory Suspensions	0
Permanent Surrenders	13
Reprimands for Administrative Violations	2
Suspensions for Failing to Complete Legislatively Required Continuing Education	0
Reprimands for Failing to Complete Legislatively Required Continuing Education	0

Proposed Rule Amendments

Rules proposed for amendment during the September 2019 meeting are currently open for public comment. For a summary of the rule changes, please see <http://www.tcole.texas.gov/commission-meeting-minutes>.

Please send your feedback and comments to: public_comment@tcole.texas.gov.

- **Proposed Amendment 1**

§211.1 Definitions. (amend)

Allows for updated names of accrediting entities for colleges or universities.

- **Proposed Amendment 2**

§217.1 Minimum Standards for Enrollment and Initial Licensure. (amend)

Clarifies enrollment standards for license types; sets standards for background investigation; updates temporary jailer license requirements.

Proposed Rule Amendments, cont'd.

- **Proposed Amendment 3**

§211.26 Law Enforcement Agency Audits. (amend)
Allows TCOLE Field Agents to have discretion whether to forward the results of an audit in the event that subsequent enforcement action may be necessary.

- **Proposed Amendment 4**

§217.7 Reporting Appointment and Separation of a Licensee. (amend)
Refers all procedures related to F5 appeals statute to ensure conformity.

- **Proposed Amendment 5**

§218.3 Legislatively Required Continuing Education for Licensees. (amend)
This updates the assignment-specific requirements as a result of statutory changes.

- **Proposed Amendment 6**

§218.9 Continuing Firearms Proficiency Requirements. (amend)
This rule updates the firearms proficiency requirements to allow for jailers who must qualify with a firearm.

- **Proposed Amendment 7**

§219.2 Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police. (amend)
Removes requirement for prior service to have been within the last four years.

- **Proposed Amendment 8**

§219.11 Reactivation of a License. (amend)
Updates rule to distinguish reactivation requirements for different license types.

- **Proposed Amendment 9**

§221.1 Proficiency Certificate Requirements. (amend)
Adds allowance for training hours with proof of college credit or military service.

- **Proposed Amendment 10**

§221.43 School-Based Law Enforcement Proficiency Certificate. (amend)
Updates requirements for school-based law enforcement as a result of statutory changes.

- **Proposed Amendment 11**

§221.45 Jailer Firearm Certificate. (new)
Adds a requirement for a jailer firearms certificate for jailers carrying weapons as a result of legislation.

New TCOLE Staff

Hillary Lyon was born and raised in Lindale, Texas. After high school, she attended Sam Houston State University, and graduated with a bachelor's degree in Criminal Justice. In 2007, Lyon was hired by the Tyler Police Department, and was employed there for 11 years. In addition to working patrol, Lyon was also an investigator in the Narcotics Unit for over 4 years, a Police Training Officer for 4 years, and an academy instructor. In 2018, she chose to leave the department to pursue a long time dream of travelling the world. Lyon traveled for 10 months with the intention of returning to law enforcement. After returning to Texas, Lyon wanted moved to Austin to further her law enforcement career, and has joined TCOLE as an investigator in the Enforcement Division.



Commissioners

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