

# THE BRIEFING

A Publication of the Texas Commission on Law Enforcement

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## See you in Corpus Christi

By Chief Kim Vickers



**2018** TCOLE TRAINING COORDINATORS' CONFERENCE

Corpus Christi  
October 15-18

As this newsletter is being published, we are finalizing our plans for this year's Training Coordinators' Conference in Corpus Christi.

This conference is something we look forward to every year. If this will be your first year attending, you can expect a lot of great information, excellent networking opportunities, and even a little fun. For those who have been before, we will have, as always, our afternoon TCOLE Speaks sessions where you can hear directly from us and get your questions answered. We have already well surpassed our previous registration record, with a couple of weeks left to go! You can find other details, including the full schedule, [on our website](#).

As with most events, this conference is as useful as you make it. I encourage every attendee to take the time to talk with their peers, trade stories and best practices, and ask the questions that seem to keep popping up but aren't the easiest to answer. Others are likely having the same issues, and as the saying goes, two (or 800) heads are better than one!

## Upcoming Events

Training Coordinators' Conference  
October 15-18, 2018

Quarterly Commission Meetings:  
December 6, 2018  
March 7, 2019

## Commission Meeting Highlights

The latest Commission meeting was held at the J.J. Pickle Research Campus on Thursday, September 6, 2018. Here are a few highlights from the meeting:

Executive Director's Report: The Hill College Law Enforcement Academy and Odessa Law Enforcement Academy have been approved as academy providers. The Training Coordinators' Conference will take place in October at the American Bank Center in Corpus Christi. There are 709 registered at this time. TCOLE is hosting a delegation from Mexico the week of September 10-14. This is the third delegation that has visited this year. The School Marshal program classes were successful.

Credentialing and Field Services Director's Report: With the retirement of Kaye Wilson and Cheyenne Hobbs leaving, two new Credentialing positions were created. The Briefing newsletter is a great resource for mandated training.

Enforcement and Special Services Director's Report: TCOLE held five School Marshal classes in a two month timeframe, which trained 118 students. There have been three Civilian Interaction Training Program classes taught. The resource is online. All current licensees must have this training by January 1, 2020. Nine agencies have been activated since the last commission meeting with 15 more that just came in.

Government Relations Director's Report: The legislative session begins in January. A budget hearing was last month and Bill filing begins in November. Commissioner Hester asked about the number of bills that TCOLE is requesting.

Rules: Three proposed rules were finally adopted following proposal and a public comment period. One previously proposed rule was withdrawn. More details are available on page 10.

### 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](http://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](http://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](mailto:public_comment@tcole.texas.gov).

## Credentialing Division

### Legislatively Mandated Training– Who is Responsible?

Some of the more frequent replies (excuses?) we get from licensees when they are notified that they are non-compliant with mandated training include “Well, nobody told me,” “It’s not my responsibility,” or, “That’s my agency’s responsibility.” In other words, they blame it on someone else. Are they correct? ABSOLUTELY NOT! The ultimate responsibility for meeting the legislatively-mandated requirements of a licensee rests squarely on the shoulders of the licensee. Remember the old saying– “Ignorance of the law is no excuse,” and we are definitely dealing with “law” on the mandated training.

In order to make this abundantly clear to all licensees, TCOLE Rule 218.3, Legislatively Required Continuing Education for Licensees, was updated during the quarterly commission meeting on September 6, 2018, to include the statement– “Each licensee shall complete the legislatively mandated continuing education in this chapter…” We can’t get much clearer than that! Agencies are more than encouraged, and are thanked, for helping their licensees stay current, but in the end...whose license will get suspended for non-compliance? Yours!!

So, now that you know this, your best friend on the TCOLE website should be this [two-page document](#) that lists ALL of the legislative mandates, for ALL licensees.

### Pay Status– Who’s on First, What’s on Second...and How To Carry Them?

Several years ago, TCOLE began requiring that pay status be reported on L1 Appointment of Licensee documents for peace officers. We did this because several state statutes have rights/privileges/status attached to the licensee’s pay status, such as those regarding peace officer identification cards (Government Code Sec. 614.122) and private security (Occupations Code Chapter 1702). As our operational code, Occupations Code 1701, does not have any pay status definitions, we move to the closest related code, Government Code Sec. 614.121, for our definitions.

According to GC Sec. 614.121, there are three pay statuses– Full-Time, Part-Time, and Reserve. Reserve pay status is restricted to those agencies that have statutory authority to appoint Reserves. Those are:

Sheriffs’ Offices– Local Government Code (LGC) Sec. 85.004

Constables’ Offices– LGC Sec. 86.012

Municipal Police Departments– LGC Sec. 341.012

Municipal Water Districts– Water Code Sec. 60.0775

Prosecuting Attorneys– GC Sec. 41.102

[\(continued on next page\)](#)

## Credentialing Division, Continued

Full-time licensees, in short, are licensees who work an average of 32 hours a week, draw at least minimum wage, and are eligible for employee benefits. Note that the definition of full-time states that the peace officer “is compensated by this state or a political subdivision of this state.” TCOLE interprets this as meaning that a licensee is considered full-time, even if they are appointed by one agency in a political subdivision (a Constable’s Office, for example), but work directly for another agency in the same political subdivision (the County Court, for example). The other issue we sometimes encounter is someone who only works part of their full-time status doing traditional police work. For example, a county jailer who works 20 hours per week in the county jail, but is also 20 hours per week as a patrol deputy for the same agency. As he meets the definition of full-time for the agency (and political subdivision), and is licensed as both a peace officer and a jailer with them, he IS a full-time peace officer AND a full-time jailer for TCOLE purposes. How the agency decides to divide his time between the jailer and peace officer function (or any other assignment) is a local decision in which that TCOLE does not play a role. This makes sense, when you think about it- if we looked at the pay status separately for different license types, a licensee would have to work at least 64 to 80 hours a week to be considered a full-time jailer AND a full-time deputy!

Part-time is the same definition as full-time, with the exception that the average work week is less than 32 hours- you must still draw at least minimum wage and be benefits eligible. The part-time definition causes some confusion as most traditional part-time workers are not benefits eligible, so be careful there!

Reserves have no pay or work hour limitations, in spite of the old tradition that they be volunteers. It is a local decision to decide hours and pay, keeping in mind any other statutory provisions (like the Fair Labor Standards Act). Just remember, that according to most of the above statutes, your governing political entity determines whether or not an agency may have reserves and the number of reserves they may appoint.

Because there are instances where agencies hire licensees who do not meet any of the above pay status definitions, TCOLE created the status of “Other” for our records only. This is NOT an attempt to add another definition to those listed under GC Sec. 614.121 and does not add “Other” to the definitions required for a Peace Officer ID card. Remember GC Sec. 614.122/123 requires ID Cards only for the defined peace officers: full-time, part-time, and reserve.

One last note- TCOLE does not track the pay status of any license type other than peace officer. It is not necessary to fill in a pay status when completing an L1 for a jailer or telecommunicator.

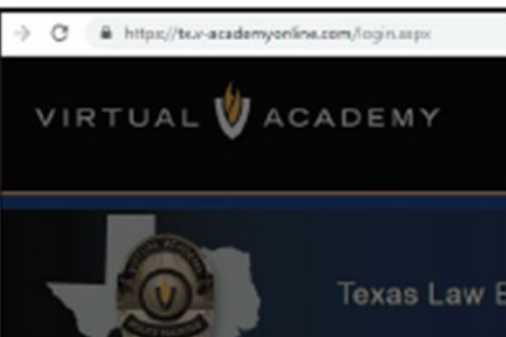
# VIRTUAL ACADEMY

**Virtual Academy is Honored to offer you the Texas State and Federal Law Update 3185 course for FREE!**

Access the course by following the instructions below:

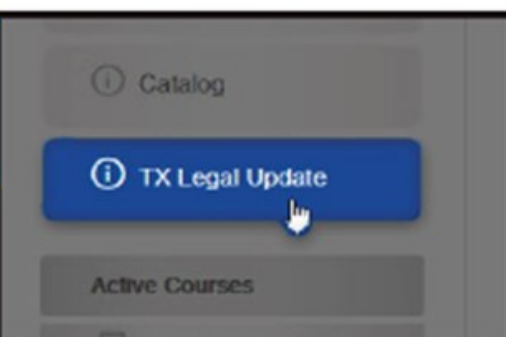
## 1 VISIT

In your desktop or mobile browser visit the website:  
<https://tx.v-academyonline.com>.



## 2 CLICK

Click on the 'TX Legal Update' button on the left-hand side of your screen.



## 3 SUBMIT

Complete and submit the form to receive your credentials to access the course.



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## Field Services Division

### High School Public Services Endorsement



The Texas 85<sup>th</sup> Legislature passed House Bill 1545 in 2017, requiring that the Commission issue credit in the Basic Peace Officer Course to applicants who had received a “Public Services Endorsement” on their Texas high school diploma (codified in Occupations Code Chapter 1701.1525). Although a specific number of hours of training credit is not required by the bill, the Commission has determined that 40 hours credit will be awarded, and has written that into Rule 215.21.

How will that affect your BPOC? On submission of the high school diploma with the proper endorsement and indicators that the endorsement was issued for law enforcement or security related courses, the academy will submit a training roster for “High School Public Services Endorsement for BPOC,” under course number 1545, upon successful completion of the academy. The course credit is one-time only, for the BPOC only, and may not be repeated for subsequent academies.

Further information on the Public Services Endorsement may be found in:

[Occupations Code 1701.1525](#)

[TCOLE Rule 215.21](#)

[Education Code 28.025\(c-1\)](#)

[19 Texas Administrative Code Chapter 130, Subchapter L](#)

## Field Services Division, Continued

### Renewal of TCOLE Specialty Certifications

TCOLE has multiple specialty certifications which have expiration dates and require renewal in order to stay current and valid:

- 221.7 Investigative Hypnosis Proficiency
- 221.21 Firearms Proficiency for Community Supervision Officers
- 221.25 Civil Process Proficiency
- 221.29 Sexual Assault/Family Violence Investigator
- 221.31 Retired Peace Officer and Federal Law Enforcement Officer Firearms Proficiency
- 221.33 SFST Instructor Proficiency
- 221.37 Cybercrime Investigator Proficiency
- 221.39 Crime Prevention Specialist Proficiency
- 221.41 Court Security Specialist Certificate

The question often arises, “Do I have to re-apply for certification with TCOLE every time I re-new?” For the most part, the answer is no. With the exception of the two listed Firearms Certifications, all of the courses merely require the holder to take an update course, or be designated as having a primary assignment in that area by their agency head. The holder and their agency should maintain proof of having met the renewal requirements locally, for use in courtroom testimony, or other situations where the Certification is needed. IT IS NOT NECESSARY TO SEND THE PROOF TO TCOLE. However, if a certificate holder or their agency feels it would be beneficial to have a new certificate issued each time they renew, they are more than welcome to re-submit the application and fee each renewal period.

For further information on the renewal requirements for each type of certification, please read the application for that certification.

## Special Services Division



### New Jailer Course is Coming October 1



The new jailer licensing course curriculum will be available on the TCOLE website on October 1. To find this new curriculum, look under Training/Course Curriculum Materials and Updates/ Course 1120 Basic County Corrections Course (BCCC). This course replaces course 1007 as of January 1, 2019. However, you may begin utilizing in your academies as early as October 1, 2018.

Upon viewing this new curriculum you will see that it has a new layout. It is designed in a modular format. Each module contains topic-specific sections or subcategories of the topic area. Each subcategory and topic area builds on the preceding area, creating a firm foundation or knowledge base as the student proceeds through the course of study.

Also worth noting is the addition of two standalone courses included in the 1120 Basic County Corrections Course: an expanded 4900 “Mental Health for Jailers,” and 3501 “Suicide Detection and Prevention in Jails” (required course for Intermediate Proficiency Certificate). The student will automatically receive credit for these courses upon successful completion of this 1120 Basic County Corrections Course.

Module 7 on Classifications also includes an increase in classification hours. By completing this topic section, the student will be in compliance with Texas Commission on Jail Standards Rule 271.3. The standard states that all staff whose duties include classification shall undergo at least four hours of training on the principles, procedures and instruments for classification assessments, housing assignments, reassessments and inmate needs. Upon completion of the 1120 Basic County Corrections Course, this mandate will also be satisfied.

For exam sites: The students that have taken the 1120 Basic County Corrections Course will be endorsed to take the NEW Basic County Corrections 2018 exam.

Please refer to the 1120 Basic County Corrections Course and its abstract for more details concerning the course, its design, and instructor details in presenting this course of study.

*Note: Academies **beginning** prior to January 1, 2019 can still use the 1007 curriculum and finish with the accompanying licensing exam. If you are teaching 4900 and/or 3501 along with the 1007 curriculum, they will need to be reported separately as an addendum to the course. Academies utilizing the new 1120 curriculum will need to use the licensing exam written for this new course. Access to both exams will be available through your testing centers.*

*Any 1007 courses starting on or after December 24, 2018 will require providers to contact Lisa Landry at (512) 936-7749 to report the course.*



## Special Services Division, Continued

### New TDD/TTY classes coming to MyTCOLE

You ask, and we listen! During our strategic planning sessions earlier this year, one of the recurring questions was about the availability of TDD/TTY classes for telecommunicators.

As a result, seven new TDD/TTY classes will be added to TCOLE's online learning system. Telecommunicators will now have a varied choice of topics to take to fulfill their federal requirement of completing a TDD/TTY refresher course every six months per the Americans with Disabilities Act.

**Reminder:** MyTCOLE users will only receive credit one time per course during a two year unit, It would be in the users best interest to not take all classes at one time. To fulfill the federal requirement, take at least one every six months.

## Government Relations Division

### Session is coming...

The upcoming legislative session is fast approaching. Legislators can begin filing bills as early as November 12, 2018, to be taken up for consideration when the Legislature convenes in January. As always, TCOLE will maintain a close watch on bills that have an impact on law enforcement statewide. In addition to bills that amend TCOLE's role and responsibilities, we keep track of bills throughout the legislative session that make changes to the Penal Code, Code of Criminal Procedure, Transportation Code, and other key items that our licensees will be called on to enforce. You can get a list of these bills, updated weekly, on our [web-site](#).



One thing to remember is that a bill is not a law until it has been signed by both chambers of the legislature (House and Senate). Historically, this constitutes about 20 percent of bills filed. The Enrolled version is the final version, and the only one that matters when it's all said and done. That is, of course, if it's not vetoed by the Governor, but we'll leave that process for another day!

## Legal Division

### License Actions

The following proceedings for revocation, suspension and other disciplinary actions took place at the September 2018 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](http://www.tcole.texas.gov).

Type of Action	Number of Licenses
Default Suspension Orders	14
Default Cancellation Orders	2
Default Revocation Orders	8
Proposal for Decision Orders	1
Agreed Suspension Waivers	5
Statutory Revocations	3
Statutory Suspensions	1
Permanent Surrenders	15
Term Surrenders	3
Reprimands for Administrative Violations	307

### Final Rule Amendments

The updated rules handbook will be available December 1, 2018, on our website at [www.tcole.texas.gov](http://www.tcole.texas.gov) under [Help and Resources/Rules and Policy](#).

- **Final Amendment 1 \*WITHDRAWN\***  
§211.1 Definitions (amend)  
Clarifies which chief administrators are required to attend chiefs training through LEMIT.
- **Final Amendment 2**  
§218.3 Legislatively Required Continuing Education for Licensees (repeal)
- **Final Amendment 3**  
§218.3 Legislatively Required Continuing Education for Licensees (new)  
Consolidates all legislatively required continuing education requirements into one rule.
- **Final Amendment 4**  
§223.17 Reinstatement of a license (amend)  
Mirrors the reactivation process.

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## Commissioners

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*Assistant Presiding Officer*

Major Jason D. Hester  
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## Contact Information

Mailing Address:

Texas Commission on Law  
Enforcement

6330 E. Highway 290, Ste.  
200

Austin, TX 78723-1035

Phone: 512-936-7700

Fax: 512-936-7714

Website:

[www.tcole.texas.gov](http://www.tcole.texas.gov)

The Briefing Editor:

[Gretchen Grigsby](#)

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