

Close Up

The Quarterly Newsletter
of the Texas Commission
on Law Enforcement Officer
Standards and Education



Law Enforcement Achievement Awards

List of Recipients for 2010 (Arranged by Agency)

Professional Achievement

Sergeant Louis C. Felini

Dallas Police Department

Public Service

Jailer Crystal A. Irvin

Senior Deputy Derrick R. Taylor

Jailer Adan Maldonado

DeWitt County Sheriff's Office

Travis County Sheriff's Office

Webb County Sheriff's Office

Valor

Corporal Justin B. Graham

Officer Paul D. Ware

Officer Jillian M. Smith *

Sergeant Gerald W. Johnson, Jr.

Patrol Officer James P. Hildebrand

Lieutenant Terry D. Miller

Officer William C. Shumpert

Patrol Sergeant Paul D. Robertson

Corporal Patrol Jeremie J. Atilano

Deputy Patrol Ryan M. Connelly

Sergeant Patrol David B. "Bryan" McGee

Deputy Patrol Manuel Valdez III

Deputy Sheriff Courtney L. Banks

Deputy Sheriff Frank J. Cempa, Sr.

Deputy Sheriff David P. Craven

Deputy Sheriff Carlos B. Pocasangre

Deputy Sheriff Charles E. Scott, Jr.

Deputy Sheriff Ronald D. Skarpa

Officer Billy D. Brumley

Officer Jamie J. Gray

Officer Kerry Q. Gober

Senior Police Officer Pedro Sandoval

Deputy Sheriff Charles D. Fabian

Officer Patrick R. Sirois *

Officer William B. "Bryan" Dudley

Deputy Sheriff KC Simpson

Deputy Sheriff Jerry S. "Steven" White

Officer Luther E. Cosby

Amarillo Police Department

Amarillo Police Department

Arlington Police Department

Bandera County Sheriff's Office

Commerce Police Department

Commerce Police Department

Dallas Police Department

Delta County Sheriff's Office

Ellis County Sheriff's Office

Ellis County Sheriff's Office

Ellis County Sheriff's Office

Ellis County Sheriff's Office

Fort Bend County Sheriff's Office

Fort Bend County Sheriff's Office

Fort Bend County Sheriff's Office

Fort Bend County Sheriff's Office

Fort Bend County Sheriff's Office

Fort Bend County Sheriff's Office

Fort Worth Police Department

Fort Worth Police Department

Fort Worth Police Department

Houston Police Department

Limestone County Sheriff's Office

Nolanville Police Department

Pasadena Police Department

Potter County Sheriff's Office

Potter County Sheriff's Office

Roanoke Police Department

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Upcoming Events:

- Golf Tournament Fund-raiser by the "Friends of the Texas Peace Officers' Memorial"
May 23, 2011
- This Year's Quarterly Commission Meetings
June 2, 2011
September 8, 2011
December 1, 2011
- Training Coordinators' Conference in Addison
Oct. 31 - Nov. 3

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N.B.: Disciplinary Items can be found in the meeting minutes

** Awarded Posthumously*

Summary of the Work Session Minutes (Draft)

Commission Work Session of March 3, 2011

The work session of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was held on Thursday, March 3, 2011, at 9:30 a.m. The meeting was at the J.J. Pickle Research Campus, The Commons Learning Center, 10100 Burnet Road, Bldg 137, Austin, Texas.

Commissioners attending were: Constable Charles Hall, Presiding Officer; Mr. Steve Griffith, Assistant Presiding Officer; Dr. Johnny E. Lovejoy, II, Secretary; Mr. James Oakley; Senior Police Officer Joe Pennington; Sheriff Joel Richardson; Ms. Patt Scheckel-Hollingsworth; Chief Ruben Villescas; and Mr. Randy Watson.

Also attending were Assistant Attorneys General Raymond Winter and Daniel Wiseman, and Commission-staff members Executive Director Timothy A. Braaten, Director Kim Vickers, Director Brian Roth, Director Chris Davis, Laurie Abernathy, Lynn Beard, Darla Dixon, Thurman Felder, Dennis Graffious, Richard Gutierrez, John Helenberg, Nicole Hendrickson, John Hunt, Ivan Messer, Kaye Wilson, and Mary Kay Wright.

Agenda item #1 Call to order

Presentation of colors by the Texas Department of Public Safety Color Guard
Pledge of allegiance to the American flag was led by Commissioner Ruben Villescas.
Pledge of allegiance to the Texas flag was led by Commissioner Johnny E. Lovejoy, II.
Invocation was given by Commission Director Kim Vickers.
Roll call of board members by Kaye Wilson confirmed that all commissioners were present.
Welcoming remarks were given by the Presiding Officer Charles Hall who welcomed Commissioner Randy Watson, the newest member to the commission.

Agenda item #2 Executive Director's Report

The commissioners were provided the full report in the notebooks they received prior to the meeting. Executive Director Braaten expounded further on several items.

Legislative Update

Executive Director Braaten confirmed that the Commission clean-up bill, the F-5 bill, and the Chapter 53 bill have all been filed. Staff will be tracking bills affecting the Commission and Texas law enforcement, and will be relaying this information to the commissioners regularly.

Budget Process

At this time, the agency is within budget. Information on the current budget may be found on the Commission website under Transparency in Government.

Racial Profiling

As of this meeting, almost 80% of the law enforcement agencies in Texas have reported their racial profiling statistics. Those missing the March 1 deadline will face some repercussions.



POSEIT

Monthly Division Reports

Achievement Awards

State Capitol Police Memorial Services

The 2011 Candlelight Service will be held at the Memorial on Sunday, May 1, with the 2011 Memorial Service on Monday, May 2, at the Capitol.

Events Attended

Agenda item #3 Items of Interest

Definition of minimum background investigation requiring hiring agency / academy to meet or exceed a minimum background / personal history questionnaire established by the Commission and background investigation form to be maintained in officer's file.

Executive Director Braaten stated that a rule proposal requiring a minimum background / personal history questionnaire to be completed by law enforcement agencies and training academies will be presented at the June commission meeting. To date, the agency has not received any negative comments. Executive Director Braaten noted that future audits by the Commission field service agents will only include the records of those employed since the last audit that was conducted on the agency. Commissioner Villescas asked that future Executive Director Report's include statistics on the number of officers arrested in the previous quarter, and a report on cases where the commission has previously taken action or granted a waiver and the individual has again been involved in misconduct. The report should also include the type of offense committed by the officer or jailer. Commissioner Pennington asked for statistics on the number of peace officers and the number of jailers which have open cases with the Commission. Commissioner Villescas asked for solutions to the problem of determining if an arrestee is a peace officer or jailer, as the arresting agency is required to report the arrest to the Commission.

Notice that fee schedule will be presented at June meeting to be implemented September 1, 2011.

Executive Director Braaten notified the commissioners that due to current budget constraints, we are considering raising fees. The agency will need to raise an additional \$280,000 in fees during the next budget.

Legislative tracking issues

Mitigating circumstances, Rule 223.15(h)

This rule will be proposed at the June 2011 commission meeting.

Legal issues – Quo warranto

Director Davis explained that a quo warranto has been filed on a constable that did not complete the required legislatively mandated training. This individual has resigned, and we are working on the settlement of a law suit.

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Current status of new jail course

Director Vickers indicated the new “peace officer to jailer” course (Course 1107) is currently being beta-tested and should be available shortly. The licensing exam is slated to be a 100 question test. This course is available to those that have been through the basic peace officer training and are licensed as a peace officer.

Other

Director Davis indicated that the intent in Chapter 53 from the 81st session was to exclude everyone licensed under 1701, Texas Occupations Code. The final bill, as passed, did not include jailers. A bill being introduced this session will correct the oversight of the 81st session. If the bill does not pass, proposed rules are ready to meet Chapter 53 requirements for jailers.

Agenda item #4 Consider and receive public comment on the application of the Guadalupe County Sheriff’s Office to be a contractual training provider.

Director Vickers stated that the application is complete and that the Guadalupe County Sheriff’s Office has met the requirements to be a contractual training provider. Sheriff Arnold Zwicke addressed the commission and the commissioners directed several questions to Sheriff Zwicke.

Agenda item #5 Peace Officers’ Memorial report

Executive Director Braaten reported that the golf tournament has a name sponsor, lunch sponsor, hole sponsors, and 6-8 teams already signed up. Commissioner Hollingsworth stated that several donations have recently been received, including a \$5,000 donation from the Fleetwood Foundation.

Agenda item #6 Discuss the proposed orders of amendments to existing TCLEOSE rules

11-24-§221.9 Standardized Field Sobriety Testing (SFST) Proficiency

Dr. Messer reported that staff is recommending the repeal of rule 221.9 as this course is taught in the basic peace officer course, and there is not a need to have a proficiency certificate available as all officers are now receiving this training.

11-25-§223.20 Revocation of License for Constitutionally Elected Officials

This proposed rule change is for clarification and includes a notification requirement.

11-26-§221.1 Proficiency Certificate Requirements

This proposed rule change allows officers and jailers to request a change of issue date on certificates.

Agenda item #7 Adjourn

The Presiding Officer called for adjournment until 10:45 a.m. when the quarterly meeting will begin.



Summary of the Quarterly Meeting Minutes (Draft)

Quarterly Commission Meeting of March 3, 2011

The quarterly meeting of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was held on Thursday, March 3, 2011, at 10:45 a.m. The meeting was held at the J.J. Pickle Research Campus, The Commons Learning Center, 10100 Burnet Road, Bldg 137, Austin, Texas.

Commissioners attending were: Constable Charles Hall, Presiding Officer; Mr. Steve Griffith, Assistant Presiding Officer; Dr. Johnny E. Lovejoy, II, Secretary; Mr. James Oakley; Senior Police Officer Joe Pennington; Sheriff Joel Richardson; Ms. Patt Scheckel-Hollingsworth; Chief Ruben Villegas; Mr. Randy Watson. Also attending were Assistant Attorneys General Raymond Winter and Daniel Wiseman, and TCLEOSE staff members Executive Director Timothy A. Braaten, Director Kim Vickers, Director Brian Roth, Director Chris Davis, Laurie Abernathy, Lynn Beard, Darla Dixon, Thurman Felder, Dennis Graffious, Richard Gutierrez, John Helenberg, Nicole Hendrickson, John Hunt, Ivan Messer, Kaye Wilson, and Mary Kay Wright.

Agenda item #1 Call to order

Presiding Officer Hall called the meeting to order and asked for the roll call. All commissioners were present.

Agenda item #2 Approval of the minutes of the January 13, 2011, Commission meeting at Austin Texas.

Commissioner Griffith made a motion to accept the minutes of the January 13, 2011, work session. Commissioner Lovejoy seconded the motion. The motion passed unanimously. Commissioner Griffith made a motion to approve the minutes of the January 13, 2011, quarterly meeting. Commissioner Lovejoy seconded the motion. The motion passed unanimously.

Agenda item #3 Presiding Officer's Report

There were no items to report.

Agenda item #4 Executive Director's Report, if not read at the Work Session

This agenda item was covered during the Work Session.

Agenda item #5 Take action to approve the recommendations for the Law Enforcement Achievement Awards.

Commissioner Lovejoy made a motion to approve the awards recipients. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

Agenda item #6 Take action on Items of Interest

Definition of minimum background investigation requiring hiring agency / academy to meet or exceed a minimum background / personal history questionnaire established by the Commission and background investigation form to be maintained in officer's file.

Commissioner Lovejoy made a motion that this item be brought forward as a proposed rule. Commissioner Villegas seconded the motion. The motion passed unanimously.



Notice that fee schedule will be presented at June meeting to be implemented September 1, 2011
No action necessary.

Legislative tracking issues No action necessary.

Mitigating circumstances, Rule 223.15(h)
Commissioner Lovejoy made a motion that this item be brought forward as a proposed rule. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

Legal issues – Quo warranto No action necessary.

Current status of new jail courses No action necessary.

Other No action necessary.

Agenda item #7 Take action on the application of the Guadalupe County Sheriff’s Office to be a contractual training provider.

Commissioner Oakley made a motion to accept the application of the Guadalupe County Sheriff’s Office to be a contractual training provider. Commissioner Griffith seconded the motion. The motion passed unanimously.

Agenda item #8 Take action on the Peace Officers’ Memorial report, if necessary.

No action was necessary.

Agenda item #9 Take action on the proposed orders of amendments to existing Commission rules

- 11-24-§221.9 Standardized Field Sobriety Testing (SFST) Proficiency
- 11-25-§223.20 Revocation of License for Constitutionally Elected Officials
- 11-26-§221.1 Proficiency Certificate Requirements

Commissioner Lovejoy made a motion to accept the proposed rules. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.

Agenda item #10 Discussion of and take actions on proceedings for revocation, suspension, and other disciplinary actions.

FINAL ORDER SUSPENSIONS OF LICENSE

<u>NAME OF LICENSEE</u>	<u>DOCKET #</u>	<u>LAST DEPARTMENT TO HOLD COMMISSION</u>
Corey E. Covin	08-05-1536LS	I-Harris County Sherriff’s Office

Commissioner Griffith made a motion that the Commission adopt a final order for a 6 month hard suspension from today’s date and a 9 year, 6 month probated suspension. Commissioner Lovejoy seconded the motion. The motion passed with Commissioners Pennington, Villescas, and Hollingsworth voting against the motion.



<u>NAME OF LICENSEE</u>	<u>DOCKET #</u>	<u>LAST DEPARTMENT TO HOLD COMMISSION</u>
Willie J. Sam	09-01-0229LS	Houston Police Department

Commissioner Griffith made a motion that the commission accept and adopt the Proposal for Decision to enter a final order for a ten year, fully probated suspension. Commissioner Lovejoy seconded the motion. The motion passed with Commissioners Villescascas, Hollingsworth, and Richardson voting against the motion.

AGREED FINAL ORDER SUSPENSION

<u>NAME OF LICENSEE</u>	<u>DOCKET #</u>	<u>LAST DEPARTMENT TO HOLD COMMISSION</u>
Gary Marek	09-07-0705LS	Williamson County Sheriff's Office

This item was postponed until the June 2011 meeting.

CANCELLATIONS *(italicized licensees to be removed from the list - see page 10 for details)*

<u>NAME OF LICENSEE</u>	<u>DOCKET #</u>	<u>LAST DEPARTMENT TO HOLD COMMISSION</u>
Troy L. Bennett Jr.	11-11-0164CAN	Fayette County Sheriff's Office
Randy Betancourt	10-05-0550CAN	Maverick County Sheriff's Office
Holli J. Bullock	11-12-0227CAN	Williamson County Sheriff's Office
Brian L. Espinoza	11-11-0186CAN	Crystal City Correctional Center
Celestino J. Martinez	11-01-0284CAN	Crystal City Correctional Center
<i>Robert R. McDowell</i>	<i>10-08-0713CAN</i>	<i>Val Verde Correctional Facility</i>
Mallory D. Melendez	11-11-0161CAN	Fort Bend County Sheriff's Office
<i>Stephen A. Rivera</i>	<i>10-03-0354CAN</i>	<i>Brazos County Sheriff's Office</i>
<i>Octavius D. Rawls</i>	<i>10-07-0707CAN</i>	<i>Newton County Sheriff's Office</i>
Jose D. Vallejo	11-01-0276CAN	Cameron County Sheriff's Office
Cheryl L. Wilson	11-10-0099CAN	Ector County Sheriff's Office

PERMANENT VOLUNTARY SURRENDERS

<u>NAME OF LICENSEE</u>	<u>DOCKET #</u>	<u>LAST DEPARTMENT TO HOLD COMMISSION</u>
Richard K. Butler	09-01-0232PVS	Houston Police Department
Robert L. Carson, Jr.	10-06-0582PVS	Cleveland ISD Police Department
Jeremy Fountain	10-10-0093PVS	Texas Department of Public Safety
Charles C. Harris	10-03-0410PVS	Midland County Constable Pct. 2
Ryan B. Kelly	08-02-1369PVS	Brazos County Constable Pct. 1
Terry H. Lindsey III	10-01-0263PVS	Smith County Sheriff's Office
Clifford I. Morgan	08-02-1378PVS	San Antonio Police Department
Craig W. Nash	10-03-0369PVS	San Antonio Police Department
Stefanos P. Pothos, Jr.	10-11-0134PVS	Galveston County Sheriff's Office
Ricardo J. Rodriguez	06-03-1675PVS	San Antonio Park Rangers
Anthony A. Sterling	09-05-0517PVS	San Antonio Police Department
Thomas B. Toomey	09-08-0719PVS	Polk County Sheriff's Office
Andrew C. Wishard	11-01-0277PVS	Fannin County Sheriff's Office



REPRIMANDS

<u>NAME OF LICENSEE</u>	<u>DOCKET #</u>	<u>LAST DEPARTMENT TO HOLD COMMISSION</u>
Raymond J. Bonner	11-12-0254	
Douglas H. Dotson	10-09-0019	
Vyncent J. Gray	10-10-0081	
Scott A. Hamberger	10-07-0697	
Michael L. Hattaway	10-06-0609	
Brian E. Henry	10-09-0004	
Charles R. Hicks, Jr.	10-07-0705	
Francisco Huerta, Jr.	09-03-0382	Crystal City Correctional Center
John L. Hurley	10-04-0467	
Mark R. Hutchins	10-08-0743	Houston Police Department
Jose A. Infante	10-04-0461	
Wilmer R. Ivie	10-03-0384	
Frederick T. Jepsen	11-01-0303	Blue Mount Police Department
Jeffrey M. Jerman	10-09-0034	
Deanna L. Jopling	08-08-1622	
Oralia K. Kimble	10-09-0005	
Ruben V. Leal	10-05-0535	
Frank Lopez	11-11-0140	
Bronc J. McCoy	11-01-0281	Dallas Police Department
Leopoldo Menchaca	11-01-0302	Brownsville I.S.D. Police Department
Omar E. Salazar	10-12-0176	

REPRIMANDS FOR VIOLATION OF RULE §217.11 LEGISLATIVELY REQUIRED CONTINUING EDUCATION FOR JAILER LICENSEES TRAINING CYCLE 05-09

<u>NAME OF LICENSEE</u>	<u>LAST DEPARTMENT TO HOLD COMMISSION</u>
Michael J. Anthony	Bowie County Correctional Center
Juan M. Anzaldúa	Hidalgo County Sheriff's Office
Christopher R. Ayala	Crystal City Correctional Center
Roberta K. Bacon	Dickens County Sheriff's Office
Matthew E. Bailey	Rusk County Sheriff's Office
Joshua D. Banks	Travis County Sheriff's Office
Michael A. Barrera	Brooks County Sheriff's Office
David M. Bradberry	Travis County Sheriff's Office
Nathan G. Bradshaw	Travis County Sheriff's Office
Tana K. Breiten	Loving County Sheriff's Office
Laqreshia N. Brooks	Dallas County Sheriff's Office
Francisco A Campero	Brooks County Sheriff's Office
John P. Cardenas	Bexar County Sheriff's Office
Tambra L. Caro	Travis County Sheriff's Office
Michael A. Cates	Brooks County Sheriff's Office
Lisa A. Cavazos	Brooks County Sheriff's Office
Crystal M. Chavera	Brooks County Sheriff's Office



Brenda D. Cook	Falls County Detention Center
Carol R. Cottle	Edwards County Sheriff's Office
Danny Davila	Brooks County Sheriff's Office
Melissa O. Davila	Brooks County Sheriff's Office
Jessica A. Ebisch	Travis County Sheriff's Office
Paul D. Eck	Travis County Sheriff's Office
Daniel E. Ervin	Dallas County Sheriff's Office
David Fernandez	CCA Webb County Detention Center
Mickey L. Fezell	Dallas County Sheriff's Office
William A. Frosch	Falls County Detention Center
Suki A. Gallegos	Winkler County Sheriff's Office
Sherry L. Garrett	Newton County Sheriff's Office
Gina Garza	Brooks County Sheriff's Office
Ramon B. Garza Jr.	Nueces County Sheriff's Office
Anthony D. Glover	Winkler County Sheriff's Office
Fernando Gomez	El Paso County Sheriff's Office
Hector J. Gonzalez	Cameron County Sheriff's Office
John T. Grantham	Franklin County Sheriff's Office
Trina Y. Hall	Dallas County Sheriff's Office
Keith D. Harris	Travis County Sheriff's Office
John Hayden	Gregg County Sheriff's Office
George W. Head II	Webb County Sheriff's Office
Cynthia Hearn	Hale County Sheriff's Office
Yvonne Hernandez	Brooks County Sheriff's Office
Ricardo D. Herrera	Reeves County Sheriff's Office
Cheryl L. Johnson	Winkler County Sheriff's Office
Victor M. Johnson	Travis County Sheriff's Office
Luvinia L. Kautz	Dickens County Sheriff's Office
Linda L. Keese	Travis County Sheriff's Office
Andrew C. Kerstens	Brazoria County Sheriff's Office
Irma Lopez	Brooks County Sheriff's Office
Richie E. Manny	Dallas County Sheriff's Office
Wesley D. Mason	Dallas County Sheriff's Office
James A. McClain	Hale County Sheriff's Office
Ruben G. Mejia	Brooks County Sheriff's Office
Todd A. Messiner	Parker County Sheriff's Office
Ricky Morales	Winkler County Sheriff's Office
Socorro M. Nunez	Presidio County Sheriff's Office
Darrell R. Oliver	Refugio County Sheriff's Office
Randy E. Owen	Travis County Sheriff's Office
Jorge E. Paninski	Newton County Sheriff's Office
David A. Parish	Angelina County Sheriff's Office
Juan D. Perez	Brooks County Sheriff's Office
Donald D. Pressnell	Dallas County Sheriff's Office
Alfred A. Pustejovsky	Fort Bend County Sheriff's Office
Mario L. Ramirez	Brooks County Sheriff's Office
Kimberly L. Ratcliff	Shelby County Sheriff's Office



Martha A. Razo	Presidio County Sheriff's Office
Bonnie M. Richardson	Winkler County Sheriff's Office
Fernando Ruiz	Dallas County Sheriff's Office
Ruben Salinas	Burnet County Sheriff's Office
Latoya D. Sanders	Dallas County Sheriff's Office
Jason B. Speir	Grayson County Sheriff's Office
Esperanza Suarez	Bexar County Sheriff's Office
Amy L. Swanson	Winkler County Sheriff's Office
Wesley A. Tate	Travis County Sheriff's Office
Michael J. Tobias	Travis County Sheriff's Office
Tommy D. Tobias	Montgomery County Sheriff's Office
Gregory G. Truitt	Travis County Sheriff's Office
Robert L. Vela	Brooks County Sheriff's Office
Veronica L. Vela	Brooks County Sheriff's Office
Drew A. Williams	Travis County Sheriff's Office
Richard S. Young	Parker County Sheriff's Office

APPEAL OF F-5 REPORT OF SEPARATION OF LICENSEE

<u>NAME OF LICENSEE</u>	<u>LAST DEPARTMENT TO HOLD COMMISSION</u>
Kathryn M. Danner	Harris County Const. Pct. 4
Jose O. Garcia	San Benito Fire Department
Justen C. Isom	Carthage Police Department
Tiffany N. Lavergne	Sealy Police Department
William L. Martin	Harris County Const. Pct 4
Christopher Rich	Hopkins County Sheriff's Office
Roberto Ramos	Webb County Sheriff's Office
Jonathan F. Williams	Port Arthur Police Department

Assistant Attorney General Wiseman reviewed the "For Your Information" items with the commissioners. He noted that under Cancellations, the names of Robert R. McDowell, Stephen A. Rivera, and Octavius D. Rawls needed to be removed.

Agenda item #11 Receive public comment on any topic, without discussion.

There were no public comments.

Agenda item #12 Executive Session to discuss pending litigation and personnel issues, including evaluation of executive director's job performance, pursuant to GC §551.074 and .071, Open Meetings Act.

The commissioners went into executive session at 11:45 a.m.

Agenda item #13 Return from Executive Session to report and/or discuss further actions to be taken as a result of the Executive Session.

The commissioners returned from Executive Session at 12:45 p.m. There was no action taken.

Agenda item #14 Adjourn

Commissioner Griffith made a motion to adjourn. Commissioner Hollingsworth seconded the motion. The motion passed unanimously.



Commissioners

Charles Hall
Presiding Officer

Stephen Griffith
Assistant Presiding Officer

Dr. Johnny E. Lovejoy, II
Secretary

James Oakley
Joseph Pennington
Joel Richardson
Patt Scheckel-Hollingsworth
Ruben Villegas
Randy Watson



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