

TEXAS

**Commission on Law Enforcement
Officer Standards and Education**

T.M.C.E.C.

**Bailiff/Warrant Officer
Conference**

May 15, 2009

Round Rock, Texas

GREETINGS from:

The COMMISSIONERS

EXECUTIVE DIRECTOR

Timothy Braaten

COMMISSION STAFF

BACK to the FUTURE

- **In the early 1980s the commission had Field Representatives that served a geographic area of Texas, and lived in that area.**
- **Those positions disappeared in the late 1980s.**
- **In the mid 1990s the Field Assistance Unit was developed to work directly with agency chief administrators using a proactive approach – their office was located at the commission headquarters in Austin.**
- **By 2003 the unit had been phased-out and the personnel assigned to other commission functions.**
- **In early 2006, Executive Director Braaten identified a need for proactive contact between the commission and law enforcement chief administrators and training providers, and establishing the Field Agent Unit within the Education and Training Programs Division.**

FIELD AGENT ACTIVITIES

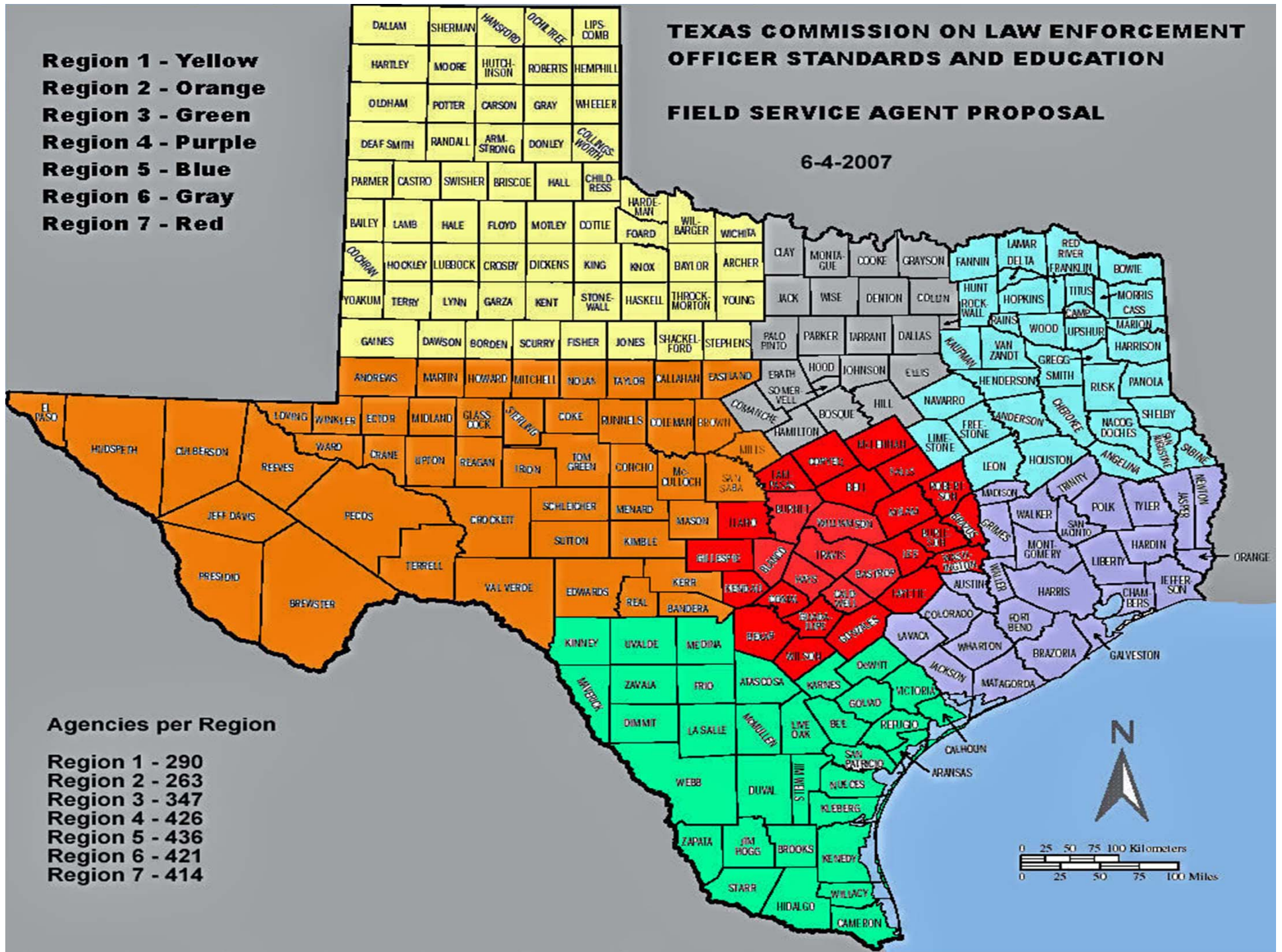
- **Technical Assistance Visits - Chief Exec.**
 - Records & Training Audits/Evaluations
 - Procedural Reviews
 - Liaison between Chief Administrators & TCLE
- **Statutes & Rules Classes**
 - 10-20 per year statewide
- **Other Training**
 - LEMIT, TPA, TMCEC, Academies, etc.
- **Flag Delivery**

TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION

FIELD SERVICE AGENT PROPOSAL

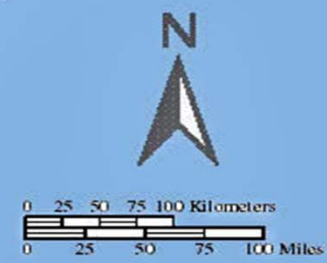
6-4-2007

- Region 1 - Yellow**
- Region 2 - Orange**
- Region 3 - Green**
- Region 4 - Purple**
- Region 5 - Blue**
- Region 6 - Gray**
- Region 7 - Red**



Agencies per Region

- Region 1 - 290
- Region 2 - 263
- Region 3 - 347
- Region 4 - 426
- Region 5 - 436
- Region 6 - 421
- Region 7 - 414



FIELD ASSISTANCE

Education and Training Programs Division

(Field Agents)

James “Ozzie” Oswalt – Panhandle – Lubbock

Region 1 806.317.5148

Kim Vickers – West Texas - Abilene

Region 2 325.660.6319

Doug Staudt – South Texas – Corpus Christi

Region 3 361.290.8517

continued

FIELD ASSISTANCE

Education and Training Programs Division

Richard Gutierrez – Southeast Texas - Spring

Region 4 512.923.0916

Carey McKinney – Northeast Texas - Palestine

Region 5 903.948.0535

John Hunt – North Central Texas - Sherman

Region 6 903.818.7192

Jim Clifton – Central Texas - Blanco

Region 7 512.750.6370

WE WILL COVER

Four

BASIC AREAS

**The COMMISSION:
Structure & Operation**

Requirements: Peace Officer

Rules & Statutes

Odds & Ends and Future Trends

OBJECTIVES

- The student will be able to identify requirements for the appointment of Commission members.
- The student will be able to identify how rules are created.
- The student will be able to identify the various ways a new peace officer can enter an agency.
- The student will be able to identify the training requirements for peace officers.

PUBLICATIONS
CURRENTLY IN REVIEW

**Chief Administrators Desk
Reference**

(Chief & Administrator's Corner)

and

Field Assistance Manual

(Training Coordinator's Corner)

**The OLD FIELD
ASSISTANCE HANDBOOK**

It is no longer accurate, so –

**IF YOU HAVE AN OLD
ONE, PLEASE
THROW IT AWAY.**

CONCEPTS

YOU

NEED

TO BE

FAMILIAR WITH

LIABILITY



DUCK



DE FACTO



HOWEVER



DATES

DATES

DATES

Commission Structure and Operation

The
TEXAS COMMISSION
on
LAW ENFORCEMENT
OFFICER STANDARDS
and EDUCATION

THE COMMISSION IS A STATE AGENCY

Commission created by the Texas
Legislature effective **August 30, 1965**

Originally V.T.C.S. 4413(29aa), later
codified and placed at **Chapter 415**, Texas
Government Code

Changed by the 76th Legislature (1999) and
made **Chapter 1701**, Texas Occupations
Code (**TOC**)

The

COMMISSIONERS

The Commission is governed by nine (9) APPOINTED Commissioners. These are appointed by the Governor with the advice and consent of the Senate.

TOC 1701.051

These are the ONLY voting members

OBJECTIVES

- The student will be able to identify requirements for the appointment of Commission members.
- The student will be able to identify how rules are created.
- The student will be able to identify the various ways a new peace officer can enter an agency.
- The student will be able to identify the training requirements for peace officers.

**Three must be Law Enforcement
Administrators**

**Three must be L. E. Personnel,
licensed by the Commission, and
two must not be supervisors**

Three must be Public Members

The Commissioners are:

Chief of Police	Constable Chair	Sheriff
Police Officer	Res. Officer & Trainer	Chief of Police
Retired Educator	Business Owner	CEO of a Corp.

There are five ex-officio (non-voting) commissioners:

- **Commissioner of Higher Education**
- **Commissioner of the Texas Education Agency**
- **Director of DPS**
- **Executive Director of CJD – Governor's Office**
- **The Attorney General**

OBJECTIVES

- **The student will be able to identify requirements for the appointment of Commission members.**
- **The student will be able to identify how rules are created.**
- **The student will be able to identify the various ways a new peace officer can enter an agency.**
- **The student will be able to identify the training requirements for peace officers.**

The Commission is authorized to create rules

TOC 1701.151

- *How are rules created?*
- Rules are created by a **vote** of the appointed Commissioners
- Changes in statute may require amendments to existing rules or creation of a new rule
- Amendments or new rules may be proposed by **any person**

How are rules made?

The background is a blue gradient, transitioning from a lighter blue at the top to a darker blue at the bottom. Overlaid on this gradient are several diagonal stripes of a slightly darker shade of blue, running from the top-left towards the bottom-right. The stripes are parallel and spaced out, creating a textured effect.

STEP 1

AT THE FIRST MEETING

Ideas on rule changes, or new rules,
are discussed

**Note: the Commission meets about every
3-months**

**Prior to each meeting a
public announcement is
made that identifies the
items that will be
considered for
FORMAL action
at that meeting.**

The background is a blue gradient, transitioning from a lighter blue at the top to a darker blue at the bottom. Several diagonal stripes of a slightly lighter shade of blue run from the top-left towards the bottom-right, creating a sense of movement and depth.

STEP 2

AT THE SECOND MEETING

A draft
is prepared and
presented to the Commissioners
for action – based on their previous
discussions.

This is the First Reading

At this First Reading the draft is presented to the commission.

The Commissioners may:

1. Accept or adopt the draft
2. Amend the draft
3. Reject the draft

If accepted or adopted, the Proposed Rule is published for comments by any interested person

All comments received are provided to the Commissioners

**The Commission meets
4 times a year, or about
once every three months.**

**The time for comments is
always a minimum of
30 days.**

STEP 3

AT THE THIRD MEETING

Final approval can be given to
the proposal by the
Commissioners and they set an
effective date.

(when it will go into effect)

This is the Second Reading

At the **Second Reading** – (After the proposed rule has been published and comments received)

The Commissioners may:

1. Adopt the proposed rule
2. Amend the proposed rule;
3. Reject the proposed rule;
4. Table the proposed Rule without action
5. Send Back the proposed Rule for additional work

If adopted an **effective date** is added to the Rule



STEP 4

Rule Becomes Effective

- The effective date is usually about 3-months after the final approval of the change.

STATISTICS

The image features a solid blue background with a gradient that transitions from a lighter blue at the top to a darker blue at the bottom. Overlaid on this background are several diagonal stripes of varying shades of blue, creating a sense of depth and movement. The word "STATISTICS" is centered in a bold, yellow, serif font.

STATISTICAL INFORMATION

(compiled January 2003)

■ 2529 State and Local Law Enforcement Agencies

■ Regular Peace Officers 60,667

Reserve Officers 3,920

Jailers 11,414

TOTAL

76,001

DEPARTMENT DATA

Dept. Size	# of Depts.	# of Licensees	% of all Licensees
1-19	1,968	9,247	12.16%
<u>20-74</u> _(24/26)	411	15,026	19.76%
75-499	132	22,136	29.13%
500-999	6	3,617	4.75%
Over 1,000	12	25,975	34.20%
TOTAL	2,529	76,001	100.00%

AS OF NOVEMBER 2005

ACTIVE

- AGENCIES – 2,693
- Peace Officer Licensees – 67,235
- Reserve Licensees – 680
- County Jailer Licensees – 22,629
- Contract Jailer Licensees – 1,001

AS OF AUGUST 2007

- **Active Appointments (PO,CJ,T) - 92,769**
- **Licenses Held (PO,CJ,T) - 103,610**
 - **Peace Officers 69,280**
 - **County Jailers 25,936**
 - **Telecommunicators 8,394**

- **Active NOT APPOINTED (PO,CJ,T) - 51,427**
- **Licenses held (PO,CJ,T) - 56,938**
 - **Peace Officer 24,502**
 - **County Jailer 25,936**
 - **Telecommunicator 6,500**

continued

AS OF AUGUST 2007 continued

■ Inactive Licensees- (PO, CJ,T)

76,251

■ Total individuals in Data Base

220,447

CURRENT STATISTICS

Active Individuals

August 01, 2008

- Individuals
- P.O. = 70,528
- Co. J. = 26,740
- Licenses Held
- All = 108,244
- Agencies
- 2,554

September 01, 2008

- Individuals
- P.O. = 70,735
- Co. J. = 26,908
- Licenses Held
- All = 108,438
- Agencies
- 2,556

**THE COMMISSION IS AUTHORIZED
TO ESTABLISH MINIMUM
STANDARDS FOR LICENSING**

TOC - 1701.301

WHO
**IS REQUIRED
TO BE LICENSED
BY THE COMMISSION?**

WHO IS REQUIRED TO BE LICENSED?

TOC 1701.301

- **Peace Officers**
- **Reserve Officers**
- **County Jailers**
- **Public Security Officers**
- **Telecommunicators (are required a Certificate not a license)**

WHEN IS THE LICENSE REQUIRED?

A person (chief administrator) cannot appoint a person to serve as an officer (regular or reserve), county jailer, or public security officer unless the person *holds an appropriate license* issued by the Commission

TOC 1701.301

HOWEVER



THE EXCEPTIONS!

- SHERIFFS who take office On or After **01/01/94** must be licensed within **two (2) years** after taking office - Prior to 01-01-94 there is:

NO REQUIREMENT (TOC1701.003) Rule 217.1(i)

- In the past, CONSTABLES who took office On or After **09/01/85** had to be licensed within **two (2) years** after taking office - Prior to 09-01-85 – there is:

NO REQUIREMENT (TOC1701.003) Rule 217.1(j)

Exceptions - continued

- CITY MARSHALS, who are **elected or appointed to fill an elected position**, **must** obtain a license within two years of taking office.

TOC 1701.302

- POLICE CHIEFS, who are **elected or appointed to fill an elected position**, **must** obtain a license within two years of taking office.

TOC 1701.302

- CONSTABLES who take office **On or After 08/30/99** have **270 days** to acquire a license & present it to **Commissioner's Court**

LGC 86.0021(b) & Rule 217.1(j)

Exceptions - continued

- A peace officer serving under a permanent appointment before **September 01, 1970**, is **not required** to obtain a license as a condition of tenure, continued employment, or promotion unless the officer seeks a new appointment. (**Grandfather clause**)

TOC 1701.314

NOTE: The Grandfather Exemption goes away when the person leaves their original agency.

“NEW” Requirements for a person to take office as a Constable

- Eligible to be Licensed (21 yoa & NO Felony Conv.)
- And:
 - has an Associates Degree, OR
 - is a Special Inv. (CCP 2.122(a), OR
 - Honorably retired: P.O. or Sp. Inv. with certificate of proficiency (1701.357 - Firearms Proficiency), OR
 - Is an active or inactive Licensed Peace Officer
- Similar training requirements to Chiefs, with New & Continuing Constable education – through LEMIT
- HB1588, effective 09-01-05

CHIEF OF POLICE

- Person may hold the position as chief administrator for a **maximum** of **1-year**
- To provide time to acquire a Texas Peace officer License
- During that time the person is **NOT** a peace officer, and
- **May NOT** carry a handgun or wear any uniform or present any credentials that indicate they are or maybe a peace officer
- Texas Education Code, Chapter 96

Requirements:

Peace Officers

EMPLOYMENT REQUIREMENTS

FOR:

PEACE OFFICERS

(includes Reserve Officers)

OBJECTIVES

- **The student will be able to identify requirements for the appointment of Commission members.**
- **The student will be able to identify how rules are created.**
- **The student will be able to identify the various ways a new peace officer can enter an agency.**
- **The student will be able to identify the training requirements for peace officers.**

There are THREE WAYS a Peace Officer can come to an agency:

- **New** (and unlicensed) – straight from an Academy,
 - Licensed – with **MORE** than 180-day break in service, and
 - Licensed with **LESS** than 180-day break in service.
- Each method has a different requirement.

The NEW P.O. Applicant

- The applicant **must have** completed an Academy and passed the State Peace Officer Licensing Exam – **NOTE**: he does NOT have a license at this point.
- The applicant **must** go through the agencies' applicant process.
- When the agency decides to hire &/or commission the applicant, an **L-1** form is submitted to TCLEOSE, with a copy kept by the agency.

The NEW P.O. Applicant - continued

- **The L-1 form certifies that the following items have been completed and on file.**
- **L-2 – physical & drug screen**
- **L-3 – psychological exam**
- **CCH – TCIC-NCIC**
- **Proof of Education**
- **Proof of Honorable discharge**
- **Fingerprint RETURN from DPS**
- **Proof of Citizenship**
- **Disposition for Criminal Record**

The NEW P.O. Applicant - continued

- The Commission receives/checks the L-1
 - The Commission **issues** the License
 - The agency **may then** commission (swear-in) the applicant.
 - **Now** he is a Peace Officer.
-
- **NOTE:** commissioning a person that is not qualified to be a peace officer, the penalty ranges from a **fine** to a **felony**.

The Licensed P.O. Applicant with OVER 180-Day Break In Service

- The applicant **must have** a license issued by the Commission.
- The license **must be valid** – **NOT** expired, suspended, or revoked.
- The applicant **must** go through the agencies' applicant process.
- When the agency decides to hire &/or commission the applicant, an **L-1** form is **submitted** to TCLEOSE, with a copy kept by the agency.

The Licensed P.O. Applicant OVER 180-Day Break - continued

- **The L-1 form certifies that the following items have been completed and on file.**
- **L-2 –drug screen**
- **L-3 – psychological exam**
- **CCH – TCIC-NCIC**
- **Proof of Education**
- **Proof of Honorable discharge**
- **Fingerprint RETURN from DPS**
- **Proof of Citizenship**
- **Disposition for Criminal Record**

Cont.

The Licensed P.O. Applicant OVER 180-Day Break - continued

- The following item **MUST** be completed **pre-employment and are certified to on the L-1**
- Weapons qualification within the **12-month period immediately prior to being hired.**
- **Submission** of the **F5R** form to the Commission.
- **Conduct** a background check.
- Obtain a **consent form** to view work history information.

cont.

The Licensed P.O. Applicant OVER 180-Day Break - continued

- Obtain copy of the applicant's Commission **record**.
- Contact **ALL** previous law enforcement employers for work history information.
- Note: the L-1 **MUST** be submitted within **30-days** of the applicants start date.

The Licensed P.O. Applicant with LESS Than 180-Day Break In Service

- The applicant **must have** a license issued by the Commission.
- The license **must be valid** – **NOT** expired, suspended, or revoked.
- The applicant **must** go through the agencies' applicant process.
- When the agency decides to hire &/or commission the applicant, an **L-1** form is **submitted** to TCLEOSE, with a copy kept by the agency.

The Licensed P.O. Applicant LESS than 180-Day Break - continued

- The following item **MUST** be completed **pre-employment and are certified to on the L-1**
- Weapons qualification within the **12-month period immediately prior to being hired.**
- **Submission** of the **F5R** form to the Commission.
- **Conduct** a background check.
- Obtain a **consent form** to view work history information.

cont.

The Licensed P.O. Applicant LESS than 180-Day Break - continued

- Obtain copy of the applicant's Commission **record**.
- Contact **ALL** previous law enforcement employers for work history information.
- Note: the L-1 **MUST** be submitted within **30-days** of the applicants start date.

EMPLOYMENT REQUIREMENTS

FOR:

COUNTY JAILERS

There are three ways a County Jailer can come to an agency:

- **New** (and unlicensed) – straight from an Academy,
 - Licensed – with **MORE** than 180-day break in service, and
 - Licensed with **LESS** than 180-day break in service.
- Each method has a different requirement.

The NEW C.J. Applicant

- The applicant must go through the agencies' applicant process.
- When the agency decides to hire the applicant, an L-1 form is submitted to TCLEOSE, with a copy kept by the agency.

The NEW C.J. Applicant - continued

- **The L-1 form certifies that the following items have been completed and on file.**
- **L-2 – physical & drug screen**
- **L-3 – psychological exam**
- **CCH – TCIC-NCIC**
- **Proof of Education**
- **Proof of Honorable discharge**
- **Fingerprint RETURN from DPS**
- **Proof of Citizenship**
- **Disposition for Criminal Record**

The NEW C.J. Applicant - continued

- The Commission receives/checks the L-1
- The Commission issues a Temporary Jailer License.
- NOTE: the Temporary Jailer License is valid for 12-months – to give the applicant time to complete the Basic Jailer course.
- **IF THE COURSE IS NOT COMPLETED IN 12-MONTHS, THE PERSON MUST BE DISMISSED AND CANNOT GET ANOTHER TEMPORARY FOR 1-YEAR.**

The Licensed C.J. Applicant with OVER 180-Day Break In Service

- The applicant must have a license issued by the Commission.
- The license must be valid – NOT expired, suspended, or revoked.
- The applicant must go through the agencies' applicant process.
- When the agency decides to hire &/or commission the applicant, an L-1 form is submitted to TCLEOSE, with a copy kept by the agency.

The Licensed C.J. Applicant OVER 180-Day Break - continued

- **The L-1 form certifies that the following items have been completed and on file.**
- **L-2 –drug screen**
- **L-3 – psychological exam**
- **CCH – TCIC-NCIC**
- **Proof of Education**
- **Proof of Honorable discharge**
- **Fingerprint RETURN from DPS**
- **Proof of Citizenship**
- **Disposition for Criminal Record**

Cont.

The Licensed C.J. Applicant OVER 180-Day Break - continued

- The following item **MUST** be completed **pre-employment**.
- Submission of the F5R form to the Commission.
- Conduct a background check.
- Obtain a consent form to view work history information.

cont.

The Licensed C.J. Applicant OVER 180-Day Break - continued

- Obtain copy of the applicant's Commission record.
- Contact **ALL** previous law enforcement employers for work history information.
- Note: the L-1 **MUST** be submitted within 30-days of the applicants start date.

The Licensed C.J. Applicant with LESS Than 180-Day Break In Service

- The applicant must have a license issued by the Commission.
- The license must be valid – NOT expired, suspended, or revoked.
- The applicant must go through the agencies' applicant process.
- When the agency decides to hire &/or commission the applicant, an L-1 form is submitted to TCLEOSE, with a copy kept by the agency.

The Licensed C.J. Applicant LESS than 180-Day Break - continued

- The following item **MUST** be completed **pre-employment**.
- Submission of the F5R form to the Commission.
- Conduct a background check.
- Obtain a consent form to view work history information.

cont.

The Licensed C.J. Applicant LESS than 180-Day Break - continued

- Obtain copy of the applicant's Commission record.
- Contact **ALL** previous law enforcement employers for work history information.
- Note: the L-1 **MUST** be submitted within 30-days of the applicants start date.

EMPLOYMENT REQUIREMENTS

FOR:

TELECOMMUNICATORS

There are Two ways a Telecommunicator can come to an agency:

- **New** (no certificate)
- **Acknowledged** (with a certificate)
- **Each method has a different requirement.**

The NEW T. Applicant

- The applicant must go through the agencies' applicant process.
- When the agency decides to hire the applicant, a T-1 form is submitted to TCLEOSE, with a copy kept by the agency.

The NEW T. Applicant - continued

- The T-1 form certifies that the agency is going to hire the person as a Telecommunicator.
- The Commission receives/checks the T-1
- The Commission issues a Temporary Telecommunicator Certificate.
- NOTE: the Temporary certificate is valid for 12-months – to give the applicant time to complete the Basic Telecommunicator course (1013).
- **IF THE COURSE IS NOT COMPLETED IN 12-MONTHS, THE PERSON MUST BE DISMISSED AND CANNOT GET ANOTHER TEMPORARY FOR 1-YEAR.**

An Applicant with a Telecommunicator Certificate

- **The applicant must have a certificate issued by the Commission.**
- **The certificate must be valid – NOT suspended or revoked.**
- **The applicant must go through the agencies' applicant process.**
- **When the agency decides to hire &/or commission the applicant, an T-1 form is submitted to TCLEOSE, with a copy kept by the agency.**

An Applicant with a Telecommunicator Certificate – cont.

- **The T-1 form certifies that the agency is going to hire the person as a Telecommunicator.**
- **Note: the T-1 is used for reporting a new telecommunicator and reporting an employee leaving the telecommunicator position.**

REVIEW

Training

Requirements

(Time Frames)

CURRENT TRAINING CYCLE

1 4 years 1
09-01-05 08-31-09

Composed of 2 Training Units

1 2 years 1
09-01-05 08-31-07

and

1 2 years 1
09-01-07 08-31-09

Training Requirements

Peace Officer

**(and Reserve with Peace
Officer License)**

OBJECTIVES

- **The student will be able to identify requirements for the appointment of Commission members.**
- **The student will be able to identify how rules are created.**
- **The student will be able to identify the various ways a new peace officer can enter an agency.**
- **The student will be able to identify the training requirements for peace officers.**

Training Requirements – P.O. & Reserve Officer with P.O. License

- Each 2-year Training Unit a minimum of 40-training hours.
- Once in the 4-year Training Cycle the following courses:
 - 3232 – Special Investigative Topics
 - 3939 – Cultural Diversity
 - 3841 – C.I.T. – this Cycle **ONLY**
 - 3101 – Civil Process – 20 hours – Deputy Constables **ONLY**.

Training Requirements

County Jailer

And

**Reserve Officer with a
Reserve License**

Training Requirements – County Jailer and Reserve Officer with Reserve License

- Once in the 4-year Training Cycle the following course:

- 3939 – Cultural Diversity

Note: a person with a P. O. and a Jailer License only takes the course ONCE.

Training Requirements

Telecommunicator

Training Requirements – Telecommunicator

- There are **no** periodic continuing education requirements for a telecommunicator.

Note: If the Telecommunicator becomes a licensed position, there maybe required training at that time.

What is a Basic Proficiency Certificate?

It is a Certificate issued by the Commission to a Peace Officer, County Jailer or Telecommunicator having at least 1-years of service in the position and has completed the required courses and material.

**Why is there so many problems and
confusion about the
Basic Proficiency Certificate?**

How and Why to Get a Basic

- First **ONLY** the agency can complete part of the requirements.
- Second **Only** the agency can report the completion of the required courses and material.
- Most individuals do not know they need a Basic.
- Many individuals do not realize they do not have a Basic.
- Without a Basic – **NO INTERMEDIATE, ADVANCED** or **MASTER**

Requirements for a Peace Officer BASIC Certificate

- 1-years service as a peace officer – Reserve times counts.
- Complete course **1999** – Personnel Orientation by Department – agency must conduct the training and report to the Commission – **“0” training credit.**
- Complete course **3722** – Peace Officer Field Training – agency must conduct the training and report to the Commission - **as of 03-01-09, maximum 160 hrs. credit.**

Requirements for a County Jailer BASIC Certificate

- 1-years service as a county jailer.
- Complete course **1999** – Personnel Orientation by Department – agency must conduct the training and report to the Commission – **“0” training credit.**
- Complete course **3721** – Peace Officer Field Training – agency must conduct the training and report to the Commission - **as of 03-01-09, maximum 160 hrs. credit**

Requirements for a Telecommunicator BASIC Certificate

- Complete course **1013** and have it reported to the Commission.
- 1-years service as a telecommunicator.
- Complete course **3812** – TDD/TTY - within last 6-mo. – agency must conduct the training and report to the Commission.
- Complete course **3720** – Telecommunicator Field Training – if Certif. O/or/A 06-01-04 – agency must conduct the training and report to the Commission.

PROFICIENCY CERTIFICATION

TOC 1701.402

- The agency is responsible for providing a program on federal and state statutes related to employment issues of peace officers and county jailer, including
 - civil service
 - compensation, overtime and vacation
 - personnel files/other employee records
 - management/employee relations
 - work-related injuries
 - complaints, investigations of misconduct
 - disciplinary actions/appeals
- How to Know - **New Employee Orientation letter recorded as course 1999 with “0” hours**

Time Line on Peace Officer Records

- Prior to 04-15-96 agencies only required to have Firearms Qualifications
- Beginning 04-15-96 agencies to keep: Copy L-1, L-2, L-3, CCH, F/P return, Education document (H.S. Diploma-GED-College Transcript) & Firearms Qualification
- Beginning 03-01-03 agencies also keep: proof of U.S. Citizenship (birth certificate–passport–certificate of Naturalization) **Note: NOT illegal to copy for employment purposes**, and adds Home School Letter

Continued - Time Line on Peace Officer Records

- June 01, 2004 **Firearms Qualification** Req. in last 12-mo. when Peace Officer changes agencies.
- Beginning 09-01-05 agencies also need to keep **F5R** (copy) and return response
- Beginning 09-01-05 agencies also need to keep:
 - applicant's **Consent** for employment records
 - copy of TCLEOSE **Service/Training Record**
 - proof a **Background** was conducted
 - proof of **Contact** with all former L. E. employers
- Self Audit Sheet available on web site

Evaluation of Training

Types of Training Providers

- **Law Enforcement Academies (LEA)**
- **Contract Training Providers (CP)**
- **Academic Alternatives (AA)**

**What's the Difference
in
Training Providers?**

Law Enforcement Academies

- Have a 5-year contract
- Can teach all courses including both licensing courses (BPOC & BCCC).
- Must submit Training Rosters for all students completing a course – not just their agency students.
- Are evaluated periodically.

Contract Training Providers

- Have a 5-year contract
- Can teach all courses **EXCEPT** the licensing courses (BPOC & BCCC).

Note: a Contract Training Provider that is a Sheriff's Office, can conduct the BCCC.

- Must submit Training Rosters for all students completing a course – not just their agency students.
- Are evaluated periodically.

Academic Alternatives

- Have a 5-year contract
- Can ONLY teach the PO licensing
- Must submit Training Rosters for all students completing a course – not just their agency students.
- Are evaluated periodically.

**Academic Alternative
Requirements
to take
Peace Officer
Licensing Test**

Effective 09-01-04

- 7 transfer curriculum courses
- 3 peace officer sequence courses
- A “capstone” course - maybe
- And at least an Associate Degree

Rule 217.1(g)(1)(C)

**ONLY APPLIES to the College
Academic Alternative Program**

How Are Training Providers Evaluated?

- Evaluations are On-Site and can be by mail.
- Onsite evaluation include a 1 to 3 day inspection of the facilities and paperwork.
- A Checklist is used that includes over 40- items that must be addressed.
- A Training Provider may be found **AT RISK** for non-compliance in any of 14 areas.
- The first two areas that are examined are the **PASS RATES (PO & CJ) on the State Exam, and the operation of the ADVISORY BOARD.**

What Can Happen ?

- **Immediate Shut-down of the program for Advisory Board violation - with no credit for courses.**
- **Placed AT RISK for other violations.**
- **AT RISK status is for a 12-month period.**
- **After 12-months in AT RISK status, if the requirements set by the Commission are not met, the program may be shut-down completely.**

Rules and Statutes

**CAN A CONVICTED FELON
BE LICENSED?**

NO!!!

HOWEVER



CAN A PERSON WHO IS, OR HAS BEEN, ON COMMUNITY SUPERVISION BE LICENSED?

- **NO** for any criminal offense **Class A or above**
- **NO** within the last **10 years** for any **Class B**
- Rule 217.1(a)(4)

HOWEVER



217.1(a) Minimum Standards for Initial Licensing

- Commission **MAY** approve application **if probation or court-ordered supervision for a Class B conviction is at least 5 years old, if**
- An agency administrator demonstrates in writing with documentation that:
 - Mitigating circumstances exist, and
 - Public interest would be served, and
 - He and applicant appear before the Commission to argue case (procedure)

Also

- **Is a U.S. citizen**

215.15 Enrollment Standards

- Commission **MAY** approve application **if probation or court-ordered supervision for a Class B conviction is at least 5 years old, if**
- An agency administrator demonstrates in writing with documentation that:
 - Mitigating circumstances exist, and
 - Public interest would be served, and
 - He and applicant appear before the Commission to argue case (procedure)

Also

- **Is a U.S. citizen**

**COULD A
CLASS “C”
CONVICTION KEEP
SOMEONE FROM
BECOMING AN OFFICER?**

YES or NO ???

**WHAT ABOUT THE
FEDERAL FAMILY
VIOLENCE STATUTE?**

- US Code, Title 18
- Crimes &
Criminal
Procedure, Part I -
Crimes, Chapter
44 - Firearms,
Sections
921(a)(33)(A)(B),
& 922(d)(g) & (h)

- US Court of
Appeals decision
for the District of
Columbia, cited as
FOP v. U.S.,
CADDC, No.
9705304

- Unconstitutional
- *Ruling affects the
DC area **ONLY***

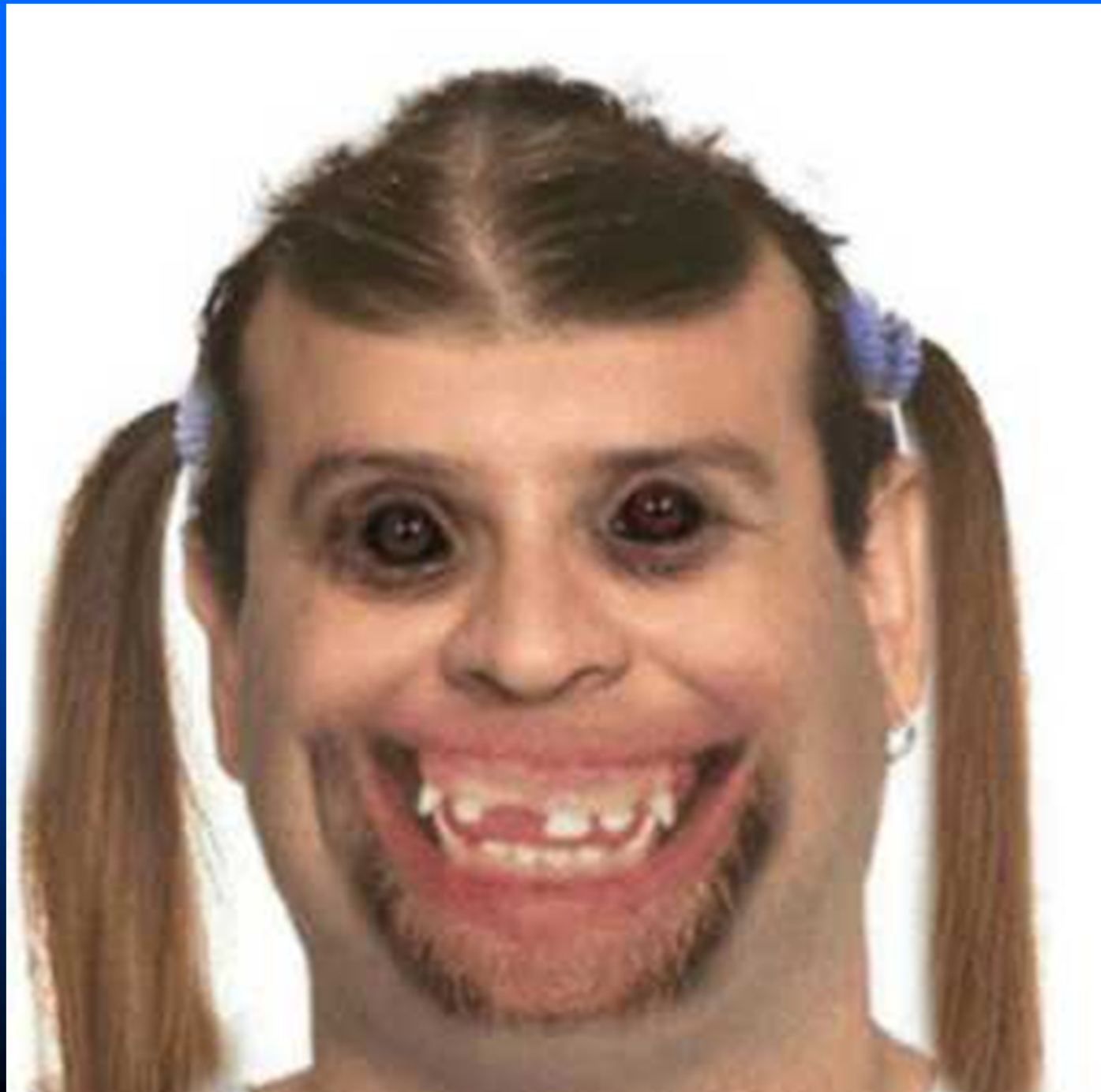
**Have you talked to the
Commission lately?**

Who did you talk to?

Did you talked to

BETTY ???

(see composite)



ANY RESEMBLANCE
TO TCLEOSE EMPLOYEES

LIVING OR DEAD

IS

PURELY
COINCIDENTIAL



**THE STEPS
TO BECOME
LICENSED**

1. OBTAIN TRAINING Jailers and Contract Jailers have **one year** to complete the training/testing. However, they must hold a Temporary Jailer License before they can work with inmates per the Texas Jail Commission. (TDCJ training is accepted for part-time jailers)

Peace Officer & Reserve - Rule 217.1

Jailer - Rule 217.1 TOC 1701.310

Contract Jailer - Rule 225.1

2. TAKE/PASS THE STATE LICENSING TEST

**(the testing is only available on-line
effective 01-01-06)**

**This provides instant notification of
the student's score and
an analysis of their answers)**

TOC 1701.304

**3. BE EXAMINED
PSYCHOLOGICALLY**

TOC 1701.306

**4. BE EXAMINED FOR DRUG
DEPENDENCY/PHYSICAL
DEFECTS**

TOC 1701.306

5. A LAW ENFORCEMENT AGENCY RECEIVES AUTHORITY FROM THE GOVERNING BODY TO APPOINT A PERSON

Local Government Code Chapters:

85 – Sheriffs

86 – Constables

151 – Counties

341 – Municipal

**(Home Rule cities - Reserves only, regular police
officers by Charter)**

6. A LAW ENFORCEMENT AGENCY SUBMITS LICENSE APPLICATION (L-1) TO THE COMMISSION.

TOC 1701.303

(L-1 serves as an application for a license and
report of appointment for a licensee)

NOTE:

All items **MUST** be completed **before**
the L-1 is signed and submitted.

**7. THE COMMISSION
ACCEPTS APPLICATION
AND
ISSUES THE LICENSE.**

TOC 1701.307

**NOW THE PERSON IS ELIGIBLE TO BE
COMMISSIONED AS A PEACE OFFICER**

ADDITIONAL STEPS

REQUIRED

TO

BECOME

A

PEACE OFFICER

**1. THE CONSTITUTIONAL
STATEMENT IS EXECUTED
AND FILED WITH THE
LOCAL AGENCIES OFFICIAL
KEEPER OF RECORDS**

(Applies only to peace officers & reserves)

Texas Constitution, Art. 16, Sec.1)

This was modified in November 2001

by Constitutional Amendment

(Notary NOT required)

**2. CONSTITUTIONAL OATH OF
OFFICE IS ADMINISTERED
BY A PERSON AUTHORIZED
TO ADMINISTER OATHS
(SWEARING-IN)**

(Applies only to peace officers & reserves)

Texas Constitution, Art. 16, Sec. 1

**3. OATH OF OFFICE IS
FILED WITH THE
APPROPRIATE CLERK**

(Applies only to peace officers & reserves)

**4. THE PERSON IS ISSUED A
COMMISSION OR
DEPUTATION**

(Applies only to peace officers & reserves)

NOW THEY ARE READY TO GO!!!

**“BUT, WE’VE NEVER DONE
IT THAT WAY BEFORE!!!”**

“ARE WE OK???”

MAYBE,





HOWEVER, IS

MAYBE

GOOD ENOUGH???

LIABILITY



LICENSING

VS

APPOINTMENT

LICENSING STANDARDS

TOC 1701.151(2)

A person is required to meet the current licensing standards at the time of initial licensing and at reactivation (if out over two years).

Rules: 217.1, 217.7(d), 217.19(e)

DATE OF LICENSING

- License date is determined by the Commission
- This is the day the application is **accepted** by the commission
- First licensing date was **09/01/81**
- Prior was **CERTIFICATION**

APPOINTMENT STANDARDS

- A person may not appoint a person as peace officer, reserve, county jailer, or public security officer unless the person being appointed holds an appropriate license issued by the commission.

TOC 1701.551, 1701.552 & 1701.553

(a criminal offense)

continued

Appointment - continued

- A person **may not** accept an appointment if the person does not hold the appropriate license.

Rule 211.19(b), 217.1(b)

- The Licensee **must meet the CURRENT** licensing standards (if out over 2 years)

Rule 217.7(d)

DATE OF APPOINTMENT

- Determined and reported by the appointing agency
- The appointment date is **used to calculate service time** for proficiency certification

Rule 211.25(a)

REPORTING APPOINTMENT

TOC 1701.303

■ The appointment of a person who already holds a license, **must** be reported to the Commission within *30 days* following the date of appointment

■ **NOTE:** Be sure license **“IS VALID “**

■ **Must** contact Commission for history & then former employers (need documentation) **before** hiring. Rule 217.7(a) & TOC 1701.451

■ **Must** Have a Firearms qualification within the last 12 months – **NOT** last calendar year

Requirements before hiring a Licensee - **HB 2677** Changes TOC 1701.451

- Request F-5s from TCLEOSE (**on agency letterhead with an F-5R form**), **AND**
- **Confirm (on L-1)** the agency has:
 - Conducted a criminal background check
 - Obtained licensee's written consent to view personal employment records
 - Obtain service/education record from TCLEOSE
 - Contact each of the person's previous LE employers
 - **These are “certified to” on the L-1**

ADDITIONAL – IF MORE THAN 180 DAY BREAK IN SERVICE

TOC 1701.303 (b) and Rule 217.7(c)

Licensee must have a **NEW**:

- A psychological exam
- A drug dependency exam
- A CCH (both NCIC/TCIC)
- Fingerprint record check **return** from FBI and from DPS/**Affidavit while waiting**
- Have a Firearms qualification within the last **12 months** – **NOT** last calendar year
- **All before** the L-1 is signed & submitted

F-5 REQUIREMENTS (REPORT OF TERMINATION)

HB2445 Changed TOC 1701.452 & Rule 217.7 and
Added TOC 1701.4521

- Submit F-5 **MUST** provide **explanation** of the circumstances under which a person resigned or was terminated; **and**,
- Designate one the following categories:
 - Honorably Discharged – left agency in good standing other than retirement
 - Generally Discharged – if leaving was related to a disciplinary investigation, not included in Dishonorable

F-5 REQUIREMENTS

(Continued)

Dishonorably Discharged –
termination for criminal misconduct,
insubordination or untruthfulness

Second Dishonorable Discharge –
the Commission **SHALL SUSPEND**
and then **SHALL REVOKE** if no
appeal

F-5 REQUIREMENTS

(Continued)

- The head of the agency **shall provide** the person (**or** in the case of death, the next of kin – if requested) with a copy of the F-5 within 7 days.
- The person **may submit** a written contest or explanation to any matter on the report.
- The agency head **must submit** this report each time a peace officer, reserve or jailer leaves.
- **Noted: “The report (F-5) is an official government document.”**

TOC 1701.4525

Regarding Challenges to F-5

- Person **may submit** a written contest, within 30-days of receiving F-5, to the agency and commission, and agency head **can submit** material rebutting the persons evidence.
- Commission **may order** an agency head to change F-5 based on material submitted.
- Agency head **shall correct** or request an Administrative Hearing. **AGENCIES ARE LOSING 2:1**
- Commission **may assess** an administrative penalty if agency head does not do one of the above.
- The person **can appeal** if the commission does not order the agency head to change the report.

NOTE: Currently the F-5 also applies to leaving a position, NOT just terminating from the agency.

NOTE: F-5 **MAY NOT** be exempt from an Open Records Request Rule 217.7(h)

E-1

■ Report of **any** Class “B”, or above, arrest, charge, indictment, and final disposition (conviction, deferred adjudication, etc.) **AND** **any** Class “C” that is related to the persons duties **or any** family violence Rule 211.27

■ Person involved has to report incident in writing to the Commission within thirty **(30)** days of the incident Rule 211.27

■ Administrator reports incident within thirty **(30)** days from the time they learn about the incident Rule 211.29(d)

CHANGE OF NAME

Rule 211.27

- License holder **must** report any name changed by marriage or other reason to the Commission within thirty **(30)** days
- Documentation authorizing the name changed should be included

IS THERE A PENALTY FOR FALSE REPORT?

YES!!!!

Rule 223.19(e)(2)

(e) The Commission shall revoke any license,
if the license holder:

(2) has **made, submitted, caused to be
submitted or filed** a false or untruthful
report to the Commission

ALSO criminal charges - Tampering with a
governmental document, etc. - **FELONY**

DISCIPLINARY ACTION

TOC 1701.501

The Commission may establish procedures by rule to:

- **Reprimand** a licensee
- **Probate** a Suspension
- **Suspend** a license
- **Revoke** a licensee

DISCIPLINARY ACTION

- Commission may take action against a licensee for failure to get required training in either or both 24-month units in a training cycle

Rule 217.11(j)

- Unless revocation is specified, the Commission may suspend a License for **ANY** Rule or TOC 1701 Violation.

Rule 223.15(a)(1)

IF LICENSE SUSPENDED ?

- Officer **does not hold** a valid peace officer license in Texas
- **No valid** license for the term of the suspension
- So, **may not be** commissioned during that time
- And, consequently *may not hold a peace officer position!*

DISCIPLINARY ACTION - SUSPENSION Rule 223.15

- **6 months to 24 months suspension** for conviction of a Class C Misdemeanor directly related to duties and responsibilities of office
- Misdemeanor Class A or B or family violence with deferred community supervision **suspension** shall be **equal to** the actual time served on community supervision
- **10 year suspension** for conviction of a Class A or B

**continued - DISCIPLINARY ACTION -
SUSPENSION Rule 223.15**

- **20 years suspension** for a Felony with deferred adjudication & community supervision
- Effective 09-01-07 – HB2445
- License **SHALL BE** suspended for **2nd**.
Dishonorable Discharge (F5)

DISCIPLINARY ACTION – REVOCAATION Rule 223.19

- Conviction of a **Felony**
- Convicted **or placed** on deferred adjudication with community supervision for a **misdemeanor or felony** directly **related to the duties and responsibilities of office**
- Discharged from military service **under less than honorable conditions**
- Made, submitted, caused to be submitted, or filed a **false or untruthful** report to the commission
- Unauthorized **possession** of TCLE **exam** mtl.

“Must Do”

- **Mandated Training**
- **Weapons Proficiency**
- **Chief’s Training**

MANDATED TRAINING

Required for:

- Peace Officers
- Reserve Officers
- County Jailers
- Public Security Officers

CONTINUING EDUCATION

TOC 1701.352

The Commission SHALL recognize, prepare, or administer continuing education programs for officers and county jailers.

Statutorily required continuing education programs and curricula, SHALL be developed by the Commission.

Continuing Education for License Holders

Rule 217.11(a)

Each agency that appoints or employs
peace officers, reserve officers, jailers,
or public security officers

SHALL PROVIDE

a continuing education program
at least once each

48-month training cycle.

also

Proficiency Certificate Training TOC 1701.402(c)

The Commission does **NOT** require more than 40 hours of Continuing Education training for each 24-month training unit:

Rule 217.11

No more than **20 hours** is required to be spent on mandated courses.

Does not limit additional topics to be taught or additional hours.

The Commission **may** allow credit for training that is obtained from, or by, a *non-traditional vendor or means*

(by use of the Report of Training form - Rule 217.9)

Course # 3939

**Each Peace Officer, Reserve Officer, Jailer,
and Public Security Officer**

SHALL COMPLETE

(Statutory 1701.352)

**Cultural Diversity = a course on *civil rights, racial sensitivity and cultural diversity*, at least once each
48 month Training Cycle.**

NOTE: the first 48 month Training Cycle

(Chiefs & Constables receive in LEMIT)

Course # 3232

Each person holding a Peace Officer license

SHALL COMPLETE

(Statutory 1701.352)

the **Special Investigative Topics** course, in recognition and documentation of *child abuse, child neglect, family violence, sexual assault and sex offender characteristics*, each 48 month Training Cycle

Agency Head MAY SUBSTITUTE other training **ONLY** if 3232 is inconsistent with the Peace Officer's assigned duties.

BE CAREFUL!

(Chiefs & Constables receive at LEMIT)

Special Investigator Certificate

Rule 221.29

- **Two years full-time paid** experience as a peace officer,
- **Intermediate** peace officer certificate, **and**
- **SAFVIC** Course **3264** (24 hours) **or**
- **SAFVIC** Instructor Course **3265** (40 hours)
- **Either course** will meet the requirements for **3232 (Special Investigative Topics)**
- **Grant Funding through the Governor's Office - Criminal Justice Division to TMPA**
- **Contact TMPA at: (512) 454-8900**

Course # 3737

Each **Peace Officer** appointed to their *first* supervisory position

MUST COMPLETE

[Statutory 1701.352(d)]

The NEW SUPERVISORS Course as part of the required training within 24 months of being promoted – includes elected officials.

Rule 217.11(c)(3)

For the 4-year training cycle in which this course is taken, it **REPLACES 3232 & 3939**

Course # 3101

Each Deputy Constable

SHALL COMPLETE

(Statutory 1701.354)

**20 hours on Civil Process each
48 month Training Cycle**

Rule 217.11(e)

A **reserve** deputy constable, **that holds a Peace Officer License, MUST** complete this training.

TELECOMMUNICATORS

- Law enforcement agencies of more than **20 employees** that provide services on a **24-hours basis.**
- Telecommunicators are **required** to be *licensed* within **1 year** or removed from the position.
- Basic Certification **requires Course 1013** (40 hours)
 - Not the DPS TCIC/NCIC/TLETS course, and
Successful completion of **a departmental field training course, 1-year service (and TDD/TTY in last 6-months effective 12-01-07)**
- **Basic, Intermediate & Advanced** certificates are available for Telecommunicators **at no charge**

Rule 221.13 & TOC 1701.405

HOWEVER!

The executive director may waive the CEUs if the licensee demonstrates the existence of mitigating circumstances (**specified**)....

Rule: 217.15(a)

The Commission will temporarily suspend continuing education requirements if called to active duty by U. S. Military

- **Chief administrator** sends letter of request with copy of call-up orders

- To commission:

Attention – Jim Heironimus

- **Chief administrator** notifies TCLE when the officer returns to active law enforcement duties with agency.

The Commission SHALL PROVIDE
adequate *notice* to agencies & licensees
of impending non-compliance with the
legislatively required continuing
education.

Rule 217.11(f)

A License Holder that does **NOT** meet the
mandated training by the end of a training
unit, **NOT CYCLE**, (**August 31 every 2 years**)
may have his/her license **SUSPENDED!!!!**

****This last occurred August 31, 2007****

Rule 217.11(h)

WHO GETS A NOTICE?

Rule 217.11(h)

- The notices will be sent to agencies and licensees of impending non-compliance with legislatively required continuing education.

Steps to Reinstate Suspended License Rule 223.17

- **Complete** the requirements for this Training Unit (09-01-07 through 08-31-09): **40** Hours –to include (if NOT taken: 3232 & 3939 & **CIT (3840, 3841 or 4001)**)
Request Reinstatement of license(s) on the REINSTATEMENT APPL. - on the Web Site.
- **Pay** required fee **\$250** effective 01-01-06
- **Commission** reinstates license
- **Need F-5** and after Suspension **L-1**

Weapons Proficiency

- !!!The other mandated requirement!!!





WEAPONS PROFICIENCY



**An agency employing at least
*2 Peace Officers***

TOC 1701.355

Minimum Standards - Rule 217.21

**Shall appoint a
Firearms Proficiency
Officer who**

must

be responsible for the
documentation of the
annual firearms proficiency
(no specific qualifications)

Rule 217.21(a)(2)

**Requires each peace officer
to demonstrate firearms
proficiency at least once
every (calendar) year.**

*Must Include: inspection of the
weapon for safety and proper
functioning, along with proficiency
in the care and cleaning of the
weapon, then shooting*

FIREARMS QUALIFICATION REQUIREMENTS

Rule 217.21(c)

For all weapons carried by an officer in an official capacity, to include:

- Handguns
- Shotguns
- Rifles
- Patrol Rifles
- Fully automatic weapons

The agency *Must Maintain*
the ORIGINAL SIGNED
records of this proficiency
(NO copies)

and

Have them readily available for
inspection by Commission staff

CHIEFS OF POLICE

Training Every 2 Years

- **After 1-1-99:** Chiefs **no longer** required to meet Commission Continuing Education mandates.
- **After 1-1-99:** **NEW** Chiefs must complete the 40 hour New Chiefs training.
- **After 01-01-99:** **ALL** Chiefs must complete the 40 hour **Chief's Continuing Education training at L.E.M.I.T.** - part of the Bill Blackwood Institute at Sam Houston State University.



- Blackwood Institute provides the Chief's training
- **1-800-477-9248**

Mandated/Required Training for Police Chiefs



- A Chief of Police that does not comply with this provision **can no longer be Chief!!!!**
- Texas Education Code Section 96.641(i)

NOTE - Asset Forfeiture & Racial Profiling are part of the New Chiefs Course (3780) & **CIT** is part of the **Chiefs Continuing Education** course (3740) at **LEMIT**

Constables

Mandated Training

- Similar training requirements to Chiefs of Police.
- Includes: a New Constable Course (#3742) – 40-hours.
- A Continuing Education Constables Course (#3743) – 40-hours.
- These 2 courses, plus C.I.T., are all that are required for a Constable this Cycle.
- Part of HB1588, effective **09-01-05**

COMMISSION DISTANCE LEARNING COURSES

(see Web Page)

- Course **3232** - Special Investigative Topics
(composed of 4 subjects on the **Web Site**)
 - **3214** - Family Violence
 - **3224** - Child Abuse
 - **3244** - Sexual Assault
 - **3254** - Sex Offender Characteristics
- **All 4 MUST** be completed on the Web Site to get credit for Course **3232** - **NO SPLITTING.**

continued

- Course 3939 – Cultural Diversity (394 on Web Site)
- Several additional *Specialized* Courses including: Asset Forfeiture (3255) & Racial Profiling (3256) & Identity Theft (3277).
- NOTE: C.I.T. **MAY NOT** be taken on-line!
- More courses are being considered
- www.tcleose.state.tx.us

Retired Peace Officers



NEW RULES

EXCEPTION to Re-activation HB 1955 (80th.Leg-2007)

- **Retired officer** with inactive license may reactivate **WITHOUT** taking the State Exam and **MUST**:
 - Complete all **required courses**
 - **Re-qualify** with Firearm(s)
 - Provide an **affidavit** of eligibility
 - **Pay** a \$150 reinstatement fee

Effective 06-15-07

TOC 1701.357

(Retired Peace Officers – Carry Weapons)

■ **ONLY** Retired Texas Peace Officers

AND

■ Retired Federal Criminal
Investigators in **CCP 2.122**

Agency May Allow Retired Officer to Demonstrate Weapons Proficiency IF

- Officer honorably retired
- After not less than 15 years service as a commissioned officer in one or more state or local agencies
- Peace Officer's license never revoked or suspended while a commissioned officer
- No psychological or physical disabilities that would interfere with handling a handgun

AGENCY SHALL ESTABLISH

- **Establish written procedures to issue or deny Certificate of proficiency**
- **Issue certificate to retired officer who satisfactorily demonstrates weapons proficiency**
- **Establishes officer receiving retirement benefits**
- **Maintain records**
- **Issues Certificate - Expires on 2nd anniversary**
- **Agency set and collect fees for expenses**
- **County Agencies must have Commissioner's Court approval**

PENAL CODE CHANGED

Section 46.15(5)

Sections 46.02 & 46.03 do not apply to:

“(5) An honorably retired peace officer or federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupation Code, and is carrying a photo identification that:

(A) verifies that the officer honorably retired after not less than **15** years service as a commissioned officer

and

(B) is issued by a state or local law enforcement agency



NEW RULES with DATES

RULES: January 1, 2005

- To appoint a **current licensee**, must have Firearms Qualification within last **12-months**. Eff. 06-01-04 Rule 217.7(c)
- **Licensing Test** – **3** tries **or 180 days**, which ever comes first
Rules 219.1(i)
- **Firearms Qualification** standard for **Patrol Rifle**. Rule 217.21(c)(4)
- **Shall file criminal charges** for theft or fraud on exams. Rule 219.5(b)

continued

- To get **BASIC CERTIFICATE** a **Field Training Course** **required** for: Peace Officers, Jailers & Telecommunicators
Effective 06-01-04

Rules 221.3(a), 221.5(a) & 221.13(a)

- **Firearms Proficiency for Retired Peace Officer** **TOC 1701.357** & Rule 221.31
- Issuance of **Peace Officer License** to individuals **appointed by a medical corporation.** **Rule 225.3**

How to get a Basic Certificate

If a person received a Peace Officer or Jailer License, on or after 09-01-96, they must be instructed in the items on the POF (Personal Orientation Form), and complete 1-year of peace officer or jailer service.

Note: When the POF form is submitted, it will be recorded on the individuals TCLEOSE record as course 1999.

continued - How to get a Basic Certificate

In addition, if a person received a Peace Officer or Jailer License, or a Telecommunicator Acknowledgement, **on or after 06-01-04**, they **MUST** complete and have recorded on their TCLEOSE record a Field Training course. and complete 1-year of peace officer, jailer or telecommunicator service.

Course numbers for Field Training are:

3720 – Telecommunicator

3721 – County Jailer

3722 – Peace Officer

Requirement – SB 1473 (Effective 09-01-05)

- Training in de-escalation and crisis intervention techniques (CIT) to interact with persons with mental impairments.
- New Officers – within 2-years of licensing or before Intermediate Certificate.
- Older Officers – before **Intermediate** or **Advanced Certificate**, or by 09-01-09
- Police Chiefs – by 09-01-09 thru LEMIT
- Intermediate CIT – Course **3841** (16 hours)

NO ON-LINE COURSE

Information from Commission Meeting

- All State License Testing **on-line** effective 01-01-06 – no more paper-and-pencil tests.
- Effective 09-01-05, the **MASTER PROFICIENCY CERTIFICATES** for Peace Officer and Jailer will be at **no charge**.

RULE Changes Effective 06-01-06

- Rule 211.27(d) – licensee must report a change in the home address of record within 30-days **(required initially on L-1)**
- Rule 211.29(c) – prior to appointment of a licensee, the agency must complete requirements of TOC 1701.451, effective 09-01-05 **(please read this statute)**
 - Written request on commission form F-5R
 - CONFIRM - Conducted background check
 - CONFIRM - Obtained licensee's written consent for agency to view employment records

continued

Rules 06-01-06 - continued

- **CONFIRM - Obtained from commission service/education records**
- **CONFIRM - Contacted each of the previous law enforcement employers**
- **Must follow TOC 1701.452 when a licensee leaves and report on F-5**
 - **Explanation of the circumstances**
 - **Designate category**
 - **Provide copy of F-5**

continued

Rules 06-01-06 - continued

- Rule 217.8 – Contesting an Employment Termination Report (**the F-5**)
- Rule 217.9 – **NO** credit for courses during a training unit: taken more than once on **POSEIT** or for courses taken more than two times from the **same training provider**.
- **REMEMBER ANY RULE VIOLATION CAN BE THE BASIS FOR THE SUSPENSION OF A LICENSE.**

Rules 06-01-06 - continued

- Rule 221.9 – Provides for a practitioner certificate in **SFST** and **removes** the 35 field test requirement. The application for the certificate is available on the commission website.

Rule Changes

- **Effective 12-01-06** – Rule 215.7(c) – A training provider advisory board chair **may be appointed** by the chief administrator **or** elected by the board.
- **Effective 12-01-06** – Rule 217.11(e,f,g,h) – **Removed constable** from to 20-hour civil process requirement. Commission to provide **non-compliance notification** to agencies and licensees. Chief administrator **required** to **submit report** in 30-days explaining all non-compliant licensees. Fail to get **requirements** in a training unit - suspension or deny renewal of a license.

Rule Changes

- **Effective 02-01-07** – Rule 221.33 – Standards for Instructor certificate for SFST.
- **Effective 03-01-07** – Rule 215.1(b)(2) - The contract for all Contractual Training Providers was increased from a 2-year to a 5-year contract.
- **Effective 03-01-07** – Rule 215.9(d) - In some cases training providers may not be required a full-time paid Training Coordinator.

Rule Changes

- **Effective 03-01-07** –Rule 219.2 – Details the procedure required for out-of-state officers, federal officers, and former military personnel to apply and sit for the Texas Peace Officer Licensing Exam.

Rule Changes

Effective 06-01-07

- Rule 215.13 – A training provider can be placed AT RISK if their first attempt pass rate on state licensing exams, for a state fiscal year, is less than 80% in any three years. Effective 09-01-09 (FY2010)
- Rule 217.7(g) – **Permits** agencies to hold the submission of an F-5 until grievances or appeals are complete.

CHANGES

80th. TEXAS
LEGISLATURE - 2007

BRIEF SYNOPSIS

- **HB 1955** – Permits retired peace officers to reinstate without testing.
- **HB 487** – Commission to establish a uniform 48-month training period for constables.
- **HB 638** – Modified and established criteria for credentials.
- **HB 2445** – Commission to establish procedure and some forms for process

Brief Synopsis - continued

- HB 2445 – Agency **SHALL MAKE employment records available** if they receive a consent form.
- HB 2445 – clarifies F-5 requirements.
- HB 2445 – **REQUIRES F-5 REPORT WITHIN 7-DAYS.**
- HB 2445 – **Two Dishonorable Discharges REQUIRES Commission to SUSPEND and then to REVOKE or reinstate**

Brief Synopsis - continued

- **HB 488 – set standards to revoke the license of a constitutionally elected officer.**

RULE Effective 12-01-07

- Added to the requirements for a **Telecommunicator** to obtain a **Basic Proficiency Certificate**:
 - Complete a TDD/TTY within 6-months prior ot receiving the certificate

Rules/Changes

Effective 03-01-08

- Rule 211.1 – Commission may give **credit** for experience to federal officers.
- Rule 211.19 – Agencies **MUST** keep **printout** of electronic submissions (with signatures).
- Rule 211.23 – **Date of Licensing** is the day proofs of all required standards received and accepted.
- Rule 211.27 – Licensee **MUST** report all **DD214's** within 30 days, if other than honorable or general-under-honorable conditions.

Rules/Changes Effective 03-01-08 - continued

- Rule 211.28 – Arrest of licensee for Class B or above **or** Class C involving duties and responsibilities of office **or** family violence, the Chief Administrator/designee of the **ARRESTING AGENCY MUST** report to commission within 30-days.
- Rule 211.29 – Chief Administrator **Shall** **notify** commission within **30-days of appointment (L1) & 7-days of leaving (F5)**

Rules/Changes Effective 03-01-08 - continued

- Rule 215.5 – **Added** Proprietary Training provider to **Contract Provider list**.
- Rule 215.17 - DELETED
- Rule 217.3 – **REMOVED** prior commission **approval** before appointing Telecommunicator.
- Rule 217.7 – The **F5R** and **related requirements**, changed F5 reporting time commission to **7-days**, and **7-days** to get copy to former employee.

Rules/Changes Effective 03-01-08 - continued

- Rule 217.8 – **Alters** appeals process on an F5.
- Rule 217.11 – **Clarifies** training period for constables and chiefs of police.
- Rule 217.15(e) – **Waiver** of Civil Process training for deputy constables.
- Rule 219.1 – **Clarifies** Endorsement and testing procedures for state exams.
- Rule 219.3 – **Eliminated** non-essential wording.

Rules/Changes Effective 03-01-08 - continued

- 219.7 – **Dropped** some contacting requirements.
- Rule 221.1 – A **past suspension** does not now keep a person from getting proficiency certificates – **current suspension does.**
- Rule 221.3 – **Added** C.I.T. to the Peace Officer requirements for **Intermediate and Advanced** certificates.
- 221.5 – **Adds** the requirement of Basic Jailer Proficiency to the Jailer Intermediate Certificate

Rules/Changes - Effective 03-01-08 continued

- 221.23 – **Lowered** the requirement for an Academic Recognition Award to an **Associate's Degree**.
- 221.31 – **Clarified** what agencies **can issue** proficiency certificate to honorably retired peace officer.
- Rule 223.17 – Added lack of meeting legislative required training to suspension & probation for reinstatement requirements.

Rules/Changes Effective 03-01-08 - continued

- **Rule 225.1 – Clarified the appointment time for a temporary jailer license.**
- **Rule 225.3 – Clarifies appointment for a peace officer, whose license is not currently active, by a medical corporation**

RULE CHANGES

Effective 10-01-08

Rule 211.1 Definitions:

- **(6) Clarifies Administrative Law Judge;**
- **(18) Expands definition of Contractual Training Provider**
- **(19) Drops expunction order**
- **(29) Deletes Hearing Examiner**

continued

continued –Rule Changes

- **(34) Better defines Killed in the Line of Duty;**
- **(43) Notes source for definition of Officer;**
- **(45) Notes source for definition of Peace Officer;**
- **(46) Defines Personal Identification Number;**
- **(49) Clarifies Proprietary Training Contractor;**
- **(51) Completes definition of Reactivate;**
- **(54) Notes source for definition of Reserve;**
- **(56) Defines Separation; and,**
- **(59) Defines TCLEDDS.**

continued –Rule Changes

Rule 215.5 – Contractual Training

- **(a) Adds Commercial Training Contractor.**

Rule 215.15 – Enrollment Standards & Training Credit

- **(c) Changed term to Licensed Academy.**

Rule 221.31 – Retired Peace Officer & Federal L. E. Officer Firearms Proficiency

- **(a) Adds Federal LE Officer & clarifies wording.**

continued

continued – Rule Changes

Rule 223.19 – Revocation of License

- **(c)(3) Deleted**

Rule 223.20 – Revocation of License for Constitutionally Elected Officials

- **(c)(3) Deleted, and**
- **(e) Deleted**

**THESE WERE APPROVED AT THE
COMMISSION MEETING 09-05-08, AND
BECAME EFFECTIVE
OCTOBER 01, 2008.**

RULE CHANGES

Effective 01-01-09

Rule 211.29 Responsibilities of Chief Administrator:

- **Must report within 30-days changes in agency name, physical location, mailing address, electronic mail address or telephone number.**

continued

continued –Rule Changes 01-01-09

Rule 215.3– Academy Licensing

- (c) For Training provider application, must have qualified training coordinator - wording
- **Rule 217.1 – Minimum Standards for Initial Licensing**
- (a)(5) changes “under indictment” to “charged with” - wording

Rule 217.9 – Continuing Education Credit for Licensee

- (b)(7) prohibits course taken more than once on POSEIT in a **Unit**.

continued

continued –Rule Changes 01-01-09

Rule 217.11– Legislatively Required CE for Licensee

- (b) each agency must provide CE training each Cycle
- **Rule 217.15 – Waiver of Legislatively Required CE**
- (c-d-e) request for waiver must not be less than 30-days (mitigating) or 90-days end of Unit

Rule 217.19 – Reactivation of a License

- (f) how Retiree activates a license

continued

continued –Rule Changes 01-01-09

Rule 221.1– Proficiency Certificate Requirements

- (a)(2) retired state & federal LE officers can now get
- **Rule 221.17 – Homeowners Insurance Inspector Proficiency**
- Repealed

Rule 221.17(new) – Reinstatement of a License

- Sets out procedure to reinstate.

**Odds and Ends
and
Future Trends**

Changes Effective March 1, 2009

- The maximum number of hours that can be credited for completion of a Field Training Program (**that begins March 01, 2009 or after**) will be **160**.
- Rosters submitted with more than 160 hours will be **rejected**.

Changes Considered at March 2009 Commission Meeting

- **Proposal 08-18 – Rule 217 (all new)**
- Agency receiving a Consent form **MUST** make employment record available to hiring agency.
- Includes licensees and telecommunicators in the **7-day requirement** to report separation to Commission and give copy to former employee.

Changes Considered at March 2009 Commission Meeting

- **Proposal 08-19 – Rule 215.15**
- **(c) All New**
- **Requirements for entering a Basic Peace Officer Training Program adds L-2 & L-3**

Changes Considered at March 2009 Commission Meeting

- **Proposal 08-20 – Rule 229.1**
- Clarifies the eligibility of persons to be added to the Texas Peace Officers' Memorial – reflects Govt. Code 3105.003
- Specifically identifies corrections and detention officers or county or municipal jailers, appointed by a Texas governmental agency.

The commission forms go through a periodic revision process. Always check the commission web-site to obtain the correct form.

www.tcleose.state.tx.us

**STATEMENT OF
ELECTED/APPOINTED
OFFICER
(Secretary of State)**

**An “Official Subscribing”
(notary/magistrate) no longer
necessary, however it is still an
Oath**

(www.sos.state.tx.us)

NEW FEE SCHEDULE

(available on TCLE web site)

**NOTE: Effective 01-01-06
Reinstatement &
Reactivation Fees **\$250.00****

REVIEW

**Training
Requirements**

TRAINING CYCLES

Previous Cycle

Sep 1, 2001 thru Aug 31, 2005

Present Cycle

Sep 1, 2005 thru Aug 31, 2009

(composed of 2 units of 2 years each)

Present Unit

Sep 1, 2007 - Aug 31, 2009

CURRENT TRAINING CYCLE

1 _____ 4 years _____ 1
09-01-05 08-31-09

Composed of 2 Training Units

1 _____ 2 years _____ 1
09-01-05 08-31-07

and

1 _____ 2 years _____ 1
09-01-07 08-31-09

CURRENT TRAINING CYCLE

1 4 years 1

09-01-05

08-31-09

Requirements:

- 3841 – Crisis Intervention Training
- 3232 – Special Investigative Topics
- 3939 – Cultural Diversity
- 3101 – Civil Process (only deputy constables– including reserves with a peace officer license)

WHEN IS C.I.T. REQUIRED?

- For officers and reserves that received their Peace Officer License on or after 09-01-03 –

C.I.T. was required by 08-31-07.

- For officers and reserves that received their Peace Officer License before 09-01-03 –

C.I.T. is required by 08-31-09.

CURRENT TRAINING CYCLE

continued

1 4 years 1

09-01-05

08-31-09

First Training Unit

1 2 years 1

09-01-05

08-31-07

Required:

Total of 40 Hours

(Including: CIT – IF REQUIRED)

CURRENT TRAINING CYCLE



Required: Total of 40 hours

**(Including: CIT – IF NOT PREVIOUSLY
TAKEN)**

CURRENT TRAINING CYCLE

I _____ 4 Years _____ I

09-01-05

08-31-09

Required: 3232, 3939, 3841 & 3101(deputy constables)

First Unit

I _____ I

09-01-05

08-31-07

Required: 40 hours – Including: CIT – IF REQUIRED

Second Unit

I _____ I

09-01-07

08-31-09

Required: 40 hours – Including: CIT–IF NOT TAKEN

License of Elected Official

Effective 09-01-04 the
license of

elected officials

will be subject to the
same actions as
appointed licensees.

Rules 223.16 & 223.20

I have a peace officer's license but am not commissioned with any agency.

Can I keep my license active?

Yes

(If the license is active)

Rule 217.19(a)

A WORD TO THE WISE!!!

- If a specific numbered course is required
- A **similar numbered course** will **NOT** count
- **3939** Cultural Diversity is a requirement
- **3900** Cultural Diversity will **NOT** count
- **2106** Crime Scene Investigation is required for the Intermediate PO certificate
- A Crime Scene Course with **any other** number will **NOT** count

Time Line on Peace Officer Records

- Prior to 04-15-96 agencies only required to have Firearms Qualifications
- Beginning 04-15-96 agencies to keep: Copy L-1, L-2, L-3, CCH, F/P return, Education document (H.S. Diploma-GED-College Transcript) & Firearms Qualification
- Beginning 03-01-03 agencies also keep: proof of U.S. Citizenship (birth certificate–passport–certificate of Naturalization) **Note: NOT illegal to copy for employment purposes**, and adds Home School Letter

Continued - Time Line on Peace Officer Records

- June 01, 2004 **Firearms Qualification** Req. in last 12-mo. when Peace Officer changes agencies.
- Beginning 09-01-05 agencies also need to keep **F5R** (copy) and return response
- Beginning 09-01-05 agencies also need to keep:
 - applicant's **Release** for employment records
 - copy of TCLEOSE **Service/Training Record**
 - proof a **Background** was conducted
 - proof of **Contact** with all former L. E. employers
- **Self Audit Sheet available on web site**

PROFESSIONAL ACHIEVEMENT

TOC 1701.401

■ The Commission shall adopt rules for making achievement awards in the three (3) areas below (**total of 20 per year**):

■ VALOR

■ PUBLIC SERVICE

■ PROFESSIONAL ACHIEVEMENT

!!!!!! Nomination are needed NOW!!!!!!

TCLEDDS

Contact:

PRODUCTIVITY CENTER, Inc.

1-800-975-0599

FAX: 713-939-9099

email: TCLEDDS@prodctr.com

Important E-mail Addresses

- Texas Commission on Law Enforcement

— www.tcleose.state.tx.us

- Current Statutes & New Legislation

- www.capitol.state.tx.us

- Oaths & Statement of Appointment

— www.sos.state.tx.us

Keep:

Your Heart Right

Your Mind Clear

Your Body Ready

**THANK YOU
FOR YOUR PARTICIPATION**

If we may be of further service, please
contact us at

Austin: (512) 936-7700

Jim Clifton

Cell: 512.750.6370

GOD



BLESS

AMERICA

