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
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
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
DUCK

DE FACTO
HOWEVER
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

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

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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.

These are the ONLY voting members

TOC 1701.051
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:

<table>
<thead>
<tr>
<th>Chief of Police</th>
<th>Constable Chair</th>
<th>Sheriff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Officer</td>
<td>Res.Officer &amp; Trainer</td>
<td>Chief of Police</td>
</tr>
<tr>
<td>Retired Educator</td>
<td>Business Owner</td>
<td>CEO of a Corp.</td>
</tr>
</tbody>
</table>
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

- **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?
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.
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.
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

<table>
<thead>
<tr>
<th>Size</th>
<th># of Depts.</th>
<th># of Licensees</th>
<th>% of all</th>
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<tbody>
<tr>
<td>1-19</td>
<td>1,968</td>
<td>9,247</td>
<td>12.16%</td>
</tr>
<tr>
<td>20-74 (24/26)</td>
<td>411</td>
<td>15,026</td>
<td>19.76%</td>
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<tr>
<td>75-499</td>
<td>132</td>
<td>22,136</td>
<td>29.13%</td>
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<tr>
<td>500-999</td>
<td>6</td>
<td>3,617</td>
<td>4.75%</td>
</tr>
<tr>
<td>Over 1,000</td>
<td>12</td>
<td>25,975</td>
<td>34.20%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>2,529</strong></td>
<td><strong>76,001</strong></td>
<td><strong>100.00%</strong></td>
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</tbody>
</table>
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
  - Peace Officers 69,280
  - County Jailers 25,936
  - Telecommunicators 8,394

- **Active NOT APPOINTED (PO,CJ,T)** - 51,427
  - Peace Officer 24,502
  - County Jailer 25,936
  - Telecommunicator 6,500
  
  continued
Inactive Licensees- (PO, CJ,T) 76,251

Total individuals in Data Base 220,447
<table>
<thead>
<tr>
<th></th>
<th>August 01, 2008</th>
<th>September 01, 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Individuals</strong></td>
<td>P.O. = 70,528</td>
<td>P.O. = 70,735</td>
</tr>
<tr>
<td></td>
<td>Co. J. = 26,740</td>
<td>Co. J. = 26,908</td>
</tr>
<tr>
<td><strong>Licenses Held</strong></td>
<td>All = 108,244</td>
<td>All = 108,438</td>
</tr>
<tr>
<td><strong>Agencies</strong></td>
<td>2,554</td>
<td>2,556</td>
</tr>
</tbody>
</table>
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 yo & 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 JUST 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 JUST 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

4 years

09-01-05 08-31-09

Composed of 2 Training Units

2 years

09-01-05 08-31-07

and

2 years

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.
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., CADC, 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

(Appplies 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)

(Appplies 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???
LICENSING

VS

APPOINTMENT
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

Rule 211.23(a)
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
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
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
Dishonorably Discharged – termination for criminal misconduct, insubordination or untruthfulness

Second Dishonorable Discharge – the Commission SHALL SUSPEND and then SHALL REVOKE if no appeal
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.”
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 person's 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)
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 – REVOCATION 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
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
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 that 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)
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.
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
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.
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
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 to 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.
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 TCLEDSDS.
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 – 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
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
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
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

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

Composed of 2 Training Units

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

and

2 years
09-01-07 08-31-09
CURRENT TRAINING CYCLE

<table>
<thead>
<tr>
<th>Requirements:</th>
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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

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

First Training Unit

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

Required: Total of 40 Hours
(Including: CIT – IF REQUIRED)
CURRENT TRAINING CYCLE

4 years

09-01-05 08-31-09

Second Training Unit

09-01-07 08-31-09

Required: Total of 40 hours
(Including: CIT – IF NOT PREVIOUSLY TAKEN)
CURRENT TRAINING CYCLE

4 Years

09-01-05 08-31-09

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

First Unit

09-01-05 08-31-07

Required: 40 hours – Including: CIT – IF REQUIRED

Second Unit

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
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