

Close Up

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



Nominations for the Achievement Awards

At the end of each year, the Commission accepts nominations for the annual State of Texas Law Enforcement Achievement Awards - so the deadline for this year's awards is fast approaching!

These awards are presented to selected peace officers, reserve officers, and jailers who are licensed by the Commission. Nominees need to have exceeded the normal expectations of job performance through an act of professional achievement, public service, or valor in the year 2010.

The Commission is now authorized for achievement awards to be presented to the individuals in twenty separate events and/or accomplishments (rather than being limited to presenting awards to twenty individuals). This change facilitates group nominations.

Nominations must be submitted by an elected official of the state, an elected official of a political subdivision, an administrator of a law enforcement agency, or a person holding a current license issued by the Commission

The nomination package and information can be found on the Commission website under "Honoring our Law Enforcement Personnel."

The deadline for nominations is December 31, 2010.

For more information, please contact:
Ms. Laura Le Blanc, Public Information
(512) 936-7763 or laural@tcleose.state.tx.us

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Upcoming Events:

- Training Coord. Conf.
November 1-4, 2010
- Next Year's Quarterly
Commission Meetings
January 13, 2011
March 3, 2011
June 2, 2011
September 8, 2011
December 1, 2011
- Golf Tournament Fund-
Raiser by the "Friends of the
Texas Peace Officer
Memorial"
May 23, 2011

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Online Flag Requests for Fallen Officers

On September 1, the Commission implemented an electronic flag-request form to replace all written requests for the flags and memorial items that are sent to the families of fallen Texas peace officers. Requests can be made by a close family member or by an agency administrator acting on the family's behalf. The form can be found under "Honoring our Law Enforcement Personnel" on the Commission website.

A Message from the Executive Director

Several Important Issues

Attention all law enforcement agencies — there are several important issues that I need to address!

- **Racial profiling**

Racial-profiling reporting is mandatory for all law enforcement agencies in Texas. The Commission website provides a template for reporting. Reports must meet or exceed the requirements of the Commission template, and law enforcement agencies must forward them to their governing body.

Each agency must determine which of the following applies.

- Exempt from reporting
- Reporting Tier 1 data
- Reporting Tier 2 data

Please review the Code of Criminal Procedure, Articles 2.131–2.138, and check the Commission website to make sure that you are complying with the law.

All racial profiling reports must be sent electronically. (See the “Electronic Submissions” bullet below.)

- **Continuing education**

The current continuing education unit ends August 31, 2011. It is not too early for you to review your records and make sure that you and your agency personnel are progressing satisfactorily.

One course to be especially careful with is the Legal Update (3181). It must be at least two hours long, and must cover both state and federal legal updates. Traditionally, officers attend their legal update courses in the late summer or early autumn, after the legislature meets in odd years. If you prefer to take the legal update course at this time of the year, make sure that you consistently choose the same month each time you take it, so that you can avoid being out of compliance when the training units and cycles reset at the end of August in certain years.

- **Electronic Submissions**

Per Occupations Code, Section 1701.1523 Electronic Submission of Forms, Data, and Documents, the Commission will now require a \$25 fee for any paper L-1s or F-5s that are submitted. To avoid the \$25 processing fee, you must submit your L-1s and your F-5s electronically via TCLEDDS. The Commission will accept paper copies of L-1s and F-5s with a \$25 fee attached or with pre-payment by credit card. Considering this, it may be time for your agency to enter the electronic age and avoid the \$25 charge!

If you have questions about any of these issues, please call your field service agent (http://www.tcleose.state.tx.us/content/field_support.cfm), write to the executive director at timothyb@tcleose.state.tx.us, or call the executive director directly at 512-936-7711.



Summary of the Work Session Minutes

Commission Work Session of September 16, 2010

The work session of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was held on Thursday, September 16, 2010 at 9:30 a.m. The meeting was at the Texas State Capitol Extension Auditorium, Room E1.004, 1100 Congress Avenue, Austin, Texas.

Commissioners attending were: Constable Charles Hall, Presiding Officer; Mr. Steve Griffith, Assistant Presiding Officer; Dr. Johnny E. Lovejoy, II, Secretary; Ms. Melissa Goodwin; Mr. James Oakley; Sr. Patrol Officer Joe Pennington; Sheriff Joel Richardson; Ms. Patt Scheckel-Hollingsworth; and Chief Ruben Villegas.

Also attending was Assistant Attorney General John Beauchamp, Assistant Attorney General Raymond Winter, and TCLEOSE staff members including Executive Director Timothy A. Braaten, Director Kim Vickers, Director Brian Roth, Laurie Abernathy, Lynn Beard, Jim Clifton, Darla Dixon, David Englert, Thurman Felder, Dennis Graffious, Susan Gregory-Brundage, Richard Gutierrez, John Helenberg, Nicole Hendrickson, John Hunt, Carey McKinney, Kenny Merchant, Ken Mobley, Ivan Messer, James Oswald, Doug Staudt, Kaye Wilson, and Mary Kay Wright.

Special guest at the meeting was former commissioner Allan Cain.

Agenda item #1 - Call to order and roll call of members

Presiding Officer Hall called the meeting to order. Kaye Wilson conducted the roll call of commissioners and reported that all were present.

Agenda item #2 - Presiding Officer's Report

The presiding officer recognized former commissioner Allan Cain and presented him with several items expressing appreciation for his dedication to the agency. Mr. Cain addressed the commissioners and attendees.

Agenda Item #3 - Executive Director's Report

- Sunset Commission Review of Management Issues by the State Auditor's Office
- Budget
 - Fiscal year concluded 08/31/2010 and we appear to be approximately \$20,000 under budget
- Racial Profiling
 - Commissioner Villegas noted that the reporting requirements for Racial Profiling will begin in January and asked if the agency is receiving questions about the reporting procedures. Mr. Braaten stated that we are not receiving as many questions as we did initially when the bill passed and most are on Tier 1 and Tier 2 eligibility. Senator West's office is working on the funding for supporting the Racial Profiling project. We anticipate the questions will increase in January and anticipate needing 1 to 1½ people to handle a Help Desk.
- Strategic Plan
- Legislative Appropriations Request
 - Our new representative is David Repp
- POSEIT
- Monthly Division Reports
- Staff Introductions
 - Ken Mobley and Lynn Beard were introduced
- Peace Officer Memorial
 - With Commissioner Hollingsworth's leadership, we are moving forward to receive donations for the repair of the memorial. The final cost will be approximately \$300,000, with 100% to be funded by private sources.



- Achievement Awards
Nominations are being taken until December 31, 2010
- New Telephone System
Commissioner Hall asked if the new telephone system has been installed. Mr. Braaten reported that the system is installed and working and asked the commissioners for their opinion of the system.
- Scanning Documents
Mr. Braaten reported that the remainder of the scanning equipment will be purchased this budget period. We currently scan new items as they are received.
- IADLEST Conference June 21-24, 2010
Commissioner Hollingsworth reported on the IADLEST conference that TCLEOSE hosted in June. Texas has been a leader in law enforcement innovation and we are trend setters. She complimented staff for a job well done in hosting the conference.
- Training Coordinator’s Conference November 1-4, 2010, Addison, Texas
- Training Contract Disciplinary Action
Two jail academies were in violation of their contract due to low pass rates. Reeves County Sheriff’s Office decided to discontinue their academy agreement. Collingsworth County Sheriff’s Office signed a contract agreeing to improve their pass rates.
- SORM Audit Report
We were recently audited by the State Office of Risk Management
- Events Attended

Commissioner Pennington asked how we developed the list of issues for the upcoming legislature. Mr. Braaten responded that we keep track of past problems, keep track of items that are brought to our attention, and note which items require statutory changes.

Commissioner Hall asked if it will take a legislative change to destroy F-5s that have been amended and Mr. Braaten responded that we will check and report back.

Agenda Item #4 - Items of Interest

- Peace Officers and Bailiffs to become certified to watch / handle inmates – Kim Vickers. This item was not discussed at the meeting. Presiding Officer Hall stated that the Jail Commission will be changing their rules for jailers and peace officers for outside facilities.
- Family violence issues – Commissioner Patt Hollingsworth. Commissioner Hollingsworth asked staff to bring forward a rule change to 223.19, Revocation of License, that not only prohibits individuals from being eligible for licensing if they have a previous conviction even if given deferred adjudication and will revoke the license of those that have already been licensed, even if given deferred adjudication, leveling the playing field.
- Full-time – Part-time Paid – Reserve designation – Tim Braaten. Mr. Braaten reported that the L-1 Appointment of Licensee Application, is being modified to include Full time paid; Part time paid; Reserve.
- Role of the Advisory Board member and tutorial for board members – Tim Braaten. Mr. Braaten stated that the tutorial is on the TCLEOSE web site and takes about 30 minutes to complete. Commissioner Pennington asked if the agency receives feedback about the role of public members on the board, and Mr. Braaten responded that it is statutory to have public members on the board. Presiding Officer Hall asked if this item is on the legislative issues agenda, and does it need to be. Commissioner Pennington suggested this be explored further at the training coordinators’ conference.
- Discussion of rule 211.1(3) definition of colleges and universities accreditation accepted by the Commission for training credits – Tim Braaten and Executive Committee. Mr. Braaten reported that the members of the Executive Committee (Commissioners Hall, Griffith, and Lovejoy) met with college representatives that are accredited by authorities other than through the six regionally accrediting bodies. Mr. Braaten urges agencies to establish their own educational requirements and not tie their requirements to the minimum standards set by the Commission.



- Minimum background required in officer's file, meet or exceed a minimum background requirement – Tim Braaten. Mr. Braaten recommends that the Commission create a personal history background form and format (minimum background), and that each agency complete the form and place it in newly hired officer's files. Commissioner Hall suggested we look at previous background forms used by the Commission in the 1970s. Commissioner Lovejoy wants this standardized across the state. Mr. Braaten stated we would change the definition to read "meets or exceeds" on a form provided by the Commission. Commissioner Pennington asked if agencies can be required to run an annual TCIC/NCIC check on all officers and Mr. Braaten responded that the commissioners would have to decide whether or not to require this. Commissioner Griffith supports the background mandate. Commissioner Villegas suggested that staff contact the Sheriff's Association of Texas and the Texas Police Chief's Association for their input on a background form. Commissioner Lovejoy suggested that staff reach out to other than just law enforcement groups to assist with the creation of the form.
- Dual credit for college hours while in high school – Tim Braaten. Presiding Officer Hall stated that dual credit had already been discussed.
- Date used by the Commission for officers' date of proficiency certification (basic, intermediate, advanced, master, instructor, civil process, etc.) and the requirements (rules) for attaining these certificates – Commissioner Joe Pennington.

Mr. Braaten gave an overview of the process for issuing proficiency certificates. Currently the Basic, Intermediate, Advanced, and Master certificates are issued automatically. In the past, there was an application process for the Master certificate and some officers became eligible for the Master certificate, but never applied for it. Now they are asking TCLEOSE to backdate the issuance of their Master certificate to the date they became eligible, rather than the date they applied for it. The application and fee process were part of the rule for issuing proficiency certificates. The \$25 fee activated the manual research for eligibility. In 2005, the commissioners voted to remove the application and fee requirement for the Master peace officer certificate and at that point everyone that was eligible for the certificate was issued one.

Ray Hunt, representing the Houston Police Officers Union addressed the commissioners asking that officer's Master certificates be dated the date the individual became eligible for the certificate, not the date they applied for it. He believes many Houston police officers were unaware that there was a fee requirement and this may affect approximately 100 officers. Mr. Hunt stated that if it's clear in the rules that the application and fee are elements to become a Master peace officer, then his argument is moot.

Commissioner Griffith clarified the position of the Houston Police Officers Union by stating that they are asking that those officers that want to apply to have the certificate sent with the date they were eligible be allowed to do so.

Commissioner Goodwin asked for documentation on what was applicable at the time.

- Military discharge – Tim Braaten. Mr. Braaten provided the commissioners with three proposals to a waiver for reason for military discharge. Proposal 1 will eliminate the requirement for a rule change. Commissioner Lovejoy went on record to say he supports Proposal 1.
- Report on the Intermediate proficiency certification requirement committee – Kim Vickers. Mr. Vickers reported that the Intermediate course committee was populated with individuals with high-level expertise from a variety of agency sizes. The committee is interested in pursuing a rule change stating when officers can receive credit for the Intermediate level courses. They are also interested in moving some current Intermediate level courses to the Advanced level. If the commissioners were to approve suggested Track II, changes can be made without requiring a statutory or rule change. Courses would be reviewed and updated periodically.
- Review the process for approval of online courses with intent to simplify the process and make online courses more accessible – Kim Vickers. Staff is proposing new wording for the rule that references online training. Staff intends to preserve the quality and integrity of the training while providing an easier method to apply for on-line training courses. Mr. Braaten reminded the commissioners that they can make policy while waiting for a rule



change to become effective. Commissioner Hollingsworth reminded staff to be careful how the requirements are worded to maintain the integrity of the training. Commissioner Pennington suggested staff contact universities that provide online training to determine any pitfalls.

- Other items of interest — Mr. Braaten proposed that a committee be formed to review the L-3 (Licensee Psychological and Emotional Health Declaration), historically to where we are today. Staff will use the expertise on the commission plus others. Staff will research the history of the L-3 being sent directly to the Commission.

Agenda Item #5 - Clarification on Agenda item #12 from the June 3, 2010 quarterly meeting reference adding one field service agent for the Dallas region.

This item was not addressed in the meeting.

Agenda Item #6 - Consider and receive public comment on the application of the Texas Association of Hostage Negotiators to be a contractual training provider.

Mr. Vickers notified the commissioners that the application was complete. Robert Richman with the TAHN was available for questions. Commissioner Hollingsworth noted that there are four addresses given on the application and asked where the records would be kept. Mr. Richman responded that the materials will be stored at the Austin Police Academy through an agreement with the Austin Police Department.

Agenda Item #7 - Consider and receive public comment on the application of the Combined Law Enforcement Associations of Texas (CLEAT) to be a contractual training provider.

Mr. Vickers notified the commissioners that the application was complete. James Self with CLEAT was available for questions. Commissioners asked several questions of Mr. Self concerning types of training courses that would be available.

Agenda Item #8 - Consider and receive public comment on the application of the San Patricio County Sheriff's Office to be a contractual training provider.

Mr. Vickers notified the commissioners that the application was complete. Oscar Rivera from the sheriff's office was available for questions. Commissioner Pennington asked if there are other training providers in the area and after Mr. Rivera responded yes there are other providers. Commissioner Hollingsworth asked if the sheriff's office works with those providers. Mr. Rivera confirmed they do work with the providers, but it is cost prohibitive to pay these providers for the training. Presiding Officer Hall stated that the commission would not vote on this item at this meeting as the Sheriff must appear before the commissioners when the application is presented.

Mr. Braaten cautioned agencies to be familiar with 1701.157(e) of the Texas Occupations Code:

A local law enforcement agency may not use money received under Subsection (a) to replace funds that are provided to the agency by the county or municipality having jurisdiction over the agency on a recurring basis for training law enforcement officers and support personnel.

Agenda Item #9 - Discuss the proposed orders of amendments to existing Commission rules

- 11-01-221.13 Emergency Telecommunications Proficiency
- 11-02-211.28 Responsibility of a Law Enforcement Agency to Report an Arrest of a Licensee [Peace Officer or County Jailer]
- 11-03-217.20 Retired Peace Officer Reactivation
- 11-04-219.1 Eligibility to Take State Examinations
- 11-05-219.2 Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police
- 11-07-221.33 SFST [Standardized Field Sobriety Testing (S.F.S.T.)] Instructor Proficiency
- 11-08-221.9 Standardized Field Sobriety Testing (SFST) Proficiency [Standardized Field Sobriety Testing Practitioner (SFST)]
- 11-09-221.37 Cybercrime Investigator Proficiency



Dr. Messer noted that, if moved forward, these rules would have an effective date of 2/24/2011. Presiding Officer Hall asked what prompted the changes for the SFST rules. Dr. Messer noted that there was an ongoing concern about the term "practitioner." Mr. Vickers noted that defense attorneys often try to discredit the officer in DWI enforcement. The Commission refers to the current certification an SFST practitioner certification, and attorneys are saying that this has a 2-year requirement for an update. This assumption is incorrect, as this is a voluntary certification. Staff recommends it be referred to as a proficiency certificate, as we refer to the other certificates issued by the agency.

Commissioner Villescas asked about the sanctions against an arresting agency not reporting the arrest of a licensed officer. Mr. Braaten stated that the Commission would take action if the arresting agency knowingly and intentionally did not report the arrest of a licensed officer. Staff will review the courtesy notification letter that is being sent to the arresting agency (that failed to submit a report to the Commission) and make necessary changes. Commissioner Goodwin suggested the wording of rule (211.28) include a statement that the arresting agency will notify the Commission within 30 days of the arrest or 30 days of receiving knowledge of the arrest.

Agenda Item #10 - Discuss the final orders of amendments to existing Commission rules

- 10-28-217.9 Continuing Education Credit for Licensees
- 10-35-211.23 Date of Licensing or Certification
- 10-36-215.3 Academy Licensing
- 10-37-215.5 Contractual Training
- 10-38-215.6 Academic Alternative Licensing
- 10-39-215.15 Basic Licensing Enrollment Standards
- 10-40-217.8 Contesting an Employment Termination Report
- 10-41-219.2 Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police
- 10-42-221.28 Advanced Instructor Proficiency
- 10-43-223.15 Suspension of License
- 10-44-223.16 Suspension of License for Constitutionally Elected Officials
- 10-45-223.19 Revocation of License
- 10-46-223.20 Revocation of License for Constitutionally Elected Officials

Dr. Messer stated these rules would become effective October 28, 2010. No comments were received.

Agenda Item #11 – Adjourn

The work session adjourned at 12:05 p.m.



Summary of the Quarterly Meeting Minutes

Quarterly Commission Meeting of September 16, 2010

The quarterly meeting of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was held on Thursday, September 16, 2010 at 1:15 p.m. The meeting was held at the Texas State Capitol Extension Auditorium, Room E1.004, 1100 Congress Avenue, Austin, Texas.

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

Also attending was Assistant Attorney General John Beauchamp, Assistant Attorney General Raymond Winter, and TCLEOSE staff members including Executive Director Timothy A. Braaten, Director Kim Vickers, Director Brian Roth, Laurie Abernathy, Lynn Beard, Jim Clifton, Darla Dixon, David Englert, Thurman Felder, Dennis Graffious, Susan Gregory-Brundage, Richard Gutierrez, John Helenberg, Nicole Hendrickson, John Hunt, Carey McKinney, Kenny Merchant, Ken Mobley, Ivan Messer, James Oswalt, Doug Staudt, Kaye Wilson, and Mary Kay Wright.

Agenda Item #1 - Call to Order

Presiding Officer Hall called the meeting to order and announced the posting of the colors by the Arlington Police Department Color Guard. Commissioner Hollingsworth led the Pledge of Allegiance and Commissioner Pennington led the Pledge of Allegiance to the Texas flag. Commissioner Hollingsworth thanked Chief Theron Bowman of the Arlington Police Department, and introduced Color Guard members Jill Hummel, Troy Medina, Jesse Minton, Brian Garcia, and Michael Farmer.

Presiding Officer Hall called on Mr. Vickers to read the line of duty deaths.

Reading of Line of Duty deaths and Invocation

Houston Police Department

Officer Eydemen Mani May 19, 2010

Officer Mani was killed in an automobile accident while responding to a call. His patrol car struck a guardrail and overturned.

Survivors: Officer Mani is survived by his wife and 3-year-old son.

Service time: 7 years

Lancaster Police Department

Officer Craig Shaw June 20, 2010

Officer Shaw was shot and killed after responding to a call about a shooting in which one person had been killed. The suspect opened fire, killing Officer Shaw.

Survivors: Officer Shaw is survived by his wife and 2 children

Service time: 5 years

Cedar Park Police Department

Officer Leonard Reed August 18, 2010

After he had completed a traffic stop, Officer Reed's motorcycle struck a curb, causing him to be thrown to the ground. He died from internal injuries.

Survivors: Officer Reed is survived by his wife and 2 children

Service time: 4 years



Roll call of board members

Kaye Wilson called roll and announced that all members were present.

Agenda item #2 - Approval of the minutes of the June 3, 2010 Commission meeting in Austin, Texas

Commissioner Griffith made a motion to approve the minutes of the June 3, 2010 meeting. Commissioner Lovejoy seconded the motion and it passed with a unanimous vote.

Agenda Item #3 - Presiding Officer's Report

This was covered in the work session.

Agenda Item #4 - Executive Director's Report

This was covered in the work session. Presiding Officer Hall asked if there had been recent problems with downloading the completion of POSEIT courses to officers' files. Mr. Braaten and Mr. Vickers both reported that there had been no further problems with this. Commissioner Lovejoy made a motion to accept the executive director's report and Commissioner Oakley seconded. The motion passed unanimously.

Agenda Item #5 - Take action on Items of Interest

Presiding Officer Hall asked Mr. Braaten if any action needed to be taken on the Items of Interest. Mr. Braaten reviewed each item and the action he understood that the Commission wanted taken.

- Peace Officers and Bailiffs to become certified to watch / handle inmates
This item is on hold.
- Family violence issues
Bring forward as a proposed rule at the January 2011 meeting.
- Full-time – Part-time Paid – Reserve designation
This is being covered with the revision of the L-1 form.
- Role of the Advisory Board member and tutorial for board members
Mr. Braaten stated that this item was placed on the agenda in order to report that the tutorial is on line. Presiding Officer Hall asked if a rule change would be necessary to require all board members to complete the training and Mr. Braaten confirmed this will take a rule change. Presiding Officer Hall asked that this be brought forward as a proposed rule.
- Discussion of rule 211.1(3) definition of colleges and universities accreditation accepted by the Commission for training credits
This item is on hold.
- Minimum background required in officer's file, meet or exceed a minimum background requirement
Bring forward as a proposed rule at the January 2011 meeting.
- Dual credit for college hours while in high school
This will either be a rule or statute change, depending on the outcome of the legal interpretation.
- Date used by the Commission for officers' date of proficiency certification (basic, intermediate, advanced, master, instructor, civil process, etc.) and the requirements (rules) for attaining these certificates
Currently on hold, bring additional information to the next meeting, i.e. the rule in effect at the time in question
- Military discharge
Bring forward as a proposed rule at the January 2011 meeting.
- Report on the Intermediate proficiency certification requirement committee
Pull this item down, it was an advisory item only.
- Review the process for approval of on-line courses with intent to simplify the process and make on-line courses more accessible
Go forward, with clarification
- Other items of interest
Proceed with a study committee on the L-3 psychological.



Agenda Item #6 - Take action on clarification of Agenda item #12 from the June 3, 2010 quarterly meeting reference adding one field service agent for the Dallas region.

This item was not discussed, no action taken.

Agenda Item #7 - Take action on the application of the Texas Association of Hostage Negotiators to be a contractual training provider

Commissioner Griffith made a motion to approve the application of the Texas Association of Hostage Negotiators to be a contractual training provider. Commissioner Lovejoy seconded the motion and it passed unanimously.

Agenda Item #8 - Take action on the application of the Combined Law Enforcement Associations of Texas (CLEAT) to be a contractual training provider

Executive Director John Burpo assured the commissioners that his organization will provide meaningful, valuable training to their members. Commissioner Oakley made a motion to approve the application of the Combined Law Enforcement Associations of Texas to be a contractual training provider. Commissioner Goodwin seconded the motion and it passed unanimously.

Agenda Item #9 - Take action on the application of the San Patricio County Sheriff's Office to be a contractual training provider

This item was tabled until the January 2011 meeting.

Agenda Item #10 - Take action on the proposed orders of amendments to existing Commission rules

- 11-01-221.13 Emergency Telecommunications Proficiency
- 11-02-211.28 Responsibility of a Law Enforcement Agency to Report an Arrest of a Licensee [Peace Officer or County Jailer]
- 11-03-217.20 Retired Peace Officer Reactivation
- 11-04-219.1 Eligibility to Take State Examinations
- 11-05-219.2 Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police
- 11-07-221.33 SFST [Standardized Field Sobriety Testing (S.F.S.T.)] Instructor Proficiency
- 11-08-221.9 Standardized Field Sobriety Testing (SFST) Proficiency [Standardized Field Sobriety Testing Practitioner (SFST)]
- 11-09-221.37 Cybercrime Investigator Proficiency

Commissioner Griffith made a motion to approve all proposed orders, and Commissioner Richardson seconded the motion. The motion passed unanimously.

Agenda Item #11 - Take action on the final orders of amendments to existing Commission rules

- 10-28-217.9 Continuing Education Credit for Licensees
- 10-35-211.23 Date of Licensing or Certification
- 10-36-215.3 Academy Licensing
- 10-37-215.5 Contractual Training
- 10-38-215.6 Academic Alternative Licensing
- 10-39-215.15 Basic Licensing Enrollment Standards
- 10-40-217.8 Contesting an Employment Termination Report
- 10-41-219.2 Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police
- 10-42-221.28 Advanced Instructor Proficiency
- 10-43-223.15 Suspension of License
- 10-44-223.16 Suspension of License for Constitutionally Elected Officials
- 10-45-223.19 Revocation of License
- 10-46-223.20 Revocation of License for Constitutionally Elected Officials

Commissioner Griffith made a motion to approve all final orders, and Commissioner Hollingsworth seconded the mo-



tion. The motion passed unanimously.

Agenda Item #12 - Discussion of and take actions on proceedings for revocations, suspensions, and other disciplinary actions

See the "Disciplinary Actions" section of this newsletter.

Regarding docket #08-08-1663LS, Ms. Autumn Lea Wheat and her attorney, Jannice Joseph, CLEAT, appeared before the commissioners making themselves available for questions. The commissioners had several questions for Ms. Wheat. Commissioner Griffith made a motion that the Commission accept and adopt the recommendation of the Administrative Law Judge in the Proposal for Decision to enter a final order for a ten-year probated suspension, for the license of Autumn Wheat. Commissioner Oakley seconded the motion. Commissioners Oakley and Goodwin voted for and Commissioners Villescas, Pennington, Lovejoy, Griffith, Hollingsworth, and Richardson voted against. The motion failed. Commissioner Griffith made a motion that the commission suspend the license of Autumn Wheat for five years from the date of conviction. The motion died for lack of a second. Commissioner Lovejoy made a motion to issue a reprimand and accept reinstatement after the reprimand. There was discussion. The motion died for lack of a second. Commissioner Griffith made a motion for a hard suspension of the license for a period of five years. Commissioner Richardson seconded the motion. Commissioners Villescas, Griffith, Hollingsworth, and Richardson voted for the motion. Commissioners Oakley, Pennington, Lovejoy, Goodwin, and Hall voted against. The motion failed. Commissioner Oakley made a motion for a five-year probated suspension of the license. The motion died for lack of a second. Presiding Officer Hall postponed the decision on Autumn Wheat until the January 13, 2011 meeting. Assistant Attorney General Beauchamp noted that he and staff had no knowledge of the case being under appeal until the meeting today.

Agenda Item #13 - Receive public comment on any topic, without discussion

Colette Michalec introduced herself as a member of the public and asked the commissioners where she could find a "scope of practice" for police officers, clearly defined in law, specifically identifying the role of police, guidelines, boundaries, and limitations. She would like to see a scope of practice added to the agenda.

Agenda Item #14 - Executive Session to discuss pending litigation and personnel issues, including evaluation of executive director's job performance, pursuant to sections 551.074 and .071 of the Texas Government Code, Open Meetings Act.

The commissioners went into executive session at 2:45 p.m.

Agenda Item #15 - Return from Executive Session to report and /or discuss further actions to be taken as a result of the Executive Session.

At 4:08 p.m., the commissioners returned from executive session. There was no action taken.

Presiding Officer Hall told those in attendance that the next three commission meetings would be held at the Pickle Research Center in Austin, Texas.

Agenda Item #16 - Adjourn

Commissioner Griffith made a motion to adjourn. Commissioner Oakley seconded the motion and it passed unanimously. Presiding Officer Hall announced that Commissioner Hollingsworth has completed a PowerPoint program about the Texas Peace Officer Memorial and the need to repair the memorial. This program may be used when making presentations to potential contributors. Commissioner Hollingsworth is the lead person for this project.



Disciplinary Actions Taken by the Commission

September 16, 2010

Final Order Default Revocation

Name of Licensee	Docket #	Last Department to Hold Commission (I = Inactive)
Tiffany L. Baker	06-08-1960LR	I-Brazos County Sheriff's Office

Final Order Statutory Revocations

Name of Licensee	Docket #	Last Department to Hold Commission (I = Inactive)
Gordon Clark Bohannon	09-07-0673LR	I-Hockley County Sheriff's Office
Alvetta Georgette Collier	03-09-0017LR	I-Fort Bend County Constable Pct. 2
Howard Lanson Fluitt	10-03-0300LR	I-Texas Parks & Wildlife Department
Yatashka Zaire Jefferson	09-07-0645LR	I-Fort Worth Police Department
Pedro Martinez Jr.	09-02-0349LR	I-Bexar County Sheriff's Office
Brenda Medina-Salinas	09-09-0005LR	I-Dallas County Sheriff's Office
Maria Melchor	09-05-0533LR	I-Bexar County (GEO) Central Detention Facility
Latonia Pete	09-02-0281LR	I-Jefferson County Sheriff's Office
Jose Jesus Quintanilla	09-07-0674LR	I-Hockley County Sheriff's Office
Michael Scott Randall	09-12-0180LR	I-Galveston County Sheriff's Office
Michael Scott Randall	09-01-0236LR	I-Galveston County Sheriff's Office
Jose Armando Sanchez	08-10-0101LR	I-Hidalgo County Sheriff's Office
Juan Francisco Sanchez	09-09-0019LR	I-Texas Parks & Wildlife Department
Esequiel Saucedo	10-12-0178LR	I-Cameron County Sheriff's Office
Brenda Darlene Sentell	09-02-0341LR	I-Montague County Sheriff's Office
Joshua Wayne Thorsen	10-02-0306LR	I-Newton County Sheriff's Office

Final Order Statutory Suspensions

Name of Licensee	Docket #	Last Department to Hold Commission (I = Inactive)
Ruth Eileen Arthur	09-07-0686LS	I-Travis County Sheriff's Office
Ryan Mark Canady	10-01-0285LS	I-Anna Police Department
Adrian M. Cepeda	10-11-0151LS	I-Bexar County Sheriff's Office
Ira Dean Gaston	09-01-0196LS	I-Dickens County Sheriff's Office
Audie Wade Hamm	09-08-0752LS	I-Texas Parks & Wildlife Department
Michelle A. Harris	10-10-0100LS	I-Milam County Sheriff's Office
Mary Elizabeth Laskoskie	10-11-0164LS	I-Washington County Sheriff's Office
Cheryl A. Rhoades	09-08-0714LS	I-Refugio County Sheriff's Office
Amparo Sierra Pena	09-05-0492LS	I-Webb County Constable Pct. 1
Jose Luis Mata Villarreal	10-10-0116LS	I-Hidalgo County Sheriff's Office
Tammy D. Woods	10-03-0423LS	I-Fannin County Constable Pct. 3

Final Order Suspensions

Name of Licensee	Docket #	Last Department to Hold Commission (I = Inactive)
Joni L. Garza	05-04-0448LS	Karnes County Correctional Center
Autumn Lea Wheat *	08-08-1663LS	I-Fort Worth Police Department

* Tabled until next meeting

Appeals of the F-5 Report of Separation of Licensee

<u>Name of Licensee</u>	<u>Last Department to Hold Commission (I = Inactive)</u>
Clarence L. Dixon	Fort Bend County Sheriff's Office
Jennifer L. Dodgen	Tomball Police Department
Jerry W. Franklin	Newton County Sheriff's Office
Lauren L. Green	Sherman Police Department
Lisa L. Jones	Montague County Sheriff's Office
Russell J. King	Castle Hills Police Department
Chris L. McClure	Waller Police Department
Keith R. Pruesse	Texas Department of Public Safety
Abel Quezada	Tom Green County Const. Pct. 4
Shawn Scarborough	Armstrong County Sheriff's Office
Scott A. Sharp	Bandera County Sheriff's Office
Rosemarie C. Valdes	West University Place Police Department

Agreed Final Order Suspensions

<u>Name of Licensee</u>	<u>Docket #</u>	<u>Last Department to Hold Commission (I = Inactive)</u>
Jeffrey Paul Boyd	09-05-0546LS	I-Ellis County Sheriff's Office
Robert Z. Childress	10-10-0124LS	I-Hays County Sheriff's Office
Michael P. Gilby	10-10-0071LS	I-Aransas County Sheriff's Office

Default Final Order Suspensions

<u>Name of Licensee</u>	<u>Docket #</u>	<u>Last Department to Hold Commission (I = Inactive)</u>
Billy V. Ailey	08-01-1279LS	I-Dallas Police Department
David Alfaro Jr.	09-06-0614LS	I-East Hidalgo Detention Center
Aserea M. Allen	09-12-0163LS	I-Galveston Co. Sheriff's Office
Heath G. Bagwill	09-07-0639LS	I-Lewisville Police Department
Angelica M. Barrera	10-02-0350LS	I-Harris County Sheriff's Office
Hiram C. Battreall	09-02-0285LS	I-Limestone County Detention Center
Alice A. Cadena	09-01-0235LS	I-Guadalupe County Sheriff's Office
James R. Chapman	08-10-0088LS	I-Port of Galveston Police Department
Jesse Delgado	09-05-0547LS	I-Ellis County Sheriff's Office
Robert E. Donahue	10-11-0159LS	I-Grand Prairie Police Department
Jonathan C. Drewa	10-02-0284LS	I-Bexar County Sheriff's Office
Jon K. Fitzgerald	10-07-0656LS	I-Baytown Police Department
Derek P. Follis	09-02-0319LS	I-Houston Police Department
Leonard Darrell Ford	09-05-0498LS	I-Galveston County Sheriff's Office
Gerald R. Garcia	09-03-0359LS	I-Comal County Sheriff's Office
Leonard R. Gilbert	09-01-0212LS	I-Johnson County Sheriff's Office
Dina P. Guzman	09-03-0375LS	I-Galveston County Sheriff's Office
Gabriel M. Hale	09-07-0695LS	I-Haskell County Sheriff's Office
Roxanne Hernandez	10-12-0206LS	I-LaSalle County Sheriff's Office
Wilmer R. Ivie	09-05-0490LS	I-Coriscana Police Department
John R. Killen	09-05-0522LS	I-Wise County Sheriff's Office
Kelly H. Lawrence	10-03-0415LS	I-Longview Police Department
Enrique L. Ledesma II	09-08-0745LS	I-EI Paso Police Department
Justin L. Luman	10-12-0214LS	I-Anderson County Sheriff's Office



Default Final Order Suspensions (continued)

<u>Name of Licensee</u>	<u>Docket #</u>	<u>Last Department to Hold Commission (I = Inactive)</u>
Craig A. Murrah	08-09-0077LS	I-Fort Worth Police Department
Allen R. Northcutt	09-04-0409LS	I-Houston Police Department
Patrick J. Ouzenne	08-02-1351LS	I-Waller County Constable Pct. 3
Ariel Regado Pestanas	09-06-0606LS	I-Harris County Sheriff's Office
Kenneth L. Renk	09-01-0256LS	I-Houston Community College System
Jeremy Ryan Stogner	10-02-0321LS	I-Randall County Sheriff's Office
Enrique J. Valdez	09-07-0713LS	I-Scurry County Sheriff's Office
Alonzo Catarino Villarreal	09-02-0305LS	I-Comal County Sheriff's Office

Cancellations

<u>Name of Licensee</u>	<u>Docket #</u>	<u>Last Department to Hold Commission (I = Inactive)</u>
Jojuan Martel Clemons	10-06-0618CAN	Hunt County Sheriff's Office
April F. Esparza	10-06-0614CAN	Frio County Sheriff's Office
James W. Mitchell	10-02-0299CAN	Somerset Police Department
Harold Dean Pressley	10-01-0257CAN	Chambers County Sheriff's Office

Permanent Voluntary Surrenders

<u>Name of Licensee</u>	<u>Docket #</u>	<u>Last Department to Hold Commission (I = Inactive)</u>
Jesse Alva	10-04-0489PVS	Bexar County Sheriff's Office
Saul Arellano	10-05-0524PVS	Bexar County Sheriff's Office
James N. Barrentine, Jr.	10-06-0577PVS	Freestone County Sheriff's Office
Danny A. Garcia	10-06-0613PVS	Bexar County Sheriff's Office
Nelson A. Hernandez	10-09-0013PVS	West University Place Police Department
Anthony R. Foster	09-08-0715PVS	Houston Police Department
Kedrick L. Johnson	10-05-0501PVS	Newton County Sheriff's Office
Andy L. Joslin	10-03-0394PVS	Floresville Police Department
Joseph E. Mayo	10-06-0578PVS	Hood Co. Sheriff's Office
Michael S. Melton	10-06-0554PVS	Missouri City Fire Department
Tony G. Menchaca	10-06-0635PVS	Bexar County Sheriff's Office
Patrick J. Muriel	09-02-0286PVS	San Antonio Police Department
Raymond C. Patterson	10-07-0684PVS	Bexar County Sheriff's Office
Christopher L. Pelletier	10-06-0622PVS	Diboll Police Department
Paul L. Ross	10-07-0699PVS	Thorndale Police Department
Joe A. Serrato	09-01-0234PVS	San Antonio Police Department
Nancy C. Sorto	10-05-0547PVS	Harris County Constable Pct. 5
Thomas C. Stephan	10-04-0446PVS	Collin County Sheriff's Office
William L. Tullos	10-07-0683PVS	Liberty County Sheriff's Office

Temporary Voluntary Surrender

<u>Name of Licensee</u>	<u>Docket #</u>	<u>Last Department to Hold Commission (I = Inactive)</u>
Jarrett F. Adams	10-05-0551TVS	Nacogdoches Police Department

Reprimands

<u>Name of Licensee</u>	<u>Docket #</u>	<u>Last Department to Hold Commission (I = Inactive)</u>
Jesse Alvarado	10-11-0152RP	--
Norma A. Argueta	10-06-0571RP	--
Rodrick D. Arthur	10-06-0570RP	--
Alejandro Avila	10-06-0569RP	--
Sergio R. Beattie	10-06-0567RP	Maverick County Attorney's Office
Gordon R. Bean	10-06-0568RP	Liberty County Sheriff's Office
Ashley C. Bell	10-06-0602RP	--
Raymond J. Bonner	10-05-0549RP	--
Christopher R. Bothwell	10-06-0616RP	--
Roger A. Brimer	10-06-0603RP	--
Eric D. Caldwell	10-06-0601RP	--
John R. Davis	10-08-0720RP	--
Dennis R. Johnson	10-12-0222RP	--
Marcus V. Reyna	10-06-0623RP	--
Tiffany R. Richie	10-06-0599RP	--
Jesse B. Sanchez	10-06-0629RP	Crystal City Police Department

In Memoriam

A Time to Remember Those Who Protected and Served

We are deeply saddened to report the loss of these officers, and wish to express our heartfelt sympathy to their families, friends, and colleagues.

Leonard Reed

Police Officer, Cedar Park Police Department
August 18, 2010

Kellie Pena

Corrections Officer, Texas Department of Criminal Justice
September 3, 2010

Ralph Slaton

Corporal, Texas Department of Public Safety — Texas Highway Patrol
September 20, 2010

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