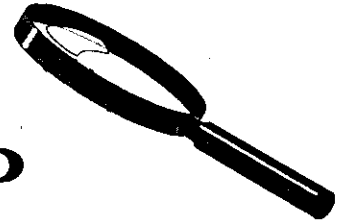




# CLOSE UP



A Publication of the Texas Commission on  
Law Enforcement Officer Standards and Education

Volume 15 Number 1

(First Electronic-Only Issue)

February 2009

## Time to Take Up the Cause

by Timothy Braaten



Peace Officer Memorial Day, May 15th, is fast approaching. I know many of you have lost peace officer friends and family, and they are never far from your thoughts and prayers every day, not just during Police Week. I often think of the brothers and sisters I knew, and the few I witnessed, who gave the ultimate sacrifice for justice and liberty.

I want to invite all readers to remember our fallen. A good way to remember them is to visit the Peace Officer Memorial located just northeast of the State Capitol. This beautiful monument provides a serene, thoughtful respite from your Capitol visit. This place provides both a time and a place to reflect on the history of Texas law enforcement and the memory of their sacrifice.

In the picture featured in this article, you can see the beauty and the magnificence of this tribute. Unfortunately, you can also see that there is an efflorescence that greatly detracts from the memorial's appearance. The memorial's concrete foundation is functioning as a wick, drawing ground water up into the structure by capillary action. As the water evaporates, an encrustation of soluble salts is being deposited on the concrete surfaces. This whitish substance is known as efflorescence, and greatly detracts from the appearance.

Prior to construction of the memorial in 1999, portions of the granite veneer were deleted from the memorial's design to bring construction costs in line with available funds. A rough estimate of a retrofit is over \$140,000. The surfaces can continue to be cleaned; however, this unfortunately contributes to the

deterioration and is not the long-term solution that this memorial deserves. The solution is the retrofit.

It is time license holders, for all law enforcement personnel to come together and raise this money. We all belong to groups that can help. Many of us have the ability to help as individuals. We can write that check. We can send those spare dollars to help rectify this problem. It just takes a little from a lot, or a lot from a little. We have over 70,000 active law enforcement officers in Texas. If 14,000 gave ten dollars, or 1,400 gave \$100, or if 70,000 gave \$2 each, we'd have the money raised.

This is our memorial. Reach down and give what you can to this great cause. Your tax deductible contribution should be made to:

State Preservation Board  
c/o Texas Peace Officers' Memorial  
201 E. 14th Street - Suite 950  
Austin, TX 78701

Contributions received by the Commission will be forwarded to the State Preservation Board. If you would like for your contribution to be received by the Commission first, please send to:

TCLEOSE  
c/o Texas Peace Officers' Memorial  
6330 US Hwy 290 East - Suite 200  
Austin, TX 78745

By law, the State Preservation Board must deposit these contributions in the Capitol fund to the credit of a separate account established for the memorial.

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**Volume 15 Number 1  
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Official Publication of the  
Texas Commission on Law Enforcement  
Officer Standards and Education

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**LETTER FROM THE  
EXECUTIVE DIRECTOR**

Dear Law Enforcement Practitioner:

Hear ye, hear ye, the Texas Legislature is in session.

Hopefully, many of our readers are very aware of this occurrence and will find a way to stay current with the proposed and enacted legislation. There are many public and private sources for listing proposed legislation. If you are unaware of these websites, I'll suggest a couple of public sources.

The home page of the Commission website ([www.tcleose.state.tx.us](http://www.tcleose.state.tx.us)) has a section on law-enforcement-related bills that are being considered during the 81<sup>st</sup> Legislature. Click on "legislative bill" for the most current information. There is another website, Texas Legislature Online ([www.legis.state.tx.us](http://www.legis.state.tx.us)), where one can actually read the text and check on the progress of all bills, not just those related to law enforcement.

At first glance, many licensees might think that the legislature does not impact them or their professional duties and responsibilities. I think I can spike your interest when I tell you that after the last legislature (the 80th), the Commission made 48 changes to the basic peace officer curriculum as a result of legislative changes or initiatives.

There are important legislative actions occurring daily in Austin from this January until the end of the legislature. I suggest that each of us find a way to make sure we are informed. Staying current with new ideas, trends, concerns, and particularly new laws is necessary in our professions. Your legislators need and want your input, and as an informed professional, your views are respected.

Don't be apathetic about the future of Texas and the future of law enforcement in Texas. Apathy may occur in other states - let's not allow apathy in Texas law enforcement.

Timothy Braaten  
Executive Director

# 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.

Sheriff Brent Lee, 11/27/08  
Trinity County Sheriff's Department

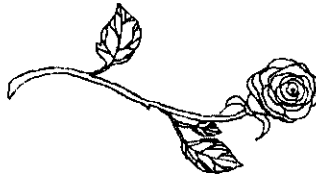
Officer Mark Simmons, 12/17/08  
Amarillo Police Department

Officer Robert Davis, 12/01/08  
San Antonio Police Department

Senior Corporal Norman Smith, 01/06/09  
Dallas Police Department

Officer Timothy Abernethy, 12/07/08  
Houston Police Department

Detention Officer Cesar Arreola, 01/18/09  
El Paso County Sheriff's Office



## Q & A

**Our department has a lot of physical documents that we keep for Commission inspections and potential audits - can we convert them to electronic format to save space?**

Absolutely. The Commission is going paperless, and so can you. As long as you are able to retrieve the required documents for a Commission inspection or audit, you can keep them in electronic format, and even provide them to us in electronic format rather than printing them. Remember, you must be able to attest to their authenticity.

## Advanced Education for Peace Officers – Yes Or No?

For the last forty years, law enforcement professionals have been arguing over whether advanced education should be a requirement to becoming a peace officer. In Texas, there has been a statewide debate for the last decade. Some cities and counties insist that they cannot recruit potential candidates who have more than a high school diploma, while others refuse to recruit candidates unless they possess at least an associate's degree. The table below indicates current licensee education levels.

<u>Education</u>	<u>Active Officers</u>	<u>% of Total</u>
No Credits	22,474	30.2
College Credits	29,549	39.8
Associate's	5,939	8.0
Bachelor's	14,221	19.1
Master's	1,858	2.5
Ph.D.	257	0.3
<b>Total</b>	<b>74,298</b>	

Recently, the TABC requested that the Commission research its data to determine how many holders of Texas peace officer licenses also possessed 90 hours of college credit, in order to determine the number of eligible candidates meeting TABC hiring requirements. The data showed a disturbing trend.

At the beginning of September 2004, 18,703 Texas peace officers possessed at least 90 hours of college credit. Two years later, there were 220 more. After two more years, that number dropped by nearly 2,000 officers (to 16,951). Were fewer officers reporting their college hours? No, the Commission's accuracy checks indicated that the college credit data was correct, and it was apparent that officers were eagerly reporting their college hours for the resulting benefits in both training hours and certification.

Our best guess is that the changes in the data have been a result of retirement. Many of the 25- to 30-year veterans who retired had begun their careers when Law Enforcement Education Program (LEEP) funds were available, and when peace officers across the country were flocking to colleges for advanced education in response to national law enforcement studies. These LEEP veterans eventually retired, and the education level of Texas peace officers dropped significantly.

You might think, "What's the big deal? You don't need a college education to be a cop." Maybe so; however, the data also shows a strong correlation between advanced degrees and lower rates of criminal misconduct among Texas law enforcement officers, as shown in the table below.

<u>Education</u>	<u>Administrative Actions</u>	<u>% of Total</u>
No Credits	763	59.60
College Credits	374	29.20
Associate's	50	3.90
Bachelor's	75	5.80
Master's	16	1.20
Ph.D.	1	0.07
<b>Total</b>	<b>1,279</b>	

This table covers criminal misconduct disciplinary cases (for fiscal years 1999-2007) in Texas. The data is troubling: although only about 30% of the licensed peace officers had no college credits, they were responsible for almost 60% of the criminal misconduct.

Many of you who are in college and looking for a research topic may wish to explore this correlation between education level and misconduct. Since there is always a need for research in law enforcement, the Commission would be very interested in your findings, especially if they relate to selection, retention, training, or education. Please consider sending a copy of any pertinent research to Dr. Ivan Messer at [ivanm@tcleose.state.tx.us](mailto:ivanm@tcleose.state.tx.us). The Commission would greatly benefit from an opportunity to examine your findings.

# DISCIPLINARY ACTIONS TAKEN BY THE COMMISSION

December 8, 2008

At its quarterly meeting, the Commission took the following disciplinary actions. Listed are the officer's name, date of birth, offense(s), and Commission case number(s). The following website provides more information.

[www.tcleose.state.tx.us/closeup.htm](http://www.tcleose.state.tx.us/closeup.htm)

## REVOCATIONS OF LICENSES

David Babb - 01/18/1985 - Indecency with a Child - Contact - 07-08-0552LR  
Gregory R. Bogany - 09/02/1974 - Violation of Protective Order - 08-01-1273LR  
Steven Brooks - 06/23/1957 - Aggravated Kidnapping (count 1), Aggravated Assault w/DW (count 2) - 06-12-0123LR  
Samuel Butler - 01/17/1964 - Aggravated Perjury - 07-03-0376LR  
Michael Ennis - 08/25/1966 - Possession of Substance in Penalty Group 1: Methamphetamine < 1 gram - 09-10-0065LR  
Jimmy Fennell - 12/25/1972 - Kidnapping - 08-12-1232LR  
Kennethia Jones-03/03/1981 - Contraband in Prison - 08-08-1621LR  
Michelle Kelly - 04/09/1972 - DWI with Child - 06-06-1763LR  
Eric S. Spiller - 08/20/1971 - Sexual Assault - Child 14-17 (3 counts)  
Tracy Stinnett - 11/22/1965 - Indecency with child - Exposing - 07-11-0185LR  
Robert Ullom - 11/05/1963 - Burglary of a Building, Theft and Burglary of a Building; Criminal Episodes - 07-07-0530LR  
Tony W. Cook - 10/10/1964 - False ID as Peace Officer - 07-09-0050LR  
Cosme Martinez - 09/26/1961 - Aggravated Assault-05-05-0517LR  
Jason Morton - 10/10/1978 - False Report to Police Officer - 08-02-1374LR  
Ruben C. Torres - 11/24/1961 - Violation of Civil Rights - 07-04-0430LR  
Mark Norwood - 10/04/1955 - Falsified Documents - 08-03-1435LR

## SUSPENSIONS OF LICENSES

Jesus Cardenas - 09/04/1963 - Aggravated Assault w/DW - 08-10-0121LS  
Fanta L. Hardwell - 09/23/1977 - Theft - \$1,500-\$20,000 - Food Stamps - 08-03-1408LS

JerryLee Stover - 06/23/1984 - Criminal Negligent Homicide - 08-02-1337LS  
Mario Ayala - 12/25/1961 - DWI - 07-10-0094LS  
Nicholas Bell - 03-10-1981 - DWI - 08-12-1231LS  
Ruben Benavides - 09/08/1979 - DWI - 80-03-1423LS  
Alejandro Contreras - 07/07/1985 - Assault - 08-11-1216LS  
Stephen Cook - 05/22/1971 - Obstructing a Roadway - 08-12-1230LS  
Jonathan Dodos - 09/21/1974 - Assault - Family Member - 08-03-1405LS  
Robert Douglass - 05/30/1969 - DWI - 08-03-1397LS  
Aaron Elliott - 04/20/1976 - DWI - 06-02-1590LS  
Rafael Enriquez-03/27/1981 - Assault Causing Bodily Injury - Family Violence - 08-01-1284LS  
John Fulcher - 03/21/1980 - DWI - 08-11-1222LS  
Annithra Helloms - 01/03/1974 - DWI - 06-07-1918LS  
Edward Ivey - 07/14/1983 - Assault - 07-12-0201LS  
Pauline Justice - 05/20/1962 - Tampering With a Governmental Record - 06-03-1631LS  
William Ladd - 11/29/1968 - Assault - 04-02-2089LS  
Stacy Mickelboro - 12/26/1979 - Assault Family Violence - 08-04-1477LS  
Denise Norman - 10/04/1956 - Resisting Arrest, Search or Transport - 08-07-1583LS  
Yolanda Rodriguez - 05/28/1970 - DWI - 07-02-0301LS  
Christi Towns-Lee - 10/18/1973 - Possession marijuana < 2 ounces - 08-10/0100LS

## AGREED FINAL-ORDER SUSPENSION

Rickey Elliott - 08/27/1954 - DWI - 08-06-1555LS

## CANCELLATIONS

Denise R. Chalk - 06/24/1981 - 08-08-1613C  
Kelsey D. Scott - 04/09/1976 - 05-05-0500C

## PERMANENT VOLUNTARY SURRENDERS

Robert Benavidez - 01/29/1967 - 08-08-1623PVS  
Rafael R. Campos - 11/22/1962 - 09-10-0096PVS  
Vincent Coleman - 06/28/1965 - 06-07-1939PVS  
Monte J. Duwe - 04/08/1956 - 09-10-0095PVS  
Bruce E. Espin - 06/04/1962 - 08-10-0124PVS  
Alex Garcia - 06/17/1979 - 08-08-1654PVS  
Abraham Grajeda - 06/08/1989 - 08-08-1657PVS  
Robert Jimenez - 05/20/1968 - 08-06-1541PVS  
Michael Lacey - 11/18/1974 - 08-04-1502PVS  
Oscar Maldonado - 09/01/1959 - 08-09-0023PVS  
Karl McLeod - 07/26/1934 - 09-10-0074PVS  
Christopher Parker - 04/08/1965 - 08-08-1612PVS  
Patrick Richey - 06/16/1977 - 08-08-1648PVS  
Timothy White - 06/30/1966 - 08-04-1447PVS  
James Williams - 12/30/1961 - 08-06-1554PVS

## TERM VOLUNTARY SURRENDER

Joseph Perez - 12/22/1968 - 08-08-0609TVS

## REPRIMANDS

Darrin L. Blades - 07/30/1967 - 06-07-1902RP  
Roberto Casarez - 08/01/1967 - 07-09-0045RP  
Lee D. Castro - 06/10/1967 - 07-10-0089RP  
Kelly Dennis - 02/27/1976 - 08-05-1537RP  
Manuel Gracia - 05/10/1968 - 08-06-1542RP  
Thomas L. Harris - 08/28/1973 - 08-02-1328RP  
Juan Hernandez - 11/22/1987 - 09-09-0014RP  
Jody Herry - 10/13/1966 - 07-10-0154RP  
William J. Ince - 06/01/1982 - 08-09-0053RP  
Curtis McFadden - 12/28/1983 - 06-09-0030RP  
Kelly McKinnie - 08/31/1966 - 08-09-0028RP  
Uvaldo Ramirez - 09/13/1975 - 05-12-0210RP  
Jose R. Reyes - 08/29/1981 - 08-02-1363RP  
April J. Shortridge - 08/29/1970 - 06-08-1980RP  
Jesse Vega - 01/28/1984 - 08-09-0078RP  
Charles Woodson - 12/29/1950 - 08-07-1567RP

## Major Changes at the Commission This Year

### Effective Immediately:

All activations (both retiree and non-retiree) will need to meet the current licensing standards at the time of reactivation. Some individuals seeking reactivation may have previously held a license or obtained their license under a lesser standard. One example is a Class A misdemeanor conviction or deferred adjudication prior to 2001, which at the time was not a disqualifier, as it presently is.

*Individuals or retirees who cannot meet the current standards will not have the privilege of reactivating.*

### Effective March 1, 2009:

Every peace officer is required to have field training for basic certification. Historically, the Commission has accepted the actual number of field training hours in the field training program up to 999 hours. Beginning March 1, the Commission will only accept actual field training hours up to 160 hours. The limit will apply to any field training started on or after that date. For any field training that began before March 1, 2009, the Commission will continue to accept and record the actual number of hours spent up to 999.

### Effective May 1, 2009:

Peace officer academy enrollment standards will change. Beginning May 1, 2009, all individuals enrolling at a peace officer academy must have passed both the psychological examination and the physical examination that are required for initial licensure.

Psychological examinations and physical examinations completed as a condition of enrollment into a law enforcement academy will be valid for 180 days following graduation from that academy.

### Future Commission Meeting Dates:

The Commission meets on the first Thursday and Friday of the months of March, June, September, and December 2009. The Commission has one agenda. If business is concluded on Thursday, the Friday meeting will not be necessary.

Please mark your calendars. You are invited to attend and participate.

## **Highlights of the December Commission Work Session and Quarterly Meeting**

The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) quarterly meeting was held on Thursday and Friday, December 3 and 4, 2008 at the Capitol Extension Auditorium, Room E1.004, Austin, Texas.

### **Executive Director's Report**

- **Sunset Review Schedule** - On December 15-16, 2008, the Sunset Commission will take a final vote on the recommendations made in the report that was published earlier this year.
- **Legislative Appropriation Request (LAR)** - There are no new developments with the LAR.
- **Budget Figures** - Current information is available on the Commission website under Transparency in Texas Government.
- **Personnel Changes** - Darla Dixon has been promoted to the position of legal assistant. John Helenberg has been promoted to Manager of Special Projects. Randy Odom is now with the Curriculum section of the Education & Training Programs Division. Nicole Hendrickson is the new supervisor in the Credentialing Division. John Rische, the field service agent in the North Texas Region, has retired. The Commission is currently recruiting applicants for both vacant field-service positions.
- **Training Coordinators' Conference** - Over 500 training coordinators and trainers attended the conference in Corpus Christi in October. Feedback from attendees has been positive.
- **POSEIT Course Contract - SkillsNet** - The first teleconference is scheduled for December 10, 2008.
- **Two line-of-duty deaths** were reported. Thomas L. "Tommy" Keen with the Harris County Sheriff's Office died from injuries he suffered while assisting with recovery efforts after Hurricane Ike. George H. Whatley with Texas Parks and Wildlife had been participating in a physical agility test when he collapsed and died.
- **Events Attended** - A list of events attended by the executive director was provided to the commissioners.
- There was further discussion on the recent IT study, the establishment of a record-keeping system for non-jurisdictional complaints, and a new web design.

### **Actions of the Commission**

- Additional names were accepted for enrollment on the Peace Officer Memorial.
- There was discussion on the maintenance of the memorial. No action was taken on this item.
- The possibility of a civil-process course to be made available on POSEIT has been resolved, and no action was required.
- There was no further discussion concerning a waiver for Class A misdemeanor offenses for non-license holders.
- There was further discussion on Class A misdemeanors by license holders. No action taken at this time.
- Commissioners agreed to cap the number of hours credit given for field training at 160.
- Commissioners voted to follow the rule concerning the reactivation of a license (Rule 217.19), which states that the individual must "meet the current licensing standards...", which includes meeting the Class A misdemeanor requirements.
- The firearms proficiency issue is being referred to the Firearms Advisory Committee.
- Commissioners granted a waiver to the Austin Police Department on rule 217.21 Firearm Proficiency Requirements to use a mobile shooting range until their new range is completed.

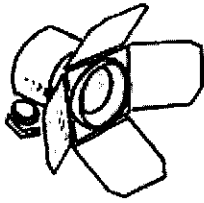
- Approval of proposed orders for changes to existing Commission rules:
  - 08-18-217.7 Reporting the Appointment and Termination of a Licensee
  - 08-19-215.15 Enrollment Standards
  - 08-20-229.1 General Eligibility of deceased Texas Peace Officers
- Approval of final orders for changes to existing Commission rules:
  - 08-07-211.29 Responsibilities of Agency Chief Administrators
  - 08-08-215.3 Academy Licensing
  - 08-09-217.1 Minimum Standards for Initial Licensure
  - 08-10-217.9 Continuing Education Credit for Licensees
  - 08-11-217.11 Legislatively Required Continuing Education for Licensees
  - 08-12-217.15 Waiver of Legislatively Required Continuing Education
  - 08-13-217.19 Reactivation of a License
  - 08-14-221.1 Proficiency Certificate Requirements
  - 08-15-221.17 Homeowners Insurance Inspector Proficiency
  - 08-18-223.17 Reinstatement of a License
- Commissioners voted to accept the application of the Shenandoah Police Department to be an approved training provider.
- No action taken on the request for waiver of rule 217.1 for Tracie L. Walston, as the request was withdrawn.
- Commissioners approved the waiver of Rule 215.15 and 217.1 for Ezequiel Garcia.
- Request for waiver of rule 215.15 and 217.1 for Ronald Peters was withdrawn, so no action was taken.
- Commissioners accepted the audit report from Rupert and Associates.
- The Embassy Suites will again serve as the hotel to house commissioners for 2009.
- Quarterly meeting dates for 2009 will be March 5-6, 2009; June 4-5, 2009; September 3-4, 2009; and December 3-4, 2009.
- Staff will solicit proposals for a multi-year contract for the training coordinators' conference.
- Commissioners accepted a Technology Performance Review report that was completed by Rhyan Technology Services.
- A report on the licensing examination passing rates and academies/training providers at risk was approved.

### **Enforcement Actions Taken by the Commission**

The commission took action on the final order for 1 exception to the proposal for decision from SOAH; 11 statutory revocations; 3 statutory suspensions; 4 default final order revocations; 1 agreed final order revocation; 18 default final order suspensions; and 1 agreed final order suspension. Commissioners were informed of 1 license cancellation; 15 permanent voluntary surrenders; 1 term voluntary surrender; and 16 reprimands.

### **Commission Meeting Dates**

The Commission quarterly meeting will be held at 1:30 p.m. on Thursday, March 5, 2009, at the Texas Real Estate Commission, 1101 Camino La Costa, Austin, Texas. If the meeting can not be concluded on March 5, the commission may recess until Friday, March 6, 2009 and resume at the same location.



## *Spotlight on Commission Rules*

### **§217.19. Reactivation of a License.**

- (a) The commission will place all licenses in an inactive status when the licensee has not been reported to the commission as appointed for more than two years unless the licensee has met and continues to meet the continuing education required by §217.11 of this chapter.
- (b) The holder of an inactive license is unlicensed for purposes of these sections and the Texas Occupations Code, Chapter 1701.
- (c) This section includes any permanent peace officer qualification certificate with an effective date before September 1, 1981.
- (d) This section includes any jailer licenses issued after March 1, 2001.
- (e) In order to reactivate a license, an individual must:
  - (1) meet the current licensing standards, with successful completion of a basic licensing course current at the time of initial licensure; fulfilling this requirement;
  - (2) successfully complete the legislatively required continuing education for the current training unit;
  - (3) make application and submit any required fee(s) for an endorsement in the format currently prescribed by the commission;
  - (4) obtain an endorsement, issued by the commission, giving the individual eligibility to take the required licensing examination;
  - (5) pass the licensing examination for the license to be reactivated. After three failures, or if the endorsement expires, the individual must re-qualify by repeating the entire training course for the license sought.
- (f) In order for a retired peace officer to reactivate a license, a retiree must:
  - (1) meet the current licensing standards, with successful completion of a basic licensing course current at the time of initial licensure; fulfilling this requirement;
  - (2) successfully complete the legislatively required continuing education for the current training unit; and
  - (3) make application and submit any required fee(s) for retired reactivation in the format currently prescribed by the commission.
- (g) The effective date of this section is January 1, 2009.

**Note:** Rule 217.19(e)(1) begins with the requirement that reactivation includes meeting “the current licensing standards.” If you allow your training to lapse and you need to retest, you will not be allowed to retest unless you meet the current licensing standards (as opposed to the standards that were in place when you originally tested). This is especially important for persons serving suspensions for misdemeanors. The application of this requirement includes retirees who qualify under Occupations Code 1701.3161.