

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

Self Assessment Report



August 22, 2007

**6330 U.S. Highway 290 East, Suite 200
Austin, Texas 78723**

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**Texas Commission on Law Enforcement Officer Standards and Education
Self-Evaluation Report**

I. Agency Contact Information

A. Please fill in the following chart.

Texas Commission on Law Enforcement Standards and Education Exhibit 1: Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
Agency Head	Mr. Timothy A. Braaten	6330 U.S. Highway 290 East, Suite 200	512-936-7711 512-936-7714	timothyb@ tcleose.state.tx.us
Agency's Sunset Liaison	Ms. Cynthia Martinez	6330 U.S. Highway 290 East, Suite 200	512-936-7713 512-936-7714	cynthiam@ tcleose.state.tx.us

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.
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The Commission's seven key functions are vital to Texas law enforcement.

- 1. Establish minimum training and licensing requirements for law enforcement personnel, including continuing education requirements and ensure compliance.**
 - Ensure that only qualified candidates attend basic training and only qualified candidates are endorsed to sit for the peace officer or county jailer licensing examination
 - Approve and maintain the curriculum and components of the basic peace officer course, the basic jailer course, and the required continuing education
 - Ensure that individuals who are licensed as peace officers and county jailers meet the minimum standards necessary to carry out their responsibilities in their respective positions
 - Approve mandatory continuing education and required proficiency education requirements and curriculums
 - Provide an affordable distance education program for law enforcement personnel to achieve quality training necessary to meet the legislatively mandated continuing education requirements
 - 2. Ensure that peace officers and jailers meet the requirements for proficiency certification.**
 - 3. Approve and monitor law enforcement academies and contracting entities that provide training.**
 - 4. Evaluate and audit training providers for compliance to established rules.**
 - 5. Evaluate and audit law enforcement agencies records to ensure compliance with laws and rules.**
 - 6. Take disciplinary action on licensees and agencies that violate laws and/or rules.**
 - Ensure that all jurisdictional complaints are accepted, reviewed, and processed
 - Investigate possible rule and law violations
 - Ensure that all allegations that warrant disciplinary action are processed for proper administrative action, and reviewed by the Commission
 - 7. Oversee numerous public programs relating to the licensing, regulation and recognition of peace officers and jailers, and provide public information and open government.**
 - Facilitate the process by which 20 candidates are chosen for nominations and awarded Texas Law Enforcement Achievement Awards of Valor, Professional Achievement, and Public Service
 - Ensure that state flags are given to families of peace officers who were killed in the line of duty, died while holding a valid license and appointment, or died after honorable retirement from a law enforcement agency
 - Oversee and validate research for inclusion of names on the Texas Peace Officers' Memorial.
 - Ensure that all public information requests (over 2,700 year) are fulfilled within legal time requirements
 - Ensure that public input regarding the rules and operations of the Commission are properly recorded, and forwarded to the appropriate individuals and entities
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B. Do each of your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

Each of the key functions described serves an ongoing objective, and makes an important contribution to law enforcement in Texas. Consequently, no longer performing these services would adversely affect Texas law enforcement. For example, to no longer establish minimum standards in licensing, curriculum development, and continuing education would delegate to all local jurisdictions the responsibility to decide whether they would have any standards, and what those standards might look like. A family traveling throughout Texas could expect vast differences in the quality of Texas law enforcement personnel and training.

To no longer have requirements for proficiency certifications would result in the stagnation of the professional development of law enforcement personnel, and would reduce the progress of the profession.

If the Commission were to no longer monitor academies and contract training providers, we could expect standards to be reduced, and politics rather than competency, would become the deciding factor in the licensing of our law enforcement personnel.

If the Commission were to no longer audit training providers for compliance of established rules, those rules would no longer be followed, and Texans would not be served by highly trained law enforcement personnel.

To no longer take disciplinary action of licensees and agencies that violate laws and/or rules would leave compliance up to one's conscience, and reduce compliance to established minimum state standards.

If the Commission were to cease to pursue recognition for professional achievement, fail to recognize those who give the ultimate sacrifice for the safety of others, cease to provide public information to our citizens, or fail to allow public input into the Texas Commission on Law Enforcement Officer Standards and Education rules and operation, then we as a State would fail all Texans in our public safety responsibilities.

C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

There are numerous performance measures designed to demonstrate whether the agency is effectively and efficiently meeting its objectives. Information regarding the agency's accomplishments relative to these performance measures is provided in Section II.J. of the report. A more complete picture can be obtained by looking at all of the agency's performance measures. In addition to the key performance measures, many additional performance measures are available at the agency in Sunset backup material.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

Yes, the Commission's enabling statutes continue to correctly reflect the Commission's missions, objectives, and approach to performing the Commission's functions. In the 80th Legislature, the Commission recommended amendments to improve its operations. The Commission's recommendations for amendments were primarily to clean up existing language in order to improve operations within all areas of the agency.

E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

The Commission's functions are unique, and do not overlap or duplicate those of another state or federal agency.

The Texas Commission on Jail Standards (TCJS) Government Code (GC), Chapter 511 is the only state agency that has a jurisdiction similar to TCLEOSE. However, in accordance with GC 511.009, TCJS focuses on the actual jail facilities, while TCLEOSE focus is on the individuals staffing these jail facilities.

F. In general, how do other states carry out similar functions?

Other states' agencies similar to the Commission are referred to as a Police Officer Standards and Training (POST). Some states have licensing agencies similar to Texas, while other states have only certification requirements for law enforcement personnel. Most states investigate and discipline for officer misconduct, while other states have more authority to discipline law enforcement officers for misconduct than Texas does.

G. What key obstacles impair your agency's ability to achieve its objectives?

The size and diversity of Texas forces one to ask the question of how the same minimum standards can apply to all areas of Texas. The size and diversity of our regions, our cities and counties create substantial obstacles to the achievement of the goals and objectives of TCLEOSE. In order to achieve the goals, objectives and legal mandates for TCLEOSE, we need to consider the uniqueness of the communities, and of their respective political and legal systems. Sometimes inflexible state standards do not respond to these unique differences in our state.

TCLEOSE organizational obstacles are: the lack of in-house legal counsel; the cyclical nature of some of our responsibilities, which at times creates agency demands that exceed agency resources; time delays in the legal and administrative hearing systems; and lastly, our antiquated telephone system. Some of these obstacles can be solved with more resources, while others will just need to be tolerated.

H. Discuss any changes that could impact your agency's key functions in the future (e.g., changes in federal law or outstanding court cases).

The major change that we have created is the incorporation of a field service agent position. We have staffed seven individuals throughout the state in seven defined regions. Each agent will be the personal contact for TCLEOSE in their region. Once field agents become familiar with the regional planning agencies, local advisory boards, and licensees, the field agents will become a comfortable conduit to TCLEOSE.

These field service agents can facilitate the achievement of the goals and the objectives of the agency, and they will be instrumental in promoting the voluntary compliance that is necessary in order for TCLEOSE to provide oversight of the 150,000 licensees.

I. What are your agency’s biggest opportunities for improvement in the future?

There are two opportunities for major improvement. The first is the aforementioned field service agent program. This initiative will bring tremendous benefit to the State of Texas. The second opportunity for improvement will be continuing improvements in how we communicate with our customers. We need to continuously seek improved ways to communicate in every situation, whether it be electronically, telephonically, via data, or face-to-face.

J. In the following chart, provide information regarding your agency’s key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures. See Example 2 or [click here to link directly to the example](#).

Texas Commission on Law Enforcement Standards and Education Exhibit 2: Key Performance Measures - Fiscal Year 2006			
Key Performance Measures	FY 2006 Target	FY 2006 Actual Performance	FY 2006 % of Annual Target
Number of New Licenses Issued	12000	14380	119.83%
Number of Courses Maintained	28	28	100.00%
Number of Academy Evaluations	98	103	105.10%
Complaints Resolved	2,700	1,904	70.52%
Average License Cost Per Individual	\$14.50	\$15.17	104.62%
Average Cost / Complaint Resolved	\$135.00	\$222.71	164.97%
Percent of Licensees / No Violations	99.90%	99.90%	100.00%
Percent of Complaints / Disciplinary	95.00%	98.00%	103.16%

III. History and Major Events

Provide a timeline of your agency's history, and key events, including:

- X the date your agency was established;**
- X the original purpose and responsibilities of your agency;**
- X major changes in responsibilities or statutory authority;**
- X changes to your policymaking body's name or composition;**
- X significant changes in state/federal legislation, mandates, or funding;**
- X significant state/federal litigation that specifically affects your agency's operations; and**
- X key changes in your agency's organization (e.g., a major reorganization of the agency's divisions or program areas).**

A. Creation and Powers

In 1965, the 59th Legislature created the Texas Commission on Law Enforcement Officer Standards and Education (Commission or TCLEOSE) to determine and set training and certification standards for the improvement of law enforcement performance. The Commission was given the authority to conduct studies and make recommendations to the governor and the legislature for the establishment of training and certification standards. The standards, although voluntary, had an immediate positive effect, and became mandatory by action of the 61st Legislature in 1969.

In 1977, the Legislature established a \$1.00 assessment on criminal fines to go into Fund 116. Fund 116 was established to support the Commission operations beginning in September 1978.

Over the years, the Commission's responsibilities have increased. Some of the changes are indicated below.

- 1979, certification of county jail employees
 - 1981, the Commission changed from certification to licensing
 - 1983, licensing examinations
 - 1987, weapons proficiency requirements for in-service
 - 1987, telecommunicators' acknowledgements
 - 1987, until 1993, the agency created and operated the Law Enforcement Management Institute (LEMIT) - the legislature subsequently transferred the institute to Sam Houston State University, beginning in FY 1994
 - 1989, child abuse, child neglect, family violence, and sexual assault topics were added to the basic peace officer course
 - 1989, peace officers were required to include child abuse, child neglect, family violence, and sexual assault topics in their 40-hour in-service training
 - 1989, law enforcement achievement awards
 - 1989, investigative hypnosis certificates
 - 1993, basic training courses were required to include civil rights, racial sensitivity, and cultural diversity
 - 1993, peace officers were required to include civil rights, racial sensitivity, and cultural diversity as mandatory components of the peace officer continuing education requirements
-

- 1993, the mental health officer certificate
 - 1995, the topic of sex offender characteristics was included in the basic training curriculum
 - 1995, an addendum for continuing education concerning investigations of child abuse, child neglect, family violence, and sexual assault was added to include video and other documentation of the investigation; and was also included in the basic training curriculum
 - 1995, the topic of sex offender characteristics was added to the required continuing education curriculum
 - 1995, revocation of licenses for failure to comply with continuing education requirements
 - 1995, maintenance of records regarding the reason for leaving an agency was added
 - September 1, 1995, Mental Health Officer Proficiency certification established
 - September 1, 1995, appointing agency maintains licensing documents
 - September 1, 1995, appointment of a convicted felon is a state jail felony
 - September 1, 1995, retired state employees (licensed before January 1981 and current on January 1, 1995) are exempt from continuing education requirements
 - September 1, 1995, SB 1135 required agencies to provide the details of separation (F-5) from that agency information that is made available to agencies by a signed release from an applicant and is used to help combat the problem of “gypsy cops.”
 - January 1, 1997, Basic County Correction Course (BCCC) increased to 80 hours
 - September 1, 1997, Commission continues in existence until September 1, 2009 (Sunset Act)
 - September 1, 1997, SB 367 establishes minimum training and certification requirements for Contract Jailer
 - September 1, 1997, required initial and continuing education of police chief in each 24-month period
 - September 1, 1997, MOU with Texas Department of Criminal Justice to create Supervision Officer Firearms certificates – holders must re-apply every two years
 - September 1, 1997, risk assessment method established for training provider evaluations
 - March 1, 1998, Firearms Instructor Proficiency certificates created; with grandfather status given for all training prior to 3/1/1999, after which a Commission course is required to be completed
 - May 10, 1999, Texas Peace Officers’ Memorial dedication
 - June 19, 1999, Executive Director authorized to commission officer to investigate violations of Section 1701, Texas Occupations Code
 - August 30, 1999, constable must obtain a license within 270 days of taking office
 - September 1, 1999, 415 Government Code re-codified to 1701 Occupations Code
 - September 1, 1999, reserve officers with peace officer licenses are considered peace officers and must comply with the 40-hour training requirement
 - September 1, 1999, Academic Recognition Award established
 - September 1, 1999, TDCJ training personnel may be appointed as part-time county jailers without meeting training requirements of 415.054
 - December 1, 1999, Civil Process Certificate established
 - June 1, 2000, decision made to allow contract jail license holders to use current training and testing if going to work at the county jail facility – contract license must be valid or two-year rule would apply on training and testing
 - March 1, 2001, rules revised to reflect Texas Occupations Code
 - May 1, 2001, fingerprint cards no longer sent to the Commission with the L-1
 - September 1, 2001, HB 815 provides that the next of kin of deceased Texas peace officer may request a state flag
 - September 1, 2001, Asset Forfeiture and Racial Profiling added to continuing education requirements for peace officers
-

- September 1, 2001, peace officer continuing education requirements amended so that civil rights, racial sensitivity, and cultural diversity; and recognition of cases that involve child abuse, child neglect, family violence, and sexual assault, are to be taken once every 48 months
- January 1, 2002, Spanish added to basic peace officer curriculum, and the total hours expanded to 576
- August 1, 2002, POSEIT training available
- January 1, 2004, Intermediate and Advance Reserve Courses no longer taught
- June, 1, 2004, began issuing county jailer licenses to contract jailers
- September 1, 2004, Crisis Intervention Training (CIT) and Standardized Field Sobriety Testing (SFST) added to BPOC, total hours increased to 618
- June 18, 2005, initial and continuing education required for constables
- September 1, 2005, CIT required for peace officers
- September 1, 2007, Background Investigations and Release forms at the level prescribed by TCLEOSE must be use when hiring a person licensed as a Texas peace officer (further certification of F-5 separation process)
- September 1, 2007, all honorably retired peace officers exempt from continuing education and training requirements

B. Policy Making Structure

The Commission consists of nine members appointed by the governor. There are five ex-officio members: the Attorney General; the executive director of the Criminal Justice Division of the Governor's Office; the Commissioner of the Higher Education Coordinating Board; the director of the Department of Public Safety, and the Commissioner of the Texas Education Agency.

The Commission must be composed as follows: three members must be either a sheriff, constable, or chief of police; three members must be persons licensed under Chapter 415, two of whom must be peace officers who, when appointed, hold non-supervisory positions with a law enforcement agency; and three members must be from the general public.

C. Funding and Organization

The agency was originally funded by federal grants under the Law Enforcement Assistance Administration. In 1977, the legislature established a special fund for the Commission by adding a \$1.00 surcharge to criminal fines collected within the state. Since 1985, the agency has been downsized from 68 employees to its 43 current employees.

Sources of revenue are: court costs collected and deposited into Fund 116, user fees, intergovernmental revenue, donations, interest and investment income, sale of goods and services, and miscellaneous revenue.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

Texas Commission on Law Enforcement Standards and Education Exhibit 3: Policymaking Body			
Member Name	Term/ Appointment Dates/ Appointed by Governor	Qualification (e.g., public member, industry representative)	City
Dan Smith, Presiding Officer	Term: 08/23/2002 to 08/31/2007	Sheriff	Belton
Cathy Ellison, Assistant Presiding Officer	Term: 09/24/2002 to 08/31/2007	Assistant Chief	Austin
Gary Swindle, Secretary	Term: 04/06/2004 to 08/31/2009	Chief of Police	Tyler
Steven Byrd	Term: 08/23/2002 to 08/31/07	Deputy Constable	Richardson
Allan Cain	Term: 09/28/2005 to 08/31/2011	Civilian	Carthage
Roman Chavez	Term: 04/06/2004 to 08/31/2009	Officer	Houston
Charles Hall	Term: 04/06/2004 to 08/31/2011	Constable	Midland
Betty Harper-Murphy	Term: 04/06/2004 to 08/31/2009	Civilian	Fredericksburg
Joe Stivers	Term: 08/23/2002 to 08/31/2007	Civilian	Huntsville

B. Describe the primary role and responsibilities of your policymaking body.

The primary role and responsibilities of the policy-making body include the following:

- Selects and hires the executive director for the Commission
- Oversees the management and administration of the executive director
- Approves and sets policy for the agency
- Approves polices, rules and procedures in accordance with Chapter 1701 of the Occupations Code
- Establishes standards, oversees training programs, and regulates the licensing of peace officers and county jailers for the State of Texas
- Exercises decision-making authority on disciplinary actions levied on licensees who violate state law and Commission rules
- Accepts and rejects findings of Texas State Office of Administrative Hearings (SOAH)
 - Approves or denies law enforcement related curriculum programs

- Approves or denies waivers in regards to Class B misdemeanors for eligibility for entry into a law enforcement academy
- Reviews and accepts key documents such as performance reports, risk assessment, and various audits of the Commission operations
- Reviews and accepts agency reports, including the Annual Financial Report and the Legislative Appropriations Request
- Serves as members of the audit and legislative committees
- Represents the Commission and recommends to the legislature appropriate changes in the Occupations Code to ensure that 1701 is current and applicable to the changing needs and practices of Texas law enforcement

C. How is the chair selected?

The Presiding Officer is selected and appointed by the Governor

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

See Section A above.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2006? in FY 2007?

The Commission meets quarterly in the months of September, December, March, and June of each fiscal year.

In accordance with Section 1701.058 of the Occupations Code, the Commission meets every biennium for a special called meeting regarding strategic planning.

In FY 2006, the Commission met five times. Four regularly scheduled quarterly meetings were held in September, December, March, and June, and a strategic planning meeting in January 2006.

In FY 2007, the Commission met in September, December, March, and June.

F. What type of training do members of your agency's policymaking body receive?

When a new Commissioner is appointed, the Commissioner receives a orientation packet which includes Commission rules and enabling statutes, the Texas Open Meetings Act, the Texas Administrative Procedures Act, the Texas Public Information Act, Commission organizational charts, and materials, and etc.

The Commissioner attends a one-day intensive orientation with the executive director, division directors, and staff. This orientation includes an explanation of the overview of the Commission's organization and review of agency programs and operations. The Commission's general counsel through the Office of the Attorney General also provides training regarding the ethical responsibilities of a Commissioner. Each Commissioner attends an orientation program conducted by the Governor's Office.

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

Yes, each division maintains a copy of their respective standard operating procedures (SOP). A master copy of all divisions' SOPs is kept in the agency's library for reference.

H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?

Information is presented to our board of Commissioners at each regularly scheduled Commission meeting. The Commissioners are provided back-up materials for agenda items that will be addressed and voted upon.

The Commissioners are presented with all available, and periodic audit reports conducted on the Commission, as required by law. The results of internal and external audits are presented to the Commissioners for review and acceptance.

At each meeting, the executive director provides a written report along with an oral presentation regarding detailed information such as financial and budget reporting, committee updates, non compliance, etc. to keep the Commissioners updated on any ongoing and relevant activities on matters of interest to the board.

I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

The Commission's agenda items are posted two weeks prior to each quarterly meeting in accordance with the Open Meeting Act, published with the Texas Register and posted on the Commission's website. The public is invited to speak and/or provide written comments on any issue relevant to the Commission's jurisdiction. The Commissioners receive comments on topics not listed on the agenda; however, the Commission is prohibited from taking action during the open forum due to notice requirements in the Open Meetings Act.

The Commission has established a rules committee, which is composed of twelve committee members. The Committee members are selected by the executive director based on knowledge of agency business, historical perspective, and analytical and research expertise. The committee is lead by a chairman and co-chairman. The committee reviews all Commission rules each biennium, and reports, through the executive director, to the Commission at every June meeting in odd years for Commission action and rules revision each September of those years.

Proposed rules are frequently presented to the Commissioners. The Commissioners have adopted a policy and procedure on how agency rules are reviewed, approved, and published. Before a rule comes before the Commissioners in prospective order format, it must be presented as an "issue." If the issue is accepted, that issue will then be presented as a "prospective order" at the next quarterly meeting. The prospective order is then published with the Texas Register and written comments are requested. Any written comments received are answered by the executive director and staff. All written comments and responses are provided to the Commissioners when the prospective orders are being considered prior to the prospective order becoming final orders.

The strategic planning meeting that complies with Section 1701.058 provides two full days of input from all segments of the persons licensed, regulated, and assisted by TCLEOSE. In 2006, over 100 people attended and provided input, much of which has resulted in changes in legislation, Commission action and direction to the executive director and agency staff.

J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 4 Example or [click here to link directly to the example.](#)

Texas Commission on Law Enforcement Standards and Education Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
Executive Committee	3 Board Members	This committee advises the executive director on issues that occur between quarterly meetings that do not require a special called meeting	Texas Occupations Code Sec. 1701.058
Legislative Committee	4 Board Members	This committee meets as needed	Texas Occupations Code Sec. 1701.058
Audit Committee	3 Board Members	This committee meets to review and discuss internal and external audits that are conducted on the Commission, and adopts the recommendations made in audit	Texas Occupations Code Sec. 1701.058

V. Funding

A. Provide a brief description of your agency's funding.

The agency receives funding from general revenue dedicated account 0116, appropriated receipts, fee collection and, to a small extent, donations. The funds from Fund 0116 are collected from criminal cases adjudicated throughout Texas.

B. List all riders that significantly impact your agency's budget.

Rider 3 Appropriations Limited to Revenue Collections: Proficiency Certificate Fees-V-38 of the G.A.A.

Rider 4 Appropriations Limited to Revenue Collections: Reinstatement Fees-V-38 of the G.A.A.

Rider 5 Appropriation: State Flag Fund for Deceased Texas Peace Officers-V-38 of the G.A.A.

C. Show your agency's expenditures by strategy. See Exhibit 5 Example or [click here to link directly to the example](#).

Texas Commission on Law Enforcement Officer Standards and Education	
Exhibit 5: Expenditures by Strategy - Fiscal Year 2006 (Actual)	
Goal/Strategy	Total Amount
Licensing 3016	\$ 1,081,672.48
Course Development 3017	758,666.87
Enforcement 3019	590,288.57
Indirect Administration 3800	\$ 434,096.23

LBB Object	PCA	Appropriation #	Strategy	Balance
1001	16001	13016	3016	367,031.85
1002	16001	13016	3016	24,612.12
2003	16001	13016	3016	20,268.49
2004	16001	13016	3016	3,122.75
2005	16001	13016	3016	4,032.24
2006	16001	13016	3016	32,217.83
2009	16001	13016	3016	48,701.91
			16001 Total	499,987.19
1001	16002	13016	3016	32,145.69
2006	16002	13016	3016	2,305.25
2009	16002	13016	3016	1,311.65
			16002 Total	35,762.59
1001	16003	13016	3016	54,654.02
1002	16003	13016	3016	360.00
2006	16003	13016	3016	3,564.50
2009	16003	13016	3016	1,430.40
			16003 Total	60,008.92
1002	16004	29004	3016	12,800.00

2003	16004	29004	3016	4,816.37
2004	16004	29004	3016	2,293.39
2006	16004	29004	3016	47,136.12
2009	16004	29004	3016	31,171.36
			16004 Total	98,217.24
1002	16005	29003	3016	2,400.00
2003	16005	29003	3016	11,750.86
2004	16005	29003	3016	2,001.55
2006	16005	29003	3016	173.66
2009	16005	29003	3016	29,823.10
			16005 Total	46,149.17
2001	59016	59002	3016	179,200.00
2009	59016	59002	3016	107,708.77
5000	59016	59002	3016	54,638.60
			59016 Total	341,547.37
			3016 Total	1,081,672.48
1001	17001	13017	3017	158,626.85
1002	17001	13017	3017	12,249.50
2003	17001	13017	3017	736.75
2004	17001	13017	3017	1,397.26
2005	17001	13017	3017	11,048.21
2006	17001	13017	3017	12,615.15
2009	17001	13017	3017	14,443.71
			17001 Total	211,117.43
1001	17003	13017	3017	94,275.60
2006	17003	13017	3017	8,508.59
2009	17003	13017	3017	558.92
			17003 Total	103,343.11
1001	17005	13017	3017	144,414.43
1002	17005	13017	3017	1,280.00
2001	17005	13017	3017	86.00
2003	17005	13017	3017	14,513.61
2004	17005	13017	3017	268.93
2005	17005	13017	3017	15,448.32
2006	17005	13017	3017	10,111.47
2009	17005	13017	3017	7,343.54
2009	17005	13017	3017	542.62
			17005 Total	194,008.92
1001	17006	13017	3017	107,911.60
1002	17006	13017	3017	1,860.00
2005	17006	13017	3017	758.83
2006	17006	13017	3017	8,999.20
2009	17006	13017	3017	8,777.94
			17006 Total	128,307.57
2003	17009	13017	3017	2,589.30
2009	17009	13017	3017	3,593.61
			17009 Total	6,182.91
1001	17010	13017	3017	19,436.93

2003	17010	13017	3017	1,301.24
2005	17010	13017	3017	2,035.55
2006	17010	13017	3017	2,053.62
2009	17010	13017	3017	580.79
			17010 Total	25,408.13
2001	59017	59002	3017	38,400.00
2009	59017	59002	3017	3,741.67
			59017 Total	42,141.67
2009	59000	59001	3017	35,163.85
5000	59000	59001	3017	12,993.28
			59001 Total	48,157.13
			3017 Total	758,666.87
1001	19001	13019	3019	98,324.44
1002	19001	13019	3019	6,680.00
2003	19001	13019	3019	3,792.60
2004	19001	13019	3019	426.98
2006	19001	13019	3019	8,399.21
2009	19001	13019	3019	11,301.70
			19001 Total	128,924.93
1001	19002	13019	3019	176,123.72
1002	19002	13019	3019	5,263.72
2003	19002	13019	3019	544.72
2004	19002	13019	3019	1,352.70
2005	19002	13019	3019	13,380.96
2006	19002	13019	3019	17,588.16
2009	19002	13019	3019	13,697.14
			19002 Total	227,951.12
1001	19005	13019	3019	20,012.26
2006	19005	13019	3019	1,606.77
2009	19005	13019	3019	232.00
			19005 Total	21,851.03
1001	19006	13019	3019	48,278.91
2005	19006	13019	3019	144.00
2006	19006	13019	3019	4,363.17
2009	19006	13019	3019	2,668.06
			19006 Total	55,454.14
1001	19007	13019	3019	78,653.28
1002	19007	13019	3019	400.00
2005	19007	13019	3019	12,167.28
2006	19007	13019	3019	7,293.23
2009	19007	13019	3019	866.29
			19007 Total	99,380.08
2001	59019	59002	3019	38,400.00
2009	59019	59002	3019	12,134.73
5000	59019	59002	3019	6,192.54
			59019 Total	56,727.27
			3019 Total	590,288.57

1001	13801	13800	3800	145,112.37
1002	13801	13800	3800	27,230.95
2001	13801	13800	3800	19,792.50
2003	13801	13800	3800	2,770.33
2004	13801	13800	3800	377.03
2005	13801	13800	3800	31,989.32
2006	13801	13800	3800	12,046.82
2009	13801	13800	3800	30,609.80
13801 Total				269,929.12
1001	13802	13800	3800	96,129.61
1002	13802	13800	3800	5,672.60
2001	13802	13800	3800	7,557.50
2005	13802	13800	3800	856.64
2006	13802	13800	3800	8,094.84
2009	13802	13800	3800	1,343.66
13802 Total				119,654.85
1001	13803	13800	3800	9,549.19
2004	13803	13800	3800	382.48
2005	13803	13800	3800	1,154.56
2006	13803	13800	3800	610.27
2009	13803	13800	3800	7,575.67
13803 Total				19,272.17
1001	13804	13800	3800	21,137.75
1002	13804	13800	3800	800.00
2001	13804	13800	3800	195.00
2006	13804	13800	3800	2,970.33
2009	13804	13800	3800	137.01
13804 Total				25,240.09
3800 Total				434,096.23

D. Show your agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2007-2008. See Exhibit 6 Example or [click here to link directly to the example](#). Add columns and rows as necessary.

Texas Commission on Law Enforcement Officer Standards and Education				
Exhibit 6: Objects of Expense by Program or Function - FY 2007				
as of July 31, 2007 (no encumbrances)				
Object-of-Expense	Credentialing & Enforcement	Education & Training	Executive & Legal Services	Finance & Staff Services
Salaries and Wages 1001	620,608.18	701,200.20	264,461.77	115,708.84
Other Personnel Costs 1002	20,760.00	21,936.71	8,500.00	1,860.00
Professional Fees and Services 2001	0.00	0.00	4,417.50	13,170.00
Consumable Supplies 2003	10,203.14	4,220.82	2,033.15	189.15
Utilities 2004	3,449.49	11,537.52	952.65	287.77
Travel 2005	16,761.34	65,820.30	23,950.07	56.73
Rent - Building 2006	92,263.51	65,066.82	28,979.98	14,074.39

Other Operating Expense 2009	43,456.53	130,971.03	19,991.14	52,435.22
Capital Expenditures 5000	0.00	50,784.22	0.00	9,274.00
Total	807,502.19	1,051,537.62	353,286.26	207,056.10

Texas Commission on Law Enforcement Officer Standards and Education Expenditures by Strategy - FY 2007 as of July 31, 2007 (no encumbrances)	
Goal/Strategy	Total Amount
Licensing 3016	733,425.84
Course Development 3017	825,865.12
Enforcement 3019	527,534.00
Indirect Administration 3800	332,557.21

LBB Object	PCA	Appropriation #	Strategy	Balance
1001	16001	13016	3016	339,161.26
1001	16001	13016	3016	17,152.81
1002	16001	13016	3016	17,080.00
2003	16001	13016	3016	7,503.66
2004	16001	13016	3016	1,316.02
2005	16001	13016	3016	6,803.95
2006	16001	13016	3016	47,264.80
2009	16001	13016	3016	28,013.80
			16001 Total	464,296.30
1001	16002	13016	3016	33,416.60
2003	16002	13016	3016	41.17
2006	16002	13016	3016	3,825.30
2009	16002	13016	3016	736.67
			16002 Total	38,019.74
1001	16003	13016	3016	52,111.93
1002	16003	13016	3016	440.00
2003	16003	13016	3016	58.52
2005	16003	13016	3016	196.95
2006	16003	13016	3016	5,435.11
2009	16003	13016	3016	1,131.44
			16003 Total	59,373.95
2006	16004	29004	3016	496.92
2009	16004	29004	3016	93.77
			16004 Total	590.69
1001	16005	29003	3016	4,557.16
2003	16005	29003	3016	1,307.60
2004	16005	29003	3016	117.95
2006	16005	29003	3016	4,617.87
2009	16005	29003	3016	4,118.15
			16005 Total	14,718.73
2003	59016	59002	3016	1,217.65

2004	59016	59002	3016	7,714.82
2009	59016	59002	3016	96,709.74
5000	59016	59002	3016	50,784.22
			59016 Total	156,426.43
			3016 Total	733,425.84
1001	17001	13017	3017	141,373.70
1002	17001	13017	3017	17,976.71
2003	17001	13017	3017	1,064.52
2004	17001	13017	3017	2,733.98
2005	17001	13017	3017	4,112.21
2006	17001	13017	3017	15,812.45
2009	17001	13017	3017	13,215.13
			17001 Total	196,288.70
1001	17003	13017	3017	91,415.73
2003	17003	13017	3017	114.97
2005	17003	13017	3017	154.80
2006	17003	13017	3017	11,637.38
2009	17003	13017	3017	2,061.03
			17003 Total	105,383.91
1001	17005	13017	3017	231,523.95
1002	17005	13017	3017	1,320.00
2003	17005	13017	3017	1,578.49
2004	17005	13017	3017	816.68
2005	17005	13017	3017	6,308.50
2006	17005	13017	3017	16,700.39
2009	17005	13017	3017	10,535.36
			17005 Total	268,783.37
1001	17006	13017	3017	103,180.18
1002	17006	13017	3017	1,760.00
2003	17006	13017	3017	143.27
2005	17006	13017	3017	1,224.06
2006	17006	13017	3017	11,429.50
2009	17006	13017	3017	2,201.93
			17006 Total	119,938.94
1001	17010	13017	3017	14,695.70
2005	17010	13017	3017	697.91
2005	17010	13017	3017	71.99
2006	17010	13017	3017	3,079.35
2009	17010	13017	3017	400.71
			17010 Total	18,945.66
2005	17011	13017	3017	45,890.21
2009	17011	13017	3017	1,520.00
			17011 Total	47,410.21
2004	59017	59002	3017	272.04
			59017 Total	272.04
2009	59000	59001	3017	48,683.29
5000	59000	59001	3017	9,274.00

			59001 Total	57,957.29
2006	96968	96968	3017	10,885.00
			96968 Total	10,885.00
			3017 Total	825,865.12
1001	19001	13019	3019	99,140.39
1002	19001	13019	3019	6,760.00
2003	19001	13019	3019	746.08
2004	19001	13019	3019	448.44
2006	19001	13019	3019	8,992.52
2009	19001	13019	3019	12,712.10
			19001 Total	128,799.53
1001	19002	13019	3019	168,321.22
1001	19002	13019	3019	0.00
1002	19002	13019	3019	3,680.00
2003	19002	13019	3019	1,276.91
2004	19002	13019	3019	2,015.52
2005	19002	13019	3019	9,802.59
2006	19002	13019	3019	17,361.54
2009	19002	13019	3019	9,169.78
			19002 Total	211,627.56
1001	19005	13019	3019	18,260.94
2003	19005	13019	3019	17.33
2006	19005	13019	3019	1,756.91
2009	19005	13019	3019	2,047.49
			19005 Total	22,082.67
1001	19006	13019	3019	45,455.93
2003	19006	13019	3019	45.48
2006	19006	13019	3019	4,609.61
2009	19006	13019	3019	3,618.86
			19006 Total	53,729.88
1001	19007	13019	3019	94,137.91
1002	19007	13019	3019	440.00
2003	19007	13019	3019	71.72
2005	19007	13019	3019	8,088.37
2006	19007	13019	3019	7,254.46
2009	19007	13019	3019	1,301.90
			19007 Total	111,294.36
			3019 Total	527,534.00
1001	13801	13800	3800	132,364.74
1002	13801	13800	3800	1,740.00
2001	13801	13800	3800	4,417.50
2003	13801	13800	3800	1,269.74
2004	13801	13800	3800	504.21
2005	13801	13800	3800	23,180.17
2006	13801	13800	3800	15,151.20
2009	13801	13800	3800	4,830.84

			13801 Total	183,458.40
1001	13802	13800	3800	89,771.67
1002	13802	13800	3800	980.00
2001	13802	13800	3800	12,520.00
2003	13802	13800	3800	61.19
2004	13802	13800	3800	247.74
2005	13802	13800	3800	56.73
2006	13802	13800	3800	10,333.80
2009	13802	13800	3800	2,902.53
			13802 Total	116,873.66
1001	13803	13800	3800	7,434.68
2003	13803	13800	3800	127.96
2004	13803	13800	3800	40.03
2006	13803	13800	3800	887.94
2009	13803	13800	3800	224.33
			13803 Total	8,714.94
1001	13804	13800	3800	18,502.49
1002	13804	13800	3800	880.00
2001	13804	13800	3800	650.00
2006	13804	13800	3800	2,852.65
2009	13804	13800	3800	625.07
			13804 Total	23,510.21
			3800 Total	332,557.21

E. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.

Texas Commission on Law Enforcement Standards and Education

Exhibit 7: Sources of Revenue - FY 2006

Source	Amount
3175 Professional Fees	175,100
3712 Fees From Criminal Offenses*	3,473,997
3719 Fees-Copies/Filing of Records/Criminal History	190,683
3722 Conf/Seminar/Training Reg Fees	1,875
3752 Sale of Publication/Advertising	2,966
3802 Reimbursements - Third Party	66,581
Total	3,911,202

* not all appropriated to TCLEOSE

F. If you receive funds from multiple federal programs, show the types of federal funding sources.

No federal funds were received in FY2006.

G. If applicable, provide detailed information on fees collected by your agency. See Exhibit 9 Example or [click here to link directly to the example.](#)

Fee Description/Program/Statutory Citation	Current Fee	Number of persons or entities paying fee 2006	Fee Revenue	Where is Fee Deposited
Master Peace Officer Certificate Application	\$25	300	7,500	GR-D
Mental Health Officer Proficiency Certificate Application	\$25	606	15,150	GR-D
Temporary Contract Jailer Certificate	\$25	2	50	GR-D
Firearm Instructor's Certificate Application	\$25	389	9,725	GR-D
Supervision Officer Firearms Certificate Application (License)	\$25	248	6,200	GR-D
Certification of Reactivation Endorsement	\$250	135	29,700	GR-D
Certification of Endorsement of Exam Eligibility	\$150	242	36,300	GR-D
Training/ Test Over Two Years Endorsement	\$150	5	750	GR-D
Master Jailer Certificate	\$25	5	125	GR-D
Reinstatement of Suspended or Expired License	\$250	410	100,100	GR-D
Home Owner's Inspector Certificate	\$25	32	425	GR-D
Contract Jailer Certification License (4 year)	\$100	1,010	101,000	GR-D
Specialized Certification License (4 year)	\$100	5	500	GR-D
Civil Process Proficiency Certificate Application	\$25	32	800	GR-D
Investigative Hypnotist Certificate	\$25	11	275	GR-D
Standardized Field Sobriety Practitioner Certificate Application	\$25	23	575	GR-D
Crime Prevention Inspector Certificate	\$25	77	1,925	GR-D
Academic Recognition Award	\$36	64	2,333	GR-D
Basic Instructor Certification	\$25	1,133	28,325	GR-D
Advanced Telecommunicators Certificate Application	\$25	1	25	GR-D
Special Investigator Certificate	\$25	243	6,075	GR-D
Peace Officer Duplicate License	\$25	229	5,725	GR-D
Jailer Duplicate License	\$25	49	1,225	GR-D
Permanent Reserve Officer Duplicate License	\$25	4	100	GR-D
Master Jailer Duplicate Certificate	\$25	1	25	GR-D
Contract Jailer Duplicate Certificate	\$25	1	25	GR-D
Duplicate Endorsement	\$25	17	425	GR-D
Basic Peace Officer Duplicate Certificate	\$25	27	675	GR-D
Intermediate Peace Officer Duplicate Certificate	\$25	10	250	GR-D
Advanced Peace Officer Duplicate Certificate	\$25	16	400	GR-D
Master Peace Officer Duplicate Certificate	\$25	19	475	GR-D
Telecommunicator Operator Duplicate Certificate	\$25	2	50	GR-D
Standardized Field Sobriety Testing Proficiency Duplicate Certificate	\$25	1	25	GR-D
Crime Prevention Inspector Duplicate Certificate	\$25	2	50	GR-D

Basic Jailer Duplicate Certificate	\$25	1	25	GR-D
Intermediate Jailer Duplicate Certificate	\$25	1	25	GR-D
Advanced Jailer Duplicate Certificate	\$25	2	50	GR-D
Mental Health Officer Duplicate Certificate	\$25	1	25	GR-D
Firearm Instructor's Duplicate Certificate	\$25	1	25	GR-D
Supervision Officer Firearms Instructor Duplicate Certificate	\$25	2	50	GR-D
Intermediate Telecommunicators Duplicate Certificate	\$25	3	75	GR-D
Advanced Telecommunicators Duplicate Certificate	\$25	2	50	GR-D
Special Investigator Certificate	\$25	1	25	GR-D
Instructor License (Wall Certificate)	\$25	17	425	GR-D
Course Certification	Hourly Fee	3	1,440	GR-D
TCIC/NCIC - Cert of Criminal History	\$40	1,553	62,120	GR-D
Application for certification to be a licensed academy	\$1,000	2	2,000	GR-D
Application for certification to be a training contractor	\$100	8	725	GR-D
Course 1000 Basic Peace Officer Course	\$35	8	270	GR-D
Course 1004 Advanced Reserve Course	\$25	1	25	GR-D
Course 1007 Basic County Corrections Course	\$25	2	50	GR-D
Course 1013 Basic Telecommunications	\$15	1	15	GR-D
Course 1014 Basic Instructor Course	\$15	2	30	GR-D
Course 2105 Intermediate Child Abuse Prevention and Investigation	\$15	3	45	GR-D
Course 2106 Intermediate Crime Scene Investigation	\$15	3	45	GR-D
Course 2107 Intermediate Use of Force	\$15	4	60	GR-D
Course 2108 Intermediate Arrest, Search and Seizure	\$15	3	45	GR-D
Course 2109 Spanish for Law Enforcement	\$10	2	20	GR-D
Course 2110 DLC - Spanish & Instructor Guide	\$20	1	20	GR-D
Course 2200 Firearms Instructor Certification	\$15	2	30	GR-D
Course 2401 Community Supervision Officer and Parole Officer Firearms Training	\$10	2	20	GR-D
Course 3131 Basic Civil Process	\$15	2	30	GR-D
Course 3232 Special Investigative Topics	\$10	16	160	GR-D
Course 3255 Asset Forfeiture	\$10	1	10	GR-D
Course 3256 Racial Profiling	\$10	1	10	GR-D
Course 3277 Identity Crimes (with text book and CD)	\$15	2	30	GR-D
Course 3277 Identity Crimes (with CD only)	\$6	1	6	GR-D
Course 3301 Basic SWAT	\$15	3	45	GR-D
Course 3302 Hostage Negotiation	\$15	4	60	GR-D
Course 3303 Law Enforcement Officers Flying Armed	\$10	2	20	GR-D
Course 3401 Commercial Driver's License Law	\$15	1	25	GR-D
Course 3501 Intermediate Suicide Detection and Prevention in Jails	\$15	1	15	GR-D
Course 3502 Intermediate Jail Inmate Rights and Privileges	\$15	1	15	GR-D
Course 3503 Intermediate Interpersonal	\$10	1	10	GR-D

Communication in the Correction Setting

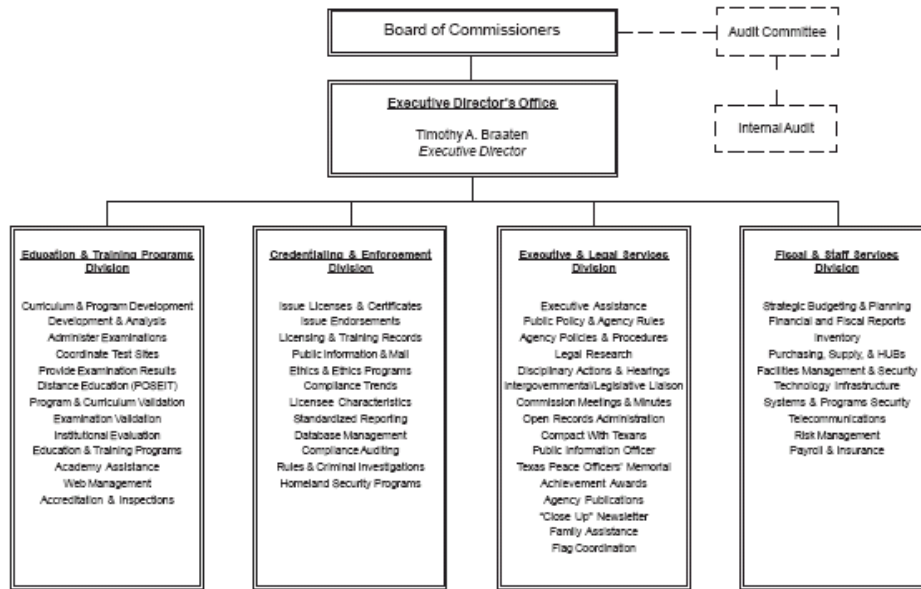
Course 3504 Use of Force in a Jail Setting	\$15	3	45	GR-D
Course 3506 Legal Issues for Jail Personnel	\$15	2	30	GR-D
Course 3702 Field Training Officer	\$20	7	155	GR-D
Course 3710 Basic Supervision: One	\$15	3	45	GR-D
Course 3711 Basic Supervision: Two	\$10	3	10	GR-D
Course 3737 New Supervisor's Course	\$15	3	45	GR-D
Course 3804 AIDS and the Criminal Justice Professional	\$10	3	30	GR-D
Course 3841 Intermediate Crisis Intervention Training	\$15	27	1,105	GR-D
Course 3925 DLC - Ethics	\$15	2	35	GR-D
Course 3939 Cultural Diversity	\$15	2	30	GR-D
Course 4001 Mental Health Peace Officer Training Course	\$25	2	50	GR-D
CD Media Intermediate Course Instructor Guides	\$25	2	50	GR-D
DVD Media Crisis Intervention Training	\$25	1	25	GR-D
Conference and Seminar Fee	\$25	373	10,070	GR-D
Course 2120 Crisis Communication	\$15	27	1,105	GR-D



VI. Organization

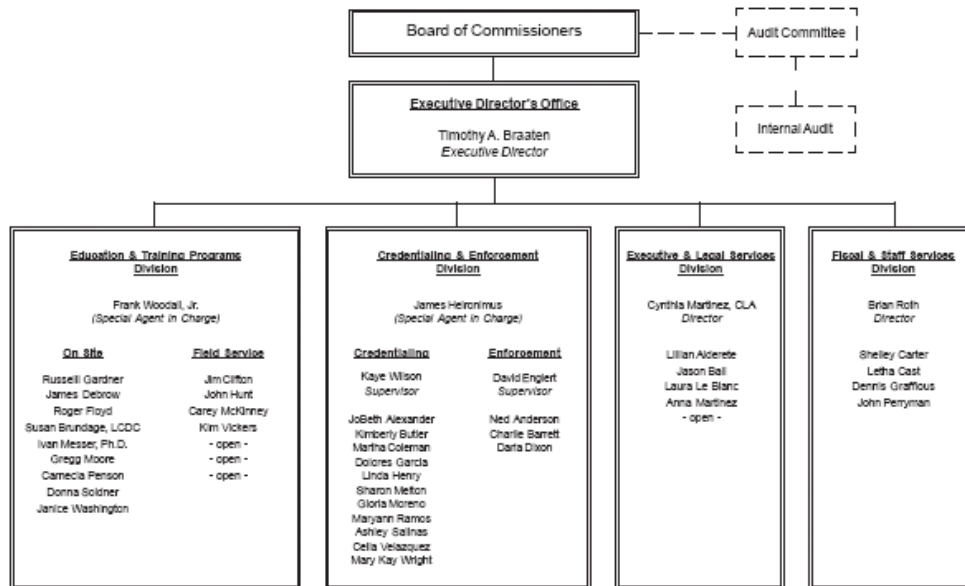
A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division.

**TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION
ORGANIZATIONAL CHART - DUTIES**



07/31/07

**TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION
ORGANIZATIONAL CHART - STAFF**



07/31/07

B. If applicable, fill in the chart below listing field or regional offices. See Exhibit 10 Example or [click here to link directly to the example](#).

Texas Commission on Law Enforcement Standards and Education Exhibit 10: FTEs by Location - Fiscal Year 2006			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY2006	Number of Actual FTEs as of August 31, 2006
Field Service Office, Region 1	Abilene	1	1
Field Service Office, Region 2	Blanco	1	1
Field Service Office, Region 3	_____	1	0
Field Service Office, Region 4	_____	1	0
TOTAL		4	2

C. What are your agency's FTE caps for fiscal years 2006 - 2009?

FTE caps for fiscal years 2006 – 2009:

FY2006	43
FY2007	43
FY2008	46
FY2009	46

D. How many temporary or contract employees did your agency have as of August 31, 2006?

None.

E. List each of your agency's key programs or functions, along with expenditures and FTEs by program.

Texas Commission on Law Enforcement Standards and Education Exhibit 11: List of Program FTEs and Expenditures - Fiscal Year 2006		
Program	FTEs as of August 31, 2006	Actual Expenditures
Credentialing & Enforcement	17	975,647.83
Education & Training	14	1,224,455.96
Administrative/Legal	7	446,113.21
Finance and Staff Services	5	218,507.15
Total	43	2,864,724.15

VII.1 Credentialing and Enforcement/1.1 Investigations

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Investigations
Location/Division	Enforcement and Credentialing Division
Contact Name	James Heironimus, Director
Actual Expenditures, FY 2006	\$227,951.12
Number of FTEs as of August 31, 2006	4.5

B. What is the objective of this program or function? Describe the major activities performed under this program.

This function contributes to the reduction of licensee misconduct.

This is accomplished through a process of receipt and investigation of jurisdictional complaints.

These complaints are investigated, and either closed or forwarded to Executive and Legal Services, to await the initiation of appropriate disciplinary action.

This function ensures compliance with minimum licensing standards. Investigators also conduct random audits of agency licensing records throughout the state.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

See response to letter "O," below.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The investigations function is consistent with its original intent.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

This function affects the Commissioners, staff, all individuals licensed by the Commission, applicants for licensure, and the public.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Enforcement-Audits/Investigations are managed by the Director of Enforcement and Credentialing. The director reports to the executive director, who in turn reports to the Commission. Three

investigators, all of whom are licensed peace officers, report to the Director of Enforcement and Credentialing, and the entire function is supported by one administrative specialist.

Audits and inspection of agency records occurs both from headquarters in Austin and through on-site field visitations.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

This function is funded by general revenue appropriated to the Commission by the state legislature.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

None.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

Law enforcement agencies of any type may provide information to the Commission regarding alleged misconduct that may result in disciplinary action being taken against a licensee.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. What statutory changes could be made to assist this program in performing its functions? Explain.

A removal of the limited investigative authority that is currently placed on peace officers employed by the Commission. (Occupations Code, 1701.160) would facilitate misconduct investigations.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

(The Investigations/Audits function does not take disciplinary action against licensees. This function is handled by the Executive and Legal Services Division.)

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

The regulatory enforcement function is conducted by Executive and Legal Services Division.

Number of Investigations Opened During FY 2006: 666

Status on 8/6/07 of Investigations opened during FY 2006:

Forwarded for Legal Action	259
Closed Exceptional	154
Pending Awaiting Court Action	253

VII.1 Credentialing and Enforcement /1.2 Credentialing

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Credentialing
Location/Division	Credentialing and Enforcement Division
Contact Name	James Heironimus, Director
Actual Expenditures, FY 2006	\$747,696.71
Number of FTEs as of August 31, 2006	12.5

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the credentialing portion of the division is to maintain records on all Texas peace officers, county jailers, and telecommunicators. Based on documents submitted to credentialing, licenses are approved for Texas peace officers and county jailers, and acknowledgements are approved for telecommunicators.

Major activities of credentialing include the issuance of licenses and proficiency certificates to Texas peace officers, county jailers, and telecommunicators based on training as reported on rosters and certificates, service time, and accredited college hours.

The credentialing section is also responsible for:

- updating the records of peace officer, jailers, and telecommunicators, (e.g., name change or address change)
- issuing endorsements for the peace officer and county jailer licensing examination,
- reactivation and reinstatement of peace officer and jailer licenses,
- reinstatement of licenses honorable retired Texas peace officer licenses,
- approval and issuing agency numbers to new agencies,
- providing information to agencies on pre-employment background requests,
- preparing non-compliance notifications,
- responding to public information requests,
- providing TCLEOSE switchboard services,
- opening and distributing all correspondence that is directed to the agency, and
- providing a liaison to the Texas State Library and Archives Commission for records retention.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

Fiscal year 2006

Percent of New Licenses Issued in 10 Days	100%
Percentage of License Renewals Issued in 7 Days (Percent of Performance Target)	100%
Total Number of Individuals Licensed (Active But Not Appointed) (Average)	49,675
Total Number of Individuals Licensed (Appointed) (Average)	84,850
Number of New Licenses Issued to Individuals	18,629
Number of Licenses Reactivated	168
Number of Certifications Issued (report calculated by month and certificate)	16,371
Number of individuals appointed (L-1s received)	
web	3,556
average per day (based on working days each month)	
Number of reinstatements received (number of checks for 5115)	410
Number of F-5s received (number processed)	
web	8,139
average per day (based on working days each month)	
Number of F-6s rosters posted	27,834
average per day (based on working days each month)	
Number of Pre-employment Requests received (number of checks for 5510)	1,352
average per day (based on working days each month)	
Number of endorsements issued	337
reactivations received (number of checks for 5111)	151
out-of-state peace officer applications (number of checks for 5112)	231
tested but never licensed applications (number of checks for 5113)	20
Endorsement (number of checks for 5220)	16
Training waivers granted (Individuals)	325
3102 Civil Process Exemption by Constable	141
3233 Exempted by Chief's Continuing Ed. LEMIT	56
3741 Chief's Self Exemption	4
6039 Non-Compliance, Mitigating Circumstances	9
6040 Non-Compliance, Military Call-up	138
6041 Legislator Exemption to Continuing Education	5
Number of Pre-enrollment records requests (number of checks for 5510)	1,209
Number of duplicate documents processed/requested	374
Peace Officer License (number of checks for 5201)	216
Jailer License (number of checks for 5203)	45
Public Security Officer License (number of checks for 5205)	0
Provisional Peace Officer License (number of checks for 5206)	1
Reserve Officer License (number of checks for 5210)	3
Temporary Jailer License (number of checks for 5211)	0
Master Jailer Proficiency Certificate (number of checks for 5214)	1
Temporary Contract Jailer Certificate ((number of checks for 5216)	0
Contract Jailer Certificate (number of checks for 5217)	4
Basic Peace Officer Proficiency Certificate (number of checks for 5301)	25
Intermediate Peace Officer Proficiency Certificate (number of checks for 5302)	12
Advanced Peace Officer Proficiency Certificate (number of checks for 5303)	14

Master Peace Officer Proficiency Certificate (number of checks for 5304)	18
Emergency Telecommunications Proficiency Certificate (number of checks for 5305)	2
Investigative Hypnosis Proficiency Certificate (number of checks for 5306)	0
Standardized Field Sobriety Testing Proficiency Certificate (number of checks for 5307)	1
Drug Recognition Expert Certificate (number of checks for 5308)	0
Crime Prevention Inspector Proficiency Certificate (number of checks for 5309)	2
Homeowners Insurance Inspector Proficiency Certificate (number of checks for 5310)	0
Basic Jailer Proficiency Certificate (number of checks for 5312)	1
Intermediate Jailer Proficiency Certificate (number of checks for 5313)	2
Advanced Jailer Proficiency Certificate (number of checks for 5314)	1
Mental Health Officer Proficiency Certificate (number of checks for 5316)	1
Firearms Instructor Proficiency Certificate (number of checks for 5317)	1
Firearms Proficiency Certificate for Community Supervision Officers (number of checks for 5318)	2
Civil Process Proficiency Certificate (number of checks for 5330)	0
Academic Recognition Award (number of checks for 5350)	2
Intermediate Telecommunications Certificate (number of checks for 5360)	2
Advanced Telecommunications Certificate (number of checks for 5370)	1
Special Investigator Certificate (number of checks for 5375)	2
Instructor Proficiency Certificate (number of checks for 5400)	16

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

In 1998, the agency began working on a new database system, the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS), which allows law enforcement agencies to submit various records and reports electronically, thereby expediting the licensing and certification process. This process has undergone recent upgrades, and is now known as TCLEDDS II. This database is the result of a public/private partnership that is working well.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

This program affects the Commission and its staff, licensees, applicants for licensure, and the public.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Credentialing staff report to a manager, who reports to the division director, who reports to the executive director, who reports to the commission. There are twelve staff members in Credentialing.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Credentialing is supported by general revenue dedicated appropriations from the state legislature. Credentialing generates revenue by way of fees paid for various proficiency certificates and other services.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

The Commission operates similar to the other licensing or regulatory agencies that issue licenses or certifications and monitor compliance to continuing education requirements.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

They would not be duplicative; nor are they in conflict.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

This program submits names to and makes inquiries of the national peace officers decertification database. The database lists peace officers throughout the U.S. who have had their licenses revoked or suspended.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

The functions are self-explanatory.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

See “VII 3.2 – Legal/Enforcement” of this document.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices.

N/A

VII.1. Credentialing and Enforcement/1.3 Homeland Security

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Homeland Security
Location/Division	Credentialing and Enforcement
Contact Name	James Heironimus, Director of Enforcement
Actual Expenditures, FY 2006	\$8,914.28
Number of FTEs as of August 31, 2006	None*

* FTEs assigned to this category are not counted here, but are assigned to through out the agency.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of this program is to provide support for and cooperation with the Governor's Office of Homeland Security initiative. The Commission on Law Enforcement Officer Standards and Education provides a response team consisting of all licensed peace officers (investigators) assigned to the agency who are available for deployment in the event of a homeland security emergency within the state of Texas. Our personnel (peace officers) are assigned to provide law enforcement support as directed by the governor, within their scope of authority.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

This program is a support function to be used in case of state emergency. The efficiency of the program rests in the fact that the Governor's Office of Homeland Security has fully trained and licensed peace officers available to assist in providing law enforcement functions in the areas of: command and control teams, physical security teams, and operations coordination.

The functionality of this program is outlined in the Texas Law Enforcement Response Plan prepared by the Governor's Office of Homeland Security.

At present, this function has not been activated; therefore there are no current measures that can address the effectiveness or efficiency of the function.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

See "C" above.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

This function affects our agency, other law enforcement entities, residents of Texas, and visitors to Texas in the event of a state emergency.

Eligibility to participate in this program includes full-time employed investigators of the agency holding a peace officer license.

100% of the employees (investigators) who hold peace officer licenses participate in this program.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The Homeland Security response program is administered by the Governor's Office of Homeland Security. Agency control is through the executive director, and director of the enforcement division to all sworn employee investigators.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Commission funds the Homeland Security Program through general revenues and budget.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

Other state agencies contribute similar services by providing licensed peace officer employees as required. See "M" below.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Agency has entered into a Memorandum of Understanding (MOU) with the Governor's Office of Homeland Security to provide peace officers for homeland security activities (documentation available upon onsite review).

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

This program is directly related to the Governor's Office of Homeland Security, the Office of the Attorney General, and the Office of Emergency Management, and is associated with various local, state and federal law enforcement entities throughout the state.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. What statutory changes could be made to assist this program in performing its functions? Explain.

Enhancing the authority of the investigators (peace officers) employed by the agency, by lifting the restrictions on their peace officer authority, would make them more effective in this program.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

The Governor's Office of Homeland Security has requested that state agencies employing peace officers share in the role of protecting Texas' vital sea ports in times of elevated security postures. The Texas Commission on Law Enforcement Officer Standards and Education complies with the procedures outlined by the Governor's Office of Homeland Security, agreeing to be utilized only upon the elevation of the Homeland Security Advisory System level to "Orange." The goal of this program is to change the security routine at selected ports by placing an additional law enforcement security presence that will provide an enhanced security visibility to serve as a deterrent. This additional law enforcement presence will be put into place with the coordination and close cooperation of the Department of Public Safety (DPS) District Disaster Chairman (DDC), the sea port civilian law enforcement authorities, and U.S. Coast Guard officials. The sea port civilian law enforcement authorities will serve as the host agency for the additional resources and will provide guidance and supervision to the additional officers as appropriate. This collaborative effort is intended to create a safer environment for everyone who is involved with the operation of the Texas sea ports.

- N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

N/A

- O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.**

N/A

VII.2. Education and Training/ 2.1 Course Development

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Education and Training – 2.1 Course Development
Location/Division	Education and Training Programs
Contact Name	Frank Woodall, Division Director
Actual Expenditures, FY 2006	\$295,059.23
Number of FTE's as of August 31, 2006	3

B. What is the objective of this program or function? Describe the major activities performed under this program.

The first step is to determine the training and education needs for the state's license holders by identifying important concepts, ideas, and skills required to perform the job. The objective of course development is to develop course curriculum for basic and advanced training courses as mandated by the Texas legislature through amendments to §1701.253, §1701.351, §1701.352, and §1701.354, Texas Occupations Code (TX OCCP CODE). Additionally, course development oversees the development of course curriculum required by statute for constables and chiefs of police. This program area also develops learning objectives and curriculum for identified topics which are to be constructed for delivery through the agency's network of academies and training contractors or online through the agency's POSEIT training site.

Course development conducts research on law enforcement trends to determine new training issues of importance to Texas law enforcement. Course development establishes the minimum hours of training required for each basic and advanced course developed.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

Agency Strategic Plan 1.1.2, Output Measure 2 requires the agency to report the number of new courses not previously listed in the Commission course catalog that were developed by or under the direction of the Commission. This includes on-line courses developed by the Commission for the POSEIT website. IIIA Strategy Level Detail Automated Budget and Evaluation System of Texas (ABEST) is used to evaluate this function.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

- 1970, minimum standards for peace officers became mandatory and a 140-hour basic peace officer course curriculum was developed

- 1973, a new curriculum was developed for the basic peace officer course, increasing the course to 240 hours, and a 70-hour basic reserve peace officer course curriculum was developed
- 1980, a 36-hour basic jailer course curriculum was developed and approved
- 1981, new curriculum was developed for the basic peace officer course, increasing the number of hours to 320
- 1985, a new curriculum was developed for the basic peace officers course, increasing the minimum hours to 400; and intermediate and advanced reserve peace officer course curricula were developed
- 1987, a state-mandated intermediate course curricula were developed
- In 1994, new curricula were developed for the basic peace officer course, which increased the number of hours to 560
- 1995, the Commission initiated the POSEIT online training site overseeing the development of curriculum and course content – to date, 25 courses have been developed for the POSEIT on-line training site
- 1999, mandated Spanish curriculum was developed
- 2001, mandated curricula for Asset Forfeiture and Racial Profiling were developed for basic and advanced courses, and the basic peace officer curriculum was increased to 576 hours
- 2003, an Identity Theft curriculum was developed for basic and advanced courses
- 2004, a Crisis Intervention Techniques course curriculum was developed and added to basic peace officer course for 1-1-2005, and with this addition, the basic peace officer course increased to 618 hours
- Beginning in 2004, curricula have been developed with the incorporation of learning objectives, lesson plans, and PowerPoint presentations
- September 1, 2005, the legislature mandated CIT training for all peace officers
- 2005, a new curriculum was developed to increase the basic jailer course to 96 hours
- 2007, a curriculum was developed for Human Trafficking in anticipation of legislation requiring such training

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Curriculum developed for basic licensing and advanced training courses affects the approximately 175,000 appointed and non-appointed license holders in the state and the 265 licensed training academies and contract-training providers.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Administration of course development is outlined in Education and Training Division Standard Operating Procedures 1.1 and 3.1. Copies of SOPs are available at TCLEOSE. After training

needs are identified, Commission staff or an advisory committee of subject matter experts research the available resource information. Learning objectives for course topic are developed. Resource information is

placed with corresponding learning objectives. Minimum course hours are established. Instructor resources are developed and assigned a course number. Course curriculum is published on Commission website for public comments. Finally, the course curriculum is added to course catalog.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The program is funded by general revenue dedicated appropriations, as well as receipts.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

None.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

The Commission works with advisory groups made of license holders from local, county, and state agencies. These advisory groups assist in identifying important issues and new concepts affecting license holders. Commission program staff members then take these issues and concepts, develop learning objectives and course curricula that meet the identified needs.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

The Commission has a contract with Sam Houston State University to develop online training courses using curricula developed by the Commission. The contract establishes the number of

courses to be delivered over the contract period. The contractor is paid only for courses delivered. During FY 06 Sam Houston State University was paid \$128,000 for course development. This development included developing the audio script, video streaming, and online student exercises and testing.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

No potential statutory changes have been identified.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

No regulation of course development is required. Course curriculum development is completed either by or under the direction of the Commission. Any outside courses developed to meet legislative requirements must be submitted to the Commission for review, and cannot be offered for training credit unless approved by the Commission.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

N/A

VII. 2. Education and Training/ 2.2 Course Maintenance

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Education and Training – 2.2 Course Maintenance
Location/Division	Education and Training Programs
Contact Name	Frank Woodall, Division Director
Actual Expenditures, FY 2006	\$295,059.23
Number of FTEs as of August 31, 2006	3

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of this program is to ensure that the 47 Commission-developed course curricula and the 25 POSEIT courses are periodically reviewed, and that the curricula are updated to reflect current law enforcement trends, case law, statutory law, technological innovations, and accepted law enforcement industry standards.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

After courses and curricula are developed, new information and practices create a need for course and curriculum updates. At TCLEOSE, we call this "maintaining" a course. The agency's strategic plan in section 1.1.2 output measure requires TCLEOSE to report on the number of courses maintained. This includes online courses developed by the Commission for the POSEIT website. IIIA Strategy Level Detail Automated Budget and Evaluation System of Texas (ABEST) is used to evaluate this function.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The maintenance of course curriculum became a function of the Commission upon the establishment of the first basic licensing course developed by the Commission in 1970. As courses have been added to the course catalog, the function responsibility has increased.

The state legislature requires immediate maintenance of legislatively mandated courses to ensure compliance with enacted legislation. Originally confined to paper course curricula, this function now includes the maintenance of electronic course files and online courses provided via the POSEIT site.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Course maintenance for 47 basic licensing and advanced training courses and 25 POSEIT courses affects the approximately 175,000 appointed and non-appointed license holders in the state and the 265 licensed training academies and contract-training providers who depend upon the curricula to be current. Maintaining the

curricula to accepted standards ensures properly trained peace officers, jailers, and telecommunicators who are all up-to-date and fully effective.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Education and Training Program Division Standard Operating Procedures establish the administration of the course maintenance function. SOP 1.3 establishes procedures for course maintenance. Course curricula are reviewed as established by a review schedule. Legislatively mandated courses are reviewed following the end of a legislature for changes in statutes affecting law enforcement operations, investigations, criminal procedures, offenses, and requirements.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Funding is provided through general revenue dedicated appropriations as well as receipts.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

The Texas District and County Attorney's Association publishes a legislative update following the end of a legislative session. While this publication does not update course curricula, it is used as a resource. There are not any other existing internal or external programs, which update curriculum developed by the Commission.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

The Commission works with advisory groups made of license holders from local, county, and state agencies. These advisory groups assist in reviewing learning objectives and course curricula to meet the identified needs in curricula that may be outdated.

K. If contracted expenditures are made through this program please provide:

- **the amount of those expenditures in fiscal year 2006;**
- **the number of contracts accounting for those expenditures;**
- **a short summary of the general purpose of those contracts overall;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

The Commission has a contract with Sam Houston State University to develop and maintain on-line training courses developed by the Commission. During FY 06, Sam Houston State University was paid \$128,000 for course development and maintenance. This maintenance includes correcting errors found in the online materials, and the addition of legislatively mandated materials.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

Section 1701.352, Texas Occupations Code, requires peace officers to complete training in civil rights, racial sensitivity, cultural diversity, child abuse and neglect, family violence, sexual assault, and sex offender characteristics at least once every 48 months. Tenured officers have completed this course 6 to 8 times since this training was mandated. While this course is maintained following each legislative session, the basic curriculum is unchanged. Mandating this training decreases the ability of the agency to provide training in other areas. This mandate could be maintained by the leaving these courses as basic and intermediate requirements while removing the 48-month requirement.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

No additional information to be provided.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Course maintenance is not a regulatory function. However, the regular maintenance of course curriculum directly affects the approximately 175,000 regulated license holders. These license holders are required by the Texas Occupations Code to complete continuing education training, which is composed of Commission curricula.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

N/A

VII. 2. Education and Training/ 2.3 Course Delivery

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Education and Training – 2.3 Course Delivery
Location/Division	Education and Training Programs
Contact Name	Frank Woodall, Division Director
Actual Expenditures, FY 2006	\$356,979.86
Number of FTEs as of August 31, 2006	4

B. What is the objective of this program or function? Describe the major activities performed under this program.

This function evaluates licensing tests, the testing process, and the delivery of the mandated training curricula. The quality and conduct of training courses are evaluated through this function using on-site evaluations of law enforcement academies and training providers, and the quantitative results of the state licensing exams.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

Agency Strategic Plan 1.1.2 Output Measure 3 requires the agency to conduct on-site evaluations of the academies. This includes law enforcement academies and contract training providers. Quarterly performance reports are submitted documenting academies evaluated. IIIA Strategy Level Detail Automated Budget and Evaluation System of Texas (ABEST) is used to evaluate this function.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The Commission has been evaluating the delivery of developed curricula since the basic licensing course was created in 1970. As legislative mandates for training were implemented, the need to evaluate training programs became more important. The Commission is currently responsible for evaluating 265 training programs across the state. The implementation of the POSEIT training site in 1998 increased the responsibilities for evaluating programs delivered by the Commission.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The ability to access and complete mandated continuing education affects the approximately 175,000 appointed and non-appointed license holders in the state. The 265 licensed training academies and contract training providers have the primary responsibility to deliver training to license holders. Academies, contract training providers, and academic alternatives are required to meet the qualifications in Commission Rules 215.3, 215.5, and 215.6. After meeting these

requirements and Commission approval, they are issued a training provider contract. This contract is renewable every 5 years.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The Education and Training Program Division's Standard Operating Procedures established the administration of the course delivery functions. SOP 3.1 establishes the procedures for delivery of distance education. SOP 4.1 establishes the procedure for licensing exam question development. SOP 5.1 and Commission Rule §215.11 establishes the procedures for training provider evaluations. Commission Rule §215.13 establishes the criteria for placing training providers at risk.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Funding is provided through general revenue dedicated appropriations, as well as receipts.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

Field assistance provides limited evaluation of training providers by reviewing course records and on-site assistance visits to ensure compliance with Commission rules and the Texas Occupations Code. Field assistance agents do not conduct full evaluations. Their responsibility is to assist providers in achieving compliance.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The training program evaluator advises field assistance agents of evaluations being conducted in their respective field regions. As field agents conduct assistance visits to training providers, they advise the evaluator of any glaring violations of Commission rules or laws, or practices, which require an in-depth evaluation of the provider's procedures and practices. Prior to an on-site evaluation, the evaluator provides written notice to the training coordinator, agency administrator, and chairman of the advisory committee of the date of the evaluation. This notice eliminates scheduling conflicts with training providers, and helps ensure that key personnel will be available during the evaluation.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

Training providers are local, county, state, and federal law enforcement agencies; colleges and universities; and private entities who are under contract with the Commission. These contracts allow the training providers to conduct and report training for licensees in order to meet legislatively mandated continuing education requirements. The conducting and reporting of training must meet Commission rules and the conditions of their training contract. Training contractors who fail to meet established requirements may be placed at risk or have their training contract terminated.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

This function is not contracted.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

No potential statutory changes have been identified.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

No additional information is provided.

- N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**
- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;
 - follow-up activities conducted when non-compliance is identified;
 - sanctions available to the agency to ensure compliance; and
 - procedures for handling consumer/public complaints against regulated entities.

Course delivery is a regulatory program evaluating the quality and effectiveness of course curricula delivered by the 265 training providers in the state. This program exercises oversight of the training providers and courses delivered. Also required of training providers are files on each course delivered in the curriculum used by the instructor. This program provides for periodic on-

site evaluation of the provider, as well as annual reviews of pass rates on licensing courses. Deficiencies that are noted require a management response and an action plan. These management responses are the first items included on the next evaluation.

Training providers that are found to have major deficiencies may be designated as “at risk” or have their training contract terminated. Providers that are designated as “at risk” must bring their program into compliance or face termination of the training contract.

Agencies without training contracts are limited in the scope of courses they may offer. Agencies without a training contract may not offer licensing courses, legislatively mandated courses, or any course which lead to a proficiency certification.

Public complaints on training providers are forwarded to an evaluator for investigation. Results are placed in the providers’ master files.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices.

(Agency Name) (Regulatory Program Name) Exhibit 12: Information on Complaints Against Regulated Persons or Entities Fiscal Years 2005 and 2006		
	FY 2005	FY 2006
Total number of regulated entities	254	265
Total number of entities inspected	104	99
Total number of complaints received from the public	0	0
Total number of complaints initiated by agency	0	0
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	0	0

VII.2. Education and Training/ 2.4 Field Assistance

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Education and Training – 2.4 Field Assistance
Location/Division	Education and Training Programs
Contact Name	Frank Woodall, Division Director
Actual Expenditures, FY 2006	\$277,357.62
Number of FTEs as of August 31, 2006	4

B. What is the objective of this program or function? Describe the major activities performed under this program.

The field service assistance function was created to:

- improve the general understanding of the role of the Commission,
- encourage greater voluntary compliance with the established standards,
- improve TCLEOSE processes and procedures,
- facilitate feedback to TCLEOSE from agency administrators,
- resolve issues before they become problems, and
- contribute to professional relationships throughout the law enforcement profession.

Field service agents are encouraged to conduct training seminars on Commission rules, reporting responsibilities, audits, and evaluations.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

This program will complete its first full year on August 31, 2007.

Performance measures established for the program are:

Output Measures

- Number of agencies visited
- Number of follow-up emails and telephone calls
- Number of agency audits of personnel files
- Number of people attending training seminars
- Number of law enforcement special events attended

Outcome Measures

- Reduce by 25% the continuing education suspensions and expirations for the 2007 and 2009 training units
- Reduce the number of “at risk” licensing programs
- Increase notification from licensees and agencies of arrests from misconduct

Results of the program’s first year will be reviewed in September/October 2007.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

In 1970, the Commission established a field services division. Field offices were established regionally to allow local contact and resolution of problems. As the Commission's FTEs were reduced, field offices were closed, and remaining personnel were moved to Austin headquarters. In August 2006, a re-alignment of existing FTEs allowed for the identification of 4 FTE positions to re-establish regional field assistance personnel. Today, field assistance personnel office out of their residence and provide face-to-face contact between the Commission and our constituents. The 80th Texas Legislature approved the addition of 3 additional FTEs to increase field assistance personnel to 7. These positions are expected to be filled by October 1, 2007.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Field agents establish face-to-face interaction with agencies and training providers within the established geographic regions.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The Education and Training Program Division's Standard Operating Procedures established the administration of the field assistance function. SOP 2.4 establishes the procedures for field assistance contacts and local training seminars conducted by field assistance personnel. SOP 5.1 establishes procedures for training provider evaluations. Commission Rule §215.11 establishes the procedures for training provider evaluations. Commission Rule §215.13 establishes the criteria for placing training providers at risk. Commission Rule §211.27 establishes reporting responsibilities of individual officers. Commission Rule §211.29 establishes responsibilities of chief administrators. Occupations Code sections 1701.351, 1701.352, 1701.354, and 1701.3545 establishes training requirements for licensees. Field assistance agents report directly to the Director of Education and Training Programs. However, their responsibilities affect all divisions within the agency.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Funding for salary, benefits, equipment, and supplies are provided by general revenue dedicated appropriations. During FY 07, traveling expenses have been funded through CJD Grant 18758-01. The CJD grant expires August 31, 2007, and will not be renewed. Beginning September 1, 2007, field assistance will be funded by general revenue dedicated appropriations.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

The field assistance program does not duplicate any existing functions. Field assistance supplements the evaluation process of the education and training division, and the audit process of the credentialing and enforcement division.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Field assistance agents remain in contact with other Commission investigators. Field assistance agents forward tentative schedules two weeks in advance to the Commission. Field assistance agents perform limited-scope evaluations and audits. When the results of these limited audits uncover serious violations of law or Commission rules, field assistance personnel contact investigators who are charged with evaluations and agency audits requesting a full evaluation or audit.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

The program is designed to work with local, county, state, or federal agencies and training providers licensed or contracted through the Commission. Their status as a licensee or training provider regulated by the Commission requires a working relationship to help ensure voluntary compliance with Commission rules and the law.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

No part of the field assistance program is contracted out to another entity.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

No potential statutory changes have been identified.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

No additional information.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Field assistance is not designed as a regulatory function. However, functions directly relate to ensuring that licensees, agencies, and providers are compliant with Commission rules and law. Field assistance initial contacts are designed to be informative and positive. Follow-up contacts usually answer specific questions or issues uncovered, or previously discussed. Field assistance works to reduce non-compliance by licensees, agencies and training providers by promoting voluntary compliance.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Since this program began in FY 07, statistical information is limited. Regulatory information affecting this function is reported by the divisions that are responsible for credentialing and enforcement.

VII.3. Executive and Legal Services/ 3.1 Executive Services

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Executive Services
Location/Division	Executive and Legal Services
Contact Name	Timothy Braaten, Executive Director Cynthia Martinez, Director
Actual Expenditures, FY 2006	\$175,941.62
Number of FTEs as of August 31, 2006	2.5

B. What is the objective of this program or function? Describe the major activities performed under this program.

This division is made of the Executive Director and the support personnel of the Executive and Legal Services Division. Of the six additional FTEs devoted to this division, one and one-half FTEs are committed to support the members of the Commission and the executive director for a total of 2.5 FTEs devoted to this program area.

This group prepares agendas and manuals, posts notices of meetings with the Texas Resister, prepares and distributes meeting materials, and facilitates meeting arrangements. This group responds to legislative and executive branch inquiries and approves all agency policies and procedures. This group prepares all of the correspondence of the executive director, sets schedules, and makes appointments.

The Executive Director manages the four divisions of the agency, represents the agency at meetings, and responds to agencies, associations, and interest groups.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

The best measure for this program is the performance evaluation of the executive director, along with and evaluation of the strengths and weaknesses of the agency as made by the Commissioners and customers. An employee evaluation of the agency is available in the Survey of Organizational Excellence results from 2006.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

In 2006, a major reorganization occurred in this group with the elimination of the Chief of Professional Standards and Operation position. Previously the four division directors reported to the chief of professional standards and operation, who in turn reported to the executive director. The new executive director eliminated the chief's position in early 2006. This position was moved to field assistance.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

This group and programs affects the Commissioners, the staff, licensees, academies and agencies, applicants for licensure, and the public.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The executive director is the head of our agency. This position reports directly to the presiding officer of the Commission. There are four division managers, who report directly to the executive director. Those divisions are Executive and Legal Services, Fiscal and Staff Services, Credentialing and Enforcement, and Education and Training. (See the organizational function chart.)

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

TCLEOSE is funded through Fund 116, which is made of court costs assessed on felony and misdemeanor cases. One third of these funds may be used for TCLEOSE administration, while the remainder is divided among law enforcement agencies for continuing education expenses. TCLEOSE also charges user fees that amount to approximately \$400,000 yearly. These user fees decrease the funds needed for TCLEOSE administration, and increase the share paid out to qualifying agencies for their continuing education expenses.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

None.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

When the Commission revokes the license of a peace officer, the relevant information is entered into a national decertification database. This information is available to other states in the event the officer applies to become a peace officer in their state.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. What statutory changes could be made to assist this program in performing its functions? Explain.

The present mandated courses of cultural diversity and special investigative topics must be repeated every four years. These 40 hours of mandated courses make up half of the 80 hours of required training. This statutory requirement of redundant needs to be removed, to allow agencies the discretion to choose the most applicable training alternatives.

Police officers/investigators employed by TCLEOSE need to have complete peace officer authority in order to investigate any possible criminal violations of license holders. The Occupations Code does not include offenses of official misconduct, nor that of impersonating a peace officer. Without complete peace officer authority to investigate the criminal misconduct of licensees, TCLEOSE investigators must repeatedly solicit help from the Department of Public Safety, rangers, district attorney investigators, sheriff's departments, and police departments; many of whom have other criminal justice priorities that conflict with acting on licensee misconduct.

There are several loopholes in the statutes' treatment of appointments that need to be studied and eliminated: for example, elected constables have 270 days to obtain their peace officer license, elected sheriffs have 2 years, and police chiefs must obtain their licenses immediately or be called "administrators."

The police-chief requirement needs to be changed in order to reflect the very common practice of cities hiring highly qualified and highly trained police chief from out-of-state who cannot call themselves "chiefs of police" or "peace officers of Texas" until they pass the licensing examination. This is much different from what is required of constables, sheriffs, and other agency heads.

There is a need for a duly authorized integrity unit to investigate the integrity and ethics of our law enforcement agencies. Many citizens mistakenly believe that this is the responsibility of TCLEOSE. This Commission has neither the authority nor the resources to be responsible for discovering, investigating, and prosecuting peace officer misconduct. As a licensing and regulatory agency, we take action after conviction and only discover authorities to investigate and to seek prosecution of violators of the Occupations Code.

Lastly, 911 telecommunicators throughout Texas need to be licensed. Presently, 911 telecommunicators are certified, but not licensed. Licensure requires a background check, criminal checks, continuing requirements to maintain a license, and procedures for having the license revoked. Several members of TCLEOSE, including the executive director, belong to IADLEST: the International Association of Directors and Law Enforcement Standards and Training. This association is made of training managers and executives who are dedicated to the improvement of

public safety personnel. The association serves as a national forum of police officer standards and training (POST) agencies, boards, and commissions, as well as statewide training academies throughout the United States. The mission of IADLEST is to research, develop, and share information, ideas, and innovations that assist states in establishing effective and defensible standards for the employment and training of peace officers.

These aforementioned items of concern will be described in more detail in Section IX Policy Issues.

Through our association with IADLEST, we participate in the National Peace Officer Decertification Database, and we communicate directly with POST commissions across the country. The database contains information on Texas officers as well as on other states' peace officers who have had their licenses revoked or surrendered.

TCLEOSE is a licensing and regulatory agency. The massive number of agencies, training providers, and academies necessitates voluntary compliance by those being regulated if TCLEOSE is to be successful in achieving its mission and assigned duties. The executive director is responsible for managing this agency in such a way that a great majority of the regulated voluntarily complies, and the few who do not are sanctioned.

The key is the credibility of the agency – an agency where the 2700 agencies' heads, more than 165 plus training providers, and over 100 academies accept the regulation as being meaningful, appropriate, fair, and logical. It is the responsibility of the Commission, its Commissioners, and its Executive Director to maintain this credibility.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

Functions are self-explanatory.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

See the investigations report and the legal report programs.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

See both the investigations report and legal report.

VII. 3. Executive and Legal Services/ 3.2 Legal/ Enforcement

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Legal and Enforcement
Location/Division	Executive and Legal Services
Contact Name	Cynthia Martinez, Director
Actual Expenditures, FY 2006	\$120,076.26
Number of FTEs as of August 31, 2006	2

B. What is the objective of this program or function? Describe the major activities performed under this program.

The legal division receives complaint files forwarded from the investigators of the credentialing and enforcement division. The Executive and Legal Services Division reviews and determines what action to take against licensees whom have violated Commission rules. This process involves the following actions.

- Review and apply appropriate sanctions for cases forwarded from enforcement
- Request offense report
- Enter cases into the Commission database system under “cases” with appropriate sanctions to be taken
- Enter cases into the enforcement database
- Enter cases into the cases database for mail merge
- Prepare petitions, statutory actions, cancellations, reprimands, and acceptance letters for permanent or temporary voluntary surrenders
- Prepare envelopes (certified, regular, agency) for petitions, statutory actions, cancellations, reprimands and acceptance letters for permanent or temporary voluntary surrenders
- Forward petitions, statutory actions, cancellations, and/or reprimands for review
- Mail out petitions, statutory actions, cancellations, and/or reprimands
- Track 20-day petition notices for defaults
- Prepare settlement agreement packets
- Correspond with attorneys and their staff regarding respondents
- Correspond with courthouse personnel and law enforcement agencies
- Prepare contested cases for administrative hearings
- Send copies of all cases set for administrative hearings
- Send out show-cause notice of hearings to respondents
- Prepare for hearings
- Attend hearings and provide expert testimony for the agency
- Prepare summaries and all final orders of disciplinary actions for Commission meetings for Commissioner action
- Notify licensees by correspondence for action notice
- Enter disciplinary actions into the Commission database and IADLEST databases
- Maintain files, including history database files
- Close cases exceptionally, if determined

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

Measure Description	FY 2004	FY 2005	FY 2006
% of complaints resolved resulting in disciplinary action	2,515	2,170	3,117
Recidivism rate for those receiving disciplinary action	<1%	<1%	<1%
% of complaints resolved in 6 months	20.10%	40.49%	30.25%
# of jurisdictional complaints received felony revocation	30	36	45
# of jurisdictional complaints received felony suspension	8	13	12
# of jurisdictional complaints received misdemeanor revocation	17	10	13
# of jurisdictional complaints received misdemeanor suspension	81	86	76
# of non-jurisdictional complaints received cancellation	21	28	30
# of non-jurisdictional complaints received permanent voluntary surrender	43	48	35
# of non-jurisdictional complaints received term voluntary surrender	0	2	0
# of non-jurisdictional complaints received reprimand	95	70	104
# of non-jurisdictional complaints received non-compliance of training	1,557	1	1
# of complaints closed	18	1	20
# of SOAH hearings set	38	45	40
# of SOAH hearings conducted	20	24	23
# of disciplinary action final orders statutory revocation	35	21	50
# of disciplinary action final orders statutory suspension	17	14	5
# of disciplinary action final orders misdemeanor revocation	15	27	9
# of disciplinary action final orders misdemeanor suspension	101	233	73
# of disciplinary action final orders misdemeanor suspension probated	19	17	15
# of administrative actions cancellation license	20	24	10
# of administrative actions cancellation proficiency certificate	3	3	7
# of administrative actions permanent voluntary surrender	39	54	30
# of administrative actions term voluntary surrender	0	1	0
# of administrative actions reprimand	315	91	42
# of administrative actions non-compliance of training suspension	0	1	0
# of administrative actions non-compliance of training reprimand	1,557	172	37
# of licenses reinstated from a suspension	14	15	12
# of license reinstatements denied	0	1	0
# of expunction orders	18	23	31

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The functions of this division continue to increase after every legislature. In the 80th legislature, this division was delegated the duty of taking disciplinary action on licensees who have received more than two dishonorable discharges from their agencies. Such a licensee could face a revocation of their license at the Commission's determination. All administrative procedures ensure the right for a hearing for the licensee.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The charge of this division is to ensure that Texas has the most qualified, trained, ethical law enforcement personnel enforcing Texas law. This division has a responsibility to take action on licensees who violate the law and the public trust.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The Director of Executive and Legal Services manages this division. There are five employees reporting directly to the division director. Two staff members are primarily responsible for accomplishing these enforcement actions.

It is standard operating procedure that all complaints received are processed within 30 days. Due to various license actions, there are different timelines for the final disposition of the cases.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Appropriated funds.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

Other state regulatory agencies take disciplinary actions against individuals who possess professional certifications and/or licenses.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

This division works with law enforcement agencies at all levels in order to retrieve jurisdictional documentation, offense reports, affidavits, etc. This documentation is pertinent to the enforcement and disciplinary proceedings that the Commission needs for prosecution, and to apply the appropriate sanctions.

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. What statutory changes could be made to assist this program in performing its functions? Explain.

Due to the substantial workload of this program, a dedicated staff attorney would facilitate addressing the huge number of legal questions that are raised when administrative due process is necessitated.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

Functions are self-explanatory.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

See charts above.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

See chart in section C.

VII.3. Executive and Legal Services/ 3.3 Public Information

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Public Information
Location/Division	Executive and Legal Services
Contact Name	Cynthia Martinez, Director
Actual Expenditures, FY 2006	150,095.33
Number of FTEs as of August 31, 2006	2.5

B. What is the objective of this program or function? Describe the major activities performed under this program.

This program consists of various duties performed within the Executive and Legal Services Division.

These duties and responsibilities are as follows.

LAW ENFORCEMENT ACHIEVEMENT AWARDS

The Commission is charged under section 1701.401 of the Texas Occupations Code with the annual presentation of achievement awards to 20 law enforcement officers. Created by Senate Bill 992 in 1989, the awards are presented to selected peace officers, reserve officers, jailers, and custodial officers who have been licensed by the Commission. Nominees are those who have exceeded the normal expectations of job performance through acts of valor, public service, or professional achievement. 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.

PEACE OFFICERS' MEMORIAL

The Commission was charged with responsibility to design, fund, construct, and enroll officers into the Texas Peace Officer's Memorial. This responsibility was accomplished on May 10, 1999 for the initial dedication. The Commission continues to research and validate details on officers whose names have been submitted for inclusion into the Texas Peace Officers' Memorial, but has no dedicated funds for this program. The Commission determines the eligibility based on [Section 3105.001, Texas Government Code](#), and Commission Rules 229.1. General Eligibility of Deceased Texas Peace Officers, 229.3. Specific Eligibility of Deceased Texas Peace Officers, 229.5. Determination Standards, and 229.7. Deaths Not Included.

The Commission works in conjunction with the State Preservation Board for the placement, engraving, and maintenance of the names of the fallen officers. The Commission also relies on research done by outside entities. Many of the names placed on the memorial wall are retrieved from historical records, and require extensive research that the Commission does without specific state funding.

STATE FLAG BILL

In House Bill 815 of the 77th Texas legislature, TX OCCP CODE, Section 1701.161 charged the Commission with ensuring that the family of each deceased Texas peace officer receives a Texas state flag in recognition of that family's loved one's service as a law enforcement officer. The 79th Texas Legislature amended Section 1701.161 to provide a state flag to families of current

peace officers who have died, peace officers who have been killed in the line of duty, and honorably retired peace officers who have died. A Texas state flag is provided along with a letter and certificate from the governor, and a letter from the Commission.

There is extensive coordination between the staff of the Governor's Office and Commission staff to ensure that the families are provided the flag in a respectful time and manner. The Commission also ensures that families of officers who are killed in the line of duty have flags personally delivered by Commission staff directly to them or to the officers' departments at the funerals.

OPEN RECORDS ADMINISTRATION

The Executive and Legal Services Division responds to open records requests that are made pursuant to the Texas Government Code, Chapter 552. All government information is presumed to be available to the public. Certain exceptions may apply. By law, the agency has 10 business days to respond to a request. Accuracy, reliability, and sometimes extensive research are required. There is frequent contact with Attorney General's Office for determination of the legality of these requests. TCLEOSE handles over 27,000 requests yearly.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

Public information and web services are critical in order to inform the public, communicate, and receive customer feedback. Quarterly, TCLEOSE publishes a newsletter that is mailed to over 6,000 addresses and is available electronically on our website. Over 1,150 hits are recorded on the TCLEOSE website on a daily basis, and this means of communications is becoming more critical each day. With distance learning (POSEIT) and the personal training information database (TCLEDDS) available on the pop-up version of the web page, many departments have the TCLEOSE website as their home page or automatic pop-up.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The Peace Officers' Memorial decisions can be quite controversial. What constitutes a "line of duty death" is a significant decision, because families of officers who are deemed to have been killed in the line of duty are eligible to receive over \$290,000 in state and federal benefits. Some of the benefit agencies rely upon the decision of the respective state peace officer memorial committees. The decisions made by the memorial committee were not originally anticipated to be so crucial to the benefits process. Because these decisions are so important, the applications need to be meticulously scrutinized.

TCLEOSE, in cooperation with various law enforcement groups, is responsible for both the engraving and maintenance of the memorial. No state money is provided for either of these tasks: the monies are raised by law enforcement groups with the assistance of TCLEOSE.

In the state flag fund, Commission duties are not funded. The monies necessary for purchase of the all flags, whether sent, or hand delivered, are obtained through donations held by the comptroller. Recent statute changes have increased the number of flags that are distributed.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

This program affects all law enforcement agencies, academies, contract training providers, legislators, and state agencies, as well as many other users.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Information further explaining these functions is available at TCLEOSE: demonstration of the flag system function, open records, law enforcement achievement awards, the TCLEOSE website, and quarterly Close-Up publication. These functions all have their own facilitators.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Funding for the administration of the achievement awards, public information, open records, and the quarterly Close-Up publication come from state-appropriated funds. The monies need to purchase the State of Texas flags come from Rider 5, which is appropriated from donations received. Through the revenue provided to TCLEOSE, state-appropriated monies pay for the administration of the flag fund and the persons who oversee this duty.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

All agencies respond to open records requests, and most agencies have websites. Most websites do not provide the access to as much of the agency's materials and resources as the TCLEOSE website does.

To our knowledge, no other agency delivers state flags as we do.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. What statutory changes could be made to assist this program in performing its functions? Explain.

None at this time.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

See above.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

See the chart in Legal/Enforcement 3.2.

VII.4. Finance and Staff Services/ 4.1 Finance and Staff Services

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Finance and Staff Services
Location/Division	Finance and Staff Services
Contact Name	Brian Roth
Actual Expenditures, FY 2006	\$151,077.85
Number of FTEs as of August 31, 2006	3.5

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Finance and Staff Services division provides multiple support functions such as strategic budgeting and planning, risk management, property management, facility security and management, general accounting, purchasing, accounts receivable, accounts payable, payroll, employee benefits, human resources record keeping, and financial reporting.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness of this function or program.

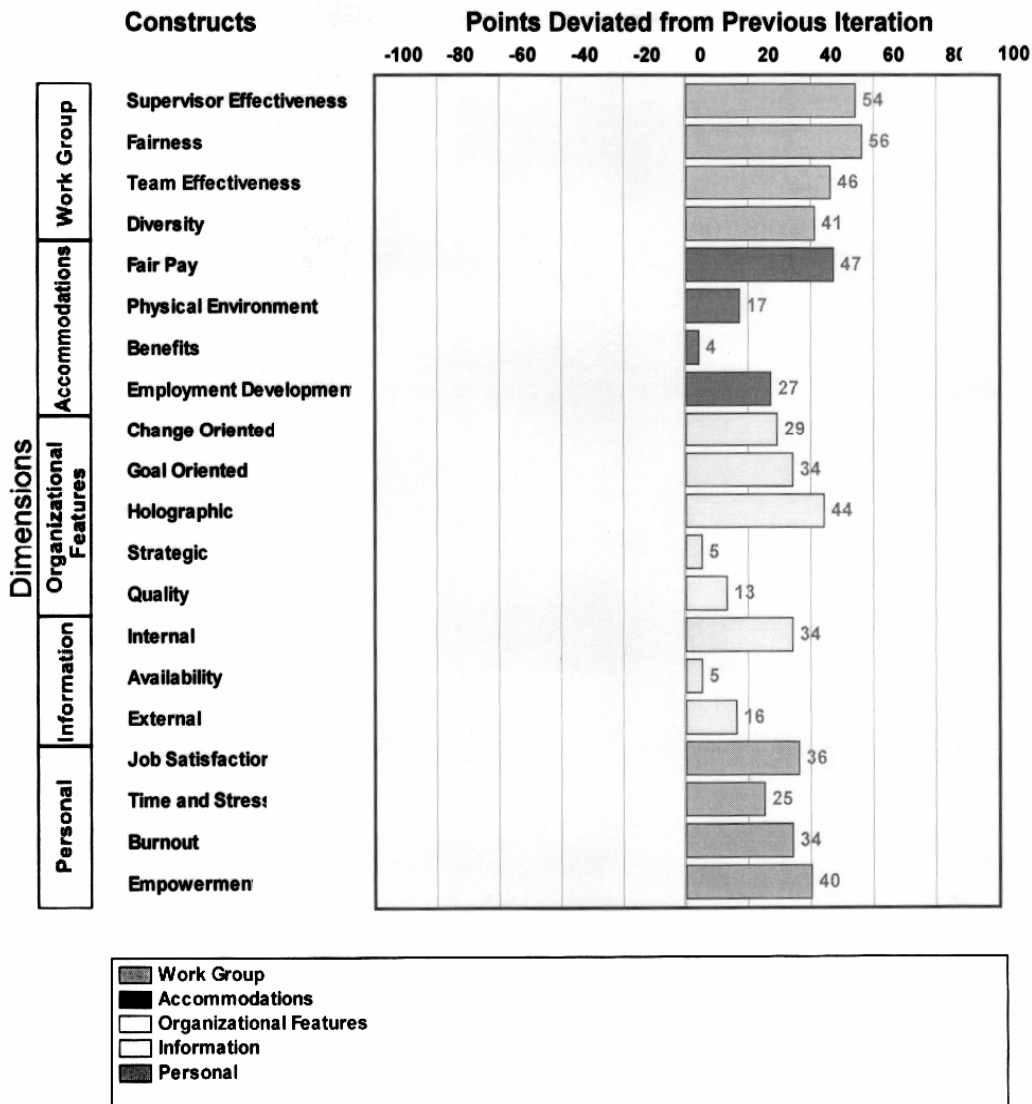
The finance division evaluates its effectiveness through the agency's achievement in the meeting of its mission, goals, and objectives. Highlights of the effectiveness and efficiency of the division include:

- A high standard for delivery of customer service. According to the latest Survey of Organizational Excellence, improvements occurred in every measured divisional category such as diversity, fair pay, physical environment, benefits, employment development, strategic organization, quality organization, job satisfaction, and burnout, as well as time and stress.
 - This division is responsible for processing all accounts payable transactions for the agency. There has been zero late payment interest paid in over two years. In most instances, late payments result in interest charges that must be remitted. The absence of late payments resulted in no late payment interest being paid. No interest payments have yet occurred or are expected for fiscal year 2007.
 - A strong degree of attention in ABEST reporting coordination has resulted in zero late performance measure submissions in at least 3 years.
 - The division is also responsible for employee payroll. These, along with other duties, are critical to agency function. No employees have missed out on paychecks that were due to them.
 - The processing of travel reimbursements for employees takes about 5 business days instead of the newly mandated 45-day processing time.
 - Finance is responsible for agency procurement, which includes the Historically Underutilized Business (HUB) program. In fiscal year 2004, the statewide goal for commodities was exceeded and almost doubled. In fiscal year 2005, the statewide goal for other services was greatly exceeded. In fiscal year 2006, the statewide goal for purchasing commodities was more than doubled, than double, and professional services were more than quadrupled.
-

- Favorable findings within internal audits.
 - The agency employee turnover rate has been below Article V and the statewide average employee turnover rate since fiscal year 2004.
 - This division is responsible for risk management as well. The accolades of these duties include Sustained Safety Performance Awards from the State Office of Risk Management for three years running. The agency also has a 0% injury rate and zero injury related costs since at least 1997.
-

Organizational Change: Performance Over Time

One of the benefits of continuing to participate in the survey is that over time data shows how employees' views have changed as a result of implementing efforts suggested by previous survey results. Positive changes indicate that employees perceive the issue as adequately improved since the previous survey. Negative changes indicate that the employees perceive that the issue has worsened since the previous survey. Negative changes of greater than 50 points and having 10 or more negative construct changes should be a source of concern for the organization and should receive immediate attention.



D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

These multiple functions are enduring consisting with the original intent.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The finance division supports all customers, board members, and employees in relation to the above-listed functions.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The finance division is managed by the chief financial officer. The CFO reports to the executive director. Staff also includes an accountant, purchaser, and an administrative assistant.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

This function is funded by general revenue dedicated appropriations.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

None.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Contracted expenditures of \$26,080 and \$190,654 were made in FY2006. The expenditures were to Rupert & Associates, a financial consulting and auditing firm located in Austin, and also to The DuPont Group for leasing of office space. Total expenditures entail three contracts. One contract was for the production of an annual financial report, the second for an agency risk assessment, and the third for lease of office space. The law requires both an annual financial report and a risk assessment.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

The function is straightforward and self-explanatory.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

N/A

VII.4. Finance and Staff Services/ 4.2 Information Resources

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Information Resources (IR)
Location/Division	Finance and Staff Services
Contact Name	Brian Roth
Actual Expenditures, FY 2006	\$67,429.30
Number of FTEs as of August 31, 2006	1.5

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Information Resources (IR) function provides for the electronic data processing needs of the agency. Some of the activities performed are network administration, computer and technical support, and strategic purchasing, as well as information technology maintenance, upgrades, and training. Additional activities are oversight of agency surveillance, database management, systems and programs security, and maintenance of an onsite computer-based testing center for customers.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness of this function or program.

- 2001 Website design and maintenance transferred to professional programs and education division resulting in improved real-time update of website
- 2004 IT restructuring shifts reporting and research services to other divisions, removing one position and saving over \$35,000 yearly
- 2004 TCLEDDS Web designed at no cost to the state by third party vendor results in real savings of approximately \$150,000 and quicker turn around of licensing, certification, appointment, and training processing for law enforcement agencies
- 2005 IT restructuring shifts management functions under the finance and staff services division, removing one position and saving over 55,000 yearly
- 2006 TCLEDDS2 implemented: credentialing module significantly enhanced, database streamlined, payments and fees captured for review by finance, all at no cost to the state, resulting in savings of at least 750,000 dollars
- 2007 Storage area network implemented to facilitate a more centralized location for the storage of electronic documents and e-mails relating to officer records, assisting agency staff in faster retrieval of information relating to officer records

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

In fiscal year 2004, information resources were a standalone division within the agency, employing 3 full-time employees. One employee left employment in August 2004, and the division manager transferred to another state agency July 2005. The Commission used this opportunity to shift resources. The IR functions are now performed within the finance and staff services division.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The Information Resources function supports all customers, board members, and employees in relation to the above-listed functions.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

This function is administered by the chief financial officer. The CFO reports to the executive director. Staff also includes a program specialist.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

This function is funded by general revenue dedicated appropriations.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

None.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2006
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

The function is straightforward and self-explanatory.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

N/A

VIII. Statutory Authority and Recent Legislation

A. Fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2003 - 2007, or earlier significant Attorney General opinions, that affect your agency's operations.

Texas Commission on Law Enforcement Standards and Education Exhibit 13: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency (e.g., provides authority to license and regulate nursing home administrators)
Occupations Code Chapter 1701	Provides authority to establish minimum standards relating to competence and reliability, including education, training, physical, mental, and moral standards, for licensing as an peace officer, county jailer, or public security officer.
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
Opinion No. MW-233 (September 5, 1980)	Section 6(e) of article 4413(29aa), V.T.C.S., which penalizes the appointment of peace officers not certified by the Commission on Law Enforcement Officer Standards and Education, or the acceptance of such an appointment, does not reach sheriffs but does reach deputy sheriffs.
Opinion No. MW-328 (April 24, 1981)	A city jail holding county prisoners pursuant to contract thereby becomes a county jail for purposes of article 5115.1, V.T.C.S., so that its employees are required to be certified by the Texas Commission on Law Enforcement Officer Standards and Education.
Opinion No. JM-219 (October 24, 1984)	The Texas Commission on Law Enforcement Standards and Education has no licensing responsibility concerning "peace officers" commissioned under section 21.483 of the Texas Education Code. The scope of the powers of section 21.483 peace officers depends upon the nature and scope of their duties as defined by their employing school district boards of trustees and upon whether, when they engage in particular activities, they are carrying out the provisions of subchapter M of chapter 2 of the Education Code and are "on the property under the control and jurisdiction of [their employing] district or [are] otherwise in the performance of [their] duties."
Opinion No. JM-742 (July 9, 1987)	The Port of Houston Authority, a navigation district organized under article XVI, section 59, of the Texas Constitution, has no authority to hire armed security guards. Rather, the legislature specifies that law enforcement activities on the authority's property, and necessary to its functions, are to be carried out by commissioned peace officers, who are to act with all of the authority of a commissioned peace officer, such as a county

	sheriff or constable. Water Code s 60.077.
Opinion No. DM-105 (April 16, 1992)	The Texas Commission on Law Enforcement Officer Standards and Education is not authorized to promulgate title 37, Section 211.80(a)(1) of the Texas Administrative Code, a rule which requires an applicant for a peace officer, reserve, or jailer license to be a United States citizen.
Opinion No. DM-322 (February 21, 1995)	Section 415.053 of the Government Code does not preclude a constable running for re-election to the office of constable in the same or, provided he or she satisfies the statutory residence requirements, a different precinct even if the constable did not, within two years of the date the constable took office in a previous term, obtain from the Commission on Law Enforcement Officer Standards and Education a license to serve as a peace officer. Likewise, section 415.053 does not preclude a county commissioner's court from appointing an individual to the office of constable although that person during a previous term as constable, failed, within two years of the date he or she took office, to become licensed to serve as a peace officer. Section 415.053 provides the re-elected or appointed constable with two years from the date he or she assumed office to obtain from the Commission on Law Enforcement Officer Standard and Education a license to serve as a peace officer.
Opinion No. DM-323 (February 21, 1995)	Sections 415.053 and 415.060 of the Government Code do not conflict irreconcilably. Rather, section 415.060 requires the Texas Commission on Law Enforcement Officer Standards and Education to establish procedures by which it may revoke the license of a non-constitutional law-enforcement officer who has violated the statute or a rule promulgated pursuant to a statute. On the other hand, section 415.053 requires TCLEOSE to establish requirements for the revocation of a license belonging to a law-enforcement officer elected under the constitution, including a sheriff and a constable. TCLEOSE must establish requirements for the revocation of a peace officer license belonging to a constable or sheriff, but the requirements may not apply to a constable who was elected prior to September 1, 1985, or to a sheriff who took office prior to January 1, 1994.
Letter Opinion No. 96-070 (July 12, 1996)	The Texas Commission on Law Enforcement Officer Standards and Education may not, pursuant to section 415.034 of the Government Code, implement a proposed rule to discipline chief administrators of agencies where the statue does not impose an affirmative duty on such administrators.
Opinion No. JC-0190 (March 1, 2000)	Funds allocated by section 1701.157 of the Occupations Code to local law enforcement agencies for continuing education of local law enforcement officers may not be diverted to the general fund of a county or municipality.
Opinion No. JC-0514 (June 11, 2002)	Under section 86.0021(b) of the Local Government Code, a constable who fails to provide evidence that he has been issued a permanent peace officer's license on or before the 270th day after taking office "forfeits the office." However, he is not automatically removed from that office. Such a constable may continue to perform his duties until he is removed from office by a judgment of a district court in a quo warranto proceeding, which may be initiated by the attorney general, the district attorney, or the county attorney. A commissioner's court has no formal role in a constable's failure to meet the licensure requirements under

	section 86.0021(b).
Opinion No. GA-0465 (September 25, 2006)	Whether a peace officer who is both a jailer and a deputy sheriff is "employed full-time as a peace officer," and thus exempt from the provisions of the Private Security Act by section 1702.322, Texas Occupations Code, is a question of fact that will vary with the nature of the employment.
Opinion No. GA-0532 (March 19, 2007)	The Education Code does not authorize an open-enrollment charter school to operate or maintain a commissioned police force.

B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). See Exhibit 14 Example or [click here to link directly to the example.](#)

Texas Commission on Law Enforcement Standards and Education Exhibit 14: 80th Legislature Chart		
Legislation Enacted - 80th Legislature		
Bill Number	Author	Summary of Key Provisions
SB44	Nelson Shapiro	Would affect continuing education curricula - Identical to HB197
SB74	Lucio	Would affect continuing education curricula
SB103	Hinojosa	Would affect jailers' continuing education curricula and/or records
SB189	Brimer	Would correct math and spelling errors in the local government code - Identical to HB1660
SB687	Shapleigh	Would require compliance with any established state-agency website standards that are implemented
SB823	Whitmire	Would relax the rules limiting who may intercept and collect certain wire, oral, and electronic communications to include police chiefs (and their designees) from cities with populations of 500,000 or more, so long as those officers have 24 hours or more of kidnapping-investigations training. - Identical to HB357
SB949	Hegar	Would amend Subchapter H, Chapter 1702, Occupations Code, to allow a private business to provide security services to buildings and grounds located on its property, while being free to enter into a contract for such services with a commissioned security officer or a security service contractor rather than with a peace officer - Identical to HB2258
HB66	Leibowitz	Would require the acquisition and use of power management software
HB486	Driver	Would amend Sections 96.641(b) and (d), Education Code to require the Commission to establish a "uniform 24-month continuing education training period" for police chiefs, implemented through an "orderly transition" - Identical to SB720
HB487	Driver	Would amend Sections 1701.3545(b) and (d), Occupations Code, to require the Commission to establish a "uniform 48-month continuing education training period" for constables, implemented through an "orderly transition" - Identical to SB1708
HB488	Driver	Would amend Section 1701.501, Occupations Code, to expand the Commission's license-revocation ability to include any "officer elected under the Texas Constitution" who is convicted of either a felony or "a criminal offense directly involving the person's duties as an officer" - Identical to SB721

HB590	Delisi	Would require the creation, distribution, and enforcement of an agency ethics policy
HB741	T. King	Would clean up the language of Section 54.204, Education Code
HB964	Guillen	Would amend Section 46.15(b), Penal Code, to allow students who are in a weapon-related law enforcement class to carry an appropriate, unloaded weapon to and from that class. Would also clean up the language of that section
HB 1297	Delisi	Would require the implementation of a state employee health fitness and education program
HB 1955	Elkins	Would amend Section 1701.159, Occupations Code, to establish that a retired peace officer continues to hold, as inactive, a license held at retirement. Would also amend Section 1701.307, Occupations Code, and Subchapter G, Chapter 1701, Occupations Code, to support the new change, establish procedures by which a retired officer may reactivate an inactive license, and give the Commission the option of waiving the reactivation fee
HB 2101	Haggerty	Would amend Sections 1702.169 and 1702.206, Occupations Code, to modify the limits to the carrying of firearms by commissioned security officers, especially as they apply to personal protection officers and concealed weapons. Would also reenact and amend Section 46.15,(b), Penal Code, as amended by Chapters 1221 and 1261, Acts of the 75th Legislature, Regular Session, to make corresponding change.
HB 2445	Driver	Would amend Section 1701.451, Occupations Code, to formalize certain document-submission, background-investigation, and record-availability procedures that are used by law enforcement agencies during the hiring process. Would also amend Section 1701.452, Occupations Code, to formalize some of the details, definitions, usage procedures, and reporting deadlines of the employee termination report form that is used by law enforcement agencies (commonly referred to as the "F-5" form). Would also amend Section 1701, Occupations Code, by adding Section 1701.4521, requiring the Commission to take action against the license of a peace officer upon receiving notice that the officer has previously been dishonorably discharged from a law enforcement agency. Would also amend Section 1701.4525, Occupations Code, to establish procedures for proceedings in which certain Commission orders and reports are contested or corrected. It would also amend Section 1701.458, Occupations Code, to establish the venues for prosecution of offenses under Section 37.10, Penal Code. - Identical to SB1935
HB 3613	Latham	Would require each law enforcement agency to implement an ID card program for its officers

Texas Commission on Law Enforcement Standards and Education
Exhibit 14: 80th Legislature Chart (continued)

Legislation That Did Not Pass - 80th Legislature

Bill Number	Author	Summary of Key Provisions
HB38	Solomons	Would amend Title 2, Occupations Code, to require applicants for business, occupational, and professional licenses to establish eligibility for employment in the United States. Would also outline what documents could be used to establish eligibility, and set up procedures for temporary-license issuance, audits, confidentiality, and nondiscrimination
HB197	Gonzalez-Tourelles	Would affect continuing education curricula - Identical to SB44
HB266	Anchia	Would make election days, including primaries, official state holidays

HB357	Riddle	Would relax the rules limiting who may intercept and collect certain wire, oral, and electronic communications to include police chiefs (and their designees) from cities with populations of 500,000 or more, so long as those officers have 24 hours or more of kidnapping-investigations training - Identical to SB823
HB418	Burnam	Would amend Subchapter E, Chapter 9, Penal Code, to limit peace officers' use of Tasers to situations in which they are "justified in using deadly force against the other person under Section 9.511 or (d) or Section 9.52" (i.e., when such force is necessary for arrest, prevention of escape, etc.)
HB442	Phillips	Would affect continuing education curricula
HB598	Guillen	Would require that certain agency agreements be reported to, and subsequently published by, the Texas Register
HB627	P. King	Would amend Section 46.15, Penal Code, to create a localized (i.e., only within the subsection that permits retired officers to carry weapons) expansion of the term "honorably retired peace officer" to exclude the requirement of a permanent peace officer license and include honorably retired reserve officers
HB639	Hughes	Would require state agencies to include sub-strategy budgeting information in their LBB-submitted budgets
HB640	Hughes	Would require the posting of agency expenditures on the websites of state agencies
HB700	Berman	Would amend Article 2.122(a), Code of Criminal Procedure, to extend the authority of certain federal criminal investigators (e.g., Secret Service agents, ATF and DEA agents, U.S. Marshals, etc.) to include powers of arrest, search, and seizure relating to any offense under Texas law, rather than merely state felony offenses. Would also make additions to the article's text and repeal Subsections (b), (c), (d), (e), and (g), bringing the article's language up to date with changes in the structure and names of various federal entities
HB702	Bonnen	Would amend Subchapter C, chapter 37, Education Code, to allow the establishment of volunteer reserve police forces by the boards of trustees of school districts that had established police departments. Would also allow a reserve police force member who is not a peace officer under Article 2.12, Code of Criminal Procedure, to "act as a peace officer" in their duties. Would also add to Article 2.12, Code of Criminal Procedure, the designation of some of these reserve police force members as peace officers, and clean up the language of that article
HB767	Dutton	Would require adjustments in state agencies' public information policies
HB789	Dutton	Would amend Sections 37.081(a), (f), and (h), Education Code, to limit the security- and peace-officer-employing authority of schools to those that are independent, to allow school district chiefs of police to be accountable to superintendents' designees, to allow school district chiefs of police to use supervisory designees, and to remove the oath and bonding requirements of school police officers. Would also amend Section 37.102, Education Code, to limit the rulemaking power of school district boards of trustees in situations where no law is being broken
HB837	Herrero	Would amend Article 2.12, Code of Criminal Procedure, to add "officers employed or appointed by a navigation district under Section 60.077, Water Code" to the list of persons who are peace officers; and clean up the language of that article
HB845	Olivo	Would amend 37.0021, Education Code, to limit the exclusion of peace officers and certain others from the rules and procedures of that section ("Use of Confinement, Restraint, Seclusion, and Time-Out"); specifically, to require that school resource officers and school district peace officers receive any appropriate training in "discipline management" practices and "behavior management" techniques

HB850	Olivo	Would amend Subchapter M, Chapter 1701, Occupations Code, to implement a mandatory training program in "discipline management practices or behavior management practices" for school resource officers and school district peace officers. Would require the Commission on Law Enforcement Standards and Education to both develop the curriculum for the training by January 1, 2008, and require trainee compliance as of September 1, 2008
HB969	King	Would amend Section 521.121, Transportation Code, to allow a peace officer to have their duty location information used as a substitute for the residence address information on their driver's license
HB 1110	Callegari	Would add Subchapter H to the Government Code to forbid a peace officer to use their "rank or status as a peace officer to advertise or otherwise promote a private business in which the peace officer has an ownership interest or of which the peace officer is a manager," and make such an action subject to disciplinary action by the Commission
HB 1304	Coleman	Would prohibit the use of a "stun gun" by a peace officer against an individual, or the purchase of the device by a law enforcement agency, during calendar year 2008. As it is defined in this article, "stun gun" means the kind of dart-and-wire-launching electrical device that is commonly referred to as a "Taser," not the direct-contact electrical device commonly referred to as a "stun gun."
HB 1327	Dutton	Would amend Article 1.06, Code of Criminal Procedure, to limit the authority of a peace officer to search a stopped vehicle, by requiring probable cause or either the written or videotaped oral consent of the operator of the vehicle. Would also amend Subchapter A, Chapter 411, Government Code, to establish the consent form and list its required contents
HB 1423	Driver	Would amend Section 1702.322, Occupations Code, to expand the exemption from Chapter 1702 of peace officers who have private-security employment to include chiefs of police, sheriffs, constables, and those peace officers and security officers who have been appointed, elected, or employed by the chief administrator of a law enforcement agency. Would also re-work some of the language that limits this exemption. - Identical to SB1712
HB 1660	P. King	Would correct math and spelling errors in the local government code - Identical to SB189
HB 1693	Bailey	Would amend Subchapter D, Chapter 202, Occupations Code, by adding a section which would allow the State Board of Podiatric Medical Examiners to commission peace officers, subject to indicated limits. Would also amend Article 2.12, Code of Criminal Procedure, to add such officers and clean up the language of the article. - Identical to SB886
HB 1794	Miller	Would require the implementation of documentation standards - Identical to SB446
HB 1860	Bailey	Would amend Subchapter D, Chapter 1701, Occupations Code, to require the Commission to "develop, maintain, and promote" a peace officer Internet job site for use by the general public. Would also require the Commission to verify the accuracy of the site's information and, with the assistance of the Department of Information Resources, maintain the site's security. Would also give the Commission the authority to limit or discontinue the site in the absence of sufficient funding. - Identical to SB629
HB 1933	Burnam	Would Chapter 2, Code of Criminal Procedure, to require law enforcement agencies to adopt policies on the use of "Tasers and other stun guns," such that their use is documented, compiled, analyzed, reported to the appropriate county or municipal governing body, and made subject to investigation and corrective action. The bill also requires the Commission to develop guidelines for data compilation and reporting under such policies, and permits the Texas Department of Public Safety to adopt rules for the implementation of the newly-established articles

HB 1934	Burnam	Would amend Subchapter H, Chapter 1701, Occupations Code, establishing that the Commission require agencies to provide their peace officers with training in the use of a "Taser or other stun gun." Also requires the Commission to establish the training program, its requirements, and its deadlines
HB 2033	England	Would alter funding for peace officer continuing education - See also SB503 and HB3307
HB 2066	Laubenberg	Would amend Section 1701.3545, Occupations Code, to require that initial training and continuing education for constables be made available by the beginning of 2008 across the state and via the Internet as the result of a program established by a public institution of higher learning selected by the Commission
HB 2157	McReynolds	Would amend Section 411.048, Government Code, to require the Commission to design, post, and distribute educational materials promoting an awareness campaign regarding threats against officers
HB 2258	Frost	Would amend Subchapter H, Chapter 1702, Occupations Code, to allow a private business to provide security services to buildings and grounds located on its property, while being free to enter into a contract for such services with a commissioned security officer or a security service contractor rather than with a peace officer - Identical to SB949
HB 2428	Farrar, Alonzo	Would modify Article 2.131, Code of Criminal Procedure, expanding the prohibition of racial profiling to include "immigration status or nationality" - Identical to SB150
HB 2586	Aycock	Would amend Subchapter D, Chapter 801, Occupations Code, by adding a section which would allow the State Board of Veterinary Medical Examiners to commission peace officers. Would also amend Article 2.12, Code of Criminal Procedure, to add such officers and clean up the language of the article
HB 2813	Hughes	Would amend Title 10, Chapter 1701, Section 1701.160, Occupations Code, to redefine and, to a limited extent, expand Commission investigators' authority as peace officers
HB 3307	England	Would alter funding for peace officer continuing education - See also SB503 and HB2033
HB 3341	Burnam	Would amend Section 1701.253, Occupations Code, to require education relating to the trafficking of persons as both part of the minimum licensing requirements for peace officers for FY2008 and beyond, and a one-time training requirement for officers who already hold a license as of September 1, 2007. Would also establish the general parameters of the human-trafficking curriculum and assign the responsibility for both its development and its availability to the Commission
HB 3360	"Mando" Martinez	Would amend Section 1701.255(c), Occupations Code, to remove the requirement that, before enrolling in a peace officer training program, a person who has a high school equivalency certificate – but neither a high school diploma nor certain armed forces qualifications – must have completed at least 12 hours at an institution of higher education with at least a 2.0 grade point average on a 4.0 scale
HB 3372	Thompson	Would amend Subchapter F, Section 1701, Occupations Code, to establish two peace officer training courses in human trafficking to be designed, developed, and made available by the Commission: a mandatory basic course, and an optional advanced course. - Identical to SB1285

HB 3704	Harper-Brown	Would amend Section 1701.253, Occupations Code, to make a federal immigration law course part of the minimum training curricula for peace officer licensing for FY2008 and afterwards. Would also require a memorandum of understanding between the Commission and the Immigration and Customs Enforcement Division of the federal Department of Homeland Security to provide the course. It would also require that the course be provided to various percentages of the officers commissioned by state law enforcement agencies as continuing education
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IX. Policy Issues

Modification of State Mandated Continuing Education

A. Brief Description of Issue

TX OCCP CODE, Section 1701.352 (b), (e), (f) requires that all peace officers repeat a course subject on civil rights, racial sensitivity, and cultural diversity, along with special investigative topics, every 48 months. These 40 hours of mandated training make up half of all required 80 hours of continuing education and training that peace officers are required to take every 48 months. This mandated training ignores the hundreds of other subjects and skills that could be in need of refresher training.

B. Discussion

The training mandate eliminates the discretion of local police training expert and ignores the needs of local agencies to refresh and expand skills in peace officers' duties.

Presently, peace officers are repeating training in these very specific areas, and many officers have been exposed to these subjects 6 to 8 times in the last twelve years.

It does not seem logical that this subject matter should continue to be mandated when it is covered in the basic peace officer curriculum, the intermediate proficiency certificate curriculum, the supervisory officer curriculum, the new police chief's curriculum, and other training curricula.

C. Possible Solutions and Impact

The statutes should be amended to mandate 40 hours of continuing education from curricula acceptable to and approved by TCLEOSE, to be selected at the discretion of the local law enforcement administrators. The statute change should emphasize that the continuing education should be applicable to the specific duties of the officer taking the training.

There would not be any fiscal impact upon the State of Texas. The fiscal impact on local units of government would be positive, in that many units of government must presently take extra training and spend extra money in order to provide their officers with the truly essential training that they need in addition to this redundant mandated training.

It should be noted that, during the January 2006 Strategic Planning meetings held in accordance with Section 1701.058 of the Occupations Code, the goal of "getting rid of the existing mandated courses," was second only to the goal of returning the field services agents to the field.

TCLEOSE Investigators Being Fully Empowered

A. Brief Description of Issue

TX OCCP CODE, Section 1701.160, entitled "Authority Of Commission Investigators As Peace Officers," states that "The Commission may commission certified peace officers as investigators employed by the Commission for the limited purpose of assisting the commission in administrating this chapter."

Peace officers of TCLEOSE are empowered to investigate and enforce violations of the Occupations Code 1701, but no other provisions of the Penal Code, which includes such violations as official misconduct, and impersonating a peace officer.

B. Discussion

Limiting TCLEOSE investigators to violations of 1701 means that, when TCLEOSE investigators discover penal code violations, violations of the Private Security Act 1702, or any other violations of the law other than violation of 1701, TCLEOSE investigators must solicit and obtain timely cooperation from a fully empowered peace officer. Many peace officers find these requests from TCLEOSE troublesome because they have their own priorities and demands, and some do not like the idea of investigating fellow officers. Regardless of the reasons, TCLEOSE investigations and investigators are left with the task of convincing other officers of the importance of investigating their own profession.

C. Possible Solutions and Impact

During the 80th Legislature, House Bill 2813 got out of calendars and was on the house floor, three pages from being read, when a deadline prevented any further action on it. This bill would have changed Section 1701.160 to read as follows.

"The Commission may commission certified peace officers as investigators employed by the Commission for the purpose of assisting the Commission in investigating a person licensed under this chapter."

If the statute had been changed to read as above, TCLEOSE investigators would have had complete peace officer authority, but would have had limited jurisdiction over only "persons licensed under this chapter." Under a change of this kind, if a peace officer or a jailer committed any type of crime, not just a violation of the Texas Occupations Code 1701, the license holder could be investigated by a TCLEOSE investigator, subsequent to an assignment by a proper authority.

This change in authority and jurisdiction would have had a very limited fiscal impact upon the four TCLEOSE investigators. It is envisioned that this authority would have been used only 6 times during FY 2006. This change would have saved local and state rangers' time, in that whenever TCLEOSE investigators ask for local help or ranger assistance, much of the preliminary investigation and paperwork would already have been completed. Also, fewer investigators would have been needed to attend the required court hearings and trials.

911 Telecommunicators To Be Licensed

A. Brief Description of Issue

TX OCCP CODE, Section 1701.405, entitled “Telecommunicators,” provides for the certification of telecommunications operators. Approved in 1999 by the 76th legislature, this section of the code requires certification under specific circumstances, but does not require background checks, criminal history checks, psychological examinations or any physical examination, such as those for eyesight or hearing.

B. Discussion

State law exempts certification of telecommunicators in law enforcement agencies of 20 persons or less. This exemption needs to be revisited, since many small agencies share common borders with larger cities and municipalities, and because 911 calls for assistance and law enforcement problems do not stop at city borders. Many untrained and non-certified 911 telecommunicators are becoming more and more critical in high-threat and dangerous situations.

Also, a random check of the criminal histories of those who become 911 telecommunicators shows that many have not been checked locally, and have significant criminal histories that either go undiscovered or are left up to the local background investigation.

The confusion comes because TCLEOSE, by statute, presently “certifies” 911 operators; and many jurisdictions confuse this certification with licensure. These procedures are not the same, and the state would be better served if hiring agencies performed essential background investigations, criminal history checks, the psychological and physical examination associated with this critical job function, and the handling of secure intelligence information such as NCIC/TCIC information, which is always available at the fingertips of a 911 Telecommunicator.

C. Possible Solutions and Impact

Section 1701.160 should be amended to mandate that by January 1, 2010, all 911 telecommunicators, dispatchers, and operators who dispatch emergency personnel and have access to computer information sharing networks be licensed through TCLEOSE or some other body (e.g., the Commission on State Emergency Communications).

There would be some fiscal considerations for the state, in that licensing is more time-consuming than certification. The impact would not be significant for TCLEOSE, because it would be a simple duplication of the procedures, which are used to license over 15,000 peace officers and jailers each year. There are roughly nine hundred 911 telecommunicators throughout Texas.

The fiscal impact on local agencies would be the costs required to conduct a proper background check, a criminal history check, and psychological and physical examinations. It is estimated that these background checks and examinations are already accepted practice and locally required in half of the cities/counties that employ 911 telecommunicators.

Close Loopholes in Chief Administrator Statutes

A. Brief Description of Issue

TX OCCP CODE, Section 1701.301 requires that every peace officer, including police chiefs, be licensed prior to being appointed. Out-of-state police chiefs hired by cities must not represent themselves as the “police chief” or as a “peace officer,” and cannot wear a uniform, carry a weapon, or be sworn in until they pass the basic peace officer proficiency exam.

Section 86.0021(b) of the Government Code states that a person eligible to be a constable must obtain a Texas peace officer’s license on or before 270th day after the constable takes office. This person may perform as an officer during these 270 days.

Section 1701.302 requires an officer, including a sheriff, who is elected under Texas Constitution to become a Texas peace officer no later than the second anniversary of the date the officer takes office.

This individual can perform as a peace officer during these two years.

For municipal marshals the law is silent, and TCLEOSE has treated these administrators the same as police chiefs.

B. Discussion

The question is: should these individuals be treated so differently considering the similarities in their duties and responsibilities?

Many constable offices and marshal offices are small in numbers, but some are large. Most constables and marshals are elected; however, when a vacancy occurs they are appointed. Constables and sheriffs are state constitutional offices, yet elected police chiefs and elected marshals are not constitutional offices.

Most police chiefs who are hired from out-of-state are hired by large cities to administer large police departments. Many come from other large cities and possess 15-20 years of experience, advanced certification, years of education, and are either licensed or certified peace officers in good standing in another state. They have been chosen through a rigorous selection process, undergone an extensive background investigation, and have satisfied the local municipality with their credentials. Should state statute prevent them from becoming the police chief because of a licensing requirement that is not enforced on constables for 270 days, or a sheriff until 2 years after being in office?

Because of the time delays for constables and sheriffs, there have been instances in which, merely to avoid the requirements and reset the grace period, a person has resigned for one day and been subsequently reappointed to the same position the next day. This sort of subterfuge needs to be prevented in future versions of the statutes.

There needs to be more consistency in these statutes and practices.

C. Possible Solutions and Impact

The statutes should be amended to provide one year in office for all chief administrators to obtain their Texas police officer licenses. The appointment process should be restricted, such that a local agency

cannot accept a resignation one day and reappoint the same individual the next day just to avoid the state licensing requirements.

Need for an Integrity Unit to Police Law Enforcement in Texas

A. Brief Description of Issue

Large agencies such as the Houston Police Department have integrity units that “police the police” in their cities. Other large cities within Texas and across the United States have similar units, and they have proven to be effective in policing themselves. There is no such Texas agency, either charged or funded, to look into integrity issues and integrity complaints. Unless a law enforcement agency finds time and people to devote to this mission, the void remains.

B. Discussion

Because the State of Texas licenses peace officers and jailers, many Texans are of the impression that the state investigates complaints of integrity and alleged wrongdoing. When they look at the state government, they often call, write, or e-mail TCLEOSE with their allegations. If it is an allegation for which we have jurisdiction, i.e., for potential violations of the OC Section 1701, then we investigate, determine the validity, and provide feedback to the complainant. If we do not have jurisdiction, we refer the matter to other agencies such as a local district attorney, a sheriff’s department, a local police department, the DPS rangers, etc. Unfortunately, we find that many of the complainants have already spoken to local authorities and were dissatisfied or found themselves ignored. Perhaps Texas should have an “umbrella” integrity unit at the state level to investigate allegations of police corruption.

In the 80th legislature, Representative Anchia introduced HB 3442, which would have created a law enforcement integrity unit in the office of the attorney general. This bill was left pending in committee. The integrity unit concept was considered at the end of the session as an amendment to HB 13, which also did not pass.

C. Possible Solutions and Impact

As a state, we need to examine the proper role for the state government in policing law enforcement integrity. If it is warranted, the state should create an integrity unit that has the sole purpose of investigating law enforcement corruption and law enforcement wrongdoing. Regardless of the determination, this issue and the decision that is made regarding it need to be communicated to all Texans.

Clarify the Responsibilities of TCLEOSE as they Relate to Section 1701.406 County Jail Personnel

A. Brief Description of Issue

Sections 1701.406(a) & (b) need clarification. Section (a) prohibits counties for employing jail personnel who are not certified by the Commission. Section (b) clarifies section (a) by stating all persons employed or used in the operation of a county jail. The clarification would be whether this includes cooks, consolors, nurses, maintenance personnel, records personnel, and all other ancillary employees other then jailer.

B. Discussion

Presently, TCLEOSE limits the certification in county jails to jailers and peace officers.

We do not certify nurses, alcohol counselors, maintenance personnel, or any other non-sworn positions. Section (b) states “all persons.” Does this mean only jailers, or all people and all tasks performed in a jail? Section (c) again states “all county jail personnel.” It also states that “the Commission shall have additional staff to carry out this section.”

C. Possible Solutions and Impact

The Commission presently licenses all county jailers, and has the staff to do so. A possible solution is to clean up this language and make TCLEOSE responsible for licensing jailers but not ancillary professional staff.

The fiscal impact to the state if all diverse jail personnel were required to be licensed, and meet minimum standards would be substantial. TCLEOSE would need to add several staff members, and county jails would need to add human resource people to prepare necessary state mandated licensing reporting. The local fiscal impact would be major in some counties that employ many varied support personnel. These large counties would need to monitor numerous standards for these varied positions.

Military Discharge

A. Brief Description of Issue

The Texas Occupations Code 1701.255 establishes minimum qualifications for a person to enroll in a licensing program. A person enrolling in a licensing program must have a high school diploma; a GED and with at least 12 college hours from an accredited institution of higher education; or an honorable discharge from the armed forces of the United States after at least 24 months of active duty service. These requirements are reflected in Commission Rule 215.15(b).

The Texas Occupations Code 1701.309 allows a person under 21 to obtain a peace officers license if they have an honorable discharge from the armed forces of the United States after at least 24 months active duty service.

Neither of these sections of the Occupations Code address the General Discharge-Under Honorable Conditions. They also do not prohibit a person with a Dishonorable Discharge with less than 24 months service from enrolling in a licensing program or being licensed.

B. Discussion

In today's military, person may be discharged if the military fails to provide its contractual guarantees to the member. Additionally, a person with family problems that cannot be resolved in any other manner may seek discharge. While the service of these members may have been honorable, they separation may not warrant an honorable discharge since the full term of the enlistment was not fulfilled thus they a separated with a General Discharge under Honorable Conditions. The primary difference between honorable discharge and general under honorable conditions is the benefits available to the member. Persons with an honorable discharge are entitled to all military benefits earned. Persons with general-under honorable conditions are not entitled to benefits.

Under current Texas Law, a person with a General-Under Honorable Conditions discharge after at least 24 months of active duty service cannot use that criterion to enroll in a training program. However, a person with a dishonorable discharge and less than 24 months service is not disqualified.

C. Possible Solutions and Impact

Changing 1701.255 and 1701.309 to allow a person with a General-Under Honorable Conditions discharge to enroll in a training program and be licensed as a peace officer. This would possibly increase the pool of applicants from which agencies could select candidates. There would be no drawbacks or fiscal impacts for this change, and it could benefit agencies by increasing the applicant pool.

1701.255 should be changed to prohibit persons with Dishonorable Discharges for any length of active duty service from entering a training program. Persons with dishonorable discharges have committed violations of the Unified Code of Military Justice, which if prosecuted in the civilian courts would most likely prohibit them from being licensed as a peace officer.

1701.307 should be change to prohibit a person with a dishonorable discharge from being licensed as a peace officer. Both changes would help to ensure the people of Texas are served by honorable, ethical law enforcement personnel. Such change would not have any fiscal impact.

X. Other Contacts

A. Fill in the following chart with updated information on people with an interest in your agency, and be sure to include the most recent e-mail address.

Texas Commission on Law Enforcement Standards and Education			
Exhibit 15: Contacts			
INTEREST GROUPS			
(groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
Combined Law Enforcement Association of Texas (CLEAT) Mr. Ron DeLord, Executive Director	400 West 14th Street, Suite 200 Austin, Texas 78701	512-495-9111	ron.delord@cleat.org
Justice of the Peace and Constable Association of Texas (JPCA) Constable Ron Hickman, President	6813 Cypresswood Drive Spring, Texas 77379	281-401-6205	ron_hickman@@dc4.hctx.net
Sheriff's Association of Texas Steve Westbrook, Executive Director	1601 South IH 35 Austin, Texas 78741-2503	512-445-5888	rosemary@txsheriffs.org
Texas Chief Deputies Association Chief Deputy Bobby Garmon, President	P.O. Box 90 Tyler, Texas 75710	903-590-2662	bgarmon@smith-county.com
Texas Municipal Police Association (TMPA) Chris Heaton, Executive Director	6200 La Calma Dr. #200 Austin, Texas 78752	512-454-8900	chris@tmpa.org
Texas Police Chiefs Association James McLaughlin, Jr., Executive Director	1312 E. Hwy. 290, Suite C P. O. Box 819 Elgin, Texas 78621	512 281-5400	jmclaughlin@texaspolicechiefs.org
INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS			
(that serve as an information clearinghouse or regularly interact with your agency)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) Mr. Sylvester Daughtry, Jr. , Executive Director	10302 Eaton Place, Suite 100 Fairfax, VA 22030-2215	703-352-4225 or 1-800-368-3757	sdaughtry@calea.org
Fleetwood Memorial Foundation	501 South Fielder	817-261-8954	fleetwood@fleetwoodmem

Mr. Tom Cravens, Chairman	Arlington, Texas 76013		orial.org
International Association of Chiefs of Police (IACP) Joseph C. Carter , President	515 N. Washington Street Alexandria, VA 22314	703-836-6767	chiefcarter@mbta.com
International Association of Directors Law Enforcement State Training (IADLEST) Patrick J. Judge, Executive Director	2521 Country Club Way Albion, Michigan 49224	517-857-3828	pjudge@iadlest.org
LIAISONS AT OTHER STATE AGENCIES (with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
The Honorable Greg Abbott, Attorney General of Texas Mr. Raymond Winter, Assistant Attorney General	W. P. Clements Bldg. 300 West 15th Street, 15th Floor Austin, Texas 78711	512-936-0569	greg.abbott@oag.state.tx.us raymond.winter@oag.state.tx.us
Governor's Office Criminal Justice Division Mr. Ken Nicolas, Executive Director	P.O. Box 12428, Capitol Station Austin, Texas 78711	512-463-1919	knicolas@governor.state.tx.us
Office of the Governor Mr. Kyle V. Mitchell, Public Safety and Criminal Justice	1110 San Jacinto, 4th Floor Austin, Texas 78701	512-475-3157	kyle.mitchell@governor.state.tx.us
Office of Speaker of the House Mr. Royce Poinsett, General Counsel	1W.15 Capitol Building Austin, Texas 78701	512-463-1100	roycepoinsett@senate.state.tx.us
Texas Commission on Jail Standards Mr. Adan Munoz, Executive Director	P.O. Box 12985 Austin, Texas 78711-2985	512.463.5505	info@tcjs.state.tx.us
Texas DPS Colonel Thomas A. Davis, Director	P.O. Box 4087 NAS Austin, Texas 78733	512-424-7770	tommy.davis@txdps.state.tx.us

XI. Additional Information

- A. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.

TCLEOSE receives complaints about people and agencies that we regulate. We also receive complaints about the law, Commission Rules, computer systems, policy determinations, and systematic complaints. The complaints exhibited below are the complaints specifically about our employees. These complaints come from outside the agency and inside the agency.

Texas Commission on Law Enforcement Standards and Education Exhibit 16: Complaints Against the Agency C Fiscal Years 2005 and 2006				
Source	FY 2005		FY 2006	
	Inside	Outside	Inside	Outside
Number of complaints received	7	1	16	0
Number of complaints resolved	6	0	14	0
Number of complaints dropped/found to be without merit	1	1	2	0

- B. Fill in the following chart detailing your agency's Historically Underutilized Business (HUB) purchases. See Exhibit 17 Example or [click here to link directly to the example](#).

Texas Commission on Law Enforcement Standards and Education Exhibit 17: Purchases from HUBs				
FISCAL YEAR 2004				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$0.00	\$0.00	0.00%	11.90%
Building Construction	\$0.00	\$0.00	0.00%	26.10%
Special Trade	\$382.75	\$0.00	0.00%	57.20%
Professional Services	\$21,512.50	\$0.00	0.00%	20.00%
Other Services	\$153,099.47	\$41,516.84	27.12%	33.00%
Commodities	\$175,985.25	\$42,594.40	24.20%	12.60%
TOTAL	\$350,979.97	\$84,111.24	23.96%	

FISCAL YEAR 2005				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$0.00	\$0.00	0.00%	11.90%
Building Construction	\$0.00	\$0.00	0.00%	26.10%
Special Trade	\$0.00	\$0.00	0.00%	57.20%
Professional Services	\$25,692.50	\$0.00	0.00%	20.00%
Other Services	\$81,744.50	\$45,926.00	56.18%	33.00%
Commodities	\$229,037.80	\$28,087.88	12.26%	12.60%
TOTAL	\$336,474.80	\$74,013.88	22.00%	
FISCAL YEAR 2006				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$0.00	\$0.00	0.00%	11.90%
Building Construction	\$0.00	\$0.00	0.00%	26.10%
Special Trade	\$264.67	\$0.00	0.00%	57.20%
Professional Services	\$27,545.00	\$27,130.00	98.49%	20.00%
Other Services	\$98,397.39	\$21,408.56	21.76%	33.00%
Commodities	\$217,562.24	\$71,660.96	32.94%	12.60%
TOTAL	\$343,769.30	\$120,199.52	34.97%	

C. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy?

Historically Underutilized Business Procedures

In accordance with Texas Government Code, Title 10, Subtitle D, Section 2161, and TBPC Rule 1TAC 111.11 – 111.24.

Purchases of \$5000.01 to \$25,000, purchaser must obtain at least three (3) informal bids, two (2) of which must be obtained from TBPC certified HUBs; one (1) from a minority-owned business and one (1) from a woman-owned business.

Purchases from \$25,000.01 to \$100,000, purchaser must obtain a least three (3) formal bids, two (2) of which must be obtained from TBPC certified HUBs: one (1) from a minority-owned business and one (1) from a woman-owned business. Purchases over \$25,000, purchaser must solicit bids or proposals from all eligible vendors on the CMBL serving the Commission's geographic region.

The purchaser shall make a good faith effort to utilize HUBs in the procurement process of all goods and services whenever applicable for any dollar amount.

D. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Tex. Government Code, Sec. 2161.252; TAC 111.14)

For Contracts valued at \$100,000 or more:

TBPC Administered Open Market Purchase is used for TBPC-administered open market purchases. See Section 2.4, selecting a Procurement Method, to determine whether this process is appropriate for a given purchase.

1. Complete an Open Market Requisition Form or your agency's equivalent to this form.
 2. If you wish to review the bids before award, include written notification that you wish to review the bids on the Open Market Requisition.
 3. Submit the completed Open Market Requisition Form to TBPC online, via email, via fax, via direct mail, or in person. The average TBPC processing time for an open market requisition is approximately 24 calendar days. This may vary depending on the nature of the purchase.
 4. The appropriate TBPC Purchaser reviews the requisition and communicates any suggested changes to your agency within approximately 14 days of receipt of the requisition. If the TBPC Purchaser suggests changes, work with the Purchaser to resolve discrepancies.
 5. If your Open Market Requisition is for a service with an estimated purchase price over \$100,000, and the TBPC Purchaser determines that there is no competitive advantage to TBPC administering the competitive process, they will delegate the authority to make the purchase to your agency. If TBPC delegates the open market service purchase to your agency, procure the service using the "Open Market Formal Solicitation Process" subheading above.
 6. The TBPC Purchaser creates an IFB (Invitation for Bid) for the commodity and posts the solicitation to the ESBD (Electronic State Business Daily). Review the ESBD posting and promptly submit any corrections to the TBPC Purchaser in writing. The TBPC Purchaser integrates any corrections into the IFB with an addendum. Addendums are also reflected on the ESBD.
 7. TBPC collects bids.
 8. TBPC conducts a public open market bid opening. TBPC will also accept requests for bid readings.
 9. TBPC tabulates the bids and posts the results to the TBPC Open Market Bid Tabulations webpage. Bid tabulations remain on TBPC's website until the end of the following FY (fiscal year).
 10. If requested (see Step 2), the TBPC Purchaser:
 - a. **Completes a Purchasing Referral Letter, which is used to communicate the TBPC Purchaser's recommendation for award and funds inquiries.**
 - b. **Provides a copy of the entire bid package, including the Purchasing Referral Letter, to your agency for review before making an award. If the vendor your agency would select based on the best value criteria outlined in statute differs from TBPC's best value award, promptly send written justification for a different award to the TBPC Purchaser, along with the Purchasing Referral Letter. The Commission shall consider, but is not bound by, your agency's recommendation in making the award.**
 11. If the best value bid, as determined by TBPC, will exceed the estimated purchase price listed on your Open Market Requisition Form by 10% or more, the TBPC Purchaser will indicate this on the Purchasing Referral Letter and request written confirmation that your agency has the funds to honor the award. In this case, return the completed Purchasing Referral Letter along with either a confirmation letter or a cancellation letter to the TBPC Purchaser. If your agency has the funds to honor the award, continue Step 12; Otherwise, the TBPC Purchaser cancels the requisition and does not make an award.
 12. TBPC Purchaser issues a PO and makes the award by obtaining the signature of TBPC's Statewide Procurement Manager.
 13. TBPC sends a copy of the PO to your agency and to the awarded vendor.
 14. TBPC posts the award to the TBPC Open Market Awards.
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E. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

	Response / Agency Contact
1. Do you have a HUB coordinator? (Tex. Government Code, Sec. 2161.062; TAC 111.126)	
2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Tex. Government Code, Sec. 2161.066; TAC 111.127)	
3. Has your agency developed a mentor-protege program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Tex. Government Code, Sec. 2161.065; TAC 111.128)	

F. Fill in the chart below detailing your agency's Equal Employment Opportunity (EEO) statistics. See Exhibit 18 Example or [click here to link directly to the example.](#)

Texas Commission on Law Enforcement Standards and Education Exhibit 18: Equal Employment Opportunity Statistics							
FISCAL YEAR 2004							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	2	0%	7%	0%	11%	0%	31%
Professional	13	0%	9%	0%	10%	23%	47%
Technical	5	0%	14%	20%	18%	20%	39%
Protective Services	0	0%	18%	0%	21%	0%	21%
Para-Professionals	8	0%	18%	25%	31%	38%	56%
Administrative Support	21	14%	19%	24%	27%	95%	80%
Skilled Craft	0	0%	10%	0%	28%	0%	10%
Service/Maintenance	0	0%	18%	0%	44%	0%	26%

FISCAL YEAR 2005							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	2	0%	7%	0%	11%	0%	31%
Professional	16	6%	9%	6%	10%	25%	47%
Technical	0	0%	14%	0%	18%	0%	39%
Protective Services	0	0%	18%	0%	21%	0%	21%
Para-Professionals	15	13%	18%	7%	31%	40%	56%
Administrative Support	15	20%	19%	33%	27%	100%	80%
Skilled Craft	0	0%	10%	0%	28%	0%	10%
Service/Maintenance	0	0%	18%	0%	44%	0%	26%
FISCAL YEAR 2006							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	2	0%	7%	0%	11%	0%	31%
Professional	10	0%	9%	10%	10%	30%	47%
Technical	0	0%	14%	0%	18%	0%	39%
Protective Services	0	0%	18%	0%	21%	0%	21%
Para-Professionals	22	18%	18%	9%	31%	50%	56%
Administrative Support	13	15%	19%	46%	27%	100%	80%
Skilled Craft	0	0%	10%	0%	28%	0%	10%
Service/Maintenance	0	0%	18%	0%	44%	0%	26%

G. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

It is the policy of the Commission to provide equal employment opportunity in all aspects of the employment process. The Commission does not discriminate because of race, age, sex, color, religion, national origin, disability, or veteran status. The Commission is dedicated to identifying and selecting the most qualified applicants available, not merely eliminating the least qualified. Recruitment, selection, and promotion of personnel are based on consistent, fair, and job-related procedures. In accordance with Occupations Code 1701.106, these activities are reviewed annually.

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

N/A

ATTACHMENTS

Submit the following supplemental data or documents with the hard copy of the Self-Evaluation Report. Label each attachment with its number (e.g., Attachment 1). As part of the electronic version, attach a list of items submitted, but do not attach the actual documents to the electronic submission.

Attachments Relating to Key Functions, Powers, and Duties

1. A **copy** of the agency's enabling statute.
2. A **copy** of each annual report published by the agency from FY 2002 - 2006.
3. A **copy** of each internal or external newsletter published by the agency from FY 2005 - 2006.
4. A **list** of publications and brochures describing the agency.
5. A **list** of studies that the agency is required to do by legislation or riders.
6. A **list** of legislative or interagency studies relating to the agency that are being performed during the current interim.
7. A **list** of studies from other states, the federal government, or national groups/associations that relate to or affect the agency or agencies with similar duties or functions.

Attachments Relating to Policymaking Structure

8. Biographical information (e.g., education, employment, affiliations, and honors) or resumes of all policymaking body members. See Attachment 6 Example or [click here to link directly to the example](#).
9. A **copy** of the agency's most recent rules.

Attachments Relating to Funding

10. A **copy** of the agency's Legislative Appropriations Request for FY 2008-2009.
11. A **copy** of each annual financial report from FY 2004 - 2006.
12. A **copy** of each operating budget from FY 2005 - 2007.

Attachments Relating to Organization

13. If applicable, a map to illustrate the regional boundaries, headquarters location, and field or regional office locations.

Attachments Relating to Agency Performance Evaluation

14. A **copy** of each quarterly performance report completed by the agency in FY 2004 - 2006.
 15. A **copy** of any recent studies on the agency or any of its functions conducted by outside management consultants or academic institutions.
 16. A **copy** of the agency's current internal audit plan.
 17. A **list** of internal audit reports from FY 2003 - 2007 completed by or in progress at the agency.
 18. A **list** of State Auditor reports from FY 2003 - 2007 that relate to the agency or any of its functions.
 19. A **copy** of any customer service surveys conducted by or for your agency in FY 2006.
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