

Texas Commission on Law Enforcement Self-Evaluation Report



*Submitted to the
Sunset Advisory Commission
September 2021*

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Texas Commission on Law Enforcement Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

**Texas Commission on Law Enforcement
Exhibit 1: Agency Contacts**

| | Name | Address | Telephone & Fax Numbers | Email Address |
|------------------------------------|------------------|---|------------------------------|--|
| Agency Head | Kim Vickers | 6330 E. Highway 290, Suite 200 Austin, TX 78723 | 512-936-7712 512-936-7714 | Kim.vickers@tcole.texas.gov |
| Agency's Sunset Liaison | Gretchen Grigsby | 6330 E. Highway 290, Suite 200 Austin, TX 78723 | 512-936-7715 512-936-7714 | Gretchen.grigsby@tcole.texas.gov |

Table 1 Exhibit 1 Agency Contacts

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 Section VII.

A. Provide an overview of your agency's mission, objectives, and key functions.

The mission of the Texas Commission on Law Enforcement, as a regulatory State agency, is to establish and enforce standards to ensure that the people of Texas are served by highly trained and ethical law enforcement, corrections, and telecommunications personnel.

Established in 1965 by the 59th Texas Legislature, the Texas Commission on Officer Standards and Education was created to conduct studies and make recommendations to the Governor and the Legislature for the establishment of training, education, and certification standards to improve law enforcement performance. Today, the Commission, which was renamed the Texas Commission on Law Enforcement (TCOLE) in 2013, has evolved into a contemporary regulatory agency with six key functions:

1. Establishing minimum standards to obtain and maintain a peace officer, county jailer, telecommunicator, or school marshal license, and issuing licenses to qualified applicants;
2. Overseeing basic training and continuing education requirements to maintain an active license and ensuring compliance;
3. Auditing law enforcement agencies and training providers for compliance with hiring standards and providing technical assistance;

4. Taking enforcement action against licenses in the event of criminal or administrative violations;
5. Approving the registration of new law enforcement agencies that meet minimum standards established by the Legislature; and
6. Maintaining TCOLE's database containing licensee and agency records.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed?

Texas is held in high regard nationally and internationally for the standards and professionalism reflected by its law enforcement community. TCOLE, in coordination with the Texas Legislature, has continuously sought to maintain and improve that level of professionalism, and each of the functions named above are an integral part of those ongoing efforts.

The minimum standards for licensure, the first hurdles to be met prior to basic training, protect against unethical or otherwise unqualified individuals from obtaining a TCOLE license and the rights and privileges that come with such a license. This includes preventing someone with a criminal record, not to mention those involved in organized crime, from infiltrating the law enforcement profession in Texas. All types of prospective licensees are held to the same minimum standards for educational background, psychological evaluation, drug dependency evaluation, and criminal history disqualifiers. While each license type may not have the same responsibilities or authority, all have access to highly sensitive information that has a catastrophic potential if misused, making these minimum standards critical for public safety.

Without quality training, Texas peace officers, county jailers, and telecommunicators cannot be expected to carry out their duties in the manner expected by the citizens of our state and its leadership. TCOLE works with committees of subject matter experts and stakeholders in the development of new courses and review of existing training. To deliver this training, unlike many states, TCOLE does not hold its own statewide law enforcement academy. Instead, TCOLE delegates that authority to 115 law enforcement agencies, colleges, and Councils of Government around the state to serve the basic training needs in their regions. With a state as large as Texas, and as diverse both geographically and demographically, having one academy to serve the whole state is neither feasible nor advisable. The regional dissemination of academies allows for new licensees to receive training that is both closer to home and tailored to the needs of their communities. Continuing education is likewise offered by 202 additional entities spread across the state that hold a training contract. This contract sets forth the expectations and reporting requirements necessary to uphold legislative and TCOLE standards. All legislatively required training must be taught by an academy or contract training provider. Any additional elective training can be taught by individual departments.

C. What, if any, functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?

Over the years, the laws pertaining to employee termination reports, the categories of discharge included in those reports, and the appeals process for categories of discharge have evolved. During the agency's previous Sunset review, the recommendation was made that the appeals process be changed to clarify that TCOLE is not a party to the contested case hearing at SOAH. Despite this change, TCOLE still expends significant staff time and resources related to this process. One employee is dedicated entirely to an administrative appeals process to which we are not a party. Moreover, the categories of discharge are used by hiring agencies as a shortcut to determine whether an applicant should be considered. Whether the separation document says honorable, dishonorable, or general, it cannot, and should not, be assumed to be a substitute for a complete and thorough background investigation. Additionally, since the separation report is confidential by statute for public information purposes, Commission open records staff spends time whenever an employee termination report is requested sending a request to the Office of the Attorney General for an opinion, and/or explaining to requestors that the document is confidential.

Clearly, TCOLE needs to keep record of when a licensee has separated from a law enforcement employer. However, the value of maintaining the categories of discharge should be reviewed. If the categories of discharge remain a part of the separation document, the confidentiality of the document in the age of transparency and accountability is something that should be considered.

One of the other ongoing issues relates to reserve officers. TCOLE (then TCLEOSE) had previously offered reserve licenses to individuals who had gone through an abbreviated training process, and TCOLE's enabling legislation contains several references to this license type. These reserve licensees carried full peace officer authority but had not gone through the same level of training or vetting. It was also of growing concern that reserve appointments were being awarded as political favors, so the license was phased out, and the basic reserve course was no longer taught effective January 1, 2002. Those holding a reserve license were able to take the intermediate and advanced reserve courses to convert their license to a peace officer license, and those who remained at the basic reserve level were grandfathered as long as they kept their license active. As of August 26, 2020, 65 of these licensees remain appointed to a law enforcement agency. Since the reserve license was discontinued, law enforcement agencies have been allowed to appoint fully trained peace officers to a reserve pay status. Consideration should be given as to whether statute should be updated to require all individuals acting as peace officers must be full peace officers, and if so, whether the current statutory restrictions on which agencies may appoint reserves are necessary.

There are several sections of the Local Government Code and Water Code relating to the appointment of reserve officers that appear to conflict with Occupations Code 1701.301, entitled "License required". Sections 85.004, 86.012, and 341.012 of the Local Government Code allow sheriffs, constables and municipalities to appoint reserve officers who are not licensed as peace officers as members of a reserve force. Section 60.0775 of the Water Code similarly allows water districts to appoint reserve officers who are not licensed as peace officers. These sections appear to conflict with the 1701.301 restriction that "a person may not appoint or employ a person to serve as an officer, county jailer, school marshal, public security officer, or telecommunicator unless the person holds an appropriate license issued by the commission."

Finally, TCOLE is authorized to license Public Security Officers but no longer sees the need for such a license to exist. It is believed that the Public Security Officer license was originally conceived to allow government agencies, such as airport and housing authorities, who were not authorized to appoint peace officers to appoint public employees to provide security and law enforcement functions. The license is rarely used, with only one current appointment through the Adjutant General's Office. The same Basic Peace Officer Course used for peace officer licensing is required to receive the Public Security Officer license. With the expansion of agencies with authority to appoint peace officers under Code of Criminal Procedure Section 2.12 and other statutes, the need to have the separate Public Security Officer license seems to have been eliminated. The removal of the Public Security Officer license from 1701 of the Occupations Code is recommended.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?

Overall, Chapter 1701 of the Texas Occupations Code gives the Commission the authority it needs to carry out its responsibilities. In particular, the rulemaking authority granted under Occupations Code 1701.151 and the authority to commission peace officers under 1701.160 are critical to the agency's efficacy. To be clear, while TCOLE investigators are peace officers and therefore duty-bound to intervene if necessary for the protection of life and property, they are not investigating traditional crimes such as drug offenses or murders, nor are they performing traffic enforcement. The vast majority of cases opened by TCOLE are administrative and not criminal, but the peace officer status of our Enforcement investigators and Field Service Agents gives them the ability to investigate criminal matters related to the Commission's enabling statute when necessary, and gives them access to sensitive information without going through the subpoena process.

One section in Chapter 1701 that has continued to cause some confusion as to the assignment of responsibility is Section 1701.156, Law Enforcement Officer Standards and Education Fund. The agency previously served as a pass-through for funds collected under Local Government Code Section 133.102(e)(5) and appropriated to law enforcement agencies across the state to provide for continuing education for licensees; however, the distribution of those funds, commonly referred to as LEOSE funds, has been managed by the Comptroller of Public Accounts since approximately 2002. This reference leads many law enforcement agencies to contact TCOLE with questions instead of the appropriate oversight agency.

E. Have you previously recommended changes to the Legislature to improve your agency's operations? If so, briefly explain the recommended changes, whether or not they were adopted, and if adopted, when.

No major changes have been requested, but several bills to streamline or alter the agency's operations, including the agency's Sunset bill during the 87th Legislative Session, have been proposed. A list and explanation of legislation requested is available in Exhibit 15.

F. Do any of your agency's functions overlap or duplicate those of another local, 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 only remote overlap with another state agency is with the Texas Commission on Jail Standards (TCJS); however, the responsibilities are delineated in that TCOLE licenses the individuals working in and around county jails, while the TCJS is charged with the oversight of the jail facilities.

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

Other states have a comparable Peace Officer Standards and Training (POST) entity. Some oversee only licensing and training standards, some have greater enforcement authority for disciplinary action for licensee misconduct, and some are responsible for a statewide training academy.

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

In its Sunset review leading up to the 87th Legislative Session, TCOLE cited two critical needs that hindered the agency from robustly fulfilling its mission. These included the need for a new online services system and the need for assistance in developing and managing training implemented at the direction of the Legislature. Fortunately, TCOLE received appropriations from the 87th Legislature that will go a long way to address these needs. We look forward to implementing these changes.

There are a number of other findings that were described in the Sunset Staff Report that we anticipate being revisited during the limited scope review prior to the 88th Legislative Session, including whether TCOLE's authority to take disciplinary action against licensees matches public expectation.

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

No major changes are foreseen at this time. Texas' continued population growth will continue to increase demands on agency resources. Without corresponding staff and budget changes, at some point, customer service and timeliness of responses may begin to suffer.

J. Aside from additional staff or funding, what are your agency's biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?

In its Sunset review leading up to the 87th Legislative Session, TCOLE reported two key areas for potential improvement: online services to our licensees, and the quality of background investigations conducted by hiring law enforcement agencies of prospective employees. Fortunately, the 87th Legislature addressed both through the passage of Senate Bill 24 by Senator Huffman and Representative Bonnen that sets out specific minimum standards for background investigations and the sharing of personnel records, and the passage of funding to acquire the TCLEDDS database through House Bill 2. At the time of this report, TCOLE is in the process of implementing both of these projects and is very optimistic about the improvements they will provide.

K. Overall, how does the agency measure its effectiveness in carrying out its objectives?

The agency’s performance measures are a good indication of its activity, though the largest service the Commission provides is to prevent issues from arising before they start. This is not something tangibly measured, but we achieve this through constant communication with our regulated population.

In the following chart, provide information regarding your agency’s key performance measures, including outcome, input, efficiency, and explanatory measures. See Exhibit 2 Example. Please provide both key and non-key performance measures set by the Legislative Budget Board as well as any other performance measures or indicators tracked by the agency. Also, please provide information regarding the methodology used to collect and report the data.

**Texas Commission on Law Enforcement
Exhibit 2: Performance Measures — Fiscal Year 2020**

| Key Performance Measures | Dataset Reference Number* (if applicable) | Calculation (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|--|---|-----------------------------|----------------|----------------------------|----------------------------|
| Number of New Licenses Issued to Individuals | 1-1-1-OP-1 | (Number) | 12,000 | 14,176 | 118.13 |
| Number of Appointment Documents Received and Processed | 1-1-1-OP-6 | (Number) | 15,000 | 22,306 | 148.7 |
| Number of Courses Reviewed/Approved/Updated by TCOLE | 1-1-2-OP-1 | | 6 | 6 | 100 |
| Number of Notices Sent of Impending Training Deficiency | 2-1-1-OP-5 | | 1,000 | 18,817 | 1881.7 |
| Number of Misconduct Cases Resolved by Agreed Order | 2-1-1-OP-6 | | 15 | 4 | 26.67 |
| Number of Border Security-Related Investigations Opened | 2-1-1-OP-7 | | 3 | 82 | 2,733.33 |
| Number of SOAH Hearings for Criminal Administrative Cases | 2-1-1-OP-8 | | 3 | 0 | 0 |
| Number of Cases Opened | 2-1-1-OP-9 | | 2,000 | 1,628 | 81.4 |
| Number of Agencies Audited for Law and Rule Compliance | 2-1-2-EX-1 | | 800 | 455 | 56.88 |
| Number of Open Records/Public Information Requests sent to OAG for letter ruling | 3-1-1-OP-4 | | 50 | 48 | 96 |

Table 2 Exhibit 2 Performance Measures

*See Exhibit 3

L. Please list all key datasets your agency maintains and briefly explain why the agency collects them and what the data is used for. Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any “high-value data” the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency posts those high-value datasets on publicly available websites as required by statute, and in what format.

**Texas Commission on Law Enforcement
Exhibit 3: Key Datasets**

| Dataset Reference Number | Dataset Name | Description of Data | Data Maintained By | Hyperlink (if publicly available) | Legal Prohibition to Disclosure Y/N |
|--------------------------|---------------------------------------|--|--------------------|---|-------------------------------------|
| | Peace Officer Licensees | Currently appointed Peace Officers | TCOLE | http://www.tcole.texas.gov/content/current-statistics | N |
| (Number) | Reserve Officer Licensees | Currently appointed Reserve Licensees | TCOLE | http://www.tcole.texas.gov/content/current-statistics | N |
| | Jailer Licensees | Currently appointed county jailers | TCOLE | http://www.tcole.texas.gov/content/current-statistics | N |
| | Temporary Jailer Licensees | Currently appointed temporary county jailers | TCOLE | http://www.tcole.texas.gov/content/current-statistics | N |
| | Telecommunications Operator Licensees | Currently appointed telecommunicators | TCOLE | http://www.tcole.texas.gov/content/current-statistics | N |
| | Temporary Telecommunicator Licenses | Currently appointed temporary telecommunicators | TCOLE | http://www.tcole.texas.gov/content/current-statistics | N |
| | Agencies | Law enforcement agencies statewide | TCOLE | http://www.tcole.texas.gov/content/current-statistics | N |
| | Training Academies | Academies authorized to teach basic licensing courses | TCOLE | http://www.tcole.texas.gov/content/current-statistics | N |
| | Contract Training Providers | Training providers authorized to teach continuing education only | TCOLE | http://www.tcole.texas.gov/content/current-statistics | N |
| | Academic Alternative Providers | College-based alternative to traditional academy | TCOLE | http://www.tcole.texas.gov/content/current-statistics | N |

Table 3 Exhibit 3 Key Datasets

III. History and Major Events

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

- the date your agency was established;• the original purpose and responsibilities of your agency; and
- major changes in responsibilities or statutory authority.

Also consider including the following information if beneficial to understanding your agency

- changes to your policymaking body's name or composition;
- significant changes in state/federal legislation, mandates, or funding;• significant state/federal litigation that specifically affects your agency's operations; and
- key changes in your agency's organization (e.g., the major reorganization of the Health and Human Services Commission and the Department of State Health Services' divisions and program areas, or the Legislature moving the Prescription Monitoring Program from the Department of Public Safety to the Texas State Board of Pharmacy).

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 2011, the agency's funding was changed in part from appropriations through criminal justice fees to appropriated receipts.

In 2013, SB 686 (83R) was passed to change the agency's name to the Texas Commission on Law Enforcement.

In 2014, HB 1009 (83R) took effect, creating the School Marshal program to be overseen by TCOLE.

In 2014, HB 1951 (83R) took effect, requiring Telecommunicators to obtain a TCOLE license.

In 2021, SB 24 and HB 2 (87R) took effect, providing TCOLE with the direction and resources to improve background investigations on law enforcement applicants, and the acquisition of the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS) database, respectively.

For a complete timeline of statutory and rule changes, see the [Timeline of Legislative and Procedural Changes](#) on the Commission's website.

IV. Policymaking Structure

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

**Texas Commission on Law Enforcement
Exhibit 4: Policymaking Body**

| Member Name | Term / Appointment Dates / Appointed by (e.g., Governor, Lt. Governor, Speaker) | Qualification (e.g., public member, industry representative) | City |
|--|--|---|------------------|
| Kim Lemaux, Presiding Officer | Appointed 5/27/2017 Presiding Officer 12/6/2019 | Chief of Police | Arlington |
| Jason D. Hester, Assistant Presiding Officer | 9/4/2013-8/30/2025 | Licensee | Lago Vista |
| Patricia G. Burruss, Secretary | 10/31/2014-8/30/2025 | Public Member | Dallas |
| Janna Atkins | 1/7/2019-8/30/2023 | Licensee | Abilene |
| Michael Griffis | 12/6/2019-8/30/2025 | Sheriff | Odessa |
| Ron E. Hood | 2/16/2018-8/30/2023 | Constable | Dripping Springs |
| Jack W. Taylor | 2/16/2018-8/30/2023 | Public Member | Austin |
| Sharon Breckenridge Thomas | 5/27/2017-8/30/2021 | Public Member | San Antonio |
| Tim Whitaker | 5/27/2017-8/30/2021 | Licensee | Richmond |

Table 4 Exhibit 4 Policymaking Body

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

The Commission sets policy, approves rules and procedures formulated by the Executive Director and staff, and takes formal disciplinary actions against licensees on the recommendation of the Executive Director and state Administrative Law Judges. The Commission also approves or denies waivers of administrative rules, primarily the bar from licensure for previous Class A and Class B misdemeanors, to authorize individuals to begin the licensing process.

C. How is the chair selected?

The Presiding Officer is selected by, and serves at the pleasure of, the Governor.

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

The Commission, to ensure a reflection of the regulated population, is comprised by statute as three members who are chief administrators of law enforcement agency; three peace officers, two of which must hold nonsupervisory positions; and three members who represent the public.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2019? In FY 2020? Explain if the policymaking body met in-person or virtually during this time.

The Commission meets quarterly, holding meetings in March, June, September, and December of each year. Additionally, the Commission holds a special called meeting for strategic planning purposes each even-numbered year, usually the day before the scheduled March meeting. As a result of the Sunset findings during our previous review, TCOLE is looking to seek more regular input from our stakeholders via survey. We are also seeking ways to more efficiently accomplish the face-to-face interactions traditionally done during the biennial strategic planning process, such as holding our quarterly meetings in various parts of the state.

F. Please list or discuss all the training the members of the agency's policymaking body receive. How often do members receive this training?

After being appointed by the Governor, but before taking any votes at a quarterly meeting, new Commissioners receive training outlined by Occupations Code 1701.059, which includes information on legislation that created the Commission; the programs, functions, rules, and budget of the Commission; the results of the most recent formal audit of the Commission; the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and any applicable ethics policies adopted by the Commission or the Texas Ethics Commission.

G. What information is regularly presented to your policymaking body to keep them informed about the agency's operations and performance?

The agency's directors give reports at each quarterly meeting on items of interest and/or ongoing operations. The Executive Director sends an update via email as necessary to the Commissioners if and when major issues arise of which they need to be aware, and communicates regularly with the Presiding Officer.

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

The agency seeks input in a number of ways. Aside from the complaint process, the Commission maintains an email address available for public comment on proposed rules or otherwise. There is an availability for public address at each quarterly meeting. We are also seeking ways to more efficiently accomplish the face-to-face interactions traditionally done during the biennial strategic planning process, such as holding our quarterly meetings in various parts of the state.

I. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 5 Example. For advisory committees, please note the date of creation for the committee, as well as the abolishment date as required by Texas Government Code, Section 2110.008.

In addition, please attach a copy of any reports filed by your agency under Texas Government Code, Section 2110.007 regarding an assessment of your advisory committees as Attachment 28.

**Texas Commission on Law Enforcement
Exhibit 5: Subcommittees and Advisory Committees**

| Name of Subcommittee or Advisory Committee | Size / Composition / How are members appointed? | Purpose / Duties | Legal Basis for Committee (statute or rule citation) | Creation and Abolishment Dates |
|---|--|---|---|---------------------------------------|
| Audit Subcommittee | Selected by the presiding officer | Review and discuss internal and external audits that are conducted on the Commission, and adopt the recommendations made in audits. | Occupations Code 1701.058 | N/A |
| Legislative Subcommittee | Selected by the presiding officer | To discuss and provide direction on legislation affecting TCOLE | Occupations Code 1701.058 | N/A |
| Strategic Planning Subcommittee | Selected by the presiding officer | To guide the agency in its overall direction and strategic planning process | Occupations Code 1701.058 | N/A |

Table 5 Exhibit 5 Subcommittees and Advisory Committees

V. Funding

A. Provide a brief description of your agency's funding, including information about the most recent five percent budget reduction and any funding related to disaster relief or COVID-19, if applicable.

Funding for the agency is varied and has changed over time. The Commission was originally funded primarily by federal grants. In 1977, the Legislature created our primary fund, General Revenue-Dedicated Fund 0116. Current funding includes a mixture of General Revenue, General Revenue-Dedicated appropriations, appropriated receipts, donations, state grants and federal grants.

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

*GAA, 87th Legislature, R.S., Pages V-37 through V-39

Rider 2 Capital Budget

Rider 3 Proficiency Certificate Fees

Rider 4 Licensing Fees

Rider 7 Conference, Training, Testing and Other Receipts

- Rider 8 Reimbursement of Advisory Committee Members
- Rider 9 Texas Law Enforcement Peer Network
- Rider 11 Study on Peace Officer Salaries

C. Show your agency’s expenditures by strategy. See Exhibit 6 Example.

**Texas Commission on Law Enforcement
Exhibit 6: Expenditures by Strategy — Fiscal Year 2020 (Actual)**

| Goal / Strategy | Amount Spent | Percent of Total | Contract Expenditures Included in Total Amount |
|-------------------------------|------------------|------------------|--|
| A.1.1 Licensing | 901,415 | 22% | |
| A.1.2 Standards Development | 246,312 | 6% | |
| B.1.1 Enforcement | 1,134,523 | 28% | |
| B.1.2 Technical Assistance | 1,394,000 | 34% | 173,378 |
| C.1.1 Indirect Administration | 390,787 | 10% | |
| GRAND TOTAL: | 4,067,038 | 100% | 173,378 |

Table 6 Exhibit 6 Expenditures by Strategy

D. 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. See Exhibit 7 Example.

**Texas Commission on Law Enforcement
Exhibit 7: Sources of Revenue — Fiscal Year 2020 (Actual)**

| Source | Amount |
|---|------------------|
| Law Enforcement Officer Standards and Education Account No. 0116 (GR-Dedicated) | 3,205,188 |
| Texas Peace Officer Flag Account No. 5059 (GR-Dedicated) | 0 |
| Appropriated Receipts | 705,812 |
| Curriculum Grant | 50,075 |
| School Marshal Grant | 105,963 |
| TOTAL | 4,067,038 |

Table 7 Exhibit 7 Sources of Revenue

E. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 8 Example.

**Texas Commission on Law Enforcement
Exhibit 8: Federal Funds — Fiscal Year 2020 (Actual)**

N/A

F. If applicable, provide detailed information on fees collected by your agency. Please explain how much fee revenue is deposited/returned to the General Revenue Fund and why, if applicable. See Exhibit 9 Example.

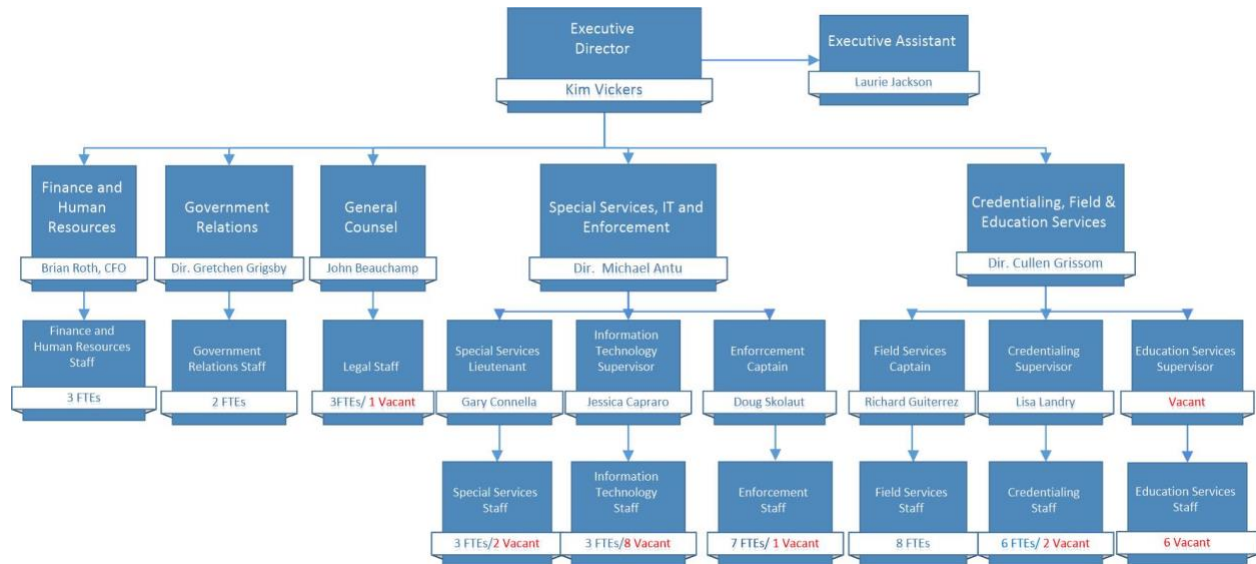
**Texas Commission on Law Enforcement
Exhibit 9: Fee Revenue — Fiscal Year 2020**

| Fee Description/ Program/ Statutory Citation | Current Fee | Fees Set by Statute or Rule? | Statutory Maximum or Minimum | Number of Persons or Entities Paying Fee | Fee Revenue | Where Fee Revenue is Deposited (e.g., General Revenue Fund) |
|--|--------------------|---|---|---|--------------------|--|
| Proficiency Certificate Fees/OC 1701.154 | \$35 | Rule | N/A | 6,964 | 243,765 | GR-D 0116 |
| Licensing Fees/OC 1701.154 | \$150 to \$250 | Rule | N/A | | 120,000 | GR-D 0116 |
| Distance Learning Program/OC 1701.154 | \$35 | Rule | N/A | 787 | 27,572 | GR-D 0116 |
| Conference, Training, Testing and Other Receipts/OC 1701.154 | Varies | Rule | N/A | | 434,475 | GR-D 0116 |

Table 9 Exhibit 9 Fee Revenue

VI. Organization

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, department heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.



B. If applicable, fill in the chart below listing field or regional offices. See Exhibit 10 Example.

**Texas Commission on Law Enforcement
Exhibit 10: FTEs by Location — Fiscal Year 2021**

| Headquarters, Region, or Field Office | Location | Number of Budgeted FTEs FY 2021 | Number of Actual FTEs (as of SER submission) |
|---------------------------------------|--------------------|---------------------------------|--|
| Headquarters | Austin, TX | 39.6 | 35 |
| Field-Based Academy Evaluators | Helotes/Round Rock | 2 | 2 |
| Field-Based Projects | Whitney | 1 | 1 |
| Field-Based Investigators | McAllen/Abilene | 2 | 2 |
| Field-Based Supervisor | Conroe, TX | 1 | 1 |
| Region 1 - Panhandle | Abilene, TX | 1 | 1 |
| Region 2 - West Texas | Abilene, TX | 1 | 1 |
| Region 3 – South Texas | Rockport, TX | 1 | 1 |
| Region 4 – South East Texas | Willis, TX | 1 | 1 |
| Region 5 – North East Texas | Elkhart, TX | 1 | 1 |
| Region 6 – Northeast Central Texas | Grand Prairie, TX | 1 | 1 |

| Headquarters, Region, or Field Office | Location | Number of Budgeted FTEs FY 2021 | Number of Actual FTEs (as of SER submission) |
|---------------------------------------|---------------|---------------------------------|--|
| Region 7 – Central Texas | Blanco, TX | 1 | 1 |
| Region 8 – Northwest Central Texas | Brownwood, TX | 1 | 1 |
| | | TOTAL: 53.6 | TOTAL: 49 |

Table 10 Exhibit 10 FTEs by Location

C. What are your agency’s FTE caps for fiscal years 2019–22?

The agency’s FTE cap had remained at 53.6 since FY 2016, and was increased to 67.6 beginning in FY 2022.

D. How many temporary or contract employees did your agency have in fiscal year 2020? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

N/A

E. List each of your agency’s key programs or functions, along with expenditures and FTEs by program. See Exhibit 11 Example.

**Texas Commission on Law Enforcement
Exhibit 11: List of Program FTEs and Expenditures — Fiscal Year 2020**

| Program | Actual FTEs FY 2020 | Budgeted FTEs FY 2021 | Actual Expenditures FY 2020 | Budgeted Expenditures FY 2021 |
|-------------------------|---------------------|-----------------------|-----------------------------|-------------------------------|
| Licensing | 12.1 | 12.5 | 901,415 | 860,311 |
| Standards Development | 1 | 2.9 | 246,312 | 228,193 |
| Enforcement | 15.9 | 16.6 | 1,134,523 | 1,143,182 |
| Technical Assistance | 16.2 | 16.7 | 1,394,000 | 1,471,500 |
| Indirect Administration | 4.9 | 4.9 | 390,787 | 424,018 |
| TOTAL | 50.1 | 53.6 | 4,067,038 | 4,127,204 |

Table 11 Exhibit 11 List of Program FTEs and Expenditures

VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste questions A through P as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Name of Program or Function: Issuance of Licenses, Certificates, IDs

Location/Division: Credentialing

Contact Name: Cullen Grissom

Statutory Citation for Program: Occupations Code §§1701.301, 307, .3071, .402

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

The objective of the function is to ensure that licenses, certificates, and IDs are issued only to persons who meet minimum eligibility requirements. Credentialing staff receives applications, ensures that the required training has been completed, that the applicant meets any other minimum standards required, processes any fees associated with the application, enters the data into TCLEDDS, and issues the appropriate document or makes notification of denial.

Note: staff does not have access to all local documents that determine all aspects of eligibility for licensure. The license application is a sworn affidavit indicating the agency has proof of eligibility on file for the applicant. These are to be made available for audit by Field Services staff, a process which will be discussed more in depth under the Field Services section.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|---|---|----------------|----------------------------|----------------------------|
| Number of New Licenses Issued to Individuals | 1-1-1-OP-1 | 12,000 | 14,176 | 118% |
| Number of Licenses Reactivated | 1-1-1-OP-2 | 500 | 610 | 122% |
| Number of Examinations Administered | 1-1-1-OP-3 | 8,000 | 9,307 | 116% |
| Total number of Proficiency Certificates issued | 1-1-1-OP-4 | 19,000 | 21,764 | 114% |
| Total number of IDs issued | N/A | N/A | 1,780 | N/A |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

Prior to April 15, 1996, agencies were required to send all documents proving all aspects of licensing eligibility to the Commission for evaluation. Since that date, staff determines eligibility based on age, formal education, training, and criminal history, only. All other aspects are determined at the local level and verified by notarized signature on license applications.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Eligibility requirements for new licensees:

1. Minimum age- 21 for peace officers, 18 for county jailers and telecommunicators;
2. Minimum education- high school diploma/GED;
3. U.S. Citizenship;
4. Exam showing no trace of drug dependency or illegal drug use;
5. Psychological exam;
6. Clear criminal history, with waivers allowed for misdemeanor convictions;
7. Completed background investigation by appointing agency;
8. No military discharge based on misconduct that bars re-enlistment;
9. Basic licensing course completed (except for Temporary Licenses); and
10. State Exam passed (except for Temporary Licenses).

Certification requirements:

1. Minimum training hours;
2. Completion of required courses; and
3. Minimum longevity requirements (for some certificates).

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The function is administered through the Credentialing Division as indicated by the agency organizational chart. Processes are described in B, above. Field/Regional services are not used in this function.

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 falls within the Licensing strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

There are no other programs that provide identical or similar services to the target population.

- 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.**

This function is not performed by any other internal or external entities.

- 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.**

Applications for initial licensure come from approximately 2,700 units of local and state government, including any unit of government with statutory authority to appoint licensees.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2020;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

There are no contracted expenditures for this function.

- L. Provide information on any grants awarded by the program.**

There are no grants awarded by this program.

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

There are no non-budgetary barriers or challenges that impede the program's performance.

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

The issuance of licenses, certificates, and IDs is a reactive function dependent upon local factors such as budgets, community standards, and politics.

- O. 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;**
Regulation of licensees who have the ability to affect the safety of life and property of every citizen is a societal necessity. Failing to ensure properly trained licensees with high ethical standards would erode confidence in all aspects of government.
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
Audit or inspection under this function is performed on an individual basis by the staff assigned to the function on each application submitted. The inspection consists of applying known requirements/standards to each application. Those that do not meet standard are rejected. Any apparent intentional falsification generates a complaint, forwarded to the Enforcement Division for follow-up.
 - **follow-up activities conducted when non-compliance is identified;**
Minor issues of non-compliance with licensees or agencies due to lack of knowledge or mistake of fact are brought to the attention of the licensee or agency and voluntary compliance required. Repeated instances of un-intentional non-compliance or intentional non-compliance result in cases being generated for both administrative and statutory violations and the cases being forwarded to the Enforcement Division for follow-up.
 - **sanctions available to the agency to ensure compliance; and**
Sanctions available include administrative fines against agencies, license actions against individuals (reprimand, suspension, revocation), and criminal charges against individuals.
 - **procedures for handling consumer/public complaints against regulated entities.**
Incoming complaints against licensees are documented on the Intake Complaint Form and forwarded to the Enforcement Division for follow-up.
- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. *Name of Program or Function: Recording Current Licensee Data*

Location/Division: Credentialing

Contact Name: Cullen Grissom

Statutory Citation for Program: Occupations Code §§1701.303, .352, .452

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 document current information on licensees, including the agency(s) to which they are currently appointed, their past separations from any agency, their completed training and educational level, and their current personal information for contact purposes.

The major activities include receipt of any applications or updated information, confirmation of information included in the application or completion of any requirements for the application, entry of the information into TCLEDDS, and notification of approval or denial.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|---|---|----------------|----------------------------|----------------------------|
| Total Number of Licensed Individuals (Licensed but not Appointed) | 1-1-1-EX-1 | 70,000 | 31,268 | 44.6% |
| Total Number of Licensed Individuals (Appointed) | 1-1-1-EX-2 | 110,000 | 123,480 | 112.2% |
| Total number of licensee appointments (L1, L1T) | 1-1-1-OP-6 | 15,000 | 22,306 | 148.7% |
| Total number of license separations (F5) | 1-1-1-OP-5 | 16,000 | 16,660 | 104.1% |
| Total number of college education credit requests (F7) | N/A | N/A | 4,583 | N/A |
| Total number of training rosters | N/A | N/A | 268,112 | N/A |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

The submission of appointment (L1) and report of separation (F5) forms in an electronic format following the agency's previous Sunset review has not only streamlined and made staff operations more efficient, but also less subject to human error.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Eligibility requirements for appointment at agencies mirror those listed under the Credentialing-Issuance of Licenses, Certificates, and IDs function, although some requirements are not repeated after initial licensure, or are dependent on the length of separation from last appointment.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The function is administered through the Credentialing Division as indicated by the agency organizational chart. Processes are described in B, above. Field/Regional services are not used in this function.

- 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 falls within the Licensing strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

There are no other programs that provide identical or similar services to the target population, except that numerous other governmental entities retain personal information on the same population.

- 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.**

This function is not performed by any other internal or external entities (except for retention of personal information).

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.

Applications for appointment, separation, and educational/training updates come from approximately 2,700 units of local and state government, including any unit of government with statutory authority to appoint licensees.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

There are no non-budgetary barriers or challenges that impede the program's performance.

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

N/A

O. 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;**
Regulation of licensees who have the ability to affect the safety of life and property of every citizen is a societal necessity. Failing to ensure properly trained licensees with high ethical standards would erode confidence in all aspects of government.
- **the scope of, and procedures for, inspections or audits of regulated entities;**
Audit or inspection under this function is performed on an individual basis by the staff assigned to the function on each application submitted. The inspection consists of applying known requirements/standards to each application. Those that do not meet the standard are rejected. Any apparent intentional falsification generates a complaint, forwarded to enforcement for follow-up.

- **follow-up activities conducted when non-compliance is identified;**

Minor issues of non-compliance with licensees or agencies due to lack of knowledge or mistake of fact are brought to the attention of the licensee or agency and voluntary compliance required. Repeated instances of un-intentional non-compliance or intentional non-compliance result in cases being generated for both administrative and statutory violations and the cases being forwarded to the Enforcement Division for follow-up.

- **sanctions available to the agency to ensure compliance; and**

Sanctions available are administrative fines against agencies, license actions against individuals (reprimand, suspension, revocation), and criminal charges against individuals.

- **procedures for handling consumer/public complaints against regulated entities.**

Incoming complaints against licensees are documented on the Intake Complaint Form and forwarded to the Enforcement Division for follow-up.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. *Name of Program or Function: Determining Training Non-Compliance*

Location/Division: Credentialing

Contact Name: Cullen Grissom

Statutory Citation for Program: Occupations Code Chapter 1701, Subchapter H

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 identify those licensees who have not completed legislatively mandated training, and to give adequate notification to agencies with appointed licensees who have not completed training prior to the training deadline dates. The aim of this program is to give licensees every opportunity for voluntary compliance.

The major activities include initiation of computer-based programs that search the TCLEDDS database to identify potential non-compliance for each of the various training requirements applicable to license types, proficiency levels, and dates of licensure; review of information for

possible errors or exceptions; and the printing and mailing of letters to affected agencies. Notifications normally occur three times prior to the training deadline dates.

After the deadline date has passed, a final report showing those that are non-compliant is generated and forwarded to the Enforcement Division for follow-up.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|--|---|----------------|----------------------------|----------------------------|
| Number of Training Deficiency Warning Notices sent | 2-1-1- OP 5 | 1,000 | 18,817 | 188.2% |
| # Individuals w/Training Deficiencies/Training Violations Identified | 2-1-1-OP-1 | 400 | 960 | 240% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

- 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. If the response to Section III of this report is sufficient, please leave this section blank.**

N/A

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Persons affected by this program are licensees that have failed to complete their legislatively mandated training.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The function is administered through the Credentialing Division as indicated by the agency organizational chart. Processes are described in B, above. Field/Regional services are not used in this function.

- 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 falls within the Licensing and Standards Development strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

- H. Identify any programs, internal or external to your agency, that provides identical or similar services or functions to the target population. Describe the similarities and differences.**

There are no other programs that provide identical or similar services to the target population.

- 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.**

This function is not performed by any other internal or external entities.

- 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.**

Non-compliance warning notices are sent to approximately 2,700 units of local and state government, including any unit of government with statutory authority to appoint licensees.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2020;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

There are no contracted expenditures for this function.

- L. Provide information on any grants awarded by the program.**

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Prior to the 82nd Legislative Session, training was required in set two-year units and four-year cycles, making the deadline for completion a uniform date across the state, and determination of non-compliance simple. Some training requirements in more recent sessions have been based on the individual's date of licensure and therefore unique to each licensee and spread throughout the year, or even two years. This has made it more challenging for TCOLE to enforce training requirements within the timeframe specified by legislation, and more difficult for the individual licensee to understand which training applies to them. Exemptions for certain categories of licensees have also made determination of compliance more difficult.

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

N/A

O. 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;**

Regulation of licensees who have the ability to affect the safety of life and property of every citizen is a societal necessity. Failing to ensure properly trained licensees with high ethical standards would erode confidence in all aspects of government.

- **the scope of, and procedures for, inspections or audits of regulated entities;**

Audit or inspection under this function is performed on an individual basis by the staff assigned to the function on each application submitted. The inspection consists of applying known requirements/standards to each application. Those that do not meet standard are rejected. Any apparent intentional falsification generates a complaint, forwarded to the Enforcement Division for follow-up.

- **follow-up activities conducted when non-compliance is identified;**

Minor issues of non-compliance with licensees or agencies due to lack of knowledge or mistake of fact are brought to the attention of the licensee or agency and voluntary compliance required. Repeated instances of un-intentional non-compliance or intentional non-compliance result in cases being generated for both administrative and statutory violations and the cases being forwarded to the Enforcement Division for follow-up.

- **sanctions available to the agency to ensure compliance; and**

Sanctions available are administrative fines against agencies; license actions against individuals (reprimand, suspension, revocation), and criminal charges against individuals.

- **procedures for handling consumer/public complaints against regulated entities.**

Incoming complaints against licensees are documented on the Intake Complaint Form and forwarded to the Enforcement Division for follow-up.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. *Name of Program or Function: Provide Customer Service, Information, and Training*

Location/Division: Credentialing/Field Services

Contact Name: Cullen Grissom

Statutory Citation for Program: N/A

- 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 information to both individuals and agencies on statutory and rule requirements, Commission policies and procedures, and current status on individual licensees. This function is performed through customer service requests by phone and by email, and through in-person and group training in the field.

The major activities include answering incoming phone calls, answering incoming emails to both individuals and through the agency's website, meeting with agency heads, training coordinators, or other agency designees in the field, and providing group training sessions in the field and at headquarters.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|---|---|----------------|----------------------------|----------------------------|
| # of TCOLE Continuing Education Courses Completed | 1-1-2-OP-3 | 45,000 | 52,367 | 116.30% |
| Total Attendance at TCOLE Training | 1-1-2-OP-4 | 1,500 | 5,367 | 357.8% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

N/A

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Persons affected by this program are those who have questions about requirements to obtain or maintain a license, agency questions about hiring standards or reporting requirements, as well as various procedural questions for Commission business.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The function is administered primarily through the Credentialing and Field Services Divisions as indicated by the agency organizational chart. Processes are described in B, above. Field Service Agents are assigned to eight geographic regions of the state and live either within, or adjacent to the borders of their region. Their primary function is to conduct audits, but they also serve as primary points-of-contact for the agencies for any TCOLE related questions. During their audits and agency visits, the Field Agents provide impromptu training on TCOLE topics. They also regularly schedule traditional classroom training, for larger groups of customers, to train on TCOLE 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).

This function falls within the Licensing and Technical Assistance strategies in the agency’s legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

There are no other external programs that provide identical or similar services to the target population. Internally, Credentialing and Field Services provide specific information on their own functions and general information on other agency functions. Specific requests for information for other divisions are referred to the appropriate 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.

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.

Informational services are provided to approximately 2,700 units of local and state government, including any unit of government with statutory authority to appoint licensees.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

The changes to legislatively mandated training outside of the traditional continuing education cycle referenced under item M in the section above have resulted in numerous requests for clarification.

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

N/A

O. 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;**

Regulation of licensees who have the ability to affect the safety of life and property of every citizen is a societal necessity. Failing to ensure properly trained licensees with high ethical standards would erode confidence in all aspects of government.

- **the scope of, and procedures for, inspections or audits of regulated entities;**

Audit or inspection under this function is performed on an individual basis by the staff assigned to the function on each application submitted. The inspection consists of applying known requirements/standards to each application. Those that do not meet standard are rejected. Any apparent intentional falsification generates a complaint, forwarded to enforcement for follow-up.

- **follow-up activities conducted when non-compliance is identified;**

Minor issues of non-compliance with licensees or agencies due to lack of knowledge or mistake of fact are brought to the attention of the licensee or agency and voluntary compliance required. Repeated instances of un-intentional non-compliance or intentional non-compliance result in cases being generated for both administrative and statutory violations and the cases being forwarded to the Enforcement Division for follow-up.

- **sanctions available to the agency to ensure compliance; and**

Sanctions available are administrative fines against agencies, license actions against individuals (reprimand, suspension, revocation), and criminal charges against individuals.

- **procedures for handling consumer/public complaints against regulated entities.**

Incoming complaints against licensees are documented on the Intake Complaint Form and forwarded to the Enforcement Division for follow-up.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. Name of Program or Function: Performing Field Audits**Location/Division: Field Services****Contact Name: Cullen Grissom****Statutory Citation for Program: Occupations Code §1701.162****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 meet statutory requirement to audit law enforcement agency licensing and training records and to encourage compliance with statutory and rule requirements.

The major activities include on-site audit and evaluation of documents necessary to show licensee initial and continuing eligibility. Under normal circumstances, audits are scheduled in advance with the agency to avoid wasted effort. Under more specific circumstances indicating intentional non-compliance, audits may be unscheduled, to prevent creation of false documents or destructions of evidentiary documents. Field Service Agents meet with the agency head or his or her designee and examine a portion of the files at hand to determine compliance. If any local policies or procedures are interfering with proper compliance, the Field Service Agent may discuss changes with the agency representative. The audits normally result in some on-site training on processes or statutory requirements. If deficiencies are found in the documentation or policies, the agency is given a specific time frame in which to correct the deficiencies. Follow-up is then conducted to ensure correction, or if deficiencies are not corrected, referral to the Enforcement Division to begin a case investigation.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|--|---|----------------|----------------------------|----------------------------|
| Number of Agencies Audited for Law and Rule Compliance | 2-1-2-EX-1 | 800 | 455 | 56.8% |
| Field Agent site visits | 2-1-2-OP-1 | 1,500 | 387 | 25.8% |
| Number of Audits with Deficiencies | 2-1-2-OP-4 | 250 | 151 | 60.4% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

- 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. If the response to Section III of this report is sufficient, please leave this section blank.**

Commission employees were initially civilian, with no sworn licensees. In 1999, the Legislature gave the Commission the authority to hire peace officers as investigators "... for the limited purpose of assisting the commission in administering this chapter." In 2006, four Field Service Agents were approved through the legislative budget process. Since that time, the Commission has expanded to 22 certified peace officers, primarily in the Field Services and Enforcement Divisions. This has proven to be very successful, as law enforcement agencies statewide appear to relate better and have more respect for the peace officers who have performed the same function as they have.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Persons affected by this program are the individual licensees and the civilian staff who operate in support of the law enforcement agency programs or training providers. Eligibility requirements for the licensees and the Training Providers are listed in Commission Rules 217.1 and 217.7 (individual licensees) and 215.1 through 215.10 (training providers).

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The function is administered through the Field Services Division as indicated by the agency organizational chart. Processes are described in B, above.

- 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 falls within the Technical Assistance strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

- H. Identify any programs, internal or external to your agency, that provides identical or similar services or functions to the target population. Describe the similarities and differences.**

There are no other programs that provide identical or similar services to the target population.

- 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.

This function is not performed by any other internal or external entities.

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 programs works with the more than 2,700 law enforcement agencies mentioned previously, as well as the more than 290 training providers.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

There has been some question as to whether any of the files that TCOLE Field Service Agents inspect are subject to confidentiality under civil service laws in Chapter 143 of the Local Government Code. Clarifying that any requirement for making personnel files available supersedes confidentiality under civil services laws would make the background investigation process more effective.

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

N/A

O. 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;

Regulation of licensees who have the ability to affect the safety of life and property of every citizen is a societal necessity. Failing to ensure properly trained licensees with high ethical standards would erode confidence in all aspects of government.

- **the scope of, and procedures for, inspections or audits of regulated entities;**

Audit or inspection under this function is performed on an individual basis by the staff assigned to the function on each application submitted. The inspection consists of applying known requirements/standards to each application. Those that do not meet standard are rejected. Any apparent intentional falsification generates a complaint, forwarded to the Enforcement Division for follow-up.

- **follow-up activities conducted when non-compliance is identified;**

Minor issues of non-compliance with licensees or agencies due to lack of knowledge or mistake of fact are brought to the attention of the licensee or agency and voluntary compliance required. Repeated instances of un-intentional non-compliance or intentional non-compliance result in cases being generated for both administrative and statutory violations and the cases being forwarded to the Enforcement Division for follow-up.

- **sanctions available to the agency to ensure compliance; and**

Sanctions available are administrative fines against agencies, license actions against individuals (reprimand, suspension, revocation), and criminal charges against individuals.

- **procedures for handling consumer/public complaints against regulated entities.**

Incoming complaints against licensees are documented on the Intake Complaint Form and forwarded to the Enforcement Division for follow-up.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. *Name of Program or Function: Curriculum*

Location/Division: Education Services

Contact Name: Cullen Grissom

Statutory Citation for Program: Occupations Code 1701, Subchapter F

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 maintain the legislatively required training standards and curriculum for peace officers, county jailers, telecommunicators, and school marshals. New courses are developed at the direction of the Legislature, and existing courses are reviewed and updated.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|--|---|----------------|----------------------------|----------------------------|
| Number of Courses Reviewed/Approved/Updated by TCOLE | 1-1-2-OP-1 | 6 | 6 | 100% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

- 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. If the response to Section III of this report is sufficient, please leave this section blank.**

Prior to the 82nd Legislative Session, this program had a larger staff, which allowed the agency to have a greater focus on building courses outside of those mandated by the Legislature, and in delivering training to licensees. The 87th Legislature approved funding for the reconstitution of the agency’s curriculum division. Seven staff positions will be filled which will give the agency the internal capacity to develop and publish the state training standards and course materials, as well as design, develop and deploy new learning products via the MyTCOLE portal for direct delivery of training to licensees at no cost to their employing agencies.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

This program sets the standards to obtain or maintain a peace officer, county jailer, telecommunicator, or school marshal license. Entities affected are all law enforcement agencies and TCOLE contracted training providers in Texas.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other**

illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

TCOLE creates course materials through using focus groups and committees in order to receive input from stakeholders across the state. This ensures a statewide view of the training developed. The same process is used when TCOLE is updating any training.

The focus groups and committees are created by assembling volunteers from small, midsize, and large agencies, from geographically diverse parts of the state. TCOLE actively seeks to involve non-law enforcement subject matter experts, public committee members and people representing groups with special needs and interests to develop topics and objectives that serve the public interest.

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 falls within the Standards Development strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

There are no other programs that provide identical or similar services to the target population.

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.

This function is not performed by any other internal or external entities.

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.

TCOLE partners with state, county, municipal, and tribal governments to form the committees mentioned above. TCOLE is often legislatively mandated to work with other state agencies or specific organizations, such as the Bill Blackwood Law Enforcement Management Institute or Texas Police Chief's Association to develop curriculum.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;

- **the method used to procure contracts;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

The funding received from the 87th Legislature has remedied the staff shortage previously reported as impeding program success. The additional resources should make this program more productive and efficient.

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

This program ensures that law enforcement agencies are adhering to state and federal laws and will have the needed education and training to adhere to state policies.

O. 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;**

This function is to set and enforce standards to ensure quality training for licensees.

- **the scope of, and procedures for, inspections or audits of regulated entities;**

Required learning objectives and mandated material are provided to training entities to meet legislative requirements.

- **follow-up activities conducted when non-compliance is identified;**

This key function sets the standards for training material.

- **sanctions available to the agency to ensure compliance; and**

If required training is not provided in keeping with established standards, a training entity can be deactivated.

- **procedures for handling consumer/public complaints against regulated entities.**

Incoming complaints about training delivery by contracted training providers are reviewed and forwarded to the Enforcement Division.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect

your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

The Commission’s regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. Name of Program or Function: Law Enforcement Agency Registration

Location/Division: Special Services

Contact Name: Michael Antu

Statutory Citation for Program: Occupations Code §1701.163

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

The objective of this function is to ensure that local governing bodies that have approved their city, county, or ISD to have a law enforcement agency and the local law enforcement agencies understand and meet all statutory requirements. This requires an application, submission of required documents, and once all documents have been provided, an on-site inspection of the facilities and key locations to ensure all requirements are met.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | Calculation (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|--|---|-----------------------------|----------------|----------------------------|----------------------------|
| Number of agencies activated | 2-1-2-OP-2 | | 35 | 42 | 120% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

This responsibility was a new function added effective September 1, 2009, through the Commission's previous Sunset bill.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Any local government seeking the ability to create a law enforcement agency or police department would need the appropriate legislative authority to have such an entity; namely, the ability to appoint peace officers under Code of Criminal Procedure Art. 2.12. There are currently 2,741 active law enforcement agencies.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

This function begins with an initial phone interview and request for application. Once the application and required documentation have been provided to the Commission, an on-site visit of the potential agency is scheduled. During the on-site visit, the facilities, to include evidence storage and communications, are checked for viability. The goal is to ensure the agency has the resources needed to be successful. We strive to complete the agency approval within 30 days of receipt of all required documents.

- 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 falls within the Technical Assistance strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116. To offset staff time and travel costs, there is a \$1,000 fee for the agency application process.

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

There are no other programs that provide identical or similar services to the target population.

- 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.**

This function is not performed by any other internal or external entities.

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.

TCOLE partners with state, county, municipal, and tribal governments to create new law enforcement agencies.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program. There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

There are no non-budgetary barriers or challenges that impede the program's performance.

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

This program ensures that law enforcement agencies are adhering to state and federal laws and will have the needed policies and facilities to provide law enforcement services for their jurisdiction.

O. 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;**
This function is to set and enforce standards for state, county, municipal, and tribal law enforcement agencies to ensure that they will be successful in serving their jurisdictions.
- **the scope of, and procedures for, inspections or audits of regulated entities;**
The on-site inspection of a new agency is conducted by the Special Services Division. The reviews the statutorily required policies answer questions of the requesting entity and ensure the facilities are as they were submitted and meet the needs of the agency.
- **follow-up activities conducted when non-compliance is identified;**

If an agency falls below the minimum standards required by statute a follow up on-site will be conducted. Attempts to have the agency meet the standards they have fallen below are made. If the agency is unable to meet the requirements the agency will be deactivated.

- **sanctions available to the agency to ensure compliance; and**

Currently there are no sanctions available to the Commission if an agency fails to maintain compliance after the completion of the application process.

- **procedures for handling consumer/public complaints against regulated entities.**

Incoming complaints against licensees or agencies are documented on the Intake Complaint Form and forwarded to the Enforcement Division for follow-up.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. *Name of Program or Function: Training Contracts/Evaluations*

Location/Division: Special Services

Contact Name: Michael Antu

Statutory Citation for Program: Occupations Code Chapter 1701, Subchapter F

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 create, maintain, and evaluate contracted training providers in the state, which carry out required training under delegated authority from the Commission. These training providers are comprised of law enforcement agencies, institutions of higher education, councils of government, and private entities. This program oversees:

- law enforcement academies, which can teach basic licensing courses and continuing education;
- contract training providers, which can teach continuing education but not basic licensing courses;
- academic alternative providers, which teach basic licensing courses in a more college-oriented setting,
- exam sites, where licensing tests are conducted; and
- the approval and monitoring of virtual or alternate delivery methods of training.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|---|---|----------------|----------------------------|----------------------------|
| Total Number of Training Providers Licensed | 1-1-2-EX-1 | 315 | 311 | 98.73% |
| Number of Examinations Administered | 1-1-1-OP-3 | 8,000 | 9,307 | 116.33% |
| Number of On-site Training Provider Evaluations | 2-1-2-OP-3 | | 38 | 25.3 |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

- 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. If the response to Section III of this report is sufficient, please leave this section blank.**

This program has been put in place to ensure the quality of training and the coverage of the state concerning training providers. TCOLE is mandated to provide training in the state and uses this program to execute the training and oversee entities under the Commission’s delegated authority. To evaluate these training providers, TCOLE has two Academy and Contract Evaluators (ACEs), that conduct the on-site evaluations of all the training providers’ facilities, records of training, and advisory board requirements. The Special Services Division executes the contracts through which all requirements and expectations are set forth. When necessary, Special Services reviews and refers complaints on exam sites to the Enforcement Division.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

To participate in this program, a qualified entity may apply to be a contract training provider, academy, academic alternative program, or exam site. Once the application has been completed, it is reviewed and presented to the Executive Director and approved for an on-site inspection or denied. The onsite inspection is to ensure that the potential provider has the resources and the staff needed to deliver quality training to law enforcement professionals.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

At the direction of the Legislature, TCOLE is charged with providing training to all law enforcement professionals. This includes peace officers, county jailers, telecommunicators, and school marshals.

TCOLE achieves this through the training contract model. TCOLE creates and, through evaluations, oversees the training entities to ensure the standards and quality of training are maintained. The providers are governed by the TCOLE rules and statutes that regulate this function.

- 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 falls within the Standards Development strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116. To offset staff time and travel costs, there is a \$1,000 fee for the training contract process.

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

There are no other programs that provide identical or similar services to the target population.

- 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.**

This function is not performed by any other internal or external entities.

- 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.**

TCOLE partners with state, county, municipal, and tribal governments to provide and record training for all law enforcement licenses through the training contract system.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2020;
 - the number of contracts accounting for those expenditures;

- **the method used to procure contracts;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

There are not barriers or challenges specific to this function. TCOLE strives to ensure all areas of the state have adequate coverage by approved training providers.

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

This program allows TCOLE to provide training across the state and assist in lowering the local fiscal impact to agencies across the state.

O. 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;**

This function is vital to maintaining the standards of law enforcement professionals in Texas to ensure trained and qualified personnel hold these positions.

- **the scope of, and procedures for, inspections or audits of regulated entities;**

Inspections and evaluations include regular on-site evaluations of the providers’ records and in-class observations to ensure adherence to the statutes and TCOLE rules that govern these programs. The evaluations are conducted using a checklist of mandated functions each provider is required to use.

- **follow-up activities conducted when non-compliance is identified;**

If a training provider is non-compliant in any area of its contract, TCOLE rules, or any statute, a corrective action plan is set to bring the program into compliance. During this process, the Academy and Contract Evaluator will work hand-in-hand with the provider to ensure compliance and assist as needed. If compliance is not achieved, a complaint is referred to the Enforcement Division for investigation and administrative action. Criminal action may be taken as necessary.

- **sanctions available to the agency to ensure compliance; and**

If a training provider does not adhere to TCOLE rules and appropriate statutes, their training program can be put in an “at-risk status.” This requires notification of all potential students and closer review by the evaluators during the at-risk period. A

provider can also have their training program suspended for a time to allow the program to come back into compliance. If other efforts fail, or if violations are particularly egregious, the training program may be terminated.

- **procedures for handling consumer/public complaints against regulated entities.**

Incoming complaints are received and reviewed by the division director and forwarded to an Academy and Contract Evaluator or to the Enforcement Division as applicable.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. *Name of Program or Function: Information Technology*

Location/Division: Special Services

Contact Name: Michael Antu

Statutory Citation for Program: Occupations Code §1701.1523 does not give express authority, but is applicable

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 maintain the agency's information technology needs and the database of the TCOLE licensed community, known as the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS). This database contains the information and records of each licensee to include training, agency appointments, license certificate levels, awards, and academy history, as well as contact information. The database also holds information on current active law enforcement agencies and newly created agencies, as well as current active training providers and new training providers.

TCLEDDS has all Enforcement cases and historical data on all regulated entities that TCOLE oversees, along with the agency audits and evaluations conducted by TCOLE's Field Service Agents and the Academy Contract Evaluators.

With input from the Commission's recent Sunset review, the 87th Texas Legislature provided funding for TCOLE to acquire TCLEDDS from the vendor that developed it and has managed it since its inception. With this acquisition, the user interface of this database will be managed and maintained by the Information Technology Division that will include the additional staff funded by the Legislature for this purpose..

This program also manages TCOLE's website, VOIP shared services, Office 365 accounts, and all security servers to back up and protect the agency's data. The IT Division also supports our online users and IT needs of TCOLE staff.

This program will also develop and manage the Secure File Transfer System that will allow law enforcement agencies to securely review background documents from prior agencies where a potential new hire has worked. This system is being developed to help improve the quality of background investigation being done on law enforcement applicants at the direction of the Legislature through Senate Bill 24 (87R), and with the corresponding funding.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

There are no performance measures specific to the Information Technology function currently. We strive to provide a high level of customer service to our external users and meet the ongoing needs of internal staff.

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. If the response to Section III of this report is sufficient, please leave this section blank.

This program has grown from a flat single email server to a three-host virtual server rack hosted by the state secure site with redundant backups to ensure connectivity to the state's users through our TCLEDDS database.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Any law enforcement agency or training provider currently can subscribe to a TCLEDDS account to process TCOLE forms and submit training for their agency electronically. Any TCOLE licensed individual has access to a catalog of free online training through their MyTCOLE account, which is supported by the IT Division. Once the acquisition of TCLEDDS is complete, the TCLEDDS services will be free to all agencies and the subscription model will be discontinued.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The IT Division has an IT manager who oversees the three IT staff to ensure all the key functions of our database and online services are up and running. This service is vital as stakeholders and staff depend on the network and the services provided through our TCLEDDS system to conduct the day-to-day functions of the Commission. The IT staff will be increasing by eight personnel following legislative appropriations. Four new programmers will develop new and maintain current features to help agencies send in required documents to the Commission on appointees. Two additional service support staff will help with the increased online userbase that owning TCLEDDS will bring and provided a quicker response time for MyTCOLE account users. Two staff have also been provided to assist in developing and managing the Secure File Transfer System under Senate Bill 24.

- 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 falls within the Licensing strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116. The distance learning program is funded through appropriated receipts, which is a TCOLE budget rider in the General Appropriations Act.

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

There are no other programs that provide identical or similar services to the target population.

- 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.**

This function is not performed by any other internal or external entities.

- 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 across the state obtain access to the TCLEDDS (Texas Commission on Law Enforcement Data Distribution System) database, which houses all the above listed data. The database is managed by TCOLE, and the software is updated by a third-party vendor Productivity Center Incorporated (PCI). The current subscriber model will be discontinued when TCOLE owns TCLEDDS and all agencies, training providers, and exam sites will have access granted at no charge.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2020;

- **the number of contracts accounting for those expenditures;**
- **the method used to procure contracts;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

As referenced under Section II, TCOLE is currently in the RFP process for a new online services system, but no contracted expenditures have been made to date. The ongoing maintenance of the TCLEDDS database, developed and updated by PCI, is funded through subscription fees charged to end users.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

As the network grows, our IT needs likewise grow. Our allocated budget currently does not meet the agency's needs, and our online services have been impacted.

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

N/A

O. 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

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. Name of Program or Function: School Marshal Program

Location/Division: Special Services

Contact Name: Michael Antu

Statutory Citation for Program: Occupations Code §1701.260, Education Code §§37.0811, .0813, §51.220

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 schedule training for, license, and maintain the records of School Marshals. TCOLE accepts applications from qualified school districts, private schools, public junior colleges, or open-enrollment charter schools that wish to participate in the school marshal program.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|--|---|----------------|----------------------------|----------------------------|
| Number of School Marshals trained | N/A | N/A | 80 | N/A |
| Number of School Marshals appointed | N/A | N/A | 246 | N/A |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

This program was established by the 83rd Legislature, and TCOLE was charged with ensuring the quality of training of school marshals. This is the only training course that a training provider cannot schedule without the authorization of TCOLE, as each student must be pre-screened prior to beginning the licensing course. The program began with only school districts and open-enrollment charter schools being eligible to appoint school marshals. This was expanded to

include public junior colleges in the 84th Session, private schools in the 85th session, and the limitation on the number of school marshals that a school or school district could appoint was eliminated by the 86th Legislature.

TCOLE is required by statute to keep the identities of school marshals confidential.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

School districts, private schools, public junior colleges, or open-enrollment charter schools may appoint a school employee to serve as a school marshal. The individual, upon approval by the school or school district, must hold a License to Carry, must undergo a psychological evaluation, and must complete the required 80-hour licensing course.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

School districts, private schools, public junior colleges, and open-enrollment charter schools first apply to TCOLE to be approved as an appointing entity. Next, their potential school marshal candidates are vetted, including verification of License to Carry holder status and psychological evaluation, and are placed into an available training class. Upon completion of the training, the appointing entity may choose to appoint or not appoint the candidate as a school marshal. If the school chooses to appoint them, appointing documents are submitted to the TCOLE school marshal coordinator, and a school marshal license is issued for that individual to that specific school. When their expiration date is near, they are notified and placed in a renewal course. If the school marshal leaves or is terminated from the appointing entity, the license is void and must be returned to TCOLE.

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 falls within the Licensing strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116. TCOLE is also managing a grant through the Governor's Criminal Justice Division to offset the costs for schools utilizing the school marshal program, which is discussed further in section L, below.

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

There are no other programs that provide identical or similar services to the target population. There has been some discussion about the difference between the school marshal program and the so-called guardian plan, but guardians are not governed through any centralized entity. They are authorized by their school or school district to carry a weapon under Penal Code 46.03, and are only required to undergo training to the extent required by their school or school district.

- 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.**

This function is not performed by any other internal or external entities.

- 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.**

TCOLE partners with contracted training providers to conduct the licensing course and with all schools or school districts to educate them on the program and to answer any questions they may have.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2020;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

There are no contracted expenditures for this function.

- L. Provide information on any grants awarded by the program.**

As part of the school safety initiatives put into place following the school shooting in Santa Fe, Texas, Governor Abbott directed the Criminal Justice Division within the Office of the Governor to award grant funds to make the school marshal program more accessible to school and school districts. These funds cover the cost of tuition, instructors, training equipment, and psychological evaluations. TCOLE works with contracted training providers to conduct the training, and psychological evaluation costs are reimbursed to the appointing entity.

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

Prior to the grant funds and the attention to the program brought by the Governor, the challenges were awareness and affordability. The only current challenge is the ability to get

renewal classes greater than a handful of individuals, as expiration dates are based on the licensee's birthday. This was a statutory change requested by TCOLE during the 87th Legislature and passed under Senate Bill 785 to instead have the licenses expire two years after issuance. With the passage of this bill, TCOLE can now better plan for full renewal classes. This works better for the providers and the Commission as well as the students.

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

The 80-hour training received by school marshals under this program includes instruction designed to:

- (1) emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;
- (2) educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;
- (3) introduce the trainee to effective law enforcement strategies and techniques;
- (4) improve the trainee's proficiency with a handgun; and
- (5) enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

O. 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;**

As school marshals are licensed law enforcement professionals, this program is vital to ensure the marshals are eligible to meet the needs of their school or school district and have received the training for this position, as it is designed for the prevention of injury or loss of life.

- **the scope of, and procedures for, inspections or audits of regulated entities;**

The school marshal coordinator continually reviews the records and maintains a compliance list for the actively appointed school marshals.

- **follow-up activities conducted when non-compliance is identified;**

If an appointing entity is not in compliance their ability to appoint a school marshal, the school marshal is removed. If a school marshal is non-compliant, their license is invalidated and their appointment as a school marshal is revoked.

- **sanctions available to the agency to ensure compliance; and**

If needed, TCOLE may suspend an appointing entity's authority to appoint a school marshal or suspend a school marshal's license.

- **procedures for handling consumer/public complaints against regulated entities.**

Incoming complaints are received and reviewed by the division director and forwarded to the school marshal coordinator or to the Enforcement Division as needed.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. *Name of Program or Function: Enforcement*

Location/Division: Enforcement

Contact Name: Michael Antu

Statutory Citation for Program: Occupations Code Chapter 1701, Subchapter K

- 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 investigate any administrative or criminal violations of Chapter 1701 of the Occupations Code or TCOLE rules. The Enforcement Division receives jurisdictional and non-jurisdictional complaints along with reports of licensee arrest or indictment, which are submitted on TCOLE form E-1. The parties required by TCOLE rule to submit the E-1 form are the arresting agency, the appointing agency, and the arrested/indicted licensee. Enforcement also takes in complaints for the licensed community, the public and interagency referral when needed.

This division follows all E-1 cases through its court proceedings to final disposition, and depending on the outcome, the appropriate action will be taken against the licensee.

Enforcement also conducts a comprehensive review of the criminal history of applicants for a licensing course at an academy not affiliated with a law enforcement agency.

TCOLE's Enforcement Division also maintains the agency's two terminals to receive law enforcement sensitive information in compliance with all requirements of the Criminal Justice Information Systems (CJIS), an FBI standard managed on the state level by the Texas Department of Public Safety.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure.**

Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | Calculation (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|---|---|-----------------------------|----------------|----------------------------|----------------------------|
| Number of Jurisdictional Complaints that are Pending (Not Active) | 2-1-1-OP-2 | | 950 | 4,001 | 421% |
| Number of Jurisdictional Complaints that are Active (Not Pending) | 2-1-1-OP-3 | | 1,500 | 2,663 | 177% |
| Number of Border Security-Related Investigations Opened | 2-1-1-OP-7 | | 20 | 82 | 410% |
| Number of Cases Opened | 2-1-1-OP-9 | | 2,000 | 1,628 | 81% |
| Number of Cases Closed | 2-1-2-OP-10 | | 1,900 | 679 | 35.73% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

N/A

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The TCOLE Enforcement investigators are required to be licensed law enforcement officers and the CJIS terminal users are required to have all needed training to meet the standards set.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

This program receives, reviews, and investigates incoming complaints on all regulated agencies, training providers, exam sites, and licensed individuals.

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 falls within the Enforcement strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

TCOLE is the only agency charged with the enforcement of Occupations Code Chapter 1701 or TCOLE rules. There are no other programs that provide identical or similar services to the target population.

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.

This function is not performed by any other internal or external entities.

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.

Enforcement works with agencies, training providers, exam sites, and licensed individuals to assist in investigating violations as needed. These partnerships exist with other law enforcement agencies for the preservation of the profession.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

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

This program works well and often with other law enforcement agencies and regulated entities. A somewhat esoteric understanding of the profession is vital to the enforcement of the laws and rules regulating the profession.

O. 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;**
Regulation of Occupations Code Chapter 1701 and TCOLE rules is critical to maintaining the level of professionalism expected of law enforcement in Texas.
- **the scope of, and procedures for, inspections or audits of regulated entities;**
This function may be called upon to conduct an investigation of a law enforcement agency or training provider following an evaluation or audit.
- **follow-up activities conducted when non-compliance is identified;**
TCOLE offers the regulated population an opportunity for voluntary compliance first, including chance to correct inadvertent mistakes, but will take action in a situation where a licensee or entity has intentionally or knowingly violated Occupations Code Chapter 1701 or TCOLE rules.
- **sanctions available to the agency to ensure compliance; and**
After an investigation, possible sanctions include a written warning, written reprimand, license suspension, license revocation, or criminal charges.
- **procedures for handling consumer/public complaints against regulated entities.**
Incoming complaints are received and assigned to an Enforcement investigator.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

**Texas Commission on Law Enforcement
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020**

| | Fiscal Year 2019 | Fiscal Year 2020 |
|---|------------------|------------------|
| Total number of regulated persons | 133,699 | 134,850 |
| Total number of regulated entities | 2,718 | 2,745 |
| Total number of entities inspected | 844 | 493 |
| Total number of complaints received from the public | 208 | 228 |
| Total number of complaints initiated by agency | 554 | 1,361 |
| Number of complaints pending from prior years | 100 | 314 |

| | Fiscal Year 2019 | Fiscal Year 2020 |
|---|------------------|------------------|
| Number of complaints found to be non-jurisdictional | 139 | 173 |
| Number of jurisdictional complaints found to be without merit | 23 | 41 |
| Number of complaints resolved | 224 | 1311 |
| Average number of days for complaint resolution | 164.74 | 189.90 |
| Complaints resulting in disciplinary action: | | |
| administrative penalty | 0 | 0 |
| cancellation | 9 | 3 |
| reprimand | 56 | 605 |
| suspension | 212 | 160 |
| revocation | 49 | 29 |
| Waivers (authorized for licensure with previous misdemeanor conviction) | 1 | 1 |
| License Surrenders (voluntary, may be in lieu of criminal charges) | 110 | 68 |
| Cases resolved by agreed order (informal conference process) | 8 | 4 |

Table 13 Exhibit 13 Information on Complaints Against Persons or Entities

A. Name of Program or Function: Office of General Counsel and Legal Division

Location/Division: Office of General Counsel

Contact Name: John P. Beauchamp, General Counsel

Statutory Citation for Program: Specified in subsequent functions

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

The General Counsel works closely with executive staff to direct and provide legal services in the agency's daily functions. Areas of the Legal Division include administrative law, litigation, employment, personnel, agency policy, and compliance matters. The division maintains the caseload and records of administrative appeals, drafts and reviews laws, rules, and regulations affecting agency operations and administration. Additionally, all requests for public information are processed and fulfilled in the Legal Division. The General Counsel oversees the Legal Division, which includes the public information coordinator and two legal assistants.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

The Legal Division's performance measures are further detailed in subsequent or other functions.

- 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. If the response to Section III of this report is sufficient, please leave this section blank.**

N/A

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Persons or entities affected by this program are detailed in subsequent or other functions.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The Legal Division researches and analyzes legal sources such as statutes, case law, administrative records, opinions, and rules and regulations; checks citations, quotations, footnotes, and references for accuracy; assists the Office of the Attorney General with prosecution or defense of lawsuits filed against the Commission; arranges contested cases for hearings with the State Office of Administrative Hearings (SOAH); e-files court documents; assists the General Counsel with discovery requests; prepares for hearings; prepares summaries and all final orders of disciplinary actions for Commission meetings for Commissioner action; and assists with compliance in rule drafts to Texas Register.

- 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 falls within the Enforcement strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

There are no other programs that provide identical or similar services to the target population.

- 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.

General Counsel and Legal Division activities are coordinated with the Office of Attorney General, State Office of Administrative Hearings, and other entities as necessary. Additionally, the Legal Division communicates with court personnel, law enforcement agencies, licensees or their legal counsel, and the general public.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

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

N/A

O. 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.

Persons and/or entities affected by this program are detailed in subsequent or other functions.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. *Name of Program or Function: Misconduct*

Location/Division: Office of General Counsel

Contact Name: John P. Beauchamp, General Counsel

Statutory Citation for Program: Occupations Code §1701.4525, Government Code Chapter 2001

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

The Legal Division provides legal and administrative support for the agency and determines what action to take against licensees who have violated Commission rules. This includes drafting and sending petitions to licensees to notify them of potential disciplinary action, coordinating hearings with the State Office of Administrative Hearings, working with the Executive Director on exceptions for Proposals for Decision that are to go before the Commissioners at a quarterly meeting, and scheduling informal conferences for licensees who may benefit from that process. The informal conference process, outlined in section F below, was established as a result of recommendations in the agency's previous Sunset review.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|---|---|----------------|----------------------------|----------------------------|
| Number of Licenses Revoked | 2-1-1-EX-1 | 35 | 29 | 82.8% |
| Number of Licenses Suspended | 2-1-1-EX-2 | 100 | 160 | 160% |
| Number of Licenses Surrendered | 2-1-1-EX-3 | 85 | 68 | 80% |
| Number of Reprimands Issued | 2-1-1-EX-4 | 200 | 605 | 302.5% |
| Number of Licenses Cancellations | 2-1-1-EX-5 | 3 | 3 | 100% |
| Number of SOAH Hearings for Criminal Administrative Cases | 2-1-1-OP-8 | 5 | 0 | 0% |
| Number of Misconduct Cases Resolved by Agreed Order | 2-1-1-OP-6 | 15 | 4 | 26.7% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

The informal conference process has been implemented since the agency's previous Sunset review as an adopted recommendation. The process has been very well received by licensees and their legal representation, and has reduced the number of cases that go before the State Office of Administrative Hearings.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Licensees affected by this program are those who are facing disciplinary action for violation of law or TCOLE rule.

The Legal Division provides assistance as it relates to legal matters including contested cases, involving administrative license suspension, permanent or term surrenders, cancellation, revocation and personnel matters. The division ensures all licensees are in compliance according to 37 Texas Administrative Code Chapters 211-229 and Texas Occupations Code Chapter 1701.

The Enforcement Division provides the Legal Division an investigation file for assistance in determining appropriate disciplinary action according to statutes, rules, and executive guidance.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Legal Division maintains all administrative appeals cases. In the handling of the misconduct cases, the division evaluates cases forwarded from the Enforcement Division for further handling; drafts petitions, statutory actions, cancellations, reprimands, and acceptance letters for permanent or term voluntary surrenders and forwards for review and approval of General Counsel. The division also updates agency data system by documenting specific actions, events, dates, and dates in accordance with internal deadlines, the Texas Government Code and the Administrative Procedure Act. This process is as follows:

Listed below is the process of a disciplinary action case:

1. Notice of the Executive Director's petition or notice of violation is sent to the licensee to take action on the license.
2. An answer is required not later than 20 days after the licensee receives notice of petition or notice of violation.
 - a. For answers filed in revocation and cancellation matters, the Commission will request representation from the Office of the Attorney General and refer the case to the State Office of Administrative Hearings (SOAH) pursuant to Administrative Procedure Act and Texas Government Code Chapter 2001 (Refer to Misconduct Flow Chart, attachment 15.1).
 - b. If the licensee fails to file an answer, the Commission will enter a default order.
3. Answers filed in suspension matters are scheduled for an informal process, which is outlined below.

In 2012, the agency began an informal conference program which provides for resolution of disciplinary actions prior to a contested case hearing at the State Office of Administrative Hearings (SOAH). The steps in the informal conference process are as follows:

1. Licensee commits an offense and is indicted/arrested/charged (arrest).
2. Licensee/agencies notify Commission of arrest.
3. Commission creates an investigative case, on hold until disposition.
4. Commission receives final disposition on arrest and re-opens case.
5. Commission notifies licensee of intent to take action (suspend, etc.).
6. Licensee rejects terms of original petition.
7. Commission offers opportunity for an informal conference before SOAH initiated.
8. Licensee accepts opportunity and informal conference held. Recommendation forwarded to Executive Director.
9. Executive Director makes offer based on recommendation from informal conference.
10. Licensee accepts offer and case is forwarded to Commissioners for final ruling OR rejects offer and case is referred to SOAH for docketing.

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 falls within the Enforcement strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

There are no other programs that provide identical or similar services to the target population.

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.

General Counsel and Legal activities are coordinated with the Office of Attorney General, State Office of Administrative Hearings, and other entities as necessary. Additionally, the Legal Division communicates with court personnel, law enforcement agencies, licensees or their legal counsel, and the general public.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

N/A

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

N/A

O. 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.**

The division’s roles are essential in ensuring all licensees are compliant with the Commission’s rules. Upon the Enforcement Division identifying non-compliance with Commission rules the case is forwarded to the Legal Division for General Counsel’s review and disciplinary action. Subsequently, the licensee is provided notice of the disciplinary action and has a right to respond per the rules. The Legal Division updates the agency system by documenting specific actions, events, dates, and next-action dates in accordance with internal deadlines.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

The Commission’s regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. *Name of Program or Function: F-5 Appeals*

Location/Division: Office of General Counsel

Contact Name: John P. Beauchamp, General Counsel

Statutory Citation for Program: Texas Occupations Code §1701.4525

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

When a Texas peace officer, jailer, or telecommunicator separates from their employing law enforcement agency, the agency must submit an F-5 Report of Separation to TCOLE. Starting in 2005, the aim of F-5 Reports has been to protect the public from “gypsy cops” with disreputable employment histories and, as such, are used by potential employing agencies to determine a law enforcement applicant’s fitness for employment. The report characterizes the nature of separation (i.e. “discharge”) as honorable, general, or dishonorable. A licensee can challenge their F-5 discharge category. To illustrate the seriousness of an F-5 Report, a TCOLE license is automatically suspended and subject to revocation after the holder receives a second dishonorable discharge.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|--|---|----------------|----------------------------|----------------------------|
| Number of F-5 Separation Disputes Referred to SOAH for Hearing | 2-1-1-OP-4 | 350 | 298 | 229.85% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

As a result of the agency’s previous Sunset review, statute was amended to clarify that TCOLE is not a party to F-5 disputes. The agency acts solely as the referring entity after receiving a licensee’s timely appeal.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Those affected by the F-5 appeal process are licensees and former employing agencies who are parties to the appeal hearing.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The F-5 appeal process begins when a licensee submits to TCOLE a “Petition to Correct” form within 30 days of receiving the report from the former employing agency.

After receipt of the licensee’s petition, the appeal is sent to docketing with SOAH. Upon issuance of the SOAH docket number, the licensee and former employing agency are notified. TCOLE is updated on SOAH orders and actions throughout the hearing process. Orders are sent to TCOLE for filing. During the hearing process, a former employing agency may amend the F-5 before the hearing date.

After a hearing, an Administrative Law Judge (ALJ) issues a “Decision and Order” to amend the F-5 report or not. If a change is ordered, the new separation report must be signed by the Executive Director before official change in the TCLEDDS System. Then, the new F-5 report is sent to the agency and the previous report is removed.

- 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 falls within the Enforcement strategy in the agency’s legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

There are no other programs that provide identical or similar services to the target population.

- 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.**

General Counsel and Legal Division activities are coordinated with the Office of Attorney General, the State Office of Administrative Hearings, and other entities as necessary. Additionally, the Legal Division communicates with court personnel, law enforcement agencies, licensees or their legal counsel, and the general public.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2020;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

There are no contracted expenditures for this function.

- L. Provide information on any grants awarded by the program.**

There are no grants awarded by this program.

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

Current issues and potential changes to statute are referenced in Section II, part C.

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

N/A

- O. 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

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

The Commission's regulatory functions are primarily applied through the Enforcement Division. Information on complaints and actions taken can be found on page 57.

A. Name of Program or Function: Public Information

Location/Division: Office of General Counsel

Contact Name: John P. Beauchamp, General Counsel

Statutory Citation for Program: Government Code Chapter 552

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

In accordance with TCOLE procedures, the Public Information Coordinator (PIC)/Records Management Officer (RMO) processes requests for public information and works with agency staff to ensure compliance with the Texas Public Information Act and maintaining agency records in accordance with applicable standards. With the Director of Government Relations, the PIC coordinates the preparation and distribution of organizational publications, news releases, and legislative information requests or requests from the media. The PIC communicates with Texas State Library and Archives Commission (TSLAC) as it pertains to Commission retention schedule and requests for Commission case files; and delivery of the requested case files to the appropriate divisions.

As applicable, the PIC asserts privileges and exceptions to disclosure in preparing requests for letter rulings from the Office of Attorney General. The PIC safeguards confidential material. Similarly, the PIC analyzes rulings and provides recommendations to the General Counsel. All expunction and nondisclosure orders are handled by the PIC.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|--|---|----------------|----------------------------|----------------------------|
| Number of Open Records/Public Information Responses | 3-1-1-OP-3 | 6,200 | 6,569 | 106% |
| Number of Open Records/Public Information Requests sent to OAG for letter ruling | 3-1-1-OP-4 | 50 | 57 | 114% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

- 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. If the response to Section III of this report is sufficient, please leave this section blank.**

N/A

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Any licensee, reporter, attorney, or other member of the public may request information through the Public Information Act.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The PIC administers duties in accordance with TCOLE's open records procedure manual, records retention schedule, and the Public Information Act.

- 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 falls within the Enforcement strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

There are no other programs that provide identical or similar services to the target population.

- 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.**

General Counsel and Legal Division activities are coordinated with the Office of Attorney General, the State Office of Administrative Hearings, and other entities as necessary. Additionally, the Legal Division communicates with court personnel, law enforcement agencies, licensees or their legal counsel, and the general public.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

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

N/A

O. 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

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

N/A

A. Name of Program or Function: Office of Government Relations**Location/Division: Government Relations****Contact Name: Gretchen Grigsby****Statutory Citation for Program: Specified in subsequent functions****B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Office of Government Relations performs several functions, including:

- Serving as the agency's point of contact for legislative members and staff on proposed legislation, budget items, and constituent issues.
- Tracking and analyzing legislation with a direct impact to TCOLE, and monitoring bills with an impact on the law enforcement community.
- Serving as the agency's point of contact for media, including distributing press releases and responding to inquiries regarding the Commission's activities.
- Editing *The Briefing*, the agency's quarterly newsletter providing regulatory information to law enforcement training providers across the state
- Leading the Peace Officers' Memorial Ceremony Committee, established by the 85th Legislature to plan an annual ceremony to honor fallen officers.
- Overseeing the annual State of Texas Law Enforcement Achievement Awards nomination process and ceremony.
- Working with the Office of General Counsel on policies and the rulemaking process.
- Managing the Commission's social media accounts.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

The Government Relations performance measures are further detailed in subsequent or other functions.

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. If the response to Section III of this report is sufficient, please leave this section blank.

This function was formally established in 2014. Previously, legislative and media relations were handled ad hoc by the Executive Director and other division directors.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Those affected by this function include licensees, law enforcement agency training coordinators, state government oversight members and staff, and media outlets.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The division director oversees two additional staff, including a legislative coordinator and a recognitions 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 falls within the Indirect Administration strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

There are no other programs that provide identical or similar services to the target population.

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.

Government Relations staff work routinely with other governmental entities at all levels to communicate new legislative requirements, coordinate nominations and ceremonies for the

Texas Peace Officers' Memorial and State of Texas Law Enforcement Achievement Awards, and to provide flags for fallen TCOLE licensees.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

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

N/A

O. 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

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

N/A

A. Name of Program or Function: Texas Peace Officers’ Memorial

Location/Division: Government Relations

Contact Name: Gretchen Grigsby

Statutory Citation for Program: Texas Government Code Chapter 3105

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

This function includes reviewing and approving nominations for inclusion on the Texas Peace Officers’ Memorial Monument, as well as working with the Texas Peace Officers’ Memorial Ceremony Committee to plan the annual ceremony at the Texas Capitol.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|---|---|----------------|----------------------------|----------------------------|
| Cases Researched for the TX. Peace Officers’ Memorial | 3-1-1-OP-1 | 60 | 56 | 93.3% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

TCOLE has been responsible for approving names for inclusion on the Peace Officers’ Memorial since it was dedicated in 1999; the Ceremony Committee was established in law in 2017 through House Bill 3647 to bring together the many interested parties to plan the ceremony.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Peace officers, federal law enforcement officers, and correctional officers who are killed in the line of duty are eligible for inclusion. TCOLE rule 37 TAC Chapter 229 further specifies the eligibility criteria for consideration.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Nominations are received by TCOLE staff from law enforcement agency heads and personnel, as well as independent researchers looking into historical deaths. These nominations are discussed with the major stakeholders who are part of the Ceremony Committee, then proposed to the Executive Director with recommendations. The Commissioners vote to approve or not approve names at a quarterly meeting.

- 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 absorbed within the Indirect Administration strategy in the agency's legislative appropriations, which is funded through GR-Dedicated Fund 0116.

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

There is a National Law Enforcement Officers' Memorial. For the most part, names approved for the Texas Memorial are also approved for the National Memorial.

- 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.**

Government Relations staff work with the Ceremony Committee, nominating parties, and other stakeholders for this function.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2020;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

There are no contracted expenditures for this function.

- L. Provide information on any grants awarded by the program.**

There are no grants awarded by this program.

- M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.**

Some clarity on statutory eligibility may be of assistance. The current law says, “killed in the line of duty,” but not all situations are quite so clear. In particular, deaths as a result of medical issues from work as a law enforcement officer are difficult to determine.

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

N/A

- O. 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

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

N/A

A. Name of Program or Function: State of Texas Law Enforcement Achievement Awards**Location/Division: Government Relations****Contact Name: Gretchen Grigsby****Statutory Citation for Program: Texas Occupations Code §1701.401****B. What is the objective of this program or function? Describe the major activities performed under this program.**

The State of Texas Law Enforcement Achievement Award program is meant to honor TCOLE licensees who have gone above and beyond in their duties in the categories of Public Service, Professional Achievement, and Valor. Award winners are recognized at an annual ceremony, during which they receive a medal, a pin suitable for wearing on a uniform, and a congratulatory certificate from the Governor.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

A list of award recipients, as well as a summary of the events for which the most recent group of awardees were elected can be found at <http://www.tcole.texas.gov/content/state-texas-achievement-awards>.

**Texas Commission on Law Enforcement
Law Enforcement Achievement Awards
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|--|---|----------------|----------------------------|----------------------------|
| Nominations Received | N/A | N/A | 49 | N/A |
| Award Recipients Selected | N/A | N/A | 0** | N/A |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3 **2020 ceremony deferred due to COVID-19

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. If the response to Section III of this report is sufficient, please leave this section blank.

The statute previously only allowed for 20 individuals to receive an award. This was amended in 2009 to allow for the many instances in which a team was involved.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Any TCOLE licensee is eligible to receive an Achievement Award.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Licensees may be nominated by an elected official, chief administrator of a law enforcement agency, or a TCOLE licensee. Nominations must be received by December 31 of each year for consideration. Nominations are then reviewed by a panel of judges, and approved by a vote of the Commissioners.

- 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 absorbed in the agency's appropriations under GR-Dedicated Fund 0116.

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

The Star of Texas Award under Texas Government Code Chapter 3106 provides a similar award to some overlapping population, sometimes for the same event.

- 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.**

Each award has its own selection process, and it's not unusual for a TCOLE licensee to receive several awards from different entities for the same event.

- 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.**

These entities are involved only in the nomination process and if selected as part of the judging panel.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Some instances have involved individuals who are either federal law enforcement or citizens/good Samaritans who are deserving of an award but are not eligible under the current law.

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

N/A

O. 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

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

N/A

A. Name of Program or Function: Texas Peace Officer Flag Program

Location/Division: Government Relations

Contact Name: Gretchen Grigsby

Statutory Citation for Program: Texas Occupations Code §1701.161

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

This program provides a Texas flag that has been flown over the capitol building to the next of kin of any peace officer who was active or honorably retired at the time of his or her death. The survivor also receives a certificate from the Governor, and a letter of condolence from TCOLE's Executive Director.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Law Enforcement
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

| Program Statistics or Performance Measures | Dataset Reference Number* (if applicable) | FY 2020 Target | FY 2020 Actual Performance | FY 2020 % of Annual Target |
|--|---|----------------|----------------------------|----------------------------|
| Flags Distributed | 3-1-1-OP-2 | 200 | 201 | 100.5% |

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

This program was established in 2001, and in 2005 it was clarified that only current or honorably retired peace officers are eligible.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Peace officers who are current or honorably retired at the time of their death are honored with this program.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

A flag request form is available on the TCOLE website, which is submitted to TCOLE staff. The form includes information on the deceased officer, the officer's next of kin, and the requestor. In most cases, the flag is mailed to the next of kin or the requestor (as indicated on the form) concurrent with the certificate from the Governor and the letter of condolence from the Executive Director. At times, the flag is requested to be available for the officer's funeral, in which case TCOLE Field Service Agents may personally deliver the flag.

- 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 program is funded through appropriations to GR-Dedicated Fund 5059, as well as donations.

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

There are no other programs that provide identical or similar services to the target population.

- 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.**

TCOLE works with the requesting entity, typically the officer's most recent agency, to coordinate the delivery of the flag.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;

- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures for this function.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

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

N/A

O. 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

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

N/A

A. Name of Program or Function: Finance/HR

Location/Division: Finance

Contact Name: Brian Roth

Statutory Citation for Program: N/A

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

The Finance Division provides multiple operational functions. These can be categorized in five main areas.

Human Resources

Our most important resource of the agency is our people. We focus on helping employees with payroll, insurance, benefits, training, safety, employee charitable giving and employee wellness. The Finance Division also oversees compliance with all federal and state human resources-related regulations and reporting.

Budgeting/Accounting

Finance delivers high-value support in the areas of accounts payable, accounts receivable, employee travel, asset management, audits, facilities management, financial management and ensures funds are spent in an appropriate and accountable way.

Financial Reporting

The division ensures accurate and timely reporting to federal, state and other stakeholders. Some ongoing reports include IRS tax filing, Annual Financial Report, Operating Budget, Legislative Appropriations Request, encumbrances, Base Reconciliation and performance measure reporting.

Purchasing/Contract Management

This function provides the tools necessary to carry out TCOLE's mission. This involves asset acquisition, purchasing, inventory, supplies and contract management. Compliance is maintained for all applicable federal, state, agency and other rules and regulations including HUB utilization.

Grant Administration

The agency recently completed a grant to train new school marshals on how to protect our children in school. We currently have two active grants and have an additional grant request pending with the Governor's Criminal Justice Division. Finance works to ensure the best outcomes from these grants. Care and attention is given in all phases, from grant writing/request on through to grant close-out and final wrap-up.

In addition to these five areas, the division works hard to provide CAPPs integration and utilization, customer service, strategic planning and risk management.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

There are no specific performance measures associated with the Finance Division at this time. We strive to provide a high level of customer service, efficiency and accuracy in our duties.

- 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. If the response to Section III of this report is sufficient, please leave this section blank.**

N/A

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

N/A

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The program is administered by employees who perform the duties described in section B. These positions include the Chief Financial Officer (CFO) and Accountants. The CFO reports to the Executive Director.

- 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 division is funded with General Revenue-Dedicated Fund 0116 through the Indirect Administration strategy.

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

N/A

- 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 division works with many governmental entities, but from an accounting standpoint only.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2020;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

The vast majority of agency purchases for goods and services made by TCOLE utilize contracts that have been pre-negotiated and awarded by the Comptroller of Public Accounts or the Department of Information Resources. Three contracts were awarded in fiscal year 2020 totaling \$121,650. All were related to services required for the agency's annual training conference. These expenses are reflected in the Technical Assistance program.

| Contract Number | Vendor Name | Description | Amount |
|-----------------|----------------------------|--|--------|
| | | | 56,994 |
| 18-002 | EncoreEvent Technologies | Professional audio/video conference services | |
| 18-001 | Savor American Bank Center | Conference food and beverage service | 50,728 |
| 19-004 | Omni Hotels & Resorts | Conference space and hotel rooms | 56,156 |
| 17-001 | American Bank Center | Rental of Conference Facilities | 8,500 |

TCOLE follows all procurement laws including Texas Government Code Chapters 2155-2158, 2161 and Texas Administrative Code Title 34, Part 1, Chapter 20, as well as the Texas Procurement and Contract Management Guide.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

The previous Sunset bill, HB 3389 (81R), created a new General Revenue Dedicated - Civil Justice Data Repository fund to be used only by TCOLE. This was not included in the final funds consolidation bill that session. The remittances into this fund are not appropriated and are swept into GR Fund 0001.

The revenue collected under Texas Local Government Code §133.102(f) can, at times, be less than what is appropriated in the General Appropriations Act. This is discussed further under Section IX.

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

N/A

O. 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

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

N/A

VIII. Statutory Authority and Recent Legislation

A. Fill in the following charts, 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 2015–2020, or earlier significant Attorney General opinions, that affect your agency’s operations.

Texas Commission on Law Enforcement Exhibit 14: Statutes / Attorney General Opinions

Statutes

| Citation / Title | Authority / Impact on Agency <i>(e.g., “provides authority to license and regulate nursing home administrators”)</i> |
|--|---|
| Chapter 1701, Occupations Code | Enabling statutes for TCOLE. Identifies specific duties and responsibilities of TCOLE. |
| Code of Criminal Procedure | |
| Art. 2.131, Racial Profiling Prohibited. Art. 2.132, Law Enforcement Policy on Racial Profiling. Art. 2.133, Reports Required for Motor Vehicle Stops. Art. 2.134, Compilation and Analysis of Information Collected. | Establishes racial profiling reports with TCOLE collection responsibilities. |
| Art. 2.33, Law Enforcement Policy on Use of Force by Drone. | Establishes requirement for a law enforcement agency that uses or intends to use a drone for law enforcement purposes to submit to TCOLE a policy on use of force by drone. |
| Art. 15.27, Notification to Schools Required. | TCOLE to be notified by a school district superintendent if a student enrolled at the district is arrested and the superintendent is not notified within 24 hours. |
| Art. 42.011, Judgment Affecting an Officer or Jailer. | Clerk of the court that convicts or places on community supervision a TCOLE licensee for a felony shall send documentation to TCOLE. |
| Education Code | |
| §37.0811, School Marshals: Public Schools. §37.0812, Training Policy: School District Peace Officers and School Resources Officers. §37.0813: School Marshals: Private Schools. | Establishes school marshal programs in public and private schools; requires peace officers assigned to schools to undergo training on interacting with children. |
| §51.220, Public Junior College School Marshals. | Establishes a school marshal program at public junior colleges. |
| §96.641, Initial Training and Continuing Education for Police Chiefs and Command Staff. | Creates initial and continuing education programs for police chiefs at the Bill Blackwood Law Enforcement Management Institute of Texas, with curriculum to be approved by TCOLE. |

| Citation / Title | Authority / Impact on Agency <i>(e.g., "provides authority to license and regulate nursing home administrators")</i> |
|---|--|
| Government Code | |
| §158.002, Court Security Certification. | Requires a TCOLE court security specialist certification for those providing security at a courthouse. |
| §402.035, Human Trafficking Prevention Task Force. | TCOLE is a member of the Human Trafficking Prevention Task Force. |
| Chapter 421, Subchapter B. Homeland Security Council | TCOLE is a member of the Homeland Security Council. |
| Chapter 434, Subchapter D. Texas Coordinating Council for Veterans Services | TCOLE is a member of the Texas Coordinating Council for Veterans Services. |
| §511.00905, Jail Administrator Position; Examination Required. | TCOLE and the Commission on Jail Standards are to work to develop an exam for jail administrators. |
| §772.0064, Sexual Assault Survivors' Task Force. | TCOLE is a member of the Sexual Assault Survivors' Task Force and is to receive advice from the task force on relevant law enforcement training. |
| Chapter 3105. Texas Peace Officers' Memorial Monument and Ceremony | TCOLE reviews and approves names to be added to the Monument, and is a member of the Peace Officers' Memorial Ceremony Committee. |

Table 14 Exhibit 14 Statutes

Attorney General Opinions

| Attorney General Opinion No. | Impact on Agency |
|------------------------------|------------------|
| N/A | N/A |

Table 15 Exhibit 14 Attorney General Opinions

B. Provide a summary of significant legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass but were significant, 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). Place an asterisk next to bills that could have a major impact on the agency. See Exhibit 15 Example.

**Texas Commission on Law Enforcement
Exhibit 15: 87th Legislative Session**

Legislation Enacted

| Bill Number | Author | Summary of Key Provisions |
|-------------|-----------|--|
| HB 786 | Oliverson | The commission shall require each telecommunicator to be trained in telecommunicator cardiopulmonary resuscitation as part of the basic licensing course and each continuing education unit. |

| Bill Number | Author | Summary of Key Provisions |
|-------------|--------------|---|
| HB 929 | Sherman | Requires an agency's body worn camera policy to ensure that a body worn camera is activated only for a law enforcement purpose and is required to include certain provisions, including provisions relating to the collection of a body worn camera, including the applicable video and audio recorded by the camera, as evidence. Requires that a policy require a peace officer who is equipped with a body worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy. Authorizes a peace officer to choose not to activate a camera or to choose to discontinue a recording currently in progress for any encounter with a person that is not related to an investigation. |
| HB 1758 | Krause | Each law enforcement agency that uses or intends to use a drone for law enforcement purposes is required to adopt, and submit to TCOLE, a written policy regarding the agency's use of force by means of a drone. Not later than January 1 of each even-numbered year, the agency is required to submit the policy to TCOLE. |
| HB 1938 | Jetton | An agency may apply for a grant to help the cost of data storage from recordings created with body worn cameras. |
| HB 2831 | White | The commission, along with the Texas Commission on Jail Standards, shall jointly develop, with the assistance of the advisory committee on confinement of persons with intellectual or developmental disabilities, a training program of at least 4 hours for county jailers on interacting with persons with intellectual or developmental disabilities. |
| HB 3712 | Thompson, E. | BPOC hours changed to no less than 720 hours. TCOLE is to work with LEMIT to produce model training and policies on the prohibition against chokeholds, duty to intervene in the case of unnecessary force by another peace officer, and the duty to render necessary medical aid as soon as it can safely be rendered. TCOLE is to prescribe 16 of the 40 hours of continuing education required for peace officers each continuing education unit. |
| SB 24 | Huffman | Establishes new preemployment screening procedures that hold both the law enforcement officer applying for a position and the hiring law enforcement agency accountable by requiring the agency to review pertinent records of prior conduct and activities and other background information about the officer before the officer may be hired by the agency. These records must be made available electronically in a way that ensures security and privacy, and the hiring agency must submit to TCOLE a confirmation form affirming that they have reviewed the documents, or were not able to because the previous employing agency did not make them available. Failure of the agency head or his designee to comply is grounds for suspension of the agency head's license. |

| Bill Number | Author | Summary of Key Provisions |
|-------------|------------|--|
| SB 64 | Nelson | <p>Requires TCOLE to develop a peer support network for law enforcement officers that includes peer-to-peer support; training for peer service coordinators and peers that includes suicide prevention training; technical assistance for program development, peer service coordinators, licensed mental health professionals, and peers; and identification, retention, and screening of licensed mental health professionals. TCOLE may contract with an institution of higher education to establish this program.</p> <p>A law enforcement officer's participation in peer-to-peer support and other peer-to-peer services under the network is confidential. The bill prohibits that information from being disclosed under state public information law by TCOLE, the officer's employing agency, or any other state agency or political subdivision that employs a law enforcement officer participant. The bill prohibits an officer's participation from serving as the basis for a revocation, suspension, or denial of a license by TCOLE or from being considered in any proceeding related to the officer's licensure.</p> <p>Requires TCOLE to submit a report to the governor and the legislature not later than December 1 of each year that includes the number of officers who received peer support through the network; the number of peers and peer service coordinators trained; an evaluation of the services provided by the network; and recommendations for program improvements.</p> |
| SB 198 | Nelson | <p>Provides a more convenient way for retired law enforcement officers to demonstrate weapons proficiency by allowing these officers to demonstrate proficiency to any qualified handgun instructor.</p> |
| SB 713 | Buckingham | <p>Extends TCOLE for two years. The commission will undergo a limited scope sunset review leading up to the 88th Legislative Session.</p> |
| SB 785 | Creighton | <p>Standardizes the expiration of school marshal licenses to August 31st following the second date anniversary of the date the commission licenses the person. Renewals also expire on August 31st. This is consistent with continuing education deadlines for other license types, and allows for more marshals to train at the same time, making classes more efficient.</p> |
| SB 1191 | Seliger | <p>Clarifies that a peace officer providing security for extracurricular activities is not a school resource officer and therefore is not required to take the training required of a school resource officer.</p> |

Table 16 Exhibit 15 Legislation Enacted 87th Leg

Legislation Not Passed

| Bill Number | Author | Summary of Key Provisions / Reason Bill Did Not Pass |
|-------------|-----------------|---|
| HB 88 | Thompson, S. | <p>Establishes that a person may bring any action (legal or equitable) against a peace officer who deprived the person of right, privilege, or immunity as stated in TX Constitution. A person cannot bring action later than two years after the incident. Article 2.13 of CCP is amended: An officer shall make identification as a peace officer before taking any action, unless the identification would render the action impracticable. An officer shall intervene the use of force by another officer if the act violates state or federal law, puts anyone at risk of bodily injury (unless officer believes force is necessary to avoid imminent harm to a peace officer or other person), or is not required to apprehend or complete apprehension of subject, and shall provide aid immediately to any who needs medical attention as a result of use of force by peace officer. Texas Southern University and other law enforcement entities/agencies shall come up with model policy regarding issuance of citations for misdemeanor offenses that are punishable by fine only. Each law enforcement must adopt either similar or same policy as Texas Southern University. Each agency must adopt policy regarding use of force by peace officers. Policy must: emphasize de-escalation, mandate that deadly force is to be used as last resort, treat all humans with dignity and respect. A law enforcement agency may adopt model created by TCOLE. A peace officer may not without a warrant arrest a person with one or more offenses punishable by fine only. A peace officer who is charging a person (including a child) with committing an offense punishable by fine only may issue citation with all information required, instead of being take to magistrate. The commission shall adopt rules that prescribe disciplinary actions that may be taken against a police officer under a progressive disciplinary matrix. Commission shall implement matrix for infractions committed by police officers. The commission shall develop and make available to all agencies a model policy and associated training material regarding use of force by police officers.</p> |
| HB 600 | Johnson, Jarvis | <p>Peace officers shall take a psychological examination every 2 years. TCOLE must provide reasons that a peace officer may be exempt from the exam, adopt procedures for accurate reporting of the results, and suspend the license of a peace officer if they fail to comply with this section.</p> |
| HB 1396 | White | <p>The commission shall establish an advisory committee to advise the commission on law enforcement agency credentialing entities. The committee shall review entities that provide credentialing to law enforcement agencies. TCOLE shall, with the aid of HHSC and local law enforcement agencies, develop a model policy and associated training regarding the "coordinated response program," in which a peace officer and a mental health professional jointly respond to a call involving a person with a mental impairment. TCOLE shall survey these programs in this state and others, and consider creation of specialized training. TCOLE shall also establish a database in which agencies must submit reports of officer misconduct, and TCOLE shall make the database accessible to all law enforcement agencies. TCOLE may make the information in the database available to a federal law enforcement agency that is investigating an incident. TCOLE shall make the report available no later than March 1 each year on its website.</p> |

Self-Evaluation Report

| Bill Number | Author | Summary of Key Provisions / Reason Bill Did Not Pass |
|----------------|---------------|--|
| HB 1550/SB 711 | Cyrier/Paxton | <p>SUNSET Bill- The ED of the commission shall create a training manual and distribute it to each member annually. Each member must sign a statement acknowledging they have reviewed the manual. The commission may appoint advisory committees to perform advisory functions. Members of advisory committees serve at will of commission. The commission may request and subpoena, if necessary, records, documents, or other evidence in the investigation of an alleged violation of this chapter. The commission, through the AG, may bring to action to enforce a subpoena against person who has failed to comply with the subpoena. The commission shall adopt rules specifying the circumstances in which the commission may require a license holder to submit to an examination by a psychologist to determine whether the licensee continues to meet standards. The commission shall require that an applicant for a license submit a complete set of fingerprints to the commission or DPS to obtain criminal history record information. The commission shall adopt rules specifying the circumstances in which the commission may issue an emergency order to suspend a person's license for no more than 90 days after determining that the person poses a threat to the public. A panel will be composed to study the regulation of person licensed under this chapter; the panel consists of 17 members. The panel may establish one or more advisory committees to assist the panel. The panel should hold a public meeting at least once every month. Panel has subpoena power. The commission shall provide facilities and admin support in order for the panel to carry on their duties. The panel shall make recommendations regarding licensee regulation. No later than June 1,2022 the panel shall deliver a report to the gov, lieutenant gov, speaker of the house, each member of legislature, and the Sunset Advisory Committee. The panel is abolished December 31, 2022.</p> |
| HB 1600 | Canales | <p>SUNSET Safety Net Bill- TCOLE unless continued in existence as provided by that chapter, the commission is abolished, and Occupations Code chapter 1701 expires 9/1/2023.</p> |
| HB 2154 | Dutton | <p>Creates a training advisory committee. The committee shall conduct a study of the training programs established and maintained by the commission. The committee's recommendations must include ways to improve programs. The commission shall require each person who passes the peace officer exam must sign and submit to the commission an oath. The commission shall prescribe a form for the oath.</p> |
| HB 2437 | Davis | <p>The commission shall establish a fee for the issuance of a license. The commission shall develop and make available to agencies a model policy and associated training materials regarding use of force. The commission by rule shall establish grounds in which the commission shall suspend or revoke a peace officer license on determination that a license holders continuous action poses a threat to public welfare. A law enforcement agency shall adopt a policy that prioritizes access to recordings.</p> |
| HB 2844 | Goodwin | <p>Section 5: 1701.452(b): If the person who was dishonorably discharged and resigned or retired, the explanation of circumstances must contain any information on any pending investigation known to internal affairs, supervisors, or management that was not completed due to the resignation or retirement of the officer. The commission shall suspend the license of an officer if the officer has been dishonorably discharged. Section 6: 1701.5015: The commission by rule shall establish the grounds in which the commission can suspend or revoke a license based on an officer's performance seen as a threat to public welfare.</p> |

| Bill Number | Author | Summary of Key Provisions / Reason Bill Did Not Pass |
|-----------------|-----------------------|---|
| HB 3654/SB 1472 | Rodriguez/Eckhardt | The commission shall establish a fee for the issuance of a license. The commission shall develop and make available to agencies a model policy and associated training materials regarding use of force. The commission by rule shall establish grounds in which the commission shall suspend or revoke a peace officer license on determination that a license holders continuous action poses a threat to public welfare. A law enforcement agency shall adopt a policy that prioritizes access to recordings. |
| HB 4145/SB 1775 | Coleman/Whitmire | Each law enforcement agency shall adopt a policy of a motor vehicle stop investigations. A peace officer may not conduct a roadside search for an offense other than a traffic violation without suspicion based on preponderance of evidence. They may not continue the search after the driver has refused to consent unless preponderance of evidence. They may not arrest a driver for a traffic violation unless the offense is more than a Class C. Racial profiling may be identified through the examination of sufficient and evidence-based data analysis. As part of the minimum curriculum requirements the commission shall require an officer to complete a training tactical communication and implicit bias. As a requirement for an intermediate certificate, an officer must complete a training on tactical communication and implicit bias. |
| HB 4286/SB 1819 | King, K./ Bettencourt | A person whose license has been revoked is disqualified to be an officer and the commission may not issue a license to the person. The head of a law enforcement agency must include a description of any disciplinary or performance issues in which the person was discharged. Dishonorably discharged means a person was terminated by an agency or retired or resigned in lieu of termination. A person commits a class b misdemeanor if knowingly submit a report that does not indicate that the license holder was generally or dishonorably discharged. The commission shall revoke an officer's license if it is determined that the officer was dishonorably discharged. A law enforcement agency shall maintain and complete a copy of each report and statement submitted to the commission, regarding license holder that were generally or dishonorably discharged. TCOLE must update termination form. |
| SB 352/HB 2008 | Miles/Reynolds | Makes the suspension of an officer's license limited to a single dishonorable discharge. |
| SB 485 | Hinojosa | Commission shall develop and implement policies specifying circumstances in which the conduct of a license holder is under investigation. The commission may issue a subpoena if: the requested documents or records are relevant to an investigation, attendance of a witness for examination, may be served by any member of the commission that is designated. TCOLE may revoke or suspend a license if the license holder has engaged in improper or unlawful acts. The commission shall temporarily suspend the license of a person if, found through evidence, the person would be an imminent threat to the public welfare. The commission by rule shall adopt a sanctions schedule that lists most common violations, types of sanctions and administrative penalties, seriousness of violation, previous violations, and other information that the commission sees important to include. |

Self-Evaluation Report

| Bill Number | Author | Summary of Key Provisions / Reason Bill Did Not Pass |
|----------------|-------------------|--|
| SB 988/HB 3723 | Hinojosa/Crockett | Section 1: TCOLE will develop the standards of conduct for peace officers that all agencies shall adopt. The chief admin of an agency shall report any incident of misconduct to TCOLE and the chief admin shall update any report after the investigation has been completed. Failure to submit a report will result in disciplinary actions against the chief admin. Section 3: The commission shall develop a database that logs all information concerning license holder misconduct. TCOLE is not liable for any civil damages for providing information in the database, and an agency or agency head is not liable for civil damages for submitting a report if done in good faith. Any allegations reported to the database are not considered final until all appeals have been exhausted or waived. The commission shall adopt measures to ensure security of the database. The commission by rule shall prescribe standards of conduct for officers, county jailers, and school marshals. Section 3: The commission shall ensure members of the public are given opportunity to provide input in adopting standards. The standards must be available on commission's website and will review the standards biennially. The commission shall submit a report regarding standards no later than December 1 each year to governor, lieutenant governor, speaker, and each committee with primary jurisdiction over the commission or criminal justice. Before an agency hires an officer, they must review the database mentioned above. |
| SB 1268 | West | When an agency reports that a person has separated from the agency, they must include whether the licensee was suspected of misconduct, regardless of if the licensee was terminated. Changes made to 1701.452, 1701.4521, and 1701.454. |
| SB 2055 | Menendez | An agency that takes disciplinary action against a peace officer shall report the misconduct to TCOLE. The commission shall establish a database for information on officer misconduct. The database shall include reports and the database must be accessible for law enforcement agencies. |

Table 17 Exhibit 15 Legislation Not Passed 87th Leg

IX. Major Issues

Declination of General Revenue Dedicated Fund 0116

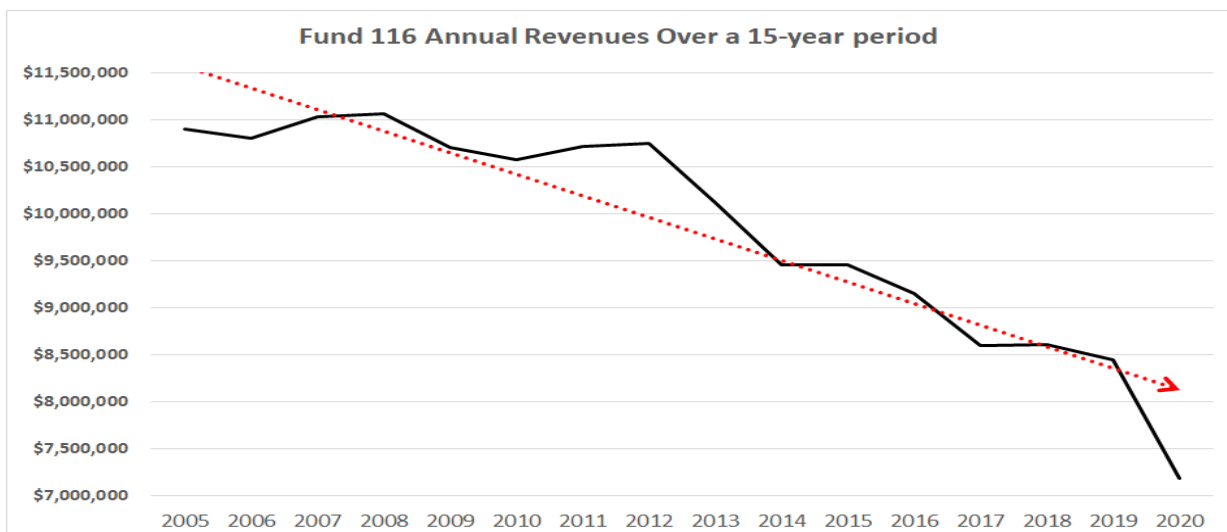
A. Brief Description of Issue

The main funding mechanism for TCOLE since 2004 has been consolidated court fees collected under Texas Local Government Code §133.102. A percentage of these court fees collected go into General Revenue-Dedicated Fund 0116 and are appropriated to TCOLE through the legislative process. However, the amount of revenue being collected under this section, and likewise the amount going into GR-D Fund 0116, has been declining for at least 15 years. This has been mitigated somewhat in the 87th legislature. More of the agency’s funding beginning in fiscal year 2022 is from General Revenue fund 0001, relieving some of the pressure on fund 0116. It is anticipated that additional General Revenue funding will be available going forward to ensure the solvency of fund 0116.

B. Discussion

Approximately 80% of TCOLE’s appropriations for the 2020-2021 biennium are from these consolidated court fees. The loss of this funding, without replacement, would be detrimental and prevent most agency operations from occurring. This would affect not just TCOLE, but every entity that receives funds under Local Government Code §133.102. Legislation was passed by the 86th Legislature under Senate Bill 346 to address some of these issues, but it is unclear how these adjustments will ultimately impact revenues into Fund 0116. The fiscal note prepared by the Legislative Budget Board does not appear to fully offset the difference in the amount of revenue collected and the amount of funds appropriated.

Below are revenues into Fund 0116 over the past 15 years.



Source: Comptroller of Public Accounts

There has been a significant downward trend during this timeframe. Multiple agencies are able to spend out of this fund, including TCOLE, the Comptroller of Public Accounts, and the Department of Public Safety. In addition, employee benefits are paid from this fund.

Operations have been able to continue as there has been an available balance in this fund.

C. Possible Solutions and Impact

Multiple solutions could remedy this shortfall. As the total agency budget is relatively small, more or all appropriations could possibly be shifted to General Revenue. The amount going into Fund 0116 could also be increased through legislation. TCOLE's 2009 Sunset bill created the Civil Justice Data Repository Fund, Fund 1000, but those funds have never been appropriated and approximately \$273,000 from this fund is swept each fiscal year into General Revenue. Appropriating from this fund could lessen the burden on Fund 0116.

Manual Submissions for Individual Licensee Forms

A. Brief Description of Issue

The agency's 2009 Sunset bill added a provision to require TCOLE to collect forms and reports submitted by law enforcement agencies in an electronic format. This has been a significant step forward in modernizing the agency's data processing and streamlining staff operations, and a \$35 fee has been charged for all forms submitted by agencies in a non-electronic format following the effective date of the Sunset bill. However, the same requirement was not put into place for forms submitted to the Commission by individual licensees. However, this will be an item to be addressed utilizing the resources provided by the 87th Legislature to support TCOLE's IT infrastructure. It is TCOLE's hope that in the coming months, all of the 35 individual licensee forms that are currently downloaded from Commission's website and mailed will be incorporated into the Commission's online services platform.

B. Discussion

Nearly every licensee, at some point in his or her career, requests one of the items on the individual use forms list. The performance measure for the number of certificates issued, which is targeted at 19,000 per year, is only a glimpse of the process that is currently executed by TCOLE Credentialing staff.

C. Possible Solutions and Impact

By mandating electronic submissions of forms for individuals, and particularly if additional funds became available to improve the Commission's online services platform, processing times would decrease as a benefit to our customers.

This would free up time for Credentialing staff to focus attention on other tasks, and to more quickly process other documents that need Commission review prior to approval. Most importantly, this would eliminate human error during data entry by Commission staff. Licensees would be fully responsible for ensuring that data submitted was correct.

X. Other Contacts

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

Texas Commission on Law Enforcement Exhibit 16: 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 | Email Address |
|--|--|--------------|--|
| Denco911/ Mindy Adams | 1075 Princeton St. Lewisville, TX 75067 | 972-221-0911 | Mindy.adams@denco.org |

Table 18 Exhibit 16 Interest Groups

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 | Email Address |
|--|--|--------------|--|
| International Association of Directors of Law Enforcement Standards and Training/ Mike Becar | 1330 N Manship Pl. Meridian, ID 83642 | 208-288-5491 | Mike.becar@iadlest.org |
| Texas Police Chiefs' Association/ James McLaughlin | 108 Cedar Hills Drive Elgin, Texas 78621 | 512-281-5400 | jmclaughlin@texaspolicechiefs.org |
| Sheriffs' Association of Texas/ Steve Westbrook | 1601 S. Interstate 35 Austin, TX 78741 | 512-445-5888 | steve@txsheriffs.org |
| Justices of the Peace and Constables' Association/ Matt Wylie | 3390 FM 1434 Cleburne, TX 76033 | 817-556-6163 | mwylie@jocotx.org |
| Texas Municipal Police Association/ Kevin Lawrence | 6200 La Calma Drive, Suite 200 Austin, Texas 78752 | 512-279-7122 | Kevin.lawrence@tmpa.org |
| Combined Law Enforcement Associations of Texas/ Charley Wilkison | 400 West 14th Street, Suite 100 Austin, Texas 78701 | 800-252-8153 | Charley.wilkison@cleat.org |
| Houston Police Officers' Union/ Ray Hunt | 1600 State Street Houston, Texas 77007 | 832-200-3417 | Ray.hunt@hpou.org |

Table 19 Exhibit 16 Interagency, State, and National Association

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)

Self-Evaluation Report

| Agency Name / Relationship / Contact Person | Address | Telephone | Email Address |
|---|--|------------------|--|
| Office of the Governor/ Michael Hull, Policy Advisor | P.O. Box 12428 Austin, TX 78711 | 512-463-8904 | Michael.hull@gov.texas.gov |
| Office of the Lieutenant Governor/ Aaron Moncibaiz, Policy Advisor | P.O. Box 12068 Austin, TX 78711 | 512-463-4235 | Aaron.moncibaiz@ltgov.texas.gov |
| Legislative Budget Board/ Katy Fallon-Brown | P.O. Box 12666 Austin, TX 78711 | 512-463-1037 | katy.fallon-brown@lbb.texas.gov |
| Legislative Budget Board/ Nicole Ascano | P.O. Box 12666 Austin, TX 78711 | 512-463-1181 | Nicole.ascano@lbb.texas.gov |
| Office of the Attorney General/ Ray Winter | P.O. Box 12548 Austin, TX 78711 | 512-936-1709 | Raymond.winter@oag.texas.gov |
| Texas Department of Public Safety/ Colonel Steve McCraw | P.O. Box 4087 Austin, TX 78773 | 512-424-7771 | Steven.mccraw@dps.texas.gov |
| Texas Commission on Jail Standards/ Executive Director Brandon Wood | 300 West 15 th St., Ste. 503 Austin, TX 78701 | 512-463-8236 | Brandon.wood@tcjs.state.tx.us |
| Texas A&M Engineering Extension Service/ Dr. John M. Ray | 3100 Highway 47, Building 7751 Bryan, TX 77807 | 800-423-8433 | John.ray@teex.tamu.edu |
| Bill Blackwood Law Enforcement Management Institute of Texas/ Dr. Rita Watkins | 1600 Bobby K. Marks Blvd. Huntsville, TX 77341 | 936-294-1679 | icc_rjw@shsu.edu |
| Texas Justice Courts Training Center/ Thea Walen | 1701 Directors Blvd. Suite 530 Austin, TX 78744 | 813-857-7293 | Td24@txstate.edu |

Table 20 Exhibit 16 Liaisons at Other State Agencies

XI. Additional Information

A. Texas Government Code, Section 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. See Exhibit 17 Example.

**Texas Commission on Law Enforcement
Exhibit 17: Evaluation of Agency Reporting Requirements**

| Report Title | Legal Authority | Due Date and Frequency | Recipient | Description | Is the Report Still Needed? Why? |
|-----------------------------|-----------------|------------------------|--|---|---|
| Body-Worn Camera Report | OCC 1701.653 | December 1 annually | Office of the Governor and Legislature | This report details the grant-funded expenditures for body-worn camera equipment, as well as complaint and use of force information to determine the impact of body-worn camera programs in the communities where implemented. | This report will continue to be needed for three years following the final awarding of grant funds for body-worn cameras. Law enforcement agencies receiving grant funds are required to submit information to TCOLE for three years after receiving grant funds. |
| Peer Support Network Report | OCC 1701.626 | December 1 annually | Office of the Governor and Legislature | This report provides information on participation in the peer support network established by SB 64 (87R), including number of officers using the network, peers and coordinators trained, an evaluation of the services provided, and recommendations for improvements. | New report implemented by the 87 th Legislature |

Table 21 Exhibit 17 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

B. Does the agency's statute use "person-first respectful language" as required by Texas Government Code, Section 325.0123? Please explain and include any statutory provisions that prohibit these changes.

Yes.

C. Please describe how your agency receives and investigates complaints about the agency and its operations.

Any complaints received against our agency are reviewed by the Executive Director and the appropriate Division Director. Relevant staff members are interviewed, and all available information is collected from our IT resources. The TCOLE General Manual, included in Attachment 10, describes the internal affairs process in section 3.38.

Fill in the following chart detailing information on complaints received about your agency and its operations. Do not include complaints received about people or entities you regulate.

**Texas Commission on Law Enforcement
Exhibit 18: Complaints Against the Agency — Fiscal Years 2019 and 2020**

| | Fiscal Year 2019 | Fiscal Year 2020 |
|--|---|------------------|
| Number of complaints received | 0 | 0 |
| Number of complaints resolved | 1 | 0 |
| Number of complaints dropped / found to be without merit | 1 | 0 |
| Number of complaints pending from prior years | 1 | 0 |
| Average time period for resolution of a complaint | 12 months (Including review by Texas Workforce Commission) | 0 |

Table 22 Exhibit 18 Complaints Against the Agency

D. Fill in the following charts detailing your agency’s Historically Underutilized Business (HUB) purchases. See Exhibit 19 Example. Sunset is required by law to review and report this information to the Legislature.

**Texas Commission on Law Enforcement
Exhibit 19: Purchases from HUBs**

Fiscal Year 2020

| Category | Total \$ Spent | Total HUB \$ Spent | Percent | Agency Specific Goal* | Statewide Goal |
|-----------------------|----------------|--------------------|---------|-----------------------|----------------|
| Heavy Construction | \$0 | \$0 | 0% | 0% | 11.2% |
| Building Construction | \$0 | \$0 | 0% | 0% | 21.1% |
| Special Trade | \$159 | \$0 | 0% | 32.9% | 32.9% |
| Professional Services | \$4,000 | \$4,000 | 100% | 23.7% | 23.7% |
| Other Services | \$163,494 | \$7,705 | 4.7% | 26% | 26.0% |

| Category | Total \$ Spent | Total HUB \$ Spent | Percent | Agency Specific Goal* | Statewide Goal |
|--------------|----------------|--------------------|---------|-----------------------|----------------|
| Commodities | \$195,055 | \$67,457 | 34.6% | 21.1% | 21.1% |
| TOTAL | \$362,709 | \$79,162 | 21.9% | | |

Table 23 Exhibit 19 HUB Purchases for FY 2020

* If your goals are agency specific-goals and not statewide goals, please provide the goal percentages and describe the method used to determine those goals. (TAC Title 34, Part 1, Chapter 20, Rule 20.284)

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Section 2161.003; TAC Title 34, Part 1, Rule 20.286c)

Yes. For most purchases, TCOLE is able to utilize contracts already negotiated by the Comptroller's Office, DIR, WorkQuest or TCI. Our purchaser makes good faith efforts to utilize HUBs in the procurement process of all goods and services whenever applicable for any dollar amount.

F. 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? (Texas Government Code, Section 2161.252; TAC Title 34, Part 1, Rule 20.285)

Yes. Contracts of this size are rare.

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

- 1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Section 2161.062; TAC Title 34, Part 1, Rule 20.296)**

Raphael Ediae Raphael.ediae@tcole.texas.gov

- 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? (Texas Government Code, Section 2161.066; TAC Title 34, Part 1, Rule 20.297)**

No. Appropriations in 20-21 did not exceed \$10 million.

- 3. Has your agency developed a mentor-protégé 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? (Texas Government Code, Section 2161.065; TAC Title 34, Part 1, Rule 20.298)**

No

H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics. See Exhibit 20 Example. Sunset is required by law to review and report this information to the Legislature. Please use only the categories provided below. For example, some agencies use the classification “paraprofessionals,” which is not tracked by the state civilian workforce. Please reclassify all employees within the appropriate categories below.

**Texas Commission on Law Enforcement
Exhibit 20: Equal Employment Opportunity Statistics**

1. Officials / Administration

| Year | Total Number of Positions | Percent African-American | Statewide Civilian Workforce Percent | Percent Hispanic | Statewide Civilian Workforce Percent | Percent Female | Statewide Civilian Workforce Percent |
|------|---------------------------|--------------------------|--------------------------------------|------------------|--------------------------------------|----------------|--------------------------------------|
| 2018 | 6 | 0% | 8.1% | 17% | 22.4% | 33% | 38.8% |
| 2019 | 6 | 0% | 8.1% | 17% | 22.4% | 33% | 38.8% |
| 2020 | 6 | 0% | 8.1% | 17% | 22.4% | 33% | 38.8% |

Table 26 Exhibit 20 EEO Statistics for Officials/Administration

2. Professional

| Year | Total Number of Positions | Percent African-American | Statewide Civilian Workforce Percent | Percent Hispanic | Statewide Civilian Workforce Percent | Percent Female | Statewide Civilian Workforce Percent |
|------|---------------------------|--------------------------|--------------------------------------|------------------|--------------------------------------|----------------|--------------------------------------|
| 2018 | 11 | 18% | 10.9% | 18% | 20.3% | 45% | 54.5% |
| 2019 | 14 | 14% | 10.9% | 14% | 20.3% | 43% | 54.5% |
| 2020 | 9 | 22% | 10.9% | 22% | 20.3% | 44% | 54.5% |

Table 27 Exhibit 20 EEO Statistics for Professionals

3. Technical

| Year | Total Number of Positions | Percent African-American | Statewide Civilian Workforce Percent | Percent Hispanic | Statewide Civilian Workforce Percent | Percent Female | Statewide Civilian Workforce Percent |
|------|---------------------------|--------------------------|--------------------------------------|------------------|--------------------------------------|----------------|--------------------------------------|
| 2018 | 20 | 0% | 14.4% | 5% | 29.2% | 15% | 55.2% |
| 2019 | 22 | 0% | 14.4% | 5% | 29.2% | 23% | 55.2% |
| 2020 | 21 | 0% | 14.4% | 5% | 29.2% | 19% | 55.2% |

Table 28 Exhibit 20 EEO Statistics for Technical

4. Administrative Support

| Year | Total Number of Positions | Percent African-American | Statewide Civilian Workforce Percent | Percent Hispanic | Statewide Civilian Workforce Percent | Percent Female | Statewide Civilian Workforce Percent |
|------|---------------------------|--------------------------|--------------------------------------|------------------|--------------------------------------|----------------|--------------------------------------|
| 2018 | 11 | 0% | 14.3% | 36% | 36.4% | 100% | 71.6% |
| 2019 | 11 | 0% | 14.3% | 45% | 36.4% | 100% | 71.6% |

| Year | Total Number of Positions | Percent African-American | Statewide Civilian Workforce Percent | Percent Hispanic | Statewide Civilian Workforce Percent | Percent Female | Statewide Civilian Workforce Percent |
|------|---------------------------|--------------------------|--------------------------------------|------------------|--------------------------------------|----------------|--------------------------------------|
| 2020 | 10 | 0% | 14.3% | 50% | 36.4% | 100% | 71.6% |

Table 29 Exhibit 20 EEO Statistics for Administrative Support

5. Service / Maintenance

| Year | Total Number of Positions | Percent African-American | Statewide Civilian Workforce Percent | Percent Hispanic | Statewide Civilian Workforce Percent | Percent Female | Statewide Civilian Workforce Percent |
|------|---------------------------|--------------------------|--------------------------------------|------------------|--------------------------------------|----------------|--------------------------------------|
| 2018 | N/A | | 13.2% | | 52.4% | | 52.0% |
| 2019 | N/A | (percent) | 13.2% | (percent) | 52.4% | (percent) | 52.0% |
| 2020 | N/A | (percent) | 13.2% | (percent) | 52.4% | (percent) | 52.0% |

Table 30 Exhibit 20 EEO Statistics for Service and Maintenance

6. Skilled Craft

| Year | Total Number of Positions | Percent African-American | Statewide Civilian Workforce Percent | Percent Hispanic | Statewide Civilian Workforce Percent | Percent Female | Statewide Civilian Workforce Percent |
|------|---------------------------|--------------------------|--------------------------------------|------------------|--------------------------------------|----------------|--------------------------------------|
| 2018 | N/A | (percent) | 10.2% | (percent) | 51.5% | (percent) | 12.0% |
| 2019 | N/A | (percent) | 10.2% | (percent) | 51.5% | (percent) | 12.0% |
| 2020 | N/A | (percent) | 10.2% | (percent) | 51.5% | (percent) | 12.0% |

Table 31 Exhibit 20 EEO Statistics for Skilled Craft

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

Equal employment opportunity (EEO) applies to all aspects of the employment process including, but not limited to, recruiting, interviewing, testing, ranking, selection, compensation, promotion, transfer, performance appraisals, training, discipline, layoff, or discharge. The Commission will continue to exercise good faith efforts to provide opportunities for members of target groups, including minorities, women, and veterans. We strive to have a workforce which reflects the statewide workforce. All employees shall receive initial EEO training within their first 30 days and a refresher training every two years as required by Labor Code §21.010.

XII. Agency Comments

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

ATTACHMENTS ---

Create a separate file and label each attachment (e.g., Attachment 2_Annual Reports) and include a list of items submitted. Attachments may be provided in electronic form or through links to agency webpages.

Attachments Relating to Key Functions, Powers, and Duties

1. If the agency publishes a version of its enabling statute and/or rules, please include an electronic copy.

[TCOLE Statutes and Rules Handbook](#)

2. Annual reports published by the agency from FY 2018–20.

Attached

3. Internal or external newsletters published by the agency in FY 20.

<http://www.tcole.texas.gov/newsletter>

4. List of studies that the agency is required to do by legislation or riders.

N/A

5. List of legislative or interagency studies relating to the agency that are being performed during the current interim.

N/A

6. 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. Provide links if available.

TCOLE is part of the [Sexual Assault Survivors' Task Force](#) per HB 1590 from the 86th Legislative session. The Task Force's latest biennial report can be found at https://gov.texas.gov/uploads/files/organization/criminal-justice/Sexual-Assault-Survivors-Task-Force-Biennial-Report_November-2020.pdf

7. If applicable, a list describing the type of personal information of license holders the agency publishes on its website. Please also explain if and how license holders can opt out of this publication.

N/A

Attachments Relating to Policymaking Structure

8. Biographical information (e.g., education, employment, affiliations, and honors) or resumes of all policymaking body members.

TCOLE [Commissioners' bios](#) are available on our website.

9. Board training manuals and copies of any policies related to the board's duties and responsibilities.

Attached

10. Employee manuals and copies of any policies related to staff's duties and responsibilities.

Attached

11. Copies of any other significant policies adopted by the board.

N/A

Attachments Relating to Funding

12. Agency's Legislative Appropriations Request for FY 2022–23.

Available on the [TCOLE Website](#).

13. Annual financial reports from FY 2018–20.

Attached

14. Operating budgets from FY 2018–20.

Attached

15. If applicable, a list of all contracts above \$1 million. Please include a brief explanation of the contract, as well as the amount and term of the contract. Do not include purchase orders in this list.

N/A

Attachments Relating to Organization

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

[Field regions](#) are shown on our website.

17. Any flowcharts showing the operations of the agency, such as complaint resolution processes, disciplinary or enforcement procedures, etc.

Attached

18. If applicable, a list and brief explanation of all active memorandums of understanding and information sharing agreements the agency has entered into. Indicate whether these are required by statute, rule, or something else.

Attached

Attachments Relating to Agency Performance Evaluation

19. Quarterly performance reports completed by the agency in FY 2019–20.

Attached

20. Performance reports presented to the agency’s board of directors in FY 2018–20, if different from the reports in Attachment 19.

See Attachment 19.

21. Performance reports submitted to the Legislative Budget Board from FY 2018–20.

See Attachment 19.

22. Any recent studies on the agency or any of its functions conducted by outside management consultants or academic institutions.

Previous Sunset Staff Report available [here](#).

23. Agency’s current internal audit plan.

N/A

24. Agency’s current strategic plan.

Attached

25. List of internal audit reports from FY 2016–20 completed by or in progress at the agency.

Attached

26. List of State Auditor reports from FY 2016–20 that relate to the agency or any of its functions.

N/A

27. Any customer service surveys conducted by or for your agency in FY 2019–20.

Attached

28. Any reports created under Texas Government Code, Section 2110.007 regarding the usefulness and costs of the agency’s advisory committees.

N/A

29. A description of the agency's review of existing rules as required by Texas Government Code, Section 2001.039, and for the last eight years, a brief description of the rules reviewed by date and the result the review.

The agency underwent a rule review in 2015 but did not take the step of submitting the readoption to the Secretary of State. All rules in the handbook contained in Attachment 1 show the date most recently modified. The agenda for the September 2, 2021 commission meeting includes proposals for rule changes and a readoption of all others that will be submitted to the Secretary of State upon commission approval.