



City of Belton

– Police Department –

November 22, 2022

TCOLE Sunset Commission

Dear Commissioners,

As a law enforcement professional with nearly 34 years of experience and over 20 years as a police executive and as a member of the Board of Officers of the Texas Police Chiefs Association, I appreciate your efforts to improve law enforcement in Texas. It was an honor to be interviewed for the Sunset Advisory Commission report on the Texas Commission on Law Enforcement. After reviewing the recommendations, I respectfully offer the below commentary for your consideration on the key recommendations.

Issue 1 Texas Approach to Regulating Law Enforcement is Ineffective

Key Recommendations:

- Establish a blue ribbon panel to comprehensively evaluate the regulation of law enforcement and make recommendations for needed changes.
 - *Most law enforcement executives fully support a blue ribbon panel provided stakeholders in the profession are part of this panel. The Texas Police Chiefs Association, the Texas Sheriff's Association, and the Law Enforcement Management Institute of Texas are some of the key professionals that should be involved in this panel. The Law Enforcement Management Institute may be a good organization to charge with steering this effort.*
- Continue the Texas Commission on Law Enforcement for two years, until 2025.
 - *This is a must until recommendations can be implemented.*

Issue 2 Key Elements of TCOLE's Statute and Procedures Do Not Conform to Common Licensing and Regulatory Standards

Key Recommendations

- Direct TCOLE to work with DPS to subscribe to rap back on finger-print-based criminal background checks for all licensure applicants and licensees.
 - *This should be an easy task that can be completed quickly. Discussion needs to be had about the background portal known as "Secure Share" is wrought with issues. It is unreliable, unsecure, and very limited in capabilities.*

- Clearly authorize TCOLE to maintain confidentiality of complainants when possible.
 - *This should be done during the investigation stage in order to protect the integrity of the investigation. On sustained allegations, the accused must be afforded due process, which would require them to know the identity of the complainant in most incidences.*
- Explicitly authorize TCOLE to temporarily suspend a license in cases of imminent threat to public health, safety, or welfare, and require a timeline for due process hearings.
 - *This is a must in cases where there is a threat to others.*
- Require TCOLE to establish and maintain a system for LEAs to report failed fit-for-duty exams or refusals to be examined and authorize TCOLE to suspend licenses under limited circumstances.
 - *This makes sense provided due process is in place for the suspended license holder. Unfortunately, fit-for-duty processes are not used much.*
- *What is not mentioned as a recommendation under an issue title "...not conform to common licensing and regulatory standards" is that Texas does have an agency specifically dealing with licensing and regulatory standards – TDLR (Texas Department of Licensing and Regulation). Maybe TCOLE should be under this as all others are.*

Issue 3 TCOLE Statute Does Not Reflect Some Standard Elements of Sunset Reviews

Key Recommendations

- Update the standard across-the-board related to commission member training.
 - *Look at what other commissions are doing and TDLR.*
- Authorize the commission to establish advisory committees in rule.
 - *This is very much needed and should include all stakeholders and especially those managing law enforcement agencies.*

Thank you for your time and commitment to this process. I appreciate you considering my comments. The Texas Police Chiefs Association and law enforcement executives across this state are committed to professional policing in Texas. We have the best officers in the nation and some of the soundest policing practices in departments across our state. Our regulatory board should lead the nation as a model for peace officer standards and education.

Sincerely,



Gene Ellis
Chief of Police