



# CLUTE POLICE DEPARTMENT

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To: Sunset Advisory Commission Staff

RE: Report on Texas Commission of Law Enforcement

This letter is in reference to the recently published report on TCOLE. I would like to take the opportunity to address some of the recommendations of the report.

1. Texas's Approach to Regulating Law Enforcement is Ineffective.

I agree on the surface with this statement. I do not believe we need more state oversight into local agencies, but improvement is warranted on oversight that we currently have. Currently, agencies are audited by TCOLE field reps, but these audits merely touch the surface. I was just audited two weeks ago. The only things that were examined were the personnel files and firearms records. It assured that all necessary paperwork was in place, and that everything was done as required at hiring. This would have been a perfect time for TCOLE to make sure that we had the mandatory policies as set down by the last legislative session, however, this was not checked. Additionally, general compliance with mandated training is not checked randomly, but instead only toward the end of training cycles. I recently hired an officer from another agency and when I submitted the paperwork through TCOLE to appoint him with my department, the appointment was rejected because he did not have the necessary mandated classes. After researching this, he was out of compliance for two years and he claims he had no knowledge of this. There has to be a system to flag these types of issues other than when an officer changes departments. One solution might be to equip TCLEDDS with an "audit" function on the agency's end where an individual's license status can be "audited" with a simple function at any time.

I believe that the heads of law enforcement agencies need to be held more accountable when it comes to these types of violations. A situation as described above should immediately flag a department head to check all employees for compliance issues as it now opens the question as to how many other officers are currently working there and are not in compliance. TCOLE's rules are confusing to administrators that deal with them almost daily, so to expect the average officer to understand them is not realistic. Therefore, administrators should be held accountable by TCOLE for allowing deficiencies. If we administrators know that it is us that are going to be looked at when something is deficient, then maybe administrators will take things more seriously and, in the end, create better departments and better

officers. It would be easier for TCOLE to hold 2,800 administrators accountable than it will be to hold 89,000 officers.

I would also agree that the Basic Peace Officer Academy curriculum needs to be assessed yet again. I do not think that adding hours just to add hours is the answer. There are things that are outdated and could be removed or just don't apply to those who are just starting their career.

I would hope that the blue-ribbon panel would look at these types of things as well as many more.

2. Key Elements of TCOLE's structure and Procedures Do not Conform to Common Licensing and Regulatory Standards.

Here again, I believe that holding administrators accountable for employing those who are not fit for duty is the way to handle this situation. One issue, that has been an issue, is that of standardization of a fit for duty assessment. This is true for both employment of new officers and that of assessing current officers who become suspected to not meet this requirement. The problem is that how one doctor sees an officer, either mentally or physically, can be very different than that of another doctor. There is no "guideline" as to what makes an employee fit for duty. I do not know if a standard can be reached or if the answer is to have the doctor attend a mandated class specifically on things to look for when doing these assessments. Realizing that a job description must be provided to any designated provider for L-2 and L-3 declarations, I still see these "declarations" as *subjective* based on the individual provider selected.

I believe a question that could be examined is how agency size relates to issues with officers. A study could be done on how things such as TCOLE compliance, licensure issues, complaints on officers, fit for duty issues, etc... relate to size of the department.

Please feel free to contact for any further clarification or thoughts on these matters as I tried to be as brief as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Fitch', with a long horizontal flourish extending to the left.

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