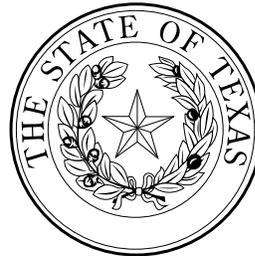


**Texas Commission on  
Law Enforcement Officer  
Standards and Education**

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**Staff Report**



**Texas Sunset  
Advisory Commission**

**1996**

## TEXAS SUNSET ADVISORY COMMISSION

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In 1977, the Texas Legislature created the Sunset Advisory Commission to identify and eliminate waste, duplication, and inefficiency in government agencies. The 10-member Commission is a legislative body that reviews the policies and programs of more than 150 government agencies every 12 years. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency's operations and activities. The Commission seeks public input through hearings on every agency under Sunset review and recommends actions on each agency to the full Legislature. In most cases, agencies under Sunset review are automatically abolished unless legislation is enacted to continue them.

**TEXAS COMMISSION ON LAW  
ENFORCEMENT OFFICER STANDARDS  
AND EDUCATION**

**SUNSET STAFF REPORT**

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# **EXECUTIVE SUMMARY**



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# Executive Summary

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The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) is responsible for ensuring the quality of peace officers and county jailers throughout the state. The Commission meets this responsibility by setting appropriate training and licensing standards for these professions, overseeing a system of training academies, testing the proficiency of candidates for licensure, and enforcing licensing provisions such as continuing education requirements and prohibitions against felony convictions. After evaluating these functions, the review focused on the agency's oversight of the training and education of peace officers in academies, and the structure of the training academy system in Texas. The following material discusses the results of our review efforts.

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## 1. Target limited inspection resources on academies that are performing poorly.

TCLEOSE does not presently focus its limited inspection resources on academies with performance problems. For example, academies with a history of violations or whose graduates perform poorly on the state licensing exam are not evaluated any more frequently than academies without problems. Instead, the agency simply uses a three-year inspection cycle for the state's 105 training academies.

***Recommendation:*** Require TCLEOSE to base the schedule of academy inspections on performance and risk criteria. In addition, as a management action, TCLEOSE should focus its academy inspections on the key components of the training program most associated with producing quality officers.

## 2. Continue the Texas Commission on Law Enforcement Officer Standards and Education for 12 years.

TCLEOSE should be continued to ensure that law enforcement officers and county jailers receive quality training and meet appropriate licensing standards. After licensure, TCLEOSE's duty to

monitor and enforce continuing education requirements and other standards for persons in these professions is also necessary for public safety. TCLEOSE effectively meets these needs.

***Recommendation:*** Continue TCLEOSE for 12 years.

## 3. State-funded or operated regional academy feasibility study.

The 74th Legislature directed the Sunset Commission to examine the feasibility, costs, and benefits of establishing regional academies operated or funded by the state. The review showed that state-operated or funded academies would not necessarily provide more uniform or quality training, or greater accessibility to training in Texas. Also, establishing such academies would duplicate training provided through the 105 academies currently licensed by TCLEOSE and would not be cost effective. If the Commission decided that a state-run academy system was needed in the future, TCLEOSE currently has statutory authority to do so.

***Recommendation:*** The Legislature should not take action to establish or fund state-operated regional training academies at this time.

## Fiscal Impact Summary

Although these recommendations will not have a fiscal impact, continuing TCLEOSE for 12 years will require continued annual appropriations of about \$1.8 million from the Law Enforcement Officer Standards and Education dedicated account in the General Revenue Fund.

## **APPROACH AND RESULTS**

# Approach and Results



## Approach

The Sunset review of the Texas Commission on Law Enforcement Officer Standards and Education required a slightly different approach than most reviews. Whereas most reviews focus on the problems an agency has in performing its functions, Sunset staff found that interest in TCLEOSE primarily centered on discussions of the identity and purpose of the agency. This interest stems from the divergent makeup of the law enforcement community in the state and the resulting differences in their needs and priorities.

Approximately 1,300 law enforcement departments in Texas employ less than five percent of active peace officers. Yet, 39 percent of licensed peace officers work for just 12 urban departments. These numbers translate into a wide variety of pay scales, dollars available for training, differing methods of hiring and training officers, and large variances in local departments' efforts and abilities to oversee law enforcement activities. Additionally, divergent approaches exist because TCLEOSE regulates both the rank and file officer and the chief who have differing concerns and regulatory needs. Police agency management and line officers often see the future of quality law enforcement differently and each group attempts to influence TCLEOSE, the regulating body for both groups, the way it sees best.

As a result of these disparities, TCLEOSE and law enforcement groups raised several issues surrounding the future regulatory approach of the agency.

- Should TCLEOSE have a role in regulating the day-to-day practice of policing in the state or should that responsibility continue in the hands of local police agencies, leaving TCLEOSE the responsibility of ensuring the minimum quality, knowledge, and training of peace officers?
- Should TCLEOSE set the hiring and training structure for every law enforcement department, such as requiring post-employment training instead of the pre-employment option now available?

*Just 12 urban  
police agencies  
employ 39  
percent of  
licensed peace  
officers.*

- Should the composition of the Commission continue to be structured to guard against undue influence of any one interest group?

In structuring the review of TCLEOSE, the Sunset staff did not attempt to choose sides among the varying groups. The debates did direct Sunset staff to look at certain areas of regulation for improvement. However, the basic philosophical debates are better left to the advocates of each approach, the Legislature, and TCLEOSE to address.

The purpose and focus of the Sunset review was to improve the operation of TCLEOSE and its statutory charge — ensuring that minimum standards of quality and uniformity exist among law enforcement officers across the state through the licensing of training academies and testing and licensure of peace officers. The review showed that many of the agency's current approaches work well. The appointment of a new director in October 1994 and the many legislative changes made by the 73rd and 74th Legislatures have led to improved operations by the agency and a more positive view of TCLEOSE by the Legislature and the public.

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*Recent changes by the Legislature and a new Director have led to improved operations and a more positive view of the agency.*

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## Review Activities

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In conducting the review, the Sunset staff:

- Worked extensively with TCLEOSE staff;
- Worked with the Legislative Budget Board, Comptroller of Public Accounts, Texas Higher Education Coordinating Board, and the Governor's Office;
- Attended a quarterly Commission meeting;
- Surveyed and met with law enforcement officer's interest groups about their concerns with the future of law enforcement and recommendations for improvement;
- Traveled to Dallas and Texas City to visit COG regional, college-based, and law enforcement agency academies;
- Accompanied a TCLEOSE inspector on a formal inspection of an academy; and
- Reviewed agency documents and reports, state statutes, legislative reports, previous legislation, literature on law enforcement, other states information, and information on the Internet.

## Results

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The Sunset review started with answering the threshold question of whether the functions TCLEOSE performs continue to be needed. The goal of TCLEOSE is to ensure a minimum quality of law enforcement performance through the establishment of training and licensing standards. The staff concluded that TCLEOSE's activities to achieve this goal should continue. Texans should be able to expect competent peace officers throughout the state.

Once the agency's functions were deemed necessary, the focus of the review shifted to the organizational structure used to provide these functions. TCLEOSE was evaluated to see if consolidation or transfer of all or some its functions was warranted. Although other state agencies perform similar functions such as setting professional standards and licensing, no other agency was identified that could appropriately handle these function for Texas peace officers. **Issue 2** discusses these findings.

Staff identified two TCLEOSE activities with potential overlaps with other agencies; however, both activities appear to be appropriately placed within TCLEOSE. One function of the agency, construction of the Texas Peace Officers' Memorial on the Capitol Complex grounds, has had numerous difficulties being implemented by the agency. In 1989, the Legislature gave TCLEOSE the charge of honoring and remembering Texas peace officers who have died in the line of duty with the advice of the statutorily-mandated Texas Peace Officers' Memorial Advisory Committee. Although this function could be placed under the authority of the State Preservation Board, the agency responsible for planning and upkeep of the Capitol Complex, the review concluded that the unique purpose of the Memorial would be better overseen by an agency and advisory committee closest to the line officers.

The other activity performed by an agency that parallels the functions of TCLEOSE is the inspection of college-based peace officer training academies by the Texas Higher Education Coordinating Board. Although TCLEOSE and Texas Higher Education Coordinating Board both inspect the academies in junior and community colleges, Texas Higher Education Coordinating Board inspects the colleges for proof of contact hours for reimbursement and TCLEOSE inspects academies for meeting Commission training standards and for upkeep of the facilities and school records. These functions are very dissimilar and do not overlap.

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*TCLEOSE functions of setting training standards and licensing peace officers continue to be needed.*

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In reviewing how TCLEOSE carries out its mission, Sunset staff concentrated on two major functions of the agency, oversight of the training and education of peace officers in academies, and the peace officer academy structure in Texas.

**Oversight of Training and Education of Peace Officers** - TCLEOSE creates standards and curricula for 105 peace officer training academies and regulates the operation of academies through an inspection process. A review of the current academy inspection process showed that despite limited resources, TCLEOSE does not focus its inspection efforts on poor performing academies. **Issue 1** provides a solution for TCLEOSE to streamline the inspection process.

**Peace Officer Training Academy Structure** - Senate Bill 1135 directed the Sunset Commission to study the feasibility, costs, and benefits of state-operated or funded regional academies. Sunset staff looked at the current structure for training peace officers and researched the benefits of a regional academy system. **Issue 3** analyzes the feasibility of a regional academy system funded or operated by the state and concludes that changes to the system are not needed at this time.

As outlined above, Sunset staff recommend the following changes to improve the effectiveness of functions performed by TCLEOSE. These recommendations are discussed in detail in the recommendations presented in this report.

## Recommendations

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1. Target limited inspection resources on academies that are performing poorly.
2. Continue the Texas Commission on Law Enforcement Officer Standards and Education for 12 years.
3. Action to establish or fund state-operated regional training academies is not needed at this time.

## Fiscal Impact

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Although the recommendations in this report will not have a fiscal impact, continuing TCLEOSE for 12 years will require continued annual appropriations of approximately \$1.8 million from the Law Enforcement Officer Standards and Education dedicated account in the General Revenue Fund.

# ISSUES

# Issue 1



## Target Limited Inspection Resources on Academies that are Performing Poorly.

### Background

In 1965, the Legislature gave the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) the authority to set training and certification standards for the improvement of law enforcement officers. The education standards adopted by the Commission include the 560 minimum training hours necessary for licensure as a peace officer and educational elements that must be used in basic training programs for peace officers. TCLEOSE also develops standards for in-service training.

Academies exist primarily to train new peace officers in the basic curriculum, and many academies also provide continuing education to peace officers. To ensure academies meet TCLEOSE standards, the Commission licenses and inspects training academies that conduct basic peace officer training. As of September 1, 1996, 105 academies held active licenses. Of this number, law enforcement agencies operate 55, community colleges and universities operate 36, and Councils of Governments oversee 14 regional academies.<sup>1</sup>

TCLEOSE inspects academies to ensure that a standardized quality of training is maintained. According to agency rules, academies “may be inspected by TCLEOSE and will be evaluated periodically, as determined by the Commission.”<sup>2</sup> The agency performs routine evaluations of all licensed academies on a three-year cycle. Currently TCLEOSE allocates one staff member to the academy inspection program full time with the assistance of other staff. Academies not inspected in a particular year must complete a self-assessment package. TCLEOSE also recommends that the academies have a peer assessor, usually a training coordinator from a nearby academy, help with the self-assessment. In fiscal year 1995, TCLEOSE spent \$75,000 for the inspection program.<sup>3</sup>

Currently, the TCLEOSE academy inspection is divided into four areas of performance. In the first component, compliance, TCLEOSE

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*TCLEOSE licenses  
and inspects 105  
peace officer  
training  
academies.*

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Since 1992, TCLEOSE has cited 34 academies for deficiencies in their training program.

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reviews an academy's records to determine compliance with Commission rules. Assessment, the second component, includes checking lessons plans, the academy's operating budget, and minutes of the academy's advisory board. TCLEOSE staff also inspect an array of instructional resources including blackboards, movie projectors, classrooms, firing ranges, break rooms, restrooms, and parking lots. Instructor appraisal, the third component of the inspection, focuses on instructor performance. TCLEOSE staff reviews instructor to student ratios, the instructor selection process, and the methods used to evaluate instructors. Finally, the appraisal component of student performance includes a review of results from the licensing exams. Since passing the TCLEOSE peace officer licensing exam is a requirement for the license, results from this exam are an indication of the overall quality of the training and education program at an academy.

After the TCLEOSE inspector has evaluated all four components, an evaluation summary is made. Five ratings can be given—unacceptable, below expectations, meets expectations, exceeds expectations, and clearly outstanding. Of the 39 academies receiving on-site inspections in fiscal year 1996, 24 received a rating of meets expectations, 11 received a rating of exceeds expectations, and four received a rating of clearly outstanding.

Since 1992, TCLEOSE has cited 34 academies for deficiencies in their training program.<sup>4</sup> More complete data on academy evaluations can be found in the table, *Deficiencies in Evaluations 1992-1996*.

<b>Deficiencies in Evaluations 1992 - 1996</b>	
<b>Rating</b>	<b>Number of Academies</b>
Unacceptable	10
Below Expectations	20
Unacceptable and Below Expectations (two components)	2
Below Expectations on two components	2
Total number of academies cited for deficiencies on at least one evaluation component	34

The Commission can take three types of action against academies if inspections reveal problems -- a written reprimand, revocation, or suspension of the academy license. The Commission may issue a written reprimand to an academy or suspend its license if the academy receives a

rating of below expectations or unacceptable on any component in the evaluation. Academies receiving such ratings must respond in writing to the Commission with a plan to bring their academy into compliance.

The Commission may revoke the academy license if an academy receives two reprimands or two suspensions within 12 months or if the academy receives a rating of below expectations or unacceptable on the same component of the evaluation on two successive evaluations. While the Commission has not suspended or revoked an academy license or issued any formal reprimands from 1992 to the present, the Commission has negotiated the voluntary surrender of five academy licenses in lieu of any other possible enforcement actions.<sup>5</sup>

The Sunset staff evaluated the training academy inspection program to see whether the agency's approach uses resources in the most cost efficient and practical fashion.

## Findings

- ▼ **TCLEOSE does not focus its limited inspection resources on academies with performance problems.**
  - ▮ TCLEOSE currently inspects all academies with the same frequency — once every three years. Academies with past problems and a history of violations are inspected at the same interval as those with a strong performance record.
  - ▮ TCLEOSE and the academies could benefit from using performance to determine the frequency of inspections. Spending less time on high performing agencies would allow TCLEOSE to spend more time monitoring problem areas and providing technical assistance to academies with performance problems.
  - ▮ TCLEOSE should not spend time evaluating academies that are not actively teaching the basic peace officer course. In fiscal year 1996, staff inspected five academies that had not taught the basic peace officer course in the past two years.<sup>6</sup>
- ▼ **TCLEOSE should use exam results as a key indicator of which academies should receive more inspection attention.**
  - ▮ Results from the basic peace officer licensing exam are a key measure of the quality of instruction at an academy. The 200 question test is designed to test the knowledge and

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*Quality academies are inspected just as often as academies with a history of violations.*

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*Inspectors spend significant time looking at items that have little to do with training quality, such as exit signs and breakrooms.*

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understanding gained from completion of the 560-hour basic peace officer course.

- Although test results are one component of TCLEOSE's existing academy evaluation, the results are not used to focus inspection efforts. An academy whose graduating class has less than a 50 percent passage rate is inspected at the same interval as an academy whose graduates passed the exam at close to 100 percent.

Of the academies inspected in fiscal year 1996, five had a first time passage rate of less than 50 percent for exams taken from September 1, 1994 through July 1, 1996.<sup>7</sup> TCLEOSE does not inspect these academies more frequently than those who had a passage rate above the statewide average of about 72 percent.

- Looking at it from a different angle, in fiscal year 1996, 22 of the 35 academies inspected had passage rates above 70 percent. Fifteen academies received either "outstanding" or "exceeds expectations" on their evaluations.<sup>8</sup> These academies are performing well and TCLEOSE time could be better spent evaluating and assisting other academies.

▼ **Academy inspections should focus on program components with the most bearing on the quality of training.**

- During inspections, too much time is spent looking at items that have little to do with the quality of training. Inspections are driven by a comprehensive set of evaluation items. TCLEOSE staff are required to look at such things as whether:
  - the academy has emergency exit signs;
  - students have a suitable breakroom; and
  - whether the academy has hotels and restaurants in close proximity.<sup>9</sup>
- Inspections could be done quicker and become more meaningful if they were focused on performance. While TCLEOSE does look at test results, instructor evaluations, and compliance with Commission rules, the results of these evaluations are not used to schedule future inspections or, outside of a suspension or reprimand, determine if ongoing monitoring is needed.

## Conclusion

Over 100 licensed training academies in Texas provide training to men and women who wish to become peace officers. The performance of these academies, as measured by the results on the state licensing exam, vary widely. Since TCLEOSE has a limited amount of resources with which to inspect academies and provide technical assistance, TCLEOSE could improve the use of these resources by focusing on poor performing or problem academies.

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*TCLEOSE should focus inspections on poor performing or problem academies.*

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## Recommendation

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### Change in Statute

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- **Require TCLEOSE to base the schedule of academy inspections on performance and risk criteria.**

This recommendation would require TCLEOSE to develop a risk assessment tool for inspecting peace officer training academies that incorporates the results from the basic peace officer exam. TCLEOSE would allocate staff resources and set the schedule for inspections and technical assistance based on the results of the risk assessment tool. In developing this approach, TCLEOSE should include test scores from peace officer licensing exam, past inspections, the self-assessments performed by academies in non-inspection years, and a random element to assure that every academy is inspected over time. The Commission may include additional criteria as needed.

### Management Action

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- **TCLEOSE should focus its academy inspections on the key components of the training program most associated with producing quality officers.**

Under this approach, TCLEOSE would remove or spend significantly less inspection time looking at items such as overhead projectors, classrooms, break rooms, storage spaces, and parking. Instead, TCLEOSE should use this time to better assess instructor performance, educational methods, and tools, and to provide technical assistance.

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## Fiscal Impact

No fiscal impact would be associated with this recommendation. Any staff time saved by not regularly inspecting high performing academies would be used to provide technical assistance, and to more frequently inspect poor performing academies.

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<sup>1</sup> Memorandum from Gil Cano, TCLEOSE, to Sunset Staff, August 2, 1996.

<sup>2</sup> 37 Tex. Admin. Code & 211.65 (Texas Commission on Law Enforcement Officer Standards and Education, Licensed Academies).

<sup>3</sup> Memorandum from George Ramirez, TCLEOSE, to Sunset Staff, July 23, 1996.

<sup>4</sup> Memorandum from Ed Laine, TCLEOSE, to Sunset Staff, August 29, 1996.

<sup>5</sup> Memorandum from Ed Laine, TCLEOSE, to Sunset Staff, August 29, 1996.

<sup>6</sup> Memorandum from Gil Cano, TCLEOSE, to Sunset Staff, September 6, 1996.

<sup>7</sup> Memoranda from TCLEOSE staff, to Sunset Staff, August 1996.

<sup>8</sup> Memoranda from TCLEOSE staff, to Sunset Staff, August 1996.

<sup>9</sup> *Texas Commission on Law Enforcement Officer Standards and Education, Overall Academy Evaluation Summary, August 2, 1996.*

## Issue 2



### Continue the Texas Commission on Law Enforcement Officer Standards and Education for 12 Years.

#### Background

The 59th Legislature created the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE), in 1965, to determine the appropriate training and certification standards for law enforcement officers. The purpose of the legislation was to improve the performance and professionalism of peace officers in Texas. This legislative act preceded a national move to upgrade the quality of peace officers through the establishment of peace officer standards and training (POST) commissions to develop standards for the hiring, training, education, and ethical conduct of peace officers. Initially, the standards developed by TCLEOSE were voluntary, but were made mandatory by the Legislature in 1969.

Since 1965, the agency's powers and responsibilities have dramatically increased. TCLEOSE now establishes standards, develops learning objectives, administers exams, and issues licenses to law enforcement officers and academies in Texas. TCLEOSE also regulates the training and licensure of county jail employees (jailers), approves the educational content of telecommunicator or emergency dispatcher training and issues acknowledgments of the completion of training, approves continuing education courses, and takes enforcement action against peace officers that violate TCLEOSE statute and rules.

In 1989, the Legislature gave TCLEOSE the responsibility for the design, construction, and management of the Texas Peace Officers' Memorial with the assistance of the Texas Peace Officers' Memorial Advisory Committee. This monument will be built on the Capitol grounds in honor and remembrance of peace officers who have died in the line of duty.

In a Sunset review, continuation of an agency and its functions depends on certain conditions being met, as required by the Sunset Act. First, a continuing need should exist for the state to provide the

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*TCLEOSE sets  
training standards  
and licenses Texas  
peace officers  
and jailers.*

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functions or services. In addition, the functions should not duplicate those currently provided by any other agency. Finally, the potential benefits of maintaining a separate agency must outweigh any advantages of transferring the agency's functions or services to another agency. The evaluation of the need to continue TCLEOSE and its current functions led to several findings that are discussed in the following material.

## Findings

- ▼ **TCLEOSE's functions of ensuring quality law enforcement officer training and the licensing of peace officers continue to be needed.**
  - ▶ The state's strategic plan calls for state government "to protect and enhance the health, well-being, and productivity of all Texans." By setting quality standards for training and licensure, TCLEOSE assures Texans that peace officers achieve a basic level of competency to adequately protect their well-being.
  - ▶ TCLEOSE sets the minimum level of competency for Texas peace officers by identifying the important concepts, skills, and knowledge needed in training. The agency also establishes uniformity in training by licensing law enforcement academies and establishing the learning objectives for all the basic peace officer training programs conducted in Texas. Currently, 105 licensed academies offer the basic peace officer training program.
  - ▶ After training, TCLEOSE ensures the quality of peace officers by requiring passage of the state exam and meeting of minimum requirements needed for licensure. In fiscal year 1996, TCLEOSE issued 3,858 peace officer licenses. As of July 1996, more than 57,200 peace officers held active licenses statewide.
  - ▶ Once an individual becomes a licensed peace officer, TCLEOSE maintains the educational level of the officer by requiring 40 hours of continuing education courses every two years. The agency regulates the academies and agreement trainers that offer the courses, approves the courses being taught, and monitors the peace officers' completion of continuing education.

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*TCLEOSE assures Texans that peace officers achieve a basic level of competency to adequately protect their well-being.*

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- ▶ In addition, TCLEOSE enforces the statute and rules governing peace officers and takes administrative actions against the peace officer's license for violations such as a conviction for a criminal offense. TCLEOSE's enforcement authority includes reprimand, suspension, probation, or revocation of licenses. In fiscal year 1995, TCLEOSE authorized 11 suspensions and 33 revocations of peace officer licenses.

▼ **All states regulate the education and training of law enforcement personnel.**

- ▶ In 1967, the President's Commission on Law Enforcement and the Administration of Justice recommended that each state establish a peace officers standards and training (POST) commission to increase the professionalism and ethics of peace officers and assure the public that peace officers possess minimum standards of competency and ethical behavior. Texas was among the 17 states that had already created a POST commission.
- ▶ Since 1981, POST commissions have existed in every state to set minimum standards for and ensure a minimum level of quality in peace officers through certification and training. Discontinuing TCLEOSE would make Texas the only state without a POST commission to perform this role.

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*Discontinuing TCLEOSE would leave Texas as the only state without an agency to set standards for and license peace officers.*

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▼ **While other Texas state agencies have similar duties and responsibilities, TCLEOSE's functions are not duplicated by any other agency.**

- ▶ Other state agencies have similar duties of setting standards, licensing, and enforcement. TCLEOSE is the only state agency responsible for setting the standards for, testing, and licensing peace officers and jailers. Transferring these responsibilities to another agency would not result in increased efficiency and would likely result in a reduction in the effectiveness of the state's efforts to regulate peace officers due to a loss in necessary expertise.

Consolidation of TCLEOSE with another agency with similar functions would not result in savings to the state that would warrant such action solely on those grounds.

## Conclusion

The existence of a regulatory agency to oversee the setting of minimum standards for and licensure of peace officers is an important state function that continues to be needed in Texas. The appropriateness of an independent agency to ensure minimum quality and competency of peace officers is evidenced by the fact that every state in the nation has an agency similar to TCLEOSE. No other state agencies were identified that could assume TCLEOSE's functions with increased benefits to the state or with significantly reduced costs.

## Recommendation

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### Change in Statute

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- Continue the Texas Commission on Law Enforcement Officer Standards and Education for 12 Years.

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### Fiscal Impact

If the Legislature continues the current functions of TCLEOSE using the existing organizational structure, continued appropriations of about \$1.8 million per year from the Law Enforcement Officer Standards and Education dedicated account in the General Revenue Fund would be required for operation of the agency.

## Issue 3



### State-Funded or Operated Regional Academy Feasibility Study.

#### Background

Peace officers and county jailers in Texas are trained in licensed academies regulated by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Currently, TCLEOSE oversees 105 academies, more than twice as many academies as any other state in the U.S. All licensed academies may offer basic peace officer and county jailer training, in addition to in-service and advanced training courses for licensed peace officers.

In 1969, the Legislature required TCLEOSE to adopt mandatory peace officer training standards. At that time, TCLEOSE began certifying law enforcement academies in the state. The Legislature changed the terminology from “certification” to “licensure” in 1981, but with no significant change in standards or regulation.

Today, men and women interested in becoming a peace officer obtain training through two models:

- Post-employment training — after being screened and hired, a cadet receives training from the law enforcement department’s own academy, or from an outside academy such as a Council of Government (COG) regional academy or
- Pre-employment training — a person can attend and pay for basic peace officer training at a junior or community college and seek employment as a peace officer after graduation and licensure.

Before 1970, law enforcement training in Texas was held primarily at large municipal academies, COGs, and the Department of Public Safety. However, during the early 1970s, advocates for increasing the availability of law enforcement training in all regions of the state persuaded TCLEOSE to also approve the pre-employment model and certify a number of junior colleges and universities as academies.<sup>1</sup> Today, TCLEOSE licenses 55 academies operated by municipal or

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*Texas has 105 training academies — 55 operated by cities or counties, 36 by colleges, and 14 by COGs.*

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county law enforcement agencies, 36 academies run by universities, junior, and community colleges, and 14 regional academies administered by COGs.

Academies can provide two types of training for peace officers -- basic peace officer and in-service (continuing education) courses. Basic training encompasses the instruction and knowledge individuals must receive to become licensed as peace officers. Trainees must complete 560 hours in basic training courses prescribed by TCLEOSE. Completion of the basic training program allows the trainee to sit for the state examination. Passing the TCLEOSE exam successfully qualifies the individual to be licensed as a peace officer in Texas. After licensure, peace officers must complete 40 hours of in-service courses every two years throughout their law enforcement career. Academies also offer the Basic County Corrections Course that jailers must complete to be licensed. In addition, jailers must take 20 hours of continuing education courses every two years.

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*The 74th Legislature asked the Sunset Commission to examine the feasibility, costs and benefits of state funded or operated regional academies.*

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In addition to academies, TCLEOSE registers and approves individuals, departments, and organizations to conduct in-service training around the state. These instructors, called agreement trainers, may not teach the basic peace officer training program. Approximately 148 agreement trainers are registered with TCLEOSE.

Senate Bill 1135, passed by the 74th Legislature, directed the Sunset Commission to “determine the feasibility, costs, and benefits of establishing regional academies, operated or funded by the state, to provide preparatory, in-service, and advanced courses and continuing education programs for officers and county jailers...” The analysis of the feasibility and benefits of regional academies focused on determining if training is adequately available across the state and whether existing academies provide quality training. The following discussion contains the findings and recommendations required to be reported by the Sunset Commission to the Governor and 75th Legislature.

## Findings

- ▼ **Basic peace officer, jailer, and in-service training is available across the state.**
  - ▶ Academies that offer these types of law enforcement training operate in all areas of the state. Although more academies are located in the urban areas, all geographic regions are covered.

For example, approximately 43 percent are located west of I-35 (45 academies), almost 10 percent operate in South Texas (10 academies), and the eastern portion of Texas has 50 academies.

- ▶ In addition to the academies that offer training, 148 agreement trainers provide in-service training to licensed peace officers and jailers. While most agreement trainers are located in urban areas and counties east of I-35, these trainers do travel across the state and conduct training for departments in rural areas.

▼ **Establishing state-funded or operated regional academies would duplicate current academies licensed by TCLEOSE.**

- ▶ TCLEOSE already licenses and regulates regional academies run by COGs. These academies are often used by smaller and, more rural law enforcement agencies that cannot afford to create and run their own academy. Fourteen of Texas' 24 COGs operate a regional academy, six of which are done by contract with local community or junior colleges.
- ▶ Other local community or junior colleges across Texas also operate academies for law enforcement training. Currently, TCLEOSE licenses 36 of these programs. State-run academies would also duplicate training offered by these schools.
- ▶ State-operated academies would be required to teach the same course content set by TCLEOSE as do the current academies. TCLEOSE staff develop the important concepts, skills and knowledge for the basic peace officer course. Once the Commission approves the learning objectives for the course, each academy develops their classes to reflect the objectives.
- ▶ In the last two legislative sessions, statutory mandates have established uniformity in continuing education. TCLEOSE requires all in-service education programs to provide training in the investigation of child abuse and neglect, family violence, and sexual assault, and courses in such subjects as civil rights, racial sensitivity, cultural diversity, and sex offender characteristics. A state-operated academy would also provide these same courses.

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*State-operated academies would duplicate training offered at the 105 licensed academies across the state.*

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- ▼ **Licensed, locally operated academies provide quality peace officer training.**
  - ▶ TCLEOSE sets the training standards to ensure quality peace officer education. TCLEOSE also oversees the operation and performance of the academies through self-assessments and routine inspections. In fiscal year 1995, TCLEOSE evaluated 35 licensed academies and all of the academies received a satisfactory rating or better.
  - ▶ More than 72 percent of all academy graduates passed the state licensing exam in fiscal year 1996. The state exam is the primary measure of quality of an academy's educational program. State-operated academies would not necessarily increase the exam passage rate.
  
- ▼ **The state already provides significant funding for peace officer training.**
  - ▶ In 1995, the Legislature increased the court costs for persons convicted of a felony by \$2 to be deposited in the Law Enforcement Officer Standards and Education account of the General Revenue Fund. The Legislature directed the Comptroller of Public Accounts to distribute all the funds from the increase to local law enforcement agencies for the continuing education of peace officers. The state began collecting the fees on September 1, 1995 for the first disbursement of funds in February 1996, totaling approximately \$1.3 million. More than 2,300 agencies and 50,220 officers received training money from this fund.<sup>2</sup> These funds are expected to substantially increase for the February 1997 disbursement.
  - ▶ A combination of sources help fund COG regional academies. These sources include fees and tuition from each student/cadet or police academy, state funds, local cash matches, and dues paid to the COG. In addition to the funds described above, the state distributes peace officer training funds to COGs through the Governor's Office Criminal Justice Division Fund. Part of this fund is used to sponsor grants for COG regional training academies. Grants from the state totaled about \$1.2 million in fiscal year 1995 for the eight COGs that operated their own academies.

- ▶ State funding for community and junior colleges, although not specific to the law enforcement academies, accounts for approximately 46 percent of the actual operating costs. Thirty-six academies are located in university, junior, or community colleges.
  - ▶ State-operated or funded academies would require Texas to significantly increase the funds used for peace officer training. For the eight COG regions operating their own academy and not contracting with a local community or junior college for training, the average operating budget for a COG academy was \$217,608 in fiscal year 1995. Depending on the number of academies established, Texas would likely spend substantially more on law enforcement officer training than is currently being spent.
- ▼ **TCLEOSE already has authority to operate academies and conduct courses for peace officers and county jailers.**
- ▶ The statute already empowers the Commission to “operate schools and conduct preparatory, in-service basic and advanced courses in the schools, as the Commission determines, for officers, county jailers, and recruits.” The statute gives TCLEOSE a choice of using this authority for a state-operated training system, or to license agencies and institutions to conduct training. TCLEOSE has chosen the second option.

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*State-funded or operated academies would not necessarily provide higher quality training or greater accessibility to training.*

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## Conclusion

To recommend state-operated or funded regional academies for law enforcement training in Texas, Sunset staff would need to show that either the current academies were not providing quality training or that training was not adequately available across the state. Staff found that state-operated or funded academies would not necessarily provide more uniform or quality training, or greater accessibility to training in Texas. Basic and in-service peace officer training is readily available and TCLEOSE appropriately functions as the state agency that ensures uniformity of knowledge and quality. State-funded or operated regional academies would duplicate the role of the current academies licensed by TCLEOSE.

The state already provides significant funding for peace officer training through COGs and the recent increase in court costs for continuing

education of peace officers. Although direct funding of regional academies would reduce local government costs for training, such funding would not ensure a higher quality or increased availability of training.

Finally, if TCLEOSE decided that the current approach to training was not effective, the Commission could use its existing authority to establish a state-operated training system for peace officers and jailers. No further statutory authority is needed to create such a system, although TCLEOSE would need to request and receive funding from the Legislature to do so.

## Recommendation

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- **The Legislature should not take action to establish or fund state-operated regional training academies at this time.**

As a result of these findings, staff does not recommend changes to the basic structure and funding of academies. Diversity in the types of academies seems to work for Texas and TCLEOSE possesses the authority to make changes as needed to address future problems, including operating their own training system. Although a state-funded academy system would eliminate local governments' financial responsibility to train its peace officers, this system would not guarantee higher quality training and would be costly to the state.

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<sup>1</sup> Texas Commission on Law Enforcement Officer Standards and Education, "Police Academy Training: Two Models", *Close-Up* (August 1996), p.1 (newsletter)

<sup>2</sup> Phone Interview with Mary Kay Patterson, Texas Comptroller of Public Accounts, Austin, Texas, September 16, 1996.

# **ACROSS-THE-BOARD RECOMMENDATIONS**

<b>Texas Commission on Law Enforcement Officer Standards and Education</b>	
<b>Recommendations</b>	<b>Across-the-Board Provisions</b>
	<b>A. GENERAL</b>
Update	1. Require at least one-third public membership on state agency policymaking bodies.
Update	2. Require specific provisions relating to conflicts of interest.
Update	3. Require that appointment to the policymaking body be made without regard to the appointee's race, color, disability, sex, religion, age, or national origin.
Apply	4. Provide for the Governor to designate the presiding officer of a state agency's policymaking body.
Update	5. Specify grounds for removal of a member of the policymaking body.
Apply	6. Require that information on standards of conduct be provided to members of policymaking bodies and agency employees.
Apply	7. Require training for members of policymaking bodies.
Apply	8. Require the agency's policymaking body to develop and implement policies that clearly separate the functions of the policymaking body and the agency staff.
Apply	9. Provide for public testimony at meetings of the policymaking body.
Already in Statute	10. Provide for notification and information to the public concerning agency activities.
Already in Statute	11. Require the agency to comply with the state's open meetings law and administrative procedures law.
Apply	12. Require development of an accessibility plan and compliance with state and federal accessibility laws.
Update	13. Require that all agency funds be placed in the treasury to ensure legislative review of agency expenditures through the appropriations process.
Update	14. Require information to be maintained on complaints.
Update	15. Require agencies to prepare an annual financial report that meets the reporting requirements in the appropriations act.
Update	16. Require development of an equal employment opportunity policy.
Update	17. Require the agency to establish career ladders.
Update	18. Require a system of merit pay based on documented employee performance.

<b>Texas Commission on Law Enforcement Officer Standards and Education</b>	
<b>Recommendations</b>	<b>Across-the-Board Provisions</b>
	<b>B. LICENSING</b>
Not Applied	1. Require standard time frames for licensees who are delinquent in renewal of licenses.
Already in Statute	2. Provide for timely notice to a person taking an examination of the results of the examination and an analysis, on request, to individuals failing the examination.
Not Applied	3. Authorize agencies to establish a procedure for licensing applicants who hold a license issued by another state.
Not Applied	4. Authorize agencies to issue provisional licenses to license applicants who hold a current license in another state.
Not Applied	5. Authorize the staggered renewal of licenses.
Already in Statute	6. Authorize agencies to use a full range of penalties.
Apply	7. Specify disciplinary hearing requirements.
Not Applied	8. Revise restrictive rules or statutes to allow advertising and competitive bidding practices that are not deceptive or misleading.
Already in Statute	9. Require the policymaking body to adopt a system of continuing education.

# **BACKGROUND**

# Background

## Agency History

The Legislature created the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) in 1965 to develop standards to improve law enforcement in Texas. The Commission's primary responsibility was to determine and set training and certification standards for the state's peace officers. The standards set by the Commission were initially voluntary, but became mandatory in 1969.

The Commission's authority over the law enforcement community has increased since its inception. In 1979, TCLEOSE began certifying county jail employees. In 1981, the Legislature increased the oversight of law enforcement professionals by switching from certification to licensure of peace officers. Licensing examinations began in 1983. The agency's duties have further expanded to include licensing and evaluating law enforcement training academies and developing continuing education programs for peace officers.

In 1989, the Legislature established the Texas Peace Officers' Memorial Advisory Committee. The advisory committee's purpose is to advise the Commission on funding, design, construction, updating, maintenance, and management of a Memorial on the grounds of the Capitol Complex to honor those peace officers who have died in the line of duty. The advisory committee may also recommend goals, tasks, and assignments to the Commission relating to the funding and construction of the Memorial. No date for the start of construction has been set by the Commission.

Based on direction from the Legislature, TCLEOSE has developed several programs to accomplish its mission:

- Administer licensing examinations;
- License and evaluate training academies and their instructors;
- Develop and maintain training and continuing education courses;
- Revoke or suspend licenses of peace officers; and
- Help plan and construct the Texas Peace Officers' Memorial.

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*TCLEOSE,  
established in 1965,  
sets professional  
standards and  
licenses peace  
officers to ensure  
quality law  
enforcement in  
Texas.*

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## Policymaking Structure

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The Texas Commission on Law Enforcement Officer Standards and Education is composed of nine members, appointed by the Governor and confirmed by the Senate. Members of TCLEOSE serve six-year staggered terms. The Commission is composed as follows — three members must be a sheriff, constable, or chief of police; three members must be licensed peace officers, two of whom must be police officers who hold non-supervisory positions with a law enforcement agency; and three members must be from the general public. The Commission also includes five ex-officio members — the Attorney General, the Executive Director of the Criminal Justice Division of the Governor’s Office, the Commissioner of the Higher Education Coordinating Board, the Director of the Department of Public Safety, and the Commissioner of the Texas Education Agency. The Commission elects its chair and vice chair and usually meets quarterly.

The primary duties of the Commission are as follows:

- Establishing minimum education and licensing standards related to the competence and reliability of Texas peace officers;
- Approve curriculum and the components in the basic peace officer course and in-service training courses;
- Adopt and enforce rules; and
- Employ an executive director to manage the day-to-day operation of the agency.

TCLEOSE has only one statutorily mandated advisory committee — the Peace Officers’ Memorial Advisory Committee. The Commission has convened ad-hoc advisory committees to assist with particular tasks. Examples include the Rules Committee, which helps draft new rules; the Basic Peace Officers Course Advisory Committee, which helped to redesign the basic peace officer course that recently increased from 400 to 560 hours; and the Emergency Communicators Advisory Council, which provides advice to the Commission on dispatcher and communicator issues.

## Funding and Organization

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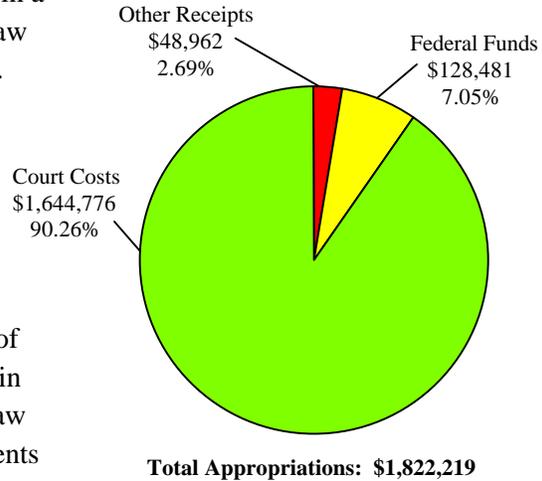
### *FUNDING*

TCLEOSE receives most of its general appropriations funding from criminal fines collected in the state. The chart, *Appropriations by Source — Fiscal Year 1995*, shows the Department’s income sources in 1995.

Background

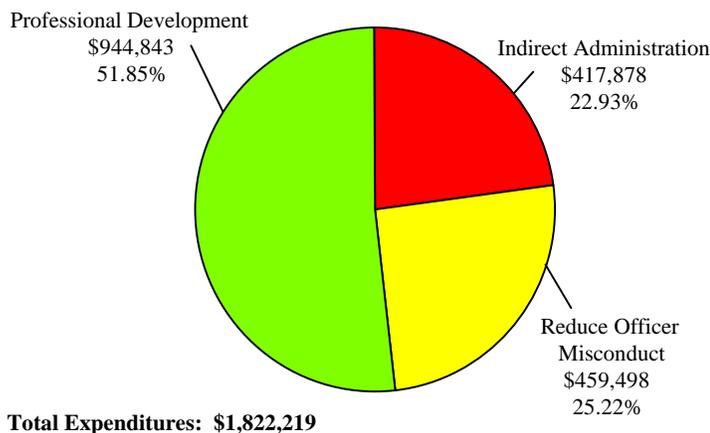
County treasurers collect \$3.50 from each person convicted of a felony and deposit these funds with the State Treasury. One dollar of this amount is deposited in a dedicated account in the General Revenue Fund, the Law Enforcement Officer Standards and Education account. Although the account received almost \$4 million in fiscal year 1995, the Legislature appropriated about \$1.8 million from this account for the agency's administrative costs. Of the remaining \$2.50 collected, \$2 is used for expenses related to the continuing education of persons licensed by TCLEOSE, although the funds are outside the control of TCLEOSE. This fee was instituted by the Legislature in 1995 and all of these funds are sent to state and local law enforcement agencies for training needs. Finally, 50 cents from each fine is deposited to the credit of the Bill Blackwood Law Enforcement Management Institute of Texas Fund. The Institute, which trains law enforcement personnel in management, was transferred from TCLEOSE to Sam Houston State University in 1995.

**Appropriations by Source  
Fiscal Year 1995**



TCLEOSE spent about \$1.8 million in fiscal year 1995 to carry out its duties. The Commission identified two goals in its strategic plan for the 1994-95 biennium. These goals were *Professional Development* and *Reduce Officer Misconduct*. The Appropriations Act uses three strategies to meet these goals. The chart, *Expenditures by Strategy — Fiscal Year 1995*, shows the amount spent on each of the three strategies in fiscal year 1995. A more detailed breakdown of the agency's total expenditures for

**Expenditures by Strategy  
Fiscal Year 1995**



<b>Expenditures by Strategy and Goal Fiscal Year 1995</b>	
<b>Professional Development</b>	
Maintain curriculum	\$114,128
Course delivery	\$231,475
Evaluate institutions	\$75,081
Drug recognition expert delivery	\$128,481
Licensing	\$369,500
Peace officer memorial	\$26,178
<b>Subtotal</b>	<b>\$944,843</b>
<b>Reduce Officer Misconduct</b>	
Examinations	\$176,638
Assess training	\$119,088
Revocations and suspensions	\$143,772
Incentive program	\$20,000
<b>Subtotal</b>	<b>\$459,498</b>
<b>Indirect Administration</b>	
<b>Subtotal</b>	<b>\$417,878</b>
<b>Total</b>	<b>\$1,822,219</b>

each goal and strategy can be found in the chart, *Expenditures by Strategy and Goal — Fiscal Year 1995*.

The Legislature has established a statewide goal that 30 percent of all agency contracts be made with Historically Underutilized Businesses (HUBs). The Legislature also requires the Sunset Commission, in its reviews, to consider agencies' compliance with laws and rules regarding HUB use. The chart, *Purchases from HUBs — Fiscal Year 1995*, shows TCLEOSE's HUB participation in 1995.

<b>Purchases from HUBs Fiscal Year 1995</b>	
Total purchases of goods and services	\$242,566
Total spent with certified HUBs	\$12,844
Percent spent with certified HUBs	5.3%
Statewide average	15.89%
State goal	30%

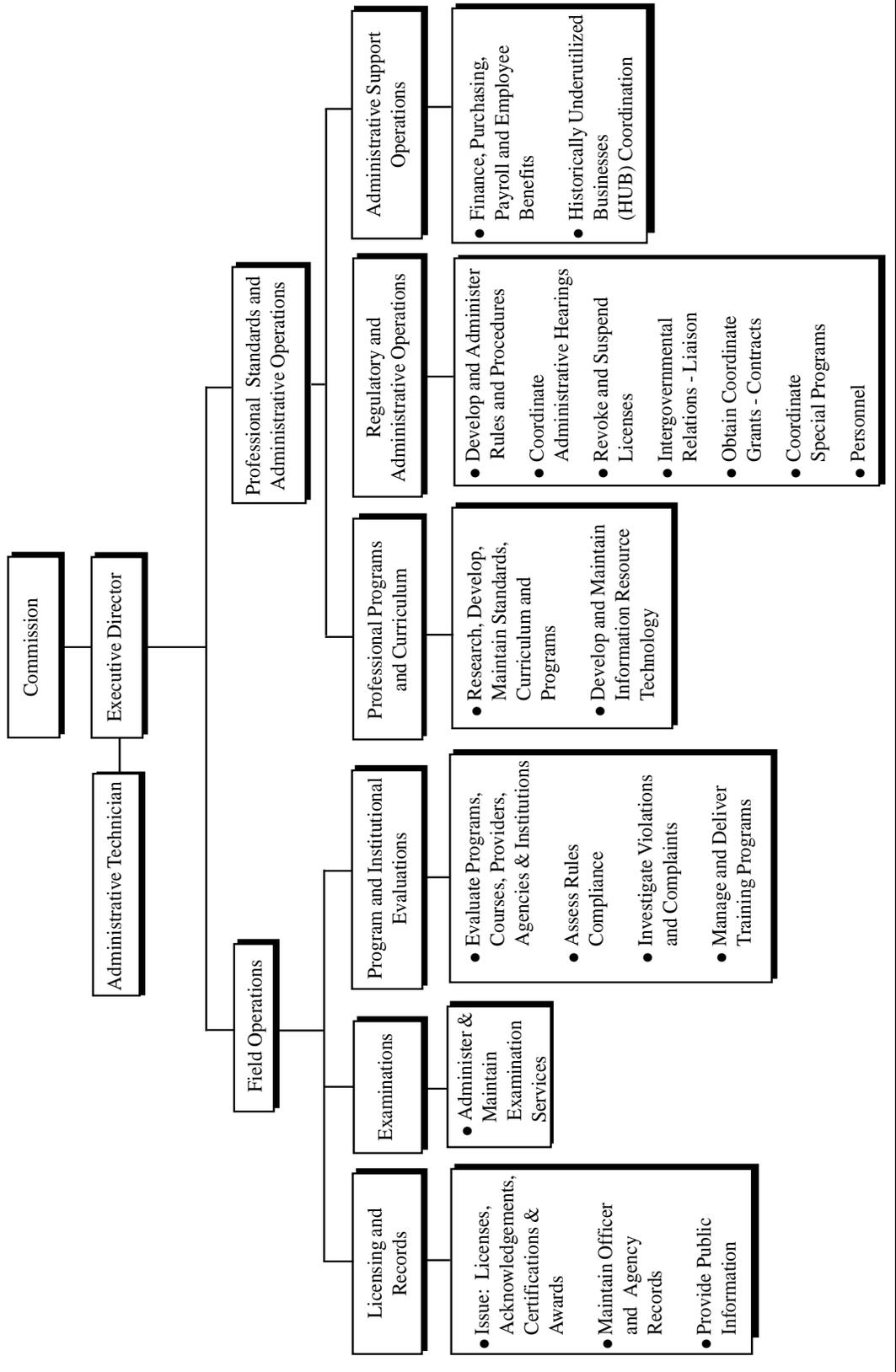
## ORGANIZATION

The Commission maintains its headquarters in Austin where 38 of its 40 employees work. TCLEOSE has two employees outside of Austin that administer exams, one in Dallas and one in Houston. Staff implement Commission policy and carry out the agency's programs. The agency is divided into six divisions:

- Licensing and Records
- Examinations
- Program and Institutional Evaluations
- Professional Programs and Curriculum
- Regulatory and Administrative Operations
- Administrative Support Operations

The first five divisions carry out the programs of the agency and the sixth, Administrative Support Operations, performs the traditional support activities for the agency. These support activities include assisting with the budget preparation, payroll, fiscal reporting, purchasing and employee benefits. The organizational structure of the agency's six divisions is illustrated in the chart, *TCLEOSE Organizational Chart*.

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



A comparison of the agency's work force composition to the state's minority work force goals is shown in the chart, *TCLEOSE Equal Employment Opportunity Statistics — Fiscal Year 1995*.

**Texas Commission on Law Enforcement  
Officer Standards and Education  
Equal Employment Opportunity Statistics - FY 1995**

Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	State Goal	Agency	State Goal	Agency	State Goal
Officials/Administration	3	0%	5%	0%	8%	0%	26%
Professional	19	0%	7%	15.7%	7%	47.3%	44%
Technical	1	0%	13%	0%	14%	100%	41%
Protective Services	NA	0%	13%	0%	18%	0%	15%
Para-Professionals	5	0%	25%	20%	30%	100%	55%
Administrative Support	12	8.33%	16%	25%	17%	91.6%	84%
Skilled Craft	NA	0%	11%	0%	20%	0%	8%
Service/Maintenance	NA	0%	19%	0%	32%	0%	27%

## Agency Operations

The Legislature instituted two new goals for TCLEOSE for 1996 and 1997. These goals reflect the agency's major functions — *License and Approve Courses* and *Regulation of Licensees*. TCLEOSE has four strategies that directly support these goals and support the agency's operations. These two goals and their resulting four strategies are described in the following material.

### LICENSE AND APPROVE COURSES

To fulfill its goal of licensing peace officers and approving their education, the Commission follows three strategies — Licensing, Course Development, and Peace Officer Memorial.

#### Licensing

The Commission's first strategy is to issue licenses and certificates to qualified law enforcement and correction officers in Texas. In terms of its major licensure categories, as of July 1996, 57,260 peace officers, 6,359 reserve law enforcement officers, and 17,424 county jailers were reported as employed or appointed by the state's 2,762 law enforcement agencies throughout the state. The Commission awards the following licenses:

- Permanent peace officer,
- Permanent reserve,

Background

- Provisional peace officer,
- Provisional reserve,
- Conditional reserve,
- Permanent jailer license,
- Temporary jailer license,
- Permanent instructor, and
- Permanent armed public security officer.

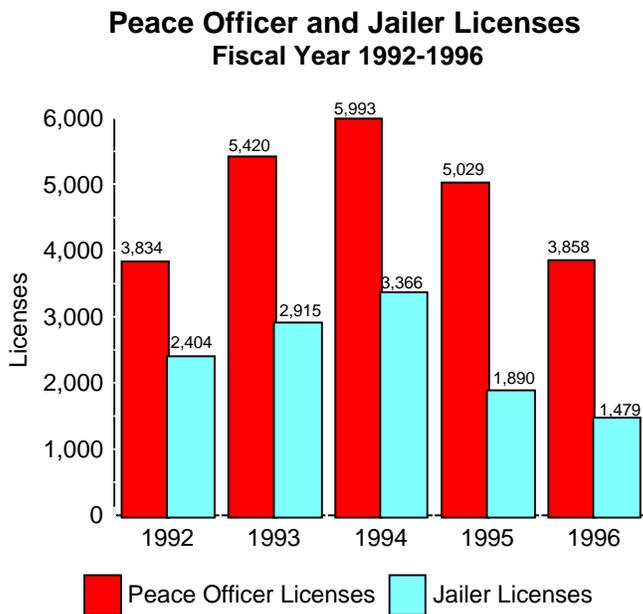
Although the Commission does not issue licenses for telecommunicators, the Commission does issue written telecommunicator acknowledgments. Telecommunicators are dispatchers or other communication specialists that respond to telephone requests for emergency assistance. Telecommunicators are required to obtain an acknowledgment that certifies completion of at least 40 hours of training. The Commission approves the content of telecommunicator education provided at training academies and through other means.

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*In fiscal year 1996, TCLEOSE licensed 3,858 peace officers and 1,479 county jailers.*

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The Commission is responsible for all aspects of the licensing process — from establishing standards, developing learning objectives and content to be taught and tested, to administering and grading exams and issuing licenses. The number of peace officer licenses and jailer licenses issued by TCLEOSE peaked in 1994, as illustrated by the chart, *Peace Officer and Jailer Licenses — Fiscal Year 1992-1996*.



Peace officer candidates must receive at least 560 hours of basic training.

Before taking a licensing exam, peace officer candidates must receive at least 560 hours of basic training and education. Two models may be used to provide this education, *pre-employment* and *post-employment*. (For a more detailed discussion of these two training models, see the text box *Pre-Employment and Post-Employment Law Enforcement Training in Texas*.) Education for the basic peace officer license is provided at one of three types of licensed training academies — academies operated by a law enforcement agency, such as a police or sheriff's department; an academy operated by a college or junior college; or an academy operated by one of the 24 Regional Councils of Government (COGs).

#### **Pre-Employment and Post-Employment Law Enforcement Training in Texas**

TCLEOSE licenses and regulates 105 training academies in Texas. Academies are divided into three categories depending on who operates the academy: law enforcement agency, Council of Government, or college. Peace officers are trained under one of two employment models at the academies — pre-employment or post-employment.

The post-employment model is used by most mid-sized and large law enforcement agencies. In this model, candidates are hired, paid, and trained prior to licensure by TCLEOSE. Law enforcement agencies screen applicants, perform detailed background checks, and set their own standards for hiring before investing a significant amount of training resources in a cadet. Many police departments and sheriff's departments will hire a cadet and provide up to 30 weeks (1,200 hours) of training before allowing the individual to work as a peace officer. Typically, cadets in the post-employment model are trained at agency training academies or academies run by a COG.

Pre-employment training in Texas is provided mostly by community and some four-year colleges. These institutions admit students to their program without a law enforcement screening process or employment with a law enforcement agency. Trainees pay their own tuition and fees in an effort to begin a career in law enforcement. Upon completion of the course and successful passage of the state licensing exam, trainees seek employment with a law enforcement agency. Although successful completion of a state-approved police academy and passage of the licensing exam may open doors, graduation does not guarantee employment in law enforcement.<sup>1</sup> Graduates of the pre-employment training programs that find employment as peace officers are often employed by smaller law enforcement agencies that do not have their own academies.

Some concerns have been raised in Texas about the lack of screening performed by college law enforcement academies. For example, a person with a felony could enroll in a college program even though that person could never be licensed as a peace officer. In response to these concerns, in 1995, the Legislature required the Commission to establish by rule minimum qualifications for persons entering training academies. The rules must prohibit persons from enrolling in training academies who are disqualified by law from becoming peace officers. Currently the Commission is developing rules to satisfy the Legislature's directive.

COGs are political subdivisions of the state created to deal with issues that cross city, county, and other political subdivision lines. COGs receive partial funding from the Governor's Office Criminal Justice Division for law enforcement training needs.

Mid-sized and large police departments and sheriff's offices commonly run their own training academies. Smaller law enforcement agencies usually cannot afford to operate their own academy and contract for the basic peace officer training offered at a training academy operated by their COG, a local community college academy, or hire officers that already have received training.

After the students have received their education, they may sit for the licensing exam. TCLEOSE develops the test with assistance of an advisory committee. Exams are given at the Austin TCLEOSE headquarters most business days, and in Dallas, Houston and San Antonio. TCLEOSE also has agreements with 32 colleges to administer the licensing exams.

In fiscal year 1996, 72 percent of all those who took the basic peace officer exam passed on the first attempt. Upon the successful passage of the state licensing exam, the hiring agency or an individual submits a package to TCLEOSE requesting licensure as a peace officer. TCLEOSE staff review the application to ensure that the candidate has met the minimum qualifications. Minimum qualifications include having no felony convictions; satisfactory psychological and emotional health; no drug dependencies; successful completion of training from a licensed training academy; demonstrated weapons proficiency; and good moral character. When all requirements are satisfied, TCLEOSE issues a license. However, to act as a peace officer — with the powers to arrest and carry a weapon — an individual must be *commissioned* by a law enforcement agency. A commission is contingent upon being licensed by TCLEOSE. A more detailed explanation of the process to become a licensed peace officer may be found in the text box, *Two Steps to Becoming a Peace Officer*.

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*To act as a peace officer, a person must be both licensed by TCLEOSE and commissioned by a police agency.*

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#### **Two Steps to Becoming a Peace Officer**

The process to become a peace officer in Texas has two components. The first is licensing by TCLEOSE. A potential peace officer must meet the minimum qualifications, receive training from a licensed training academy, and pass the TCLEOSE basic peace officer exam. An individual receives a peace officer license from TCLEOSE upon successfully passing the exam and successfully meeting all minimum qualifications.

To act as a peace officer and to have the powers and responsibilities of a peace officer, the licensee must also be "commissioned" by a law-enforcement agency. Commissioning is the second stage of the process and is contingent upon being licensed. Texas law gives the authority to commission peace officers to certain units of local government, hospitals, state agencies, and a few other governmental bodies. When officers leave the employment of an agency, they keep their licenses but are no longer commissioned to act as a peace officer unless recommissioned by a new agency.

In fiscal year 1995, TCLEOSE granted a total of 9,243 licenses. Of this amount, 54 percent were basic peace officer licenses and about 20 percent were jailer licenses. As stated earlier, the Commission grants several other licenses in addition to the permanent peace officer and permanent jailer licenses. A complete listing of the types of licenses and the number issued by TCLEOSE can be found in the text box, *Licenses Granted by TCLEOSE in Fiscal Year 1995*.

<b>Licenses Granted by TCLEOSE in Fiscal Year 1995</b>	
Peace Officer Licenses	5,029
Jailer Licenses	1,890
Instructor Licenses	1,230
Temporary Jailer	705
Conditional Reserve Licenses	349
Standard Field Sobriety Test Instructor Licenses	21
Reserve Officer Licenses	19
<b>Total</b>	<b>9,243</b>

All licenses, with the exception of the temporary jailer, conditional reserve peace officer, and provisional peace officer, are considered permanent and do not require a renewal. However, a peace officer or reserve peace officer license will become inactive after a two-year break in service. The Commission collects no fees for any licenses issued.

When a licensed peace officer terminates employment or ceases working at a position which requires a license, the hiring agency is required to submit a notice to TCLEOSE within 10 working days. When a peace officer, previously licensed but out of law enforcement for two years or more, wishes again to be reappointed as a peace officer, the officer must re-take and pass the basic peace officer exam.

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*TCLEOSE does not charge a fee for the licenses it issues.*

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***Proficiency Certificates.*** The Commission issues proficiency certificates to recognize professional achievement or proficiency based on law enforcement training, education, and experience. Peace officers, reserve law enforcement officers, and permanent jailers are eligible for several different levels and types of proficiency certificates. Officers and jailers receive these certificates after completing a combination of the required training and significant levels of on-the-job experience. Proficiency certificates serve as an encouragement to officers to continue their

education and increase their level of professionalism. The types of certificates can be found in the text box, *Proficiency Certificates Offered by TCLEOSE*.

Course Development

The Commission’s second strategy is designed to manage the development of minimum training needed to obtain licensing and certification. The Commission also evaluates the licensed training academies that provide the basic peace officer training. In addition, the Commission ensures that peace officers meet mandatory in-service training requirements.

The first step in determining the training and education needs for the state’s license holders is to identify the important concepts, ideas, and skills required to perform the job. In the case of peace officers, the staff uses advisory committees composed of training officers and law enforcement officers to identify the important components. The staff take these concepts and develop learning objectives. Once approved by the Commission, these learning objectives are provided to the state’s 105 licensed academies. Licensed instructors at the academies develop their own lesson plans from the learning objectives to teach the basic peace officer course. The Commission sets the minimum hours of training required for each type of license. For example, the Commission has set the training course for the basic peace officer license at 560 hours.

The Legislature also helps to determine training needs. In 1993, the Legislature ordered the Commission to establish a statewide education and training program on civil rights, racial sensitivity, and cultural diversity as part of the minimum curriculum and in-service training requirements.

The Commission requires any law enforcement agency that employs licensed peace officers to provide each peace officer with a 40-hour continuing education program every 24 months. The Commission requires each 40-hour block to include a program including civil rights, racial sensitivity, and cultural diversity; child abuse and child neglect, sexual abuse, and family violence; and supervision. This required component does not exceed 20 hours. The remaining continuing education must be on topics selected by the law enforcement agency. Beginning in fiscal year 1997, the Commission may suspend the license of a peace officer if the peace officer fails to complete the 40 hours of continuing education every 24 months.

<b>Proficiency Certificates Offered by TCLEOSE</b>
<b>Peace Officer License</b>
basic peace officer
intermediate peace officer
advanced peace officer
master peace officer
crime prevention inspector
investigative hypnotist
drug recognition expert
standardized field sobriety testing
mental health officer
<b>Jailer License</b>
basic jailer
intermediate jailer
advanced jailer
<b>Other</b>
homeowners insurance inspector
telecommunicator

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*Peace officers must receive 40 hours of continuing education every two years.*

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***Licensed Academies.*** The Commission licenses all law enforcement training academies in the state. Academies primarily train new peace officers in the basic curriculum, and provide continuing education to the existing workforce. As of September 1, 1996, 105 academies held active licenses. Of this number, 55 are operated by law enforcement agencies, 36 are affiliated with community colleges and universities, and 14 are regional academies operated by COGs.

TCLEOSE performs routine evaluations of licensed academies. Academies are inspected at least once every three years to ensure that a standardized quality of training is maintained. Academy evaluations include compliance with Commission rules, on-site inspection of facilities, equipment, and instructional materials; a review of results from the licensing exams; and instructor performance. In fiscal year 1996, the Commission evaluated 39 of the 105 licensed academies and all of the academies received a rating of satisfactory or better.

#### Memorial Funding

The Commission's third strategy is Memorial Funding. In 1989, the Legislature created the Texas Peace Officers' Memorial Advisory Committee to honor peace officers who have lost their lives in the line of duty. Today, the Committee's purpose is to advise the Commission on funding, design, construction, updating, maintenance, and management of the Texas Peace Officers' Memorial on the grounds of the Capitol Complex. A separate interest-bearing fund was created in the State Treasury to collect the proceeds for the memorial. Money in the fund may be used by the Commission with the advice of the advisory committee only to build and construct the memorial. As of June 30, 1996, approximately \$182,000 of the estimated \$760,000 needed to construct the memorial has been raised. (See the text box, *Texas Peace Officers' Memorial Advisory Committee*, for more information about its functions.)

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*TCLEOSE evaluates all training academies at least once every three years.*

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#### **REGULATION**

TCLEOSE's second goal is the regulation of its licensees. To achieve this goal, the Commission has one strategy, enforcement, that includes investigating complaints against license holders, taking enforcement action, and auditing the records of law enforcement agencies.

### **Texas Peace Officers' Memorial Advisory Committee**

In 1989, the Texas Legislature charged the Texas Commission on Law Enforcement Officer Standards and Education with the responsibility of ensuring that peace officers who have died in the line of duty be honored and remembered. At that same time, the Legislature created the Texas Peace Officers' Memorial Advisory Committee to assist the Commission with fulfilling this charge.

Currently, the advisory committee advises the Commission on issues relating to funding, design, and construction of the Memorial as well as recommending goals and tasks to the Commission relating to the Memorial.

The advisory committee is composed of three licensed peace officers; a surviving spouse of a Texas Peace Officer who died in the line of duty; nine individuals, each appointed by a member of the commission; and three nonvoting ex officio members — the Director of the Department of Safety, the Director of the State Preservation Board, and the Director and Librarian of the Texas State Library and Archives Commission. The advisory committee advises the Commission on funding, design, construction, updating, maintenance, and management of the Memorial. The advisory committee is required to meet at least four times a year.

All of the funds used for the construction and maintenance endowment must come from contributions obtained from public and private entities. No state tax revenue may be used and the committee may not incur any indebtedness. All funds contributed for the Memorial are deposited in the State Treasury to the credit of a separate interest-bearing fund account established for the Memorial. Interest collected on the fund is deposited to the credit of the fund. Current cost estimates for the memorial are about \$760,000. As of June 30, 1996 \$182,535 had been raised, including \$47,000 in accounts receivable.<sup>2</sup>

Since the establishment of the advisory committee in 1989 and the development of a strategic plan for the project in 1991, the advisory committee has had many difficulties raising funds. This year, legislators, commission staff and members of the advisory committee have increased their efforts to see the project funded and completed. In June 1996, the Commission approved the advisory committee's most recent recommendations to help speed the completion and construction of the Memorial. These recommendations included a proposal to contract with a professional fundraiser to solicit funds for the project; authorization to expend funds for a public service announcement and a toll free number; and a reduction in the scale and price of the project, originally estimated at \$1.6 million.<sup>3</sup> Current plans are for the Memorial to be built on the northeast grounds of the State Capitol. The plans provide for the Memorial to be a polished curved wall of black granite, etched with the names of all fallen Texas peace officers.

## Enforcement

TCLEOSE accomplishes this strategy by receiving and investigating complaints and taking appropriate action. When Commission staff receives a complaint concerning a licensee, staff determines whether the complaint is jurisdictional or non-jurisdictional. A non-jurisdictional complaint is a complaint that is not a violation of the Commission statute or rules. Non-jurisdictional complaints are referred to the appropriate authority, usually the law enforcement agency's chief administrator.

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*The Commission has authority to sanction peace officers found guilty of a criminal offense.*

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TCLEOSE has jurisdiction to pursue a complaint when receiving information that a licensee has been arrested, charged, indicted or convicted of a criminal offense. The Commission may take administrative action against a licensee adjudicated as guilty for an offense above a Class C Misdemeanor. Enforcement action may include a reprimand, suspension, or revocation. The Commission delivers the action with a preliminary notice and a proposed final order. The licensee can accept the proposed final order or request a hearing with an administrative law judge with the State Office of Administrative Hearings (SOAH). After the hearing, the judge prepares a proposal for decision, upon which the Commission bases its decision. If an officer is found innocent of a criminal offense, the Commission may not take any action.

In fiscal year 1995, the Commission opened 312 cases and closed 309. Twenty-seven of these cases were heard by an administrative law judge, resulting in 16 revocations, nine suspensions, one cancellation and one denial. The total number of actions against licensees in fiscal year 1995, including the cases heard by an administrative law judge, was 33 revocations with 11 suspensions. The Commission was unable to take action in the other cases primarily because the arrest did not result in a conviction.

In addition to responding to the complaints, TCLEOSE audits law enforcement agencies that employ licensed peace officers. Agencies are selected at random and audits are usually unannounced. TCLEOSE staff check records at law enforcement agencies to ensure peace officers meet and maintain the minimum requirements for licensing. In addition, Commission staff check lists of an agency's licensed peace officers against the Commission's lists to verify that all officers are licensed. Audits now include a check to see if continuing education requirements are being met. In fiscal year 1995, the staff performed 166 of these random audits. The Commission rarely takes action against the agencies, instead they work to bring the agency into compliance. The most common problems that staff finds include officers that have left the agency but have

not been reported to TCLEOSE, and current officers that are licensed but not reported as commissioned to TCLEOSE.

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<sup>1</sup> Wegener, W. Fred, "Preparatory Police Academy Training: Bringing to Light the Drawbacks of the Vocational Model." *Law and Order*, March 1996, page 51.

<sup>2</sup> Texas Commission on Law Enforcement Officer Standards and Education, "Texas Peace Officers' Memorial: An Update," *Close Up*, Volume 2, Number 4, August 1996, page 1.

<sup>3</sup> Texas Commission on Law Enforcement Officer Standards and Education, "Texas Peace Officers' Memorial: An Update," *Close Up*, Volume 2, Number 4, August 1996, page 1.



**TEXAS COMMISSION ON  
LAW ENFORCEMENT OFFICER  
STANDARDS AND EDUCATION**

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