

SUBJECT: Commission on Law Enforcement Officer Standards and Education

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 9 ayes — Oakley, Driver, Carter, Keel, Keffer, Madden, McClendon, Olivo, Reyna
0 nays

WITNESSES: For — Tom Martin, Texas Police Chiefs Association;
Against — None
On — Carl R. Griffith Jr., D.C. Jim Dozier and Onzelo Markum III, Texas Commission on Law Enforcement Officer Standards & Education; Ken Levine, Sunset Advisory Commission

BACKGROUND : In 1965, the Legislature created the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to determine appropriate training and certification standards for improving the performance and professionalism of peace officers in Texas. 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 increased to include establishing standards, developing learning objectives, administering exams and issuing licenses to law enforcement officers and academies in Texas. TCLEOSE also regulates training and licensing of county jail employees, approves the education content of telecommunicator and emergency dispatcher training, issues acknowledgments of training completion, approves continuing education courses, and takes enforcement action against peace officers who violate commission statutes and rules. In addition, TCLEOSE was given the responsibility for the design, construction and management of the Texas Peace Officers' Memorial by the Legislature in 1989.

The commission is composed of nine members appointed by the governor and confirmed by the Senate and serving staggered six-year terms. Three

members must be a sheriff, constable or police chief; three members must be licensed peace officers, two holding 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.

TCLEOSE receives most of its funding from criminal fines collected in the state. County treasurers collect \$3.50 from each person convicted of a felony and deposit \$1 of this amount into the Law Enforcement Officer Standards and Education dedicated account in the general revenue fund and 50 cents to the credit of the fund for the Bill Blackwood Law Enforcement Management Institute of Texas. The institute trains law enforcement personnel in management skills. During fiscal 1995, TCLEOSE spent about \$1.8 million appropriated from \$1,6744,776 in court costs, \$128,481 in federal funds, and \$48,962 in other receipts.

The commission will be abolished September 1, 1997, unless continued by the Legislature.

DIGEST:

CSHB 1856 would continue the Commission on Law Enforcement Officer Standards and Education until September 1, 2009, and make several statutory modifications recommended by the Sunset Advisory Commission.

The bill would stagger the terms of commission members by requiring one member of each subgroup on the commission to rotate off every two years. In addition to other restrictions, a public member or the member's spouse could not be an officer, employee or paid consultant of a law enforcement labor union.

The bill also would require TCLEOSE to base the schedule of academy inspections on performance risk criteria, including scores on the peace officer examinations, past inspection records, self-assessments, and a random element for regular periodic inspections.

CSHB 1856 would also add to the commission's enabling statute standard sunset provisions addressing:

- appointments by the governor without regard to color, disability and age;
- conflicts of interest of commission members;
- commission member training and removal;
- designation of the commission's presiding officer by the governor;
- public testimony at commission meetings;
- separation of policy making and management responsibilities;
- notification of members and employees of employment qualifications;
- preparation of an annual financial report;
- management of funds in accordance with the State Funds Reform Act
- intra-agency career ladder program and equal employment opportunity policy;
- compliance with state and federal program and facility accessibility laws;
- collection and maintenance of information about complaints made against the agency; and
- disciplinary action and hearing requirements.

The bill would take effect August 29, 1997.

**SUPPORTERS
SAY:**

CSHB 1856 would continue the Commission on Law Enforcement Officer Standards and Education and the vital services it provides in ensuring quality law enforcement officer training and the licensing of peace officers. By setting high standards for training and licensing law enforcement officers, TCLEOSE assures Texans that peace officers have a basic level of competency to adequately protect their well-being.

The appropriateness of an independent agency to ensure the minimum quality and competency of peace officers is shown by the fact that every other state has an agency similar to TCLEOSE. Since TCLEOSE is the only state agency responsible for setting the standards for testing and licensing of peace officers and jailers, neither transferring the agency's responsibilities to nor consolidating it with another agency would result in increased efficiency or savings to Texas.

By requiring the agency to base the schedule of academy inspections on performance and risk criteria, the bill would address concerns that TCLEOSE does not target limited inspection resources on academies that are performing poorly. Currently, academies with a history of violations or whose graduates perform poorly on the state licensing exam are not evaluated more frequently than academies without problems. The agency uses a three-year inspection cycle for the state's 105 training academies. The bill would provide for more frequent inspections of poorly performing academies in order to help improve performance standards.

Adopting the Sunset Commission's across-the-board provisions would provide consistency among state agencies by standardizing in statute many operational procedures and requirements. The equal opportunity provision simply would require a policy statement that includes an analysis of the commission's workforce, procedures to determine underuse in the workforce and reasonable methods to address areas of underuse. CSHB 1856 would not impose hiring requirements but merely provide for an analysis and policy statement based on federal and state equal opportunity guidelines.

The current composition of the commission provides for equal representation of the public, line officers and police chiefs. Having input from all three groups without letting any one group dominate the commission is in the state's best interest. Allowing one group to dominate the commission by increasing its membership on the commission would be detrimental to everyone. It is a generalization to assume that members of the public would more likely side with line officers than with police chiefs on certain issues, and the committee substitute added a provision barring public members or their spouses from association with law enforcement labor unions. Furthermore, by staggering subgroup membership, the bill would also help maintain on the commission at least one experienced member from each group at any one time.

**OPPONENTS
SAY:**

Police chiefs have a diluted voice on the commission because public members tend to side more often with police officers on certain issues. To resolve this imbalance, HB 1856 should provide for additional representation from supervisory officers, who are precisely the ones with first-hand knowledge of skills and training needs.

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NOTES:

The committee substitute excluded anyone associated with a law enforcement labor union from being eligible for appointment as a public member of the commission.

The companion bill, SB 366 by Armbrister, is pending in the Senate State Affairs Committee.

A related bill, HB 2942 by McCall, which would change the composition of the commission, has been referred to the House Public Safety Committee.