
**HOUSE COMMITTEE ON LAW ENFORCEMENT
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2006**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
80TH TEXAS LEGISLATURE**

**JOE DRIVER
CHAIRMAN**

**COMMITTEE CLERK
CANDACE BROWN**



Committee On
Law Enforcement

November 10, 2006

Joe Driver
Chairman

P.O. Box 2910
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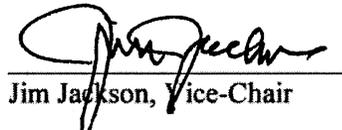
The Honorable Tom Craddick
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

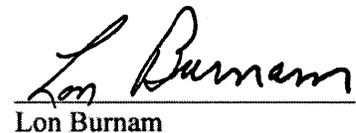
Dear Mr. Speaker and Fellow Members:

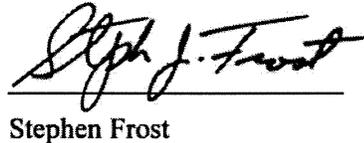
The Committee on Law Enforcement of the Seventy-Ninth Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Eightieth Legislature.

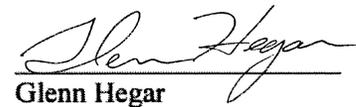
Respectfully submitted,


Joe Driver


Jim Jackson, Vice-Chair


Lon Burnam


Stephen Frost


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Jim Jackson
Vice-Chairman

Members: Lon Burnam, Stephen Frost, Glenn Hegar, Suzanna Gratia Hupp, Marc Veasey

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INTRODUCTION

At the beginning of the 79th Legislature, the Honorable Tom Craddick, Speaker of the Texas House of Representatives, appointed seven members to the House Committee on Law Enforcement. According to the proclamation establishing the committee, the committee obtained jurisdiction over all matters pertaining to:

1. law enforcement;
2. the prevention of crime and the apprehension of criminals;
3. the provision of security services by private entities; and
4. the following state agencies: the Commission on Law Enforcement Officer Standards and Education, the Department of Public Safety, the Polygraph Examiners Board, the Texas Commission on Private Security, the Commission on State Emergency Communications, and the Crime Stoppers Advisory Council.

During the interim, the Speaker assigned the following six charges to the Committee:

1. Study the adequacy and effectiveness of the Department of Public Safety trooper training.
2. Oversee the implementation and enforcement of the provisions of House Bill 164, 79th Legislature, as it relates to the manufacture of methamphetamines, and the distribution and sale of prescription and non-prescription drugs.
3. Research options for stable funding sources for the University of North Texas Missing Persons DNA database.
4. Monitor the implementation of Senate Bill 568, 79th Legislature, as it relates to law enforcement response to private home alarms.
5. Evaluate the efficacy of designing a law enforcement training program specifically applicable to small or rural police agencies.
6. Monitor the agencies and programs under the committee's jurisdiction.

On May 3, 2006, the Committee met in Austin to hear testimony on interim charges 2 through 6. During the following months, the Chair and staff were in frequent communication with state agencies, private organizations and staff from members' offices to discuss the issues raised at the hearing and create feasible solutions.

The Committee would like to thank the Office of the Governor - Criminal Justice Division, Texas Commission on Law Enforcement Officer Standards and Education, Department of Public Safety, Texas Police Chiefs Association, Texas Municipal Police Association, Department of State Health Services, University of North Texas DNA Identity Laboratory, Representative Charlie Geren, Betty Horton, and Alex Huffaker.

HOUSE COMMITTEE ON LAW ENFORCEMENT

INTERIM STUDY CHARGES

- CHARGE** Study the adequacy and effectiveness of the Department of Public Safety trooper training.
- CHARGE** Oversee the implementation and enforcement of the provisions of House Bill 164, 79th Legislature, as it relates to the manufacture of methamphetamines, and the distribution and sale of prescription and non-prescription drugs.
- CHARGE** Research options for stable funding sources for the University of North Texas Missing Persons DNA Database.
- CHARGE** Monitor the implementation of Senate Bill 568, 79th Legislature, as it relates to law enforcement response to private home alarms.
- CHARGE** Evaluate the efficacy of designing a law enforcement training program specifically applicable to small or rural police agencies.
- CHARGE** Monitor the agencies and programs under the committee's jurisdiction.

CHARGE 1

Department of Public Safety Trooper Training

Study the adequacy and effectiveness of the
Texas Department of Public Safety trooper training.

Background

The primary controversy regarding trooper training centers around the Arrest and Control Tactics drill. These boxing-type drills between opposing recruits permitted strikes to the head. This type of training had been traditionally accepted as necessary to ensure troopers were adequately prepared to handle physical encounters that occur in the course of their routine job assignments. Highway Patrol troopers often work alone on rural highways where there may be little or no back-up from other officers.

Throughout the history of the Department, every commissioned officer graduating from recruit school has undergone a similar form of training. In the seventy year history of utilizing this type of training with thousands of officers participating, there has been one critical injury and one death. As a result of these incidents, steps were taken by the Department of Public Safety to reduce the risks of future injury during the Arrest and Control Tactics drill. Modifications were made to the training, equipment was evaluated and updated, and initial medical screening was enhanced.

A complete and thorough review of recruit training was ordered to ensure not only the safety of the participants, but also the effectiveness of the training in preparing troopers to do their job. The Department contracted with The Gables Group, Inc. to provide the services of two medical doctors with expertise in the area of occupational medicine and law enforcement defensive tactics. Richard Miller, M.D. and Fabrice Czarnecki, M.D., M.A., M.P.H., conducted the evaluation. These experts studied the Defensive Tactics Training program utilized by the Department and provided advice on new or alternative training programs, methodologies, techniques, equipment, and other related factors that could improve and/or enhance the safety and overall effectiveness of the program. These findings were prepared and submitted to the Department by The Gables Group, Inc. in the report entitled "Trooper-Trainee Active Countermeasures Training Evaluation".

Please note the Gables Group, Inc. report is available in its entirety online:

www.txdps.state.tx.us/docs/Active%20Countermeasures%20Training%20Evaluation.pdf#search=%22dps%20trooper-trainee%20active%20countermeasures%20training%20evaluation%22

As a result of the study, the Defensive Tactics training was changed entirely, and significant changes have been made to the medical screening, medical monitoring, safety precautions, safety equipment, instructor training, injury data collection and review procedures. The Department is continuing to implement the recommendations made by Drs. Miller and Czarnecki.

The Department of Public Safety has implemented the following changes:

1. Discontinue the current Survival and Control Tactics program, including grappling (role playing) and the force-on-force (full force) exercises.
2. Implement a scenario-based simulation training program, as part of the current Arrest and Control Tactics program.
3. Document medical evaluation procedures during the training exercises.
 - The Department is currently in the process of including the use of a medical evaluation form in their training policies.
4. A) Increase the number of defensive tactics instructors.
B) Formalize qualifications for Defensive Tactics (DT) Instructors in Policy.
 - The Department is currently in the process of:
 - Ensuring that DT Instructors and appropriate staff obtain and maintain EMT certification.
 - Developing a policy on continuing education requirements.
 - Exploring the possibility of obtaining a stipend from the Legislature for DT Instructors
5. Adopt a policy for the appropriate staff to obtain and maintain EMT certification.
 - The Department is currently in the process of recommending the minimum level of First Aid Certification needed for all DT Instructors and develop written guidelines DT Instructors can follow to obtain EMT certification.

-
6. Formalize injury review process for injuries occurring in training. TXDPS should regularly collect and analyze data on recruit training injuries. The Department is currently:
- Establishing a DPS Injury database. This database will also document changes made to correct injury problems identified in the program.
 - Developing a report that identifies more detailed information regarding the injury (type, body part, activity, exercise, location) that could provide specific information to Training so that corrective action can be taken. Training will review this report for trends.
7. Develop a position of TXDPS Occupational Medicine Physician.
- The Department is currently in the process of examining the feasibility of hiring an employee for this position. They are developing a list of job requirements and researching recommendations on whether to hire or contract with a physician.
8. Implement realistic, validated training. The Department is in the process of:
- Examining the pros and cons for the use of simulated firearms for management's consideration for future tools.
 - Incorporating use of force scenarios received during the Federal Law Enforcement Training Center (FLETC) training course into DPS DT training course using the above recommendations.

9. Develop a formal way to validate defensive tactics training, and implement changes, using the following tools:

- Review of all or selected use of force reports by Academy staff.
- Acquire feedback from Academy graduates.
- Perform surveys of officers in the field.
- Conduct interviews of officers who have been involved in fights.
- Examine line of duty injury reports.
- Network with other instructors, through publications, conferences, training organizations, and list servers.
- Revise the curriculum at least every two years to help ensure that training is valid and current.

The Department is in the process of conducting an evaluation of the students' achievement during simulation training and developing a procedure and policy for the review of current practices, policies, incidents, reports, articles, etc. that can be used to validate the effectiveness of the DT program.

10. Implement a conflict management program, in which students learn to use effective communication to help prevent physical confrontations: that program should be an integral part of the arrest and control tactics training.

11. Implement a "self-defense conditioning" program to supplement the current physical training program.

- The Department is currently in the process of obtaining additional training in Pylometrics exercises through a private or public entity that the Training staff can attend.

12. Update Candidate Medical Screening (Pre-placement)

13. Update Academy Recruit Medical Screening - develop guidelines for blood pressure levels that restrict physical and defensive tactics training for recruits with high blood pressure. The Department is currently:

- Developing policy for standards for cardiac fitness and incorporating them into the Recruit School manual.
- Developing procedures for taking blood pressure with improved detection of high blood pressure.

14. Develop Academy Injuries and Return to Training Medical Procedures.

The Department's implementation of the new Defensive Tactics training has reduced injuries significantly in both numbers and severity. In class A2005, there were twenty-five injuries requiring medical treatment as a result of physical contacts during training. Two of those injuries were considered to be serious head injuries, one of which resulted in a death. In class A2006, the new Defensive Tactics training resulted in nineteen injuries, none of which were serious.

This reduction in numbers and reduced severity of injuries is indicative to the Department of safer training. The safer training is due in large part to the use of trained instructors engaging recruits in a combative role rather than having the recruits engage each other. This facilitates a critical element of control and restraint that was previously difficult to achieve in any consistent manner. Recruits still practice the various defensive techniques with each other but only at slow speeds and with a "no punching" rule. The final Tactical Simulation Drill is a full-speed role-playing exercise and is restricted to no student-on-student interaction.

The new Defensive Tactics training appears to be safer and more effective than the previous training methods used by the Department. Some of the old techniques incorporated skills not generally utilized by law enforcement officers in actual physical confrontations. For example, while a toe-to-toe boxing drill certainly allows for an evaluation of a person's willingness to engage in physical contact, it is not a desired technique to be utilized during an actual arrest.

The Defensive Tactics training currently in use at the Department incorporates all the major recommendations made by the consulting medical doctors of The Gables Group Inc. These changes have resulted in Defensive Tactics training that is not only safer, but more effective. The Department will continue to closely monitor this program to ensure the training is properly validated and updated with safety remaining at the forefront.

Recommendations

This particular charge was not raised in committee during the public hearing on May 3, 2006, as the Department had recently commissioned the consulting firm, The Gables Group, to investigate and make recommendations on changes to the Active Countermeasures Exercises.

The first training academy to use the new procedures is currently in session and set to graduate on September 15, 2006. Therefore, the decision was made to wait for results on the status of the new measures before hearing testimony on whether further changes are necessary.

An interim hearing may be scheduled in the future in order to obtain further information if the committee sees fit. At current, it is recommended that the committee continue to monitor the effectiveness of the recently implemented changes.

CHARGE 2

Manufacture of Methamphetamines

Oversee the implementation and enforcement of the provisions of
House Bill 164, 79th Legislature,
as it relates to the manufacture of methamphetamines,
and the distribution and sale of prescription and non-prescription drugs.

Background

The manufacture, delivery, and consumption of methamphetamines is an epidemic in Texas. In 2000, the Texas Commission on Alcohol and Drug Abuse (TCADA) reported that 1,821 people were admitted into Texas treatment centers for methamphetamine abuse; in 2004, that number rose to 11,238, illustrating the dramatic trend of rising use.

The monetary and human costs of methamphetamine use are high. The manufacture of methamphetamine exposes those around it, including children, to toxic chemicals, as well as a significant danger of fire or explosion. Those who use methamphetamines tax our state's public health and welfare resources. The cleanup of seized methamphetamine labs and training for narcotics officers cost the state additional funds. Additionally, peace officers often sustain serious and life threatening injuries from encountering methamphetamine labs.

During the 79th Legislative Session, House Bill 164 addressed these issues by authorizing certain state officers to take possession of a child that has been permitted to remain on premises used for the manufacture of methamphetamine, regulating over-the-counter sales of pseudoephedrine, and placing new requirements and responsibilities on non-prescription drug wholesalers.

The bill amended the Health and Safety Code by including items used in the manufacture, processing, analyzing, storing, or concealing of methamphetamine in the offense of possession or transport of certain chemicals with intent to manufacture a controlled substance. The bill also amended the Health and Safety Code by combining the separate offenses related to the illegal possession or transport of anhydrous ammonia and the illegal use of equipment involving anhydrous ammonia into one offense.

The bill allowed the Department of Family and Protective Services to take possession of a child that is on the premises where there is the manufacture of methamphetamine. The bill restricted the sale of solid dose forms of pseudoephedrine to businesses that own and operate a pharmacy and to those businesses that obtain a certificate of authority from the Department of State Health Services (DSHS). DSHS is required to issue certificates, collect fees, and inspect firms with a certificate of

authority to assure compliance with the law. DSHS was also allowed to recover reasonable costs related to the processing of licenses and conducting inspections.

The bill added a new subchapter to Chapter 431 of the Health and Safety Code to regulate the distribution of prescription drugs. The bill created additional requirements for licensing as a wholesale prescription drug or device distributor.

Current Status

During the hearing held on May 5, 2006, Johnny Hatcher of the Department of Public Safety - Narcotics Service testified that the current legislation has been working thus far, and he has received no complaints. Other agencies have contacted him inquiring about liquid products that contain pseudoephedrine as well, such as gel caps. Although liquid forms were more difficult to manufacture, the chemists could still obtain the amounts they required to produce the intended drug. Mr. Hatcher also testified that although overall lab closures have been reduced by 50 percent, there has been a rise in the seizure of Mexican amphetamine (a crystalline form also known as "ice") as the demand has increased.

James Brubaker of the Department of Public Safety - Narcotics Service also reiterated that the amount of lab seizures have decreased, by 50 to 80 percent depending on the timeframe and county (Please note charts, Appendix A, B, and C). Seizures of Mexican ice for the first quarter of the year were higher than the amount that was recovered for the entire previous year. Mr. Brubaker noted that there are several super-labs located in Mexico that have the capacity to manufacture a product with quality in the 90 percent plus range, and that 95 percent of the methamphetamines seized are in the crystalline form. He also remarked that there is an issue with the proximity along the border, and the availability of the drug. Mexico has implemented new laws regarding methamphetamines; however it is uncertain if this will cause a change in the overall trafficking across the border.

Registration:

Susan Tennyson of the Department of State Health Services testified that she is involved with the registration of retailers. At current, the Department has processed approximately 2,500 certificates of authority. They are in the process of hiring inspectors to perform inspections and record complaints. Chairman Driver inquired as to whether there had been had any problem with the existing process in place to sign retailers up, or if retailers are refusing to sign up for the program. Ms. Tennyson stated that there are no outstanding issues with large retailers; however it is becoming apparent that the smaller retailers may need more notification and information. The Department is examining their educational process in order to better target smaller retailers. Chairman Driver also inquired as to the status from law enforcement on checking registers. Ms. Tennyson testified that she has heard from local law enforcement, and that they are checking the registers and have had no issues from the retailers when requesting to examine the documentation.

Cleanup/Safety:

The National Conference of State Legislatures Legisbrief (Vol. 23, No. 1 – January 2004) states that,

"Manufacturing meth creates hazardous waste and poses significant health and environmental hazards. Small-scale, clandestine labs are typically located on residential properties or in mobile units. For every pound of methamphetamine produced, about six pounds of toxic waste are left behind. After law enforcement officials seize a lab, the average cost of cleanup is about \$5,000, but it can climb to as much as \$150,000 for large-scale labs."

Tom Gaylor of the Texas Municipal Police Association testified that the bill is effective at preventing injuries and reducing dangers that face law enforcement personnel. During a previous methamphetamine lab bust, a clandestine lab located on the first floor of an apartment building exploded. From his information, those types of situations are not occurring anymore, perhaps because the demand has been filled by the Mexican product, or products from other states. There has been a dramatic reduction of labs within the state, as well as a reduction in expensive cleanup and an increase in public safety.

Prevention/Demand:

Representative Lon Burnam raised a question regarding how to address not only the supply side, but the demand side of methamphetamine use.

Mimi McKay of the Department of State Health Services (DSHS) – Mental Health and Substance Abuse Services testified that there are methamphetamine prevention programs currently in use. Studies reveal that the first use of methamphetamines is between the ages of 14 and 15, which is older than the typical first use of other drugs like marijuana. The Department is in the process of producing a meth video (focused at teachers, parents, and students) to be distributed in the fall. In addition, the Department is working with prevention resource centers to deliver a focused message on the harmful effects of methamphetamines. Senate Bill 66, 79th Legislature, required DSHS to administer, coordinate, and contract for prevention programs for private and public school students and to educate schools and parents of students on identifying and helping children who use or are exposed to methamphetamine.

Senate Bill 66 also required the DSHS to implement a methamphetamine watch program. "Meth Watch" is a program sponsored by the Consumer Healthcare Products Association (CHPA) and is designed to help curtail the theft and suspicious sales of pseudoephedrine products, as well as other common household products used in the illicit manufacturing of methamphetamine in small, toxic labs. A key goal of this program is to promote cooperation between retailers and law enforcement to prevent the diversion of legitimate products for illegal use. More information on the program can be found online: www.methwatch.com

Recommendations

The bill as passed has helped to reduce the number of labs operating in the state of Texas, thus protecting the welfare of children and the safety of law enforcement. Although the law has been successful in the battle against the manufacturing of methamphetamines within the state of Texas, trafficking has increased from Mexico and the surrounding states. With the increased focus on border security initiatives, this may help to further control trafficking from Mexico, however, interstate trafficking remains a concern.

In addition to interstate trafficking, focus must also be shifted towards decreasing the demand for methamphetamines in the first place. Representative Lon Burnam stressed the importance of examining programs that focus on prevention in order to decrease the demand for methamphetamines.

The committee recommends that the Legislature monitor the effectiveness of the Meth Watch Program, created by SB 66 in the 79th Legislature in implementing abuse prevention tactics.

In an effort to further strengthen House Bill 164, the committee recommends the examination of the “Combat Methamphetamine Epidemic Act of 2005” the US Congress passed in May of 2006, which has some provisions that are more stringent and restrictive than the current Texas law.

CHARGE 3

University of North Texas Missing Persons DNA Database Funding

Research options for stable funding sources for the
University of North Texas Missing Persons DNA Database.

Background

The University of North Texas Systems Center for Human Identification, located at the University of North Texas Health Science Center at Fort Worth, is one of only three DNA labs in the country which routinely uploads information into databases in CODIS (Combined DNA Index System software) which is used to solve missing person cases. Furthermore, it is the only academic center lab qualified to work with the FBI and its national mission persons database. The other two DNA labs are California's Department of Justice Lab and the FBI's own facility.

Texas was the first state, and is still one of only three states with laboratory facilities capable of processing both nuclear DNA and mitochondrial DNA (mtDNA) and uploading both types of genetic profiles into the FBI's CODIS Missing Persons DNA Database.

The mission of the University of North Texas System Center for Human Identification is to:

- Provide identification and forensic analysis of unidentified human remains.
- Establish the causes and circumstances surrounding the deaths of these individuals.
- Establish a basis for the future identification of persons reported missing.
- Provide educational services to the medical legal community in order to foster improved access to and utilization of the Center.
- Provide all of these services to Texas law enforcement agencies, medical examiners, coroners and families at no charge.

The UNT System Center for Human Identification lab is working with the National Center for Exploited and Missing Children to eventually process 100 percent of the 600 cases the NCEMC hopes to index to help identify missing children.

Since 2005, the only funding for the laboratory comes from federal grants, despite the fact that in 2001, the 77th Texas Legislature passed Senate Bill 1304.

SB 1304:

- **Established the Texas Missing Persons DNA Database at the University of North Texas Health Science Center.**
- **Required that the DNA Database for Missing Persons or Unidentified Human Remains at the UNTHSC must be operational by January 1, 2003.**
- **Required that the results of the DNA analysis must be compatible with the FBI's CODIS system.**
- **Required DPS to develop standards and guidelines for the collection of DNA samples.**
- **Required DPS to develop a model DNA collection kit for law enforcement agencies.**
- **Required DPS to develop priorities for backlog cases giving the highest priority to children.**

Senate Bill 1304 mandated that law enforcement agencies must inform families of high-risk missing persons that they can voluntarily submit reference DNA samples and/or a personal article belonging to the high-risk missing person to the database within 30 days of filing a missing person's report for DNA analysis.

A high-risk missing person or child is defined as:

- **A person or child missing as a result of an abduction by a stranger; or**
- **A person or child missing under suspicious or unknown circumstances; or**
- **A person or child who has been missing more than 30 days; or**
- **A person or child who has been missing less than 30 days when there is reason to believe that the person is in danger or deceased.**

The second source of possible funding was located within Senate Bill 651, which the 79th Texas Legislature passed in 2005:

- Transferred the statutory provisions creating the Texas Missing Persons DNA Database from Subchapter I, Chapter 105, Education Code to Chapter 63, Code of Criminal Procedure, to Subchapter B, Chapter 63, Code of Criminal Procedure. This provided potential access to additional federal funds.
- A physician acting on the request of a justice of the peace under Subchapter A, Chapter 49, a county coroner, a county medical examiner, or other law enforcement entity, as appropriate, shall collect samples from unidentified human remains.
- The justice of the peace, coroner, medical examiner, or other law enforcement entity shall submit those samples to the center for forensic DNA analysis and inclusion of the results in the DNA database.

Senate Bill 651 mandates that coroners and medical examiners must collect a sample of unidentified remains and submit the samples to the University of North Texas Health Science Center for analysis and inclusion into the database. While both SB 1304 and SB 651 were passed, neither law was funded in the appropriations bill.

When DNA samples unlock a crime mystery, they provide families with information they have sought for years and create a shorter, more inexpensive and proactive investigative process for law enforcement. However, the UNT System Center for Human Identification, which operates the Texas Missing Persons DNA Database, remains unfunded by the state despite having played a key role in more than 50 Texas cases.

Current Status

According to testimony provided from Dr. Arthur Eisenberg of the University of North Texas System Center for Human Identification, each day there are nearly 100,000 active missing persons cases in the United States. Tens of thousands of individuals, both children and adults, vanish each year under suspicious circumstances. Throughout the United States there may be as many as 40,000 skeletal remains stored at medical examiners, coroners and law enforcement agencies that cannot be

identified by conventional means. In the vast majority of cases where a physical examination of unidentified remains has been performed and a cause of death has been determined, the death was the result of a violent crime. Within the State of Texas, the Department of Public Safety's Texas Missing Persons Clearing House receives 70,000 to 80,000 missing persons reports each year. Of these, several thousand cases may meet the criteria of high-risk.

Reference samples have been received from 170 law enforcement agencies within Texas. Unidentified human remains have been received from 64 medical examiners, coroners, or law enforcement agencies within Texas. Surveys from medical examiners, coroners and law enforcement have identified approximately 1,000 sets of unidentified human remains are in various locations throughout Texas.

To date, the UNT System, Center for Human Identification has identified approximately 40 sets of skeletal remains. Each of these remains were victims of a violent crime. Without the Texas Missing Persons DNA Database the identity of these human remains would probably never have been known. Additional facts regarding this issue are as follows:

- President's DNA Initiative: The UNT System, Center for Human Identification has been funded to provide nationally: Anthropological, mtDNA and STR Analysis of Unidentified Human Remains and Family Reference Samples for Entry into CODIS. The combined funding for 2004 and 2005 is \$2,234,782. (*NIJ Cooperative Agreement: 2004-DN-BX-K212*)
- No state funding for UNTHSC since FY 2004.
- Initial funding from the Office of the Attorney General FY 2002-2003 - \$1,066,311
- Last funding from the Office of the Attorney General FY 2004 - \$426,000
- Funding is used for personnel, supplies, reagents, DNA collection kits, instrument maintenance, proficiency testing, educational expenses for law enforcement.
- All testing is provided at no charge to state and local law enforcement agencies, the medical legal community, National Center for Exploited and Missing Children, National Center for Missing Adults, state and local CODIS labs, and families.
- No ongoing state funding to support provision of the services.
- UNTHSC has met its mandated obligations without appropriate ongoing state funding.

Recommendations

University of North Texas System Center for Human Identification has requested the following funding:

- \$839,721 to fund expenses since FY 2004 (level of operation reduced relative to state needs).
- \$750,000 per year to maintain operation and meet the needs of Texans.

The Committee is of the opinion that it is important for this facility be maintained and a state based funding source must be found.

CHARGE 4

Private Home Alarms

Monitor the implementation of Senate Bill 568, 79th Legislature,
as it relates to law enforcement response to private home alarms.

Background

Due to the growing number of alarm security systems that are installed to provide protection and security for this state's homes, schools, businesses and other public spaces, there has been a large increase of false alarms throughout the state.

Senate Bill 568 was passed in order to establish a system to reduce the number of false alarms to which police must respond. The goal of this legislation was to reduce false alarms, and provide a framework for cities to choose how to respond to home alarms with the input of its citizens.

After the passage of Senate Bill 568, there were significant reductions in the number of false alarms. (Please note "A Coalition for Mutual Support - Benchmark Surveys - 2003 and 2005 Data on False Alarms", Appendices D through G.)

Recommendations

Committee has no recommendation for further legislative action at this time.

CHARGE 5

Law Enforcement Training in Small or Rural Police Agencies

Evaluate the efficacy of designing a law enforcement training program specifically applicable to small or rural police agencies.

Current Status

Representative Frost brought a concern regarding the applicability of required training of law enforcement officials in small or rural police agencies to the attention of the committee. The focus of the matter was that the training seminars conducted by the state didn't address the concerns of a small or rural law enforcement agency in regards to continuing education requirements.

During the hearing on May 3, 2005, Timothy Braaton, Executive Director of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) testified that there are 1,530 law enforcement agencies in the state of Texas with a force of less than 10 police officers. Every peace officer is required to take 618 hours in order to fulfill the basic training requirement. Many training academies surpass that minimum, depending on how much the local law enforcement agency deems is necessary. Therefore, the number of training hours they may be exposed to prior to their licensing exam depends on where the small and rural areas send their police officers to train.

Distance learning courses are available from the state, and all peace officers have access to them. TCLEOSE highly recommends they take advantage of the online courses. There are 28 courses currently offered, and all are accessible by home computers. TCLEOSE data that shows that many take advantage of the distanced learning option. (Please note chart, Appendix H.) Since the beginning of the fiscal year, 16,700 courses have been completed by peace officers for a total of over 100,000 hours of training over the Internet.

Mr. Braaton believes that in order to train for any purpose, the training must be good and appropriate, and in the case of small and rural agencies it must be delivered in such a way that it is easily accessible. Many times peace officers from small and rural agencies are unable to attend the training academy due to the distance from their jurisdiction, the cost of travel and lodging, or manpower shortages. The best way to deliver training in those cases is through the distance learning. However, if small and rural departments don't find that this training is applicable, then TCLEOSE agrees that those concerns need to be addressed.

Recommendations

TCLEOSE should be instructed by the Legislature to evaluate whether or not additional online courses geared towards the training needs of peace officers in small and rural agencies should be offered, and to report back to the Law Enforcement Committee by January 1, 2008.

CHARGE 6

General Oversight

Monitor the agencies and programs under the committee's jurisdiction.

I. Department of Public Safety

A. Continue to monitor the development and implementation of safer trooper training methods.

B. Monitoring of DPS activities in preparation for the implement of federal REAL ID Act:

The committee is monitoring on-going activities by the Department of Public Safety to prepare for implementation of the federal Real ID Act. Signed into law in May 2005, this act requires significant changes in the way our state issues driver's licenses and identification cards (DL/ID). It poses significant implementation challenges in the areas of legislation, technology, operations, and cost. Failure to comply with the act by May 11, 2008, will result in a Texas-issued DL/ID becoming invalid for such federal identification-required purposes as boarding a commercial aircraft, entering a federal building, or entering a nuclear power plant.

The act requires that a new or renewed DL/ID must contain the full legal name, digital photograph, principal residence address, and a common machine-readable technology with defined minimum data elements. The issuing state must require presentation and verification of the following information prior to issuance of a DL/ID: photo identity document or a non-photo identity document if it includes both the person's full legal name and date of birth; document showing the person's date of birth; proof of social security number or verification of non-eligibility; documentation showing the name and principal residence address; and evidence of lawful presence in the United States. The verification process is spelled out in federal law. All 20 million DL/ID holders in the state, as well as new applicants, would be subject to the proof and verification provisions.

As of the date of the adoption of this report, the federal Department of Homeland Security is in the rulemaking process for implementation of the law. The Texas Department of Public Safety has participated in the process, serving on the advisory committee. In July 2006 DPS officials briefed legislators and staff on the on-going preparation for implementation, providing a preliminary impact analysis in terms of state actions required and cost. If anticipated rule language is adopted, DPS estimates it would cost the state \$8,644,794 in FY 06 and \$4,430,051 every fiscal year thereafter to become and remain compliant with the law.

H.R. 1268 implementation costs and continued out-year maintenance estimates as of July 24, 2006 (prior to adoption of rules).

COST ANALYSIS	FY06	FY07	FY08	FY09	FY10
Information Required on DL/ID (Photograph required on all license types)	\$193,170	\$193,170	\$193,170	\$193,170	\$193,170
Minimum Issuance Standards (Social Security Online Verification - SSOLV)	\$447,772	\$10,500	\$10,500	\$10,500	\$10,500
(Systematic Alien Verification Entitlements - SAVE)	\$968,389	UNK	UNK	UNK	UNK
(Address Verification)	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000
(Verification of Texas Birth Certificates)	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000
(75 Additional Troopers)	\$5,131,613	\$2,788,421	\$2,788,421	\$2,788,421	\$2,788,421
(30 Additional Call Center Representatives)	\$916,080	\$777,960	\$777,960	\$777,960	\$777,960
Temporary DL/ID (Issuance of new DL/ID type)	\$21,782	\$0	\$0	\$0	\$0
Fraud Prevention and Security Standards (Fraudulent Document Recognition - FDR Training)	\$305,988	\$0	\$0	\$0	\$0
Total	\$8,644,794	\$4,430,051	\$4,430,051	\$4,430,051	\$4,430,051

Recommendations:

The 80th Texas Legislature should pass legislation necessary to implement the provisions of the Real ID Act.

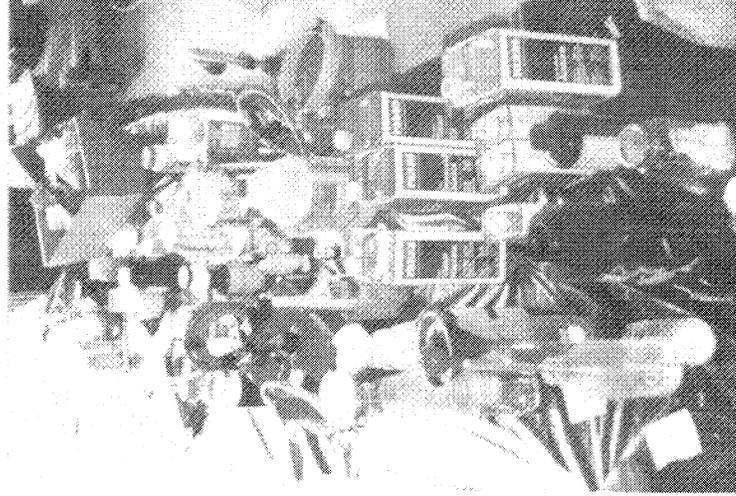
The committee should monitor the federal rulemaking process for the Real ID Act.

II. All Other Agencies

During the testimony on oversight of the committee's charged agencies, no issues were presented either by the agencies or by others about agency performance that indicate a need for further study or legislative action at this time.

Appendices

Methamphetamine Lab Seizure

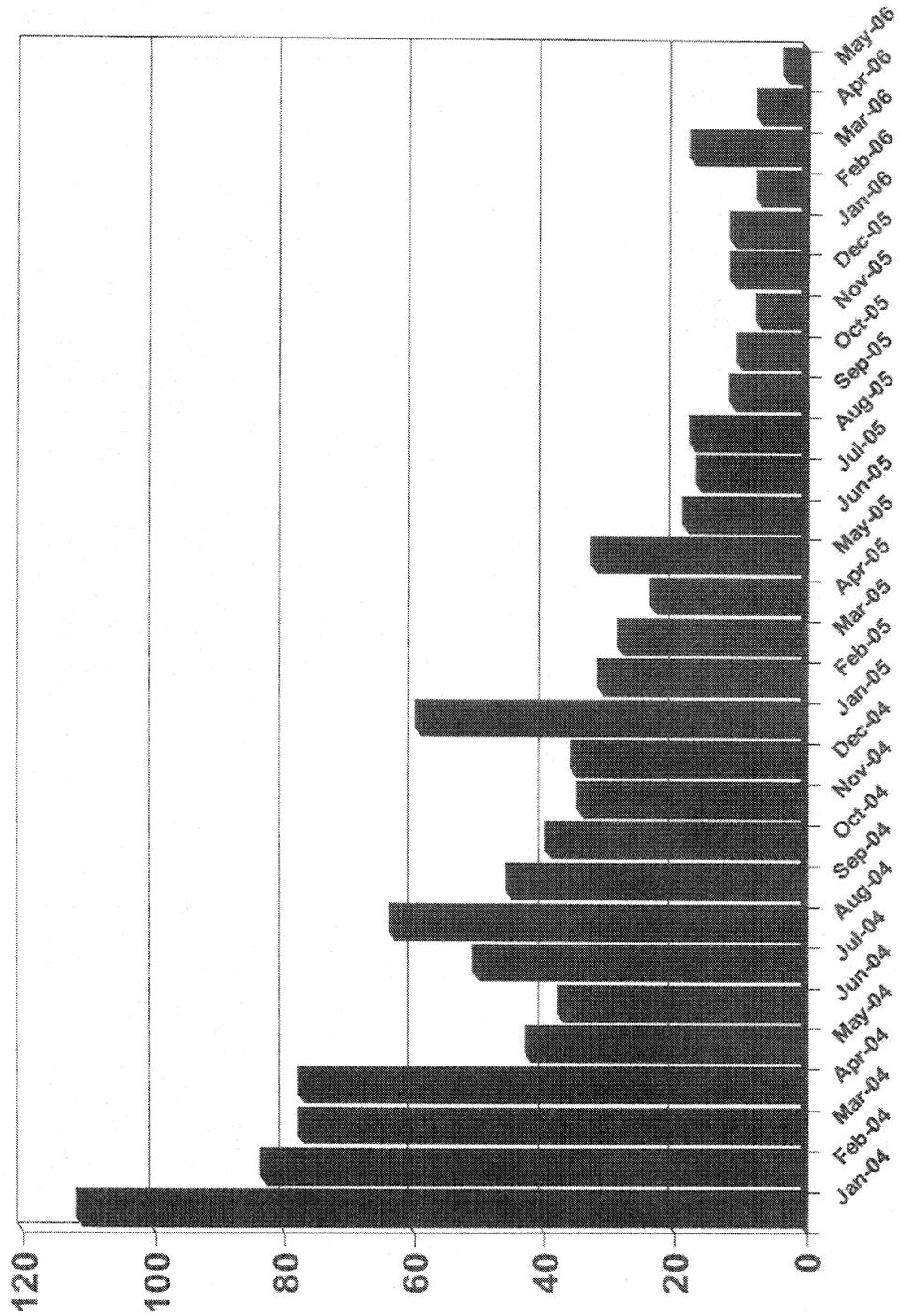


- FY2005 - 382 labs total
 - 246 labs seized by Task Forces
 - 124 Anhydrous
 - 104 Red Phosphorous
 - 18 Other
 - 136 labs seized by DPS
 - 51 Anhydrous
 - 77 Red Phosphorus
 - 8 Other

- FY 2006 through May – 86 labs total
 - 50 labs seized by Task Forces
 - 30 Anhydrous
 - 15 Red Phosphorous
 - 5 Other
 - 36 labs seized by DPS
 - 15 Anhydrous
 - 18 Red Phosphorus
 - 3 Other

Appendix B

DPS and Task Force Clandestine Lab Seizures



Early 2006 Interdiction Successes

Texas DPS Statewide Narcotics and Currency Seizures – All Services

<u>Commodity</u>	<u>1st Quarter 2006 Totals</u>
Cocaine	1,032 kg
Methamphetamine	56 kg
Heroin	0.2 kg
Marijuana	44,053 lbs
US Currency	\$ 3,192,364

- * Cocaine seizures are already over half of 2005 total.
- * Methamphetamine seizures at an all time high.
- * Marijuana on track to be highest in 3 years.

Significant Early 2006 Seizures

Jan. 6	333 Kg Cocaine – Pharr, TX – Hidalgo Co.
Jan. 11	29.7 Kg Meth – Devine, TX – Medina Co.
Jan. 20	200 Kg Cocaine – Hidalgo, TX – Hidalgo Co.
Jan. 30	\$216,960 – Monahans, TX – Ward Co.
Feb. 3	7,747 Lbs Marijuana – Sebastian, TX – Willacy Co.
Feb. 17	\$257,719 – Diboll, TX – Angelina Co.
Mar. 30	6,795 Lbs Marijuana – El Campo, TX – Wharton Co.
May 10	\$2.3Million – El Campo, TX – Wharton Co.
May 18	\$2.5Million – El Paso, TX – El Paso Co.



Appendix D

Contribution for Mutual Support Benchmark City Survey - 2003 Data Alarm Data

City	Burglar Alarm Ordinance	Verified Response	Suspension of Police Response	Suspension Allowed After How Many Alarms?	Total # Alarm Users	Total # False Alarm Responses	Average # of False Alarms Per User
Aurora, CO	No	No	Yes	3 / calendar year	Unk	10,179	Unk
Bellevue, WA	Yes	No	Yes	6	Unk	1,905	Unk
Boca Raton, FL	Yes	No	No	N/A	Unk	10,682	Unk
Boulder, CO	No	No	Yes	No	2,674	2,657	1.0
Clearwater, FL	Yes	No	No	No	8,596	1,163	0.1
Coral Springs, FL	Yes	Yes	Yes	6	12,880	6,970	0.5
				2 in 30 day 4 in 90 days 6 in 180 days 8 in 360 days			
Fort Collins, CO	Yes	No	Yes		Unk	4,149	Unk
Fremont, CA	Yes	No	Yes	5	7,000	6,130	0.9
Garland, TX	Yes	No	Yes	8-burglary 6-robbery	17,836	9,433	0.5
Irving, TX	Yes	No	Yes	12	32,000	10,787	0.3
Lakeland, FL	Yes	Yes	No	N/A	Unk	6,895	Unk
Lincoln, NE	Yes	No	Yes		Unk	4,262	Unk
Naperville, IL	Yes	Yes	Yes	16	Unk	3,865	Unk
Norman, OK	No	No	N/A	N/A	4,620	7,668	1.7
Olathe, KS	Yes	No	No	N/A	Unk	3,011	Unk
Overland Park, KS	Yes	No	Yes	10	13,696	7,063	0.5
Peoria, IL	Yes	No	No	No	Unk	3,890	Unk
Plano, TX	Yes	No	No	N/A	23,340	18,716	0.8
Richardson, TX	Yes	No	Yes	10 in 12 months	8,433	8,337	1.0
Scottsdale, AZ	Yes	Yes	No	5	27,699	18,949	0.7

2003 Participants

Aurora, CO
 Bellevue, WA
 Boca Raton, FL
 Boulder, CO
 Clearwater, FL
 Coral Springs, FL
 Fort Collins, CO
 Fremont, CA
 Garland, TX
 Irving, TX
 Lakeland, FL
 Lincoln, NE
 Naperville, IL
 Norman, OK
 Olathe, KS
 Overland Park, KS
 Peoria, IL
 Plano, TX
 Richardson, TX
 Scottsdale, AZ

Note: "False Alarms" are defined as: An alarm activation where the responding offices found no evidence of actual or suspected criminal activity.

Appendix E

A Coalition for Mutual Support Benchmark City Survey - 2003 Data Top Five Calls For Service By Type

City	Top Five Calls For Service By Type				
	#1	#2	#3	#4	#5
Aurora, CO	Alarm	911	Theft	Traffic - Accident	Domestic Calls
Bellevue, WA	Alarm	Theft	Alarm	Check Welfare	Check Area
Boca Raton, FL	Alarm	911	Suspicious Activity	Traffic - Accident	Disturbance
Boulder, CO	Disturbance	Property Damage	Alarm	Theft	Criminal Mischief
Clearwater, FL	911	Traffic - Accident	Alarm	911	Trespassing
Coral Springs, FL	Alarm	Assist EMS	Police Service Call	Traffic - Accident	Suspicious Activity
Fort Collins, CO	Traffic - Other	Assist	Traffic - Accident	911	Disturbance
Fremont, CA	911	Alarm	Alarm	Abandoned vehicle	Follow-Up
Garland, TX	Disturbance	Alarm	Suspicious Activity	Traffic - Accident	Domestic Calls
Irving, TX	Traffic - Other	Suspicious Activity	Alarm	Disturbance	Traffic - Accident
Lakeland, FL	Disturbance	Police Service	Alarm	Suspicious Activity	Traffic - Accident
Lincoln, NE	Disturbance	Traffic - Accident	Theft	Traffic - Other	Check Welfare
Naperville, IL	Alarm	Lockouts	Check Welfare	Traffic - Accident	Motorist Assist
Norman, OK	Alarm	Disturbance	Traffic - Accident	Larceny	Disturbance
Olathe, KS	Traffic - Accident	Alarm	911	Theft	Suspicious Activity
Overland Park, KS	911	Traffic - Accident	Alarm	Traffic Complaints	Animal
Peoria, IL	Disturbance	Domestic Calls	Alarm	Traffic - Accident	Follow-Up
Plano, TX	Alarm	Traffic - Accident	Follow-Up	Follow-Up	Custody
Richardson, TX	Alarm	Disturbance	Miscellaneous	Suspicious Activity	Traffic - Accident
Scottsdale, AZ	Traffic - Other	Alarm	911	Suspicious Activity	Check vehicle

NOTE: Call types were modified slightly to provide consistency among the cities. The actual call type is recorded on the Survey Master Worksheet.

- 2003 Participants**
 Aurora, CO
 Bellevue, WA
 Boca Raton, FL
 Boulder, CO
 Clearwater, FL
 Coral Springs, FL
 Fort Collins, CO
 Fremont, CA
 Garland, TX
 Irving, TX
 Lakeland, FL
 Lincoln, NE
 Naperville, IL
 Norman, OK
 Olathe, KS
 Overland Park, KS
 Peoria, IL
 Plano, TX
 Richardson, TX
 Scottsdale, AZ

A Coalition for Mutual Support Benchmark City Survey - 2005 Data

Alarm Data

City Name	Burglar Alarm Ordinance	Verified Response	Suspension of Police Response	Suspension After How Many False Alarms?	Total # Alarm Users	Total # False Alarm Responses	Average # of False Alarms Per User
Alameda, CA*	Yes	No	No	N/A	N/A	1,722	
Bellevue, WA*	Yes	No	No	N/A	N/A	2,931	
Boca Raton, FL*	Yes	No	No	N/A	Not required	11,212	
Boulder, CO*	No	Yes	Yes	3 in 6 months	N/A	1,081	
Broken Arrow, OK	Yes	Yes	Yes	3 in 90 days	3,323	4,694	0.7
Coral Springs, FL	Yes	yes (after 6 false/year)	yes	6	12,107	5,832	2.1
Fort Collins, CO*	Yes	No	Yes	2 in 30 days 4 in 90 days 6 in 180 days 8 in 360 days	N/A	3,206	
Fremont, CA	Yes	Yes	Yes	5	6,882	675	10.2
Garland, TX	Yes	No	No	8 Burglary 4 Fire 6 Robbery	20,217	8,209	2.5
Irving, TX	Yes	No	Yes	12	9,273	10,186	0.9
Lincoln, NE*	Yes	No	No		N/A	3,415	
Naperville, IL	Yes	Yes	Yes	16	3,130	3,131	1.0
Norman, OK	Yes	No	No		5,531	12,098	0.5
Olathe, KS*	Yes	No	Yes	10	N/A	2,613	
Overland Park, KS	Yes	No	Yes	10	14,239	4,642	3.1
Plano, TX	Yes	No	No	N/A	23,188	16,225	1.4
Richardson, TX	Yes	No	Yes	10 in 12 months	7,462	5,786	1.3

2005 Participants

Alameda, CA
Bellevue, WA
Boca Raton, FL
Boulder, CO
Broken Arrow, OK
Coral Springs, FL
Fort Collins, CO
Fremont, CA
Garland, TX
Irving, TX
Lincoln, NE
Naperville, IL
Norman, OK
Olathe, KS
Overland Park, KS
Plano, TX
Richardson, TX
Syracuse, NY

* Some Data Not Available

Note: "False Alarms" are defined as: An alarm activation where the responding offices found no evidence of actual or suspected criminal activity.

Appendix G

A Coalition for Mutual Support Benchmark City Survey - 2005 Data Top Five Calls For Service By Type

City Name	Alarm Activity - Disturbance - Traffic Crash - Suspicious Activity/Person/Vehicle - Traffic Related				
	#1	#2	#3	#4	#5
Alameda, CA	Traffic	911 Call	Disturbance	Walking Stops	Suspicious Activity
Bellevue, WA	911 Call	Traffic	Theft	Alarm Call	Follow-up
Boca Raton, FL	Alarm Call	911 Call	Suspicious Activity	Traffic Crash	Disturbance
Boulder, CO	Disturbance	Traffic Crash	Theft	Welfare Checks	Traffic Complaint
Broken Arrow, OK	Alarm Call	Domestic Calls	Theft	Destruction Private Property	Assault & Battery
Coral Springs, FL	Traffic	Information Reports	Alarm Call	Assist Other Agency, Citizen	Traffic Complaint
Fort Collins, CO	Traffic Complaint	Assist Other Agency, Citizen	Traffic Crash	Suspicious Activity	Disturbance
Fremont, CA	911 Call	Disturbance	Alarm Call	Suspicious Activity	Assist Other Agency, Citizen
Garland, TX	Disturbance	Alarm Call	Suspicious Activity	Domestic Calls	Traffic Crash
Irving, TX	Alarm Call	911 Call	Suspicious Activity	Suspicious Activity	Traffic Crash
Lincoln, NE	Disturbance	Parking	Theft	Miscellaneous	Traffic Crash
Naperville, IL*	Lockouts	Alarm Call	Welfare Checks	Suspicious Activity	Motorist Assist
Norman, OK	Traffic	Alarm Call	Traffic Crash	Disturbance	Suspicious Activity
Olathe, KS	Traffic Crash	911 Call	Alarm Call	Medical	Theft
Overland Park, KS	911 Call	Alarm Call	Loose Animals	Disturbance	Theft
Plano, TX	Alarm Call	Investigation	Traffic Crash	Miscellaneous	Theft
Richardson, TX	Alarm Call	Disturbance	Miscellaneous	Suspicious Activity	Traffic Crash
Syracuse, NY	Ambulance	911 Call	Domestic Calls	Harassment	Disturbance

2005 Participants
 Alameda, CA
 Bellevue, WA
 Boca Raton, FL
 Boulder, CO
 Broken Arrow, OK
 Coral Springs, FL
 Fort Collins, CO
 Fremont, CA
 Garland, TX
 Irving, TX
 Lincoln, NE
 Naperville, IL
 Norman, OK
 Olathe, KS
 Overland Park, KS
 Plano, TX
 Richardson, TX
 Syracuse, NY

* Some Data Not Available

Appendix H

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

Peace Officer Standards Education Internet Training

Month	Course Count	Distinct Officer Count	Total Hours Delivered
May 2006	221	117	1,339
April 2006	2,046	853	11,827
March 2006	2,670	1,107	15,601
February 2006	2,933	1,132	17,527
January 2006	2,862	1,141	16,883
December 2005	2,370	955	13,172
November 2005	2,798	1,116	17,080
October 2005	268	187	1,619
September 2005	547	514	6,910
9 month total	16,715	4,928	101,958