
**HOUSE COMMITTEE ON LAW ENFORCEMENT
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2004**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
79TH TEXAS LEGISLATURE**

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Committee On
Law Enforcement

January 18, 2005

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Chairman

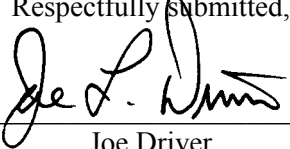
P.O. Box 2910
Austin, Texas 78768-2910

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

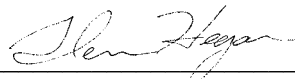
Dear Mr. Speaker and Fellow Members:

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

Respectfully Submitted,




Joe Driver



Glenn Hegar, Vice-Chair

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Yvonne Davis



Timoteo Garza



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INTRODUCTION

At the beginning of the 78th Legislature, the Honorable Tom Craddick, Speaker of the Texas House of Representatives, appointed seven members to the newly created 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 five charges to the Committee:

- 1) Review the requirements for incoming peace officers, police administration and police academies, and study the current requirements of initial and continuing education training for adequacy and effectiveness.
- 2) Study home alarm systems and the interaction of law enforcement and private security in determining the appropriate response to home alarms.
- 3) Examine the efficiency of the concealed handgun licensing process.
- 4) Monitor the agencies and programs under the committee's jurisdiction.

On August 19, 2004, the Committee met in Austin to hear testimony on the interim charges. During the following fall, 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, Office of the Attorney General, Texas Commission on Law Enforcement Officer Standards and Law Enforcement, Department of Public Safety, Texas State Auditor's Office, the Bill Blackwood Law Enforcement Management Institute of Texas, Texas Police Chiefs Association, Texas Municipal Police Association, American Civil Liberties Union, Texas Burglar and Fire Alarm Association, National Rifle Association, Texas State Rifle Association, Texas Concealed Handgun Association, Patsy Gillham and Stennie Meadours for feedback, consultation and general efforts to create an accurate and beneficial report to the 79th Legislature.

HOUSE COMMITTEE ON LAW ENFORCEMENT

INTERIM STUDY CHARGES

CHARGE Review the requirements for incoming peace officers, police administration and police academies, and study the current requirements of initial and continuing education for adequacy and effectiveness.

CHARGE Study home alarm systems and the interaction of law enforcement and private security in determining the appropriate response to home alarms.

CHARGE Examine the efficiency of the concealed handgun licensing process.

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

CHARGE

Peace Officer Training and Administration

Review the requirements for incoming peace officers, police administration and police academies, and study the current requirements of initial and continuing education training for adequacy and effectiveness.

I. Issues

Multiple issues within this charge were raised during the hearing on August 19, 2004. These issues include reducing the mobility of “gypsy cops,” LEOS funding (a source of funding for continuing education for officers), improving the quality of academies, and improving the curriculum for continuing education requirements.

A. Gypsy Officers

1. Background

The issue of gypsy cops is decidedly difficult to pinpoint and more difficult to correct. In fact, officer organizations and public citizens’ groups experienced difficulty even determining how to define “gypsy cops.” To some, concerns arise over officers with poor work ethics or other professional failures who move from department to department. For others, concerns are specifically aimed at officers with criminal actions or disciplinary records indicating poor interaction with the public. In the context in which the issue has been discussed at the state level, the latter interpretation is likely more appropriate. Concerns raised tend to specifically target poor interaction with the public based on overly aggressive, unethical or even criminal behavior which fails to receive the appropriate disciplinary action or criminal prosecution.

The issue was brought to the forefront of the public’s attention by Tom Coleman, the officer whose uncorroborated testimony secured the conviction or incarceration of 38 people in Tulia in 1999. Officer Coleman had been employed in 4 law enforcement positions prior to being hired by the Panhandle Regional Narcotics Trafficking Task Force, with a consistently poor work record reflecting disciplinary problems and criminal issues including fleeing jobs and towns to avoid paying debts. In one instance, his supervisor discovered there was a warrant for his arrest for abuse of power based on refusing to repay debts to local merchants and for stealing government gasoline from his previous employer. After arresting Mr. Coleman, the supervisor gave him a week off to get the matter straightened out, rather than terminating his employment.

In his position in Tulia, Mr. Coleman’s testimony, without the support of any corroborating evidence such as drugs recovered during the raid or witness testimony, secured convictions and sentences of up to 434 years per defendant. At the trial of one defendant, Tonya White, the defense presented evidence that Ms. White was withdrawing money from an ATM in Oklahoma City at the time she was allegedly involved in a drug transaction in Tulia. After such evidence came to light, Mr. Coleman’s statements came under scrutiny. Eventually, 35 of the 46

originally arrested in the Tulia drug raid were pardoned and Tulia paid approximately \$6,000,000 in damages to the defendants. While there were many criminal justice issues raised by the events that transpired in Tulia, the hiring of an officer with multiple prior signals of character deficiencies was one issue which raised concerns in the public eye.

Outside of the Tulia incident, law enforcement organizations and citizen groups have frequently raised the issue of gypsy cops during incidents of alleged excessive force or dishonesty on the part of an officer. Both types of organizations indicate that there is a significant problem, whereby exceptionable officers are able to maneuver around current procedural safeguards and continue to serve as officers.

The difficulties in addressing this problem comes from many sources as will be addressed below. However, one root of the complexity is that officers, both those who are competent and ethical and those who are not, receive public complaints. The procedures have been designed with this understanding in mind and the intention of weeding out exceptionable officers without damaging competent officers or the profession of law enforcement as a whole.

2. Current Situation

Currently, police administrators are required to file an F-5 form with TCLEOSE when an officer leaves a department. (See Form, Appendix 1) A hiring department is required to contact TCLEOSE and is allowed to obtain all of the information on the form except for the reasons for termination or resignation. The reasons for termination or resignation are available only if the officer signs a release allowing the hiring department to view the information. Like other employers, fear of liability may contribute to vagueness on the form and vagueness in telephone conversations with a hiring department.

According to officer organizations, the difficulty in tracking exceptionable officers stems from several sources: 1) untruthful or vague answers regarding the circumstances of a separation, 2) lack of access to the information, 3) hiring departments failing to access the information and 4) the practice by police administrators of bargaining for a resignation in lieu of a termination.

First, vagueness on the part of administrators certainly hinders a hiring department's ability to judge an applicant. In addition to the difficulties associated with vague or untruthful answers, difficulties arise because the information regarding the circumstances are not available without the officer's consent. However, many believe that making the reasons for termination

available outside of an officer's consent might also keep good officers from obtaining future jobs as an officer has no ability to question or appeal the administrator's comments. Some people fear that allowing hiring departments' full access to this information might keep good officers from finding employment when they are terminated for reasons of local politics.

Additionally, police administrators in smaller communities have been known to hire officers without accessing the information as statutorily required or attempting to obtain an officer's release to view the circumstances of the separation. According to police organizations and TCLEOSE, some police chiefs have not yet received advanced training for administrators when they rise to an administrator position. Additionally, administrators in smaller communities may only have been in law enforcement for a short period of time. They may, in certain instances, be unaware of their statutory obligations. Such deficiencies make smaller communities prime targets for gypsy cops.

In addition to simple lack of training, the employment history release form (See Form, Appendix 2) that hiring departments send to request the employment history of a potential applicant is misleading with regards to an administrator's obligations. The instructions on this form indicate that the F-5 should be accessed only if the administrator still feels it is necessary after their own background check, rather than in each hiring instance as statutorily required. Upon notification of the problem, TCLEOSE officials agreed that the current instructions are not appropriate, and plans are underway to amend the form.

Finally, it is important to note that the F-5 was created to enhance the background check, but not to supplant other efforts to assess a candidate's background and ability to serve. Obtaining the limited employment records housed at TCLEOSE is not enough in itself to qualify as a thorough background check.

Most importantly, according to witnesses, the greatest cause of the mobility of exceptionable officers is the practice of offering resignation in lieu of termination. This practice allows an administrator to end investigations which may be costly or adversely affect public perception of a department. Likewise, some administrators believe that using this tool helps them to limit their liability in legal actions that a former employee might file. The police administrator's ability to change the wording of the F-5 without real fear of repercussion and end investigations can be offered in return for an officer's agreement to resign. As a result, the hiring department is unaware that the resignation was "required" or, in cases of investigation, that the

officer was under investigation at the time of his resignation.

In each scenario, there tends to be a concern on the part of administrators when filing forms or speaking to hiring departments that honesty may subject them to greater liability. This underlying, but pervasive concern impedes solution finding. However, it should be noted that Occupations Code §1701.456 gives chief administrators civil immunity from liability if they complete reports in good faith.

3. Recommendations

All involved organizations stated their support for finding better preventative measures to address the mobility of officers. However, no conclusion could be reached on the best methods available to secure positive change. The following changes are viewed as appropriate beginning measures rather than a complete resolution of the issue.

1) Establish appropriate limits on police administrators' liability when communicating with TCLEOSE or a hiring department about an officer's performance in good faith.

As previously mentioned, Occupations Code §1701.456 already gives administrators immunity from liability for reports made in good faith. Perhaps the fear on the part of administrators is, therefore, unfounded. On the other hand, the current provision may not provide adequate protection in light of court developments or protection during follow-up conversations between the separated department and the potential hiring department administrators. The provision above should be revisited to ascertain the scope and adequacy of the protection provided.

2) Request that TCLEOSE or an auditing entity perform a full study of the issue of gypsy officers and establish best practices for reduction in mobility of exceptionable officers.

Currently, according to Occupations Code 1701.501-503, TCLEOSE handles actions

where an officer is convicted of a criminal offense or engages in specific types of misconduct. However, most oversight is currently local. In order to keep exceptional officers from traveling to new departments, an apparatus larger than local entities is necessary, and the appropriate state agency is TCLEOSE. However, what type of role or size of role TCLEOSE should play is yet to be determined.

In addition to TCLEOSE, the movement of gypsy cops cannot be diminished without vigorous efforts on the part of local police administrators. Once the safeguards for administrators are deemed adequate, professional sanctions for failure to complete statutory obligations may be appropriate.

2) TCLEOSE has offered to administratively change the form to include a question: “Is the officer eligible for re-hire?”

This question would signal to a hiring department that an officer left due to performance issues regardless of the explanation of the circumstances of separation presented on the form.. Likewise, the answer to this question would be available to a hiring department regardless of the officer’s release.

The requirement that an administrator answer in good faith would be abundantly necessary in this instance. If an officer is terminated and documented as ineligible for re-hire, it would inhibit her abilities to obtain another position. Administrators should be capable of backing up their decisions with appropriate documentation. Additionally, an administrator is not protected from liability when acting outside of good faith.

3) Require administrative changes in the police administration curriculum to inform new administrators of their statutory duties when hiring or terminating an officer’s employment.

According to LEMIT (the Bill Blackwood Law Enforcement Management Institute of Texas), this requirement could easily be added into the already required training for police

administrators.

4) Assess the sanctions imposed on officers' licenses for crimes for which officers are convicted.

TCLEOSE imposes sanctions on an officer's license for criminal offenses and other areas within their purview such as failure to receive continuing education classes. By most accounts, the sanctions tend to be conservative and appropriate. However, understanding the repercussions of a particular offense is often difficult due to interacting statutory provisions as well as provisions in rule. For instance, a "suspension" of a peace officer's license for family violence acts as a "revocation" of the license due to the officer's inability to carry a weapon under federal law. TCLEOSE has offered to assist in a "clean-up" effort to clarify provisions and assure the public that those who should not remain officers are being removed from service.

Additionally, it is notable that plea bargains perform the same function as resignations while under investigation. They often shield officers from the appropriate level of sanction against their license. This aspect should be studied by TCLEOSE as part of their overall assessment.

B. The Law Enforcement Officer Standards and Education Fund

1. Law Enforcement Officer Standards and Education Fund (LEOSE) Fund

In 1977, the Legislature established Fund 116 to provide the budget for the Texas Commission on Law Enforcement Officer Standards and Education. The fund was created via a \$1 court fee set aside to fund the budget for the agency. In 1995, the court fee was increased to \$3 with the additional \$2 being distributed to local law enforcement agencies to supplement law enforcement training. This new funding is referred to as LEOSE funding. 20% of the funds collected are distributed equally to all law enforcements agencies in the state. The remaining 80% are distributed according to the number of officers per department working more than 32 hours a week and receiving compensation and all benefits offered by the political subdivision.

The Texas State Auditor's Office recently released a financial review of the Law Enforcement Officer Standards and Education Fund, or the funding which supplements local law enforcement training. According to the report, most agencies surveyed or audited were acting

appropriately in both use of the fund and the accounting methods. However, the SAO discovered the following problem areas. Some departments were:

- 1) Supplanting their local funds rather than supplementing them
- 2) Combining the state funding with local funds in a manner that made it difficult to track the use of the state LEOS funding
- 3) Maintaining the funds outside of their local jurisdiction

Additionally, in a few instances, the SAO discovered over-reporting of the number of “full time” officers on the part of agencies.

In addition to the concerns raised by the SAO, organizations expressed concern that some agencies primarily use LEOS funding to fund entrance to conferences for police administrators. This aspect was not studied by the SAO because such choices are statutorily permissible. Some witnesses believed this possibility to be a necessary attribute of local control. Others viewed it as outside the intent of the Legislature to use LEOS funding primarily to fund administrator training since other funding is already set aside for that purpose. Additionally, those on this side of the debate felt that the value to law enforcement and the public is decreased if line officers do not receive the supplemental training.

Please note the State Auditor’s Report is available in its entirety at:

www.sao.state.tx.us/Reports/report.cfm/report/04-047

2. Recommendations

1) Legislatively or administratively require LEOS funds to be held in a separate account within the jurisdiction.

According to the SAO report, a minimum of 10% of agencies surveyed allow their unused LEOS funds to lapse into the jurisdiction’s general funds at the end of the fiscal year. Furthermore, 8 of the 12 agencies audited lacked procedures to ensure unused LEOS funds

would be used for supplemental training in the future. Additionally, where funds were deposited outside of the jurisdiction, incidences of fraud occurred, including money being transferred into personal accounts.

However, some jurisdictions maintaining funds outside the local jurisdiction had appropriate auditing procedures to ensure the fund was used appropriately. An additional provision to allow auditing in lieu of the recommended requirement may be appropriate.

2) Statutorily or administratively set a minimum level of local funding for continuing education required in order to qualify for the state funding.

As previously stated, the LEOS funding was designed to supplement local funding for continuing education. However, according to the SAO report, approximately 10% of those surveyed accurately listed LEOS funding as 100% of their total continuing education budget. Furthermore, an additional approximately 23% of departments surveyed listed LEOS funding as 60% or more of their total continuing education budget. As the goal of the fund was to increase funding for officer continuing education and thus increase the amount of training law enforcement receives, the purpose is thwarted if instead the state simply pays for the training that would otherwise have been paid for by the local jurisdictions.

C. Monitoring Academies and Academy Curriculum

1. Issues

According to officials at TCLEOSE and police organizations, the quality of academies varies widely across the state of Texas. While many to most academies have high passing rates (number of academy graduates that pass the required entrance test to become officers), some hover around a 25-30% passing rate for years in succession. Universally, stakeholders said that these academies tend to be run as part of a collegiate program such as a junior college. Likewise, most stakeholders describe the low passing rates as a product of inadequately prepared entrants to the academies.

Beyond the issue of poorly prepared entrants, some stakeholders believe poorly taught or poorly administered academies are the source of the problem. Additionally, some stakeholders believe that academies are not thoroughly screening applicants before admission to the program, and that by doing so, the state risks educating criminals or others who should not be aware of law enforcement tactical methods. This assertion cannot be proven or disproven as TCLEOSE plays a fairly minimal role in monitoring academies. At present, only 3 officers and 9 employees total work at least part time on monitoring the maintenance of statutorily required academy records and academy performance for the approximately 100 academies and 240 continuing education providers operating within the state.

Police organizations and TCLEOSE indicated that the following recommendations might improve academy performance.

2. Recommendations

1) Require academy applicants to pass a basic academic skills test.

Most stakeholders indicated that the difficulty in passing the test stems from prior academic difficulty. As such, it would be appropriate to determine, prior to entrance, whether a person is academically qualified to serve in law enforcement.

2) Require colleges that include a criminal justice curriculum of which the peace officer academy is one component to determine whether a person is eligible to be a peace officer prior to entrance in the entire criminal justice curriculum.

According to involved organizations and TCLEOSE, many colleges and junior colleges have a criminal justice curriculum that consists of multiple units, of which the academy is but one unit. A person may be admitted to take all the other units, though they will not be able to attend the academy and may be unaware of their ineligibility to pursue a law enforcement career.

D. Continuing Education Requirements

1. Statutory Requirements

According to Occupations Code §1701.351, Officers are required to take forty hours of continuing education every 2 years. Additionally, as part of their 40 hours, an officer must take courses in 1) civil rights, racial sensitivity, and cultural diversity, 2) child abuse, family violence, and sexual assault, and 3) sex offender characteristics during every 4 year training cycle. With regard to categories 2 & 3, an agency head can exempt an officer from these classes if they are determined to be inconsistent with the officer's assigned duties. Additionally, Occupations Code §1701.253 requires all officers to be trained in racial profiling, identity theft and asset forfeiture. In these instances, each officer must complete the course only once in order to receive or maintain their license. These courses were additionally required of all incoming cadets receiving their license.

2. Issues

Beginning in 1995, the Legislature began to specify courses assigned to continuing education. Like any area of law, this practice may, over time, result in the choosing of continuing education courses on the basis of special interests. As time passes, the statutes remain regardless of changing needs in law enforcement. This process, if it progresses, may cause officers to receive a less valuable continuing education curriculum than might be obtained.

For example, a peace officer is currently required to take sex offender characteristics during each 4 year training cycle. However, few changes to the curriculum for this course occur and officers, therefore, tend to hear the same material repeatedly. (Note: Prior to HB 2881 by Representative Keel, 77th Session, officers were taking the courses in 2 year cycles.) Instead, it may be more appropriate for an officer to take a 1 hour "update" on these issues leaving more of their 40 hour continuing education requirements to new topics.

A second issue raised was the type of training officers are taking. First, stakeholders expressed concern about the amount of coursework officers take online. Additionally, stakeholders expressed concerns about the types of coursework officers are choosing.

TCLEOSE offers a substantial number of training options including all required courses for continuing education online via a system called POSEIT. The online system was developed to address the difficulty rural departments have sending their officers to distant training. This

difficulty arises both from distance and the struggles of relieving an officer from duty in very small departments. However, according to TCLEOSE officials, the program was designed to supplement the options available rather than supplant traditional classroom or practicum training methods. State agencies such as TCLEOSE and the Criminal Justice Division of the Office of the Governor (CJD) have raised concerns about officers receiving excessive online training in lieu of training with training professionals. Additionally, they have raised concerns that officers may need assistance in order to receive the full benefit when utilizing online training programs. CJD has begun working with the regional Councils of Government to have training professionals on site and providing assistance at local facilities while officers are taking online courses.

Additionally, some stakeholders have expressed concern about the types of courses officers are choosing. According to state agencies, officers frequently choose interesting coursework that may not be beneficial to improving their daily performance. For example, information on serial killers while interesting is not likely to improve a line officer's daily performance. Additionally, some agencies have seen a surge in coursework on Crime Scene Investigation since the rise of the television series, CSI. While the addition of forensic investigators may be a wise decision for many law enforcement departments in Texas, it is unlikely that training large amounts of the force in this unique area will increase the overall crime reduction capabilities of local agencies. This information is recently acquired and requires further investigation before any recommendation can be made. However, CJD has begun working with the local Councils of Government to devise plans for regional training which coordinate the courses available within each region. These plans may become a requirement for receiving training dollars available through CJD. The goal behind this effort is to reduce duplication of "sensational" training (such as CSI) and fill the space with "back to basics" training to improve the daily performance of officers.

A final issue arises from a particular curriculum known as "De-escalation Training." Two witnesses spoke to the Committee about the dangers and unfortunate events that often surround law enforcement interaction with people with mental illness. These witnesses and officials from TCLEOSE indicated that the training officers' receive on apprehending suspects and gaining control in dangerous situations is created to handle an encounter with a competent individual. The training teaches tactics that will typically subdue a competent person but may escalate an encounter with a person with mental illness. Because of the concerns raised by these witnesses

and other private citizens, TCLEOSE has added "De-escalation" curriculum to the incoming training requirements for cadets. Likewise, TCLEOSE has created a continuing education course on the same subject for current officers. The Committee would like to commend TCLEOSE on its efforts to prevent further violent episodes between officers and people with mental illness.

Some stakeholders believe that any officer who has not been trained in de-escalation should be required to take such a course. Others believe that too legislate such a requirement would be a further continuation of the trend to legislate when regulation is more appropriate and easier to change. Likewise, some view this requirement as a limit on local control as some departments have chosen to train 1 officer per shift extensively in de-escalation and mental illness rather than training all officers in the department minimally.

3. Recommendations

1) Require TCLEOSE to review and analyze statutorily required coursework before each legislative session and report to the Chairs of the Senate Committee on Criminal Justice and House Committee on Law Enforcement.

This communication should include any statutory changes to required coursework that the Commission would recommend.

2) Require TCLEOSE to report any new optional courses added or any required courses added by rule.

The information provided should include a basis in testimony or data for the inclusion of the new courses and requirements to assist the members of the Legislature in understanding new trends and safety issues arising in law enforcement.

3) Improve officer interactions with persons with mental illness.

This may be achieved in multiple ways:

1) Require that each officer complete "De-escalation" training in the next training cycle if they have not already done so. This could be accomplished either by statute or rule in a manner similar to the requirements of training in identity theft, asset forfeiture and racial profiling established in the past; and/or

2) Require departments to create a plan or policy for encounters

with persons with mental illness. This option allows more local control to choose how many officers need training. However, it is notable that officers do not always know they are going to encounter a person with mental illness when they are dispatched. Minimal training may be appropriate in order to train officers in signals of mental illness.

4) Encourage police departments to send officers to classroom or practicum training whenever possible.

As these topics are relatively new, no recommendations for state action are available at this time.

5) Encourage police departments to send officers to training on essential tasks rather than sensationalized topics.

TCLEOSE may be able to direct via rule some of the coursework taken for the betterment of the force. Further recommendations are not yet available.

CHARGE

Home Alarm Systems

Study home alarm systems and the interaction of law enforcement and private security in determining the appropriate response to home alarms.

I. Current Relevant Statutes and Previously Proposed Legislative Solutions

A. Local Government Code §214, Occupations Code §1702

B. SB 1907, 78th Legislature

II. Issue

In this charge, the Committee seeks to balance the interests of home alarm owners in having a licensed police officer answer their home alarm against the interests of police departments in managing their workload and resources.

In certain municipalities in Texas and in other states, city governments have attempted to cease police response to home alarms entirely, unless private security personnel from the home alarm company go to the site first and verify criminal activity. Citizens and home alarm companies have expressed deep concerns over the appropriateness of such policies. During the 78th Legislature, Senator Armbrister filed SB 1907 which proposed mandating police response to home alarms. The Legislation passed the Senate.

While many citizens feel strongly that an officer should answer their home alarm,

information appears to indicate that the overwhelming number of home alarms triggered are false alarms caused by user error. Some believe dispatching an officer in each instance of user error diverts officers from more appropriate or needy situations . Others believe that the current statutes allow enough means of recovering the cost of answering false alarms that home alarm owners essentially pay the local police department for the additional workload entirely through home alarm permit fees and other user fees permitted under the current statute.

Furthermore, others raise the issue of whether it is appropriate to legislate at a state level what local municipalities must do for private companies or private individuals. Some view it as an unfunded mandate. Some say it is a shift from current thinking on police discretion. Under current law and court ruling, law enforcement has extremely broad discretion to determine whether to respond to a call of any kind, including a 9-1-1 call, and in what order to handle simultaneous calls and situations. A statutory requirement to answer each home alarm would be a broad stride away from the current pervasive theme.

On both sides of the argument, stakeholders believe that there are measures that can be taken to reduce the number of times that officers are dispatched to false alarms. Likewise, the parties that testified before the committee have agreed that there are appropriate measures that may be statutorily added to keep a municipality from ceasing the answering of home alarms without public comment or public involvement in the local decision-making.

III. Recommendations:

A. Adopt measures to reduce the number of false alarms to which officers are dispatched:

1) Decrease the number of times that a household can have a false alarm to which an officer is dispatched before the municipality can charge a user fee.

Currently, a municipality may only charge an additional “user fee” if a household has more than 5 false alarms in a 12 month period. The Committee recommends lowering that number to 3 false alarms in a 12 month period.

2) Require home alarm companies to use a 2 call verification process.

Some companies use this response already, whereby the responder calls the home number and then a secondary number such as a cellular number or work number before calling the police department. For those few people without secondary numbers, the process would remain the same.

3) Adopt a graduated scale of user fees for excessive false home alarms as proposed in SB 1907, 78th Legislature.

This system provides an incentive to avoid false alarms by requiring those with more frequent false alarms to pay a higher user fee for each officer dispatch.

4) Recommend municipalities adopt procedures, such as “no permit, no response” or citations for not obtaining a home alarm permit.

Currently, some municipalities have policies by which they do not respond to non-permitted home alarms. Other municipalities, such as Richardson, will respond, but issue citations to homes which are not permitted. These are two options available to reduce the cost of responding to false alarms and induce citizens to register with their local department.

2. Require municipalities to take public comment before adopting a policy to cease answering home alarms. Appropriate procedures may include:

- 1) The proposed policy to be printed in the local newspaper;**
- 2) A period of public comment be instituted, such as 3 months; and**
- 3) The ability to petition and institute a local option election with a certain percentage of the population of the municipality having signed a petition**

This recommendation does not identify the exact parameters of the public comment procedures. However, the stakeholders agreed that provisions to ensure a decision is made at the will of the citizens of a jurisdiction, rather than in opposition to them, would be an appropriate

compromise between law enforcement and the home alarm industry.

CHARGE

Concealed Handgun Licensing

Examine the efficiency of the concealed handgun licensing process.

I. Issues

A. Department of Public Safety – Administration of the Concealed Handgun Licensing Program

1. Background

The concealed handgun licensing program began with the passing of SB 60 in 1995. That legislation set out extensive regulations for who can apply and receive a license, how applications are processed, what coursework is required for licensure, who can teach the courses, and where the concealed weapon can be carried. One important element of the legislation relevant to this discussion is a provision requiring that money collected from potential licensees be sent to the Comptroller and returned to the Department of Public Safety only in the amount necessary to operate the licensing program. Additional fees collected are to be deposited in the Crime Victim's Compensation Fund.

Since that time, members of the Legislature have frequently raised concerns that the fees charged by the Department of Public Safety are both higher than necessary to operate the program and higher than other states that operate concealed handgun licensing programs. These

concerns were elevated during the 77th legislative session when DPS offered approximately \$800,000 from the concealed handgun licensing program as part of its 7% reduction in operating budget required by the Legislature during the budget deficit of the last biennium. This funding ultimately did not become part of the money returned to general revenue due to concerns about the legality of such action and the legislative intent of SB 60 that the CHL program be “revenue neutral;” that the program not make money for the state nor utilize state funding to administer the program.

In response to these concerns, the Committee on Law Enforcement, during its August 19, 2004 hearing, requested that DPS compare the costs associated with licensure in Texas to those of other states with concealed handgun licensing programs. Presently, the department has been unable to provide this comparison to the committee, stating that they have been unable to retrieve the necessary information from other states. In an effort to retrieve necessary information about the comparative costs of systems operated, DPS has sent a survey to Florida, Arizona, Louisiana and Oklahoma (states with lower overall CHL fees) to determine the similarities and differences between their programs and the Texas program. (The survey is included as Appendix 4)

In addition to the cost of licensing, members have raised concerns that concealed handgun licensees are treated differently and charged more than the general population for similar services. For example, while it only costs \$10 to change the address on a driver’s license, it costs \$25 to change of address on a concealed handgun license. Notably, this fee was statutorily set and prescribed in the 1995 legislation.

Additionally, while personal checks are accepted for transactions involving a driver’s license, they are not accepted for transactions involving a concealed handgun license. The 1995 legislation prescribed the approved methods of payment for CHL licenses as cashier’s check, money order or “any other method approved by the department.” At this time, the department has not approved other forms of payment. The department expressed concerns that they would experience similar difficulties with stopped checks and checks provided with insufficient funds in the administration of CHL program as they have experienced in the administration of driver’s licenses.

2. Recommendations

1) Extend the time that a renewal license is valid from 4 years to 5 years.

After clearing this recommendation with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), it is clear that this change may be made *on renewal licenses only*. A change to this effect on renewal licenses only would not endanger the current BATFE – approved exemption from the federal background check requirement that CHL holders enjoy when purchasing a firearm. This exemption only applies to licenses issued when a background check has been performed within the last five years.

While this is not a direct fee reduction, it performs the same service to licensees as they would pay the fee every 5 years, rather than every 4 years. In the August 19, 2004 hearing, the Department of Public Safety did not object to this alteration. The department did indicate that there would be a loss in general revenue. However, the loss of revenue would be identical to the reduction in operating costs necessary to process renewal license applications that year. DPS raised concerns that a fiscal note may not accurately display this relationship as fiscal notes typically require a stated loss of general revenue regardless of whether the work it is intended to subsidize is concurrently reduced.

According to DPS officials, even this “artificial” loss of revenue would not occur during the next biennium.

2) Statutorily match duplicate license fees for concealed handgun licenses to duplicate license fees for driver’s licenses.

In order to reduce the fees for concealed handgun license duplicate license, a statutory change must be made. The Legislature might either set the fee at \$10, the current equivalent of a driver’s license or if deemed more appropriate, set the fee to simply mimic the fee assessed for this service on a driver’s license.

According to Valerie Fulmer, Department of Public Safety, the department is currently accepting bids for a new vender to take over the process of creating duplicate licenses. While the current vender charges a higher fee for CHL licenses, the new proposals request a single bid for all licenses processed. The goal is to implement a new procedure with a new vender by

September 2005.

3) Statutorily match payment options and procedures for CHL licenses to that of driver's licenses.

This change would allow a CHL holder to use a personal check or any other method available to drivers' license holders. Due to the wording of statutory language on eligibility for a license, provisions might need to be added to ensure that the license only becomes valid or remains valid if the payment of the fee "clears the bank." The Department of Public Safety has encountered difficulty with nonpayment in the drivers' license system, and while it is anticipated that the incidence of this problem will be lower in the concealed handgun license system, some incidence of stopped payments may occur.

B. Office of the Attorney General - Creation of Reciprocity Agreements

1. Background

In the 78th Legislative Session, the responsibilities for creating reciprocal agreements with other states who have concealed handgun statutes passed from the Department of Public Safety to the Office of the Attorney General (OAG). During the interim, the OAG secured 6 new reciprocal agreements. Likewise, the office is currently involved in negotiations with approximately 7 additional states that General Abbott considers a priority. Prior to moving the creation of reciprocal agreements from DPS to the OAG, the Department of Public Safety created 8 reciprocal agreements.

During the months in which 6 new reciprocal agreements have been created, other states were denied reciprocity including Colorado and Missouri. (Please note that the situation with Colorado has changed as will be discussed below.)

The crux of the difficulty appears to stem from confusion as to what various states' laws require the state to do with the information collected through a background check. The Texas legislation (HB 3477) requires that the governor negotiate an agreement with any other state if the Attorney General of Texas determines that "a background check of each applicant for a license issued by that state is conducted by state or local authorities or an agent of the state or

local authorities before the license is issued to determine the applicants' eligibility to possess a firearm under federal law.”

There are two common types of background checks that states utilize. The first is often referred to as an “instant background check” in which a person's name and other identifying information are run through the National Instant Check System (NICS) federal database. These background checks are identical to those performed by firearm dealers before selling a firearm. However, in certain states, a state agency is not required to deny a firearms permit in the same manner that a firearms dealer is federally required not to sell a firearm when federal prohibitions exist. Issues have arisen as to the legality of entering into reciprocity with states that may allow permitting for those ineligible to purchase firearms.

The second type of background check involves sending one's fingerprints to the FBI. If sent via mail, this process can take a long period of time. If done electronically, the time period is significantly shorter. One state, Colorado, was previously denied reciprocity because their law required that a permit be issued within a certain period of time. Though Colorado performed both types of background checks, the FBI fingerprint check would sometimes not arrive prior to the date by which a permit was required to be issued. Due to technological advances, Colorado can now electronically submit fingerprints to the FBI and has thus shortened the time necessary to perform these checks. With this new development, Texas and Colorado are now nearing a reciprocity agreement.

The complexities of reciprocity and its surrounding issues will undoubtedly be discussed further during the legislative session. Additionally, the OAG will submit a statutorily required report on states that it determined eligible or ineligible for reciprocity by January 1, 2005. This report provides a thorough explanation of the barriers to agreements with specific states.

2. Recommendations

2) Alter Government Code §411.173 to open the non-resident license option to any person living in a state that has not entered into a reciprocity agreement with Texas.

Since 1997, Texas has allowed residents of states that do not have concealed carry laws to apply for a non-resident Texas license. The goal behind creation of this option was to give someone living in a state that could not achieve reciprocity with Texas (because the state has no

concealed carry law) the ability to apply for a license to carry when in Texas. However, altering the provision to allow a non-resident from any state that has not yet entered into a reciprocity agreement with Texas would serve as a “stop gap” measure until reciprocity with more states can be achieved. DPS has indicated that if Texas were to open the non-resident option to any person living in a state that does not have reciprocity with Texas, the department could handle the additional workload without any additional cost to the department.

CHARGE

General Oversight

Monitor the agencies and programs under the committee's jurisdiction

I. Issues

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

Appendix 1



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

6330 U.S. Highway 290 East, Suite 200
Austin, Texas 78723
Phone: (512) 936-7700

<http://www.tcleose.state.tx.us>



F-5

REPORT OF SEPARATION OF LICENSE HOLDER

Commission Rule § 217.7 (g)

LICENSE HOLDER PERSONAL INFORMATION

1. First Name	2. M.I.	3. Last Name (if name has changed please attach changes)	4. Suffix (Jr., etc.)
5. Social Security No. - -		6. Date of Birth / /	
7. Home Mailing Address		8. City	9. State
			10. Zip Code

**APPOINTMENT(S)
(Check all that apply)**

11. Peace Officer County/Contract Jailer Reserve Officer
 Telecommunicator Medical Peace Officer Public Security Officer
 Homeowners Insurance Inspector
 Community Supervision Officer/Parole Officer

DEPARTMENT INFORMATION

12. Commission Agency No.	13. Appointing Agency	14. Agency Mailing Address	
15. City	16. County	17. ZIP Code	18. Telephone No. ()- -

TERMS OF SEPARATION

19. Resigned Terminated Retired Deceased Killed in Line of Duty
 20. Date Licensee Started with Agency: ____ / ____ / ____ 21. Date of Separation: ____ / ____ / ____
 22. Explanation of the circumstances under which the person left the agency.
 (Use additional pages or attachments if necessary)

"I attest that this is a true and accurate explanation of the circumstances under which this person resigned or was terminated."

Copy of F-5 sent to individual according to Commission Rule § 217.7 (g)

Signature of Department Administrator or Designee

Title

Date

Appendix 2



TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION

6330 U.S. Highway 290 East, Suite 200
Austin, Texas 78723
Phone: (512) 936-7700

<http://www.tcleose.state.tx.us>



EMPLOYMENT HISTORY RECORDS RELEASE

ATTENTION

This form is designed to be used only in certain circumstances. It should only be used when a department has a **serious candidate** for employment and after a very thorough background investigation the department still feels a need to view the F-5 termination notice from a previous agency. By completing this form, the department can view the F-5 termination notice from the previous department. The F-5, with an effective date of June 1, 1996, has an explanation of the circumstances under which the person resigned or was terminated. The Authorization for Release form was designed to allow release of the F-5 termination notice since the information on the F-5 is exempt from disclosure under the Public Information Act. **Please do not use this form for individual(s) who do not have a license and service record with the Texas Commission on Law Enforcement.** Submission of this form is not required as a means of contact to establish employment history.

APPLICANT PERSONAL INFORMATION

1. First Name		2. M.I.	3. Last Name (If name has changed please attach changes)		4. Suffix (Jr. etc.)
5. Social Security No.	6. Drivers License State: Num.:	7. Date of Birth / /	8. Race / Ethnicity <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Multicultural <input type="checkbox"/> White		9. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female

DEPARTMENT INFORMATION

10. Commission Agency Number		11. Name of Requesting Law Enforcement Agency		12. Mailing Address	
13. City		14. County		15. ZIP Code	16. Phone No.

- Request under Section 1701.454 – Request for copies of termination documents from prior agencies. **Reverse side of form must be completed by applicant and notarized.** Copies of the relevant documents will be mailed to the department. If no relevant documents are found, results will be mailed to the department in the form of a computerized printout.

**FOR REQUESTS UNDER SECTION 1701.454, APPLICANT MUST COMPLETE AND SIGN REVERSE SIDE.
(MUST BE NOTARIZED)**

Appendix 2 ~ Continued

STATEMENT OF APPLICANT OR LICENSE HOLDER

NAME (LAST, FIRST, MIDDLE INIT.) _____

SOCIAL SECURITY NUMBER _____

DEPARTMENT REQUESTING RECORDS _____

I understand that a report of separation is submitted to the Texas Commission on Law Enforcement Officer Standards and Education each time I resign or am terminated from employment or appointment with a law enforcement agency.

I understand the report of separation must include an explanation of the circumstances of my resignation or termination.

I understand the chief administrator of each law enforcement agency with which I apply for employment or appointment may request the contents of each separation report.

I understand the Texas Commission on Law Enforcement Officer Standards and Education (Commission) is not liable for civil damages for providing information contained in a report of separation concerning the circumstances of my resignation or termination when a written request from a chief administrator and this release is presented to the Commission; and

I understand a law enforcement agency, chief administrator of a law enforcement agency or other law enforcement official is not liable for civil damages for a report made by that agency or person if the report is made in good faith.

I have read and understand the foregoing statements. **I hereby authorize** the Commission to release all employment history (separation reports concerning my resignation or termination as a peace officer, reserve law enforcement officer, county jailer, or armed public security officer which are on file with the Commission to the above named department requesting records.

Signature of Applicant

WAIVER OF LIABILITY

I expressly waive my right to hold the law enforcement agency, chief administrator of the law enforcement agency, or other law enforcement official liable for civil damages for the contents of employment history (separation) reports concerning my resignation or termination as a peace officer, reserve law enforcement officer, county jailer, or armed public security officer which are on file with the Commission, if the law enforcement agency, chief administrator of the law enforcement agency, or other law enforcement official made the report in good faith; and

I expressly waive my right to hold a law enforcement agency, chief administrator of a law enforcement agency, or other law enforcement official liable for civil damages for any action based on information contained in my employment history (separation) records concerning the circumstance of my resignation or termination from prior employment or appointment with a law enforcement agency.

Signature of Applicant or License Holder

____/____/____
Date

Sworn to and subscribed before me, this the _____ day of _____, _____

Notary public in and for, State of Texas
My Commission expires ____/____/____

Printed Name of Notary

Notary Seal or Stamp

Signature of Notary

Appendix 3

TEXAS COMMISSION ON LAW ENFORCEMENT Disciplinary Actions for Fiscal Year 2005 September 1, 2004 To Date

<u>Agency</u>	<u>Officer's Name</u>	<u>Offense(s)</u>	<u>Action Take</u>	<u>Action Date</u>
Austin County Constable Pct. 1	Davis, Jr., John A.	Theft \$20,000 - \$100,000	Stat. Revocation	09/24/2004
Austin ISDPolice Department	Shauger, Scott A.	Unknown	PVS	09/24/2004
Austin ISD Police Department	Zavala, Simon	Aggravated Sexual Assault Of A Child (Count Ii)	Stat. Revocation	Pending
Austin Police Department	Brown, Troy A.	DWI	Suspension	Pending
Austin Police Department	Castro, James	Unknown	PVS	Pending
Austin Police Department	Hildebrand -Li, Boren	Official Oppression	PVS	Pending
Bangs Police Department	Nichols, George	FTRA-Theft, Tampering & Delivery Multi-Channel Device	Reprimand	09/24/2004
Beaumont Police Department	Cheney, Keith D.	Deadly Conduct	Suspension	Pending
Bell County Sheriff's Office	Gibson, George T.	FTRA-Places Weapon Prohibited	Reprimand	09/24/2004
Bexar Co. Cntrl. Tx Parole Violators	High, Stephanie P.	DWI	Suspension	Pending
Bexar Co. Cntrl. Tx Parole Violators	Tallmadge, Daniel	Unlawful Carrying Weapon	Suspension	Pending
Bexar County Dist. Atty's Office	Neumann, Jay C.	FTRA-DWI	Reprimand	Pending
Bill Clayton Detention Center	Vasquez, Roland A.	FTRA-Possession Of Marijuana-2oz.	Reprimand	09/24/2004
Brazos County Constable Pct. 1	Marrow, James P.	Abuse Of Official Capacity	Revocation	Pending
Brownfield Police Department	Ramirez, Ashley E.	FTRA-Tampering With Government Record Defraud/Harm	Reprimand	09/24/2004
Burleson County Sheriff's Office	Coleman, James R.	FTRA-Theft By Deception	Reprimand	09/24/2004
Caldwell I.S.D. Police Department	Orr, John A.	Tampering With A Government Document	PVS	Pending
Cameron County Sheriff's Office	Cano, Rolando	Terroristic Threat	Suspension	Pending
Cameron County Sheriff's Office	Garcia, Sergio J.	FTRA-Assault Family Violence	Reprimand	Pending
Carrollton Police Department	Crowder, Michael E.	FTRA-Assault Causes Bodily Injury Family Member	Reprimand	09/24/2004
CcaWebb County Detention Center	Avila, Manuel Jr.	FTRA-Hunt byr Vehicle	Reprimand	Pending
Chambers County Sheriff's Office	Hardy, Dearl G.	Perjury	Revocation	Pending
Cherokee County Sheriff's Office	Hendrix, Jr., Raymond	FTRA-Harassment, False Report To Police Officer	Reprimand	09/24/2004
Collin County Sheriff's Office	Patterson, Wesley D.	DWI	Suspension	Pending
Collin County Sheriff's Office	Werner, Jr. Robert Paul	Assault-Family Member	Suspension	Pending
Colorado City Police Department	Reyes, Isidro	FTRA-DWI	Reprimand	Pending
Cooke County Sheriff's Office	Smith, Timothy L.	Unknown	PVS	Pending
Crystal City Correctional Center	Gonzales, III, Noe	Theft \$20-\$500 By Public Servant	Revocation	09/24/2004
Crystal City Police Department	Silvas Jr., Aldjandro	Criminal Mischief	Suspension	09/24/2004
Dallas County Sheriff's Office	Braggs, Jr., William A.	FTRA-Aggravated Assault By Public Servant	Reprimand	09/24/2004
Dallas County Sheriff's Office	Iheoma, Silver N.	FTRA-Assault Causes Bodily Injury Family Member	Reprimand	09/24/2004
Dallas County Sheriff's Office	Torres, Hector M.	FTRA-Assault Family Violence	Reprimand	09/24/2004
Dallas Pc	Russell, Winston T.	Theft By Public Servant	PVS	09/24/2004
Dallas Police Department	Diaz-Cartagena, Victor R.	DWI	Suspension	Pending
Dallas Police Department	Hampton, Pamela R.	FTRA-Aggravated Assault W/Deadly Weapon	Reprimand	09/24/2004
Dallas Police Department	Rivera, Robin H.	Assault (2 Cases)	Suspension	Pending

Appendix 3 ~ Continued

TEXAS COMMISSION ON LAW ENFORCEMENT
 Disciplinary Actions for Fiscal Year 2005
 September 1, 2004 To Date

<u>Agency</u>	<u>Officer's Name</u>	<u>Offense(s)</u>	<u>Action Take</u>	<u>Action Date</u>
Austin County Constable Pct. 1	Davis, Jr., John A.	Theft \$20, 000 - \$100, 000	Stat. Revocation	09/24/2004
Austin ISDPolice Department	Shauger, Scott A.	Unknown	PVS	09/24/2004
Austin ISD Police Department	Zavala, Simon	Aggravated Sexual Assault Of A Child (Count Ii)	Stat. Revocation	Pending
Austin Police Department	Brown, Troy A.	DWI	Suspension	Pending
Austin Police Department	Castro, James	Unknown	PVS	Pending
Austin Police Department	Hildebrand -Li, Boren	Official Oppression	PVS	Pending
Bangs Police Department	Nichols, George	FTRA-Theft, Tampering & Delivery Multi-Channel Device	Reprimand	09/24/2004
Beaumont Police Department	Cheney, Keith D.	Deadly Conduct	Suspension	Pending
Bell County Sheriff's Office	Gibson, George T.	FTRA-Places Weapon Prohibited	Reprimand	09/24/2004
Bexar Co. Cntrl. Tx Parole Violators	High, Stephanie P.	DWI	Suspension	Pending
Bexar Co. Cntrl. Tx Parole Violators	Tallmadge, Daniel	Unlawful Carrying Weapon	Suspension	Pending
Bexar County Dist. Atty's Office	Neumann, Jay C.	FTRA-DWI	Reprimand	Pending
Bill Clayton Detention Center	Vasquez, Roland A.	FTRA-Possession Of Marijuana-2oz.	Reprimand	09/24/2004
Brazos County Constable Pct. 1	Marrow, James P.	Abuse Of Official Capacity	Revocation	Pending
Brownfield Police Department	Ramirez, Ashley E.	FTRA-Tampering With Government Record Defraud/Harm	Reprimand	09/24/2004
Burleson County Sheriff's Office	Coleman, James R.	FTRA-Theft By Deception	Reprimand	09/24/2004
Caldwell I.S.D. Police Department	Orr, John A.	Tampering With A Government Document	PVS	Pending
Cameron County Sheriff's Office	Cano, Rolando	Terroristic Threat	Suspension	Pending
Cameron County Sheriff's Office	Garcia, Sergio J.	FTRA-Assault Family Violence	Reprimand	Pending
Carrollton Police Department	Crowder, Michael E.	FTRA-Assault Causes Bodily Injury Family Member	Reprimand	09/24/2004
Cca/Webb County Detention Center	Avila, Manuel Jr.	FTRA-Hunt byr Vehicle	Reprimand	Pending
Chambers County Sheriff's Office	Hardy, Dearl G.	Perjury	Revocation	Pending
Cherokee County Sheriff's Office	Hendrix, Jr., Raymond	FTRA-Harassment, False Report To Police Officer	Reprimand	09/24/2004
Collin County Sheriff's Office	Patterson, Wesley D.	DWI	Suspension	Pending
Collin County Sheriff's Office	Werner, Jr. Robert Paul	Assault-Family Member	Suspension	Pending
Colorado City Police Department	Reyes, Isidro	FTRA-DWI	Reprimand	Pending
Cooke County Sheriff's Office	Smith, Timothy L.	Unknown	PVS	Pending
Crystal City Correctional Center	Gonzales, III, Noe	Theft \$20-\$500 By Public Servant	Revocation	09/24/2004
Crystal City Police Department	Silvas Jr., Aldjandro	Criminal Mischief	Suspension	09/24/2004
Dallas County Sheriff's Office	Braggs, Jr., William A.	FTRA-Aggravated Assault By Public Servant	Reprimand	09/24/2004
Dallas County Sheriff's Office	Iheoma, Silver N.	FTRA-Assault Causes Bodily Injury Family Member	Reprimand	09/24/2004
Dallas County Sheriff's Office	Torres, Hector M.	FTRA-Assault Family Violence	Reprimand	09/24/2004
Dallas Pc	Russell, Winston T.	Theft By Public Servant	PVS	09/24/2004
Dallas Police Department	Diaz-Cartagena, Victor R.	DWI	Suspension	Pending
Dallas Police Department	Hampton, Pamela R.	FTRA-Aggravated Assault W/Deadly Weapon	Reprimand	09/24/2004
Dallas Police Department	Rivera, Robin H.	Assault (2 Cases)	Suspension	

Appendix 3 ~ Continued

TEXAS COMMISSION ON LAW ENFORCEMENT
 Disciplinary Actions for Fiscal Year 2005
 September 1, 2004 To Date

<u>Agency</u>	<u>Officer's Name</u>	<u>Offense(s)</u>	<u>Action Take</u>	<u>Action Date</u>
Harris County Sheriff's Office	Rodriguez, Ivan A.	Possession Of A Controlled Substance, Aggravated Assault Against A Public Servant	Stat. Susp.	Pending
Harrison County Const. Pct. 3	Hagan, II, Robert E.	False Report To Police Officer/Le Employee	Revocation	Pending
Hidalgo County Sheriff's Office	Rolph, Micah G.	FTRA-Assault Causes Bodily Injury Family Member	Reprimand	09/24/2004
Hitchcock Police Department	Rothermel, Misty L.	Deadly Conduct	Suspension	Pending
Hockley County Sheriff's Office	Rubio, Betty M.	Theft 50<500	Suspension	Pending
Houston Baptist Univ. Police Dept	Thomas, Kevin	Tampering With A Government Record And Forgery	Stat. Revocation	09/24/2004
Houston Isd Police Department	Bocard, Al	Credit Card Abuse	Suspension	Pending
Houston Police Department	Elliott, Lance W.	Tampering With A Government Record	Revocation	Pending
Houston Police Department	Franco, Daniel D.	Deadly Conduct	Suspension	09/24/2004
Houston Police Department	Gardner, Robert C.	DWI	Suspension	Pending
Houston Police Department	Hill, Mark R.	DWI	Suspension	Pending
Houston Police Department	Hubert, Joseph M.	Theft By Public Servant & Tampering W/Governmental Record	PVS	09/24/2004
Houston Police Department	Montalvo, Martin G.	DWI	Suspension	Pending
Houston Police Department	Rose, Nicole L.	Telephone Harassment	Suspension	09/24/2004
Houston Police Department	Russell, John A.	Unknown	PVS	09/24/2004
Houston Police Department	Chambers, Diane	Official Oppression	PVS	Pending
Houston Police Department	Martinez, Raymond A.	Official Oppression	Revocation	Pending
Houston Police Department	Siewert, John S.	DWI	Suspension	Pending
Hudspeth County Sheriff's Office	Morales, Joseph L.	Military Under Other Than Honorable Conditions	Cancellation	09/24/2004
Hunt County Const. Pct. 2	Kerby, Frank R.	FTRA-DWI	Reprimand	09/24/2004
Irving Police Department	Raper, Kyle W.	Unlawful Carrying Of A Weapon	Suspension	Pending
Jefferson County Sheriff's Office	Rodriguez, Ricardo	FTRA-Terrorist Threat	Reprimand	Pending
Johnson County Const. Pct. 4	Rayburn, Michael D.	DWI	Suspension	Pending
Johnson County Sheriff's Office	Sader, Jason D.	Theft \$500-\$1500	Suspension	Pending
Jones County Sheriff's Office	Morris, Cory E.	FTRA-Possession Of Marijuana	Reprimand	Pending
La Coste Police Department	Lopez, Hector	Perjury	PVS	Pending
Lake Jackson Police Department	Grisham, Ray L.	FTRA-DWI	Reprimand	09/24/2004
Limestone County Detention Ctr.	Gonzalez -Camacho, Mayra F.	FTRA-Assault Causes Bodily Injury: Family Member	Reprimand	09/24/2004
Livingston Police Department	Rodriguez, Efrain	Aiding & Abetting Illegal Entry	Stat. Revocation	Pending
Longview Police Department	Adams, Robert P.	Theft Of Property	PVS	09/24/2004
Lubbock County Sheriff's Office	Clements, Damon L.	DWI	Suspension	Pending
Luling Police Department	Reed, Christopher	FTRA-DWI	Reprimand	Pending
Malakoff Police Department	Holcomb, Angela	DWI	Suspension	Pending
Martin County Sheriff's Office	Mcknight, Aaron S.	FTRA-Possession Of Marijuana	Reprimand	09/24/2004
Midland Police Department	Glasscock, William A.	Sexual Exploitation Child, Improper Storage Of Explosives	Stat. Revocation	Pending

Appendix 3 ~ Continued

TEXAS COMMISSION ON LAW ENFORCEMENT
 Disciplinary Actions for Fiscal Year 2005
 September 1, 2004 To Date

<u>Agency</u>	<u>Officer's Name</u>	<u>Offense(s)</u>	<u>Action Take</u>	<u>Action Date</u>
Mission Police Department	Nuchols, James E.	DWI	Suspension	Pending
Montague County Sheriff's Office	Minor, William T.	Civil Rights Person In Custody Violate/Sexual	Stat. Rev.	Pending
Montgomery County Const. Pct. 3	Buck, Shelby R.	FTRA-Assault-Family Violence	Reprimand	09/24/2004
Mustang Ridge Police Department	Smith, Michael D.	DWI	Suspension	Pending
Nacogoches Police Department	Brock, Kevin R.	Terroristic Threat	PVS	Pending
Navarro College DPS	Anderson, Shana	FTRA-Poss. Alcohol Beverage w/ Intent To Sell Wet Area	Without Permit Reprimand	09/24/2004
Newton County Sheriff's Office	Johnson, Jason P.	Obstructing Highway Traffic	Cancellation	09/24/2004
Newton County Sheriff's Office	Andrews, Christie K.	FTRA-Theft \$20-\$500 By Check	Reprimand	Pending
Palmer Police Department	Derden, Kenneth S.	Official Oppression	PVS	09/24/2004
Patton Village Police Department	Morgan, Reginald D.	Operating Security Company Without License	PVS	Pending
Pharr Police Department	Garcia, Jr. Ramon	Misuse Of Official Information	Stat. Revocation	Pending
Port Isabel Police Department	Rivera, Robert R.	FTRA-DWI	Reprimand	Pending
Princeton Police Department	Kunkle, Matthew C.	FTRA-Possession Marijuana 2oz.	Reprimand	09/24/2004
Reeves County Sheriff's Office	Burleson, Lawrence E.	Burglary Of Building	Cancellation	09/24/2004
Reeves County Sheriff's Office	Chacon, Debra	FTRA-Theft By Check	Reprimand	09/24/2004
Reeves County Sheriff's Office	Ewing, Jae M.	FTRA-Intoxicated Assault W/Vehicle Serious Bodily Injury	Reprimand	09/24/2004
Reeves County Sheriff's Office	Wood, Roy C.	FTRA-Unlawful Carrying Weapon	Reprimand	09/24/2004
Reeves County Sheriff's Office	Molinar, Miguel S.	FTRA-DWI	Reprimand	Pending
San Angelo Police Department	Tekubie, Jeremiah J.	Official Oppression	Term PVS	Pending
San Antonio Police Department	Pleasant, Darrell L.	FTRA-Tampering With Governmental Record To Defraud/Harm	Reprimand	09/24/2004
San Juan Police Department	Alvarez, Michael	FTRA-Assault Causes Bodily Injury	Reprimand	09/24/2004
Slaton Police Department	Johnson, Larry D.	FTRA-Assault	Reprimand	09/24/2004
Smith County Sheriff's Office	Scoggins, Walter S.	FTRA-Harassment, Criminal Mischief >\$50	Reprimand	09/24/2004
Sunset Valley Police Department	Porterfield, Melissa J.	Unknown	PVS	09/24/2004
Sweetwater Fire Department	Arnold, Andrew B.	DWI	Suspension	Pending
T. Don Hutto Correction Center	Salcedo, Jason	FTRA-Assault Bodily Injury	Reprimand	Pending
Tarrant County Sheriff's Office	Ethetton, Pamela J.	DWI	Suspension	Pending
Tarrant County Sheriff's Office	Janice, Jr., Joey J.	FTRA-Taking Prohibited Substance Into Correctional Facility	Reprimand	09/24/2004
Tarrant County Sheriff's Office	Mozisek, Sean M.	DWI	Suspension	Pending
Tarrant Co College Dist Police Dept	Deleon, Valentine	FTRA-Assault Causes Bodily Insury Family	Reprimand	Pending
Taylor Police Department	Garrett, David M.	FTRA-Aggravated Assault W/Deadly Weapon	Reprimand	Pending
Texas City Police Department	Morgan, Anthony W.	Harassment	PVS	09/24/2004
Texas City Police Department	Reyna, Michael R.	Official Misconduct	PVS	09/24/2004
Texas DPS	Cook, Maurice C.	Official Oppression, Improper Sexual Activity With Person In Custody	PVS	09/24/2004

Appendix 3 ~ Continued

TEXAS COMMISSION ON LAW ENFORCEMENT Disciplinary Actions for Fiscal Year 2005 *September 1, 2004 To Date*

<u>Agency</u>	<u>Officer's Name</u>	<u>Offense(s)</u>	<u>Action Take</u>	<u>Action Date</u>
Texas DPS	Martinez-Brown, Ana B.	Tampering With A Governmental Record	Revocation	Pending
Texas Parks & Wildlife	Lyons, Thomas C.	Aggravated Sexual Assault Of A Child (2 Counts)	Stat. Revocation	09/24/2004
Texas Parks & Wildlife	Chavez, David O., Jr.	Cruelty To Animals	Suspension	Pending
Travis County Sheriff's Office	Jones, Willie E.	DWI	Suspension	Pending
Tstc-Sweetwater DPS	Tibbets, Byron H.	Unknown	PVS	09/24/2004
Val Verde Correctional Facility	Pesina, Martha E.	Theft From Person	Cancellation	Pending
Wharton County Sheriff's Office	Gray, James L.	Obstructing Roadway	Suspension	Pending
White Oak Police Department	Simmons, Tommy D.	Tampering With Government Record	PVS	09/24/2004
Willacy County Sheriff's Office	Godinez, Andres A.	Driving While Intoxicated	Cancellation	Pending
Willacy County Sheriff's Office	Gomez, Alma J.	Theft Stolen Property	Cancellation	Pending
Williamson County Sheriff's Office	Young, Sr. Robert L.	Violation Of Conflict Of Interest	Suspension	Pending
Wilmer Police Department	Jones, Antonio	FTRA-False ID As PO	Reprimand	09/24/2004
Wilmer Police Department	Jones, Antonio	FTRA-Unlawful Carrying Weapon	Reprimand	09/24/2004
Wilson County Sheriff's Office	Newman, Janet L.	Theft Of Property	Stat. Suspension	09/24/2004
Wolfe City Police Department	Emerson, Chris M.	Submission Of Fraudulent Claim	Stat. Revocation	09/24/2004

Concealed Handgun Licensing Questionnaire

State completing survey:

1. Do you require a state and national **fingerprint** background check of all applicants?
Yes No (circle one)

If yes, is the cost of the state and national fingerprint background check charged to the applicant separately, or does the cost come out of the application fee charged by your agency?

2. Do you provide for online/electronic application for original and renewal licenses?
Yes No Some (circle one)

If some, please explain:

If no, does your agency have a plan to allow online/electronic applications in the near future?

Yes No (circle one)

3. Do you keep paper copies of your application files, or are the files digitally imaged?
Paper Copies Digital Images (circle one)

If digital images, please provide a brief explanation of the process:

If paper copies, does your agency have a plan to digitally image files in the near future?

Yes No (circle one)

4. Is your licensing database maintained by a vendor, or by agency technical personnel?
-

Appendix 4 ~ Continued

Vendor Agency Technical Personnel (circle one)

5. Do you require a local/field background investigation of all applicants?

Yes No (circle one)

If yes, who performs the local/field background investigation?

Commissioned Officer Non-commissioned Personnel Other (circle one)

6. Do you provide a hearing process for individuals whose applications are denied or whose licenses are revoked?

Yes No (circle one)

(If yes) Is the hearing process internal within your agency, or does it go through your state's court system?

Internal State Court System Other (circle one)

If other, please explain:

(If yes) Who represents your agency in the hearing process?

Agency Attorney Commissioned Officer Other (circle one)

7. Approximately how many new and renewal licenses do you issue each year?

New _____

Renewal _____

8. How many employees are involved in the license issuance process, including those involved in any hearing process or field background investigations?

9. What is your annual budget for administering your state's concealed handgun licensing program?

Does your budget come from your application fees, or do you receive a legislative appropriation?

Reappropriated Application Fees Legislative Appropriation (circle one)

10. What is the fee for a license without any special conditions?

New License Fee _____

Appendix 4 ~ Continued

Renewal License Fee _____

Are the fees designed to relate to the cost to your agency of processing the applications?

Yes No (circle one)

Are the fees nonrefundable?

Yes No (circle one)

11. Is there a specified time frame in which your agency must issue a license?

Yes No (circle one)

(If yes) What is the time frame? _____

(If yes) Is there any statutory mechanism for extending the time frame?

Yes No (circle one)

12. Are your licenses produced manually or through an automated process?

Manually Automated Process (circle one)

If manually, do you have plans to automate the process in the near future?

Yes No (circle one)

If automated, does a vendor maintain the process and produce the licenses, or is the process maintained by agency technical personnel?

Vendor Agency Technical Personnel (circle one)

If automated, what is the average cost to produce a single license?

(Please send a sample license if possible.)

13. Does your statute provide for the denial, suspension, or revocation of licenses under certain circumstances?

Denial- Yes No (circle one)

Suspension- Yes No (circle one)

Revocation- Yes No (circle one)

If yes, what is the average number per year of:

Denials _____

Revocations _____

Suspensions _____

If yes, who is responsible for notifying applicants/licensees?

Appendix 4 ~ Continued

Is the notice sent by certified mail?
Yes No (circle one)

14. Do you mail application packets to requestors?
Yes No (circle one)

If yes, what is the average cost to mail an application packet?

15. How long is a license valid?

Name and Title of Person Completing Questionnaire:

Phone Number/E-mail Address:

Date: _____