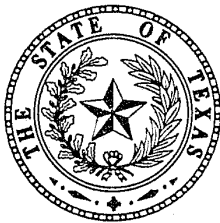


Rules and Regulations



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Standards and Education

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ACQUISITIONS

January 1, 1976



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

503-E SAM HOUSTON OFFICE BLDG.

AUSTIN, TEXAS 78701

January 1, 1976

FOREWORD

This is a revised edition of the Rules and Regulations of the Texas Commission on Law Enforcement Officer Standards and Education, and replaces the one published in September, 1972.

This edition contains revisions made necessary by amendments to Article 4413(29aa) V.C.S. and by enactment of the Administrative Procedures Act.

Two main objectives were kept in mind in this revision; to give law enforcement administrators and peace officers a permanent reference to assist them in knowing, understanding and applying the procedures for employing and training of peace officers, and to provide a further means of professionalizing law enforcement.

We feel that we have answered the majority of questions which have arisen concerning standards for appointment and training by clarifying these standards. The inclusion of the Rules of Practice and Procedure meets the requirements of the Administrative Procedures Act and assures every applicant of due process under the law.

Though there are few substantive changes in the area of employment, training, and certification, we urge you to read all of the Rules and keep this edition for reference in matters concerning peace officers. Prior editions of the Rules and Regulations should be destroyed.

The staff of the Commission is always willing to try to answer any questions and I add my support to you in your efforts to upgrade our profession.

Sincerely yours,

Don Doyle, Chairman

Members of Commission

Don Doyle (Chairman), Major, Austin Police Department

**Frank Manning (Vice-Chairman), Chief Deputy Sheriff,
El Paso County**

**George Killinger (Secretary), Director, Institute of Contemporary
Corrections, Sam Houston State University**

**Kenneth Ashworth, Commissioner of Higher Education,
Coordinating Board, Texas College and University
System**

M. L. Brockette, Commissioner, Texas Education Agency

Robert Gladney, Sheriff, Brazoria County

John Hill, Attorney General of Texas

Richard Ingram, Vice-President, Dunfey's Inc.

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Dewey Presley, President, First International Bancshares

Dan Saunders, Sheriff, Martin County

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SECTION I

Procedures for Hearings, Adoption, and Amendment of Rules

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

Administrative Division

210.01

General and Special Rules of Practice and Procedure

210.01.01.001-. 056

The following rules are promulgated under the authority of Article 4413 (29aa), V.T.C.S.

.001. DEFINITIONS

1. "Agency" or "Commission" means Texas Commission on Law Enforcement Officer Standards and Education.
2. "Applicant" or "Petitioner" is a party seeking a certificate or rule from the agency.
3. "Commissioner" means one of the appointed members of the decision-making body defined as the agency.
4. "Complainant" means any party who has filed a signed, written complaint with the agency against any party subject to the jurisdiction of the agency.
5. "Contested Case" means a proceeding, including but not restricted to, the denial, revocation or renewal of a certificate in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing.
6. "Director" means the Executive Director in charge of the agency.
7. "Division" means one of the administrative units for regulation of specific activities within the jurisdiction of the agency.
8. "Examiner" means any person appointed by the agency

to conduct hearings on matters within the agency's jurisdiction.

9. "Intervenor" means any party otherwise not defined.
10. "Certificate" includes the whole or part of any agency permit, certification, approval, registration, or similar form of permission required by law.
11. "Certification" includes the agency process respecting the granting, denial, renewal, revocation, suspension, annulment or withdrawal of a certificate.
12. "Party" means each person or agency named or admitted as a party.
13. "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency as defined in the Administrative Procedure and Texas Register Act.
14. "Pleading" means written allegations filed by parties concerning their respective claims.
15. "Protestant" means any party opposing an application or petition filed with the agency.
16. "Register" means the Texas Register.
17. "Respondent" means any party against whom any complaint has been filed.
18. "Rule" means any agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of an agency. The term includes the amendment or repeal of a prior rule but does not include statements concerning only the internal management or organization of any agency and not affecting private rights or procedures. This definition includes substantive regulations. "Specification" is a part of a rule.

19. "Regular Peace Officer" is a full-time or part-time commissioned employee of a police or law enforcement agency which is a part of, or administered by, this State or any political subdivision thereof, and who is defined as a peace officer by the Code of Criminal Procedure in Article 2.12, or by Section 51.212 of the Texas Education Code.
20. "Reserve Law Enforcement Officer" is a person appointed in compliance with Article 998a or Article 6869.1, Revised Civil Statutes.
21. "Department" is a law enforcement agency which is a part of, or administered by, this State or any political subdivision thereof, and which is responsible for the prevention and detection of crime and the enforcement of penal, traffic, or highway laws of this State.
22. "School Coordinator" is an individual charged with the responsibility of conducting a training school under the provisions of the Act.
23. "The Act" refers to Article 4413(29aa), Vernon's Civil Statutes, the minimum standards act of the Texas Commission on Law Enforcement Officer Standards and Education.
24. "School" is any school, college, university, academy, or local training program which offers law enforcement training and includes within its meaning the combination of course curriculum, instructors, and facilities.
25. "Official" is the person appointed by the agency to certify documents, and make submissions to the Secretary of State's Office.

.002. Object of Rules

The purpose of these rules is to provide for a simple and efficient system of procedure before the agency, to insure uniform standards of practice and procedure, public participation and notice of agency actions, and a fair and expe-

ditious determination of causes. These rules shall be liberally construed, with a view towards the purpose for which they were adopted.

.003. Scope of Rules

These rules shall govern the procedure for the institution, conduct, and determination of all causes and proceedings before the agency. They shall not be construed so as to enlarge, diminish, modify or alter the jurisdiction, powers or authority of the agency or the substantive rights of any person.

.004. Filing of Documents

All applications, petitions, complaints, motions, protests, replies, answers, notices, and other pleadings relating to any proceeding pending or to be instituted before the agency shall be filed with the Director. They shall be deemed filed only when actually received by him, accompanied by the filing fee, if any, required by statute or agency rules. All pleadings shall be accompanied by a signed copy for each Commissioner.

.005. Computation of Time

- A. Computing time: In computing any period of time prescribed or allowed by these rules, by order of the agency, or by any applicable statute, the period shall begin on the day after the act, event or default in controversy and conclude on the last day of such computed period, unless it be a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.
- B. Extensions: Unless otherwise provided by statute, the time for filing any pleading, except a notice of protest, may be extended by order of the Director, upon written motion duly filed with him prior to the expiration of the applicable period of time for the filing of the same, showing that there is good cause for such extension of time and that the need therefor is not caused by the neglect, indifference or lack of diligence

of the movant. A copy of any such motion shall be served upon all other parties of record to the proceeding contemporaneously with the filing thereof.

.006. Agreements to be in Writing

No stipulation or agreement between the parties, their attorneys or representatives, with regard to any matter involved in any proceeding before the agency shall be enforced unless it shall have been reduced to writing and signed by the parties or their authorized representatives, or unless it shall have been dictated into the record by them during the course of a hearing, or incorporated in an order bearing their written approval. This rule does not limit a party's ability to waive, modify or stipulate any right or privilege afforded by these rules, unless precluded by law.

.007. Service in Rulemaking Proceedings

Service of a proposed rule or amendment of any existing rule shall be governed by Section 5(a), et seq., of the Administrative Procedure and Texas Register Act.

.008. Service in Nonrulemaking Proceedings

- A. Publication: Where published notice is permitted or prescribed by these rules or by statute, it shall be made by incorporating it in the printed memorandum of notices regularly circulated by the agency to those persons entitled by law to receive such notices.
- B. Personal Service: Where personal service of notice by the agency is required, the agency shall mail the same, certified or registered mail, to the last known place of address of the person entitled to receive such notice.
- C. Service of Pleadings: A copy of any protest, reply, answer, motion or other pleading filed by any party in any proceeding subsequent to the institution thereof shall be mailed or otherwise delivered by the party filing the same to every other party of record. If any party has appeared in the proceeding by attorney or

other representative authorized under these rules to make appearances, service shall be made upon such attorney or other representative. The willful failure of any party to make such service shall be sufficient grounds for the entry of an order by the Director, or the presiding examiner, striking the protest, reply, answer, motion or other pleading from the record.

- D. Certificate of Service: A certificate by the party, attorney or representative who files a pleading, stating that it has been served on the other parties, shall be prima facie evidence of such service. The following form of certificate will be sufficient in this connection:

I hereby certify that I have this ____ day of _____, 19____, served copies of the foregoing pleading upon all other parties to this proceeding, by (here state the manner of service).

Signature.

.009. Conduct and Decorum

Every party, witness, attorney or other representative shall comport himself in all proceedings with proper dignity, courtesy, and respect for the agency, the Director, the Examiner, and all other parties. Disorderly conduct will not be tolerated. Attorneys and other representatives of parties shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Texas State Bar.

.010. Classification of Parties

Parties to proceedings before the agency are applicants, protestants, petitioners, complainants, respondents and intervenors. Regardless of errors as to designations in their pleadings, the parties shall be accorded their true status in the proceeding.

.011. Parties in Interest

Any party in interest may appear in any proceeding before

the agency. All appearances shall be subject to a motion to strike upon a showing that the party has no justiciable or administratively cognizable interest in the proceeding. Any person, public official, agency or department of the State of Texas or any of its political subdivisions, or any civic or trade organization shall be permitted to intervene, (a) in support of or in opposition to all or part of the relief sought in any contested proceeding by filing at least ten (10) days in advance of the hearing date, or (b) in support of the relief sought in any uncontested proceeding by filing at least five (5) days in advance of the hearing date, a petition in intervention showing its interest and the basis for its position in the case and at the hearing may present any relevant and proper testimony and evidence bearing upon the issues involved in the particular proceeding. A petition to intervene in an uncontested proceeding shall not delay or change the nature of the proceeding, its purpose or the method of procedure.

.012. Appearances, Personally or By Representative

Any party may appear and be represented by an attorney at law authorized to practice law before the highest court of any state. Any person may appear on his own behalf, or by a bona fide full-time employee. A corporation, partnership or association may appear and be represented by any bona fide officer, partner or full-time employee.

.013. Classification of Pleadings

Pleadings filed with the agency through the Director shall be applications, protests, petitions, complaints, answers, replies, motions for rehearing, and other motions. Regardless of any error in the designation of a pleading, it shall be accorded its true status in the proceeding in which it is filed.

.014. Form and Content of Pleadings

- A. **Typewritten or Printed:** Pleadings shall be typewritten or printed upon paper 8½ inches wide and 11 inches long with an inside margin at least 1 inch wide and exhibits annexed thereto shall be folded to the

same size. Reproductions are acceptable, provided all copies are clear and permanently legible.

- B. Content: Pleadings shall state their object, and shall contain a concise statement of the facts in support of the same and shall be signed by the applicant or his authorized agent.
- C. Signature and Address: The original of every pleading shall be signed in ink by the party filing the paper, or by his authorized representative. Pleadings shall contain the address of the party filing the document or the name, telephone number and business address of the representative.
- D. Forms: Official forms for use in certain agency proceedings may be required. The above-mentioned official forms shall be printed, when appropriate, under the supervision of a division director and he shall furnish copies thereof to any person upon request. All pleadings which are the subject of an official form shall contain the information, allegations and other matter designated in such official form and shall conform substantially to the form thereof.
- E. Other Pleadings: All pleadings for which no official form is prescribed shall contain:
 - 1. The name of the party seeking to bring about or prevent action by the agency;
 - 2. The names of all other known parties in interest;
 - 3. A concise statement of the facts relied upon by the pleader;
 - 4. A prayer stating the type of relief, action or order desired by the pleader;
 - 5. Any other matter required by statute; and
 - 6. A certificate of service is required by Rule 210. 01.01.008 (C).
- F. Filing Fees: Each application, petition or complaint which is intended to institute a proceeding before the

agency shall be accompanied by the filing fee prescribed by law and these rules.

.015. Examination by the Director

Upon the filing of any pleading with the Director, he shall examine the same and determine its sufficiency under these rules. If he shall find that the pleading does not comply in all material respects with these rules, he shall return it to the person who filed it, along with his statement of the reasons for rejecting the same. The person who filed such pleading shall thereafter have the right to file a corrected pleading; provided that the filing of such corrected pleading shall not be permitted to delay any hearing unless the Director shall determine that such delay is necessary in order to prevent injustice or to protect the public interest and welfare.

.016. Motions

Any motion relating to a pending proceeding shall, unless made during a hearing, be written, and shall set forth the relief sought and the specific reasons and grounds therefor. If based upon matters which do not appear of record, it shall be supported by affidavit. Any motion not made during a hearing shall be filed with the Director, who shall act upon the motion at the earliest practicable time.

.017. Amendments

Any pleading may be amended at any time upon motion; provided, that the application, complaint or petition upon which notice has been issued shall not be amended so as to broaden the scope thereof.

.018. Incorporation by Reference of Agency Records

Any pleading may adopt and incorporate, by specific reference thereto, any part of any document or entry in the official files and records of the agency. This rule shall not relieve any applicant of the necessity of alleging in detail, if required, facts necessary to sustain his burden of proof im-

posed by law.

.019. Docketing and Numbering of Causes

Upon receipt of an application or other pleading, which is intended to institute a proceeding before the agency and complies with these rules as to form and content, the Director shall docket the same as a pending proceeding and serve notice thereon by publication or by personal service as required by these rules.

.020. Publication of Notice in Nonrulemaking Proceedings

The Director shall publish notice of all applications or other pleadings by which proceedings shall have been instituted in an agency division since the last previous publication of notice. Said published notice shall not include, however, any proceeding in which personal service of notice is required by law. Said published notice shall set out the name and address of the applicant or other party filing the same, the docket number, and the name and address of his attorney or other representative, shall contain a concise statement of the action sought in the proceeding, reference to agency jurisdiction and statutory authority, or substantive rule for action sought, and shall state that every person who desires to appear in opposition must file a notice of protest with the Director within fifteen days after the publication of said notice, with service of a copy of said notice of protest upon the party who instituted the proceeding, and that if no notice of protest shall have been received by the Director within said fifteen-day period, the proceeding will be processed and determined upon the uncontested docket, at a time and place certain therein stated. The date of publication of all such notices shall be the date on which they are published.

.021. Certificates

- A. When the denial, revocation or renewal of a certificate is required to be preceded by notice and opportunity for hearing, the provisions of these rules concerning contested cases apply.

- B. When a certificate holder has made timely and sufficient application for the renewal of a certificate or a new certificate for any activity of a continuing nature, the existing certificate does not expire until the application has been finally determined by the agency, and in case the application is denied or the terms of the new certificate limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

.022. Contested Proceedings

- A. When an issue arises as to the denial, revocation, or renewal of a certificate, the Director shall assign such case to the contested docket. The agency shall appoint an Examiner to hear the case, and issue a notice which shall include:
1. A statement of time, place, and nature of the hearing;
 2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
 3. A reference to the particular sections of the statutes and rules involved; and
 4. A short and plain statement of the matters asserted.
- B. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, on timely written application, a more definite and detailed statement must be furnished not less than three days prior to the date set for the hearing.

.023. Uncontested Proceedings

When no notice of protest has been received by the Director in a proceeding within fifteen days after the publication of notice, as provided in Rule 210.01.01.020, and when the expedited procedure as may be provided herein is not applicable, the Director shall assign such case to the uncontested docket and the agency shall appoint an Examiner to hear it.

The applicant shall state, in writing, that he expressly waives any requirements for preparation of a proposal for decision. All cases on the uncontested docket shall be processed as expeditiously as practicable. Nothing in this rule shall relieve any party of the burden of proof imposed by law.

.024. Expedited Procedure for Applications

An application seeking the grant or renewal of any certificate may be given expedited processing if, in addition to meeting all requirements ordinarily required for the filing of the type of application, the applicant submits with the application, in writing, all of the evidence that would otherwise support the same at an oral hearing held in connection therewith. The Director shall review each application requesting expedited processing and determine if it contains all information necessary to enable the agency to reach a favorable decision on it. If no protest has been filed against such application at the expiration of the period for filing same, an order approving the application shall be prepared and duly processed without further proceedings. However, if the Director determines that such an application does not contain all necessary information for processing without an oral hearing, it will be docketed as a regular application and, if unopposed, will be heard at a regular call of the uncontested docket. Any application for expedited processing to which a protest has been filed will be handled as any other contested application.

.025. Personal Service

All notices of which personal service is required by law shall be addressed to the person entitled thereto, and shall set forth the names of all other parties, the nature and subject matter of the proceeding, the time and place of hearing, and any other matter required by law.

.026. Pre-Hearing Conference

- A. In any proceeding, the Director, on his own motion or on the motion of a party, may direct the parties, their

attorneys for representatives to appear before an examiner at a specified time and place for a conference prior to the hearing for the purpose of formulating issues and considering:

1. The simplification of issues;
2. The possibility of making admissions of certain averments of fact or stipulations concerning the use by either or both parties of matters of public record, to the end of avoiding the unnecessary introduction of proof;
3. The procedure at a hearing;
4. The limitation, where possible, of the number of witnesses; and
5. Such other matters as may aid in the simplification of the proceedings, and the disposition of the matters in controversy, including settlement of such issues as in dispute.

B. Action taken at the conference shall be recorded in an appropriate order by the examiner, unless the parties enter into a written agreement.

.027. Motions for Postponement, Continuance, Withdrawal or Dismissal of Applications or Other Matters Before the Agency

Motions for postponement, continuance, withdrawal or dismissal of applications or other matters which have been duly set for hearing shall be in writing, shall be filed with the Director and distributed to all interested parties, under a certificate of service, not less than five (5) days prior to the designated date that the matter is to be heard. Such motion shall set forth, under oath, the specific grounds upon which the moving party seeks such action and shall make reference to all prior motions of the same nature filed in the same proceeding. Failure to comply with the above, except for good cause shown, may be construed as lack of diligence on the part of the moving party, and at the discretion of the Director, may result in the dismissal of the application or other matter in issue, with prejudice to refile. Once an application or other matter has actually proceeded to a hearing, pursuant to the notice issued thereon, no post-

ponement or continuance shall be granted by the Examiner without the consent of all parties involved, unless the agency shall have ordered such postponement or continuance.

.028. Joint Hearings

A motion for consolidation of two or more applications, petitions or other proceedings shall be in writing, signed by the movant, his attorney or representative, and filed with the Director prior to the date set for hearing. No two or more applications, petitions, complaints or other proceedings shall be consolidated or heard jointly without the affirmative consent of all parties to all such proceedings, unless the agency shall find that the two or more applications, petitions, complaints or other proceedings involve common questions of law and fact, and shall further find that separate hearings would result in unwarranted expense, delay or substantial injustice.

.029. Place and Nature of Hearings

All hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Austin, Texas, unless for good and sufficient cause the agency shall designate another place of hearing in the interest of the public.

.030. Presiding Officer

- A. Hearings will be conducted by a member of the agency, the Director, or a hearing examiner, any and all of which are at times referred to in these rules as the Examiner or the presiding examiner. The presiding examiner shall have authority to administer oaths, to examine witnesses, and to rule upon the admissibility of evidence and amendments to pleadings. He shall have the authority to recess any hearing from day to day.
- B. If the presiding examiner dies, becomes disabled or withdraws or is removed from employment at any time during a case and before the final decision thereof, the agency may appoint another presiding examiner who may perform any function remaining to be per-

formed without the necessity of repeating any previous proceedings in the case.

.031. Order of Procedure

- A. In all proceedings the petitioner, applicant or complainant, respectively, shall be entitled to open and close. Where several proceedings are heard on a consolidated record, the presiding examiner shall designate who shall open and close. The examiner in all cases shall determine at what stage intervenors shall be permitted to offer evidence. After all parties have completed the presentation of their evidence the agency may call upon any party or the staff of the agency for further material or relevant evidence upon any issue, to be presented at further public hearing after notice to all parties of record.
- B. The presiding examiner shall direct all parties to enter their appearances on the record. If exceptions to the form or sufficiency of a pleading have been filed in writing at least three days prior to the date of hearing, they shall be heard; otherwise not. If exceptions are sustained, the examiner shall allow a reasonable time for amendment, subject to the provisions of Rule 210.01.01.017.

.032. Reporters and Transcript

- A. When a party makes a written request that proceedings be transcribed, the party shall state in writing his election to furnish his own stenographic reporter or to utilize the reporter on the staff of the agency, if the agency has a stenographic reporter available at the time of the request. The cost of the original transcript shall be assessed to the party requesting the transcription.
- B. The original transcript shall be delivered to the Director not more than fourteen working days after the close of the hearing. A stenographic reporter may sell a copy of a transcript if the stenographic reporter first submits a written request to the Director containing:

1. The full name and address of the party requesting the copy;
2. The number of pages in the transcript; and
3. The cost of the copy to the party.

Upon approval of the request by the Director, the stenographic reporter shall furnish a copy to the requesting party at not more than thirty cents per page, plus the cost of postage, if any. The Director or agency may exclude any stenographic reporter for late delivery or poor workmanship in previous hearings.

- C. Suggested corrections to the transcript of the record may be offered within ten (10) days after the transcript is filed in the proceeding, unless the examiner or agency shall permit suggested corrections to be offered thereafter. Suggested corrections shall be served in writing upon each party of record, the official reporter and the examiner. If suggested corrections are not objected to, the examiner will direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the examiner who shall then determine the manner in which the record shall be changed, if at all.

.033. Formal Exceptions

Formal exceptions to rulings of the presiding examiner during a hearing shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the presiding examiner the action which he desires.

.034. Dismissal Without Hearing

The agency may entertain motions for dismissal without a hearing for the following reasons: Failure to prosecute; unnecessary duplication of proceedings or res adjudicata; withdrawal; moot questions or stale petitions; or lack of jurisdiction.

.035. Rules of Evidence

In all cases, irrelevant, immaterial, or unduly repetitious evi

dence shall be excluded. The rules of evidence as applied in nonjury civil cases in the district courts of this State shall be followed. When necessary to ascertain facts not reasonable susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The agency shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, if a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

.036. Documentary Evidence and Official Notice

- A. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. On request, parties shall be given an opportunity to compare the copy with the original. When numerous documents are offered, the presiding examiner may limit those admitted to a number which are typical and representative, and may, in his discretion, require the abstracting of the relevant data from the documents and the presentation of the abstracts in the form of an exhibit; provided, however, that before making such requirement, the examiner shall require that all parties of record or their representatives be given the right to examine the documents from which such abstracts were made.
- B. Official notice may be taken of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or other wise, of the material officially noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The special skills or knowledge of the agency and its staff may be utilized in evaluating the evidence.

.037. Prepared Testimony

In all contested proceedings and after service of copies upon all parties of record at such time as may be designated by the Director or the examiner, the prepared testimony of a witness upon direct examination, either in narrative or question and answer form, may be incorporated in the record as if read or received as an exhibit, upon the witness's being sworn and identifying the same. Such witness shall be subject to cross-examination and the prepared testimony shall be subject to a motion to strike in whole or in part.

.038. Limitations on Number of Witnesses

The Director or the examiner shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

.039. Exhibits

- A. Form: Exhibits of documentary character shall be of such size, as set forth in Rule 210.01.01.014, as not unduly to encumber the files and records of the agency. There shall be a brief statement on the first sheet of the exhibit of what the exhibit purports to show. Exhibits shall be limited to facts material and relevant to the issues involved in a particular proceeding.
- B. Tender and Service: The original of each exhibit offered shall be tendered to the reporter for identification; one copy shall be furnished to presiding examiner, and one copy to each other party or record or his attorney or representative.
- C. Excluded Exhibits: In the event an exhibit has been identified, objected to and excluded, the presiding examiner shall determine whether or not the party offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn, it shall be given an exhibit number for identification, shall be endorsed by the examiner with his ruling, and shall be included in the record for the purpose only of preserving the exception.
- D. After Hearing: Unless specifically directed by the presiding examiner, or by the agency itself, no exhibit will be permitted to be filed in any proceeding after

the conclusion of the hearing. In the event the agency allows an exhibit to be filed after the conclusion of the hearing, copies of the late-filed exhibit shall be served on all parties of record.

.040. Offer of Proof

When testimony is excluded by ruling of the examiner, the party offering such evidence shall be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed testimony, prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review by the agency. The presiding examiner may ask such questions of the witness as he deems necessary to satisfy himself that the witness would testify as represented in the offer of proof. An alleged error in sustaining an objection to questions asked on cross-examination may be preserved without making an offer of proof.

.041. Depositions

The taking and use of depositions in any proceeding shall be governed by Section 14 of the Administrative Procedure and Texas Register Act.

.042. Subpoenas

Following written request by a party or on its own motion:

- A. Subpoenas for the attendance of a witness from any place in the State of Texas at a hearing in a pending proceeding, may be issued by the agency, any member thereof, the Director, or during the course of a hearing, by the presiding examiner.
- B. Motions for subpoenas to compel the production of books, papers, accounts or documents shall be addressed to the agency, shall be verified and shall specify as nearly as may be the books, papers, accounts or documents desired and the material and relevant facts to be proved by them. If the matter sought is relevant, material and necessary and will not result in harass-

ment, imposition, or undue inconvenience or expense to the party to be required to produce the same, the agency, any member thereof, or the Director may issue a subpoena, compelling production of books, papers, accounts or documents as deemed necessary.

- C. Such subpoenas shall be issued only after a showing of good cause and deposit of sums sufficient to insure payment of expenses incident to the subpoenas. Service of subpoenas and payment of witness fee shall be made in the manner prescribed in the Administrative Procedure and Texas Register Act.

.043. Proposals for Decision

- A. If in a contested case a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, may not be made until a proposal for decision is served on the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs to the officials who are to render the decision. The proposal for decision must contain a statement of the reasons for the proposed decision and of each finding of fact and conclusion of law necessary to the proposed decision, prepared by the person who conducted the hearing or by one who has read the record. The parties by written stipulation may waive compliance with this section.
- B. When a proposal for decision is prepared, a copy of the proposal shall be served forthwith by the Director on each party and his attorney of record. Upon the expiration of the twentieth day following the time provided for the filing of exceptions and briefs in Rule 210.01.01.044, the proposal for decision may be adopted by written order of the agency, unless exceptions and briefs shall have been filed in the manner required in Rule 210.01.01.044. If deemed warranted by the Director, the assigned examiner may direct a party to draft and submit a proposal for decision

which shall include proposed findings of fact and a concise and explicit statement of the underlying facts supporting such proposed findings developed from the record.

.044. Filing of Exceptions, Briefs, and Replies

Any party of record may, within twenty days after the date of service of a proposal for decision, file exceptions and briefs to the proposal for decision, and replies to such exceptions and briefs may be filed within fifteen days after the date for filing of such exceptions and briefs. A request for extension of time within which to file exceptions, briefs, or replies shall be filed with the Director, and a copy thereof shall be served on all other parties of record by the party making such request. The Director shall promptly notify the parties of his action upon the same and shall allow additional time only in extraordinary circumstances where the interests of justice so require.

.045. Form and Content of Briefs, Exceptions, and Replies

Briefs, exceptions, and replies shall be of such size and conform, as near may be, to the form of pleadings as set forth in Rule 210.01.01.014 (A) and (C). The points involved shall be concisely stated. The evidence in support of each point shall be abstracted or summarized, and/or briefly stated in the form of proposed findings of fact. Complete citations to the page number of the record or exhibit referring to evidence shall be made. The specific purpose for which the evidence is relied upon shall be stated. The argument and authorities shall be organized and directed to each point properly proposed as a finding of fact in a concise and logical manner. Briefs shall contain a table of contents and authorities. Briefs, prior to the issuance of a proposal for decision, may be filed only when requested or permitted by the examiner.

.046. Oral Argument

Any party may request oral argument prior to the final determination of any proceeding, but oral argument shall be allow-

ed only in the sound discretion of the agency. A request for oral argument may be incorporated in exceptions, briefs, replies to exceptions, motions for rehearing or in separate pleadings.

.047. Final Decisions and Orders

All final decisions and orders of the agency shall be in writing and shall be signed by a majority of the Commissioners. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submits proposed findings of fact, the decision shall include a ruling on each proposed finding. Parties shall be notified either personally or by mail of any decision or order. On written request, a copy of the decision or order shall be delivered or mailed to any party and to his attorney of record.

.048. Administrative Finality

A decision is final, in the absence of a timely motion for rehearing, and is final and appealable on the date of rendition of the order overruling the motion for rehearing, or on the date the motion is overruled by operation of law. If the agency board includes a member who, (1) receives no salary for his work as a board member and who (2) resides outside Travis County, the board may rule on a motion for rehearing at a meeting or by mail, telephone, telegraph, or other suitable means of communication. If the agency finds that an imminent peril to the public health, safety, or welfare requires immediate effect of a final decision or order in a contested case, it shall recite the finding in the decision or order as well as the fact that the decision or order is final and appealable on the date rendered and no motion for rehearing is required as a prerequisite for appeal.

.049. Motions for Rehearing

A motion for rehearing is a prerequisite to an appeal. A motion for rehearing must be filed within 15 days after the date of rendition of a final decision or order. Replies to a

motion for rehearing must be filed with the agency within 25 days after the date of rendition of the final decision or order, and agency action on the motion must be taken within 45 days after the date of rendition of the final decision or order. If agency action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date of rendition of the final decision or order. The agency may by written order extend the period of time for filing the motions and replies and taking agency action, except that an extension may not extend the period for agency action beyond 90 days after the date of rendition of the final decision or order. In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date of the final decision or order. The parties may by agreement with the approval of the agency provide for a modification of the times provided in this section.

.050. Rendering of Final Decision or Order

The final decision or order must be rendered within 60 days after the date the hearing is finally closed. In a contested case heard by other than a majority of the officials of an agency, the agency may prescribe a longer period of time within which the final order or decision of the agency shall be issued. The extension, if so prescribed, shall be announced at the conclusion of the hearing.

.051. The Record

A. The record in a contested case shall include:

1. All pleadings, motions, and intermediate rulings;
2. Evidence received or considered;
3. A statement of matters officially noticed;
4. Questions and offers of proof, objections and rulings on them;
5. Proposed findings and exceptions;
6. Any decision, opinion, or report by the officer presiding at the hearing; and
7. All staff memoranda or data submitted to or con-

sidered by the hearing officer or members of the agency who are involved in making the decision.

- B. Findings of fact shall be based exclusively on the evidence presented and matters officially noticed.

.052. Show Cause Orders and Complaints

- A. The agency, either on its own motion or upon receipt of sufficient written complaint, may, in its sound discretion, at any time after notice to all interested parties, including personal service upon the certificate holder, cite any person operating under its jurisdiction to appear before it in a public hearing and require him or it to show cause why his or its certificate should not be revoked, suspended, withdrawn or amended, or other action available to the agency be taken, for failure to comply with any applicable statute, or the rules, regulations or orders of the agency, or for failure to abide by the terms and provisions of the certificate itself. All hearings in such proceedings shall be conducted in accordance with the provisions of these rules.
- B. No revocation, suspension, annulment, or withdrawal of any certificate is effective unless, prior to the institution of agency proceedings, the agency gives notice by personal service or by registered or certified mail to the certificate holder of facts or conduct alleged to warrant the intended action and the certificate holder is given an opportunity to show compliance with all requirements of law for the retention of the certificate.

.053. Ex Parte Consultations

Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case may not communicate, directly or indirectly, in connection with any issue of fact or law with any party or his representative, except on notice and opportunity for all parties to participate.

.054. Suspension of Rules

In any case in which a public emergency or imperative public necessity so requires, the agency may suspend the operation of these rules and to the extent authorized by law may authorize temporary certificates.

.055. Amendments to Rules Subsequent to January 1, 1976

- A. Prior to the adoption of any rule, the agency shall give at least 30 days' notice of its intended action. Notice of the proposed rule shall be filed with the Secretary of State and published by the Secretary of State in the Texas Register. The notice shall include:
 - 1. A brief explanation of the proposed rule;
 - 2. The text of the proposed rule, except any portion omitted as provided in Section 6(C) of the Administrative Procedure and Texas Register Act prepared in a manner to indicate the words to be added or deleted from the current text, if any;
 - 3. A statement of the statutory or other authority under which the rule is proposed to be promulgated;
 - 4. A request for comments on the proposed rule from any interested person; and
 - 5. Any other statement required by law.
- B. Each notice of a proposed rule becomes effective as notice when published in the Register. The notice shall be mailed to all persons who have made timely written requests of the agency for advance notice of its rule-making proceedings. However, failure to mail the notice does not invalidate any actions taken or rules adopted.
- C. Prior to the adoption of any rule, the agency shall afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In the case of substantive rules, opportunity for public hearing shall be granted if requested by at least 25 persons, by a governmental subdivision or agency, or

by an association having at least 25 members. The agency shall consider fully all written and oral submissions concerning the proposed rule. On adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement its reasons for overruling the considerations urged against its adoption.

- D. If the agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule on fewer than 30 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or on any abbreviated notice and hearing that it finds practicable to adopt an emergency rule. The rule may be effective for a period of not longer than 120 days renewable once for a period not exceeding 60 days, but the adoption of an identical rule under subsections (A) and (C) of this section is not precluded. An emergency rule adopted under the provisions of this subsection, and the agency's written reasons for the adoption, shall be filed in the office of the Secretary of State for publication in the Texas Register.
- E. The agency may use informal conferences and consultations as means of obtaining the viewpoints and advice of interested persons concerning contemplated rulemaking. The agency also may appoint committees of experts or interested persons or representatives of the general public to advise it with respect to any contemplated rulemaking. The powers of these committees are advisory only.
- F. Any interested person may petition the agency requesting the adoption of a rule. Within 60 days after submission of a petition, the agency either shall deny the petition in writing, stating its reasons for the denial, or shall initiate rulemaking proceedings in accordance with the previous provisions of this rule.

.056. Effective Date

These rules shall take effect on December 31, 1975. They govern all proceedings filed after they take effect; and they also govern all proceedings then pending, except to the extent that the Director shall determine that their application in a particular pending proceeding would not be feasible or would work injustice, in which event the former procedure applies. Any rule adopted after December 31, 1975 shall become effective 20 days after filing two certified copies of said rule with the Secretary of State, unless otherwise specified in the rule because of statutory directive or federal law or emergency.

SECTION II

Employment, Training, and Certification

**TEXAS COMMISSION ON LAW ENFORCEMENT
OFFICER STANDARDS AND EDUCATION
210.01**

**Procedural and Substantive Rules
210.01.02.001-.008**

The following rules are promulgated under the authority of Article 4413(29aa), V.T.C.S.

.001. Minimum Standards for Appointment

A. Every peace officer appointed by a department shall:

1. Be a citizen of the United States.
2. Be at least nineteen (19) years of age.
3. Be fingerprinted and a search made of local, state, and national fingerprint files to disclose any criminal record, as prescribed in Specification 1 of this rule.
4. Not have been convicted by any state or by the federal government of Driving While Intoxicated or Driving Under the Influence of Drugs within the last ten (10) years, nor have ever been convicted of a felony under the laws of this State, another state, or the United States, nor have ever been granted or placed on probation by a court in any case in which he was charged with a felony offense under the laws of this State, another state, or the United States.
 - a. For the purpose of this rule, a felony conviction includes:

A conviction whereupon a person is sentenced to serve, or has served, in whole or in part, a sentence in prison, under the laws of this State, or any other state, or the federal government.
 - b. A misdemeanor conviction in which probation is granted is not considered a conviction.
 - c. A conviction shall not be considered in any

manner by the Commission if:

- (1) A person has served, in whole or in part, a sentence in prison, under the laws of the State, or any other state, or the federal government; and if in addition
 - (2) He pleaded "not guilty" to the charge for which he was convicted and which led to the imprisonment; and if in addition
 - (3) He is not guilty of the crime for which he was sentenced, and, if in addition
 - (4) He has received a full pardon for the crime and punishment for which he was sentenced.
5. Be of good moral character, as determined by a thorough background investigation.
 6. Be a high school graduate, or have passed the General Educational Development Test indicating high school graduation level, or have attained the equivalent to a high school education, as determined by criteria established by the Commission, as prescribed in Specification 2 of this rule.
 7. Be examined by a licensed physician and meet the physical requirements prescribed in Specification 3 of the rule.
 8. It is recommended that applicant be examined by a licensed physician, psychiatrist, or clinical psychologist and meet the recommendations as prescribed in Specification 4, Mental Examination.
 9. Be interviewed personally prior to appointment by representatives of the appointing authority.
 10. Applicant must have been discharged from military service under honorable conditions, if applicable.

- B. Every reserve officer appointed by a department shall:
1. Satisfy the minimum standards for appointment of peace officers, as prescribed in Section A of this rule.
 2. Satisfactorily complete the prescribed basic course for reserve officers, as outlined in Rule 210.01.02.003 before authorization to carry a weapon or otherwise act as a peace officer.
- C. Evidence that a peace officer or reserve officer meets the minimum standards for appointment as a peace officer, as prescribed in this rule, shall be maintained by the appointing authority.
- D. Commission Form F-1, Initial Employment Report, must be completed by the appointing authority upon the appointment of a person as a peace officer or reserve officer, and forwarded to the Commission within ten (10) days after date of appointment.
- E. Reporting of Social Security Number. Employing departments shall require each officer to furnish the department with his social security number. The officer shall be notified that the disclosure of his social security number is mandatory under Article 4413(29aa), Section 2B(a) and that the purpose for this requirement is to provide the Commission with an identifiable number for each peace officer for the purposes of certification.

Specification 1

FINGERPRINT RECORD CHECK

The fingerprint record check is conducted to implement the minimum employment standard that prohibits the appointment of applicants who have been convicted of serious crimes by any state or the federal government.

Requirements

1. A search of local, state and national fingerprint files to disclose any criminal record.
2. Rejection of any applicant who has been convicted by any state or by the federal government for Driving While Intoxicated (DWI) or Driving Under the Influence of Drugs (DUID) within the last ten (10) years, or even convicted of a felony under the law of this State, another state, or the United States.

Specification 2

HIGH SCHOOL GRADUATION

Section A, Paragraph 6, requires high school graduation or the equivalent as a minimum standard for appointment as a peace officer.

Requirements

1. Applicants for the position of peace officer must be high school graduate or have passed the General Education Development Test (GED), indicating high school graduation level, or must have a minimum of 12 semester hours credit at an accredited college or university.
2. Documentary evidence of satisfaction of Requirement 1 (above) of this Specification must be retained in the files of the appointing department, and results submitted to the Commission.

Specification 3

PHYSICAL EXAMINATION

Section A, Paragraph 7, states that a peace officer must be physically sound and free from any defect which might adversely affect his performance of duty. His personal safety and the safety and lives of others will be endangered if he lacks these important physical qualifications.

Requirements

1. Medical examination administered by a licensed physician or surgeon.
 - a. Physical condition should be determined by the designated examining physician. Applicant should be in sound physical condition.
 - b. Applicant should be free from physical defects that could prevent the performance of duty.
2. A medical history will be supplied by each applicant to the examining physician. The medical history will include information on past and present diseases, injuries, and operations.
3. Vision and Hearing - The applicant shall possess normal hearing, normal color vision and functions, as determined by the appointing authority. Each eye must be free of any abnormal condition or disease which, in the opinion of the appointing authority, might adversely affect performance of the assigned duty.
4. The appointing department shall retain the physical examination report on all peace officers appointed, and results reported to the Commission on Form F-1.

Specification 4

MENTAL EXAMINATION

Section A, Paragraph 8 recommends that applicants be examined for emotional stability by a licensed physician, psychiatrist, or clinical psychologist. The emotional stability to withstand the pressures of modern police work is an essential qualification for applicants for police service and, although psychological tests and interviews have recognized limitations, many personality defects can and are identified through screening by trained professionals.

Recommendations

1. All applicants be screened by a licensed physician, psychiatrist, or clinical psychologist.
2. Rejection for the following causes:
 - a. Psychoses - or authenticated history of a psychotic illness other than those of a brief duration associated with a toxic or infectious process.
 - b. Psychoneurotic reaction which caused:
 - (1) Hospitalization
 - (2) Prolonged care by a physician
 - (3) Loss of time from normal pursuits for repeated periods, even if of brief duration, or
 - (4) Symptoms or behavior of a repeated nature which impaired school or work efficiency. A history of a brief psychoneurotic reaction or nervous disturbance within the preceding 12 months which was sufficiently severe to require medical attention or absence from work or school for a brief period.
 - c. Personality Disorders - Character or behavior disorders as evidenced by:
 - (1) Frequent encounters with law enforcement agencies, or anti-social attitudes or behavior which, while not a cause for rejection, are tangible evidence of an impaired characterological capacity to adapt to the demands of police service.
 - (2) Homosexuality or other forms of sexual deviant practice such as exhibitionism, transvestism, voyeurism, etc.
 - (3) Chronic alcoholism or alcohol addiction.
 - (4) Drug addiction.

- d. Character and behavior disorders where it is evidenced by history and objective examination that the degree of immaturity, instability, personality inadequacy, and dependency will seriously interfere with the performance of police duties as demonstrated by repeated inability to maintain reasonable adjustment in school, with employers, and fellow-workers, and other social groups.
 - e. Other symptomatic immaturity reactions such as authenticated evidence of enuresis which is habitual or persistent, not due to an organic condition occurring beyond early adolescence (ages 12 to 14) and stammering or stuttering of such a degree that the individual is normally unable to express himself clearly or to converse in a normal manner.
 - f. Specific learning defects secondary to organic or functional mental disorders.
3. Retention on a permanent basis by the appointing department of the results of the mental examination as documented in the recommendations of the examiner, and results submitted to the Commission.

.002. Termination of Appointment

Whenever a peace officer or reserve officer terminates from a department for any reason or his commission as a peace officer for that department is terminated, the department shall report the termination to the Commission. Commission Form F-5 shall be used for this purpose.

[Reference: Article 4413(29aa), Section 2B(a), V.C.S.]

.003. Minimum Training Standards for Peace Officers and Reserve Officers

- A. Each peace officer must satisfactorily complete the prescribed basic course within a one year period from the date of his original appointment, or forfeit his position as a peace officer.

- B. The basic course for peace officers shall be one of the following:
1. The basic course, as prescribed in Specification 1 of this rule.
 2. Associate or baccalaureate degree in law enforcement, containing the core curriculum. However, it is recommended that training be obtained in the proficiency areas as listed in the basic training course, if such areas were not a part of the courses taken in the degree program.
 3. Basic or recruit police training received in other states, provided it meets or exceeds the minimum training standards as prescribed in Specification 1 of this rule, and completion of supplemental training in a basic course of the following subjects:
 - a. Code of Criminal Procedure
 - b. Laws of Arrest
 - c. Juvenile Law
 - d. Penal Code
 - e. Liquor Laws
 - f. Motor Vehicle Laws
 4. A law degree and a license to practice law within the State of Texas.
 5. Federal law enforcement training received in an academy approved by the Commission.
- C. The Commission may elect to prescribe as a condition of certification supplementary or remedial training necessary to equate previous training with current standards.
- D. The agency may approve changes from the course content listed in this rule upon written application from a school coordinator, presenting evidence that such change is compatible with the public interest and is needed.

- E. The Basic Course for reserve officers shall be as prescribed in Specification 2 of this rule.

Specification 1

THE BASIC COURSE - PEACE OFFICERS

In accordance with this rule, Section B, the Basic Course shall consist of a minimum of 240 classroom hours, and shall include, but not be limited to, the subjects set forth on the following pages.

THE BASIC COURSE - PEACE OFFICERS

<u>Subject</u>	<u>Hours</u>
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I. GENERAL EDUCATION

- | | |
|--|---|
| 1. <u>Introduction</u> | 1 |
| a. Welcome and orientation | |
| b. Rules of the academy | |
| c. Reading assignments | |
| d. Assignment of research paper | |
| 2. <u>Classroom Notetaking</u> | 2 |
| a. Academy notetaking requirements | |
| b. Notebook requirements | |
| c. Reference material | |
| d. Requirements for certification | |
| 3. <u>Structure of Government</u> | 1 |
| a. Organization of local, state and federal government | |

II. CRIMINAL JUSTICE

- | | |
|---|---|
| 1. <u>History and Philosophy of Law Enforcement</u> | 4 |
| a. Development of law enforcement, court and correctional procedure and philosophies from pre-historic to modern. | |
| b. Explanation of American concept of criminal justice as a result of the heritage of Anglo-Saxon England. | |
| 2. <u>Crime in America</u> | 1 |
| a. Brief survey of crime in the United States, quantity, measurement, trends, etc. | |
| b. Uniform crime reporting and crime statistics | |

<u>Subject</u>	<u>Hours</u>
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as they relate to police operations.

- | | | |
|----|--|---|
| 3. | <u>The Criminal Justice System</u> | 2 |
| | a. A review and examination of the system in terms of entry-exit, decision, police role as a part of the sub-system. | |
| 4. | <u>Agency Organization</u> | 1 |
| | a. Basic review of agency organization | |
| | b. Organizational structure and principles | |
| | c. Line and staff functions | |
| | d. Chain of command | |
| | e. Relationship between supervisor and the subordinate. | |
| 5. | <u>Law Enforcement Coordination</u> | 1 |
| | a. Define municipal, county, state and federal enforcement agencies. | |
| | b. Define common patterns of jurisdictional authority. | |
| | c. Formal and informal agreements of cooperation. | |
| | d. Enforcement services related to police functions, but not provided by police agencies. | |
| 6. | <u>Courts</u> | 1 |
| | a. Explain the place of criminal adjudication in the administration of justice. | |
| | b. A review of the several common systems of court organization, both state and federal. | |
| | c. Identify court officers and their roles and relationships. | |
| 7. | <u>Corrections</u> | 1 |

<u>Subject</u>	<u>Hours</u>
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- a. Functions of detention
- b. Custody and rehabilitation
- c. Review of effectiveness of institutional confinement, probation, parole and half-way programs.

8. Social Agencies' Services 1

- a. Relationship between agencies of social concern and the police function.
- b. Introduction of the structure and function of welfare, health, education, rehabilitation and volunteer agencies as they relate to community stability.

9. Law Enforcement Ethics and Professionalization 2

- a. A study of methods to make the police function a professional role.
- b. Explanation of and encouraging adherence to the code of ethics.
- c. An increasing level of training and education.

10. Law Enforcement Careers 1

- a. A close look at police careers
- b. The many specialized occupational areas
- c. Attention to changing patterns of police work
- d. Attention to compensation, educational and advancement opportunities.

III. BASIC LAW

1. Constitutional Law and Police Liability 5

- a. Provide an understanding of the U. S. Constitution as the basis for our criminal justice

<u>Subject</u>	<u>Hours</u>
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- system.
- b. Include constitutional basis for civil rights, civil liberties, and rights of the accused.
- c. Legal basis for limitations of police action.
- d. Acquaint officer with state, civil and criminal liability.
- e. Possible federal prosecution and civil liability under the U. S. Civil Rights Act.

2. Texas Code of Criminal Procedure 8

- a. To acquaint the officer with the rules governing the administration of criminal justice.
- b. Cover jurisdiction of various courts.
- c. Each step of the procedure from arrest to final disposition of the criminal charge.

3. Laws of Arrest 3

- a. State and federal constitutional basis laws governing arrest.
- b. Officer's rights and duties to make arrest.
- c. Recognizing and developing probable cause as a basis for arrest.
- d. Statutory authority for arrest.
- e. Legal use of force and attitude of officer.

4. Texas Juvenile Law 2

- a. Discussion of the juvenile code
- b. Rights of juveniles
- c. Disposition of juveniles taken into custody
- d. Juvenile Court procedures
- e. Alternative to referral

5. Introduction to Texas Penal Code 2

- a. Acquaint the law enforcement recruit with

<u>Subject</u>	<u>Hours</u>
<ul style="list-style-type: none"> · this body of the law that will enable him to recognize criminal law violations. b. To understand the elements of a crime c. To know what police actions are indicated d. How to research statutes (use of Law Books) 	
6. <u>Texas Penal Code</u>	12
<ul style="list-style-type: none"> a. Discuss source and basis for criminal law in Texas b. Definition of offenses, attempts and elements c. Discuss elements of selected offenses 	
7. <u>Rules of Evidence</u>	4
<ul style="list-style-type: none"> a. Definition and purpose of evidence b. Discuss legally admissible evidence c. Rules of admissible evidence 	
8. <u>Search and Seizure</u>	5
<ul style="list-style-type: none"> a. State and federal constitutional basis of laws of Search and Seizure. b. Officer's rights and duties for search and seizure. c. Recognizing and developing probable cause as a basis for search and seizure. d. Statutory authority for search and seizure and case law. e. Stop and frisk provisions. 	
9. <u>Identification of Civil Procedure</u>	1
<ul style="list-style-type: none"> a. Definition of common civil remedies b. Referral of civil complaints 	

IV. POLICE PROCEDURES

1. <u>General Patrol Procedure</u>	6
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<u>Subject</u>	<u>Hours</u>
<ul style="list-style-type: none"> a. Define purpose of patrol b. Describe types of patrol c. Identify police hazards d. Types of assignment e. Operation of vehicles f. Observation techniques g. Objectives and techniques of specialized types of surveillance h. Roadblock procedures 	
2. <u>Crime in Progress</u>	2
<ul style="list-style-type: none"> a. Tactical procedures for responding to and initial coverage of "crime in progress" calls b. Coverage points and plans c. Safety of officer and bystander 	
3. <u>Field Notetaking</u>	1
<ul style="list-style-type: none"> a. Development of the officer's field notebook b. Methods and reasons for taking complete, logical notes during an investigation 	
4. <u>Disorderly Conduct, Domestic Complaints and Minor Offenses</u>	2
<ul style="list-style-type: none"> a. Techniques - procedures for effectively handling disorderly conduct cases. b. Differences between domestic and civil disputes. c. Procedures for handling family disturbances and civil complaints - landlord - tenant, neighborhood feuds, business disputes, repossessions, etc. d. Drunk; affrays, trespass, etc. 	
5. <u>Recognizing and Handling Abnormal Persons</u>	2
<ul style="list-style-type: none"> a. Define and give examples of the symptoms of common types of mental illnesses. 	

<u>Subject</u>	<u>Hours</u>
<ul style="list-style-type: none"> b. Present techniques for the proper handling of mentally ill persons. c. Present the prescribed legal procedures for the officer to follow in emergency and routine cases. d. Attempted suicides. e. Explain symptoms of intoxication and illnesses mistaken for intoxication. f. Discuss techniques for handling drunks and problems encountered in handling violations of intoxication laws. 	
6. <u>Missing Persons</u>	1
<ul style="list-style-type: none"> a. The role and objectives of the officer in missing persons cases. b. Investigative techniques for locating missing adults and juveniles. c. Emphasizes the urgency of an incident involving young children and adults who have suicidal tendencies. 	
7. <u>Liquor Law Violations</u>	2
<ul style="list-style-type: none"> a. Responsibilities of local officers for enforcement of liquor laws and regulations. b. Procedures for recognizing and handling violations. 	
8. <u>Nature and Control of Civil Disorder and Crowd and Riot Control Operations</u>	4
<ul style="list-style-type: none"> a. Patterns of disorder, levels of violence and damage. b. The riot process, the riot participant, initial incidents, control capabilities. c. The use of force, community assistance, danger of over-reaction. 	
9. <u>Disaster Operations</u>	1

<u>Subject</u>	<u>Hours</u>
<ul style="list-style-type: none"> a. Role of civil defense and disaster agencies b. Emphasize the individual officer's responsibilities and duties when a typical law enforcement disaster plan is activated due to war, natural disaster or other calamity. 	
10. <u>Communications</u>	2
<ul style="list-style-type: none"> a. Use of telephone and police radio b. National Crime Information Center (NCIC) c. LETS, and similar systems d. Local teletypes and other information systems 	
11. <u>Case Preparation</u>	4
<ul style="list-style-type: none"> a. Finding the facts and recording the facts b. Selecting the charge c. Translating notes to formal reports d. Preparing case folders e. Interviewing prosecutor and witnesses f. Preparing to testify in court 	
12. <u>Jail Procedures</u>	2
<ul style="list-style-type: none"> a. Booking procedures, arrest cards, arrest jackets b. Prisoner's property c. Mugging and printing of prisoners d. File system e. Visitors for prisoners f. Duties of the I.D. Bureau in jail procedure 	
13. <u>Chemical Weapons</u>	1
<ul style="list-style-type: none"> a. Introduction to police chemical weapons b. Nature of chemical agents c. Protective masking and first aid d. De-gassing procedures 	

<u>Subject</u>	<u>Hours</u>
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14. <u>Defensive Driving</u>	8
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- a. Vehicle and roadway observations
- b. Driver assumptions
- c. Detecting hazards
- d. Special driving conditions
- e. Adjustment after special conditions

V. TRAFFIC CONTROL

(A maximum of one-half the required hours of Instruction in Texas Motor Vehicle Law, Traffic Law Enforcement, and Accident Investigation may be taught in Civil Process for county officers.)

1. <u>Texas Motor Vehicle Law</u>	12
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- a. A study of law relating to the movement and control of motor vehicle traffic.
- b. The elements of traffic violations
- c. Licensing regulations

2. <u>Traffic Law Enforcement</u>	8
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- a. Traffic enforcement
 - (1) Need and responsibility for traffic enforcement
 - (2) Detection and apprehension
 - (3) Officer-violator interviews
 - (4) Selective enforcement
 - (5) Enforcement actions and uniformity in application
- b. Vehicle pull-overs
 - (1) Techniques of stopping vehicles under a variety of conditions
 - (2) The approach to and cover of the stopped vehicle

<u>Subject</u>	<u>Hours</u>
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- (3) Proper removal of occupants
- (4) Emphasis on officer safety

c. Recognizing traffic violations and use of prescribed forms

- (1) DWI
- (2) DUID
- (3) MWMV
- (4) AAMV
- (5) FSRA

3. Accident Investigation and Reporting 12

- a. Methods and procedure to be employed in investigating traffic accidents.
- b. Parking at scene, questioning witnesses, observation of drivers
- c. Checking vehicles involved in accidents
- d. Checking roadway, signs and signals, photography and measurements, including hit-and-run
- e. Making of accident reports, etc.

VI. CRIMINAL INVESTIGATION

1. Preliminary Investigation 2

- a. General principles, attitudes and responsibilities applicable to all investigations
- b. Need for complete, accurate information, and complaint evaluations
- c. Crime scene protection and examination
- d. Officer-investigator relationship
- e. Responsibility in being first on the scene of the crime

2. Information Development 1

- a. Gathering information from people, witness

Subject**Hours**

- perception, reporting physical descriptions
 - b. Investigative techniques for developing information, resources, public records, private organizations and agencies as sources, and informants
- 3. **Interviews and Interrogations** 3
 - a. Instruction in interrogation, approach, attitude, securing complete essential information
 - b. Interrogating and interviewing witnesses, victims, suspects
 - c. Methods in office and field interrogation
 - d. Admissibility of statements and suspect's legal rights.
- 4. **Physical Evidence** 2
 - a. Evidence collection, photography, fingerprint evidence, latent prints, tool marks
 - b. Firearms identification and evidence, blood stains and analysis
 - c. Location, recording, identification and collection, preservation, and transportation of all types of physical evidence.
- 5. **Burglary Investigation** 2
 - a. Review the elements of burglary
 - b. Modus operandi of commercial, residential, safe, and other burglars.
 - c. Review basic principles of burglary investigation from the field officer's viewpoint
 - d. Preventive patrol techniques reviewed
- 6. **Assault Cases** 1
 - a. Review the elements of assault

<u>Subject</u>	<u>Hours</u>
<ul style="list-style-type: none"> b. Distinguish between misdemeanor and felonious assaults c. Preventing assaults 	
7. <u>Injury and Death Cases</u>	2
<ul style="list-style-type: none"> a. Include instruction in homicide and other cases involving the death of a human being. b. Provide general preliminary procedures to be taken at the scene of human injury or death. c. Emphasize the value of physical evidence necessary to establish the cause of injury or death by investigators and medical examiners. 	
8. <u>Robbery Investigation</u>	1
<ul style="list-style-type: none"> a. Review the elements of robbery b. Principles of robbery investigation c. Cover techniques for various kinds of robberies d. Preventive patrol techniques 	
9. <u>Theft and Related Cases</u>	2
<ul style="list-style-type: none"> a. Larceny, forgery, false pretense and embezzlement b. Investigative techniques c. Preventive action 	
10. <u>Auto Theft Investigations</u>	2
<ul style="list-style-type: none"> a. Review elements of and distinctions between "joyriding" and theft. b. Methods and techniques of investigation c. Modus operandi of auto thieves and auto theft rings d. Prevention and early apprehension 	

<u>Subject</u>	<u>Hours</u>
11. <u>Arson</u>	1
a. Review elements of arson	
b. Techniques of arson investigation and elements of proof	
c. Motives for arson	
d. Auto arson	
12. <u>Sex Crimes and Deviant Behavior</u>	2
a. Define sex crimes of more common occurrence	
b. Techniques of sex crime investigation	
c. Preventive procedures	
13. <u>Narcotics and Dangerous Drugs</u>	4
a. Overview of narcotic and dangerous drug laws	
b. Addiction, background, types of narcotics and dangerous drugs	
c. Investigation of narcotic and drug offenses	
14. <u>Organized Crime and Vice</u>	1
a. Types of organized criminal activities	
b. Nature and background of organized crime	
c. Organized crime control activities at federal, state and local levels	

VII. JUVENILE PROCEDURES

- | | |
|--|---|
| 1. <u>Delinquency Causation and Prevention</u> | 1 |
| a. Responsibility of law enforcement officers and their interaction with various juvenile agencies | |
| b. Influence of environment; home, family life and youth culture. | |

<u>Subject</u>	<u>Hours</u>
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|-------------------------------|---|
| 2. <u>Delinquency Control</u> | 3 |
|-------------------------------|---|
- a. Proper attitude, methods and techniques
 - b. Preventive patrol efforts
 - c. Specific juvenile problems

VIII. PROFICIENCY AREAS

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|-----------------------------|----|
| 1. <u>Firearms Training</u> | 16 |
|-----------------------------|----|
- a. Legal aspects
 - b. Firearms safety and range procedure
 - c. Introduction to service revolver
 - d. Shotgun, rifle and other police firearm familiarizations
 - e. Range firing with service revolver for qualification

The student must qualify with the service revolver by firing the National Rifle Association National Police Course or an equivalent approved course as part of the 240 hour basic curriculum. The NRA National Police Course consists of 60 rounds fired as follows:

STAGE 1 - Seven Yards

Twelve shots double action from the crouch position, twenty-five second time limit.

STAGE 2 - Twenty-Five Yards

Six shots kneeling, six shots standing left hand from behind a barricade, six shots standing right hand from behind a barricade, all fired double action, ninety second time limit.

STAGE 3 - Fifty Yards

Six shots sitting, six shots prone, six shots standing

left hand from behind a barricade, six shots standing right hand from behind a barricade, all fired either single or double action, two minute fifty-five second time limit.

STAGE 4 - Twenty-Five Yards

Six shots standing without support fired double action, twelve second time limit.

All stages are started with the gun loaded with six rounds in a conventional holster. The shooter's hand may not touch the gun before time begins. Target shall be the NRA B-27 Silhouette. This course may be reduced to a 50-round course by reducing the number of shots fired from six to five in all positions and stages. In the event a suitable fifty yard Police Combat Range is not available, the NRA Modified Police Course may be fired. This alternate course is the same as the NRA National Police Course except that a reduced size silhouette target designated NRA B-34 is used in Stage 3 at twenty-five yards instead of fifty yards. As a second alternative, the FBI Practical Pistol Course consisting of 50 rounds fired from the sixty, fifty, twenty-five and seven yard lines, using the Colt Silhouette Target, may be substituted.

Note: Any academy desiring to use a course of fire for qualification of the student in the Basic Certification Course other than the three courses outlined above must secure prior approval from the Commission in writing.

Additional specific information may be obtained from the IACP Notebook, the current NRA Pistol Rules or the FBI Law Enforcement Bulletin.

A total of 250 rounds of ammunition should be fired in the Service Revolver by each student; this will include

<u>Subject</u>	<u>Hours</u>
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familiarization and practice in single action bullseye and double action position shooting prior to firing a prescribed qualification course, which should be fired by each student at least twice. The minimum qualifying score reduced to a percentage of the possible score shall be not less than 60 percent.

Firearms training in the Basic Certification Course should not be restricted to one of the prescribed courses. Instruction in the use of the police shotgun, scope-sighted rifle, and other specialized equipment should be included, depending on their availability, range condition, etc.

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|----|---|----|
| 2. | <u>Public Speaking</u> | 4 |
| | a. Effective speech techniques | |
| | b. Preparation and presentation of speech | |
| | c. Evaluation of students' speech | |
| 3. | <u>Defensive Tactics</u> | 10 |
| | a. Mechanics of arrest, search and transport of prisoners | |
| | b. Fundamental use of baton and riot stick | |
| | c. Disarming techniques | |
| | c. Holds, come-alongs, handcuffing and restraint | |
| 4. | <u>First Aid</u> | 10 |
| | a. The Red Cross First Aid Course
(Multi-media course is optional) | |
| 5. | <u>Traffic Direction</u> | 2 |
| | a. Routine intersection and emergency traffic control procedures. | |
| | b. Practice in standard hand signals and gestures | |

6. Crime Scene Techniques 4
- a. Practical application of search patterns
 - b. Practical application of identification, presentation and handling of evidence
 - c. Practical application of measurements and sketches
 - d. Practical application of photography
7. Court Room Demeanor and Testimony 4
- a. Effective witness techniques
 - b. Pre-trial preparation
 - c. Practical application in mock-trial
8. Crowd and Riot Control - Formations and Use of Chemical Weapons 3
- a. Practical application in crowd and riot control formations
 - b. Demonstration in use of chemical weapons
9. Written and Oral Reports 4
- a. Review of procedures for field notetaking
 - b. Offense reports
 - c. Confessions and statements
 - d. Writing and critique of formal report
10. Practical Problems - Disorderly Conduct, Minor Offenses, and Crime in Progress 4
- a. Practical problems requiring student participation
 - b. Evaluation of student's use of laws concerning arrest, search and seizure

IX. COMMUNITY RELATIONS

1. Human Relations 8

SubjectHours

- a. Psychological and sociological factors affecting behavior
- b. Behavioral conflicts
- c. Emotional self-discipline

2. The Officer and His Role in Society

4

- a. Racial, religious, cultural and ethnic backgrounds
- b. Prejudicial distractions affecting professional judgments
- c. Positive police-citizen contacts

X. ATTENDANCE, EXAMINATIONS AND EVALUATION

- A. Each trainee shall be required to attend all sessions of the training course in which he is enrolled except for absences approved by the training coordinator or training officer.
- B. Each trainee shall attend all sessions of any training course in which he is enrolled except for absences approved by the school coordinator or the training officer. Credit toward certification shall not be awarded if his absences have exceeded 10% of the hours of instruction. Should a trainee have a valid reason for absences in excess of 10% of the scheduled instruction, he may apply to the training coordinator or training officer for approval to make up the excused absences. The training coordinator or training officer may schedule the trainee for make-up work.
- C. Each approved training course is considered a single unit. A trainee must complete the full course during one scheduled presentation. He will not be permitted to enroll in subsequent courses for make-up purposes unless unusual circumstances exist and prior written approval is

obtained from the training coordinator.

- D. Each trainee enrolled in any basic training course shall prepare and maintain a reference notebook. The content, preparation, and maintenance of the notebook or notebooks shall meet specifications established by the training coordinator or training officer.
- E. A trainee must satisfactorily complete the course before an F-6 Form (Course Completion Report) is submitted to the Commission.
- F. To satisfactorily complete the course, a trainee must achieve an overall average of at least 70% on all written tests and not less than 60% on any single test. Provided, however, that should a trainee achieve an overall average of less than 70% but more than 60% on all written tests, such trainee shall be given the opportunity to retake any test on which a score of less than 70% was achieved. It is further provided that a trainee who achieves a score of less than 60% on any single test shall be given the opportunity to retake the test; such opportunity shall be limited to two (2) such occasions during any basic course.

In a situation where a trainee is entitled to retake a written test, the school coordinator may use the same test or another test equivalent to the original. The selection of the test shall be at the discretion of the school coordinator.

- G. All performance tests given the trainee shall be judged on a pass or fail basis. A trainee must pass all such performance tests to satisfactorily complete the course. A trainee shall be given the opportunity to retake any performance test failed. The determination of pass or fail on any performance test lies with the training officer administering the test or with the school coordinator.
- H. The weight given any test in determining the

overall average shall rest with the school coordinator, provided that a common formula is utilized for determining the overall average of all trainees enrolled in the same course.

- I. Trainees enrolled in any basic training course shall achieve a final firing average of no less than 60% out of a possible 100% in the firearms training segment. Any trainee who failed to achieve a qualifying score of 60% out of a possible 100% on firearms training may, with permission of the training coordinator, re-enroll in the firearms training segment of a subsequent recruit training course or undergo special tutoring conducted under the auspices of the training center by a certified instructor.

Specification 2

THE BASIC COURSE - RESERVE OFFICERS

- I. The basic course for reserve officers shall consist of the following:

<u>Subject</u>	<u>Hours</u>
1. Notetaking and School Orientation	1
2. Departmental Organization	1
3. Beat Patrol & Observation	4
4. Code of Criminal Procedure	2
5. Laws of Arrest, Search & Seizure	6
6. Mechanics of Arrest	2
7. Rules of Evidence	2
8. Officer's Conduct in Court	1
9. Case Preparation & Report Writing	2

<u>Subject</u>	<u>Hours</u>
10. Criminal Law	8
11. Criminal Investigation	4
12. Field Interrogation & Interviews	2
13. Crowd Control	3
14. Firearms	10
15. First Aid	10
16. Traffic Supervision or Civil Law	10
17. Police-Community Relations	<u>2</u>
Total Hours, Reserve Course	70

- II. A. The basic course for reserve officers must be satisfactorily completed before a reserve officer may carry a weapon or otherwise act as a peace officer.
- B. The attendance and examination requirements to satisfactorily complete the basic course for reserve officers shall be the same as that required in the basic course for peace officers, as prescribed in Specification 1 of this rule.

.004. Certification of Officers

- A. The Commission shall issue a certificate evidencing satisfaction of the requirements of Rules 210.01.02.001 and 210.01.02.003, and satisfaction of the requirements of Article 4413(29aa), V.C.S.
- B. Basic, Intermediate, Advanced, and Reserve Certificates are designed for the purpose of fostering professionalization, education and experience necessary to adequately perform the duties of the police service. Requirements for Basic, Intermediate

and Advanced Certification are prescribed in Specification 1 of this rule. Requirements for the Reserve Certification are prescribed in Specification 2 of this rule.

- C. Whenever a department or individual has submitted documents supporting a claim of training or education or experience to be included for credit toward certification and the Commission, acting by and through its Executive Director, determines such documents do not meet the standards established by the Commission, the department or individual shall be notified by mail of the decision, together with a brief explanation of the reasons therefor. The written notice will further advise the department or individual of their rights to appeal the decision in accordance with the General and Special Rules of Practice and Procedure.
- D. The Commission may revoke a certificate issued to a peace officer under this rule if, (1) the Commission determines that the officer has violated a rule, regulation, requirement, specification, or other standard established by the Commission, or (2) the officer is convicted in any state or federal court of a felony.

The Commission shall follow the procedure for revoking a certificate as detailed in the General and Special Rules of Practice and Procedure.

Specification 1

AWARDING CERTIFICATES - PEACE OFFICERS

Requirements

I. General Provisions

- a. In accordance with the provisions and standards hereinafter set forth, the Texas Commission on

Law Enforcement Officer Standards and Education shall, acting by and through the Executive Director of said Commission, award the following peace officer qualification certificates:

1. A basic peace officer qualification certificate, hereinafter called Basic Certificate.
 2. An intermediate peace officer qualification certificate, hereinafter called Intermediate Certificate;
 3. An advanced peace officer qualification certificate, hereinafter called Advanced Certificate.
- b. Each applicant shall meet all requirements set forth in the Minimum Standards for Appointment, as set forth in Rule 210.01.02.001.
 - c. Each applicant for Intermediate or Advanced Certificate shall have completed the designated education and training, combined with the prescribed law enforcement experience, or shall hold the college degree designated, combined with the prescribed law enforcement experience, as hereinafter set forth in Paragraphs II-b and IV-b of this specification.
 - d. To be eligible for the award of Basic, Intermediate or Advanced Certificates provided herein, each applicant must be a commissioned Texas peace officer.
 - e. Law enforcement experience, as used herein, means actual time served as a peace officer. The acceptability of time served as a peace officer in a jurisdiction other than the State of Texas, or in a jurisdiction which did not comply with the minimum standards for recruitment, shall be subject to determination by this Commission, acting by and through its Executive Director.

- f. Education and training points, as used in the schedule hereinafter set forth in Paragraphs III-b and IV-b of this Specification shall be determined as follows:
 - 1. One semester hour in a recognized college or university shall equal one education point.
 - 2. Twenty classroom hours of police training in a program approved by the Commission shall equal one training point.
- g. Accredited college or university, as used herein, shall include any junior college, college or university accredited by the Department of Education in the state in which the junior college, college or university is located, and is
 - 1. Accredited by the Commission as meeting the minimum requirements of the core curriculum, or
 - 2. Accredited by the recognized national accrediting body.

II. THE BASIC CERTIFICATE

In addition to the requirements set forth hereinabove defined in Section I, General Provisions of this Specification, the following requirements must be met by any applicant for the award of the Basic Certificate:

- a. Each candidate shall have completed one full year of experience as a peace officer as hereinabove defined in subparagraph (e) of Section I, General Provisions.
- b. Each candidate shall have completed the basic course of instruction, as required by the Commission, as set forth in Rule 210.01.02.003.
- c. Each candidate shall have received classroom

instruction in all of the required subjects, from schools and instructors acceptable to the Commission, or

- d. Shall have received an Associate Degree in Law Enforcement or Police Administration from an accredited college or university, as hereinabove described in Section I, Paragraph g, or
- e. Shall have completed the required course of instruction in a college or university which, in the judgment of the Commission, shall be equivalent to the course of instruction necessary for an Associate Degree in Law Enforcement or Police Administration from an accredited college or university.
- f. Whenever the candidate has received training which he feels is equivalent to the specifications set forth hereinabove in Paragraphs b, c, d or e, the Executive Director shall determine the equivalency of such training or education.

III. THE INTERMEDIATE CERTIFICATE

In addition to the requirements set forth in Section I of this Specification, General Provisions, the following requirements must be met for the award of an Intermediate Certificate:

- a. Each candidate shall possess, or be eligible to possess, a Basic Certificate.
- b. Each candidate shall have acquired the following combinations of education and/or training points combined with the prescribed years of law enforcement experience, or the college degree designated combined with the prescribed years of law enforcement experience:

*Education and Training Points	20	40	60	Associate Degree	Baccalaureate Degree
and	&	&	&	&	&
Years of Law Enforcement Experience	8	6	4	4	2

*20 hours of training = 1 point - college credit = 1 point

IV. THE ADVANCED CERTIFICATE

In addition to the requirements set forth in Section I of this Sepcification, General Provisions, the following requirements must be met for the award of the Advanced Certificate:

- a. Each candidate shall possess or be eligible to possess the Intermediate Certificate.
- b. Each candidate shall have acquired the following combinations of education and/or training points combined with the prescribed years of law enforcement experience, or the college degree designated combined with the prescribed years of law enforcement experience:

*Education & Training Points	40	60	Associate Degree	Baccalaureate Degree	Masters Degree or Equivalent
and	&	&	&	&	&
Years of Law Enforcement Experience	12	9	9	6	4

*20 hours of training = 1 point - 1 college credit = 1 point

Specification 2

AWARDING CERTIFICATES - RESERVE OFFICERS

Requirements

I. General Provisions

- a. In accordance with the provisions and standards hereinafter set forth, the Texas Commission on Law Enforcement Officer Standards and Education shall, acting by and through the Executive Director of said Commission, award the Reserve Officer certificates.
- b. Each Reserve Officer appointed on or after January 2, 1973, shall meet all requirements set forth in the Minimum Standards for Appointment, as set forth in Rule 210.01.02.001.
- c. Each Reserve Officer shall have completed the basic course of instruction as required by Commission Rule 210.01.02.001.

.005. Certification of Schools

- A. The Commission shall approve, or revoke the approval of, institutions and facilities for schools operated by or for the State or any political subdivision thereof for the specific purpose of training peace officers or recruits for the position of peace officer, and issue certificates of approval to such institutions and revoke such certificates of approval.
- B. Two types of certification may be granted by the Commission:
 1. Continuing certification, as prescribed in Specification 1 of this rule, may be granted for schools offering peace officer training on a continuing basis.

2. Temporary certification, as prescribed in Specification 2 of this rule, may be granted for schools offering peace officer training on a one-time, or limited, basis. Temporary certification shall be granted for a specific course and shall be granted for a definite period of time.
- C. The Commission may revoke the certification of a peace officer training school whenever in the judgment of the Commission the school:
1. Is inadequate
 2. Is no longer needed
 3. Fails to comply with any Commission rule
 4. Fails to make timely reports or falsely reports to the Commission, or,
 5. Fails to conduct any training courses for peace officers during a one-year period.
- D. The Certification issued under the authority of this rule is suspended whenever the school makes substantive changes in the facilities, organization or administration of the school, or a change is made in the school coordinator, or any condition under which the school was originally certified is changed. Such suspension will remain in effect until the Commission approves the change. Any training conducted by the school while under suspension may not be counted toward a Basic, Intermediate or Advanced Certificate unless expressly approved by the Commission.
- E. Schools which have been certified by the Commission are subject to inspection by the Commission at any time.
- F. The Commission shall follow the procedure for revoking a certificate as detailed in the General

and Special Rules of Practice and Procedure.

Specification 1

CONTINUING CERTIFICATION

1. Advisory Boards

- a. Each school certified to offer peace officer training shall have an advisory board.
- b. Advisory boards shall be composed of law enforcement personnel. The law enforcement personnel will be from departments whose training needs are served by the respective schools.
- c. The purpose of such advisory boards shall be to provide information concerning need for training, types of training courses to be offered, number of trainees to be enrolled, prerequisites for attending courses, effectiveness of training, and other information that may be useful to the school.
- d. Advisory boards shall meet quarterly, or more frequently if necessary, to review training needs and evaluate effectiveness of training which has been conducted. Minutes of the meeting shall be kept; one copy shall be filed at the school and one copy shall be provided to the Commission.
- e. It shall be the responsibility of the administrative head of each approved school to appoint members of advisory boards.

2. Authorized Official

- a. A person shall be designated as the official authorized to receive all legal notices on behalf of the school.

3. Coordinators or Training Officers

- a. Schools certified to offer peace officer training shall designate a full-time salaried employee who shall be responsible for scheduling, presentation and general local management of the law enforcement school. This individual must have at least five years experience as a peace officer and must possess a valid instructor certificate awarded by the Commission.
- b. It shall be the responsibility of the training coordinator or training officer to select instructors and insure that the training offered is effective. The training coordinator or the training officer shall be further responsible for the preparation, maintenance and timely filing of any necessary reports and records.

4. Physical Equipment

- a. It shall be the responsibility of certified schools to provide the following:
 - (1) A comfortable, well-lighted classroom.
 - (2) Such audio-visual equipment and other instructional devices necessary to provide effective training.
 - (3) Facilities and equipment necessary to provide training in defensive tactics.
- b. Each certified school shall provide or obtain access to a firearms range. Such range shall be equipped in such a manner as to allow safe instruction in both service revolver and other firearms in the police arsenal.

5. Admission of Trainees

- a. No individual shall be admitted to a police training school or course unless he meets all the standards for appointment as a peace officer or a reserve officer, as prescribed by the Commission. When a school serves as a regional academy the school coordinator shall require written verification on all trainees, certifying they meet such standards and that they are members of, or will be appointed as a member of a law enforcement department. Written verification as required hereinabove shall be furnished by the administrator of the law enforcement department represented by the trainee.
- b. The schools should require a waiver of responsibility from the departments sending officers to be trained. The waiver should include the stipulation that each trainee attending training is covered by his department for injury or accident occurring while attending the school and that the school is released from liability connected with any such injury or accident. The school may require a similar waiver of responsibility from the trainee upon admission.

6. Trainee Attendance and Performance

- a. The school shall require each trainee to attend all sessions of the training course in which he is enrolled. Attendance shall be determined in accord with requirements of Rule 210.01.02.003.
- b. The school shall require the trainee to satisfactorily complete the course in which he or she is enrolled before submitting a F-6 Form (Notice of Course Completion) to the Commission. Satisfactory completion of a course shall be determined in accord with Rule 210.01.02.003.

7. Reporting Procedure

- a. Each approved school shall notify the Commission of intent to offer approved training courses on a quarterly basis. In addition, the Commission shall be sent announcements mailed to participating departments prior to the beginning of each training course.
- b. The training coordinator or training officer of each school shall, within 10 days after completion of an approved training course, provide to the Commission a copy of the course hourly schedule, with assigned instructors, class roster indicating attendance, scores on all written examinations, and firearms qualifications. The roster shall include information on any trainee who voluntarily or involuntarily terminates training during the operation of any training course. Commission Form F-6 (Course Completion Record) must be submitted on all students who successfully complete the training course.

Specification 2

TEMPORARY CERTIFICATION

Requirements

1. Agencies requesting temporary certification shall make application to the Commission in writing. The application must include:
 - a. An outline of the course, giving dates, hours, subjects, names of all instructors, and the location of the course.
 - b. The name of a certified instructor who will coordinate the course, and his mailing address.

- c. The name of the person designated as the official authorized to receive all legal notices on behalf of the course.
 - d. Justification for the course and names of the departments who will participate by sending students, and the total number of students expected.
- 2. The course must be coordinated by an instructor certified by the Commission, who will be responsible for the overall quality and management of the course, and the preparation, maintenance and timely filing of any necessary reports and records.
- 3. The application must be submitted not less than 15 working days prior to the anticipated starting date of the course.
- 4. If the Commission finds that imminent peril to the public health, safety, or welfare requires certification of a course on fewer than 15 working days notice, it may proceed with certification. The application under this provision must also justify the emergency request.
- 5. Upon approval, the course will be issued notice of certification in writing by the Commission.

.006. Certification of Instructors

- A. The Commission shall certify instructors deemed qualified to teach in one or more of the prescribed training courses. Certification will be in accordance with Specification 1 of this rule.
- B. Instructor certification may be revoked by the Commission whenever the person to whom the certificate was awarded has:
 - 1. Been convicted in any state or federal court of a felony, or

2. Violated a rule or standard established by the Commission, or
 3. Make false or untruthful reports to the Commission, or
 4. A professional license, certificate or permit revoked which would prohibit the further practice of a profession or trade upon which the license, certificate, or permit was issued.
- C. The Commission shall follow the procedure for revoking an instructor's certificate as detailed in the General and Special Rules of Practice and Procedure.

Specification 1

AWARDING INSTRUCTOR CERTIFICATES

Instructors shall be selected by school coordinators on the basis of their competence in police training. They should be utilized as instructors in their special areas of experience. Judges, district attorneys, practicing attorneys, doctors, social workers, federal and state law enforcement officers, American Red Cross, and other state and local department personnel should be utilized when their talents can be effectively used in the peace officer training schools.

Requirements

1. In accordance with the provisions and standards hereinafter set forth, and in accordance with this Rule, the Texas Commission on Law Enforcement Officer Standards and Education shall, acting by and through the Executive Director of said Commission, award the law enforcement Instructor Certificate.
2. In order to be eligible for award of the Instructor Certificate, each applicant for certification shall meet the following qualifications:

- a. Each applicant shall make his application for certification as an instructor on the prescribed Commission Form F-8, entitled "Application for Instructor Certification".
 - b. Each applicant shall have completed at least five years of experience in the field in which he is scheduled to teach.
 - c. Each applicant shall have satisfactorily completed an Instructor Training Course, approved by the Commission, of at least thirty (30) classroom hours.
 - d. Each applicant for the Instructor Certificate must be a school director, an instructor assigned to an approved school and be recommended by the school coordinator, or be the designated training officer of his department.
3. All instructor certificates will expire two (2) years from month of issuance. On expiration, the instructor certificate may be renewed if:
 - a. The instructor has instructed in approved training schools during the life of the certificate, and
 - b. The instructor is recommended by the school director under whose supervision he last instructed. In the cases where the last school director is unwilling to recommend, the applicant may obtain recommendations from at least two school directors under whose supervision he has instructed during the life of the certificate.
4. Any instructor's certificate which expires without the instructor having met the teaching requirements as set out in Paragraph 3a hereinabove may not be renewed unless a new application for

instructor certification, Commission Form F-8, is submitted and approved by the Commission.

Procedure

A. Original Application

1. Each applicant for Instructor certification must complete Commission Form F-8, entitled "Application for Instructor Certification".
2. Instructor training must be verified by copies of certificates, diplomas, Commission Form F-6, transcripts, etc., attached to the application, if these documents have not been previously filed with the Commission.
3. The application Form F-8 should be submitted to the school director and, if applicable, applicant's department head for signature and recommendation.
4. The completed application and attachments should be forwarded by the applicant to the Commission for evaluation.

B. Renewal

1. When an instructor's certification has been in force for two years, the instructor will be notified by mail that his certificate is subject to renewal.
2. The instructor will complete the renewal form letter and obtain the signatures called for on the form, and return the completed form to the Commission.
3. Each school coordinator will report the instructional activity of each of the instructors under his supervision on Commission

Form F-9, Verification of Instruction. This report will be utilized by the Commission to determine if the instructor has met the requirements for renewal in Paragraph 3a hereinabove.

.007. Certification of Law Enforcement Degree Programs

- A. The Commission may certify those programs in junior colleges, colleges and universities which offer law enforcement degrees. Certification will be in accordance with Specification 1 of this rule.
- B. Certification may be revoked by the Commission whenever a junior college, college, or university fails to comply with the requirements set forth in Specification 1 of this rule.

Specification 1

CERTIFICATION OF LAW ENFORCEMENT DEGREE PROGRAMS

Certification of law enforcement degree programs shall be made only on the basis of on-site inspections conducted by the Commission staff.

Requirements

- 1. In accordance with the provisions and standards hereinafter set forth, and in accordance with this rule, the Commission, acting by and through the Executive Director, may certify a law enforcement degree program.
- 2. In order to be eligible for certification, each junior college, college, or university shall meet the following qualifications:
 - a. Include the Core Curriculum (Specification 2 of this Rule.) as required courses at the freshman and sophomore levels for a degree

in law enforcement.

- b. Accept transfer students' credits from other certified law enforcement degree programs.
- c. Apply transfer students' core curriculum credits to his degree in law enforcement.
- d. Maintain an adequate library to support a law enforcement degree program.

Specification 2

CORE CURRICULUM IN LAW ENFORCEMENT

The Core Curriculum for law enforcement degree programs is:

1. Introduction of Law Enforcement

History, development and philosophy of law enforcement in a democratic society; introduction to agencies involved in the administration of criminal justice; career orientation.

(3 Semester Hours)

2. Police Organization and Administration

Principles of organization and management as applied to law enforcement agencies; introduction to concepts of organizational behavior.

(3 Semester Hours)

3. Police Role in Crime and Delinquency

Study of the deviant behavior and current criminological theories, with emphasis on police applications; crime prevention and the phenomena of crime as it relates to juveniles.

(3 Semester Hours)

4. Criminal Investigation

Introduction to the fundamentals of criminal investigation, including theory and history, conduct at crime scenes, collection and preservation of evidence.

(3 Semester Hours)

5. Legal Aspects of Law Enforcement

History and philosophy of modern criminal law, including the structure, definition and application of statutes and leading case law; the elements of crimes and penalties; general provisions of the Penal Code.

(3 Semester Hours)

6. Criminal Procedure and Evidence

Introduction to the rules governing the admissibility of evidence and types of evidence; criminal procedure in various courts, review of the Texas Code of Criminal Procedure, including laws of arrest, search and seizure, and leading case law on each topic.

(3 Semester Hours)

7. Police-Community Relations

The role of the individual officer in achieving and maintaining positive public response; inter-troup relations and public information.

(3 Semester Hours)

.008. Minimum Standards for Retaining Certification*

A. In order to retain the certificate evidencing his qualification to be a peace officer and entitling him to employment as such, each person previously certified as a peace officer by the Commission shall:

1. Not be or at any time have been guilty of any act or omission which results in the issuance by this Commission of a certificate to any peace officer contrary to the requirements set out in these rules for the issuance of such certificate, and which except for such act or omission said peace officer would not have met the requirements for the issuance of such certificate;
2. Not be or at any time within 10 years prior to the date of the issuance of his certificate have been convicted by any state or by the federal government of Driving While Intoxicated or Driving Under the Influence of Drugs; nor be or at any time have been convicted of a felony under the laws of this state, another state, or the United States; nor be or at any time have been granted or placed on probation by a court in any case in which he was charged with a felony offense under the laws of this state, another state, or the United States.
 - a. For the purpose of this rule, a felony conviction includes a conviction whereupon a person is sentenced to serve or has served, in whole or in part, a sentence in prison under the laws of this state, or any other state, or the federal government.
 - b. A misdemeanor conviction in which probation is granted is not considered a conviction.

**Effective Date: June 10, 1976*

Article 4413(29aa), V.C.S. (as amended by 64th Legislature)

CREATION

Section 1. There is hereby created the Commission on Law Enforcement Officer Standards and Education, hereinafter called "Commission."

POWERS OF COMMISSION

Section 2. The Commission shall have the authority and power to:

(a) Promulgate rules and regulations for the administration of this Act including the authority to require the submission of reports and information by any state, county, or municipal agency within this state which employs peace officers.

(b) Establish minimum educational, training, physical, mental and moral standards for admission to employment as a peace officer: (1) in permanent positions, and (2) in temporary or probationary status.

(c) Certify persons as being qualified under the provisions of this Act to be peace officers.

(d) Certify persons as having qualified as law enforcement officer instructors under such conditions as the Commission may prescribe.

(e) Establish minimum curriculum requirements for preparatory, in-service and advanced courses and programs for schools or academies operated by or for the state or any political subdivisions thereof for the specific purpose of training peace officers or recruits for the position of a peace officer.

(f) Consult and cooperate with counties, municipalities, agencies of this state, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of peace officer training schools and programs of courses of instruction.

(g) Approve, or revoke the approval of, institutions and facilities for schools operated by or for the state or any political subdivision thereof for the specific purpose of

training peace officers or recruits for the position of peace officer, and issue certificates of approval to such institutions and revoke such certificates of approval.

(h) Operate schools and facilities thereof and conduct courses therein, both preparatory, in-service, basic and advanced courses, for peace officers and recruits for the position of peace officer as the Commission may determine.

(i) Contract with other agencies, public or private, or persons, as the Commission deems necessary for the rendition and affording of such services, facilities, studies and reports as it may require to cooperate with municipal, county, state and federal law enforcement agencies in training programs, and to otherwise perform its functions.

(j) Make or encourage studies of any aspect of law enforcement, including police administration.

(k) Conduct and stimulate research by public and private agencies which shall be designed to improve law enforcement and police administration.

(l) Employ an Executive Director and such other personnel as may be necessary in the performance of its functions.

(m) Visit and inspect all such institutions and facilities conducting courses for the training of peace officers and recruits for the position of peace officer and make evaluations as may be necessary to determine if they are complying with the provisions of this Act and the Commission's rules and regulations.

(n) Adopt and amend rules and regulations, consistent with the law, for its internal management and control.

(o) Accept any donations, contributions, grants or gifts from private individuals or foundations or the federal government.

(p) Report annually to the Governor and to the Legislature at each regular session on its activities, with its recommendations relating to any matter within its purview, and make such other reports as it deems desirable.

(q) Meet at such times and places in the State of Texas as it deems proper; meetings shall be called by the Chairman upon his own motion, or upon the written request of five members.

(r) Establish procedures for the revocation of certificates issued to a peace officer under the provisions of this Act.

Sec 2 amended by Acts 1975, 64th Leg., p. 1809, ch. 549, eff. Sept. 1, 1975

RESERVE OFFICERS; MINIMUM STANDARDS

Section 2A. (a) The Commission on Law Enforcement Officer Standards and Education shall establish minimum training standards for all reserve law enforcement officers which must be fulfilled before a person appointed as a reserve law enforcement officer may carry a weapon or otherwise act as a peace officer.

(b) The Commission shall establish minimum physical, mental, educational, and moral standards for all reserve law enforcement officers.

Section 2B. (a) The Commission shall establish such reporting standards and procedures for matters of employment and termination of peace officers by law enforcement agencies, for matters concerning the activities of certified training academies, and for other matters it deems necessary for the administration of this Act.

(b) The Commission shall furnish each agency and certified training academy with the required reporting forms.

(c) The chief administrative officer of a law enforcement agency or certified training academy shall be responsible for compliance with the reporting standards and procedures.

Sec 2B added by Acts 1975, 64th Leg., p. 1808, ch. 548, eff. Sept. 1, 1975.

MEMBERSHIP; QUALIFICATIONS

AND TERMS; VACANCIES

Section 3. The Commission shall be composed of nine members, residents of the State of Texas, and appointed by the Governor with the advice and consent of the Senate. Such members shall be persons well qualified by experience or education in the field of law enforcement. The Commissioner of Higher Education of the Coordinating Board, Texas College and University System, Commissioner of the Education Agency, the Director of the Texas Department

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1 OF 2

of Public Safety, and the Attorney General shall serve as ex officio members of the Commission. In the event a public officer shall be appointed, service by such officer or officers shall be an additional duty of the office. Such appointive members shall be appointed for a term of six years, provided, however, that of the members first appointed, three shall be appointed for a term of two years, three for a term of four years, and three for a term of six years. Any member chosen by the Governor to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is chosen to succeed. Such appointment for unexpired term shall be with the advice and consent of the Senate.

OFFICERS; QUORUM; MEETINGS

Section 4. The Commission shall elect a chairman, vice-chairman, and secretary from among the appointed members at its first meeting, and thereafter at its first meeting succeeding new appointments to fill regular terms. Five members shall constitute a quorum. The Governor shall summon the Commission to its first meeting.

COMPENSATION; EXPENSES

Section 5. Members of the Commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder.

PEACE OFFICERS; TENURE;

PROBATIONARY APPOINTMENTS; TRAINING

Section 6. (a) Peace officers already serving under permanent appointment prior to September 1, 1970, shall not be required to meet any requirement of Subsections (b) and (c) of this section as a condition of tenure or continued employment, nor shall failure of any such officer to fulfill such requirements make him ineligible for any promotional examination for which he is otherwise eligible. The Legisla-

ture finds, and it is hereby declared to be the policy of this Act, that such peace officers have satisfied such requirements by their experience.

(b) No person after September 1, 1970, shall be appointed as a peace officer, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of training in law enforcement at a school approved or operated by the Commission. Any peace officer who has received a temporary or probationary appointment as such on September 1, 1970, or thereafter, and who fails to satisfactorily complete a basic course in law enforcement as prescribed by the Commission, within a one-year period from the date of his original appointment, shall forfeit his position as a peace officer and shall be removed therefrom; and may not have his temporary or probationary employment extended beyond one year by renewal of appointment or otherwise; except that after the lapse of one year from the date of his forfeiture and removal, a local law enforcement agency may petition the Commission for reinstatement of temporary or probationary employment of such individual, such reinstatement resting within the sole discretion of the Commission.

(c) In addition to the requirements of Subsection (b) of this section, the Commission, by rules and regulations, may establish other qualifications for the employment of peace officers, including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of peace officers, and the Commission shall prescribe the means of presenting evidence of fulfillment of these requirements. No person shall be appointed as a peace officer unless he fulfills such requirements.

(d) The Commission shall issue a certificate evidencing satisfaction of the requirements of Subsections (b) and (c) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the Commission for approved law enforcement education and training programs in this state.

(e) Any person who accepts appointment as a peace officer, or any person who appoints or retains an individual

as a peace officer, in violation of Subsections (b) or (c) of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

(f) Nothing herein shall be construed to preclude an employing agency from establishing qualifications and standards for hiring or training peace officers which exceed the minimum standards set by the Commission nor shall anything herein be construed to affect any sheriff, constable or other law enforcement officer elected under the provisions of the Constitution of the State of Texas.

(g) Any peace officer already serving under permanent appointment prior to September 1, 1970, and any sheriff, constable, or other law enforcement officer elected to office under the provisions of the Constitution of the State of Texas, shall be eligible to attend peace officer training courses subject to the rules and regulations established by the Commission.

(h) "Peace officer", for the purposes of the Act, means only a person so designated by Article 2.12, Code of Criminal Procedure, 1965, and by Section 51.212, Texas Education Code.

Sec 6, subsec. (h) added by Acts 1975, 64th Leg., p. 1807, ch. 547, eff. Sept. 1, 1975.

Section 6A. The Commission may revoke a certificate issued to a peace officer under the provisions of this Act if the Commission determines that the officer has violated a rule, regulation, requirement, specification, or other standards established by the Commission. The Commission shall revoke a certificate issued to a peace officer under the provisions of this Act if the officer is convicted in any state or federal court of a felony.

Sec 6A added by Acts 1975, 64th Leg., p. 1810, ch. 549, eff. Sept. 1, 1975.

PEACE OFFICER TRAINING PROGRAMS

Section 7 (a) The Commission shall establish and maintain peace officer training programs to be conducted by its own staff or through such agencies and institutions

as the Commission may deem appropriate.

(b) The Commission may authorize reimbursement for each political subdivision and each state agency for expenses in attending such training programs as authorized by the Legislature.

Sec 7 amended by Acts 1969, 61st Leg., p. 1001, ch. 323, § 4, eff. Sept. 1, 1969.

POWERS AND DUTIES OF MUNICIPAL OR COUNTY GOVERNMENTS

Section 8. Except as expressly provided in this Act, nothing herein contained shall be deemed to limit the powers, rights, duties and responsibilities of municipal or county governments, nor to affect provisions of Article 1269m, Fire and Police Civil Service Acts of the Vernon's Civil Statutes.

Section 8A. (a) No person who has been convicted of a felony under the laws of this state, another state, or the United States may be certified by the Commission as qualified to be a peace officer.

(b) Final conviction of a felony under the laws of this state, another state, or the United States disqualifies a person previously certified by the Commission as qualified to be a peace officer, and the Commission shall immediately revoke the certification of a person so convicted.

Sec 8A added by Acts 1975, 64th Leg., p. 637, ch. 262, eff. Sept. 1, 1975.

FUNDS

Section 9. The Legislature of the State of Texas shall appropriate the necessary funds for the purpose of carrying out the provisions of this Act.

Acts 1965, 59th Leg., p. 1158, ch. 546.

APPEALS

Section 9A. Any person dissatisfied with the action of

of the Commission may appeal the action of the Commission by filing a petition within thirty (30) days thereafter in the district court in the county where the person resides or in the district court of Travis County, Texas, and the court is vested with jurisdiction, and it shall be the duty of the court, to set the matter for hearing upon ten (10) days written notice to the Commission and the attorney representing the Commission. The court in which the petition of appeal is filed shall determine whether any action of the Commission shall be suspended pending hearing, and enter its order accordingly, which shall be operative when served upon the Commission, and the Commission shall provide the attorney representing the Commission with a copy of the petition and order. The Commission shall be represented in such appeals by the district or county attorney of the county, or the Attorney General, or any of their assistants.

Sec 9A added by Acts 1969, 61st Leg., p. 1001, ch. 323, § 5, eff. Sept. 1, 1969.

END