

Commission on Law Enforcement Summary of Budget Recommendations - House

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Method of Financing	2020-21 Base	2022-23 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$274,528	\$0	(\$274,528)	(100.0%)
GR Dedicated Funds	\$6,200,537	\$6,470,181	\$269,644	4.3%
<i>Total GR-Related Funds</i>	<i>\$6,475,065</i>	<i>\$6,470,181</i>	<i>(\$4,884)</i>	<i>(0.1%)</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$1,803,339	\$1,269,500	(\$533,839)	(29.6%)
All Funds	\$8,278,404	\$7,739,681	(\$538,723)	(6.5%)

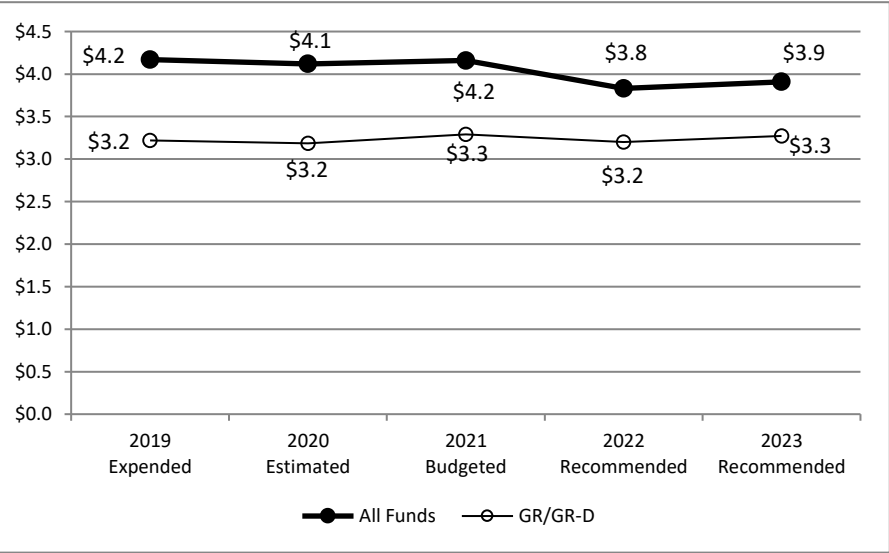
	FY 2021 Budgeted	FY 2023 Recommended	Biennial Change	Percent Change
FTEs	53.6	53.6	0.0	0.0%

Agency Budget and Policy Issues and/or Highlights

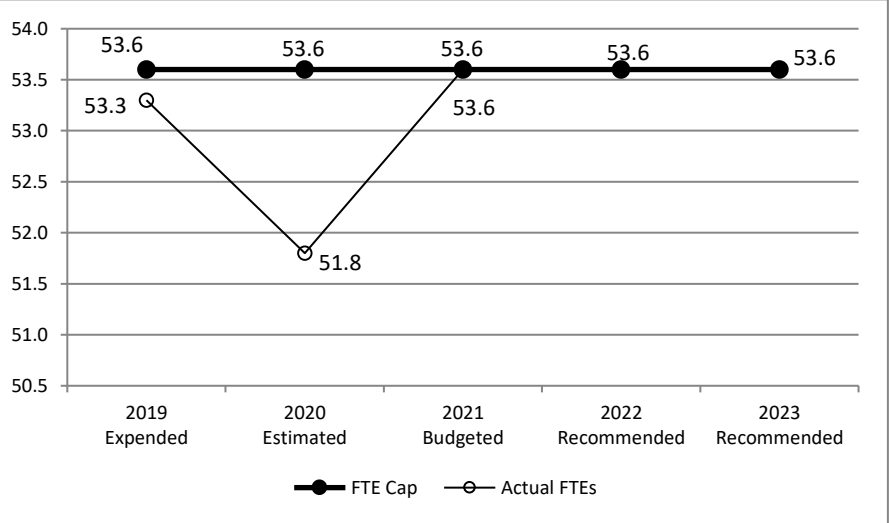
The Texas Commission on Law Enforcement (TCOLE) is under Strategic Fiscal Review (SFR) and Sunset Review for the Eighty-seventh Legislative Session.

The bill pattern for this agency (2022-23 Recommended) represents an estimated 100.0% of the agency's estimated total available funds for the 2022-23 biennium.

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



Commission on Law Enforcement
Summary of Funding Changes and Recommendations - House

Section 2

Funding Changes and Recommendations for the 2022-23 Biennium compared to the 2020-21 Base Spending Level	General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
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<i>OTHER Funding Changes and Recommendations (these issues are not addressed in Section 3 but details are provided in Appendix A):</i>

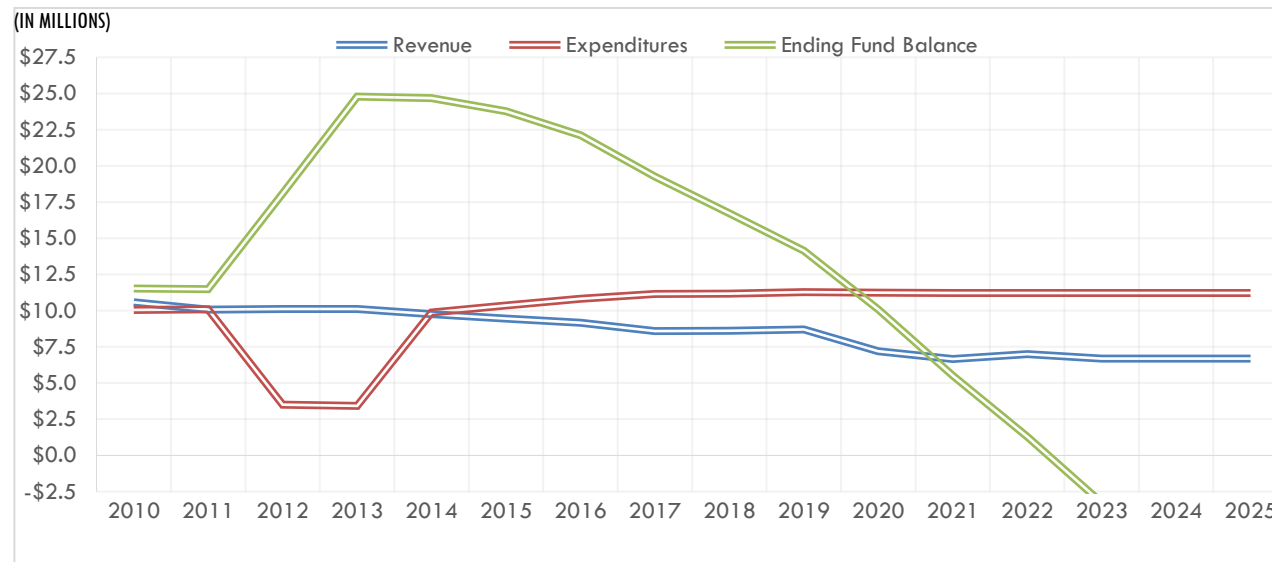
A)	Method of Finance swap of \$274,528 from General Revenue to General Revenue-Dedicated Fund 116 - Law Enforcement Officer Standards and Education Account.	(\$274,528)	\$274,528	\$0	\$0	\$0	All Strategies
B)	Decrease of \$534,453 in Other Funds (Interagency Contracts - Criminal Justice Grants) as the result of Governor's Office grants provided in the 2020-21 biennium.	\$0	\$0	\$0	(\$534,453)	(\$534,453)	A.1.1, A.1.2
C)	Agency projected increase of \$4,500 in Other Funds (Account No. 802 - Specialty License Plates) as the result of collecting new revenue associated with specialty license plates, offset by an estimated decrease of \$3,886 in Other Funds (Appropriated Receipts) as the result of lower academy certification and training contractor renewals in the 2022-23 biennium.	\$0	\$0	\$0	\$614	\$614	A.1.1, A.1.2, B.1.2
D)	Agency projected decrease of \$4,232 in General Revenue-Dedicated Fund 5059 - Texas Peace Officer Flag Account as the result of lower collected contributions and earned interest, and a net decrease of \$652 in General Revenue-Dedicated Fund 116 as the result of funding reallocations between strategies.	\$0	(\$4,884)	\$0	\$0	(\$4,884)	All Strategies

TOTAL SIGNIFICANT & OTHER Funding Changes and Recommendations	(\$274,528)	\$269,644	\$0	(\$533,839)	(\$538,723)	As Listed
<i>SIGNIFICANT & OTHER Funding Increases</i>	\$0	\$274,528	\$0	\$614	\$614	As Listed
<i>SIGNIFICANT & OTHER Funding Decreases</i>	(\$274,528)	(\$4,884)	\$0	\$0	(\$539,337)	As Listed

NOTE: Totals may not sum due to rounding.

Commission on Law Enforcement Selected Fiscal and Policy Issues - House

1. **General Revenue—Dedicated Fund Account No. 116 Decreasing Fund Balance:** General Revenue—Dedicated Fund Account No. 116 (Law Enforcement Officer Standards and Education Account) is the method of finance used each biennium to fund the majority of TCOLE's expenditures and benefits as well as the Comptroller of Public Accounts (CPA) grants to local law enforcement entities. Revenue sources for Account No. 116 are consolidated court costs and professional fees, which have been gradually declining since 2010 and dropped significantly in the last year. Fiscal year 2020 revenues for Account No. 116 were \$7.2 million while expenditures were \$11.2 million. **While the account balance in Account No. 116 at the end of fiscal year 2020 was \$10.0 million, projections indicate the fund will be depleted not later than 2023.**



Recommendation

Fund TCOLE and CPA in the 2022–23 biennium using the amounts remaining in Account No. 116 and appropriate General Revenue to continue funding upon depletion of the dedicated fund's balance.

Alternative Options

In order to stay within revenue collections for this account, the Legislature may consider:

- providing additional revenue sources for General Revenue—Dedicated Fund Account No. 116,
- funding CPA grants with a Method of Finance other than Account No. 116, and/or
- funding TCOLE with a Method of Finance other than Account No. 116.

2. **Modernizing IT Infrastructure.** Not included in the recommendations is TCOLE's request of \$3.2 million (Exceptional Item 1) to maintain and develop the agency's system and update the IT infrastructure. The request includes establishing or refreshing systems integration, secure document submission and payment system, upgrading the end-of-life hardware components of the virtual network and corresponding software, and 5.0 additional full-time equivalent (FTE) positions. TCOLE's website is not up to current accessibility standards and has security vulnerabilities that need to be addressed as it collects sensitive licensee information.

The existing licensing database, the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS), and the contract for it, were the subject of the agency's previous Sunset review in the Eighty-first Legislative Session, 2009, and its subsequent Technology Performance Review. The review revealed several issues with the database as well as its vendor, and recommended the agency purchase a commercial off-the-shelf system. The agency's exceptional item request that included the purchase of the system was not adopted at the time, and TCOLE has indicated the issues have remained largely the same for the last decade. Some of the issues that the agency is experiencing with both TCLEDDS and its vendor include:

- the refusal to commit to or provide completion timelines,
- unreachable customer service to end users, such as licensees, law enforcement agencies, training providers, and administration sites, during normal business hours,
- lack of further automation of the continuing education non-compliance process,
- an exam system that is only compatible with Internet Explorer, a browser that is being phased out by Microsoft, and
- security issues, such as a significant lack of quality control to ensure the right test is being rendered for the correct license type and individual.

TCOLE has been in discussions with the Department of Information Resources to determine the available options that exist within the current system, or if the purchase of a new system is necessary. The funding request for Exceptional Item 1 is to begin addressing these issues.

3. **Addressing Licensee Misconduct.** Following the Summer 2020 protests and unrest, there have been discussions regarding TCOLE's authority to address licensee misconduct. Currently, the agency does not have the jurisdiction to directly investigate complaints against law enforcement officers or agencies unless there is a violation of law or rule related to licensing, training, or other related standards. One possible change would be to expand the agency's authority to investigate and take action outside of criminal convictions.

TCOLE requests \$3.4 million (Exceptional Item 2) for an additional 15.0 FTEs that would include investigative resources on the front end and their support staff, as well as legal resources on the back end to help alleviate the backlog of cases awaiting decisions and action. The additional staff would eliminate the reliance on the Office of the Attorney General resources for State Office of Administrative Hearings. This request also includes an additional staff member that would assist with the over 6,000 public information requests per year that are currently processed by one public information coordinator.

Absent statutory change, TCOLE may have the rulemaking authority to increase its oversight and action on licensee misconduct in the form of a required report of criminal conduct even in the absence of criminal charges. This change would be consistent with the posture of other states.

4. **Strategic Fiscal Review.** The agency is currently under Strategic Fiscal Review (SFR) for the Eighty-seventh Legislative Session. Significant observations and considerations include a revenue-to-expenditure disparity analysis projecting the General Revenue-Dedicated Account No. 116 decreasing fund balance (previously discussed in Item 1), difficulties in providing better customer service to larger travel areas, licensees reporting difficulties completing training requirements due to geographic and budgetary constraints, and decreased agency staffing for standards development.

5. **Sunset Review.** The Sunset Advisory Commission reviewed the agency as part of its 2020–21 review cycle for the Eighty-seventh Legislative Session and recommends the continuation of Texas Commission on Law Enforcement for another two years, until end of fiscal year 2023. Sunset’s review recommendations focused on changes TCOLE could currently implement to improve its efficient and effectiveness, regardless of future policy decisions. The review identified four issues for which it made recommendations:
- Ineffective approach to regulating Texas’ law enforcement – Sunset recommends that a blue ribbon panel be established to comprehensively evaluate the regulation of law enforcement in Texas and make recommendations for needed changes.
 - Does not follow best contracting practices for IT services – Sunset recommends directing TCOLE to require training for all staff involved in the contracting process, developing a formal contract development and solicitation process for all of its contracts, and including detailed, actionable performance incentives in its contracts. (See Item 2 on the previous page.)
 - Statute and procedures do not conform to common licensing and regulatory standards – Sunset identified that several of TCOLE’s statutes and procedures do not match best practices for licensing and regulatory agencies. Recommendations include requiring the agency to conduct fingerprint-based criminal background checks of all licensure applicants and licensees and clearly authorizing TCOLE to issue subpoenas for investigative records.
 - Statute does not reflect some standard elements of Sunset reviews – Sunset identified changes needed to encourage more meaningful review of TCOLE’s rules, authorize the commission to establish advisory committees, conform the commission’s statutes to standards Sunset generally applies to all state agencies, and address other standard elements of Sunset reviews.

The Sunset Advisory Commission adopted all of the Sunset staff’s recommendations in January 2021.

**Commission on Law Enforcement
Rider Highlights - House**

New Riders

- New 8. Reimbursement of Advisory Committee Members. Recommendations add a new rider to provide TCOLE authority to reimburse travel expenses for curriculum advisory committee members, not to exceed \$15,000 per fiscal year.

Deleted Riders

- Old 8. Appropriation of Salaries and Wages. Recommendations delete Rider 8 as the agency will continue to allocate the funding for salaries and wages.

**Commission on Law Enforcement
Items Not Included in Recommendations - House**

Section 5

		2022-23 Biennial Total					
		GR & GR-D	All Funds	FTEs	Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2024-25
Agency Exceptional Items Not Included (in agency priority order)							
1)	Modernizing IT Infrastructure - 5.0 FTEs to help maintain and develop the agency's system and update the IT infrastructure. The request includes establishing or refreshing systems integration, secure document submission and payment system, a secure, user-friendly website, and upgrading the end-of-life hardware components of the virtual network and corresponding software.	\$3,184,392	\$3,184,392	5.0	Yes	Yes	\$1,200,000
2)	Addressing Misconduct - 15.0 FTEs to address licensee misconduct by including front end investigative and legal resources to alleviate a queue of open cases, and help eliminate reliance on OAG resources for SOAH hearings.	\$3,388,086	\$3,388,086	15.0	Yes	No	\$40,000
3)	Training Development and Oversight - 6.0 FTEs for the curriculum staff to oversee law enforcement training, and funding to reimburse volunteer curriculum committee participants for travel and per diem expenses.	\$1,313,748	\$1,313,748	6.0	Yes	No	\$18,000
4)	Customer Service - 1.0 FTE in the IT Division for internal and external technical support, and two Customer Service Representative vacancies in the Credentialing Division that were subject to the 5 percent reduction.	\$310,668	\$310,668	1.0	Yes	No	\$14,304
5)	Agency Operations - 3.0 FTEs to help manage human resources staff, contracts, and travel arrangements.	\$536,048	\$536,048	3.0	Yes	No	\$14,304
6)	Agency Creation Support - Backfill a Special Services Division vacancy that assists with the creation of new law enforcement agencies.	\$153,032	\$153,032	0.0	Yes	No	\$4,768
7)	School Marshal Program Oversight - 1.0 FTE for a dedicated school marshal coordinator.	\$154,008	\$154,008	1.0	Yes	No	\$6,702
8)	Rent Adjustment - Offset projected rent increases for upcoming biennium.	\$50,000	\$50,000	0.0	No	No	\$0
9)	Peace Officer Flag Program - Continue the availability of Texas flags for the families of active or retired peace officers.	\$20,000	\$20,000	0.0	No	No	\$0
TOTAL Items Not Included in Recommendations		\$9,109,982	\$9,109,982	31.0	\$1,298,078		

**Commission on Law Enforcement
Appendices - House**

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* Appendix is not included - no significant information to report

Commission on Law Enforcement
Funding Changes and Recommendations by Strategy - House -- ALL FUNDS

Strategy/Goal	2020-21 Base	2022-23 Recommended	Biennial Change	% Change	Comments
LICENSING A.1.1	\$1,796,829	\$1,629,571	(\$167,258)	(9.3%)	Variance results from the elimination of a \$152,921 onetime grant from the Office of the Governor in the 2020-21 biennium and an agency anticipated reduction of \$14,337 in Other Funds (Appropriated Receipts).
STANDARDS DEVELOPMENT A.1.2	\$745,077	\$217,149	(\$527,928)	(70.9%)	Variance results from the elimination of a \$381,532 onetime grant from the Office of the Governor in the 2020-21 biennium, and an agency estimated decrease of \$146,396 in Other Funds (Appropriated Receipts) as the result of an anticipated reduction of certification renewals in the 2022-23 biennium.
Total, Goal A, LICENSE AND DEVELOP STANDARDS	\$2,541,906	\$1,846,720	(\$695,186)	(27.3%)	
ENFORCEMENT B.1.1	\$2,265,226	\$2,278,375	\$13,149	0.6%	Recommendations include an increase of \$13,149 in Fund 116 due to an agency anticipated increase in travel expenses to this strategy.
TECHNICAL ASSISTANCE B.1.2	\$2,657,684	\$2,874,237	\$216,553	8.1%	Variance results from an agency estimated net increase of \$205,826 in Other Funds (Appropriated Receipts) due to reduced revenue collection from the annual conference cancellation in FY 2021, an increase of \$4,500 from new MOF Fund 802, and a \$6,227 increase in Fund 116 from an increase in personnel costs to this strategy.
Total, Goal B, REGULATION	\$4,922,910	\$5,152,612	\$229,702	4.7%	
INDIRECT ADMINISTRATION C.1.1	\$813,588	\$740,349	(\$73,239)	(9.0%)	Variance results from a \$73,239 decrease in Fund 116 to reflect travel cuts and a reduction in staff allocated to this strategy due to the five percent reduction.
Total, Goal C, INDIRECT ADMINISTRATION	\$813,588	\$740,349	(\$73,239)	(9.0%)	
Grand Total, All Strategies	\$8,278,404	\$7,739,681	(\$538,723)	(6.5%)	

Commission on Law Enforcement
FTE Highlights - House

Full-Time-Equivalent Positions	Expended 2019	Estimated 2020	Budgeted 2021	Recommended 2022	Recommended 2023
Cap	53.6	53.6	53.6	53.6	53.6
Actual/Budgeted	53.3	51.8	53.6	NA	NA

Schedule of Exempt Positions (Cap)					
Executive Director, Group 4	\$127,833	\$136,649	\$136,649	\$136,649	\$136,649

- Notes:
- a) State Auditor's Office is the source for the FY 2019 and FY 2020 annual average (actual) FTE levels.
 - b) Fiscal years 2019 and 2020 actual FTE figures are less than the FTE cap due to staff vacancies.
 - c) The State Auditor's Office Report, Executive Compensation at State Agencies (Report No. 20-706, August 2020) indicates a market average salary of \$144,082 for the Executive Director position at the Texas Commission on Law Enforcement. The report also recommends keeping the salary classification group of Group 4. The agency is not requesting any changes to its Exempt Position.