

Commission on Law Enforcement
Summary of Recommendations - Senate

Page V-39

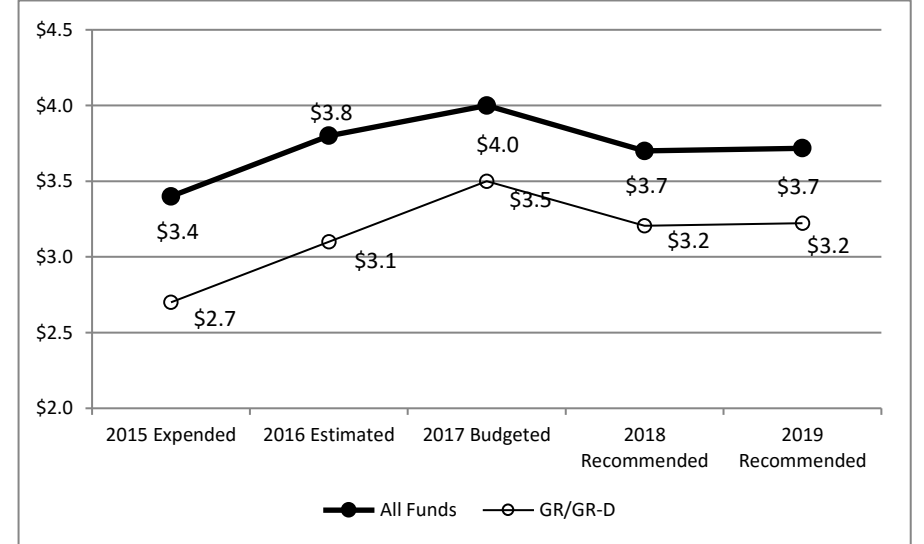
Kim Vickers, Executive Director

John Wielmaker, LBB Analyst

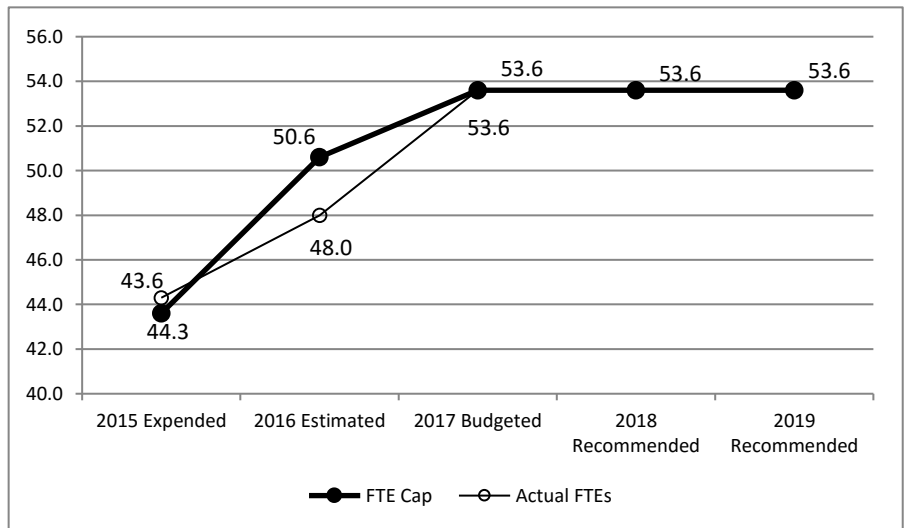
Method of Financing	2016-17 Base	2018-19 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$0	\$0	\$0	0.0%
GR Dedicated Funds	\$6,610,052	\$6,427,225	(\$182,827)	(2.8%)
Total GR-Related Funds	\$6,610,052	\$6,427,225	(\$182,827)	(2.8%)
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$1,185,000	\$990,000	(\$195,000)	(16.5%)
All Funds	\$7,795,052	\$7,417,225	(\$377,827)	(4.8%)

	FY 2017 Budgeted	FY 2019 Recommended	Biennial Change	Percent Change
FTEs	53.6	53.6	0.0	0.0%

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this agency (2018-19 Recommended) represents an estimated 100% of the agency's estimated total available funds for the 2018-19 biennium.

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

Funding Changes and Recommendations for the 2018-19 Biennium Compared to the 2016-17 Base Spending Level	General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
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SIGNIFICANT Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):

A)	Recommendations include the 4 percent reduction amount of \$255,535 in the agency's licensing and technical assistance functions. The \$255,535 reduction is the net of the following two recommendations:					
	a. Reduction to General Revenue-Dedicated Fund 116 (Commission on Law Enforcement); and		(\$260,911)			A.1.1, B.1.2
	b. Increase in General Revenue-Dedicated Fund 5059 (Texas Peace Officer Flag) based on forecasted increase in donations.		\$5,376		\$5,376	B.1.2
B)	Funding increase to biennialize the salary and support costs for the 2.0 FTEs appropriated to TCOLE by the Eighty-fourth Legislature, 2015, as part of the Border Security Initiative.	\$0	\$72,708	\$0	\$0	\$72,708 B.1.1

OTHER Funding Changes and Recommendations (these issues are not addressed in Section 3 but details are provided in Appendix A):

C)	Agency projected decrease of \$195,000 in estimated Other Funds (Appropriated Receipts) comprised of forecasted decreases in training and contractor renewals and Distance Learning Program revenues.	\$0	\$0	\$0	(\$195,000)	(\$195,000) A.1.1, A.1.2
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TOTAL SIGNIFICANT & OTHER Funding Changes and Recommendations (in millions)	\$0	(\$182,827)	\$0	(\$195,000)	(\$377,827)	As Listed
<i>SIGNIFICANT & OTHER Funding Increases</i>	<i>\$0</i>	<i>\$78,084</i>	<i>\$0</i>	<i>\$0</i>	<i>\$78,084</i>	<i>As Listed</i>
<i>SIGNIFICANT & OTHER Funding Decreases</i>	<i>\$0</i>	<i>(\$260,911)</i>	<i>\$0</i>	<i>(\$195,000)</i>	<i>(\$455,911)</i>	<i>As Listed</i>

NOTE: Totals may not sum due to rounding.

**Commission on Law Enforcement
Selected Fiscal and Policy Issues - Senate**

1. **GR-D Fund 116 Decreasing Projected Fund Balance:** GR-D Fund 116 (Commission on Law Enforcement Account) is the method of finance historically used to fund both the Texas Commission on Law Enforcement (TCOLE) and the continuing education grants for law enforcement officers administered by the Comptroller's Fiscal Programs (not funded in SB 1 As Introduced). Further, \$0.9 million in Fund 116 was appropriated by the Eighty-fourth Legislature, 2015, to the Department of Public Safety (DPS) for National Incident Based Reporting training.

The revenue source for Fund 116 is a 5.0034 percent allocation of court cost fees. While there currently is a significant account balance in Fund 116 as of the end of FY 2016 (\$21.8 million), LBB staff projections suggest the revenues-to-expenditures disparity of about \$2.0 million per fiscal year indicates the fund will be depleted by 2024 or earlier.

Regarding revenues to Fund 116, there has been an average decrease over time in court costs revenues to Fund 116. The FY 2002–06 average of \$10.97 million in annual court cost revenue to Fund 116 decreased to a \$9.79 million annual average for the 2012–16 period - a decrease of over ten percent. The Office of Court Administration projects further decreases in court cost revenues due to declining traffic citation issuances and court filings.

Regarding expenditures from Fund 116, appropriations to TCOLE have increased significantly in the last two biennia. The agency was appropriated \$4.1 million in the fiscal year 2012–13 biennium, and \$6.6 million in the fiscal year 2016–17 biennium, for an increase of 60 percent within two biennia.

These two factors have created a revenue-expenditure structure that if left unchanged from 2016–17 appropriation levels will erode the fund balance. For further detail please see the supplement on pages 5–6.

2. **Four Percent Reduction (GR/GR-D Limit):** TCOLE is requesting an Exceptional Item to fund the 4 percent reduction included in the agency's baseline request. In its baseline request, TCOLE concentrated its GR/GR-D Limit reduction of \$255,535 in two strategies: Strategy A.1.1, Licensing, and Strategy B.1.2, Technical Assistance.

The \$255,535 reduction is the net of the following two recommendations:

- \$260,911 reduction to General Revenue-Dedicated Fund 116 (Commission on Law Enforcement); and
- \$5,376 increase in General Revenue-Dedicated Fund 5059 (Texas Peace Officer Flag) based on forecasted increase in donations.

3. **Border Security Funding:** The Eighty-fourth Legislature appropriated \$75,167 and 1.0 FTE in fiscal year 2016 and \$146,500 and 2.0 FTEs in fiscal year 2017 as part of the Border Security Initiative. This funding, totaling \$221,667, was intended to compliment DPS' efforts to combat corruption within the ranks of law enforcement agencies and training academies in the border region. As of January 2017, one position is filled and the agency is seeking to fill the other position, which was vacated late in 2016. Recommendations include \$72,708 to biennialize the cost of the 2.0 FTEs in the 2018–19 biennium.

4. **Acquisition of Vehicles:** TCOLE requested a new rider that would provide general authority for the agency to acquire and maintain a vehicle fleet. The agency states that to date it has acquired nine surplus vehicles from the Department of Public Safety at a cost of \$27,000. TCOLE plans to acquire another vehicle in the near future, and intends to keep the price to about \$3,000. Funding for the vehicles was paid out of the agency's largest strategy (B.1.1, Enforcement). Board recommendations do not include the rider.

The agency states it requires these vehicles because it has a statewide jurisdiction and many members of TCOLE's staff travel extensively. Prior to the agency's vehicle acquisitions, TCOLE staff used personal vehicles and rental cars in the course of their duties when traveling. The agency does not need capital authority to acquire its vehicles, because (as pooled assets) their aggregate purchase cost did not exceed the Article IX, Sec. 14.03 \$100,000 threshold for capital assets.

Section 3-1 (Senate)

GR-D Fund 116 - Law Enforcement Commission

Fiscal Year	REVENUE ASSUMPTIONS		EXPENDITURE ASSUMPTIONS (Based on 2016-17)				ENDING FUND BALANCE	
	Revenue 1 (OCA)	Revenue 2 (TCOLE)	TCOLE	CPA - FISCAL PROG.	OTHER	Total Expenditures	Revenue 1 Assumption	Revenue 2 Assumption
FY 2000	\$ 13,097,290	\$ 13,097,290	\$ 2,298,712	\$ -	\$ 9,779,998	\$ 12,078,710	\$ 13,245,695	\$ 13,245,695
FY 2001	10,336,977	10,336,977	2,377,909	5,986,874	6,901,496	15,266,279	8,316,393	8,316,393
FY 2002	11,368,896	11,368,896	2,601,818	5,994,665	1,763,334	10,359,817	9,325,472	9,325,472
FY 2003	11,323,932	11,323,932	2,386,466	5,999,858	3,443,235	11,829,559	8,819,845	8,819,845
FY 2004	10,443,950	10,443,950	2,653,429	6,000,000	639,351	9,292,780	9,971,015	9,971,015
FY 2005	10,900,515	10,900,515	2,765,476	6,009,648	1,259,963	10,035,087	10,836,443	10,836,443
FY 2006	10,807,905	10,807,905	2,555,848	6,002,054	4,449,638	13,007,540	8,636,808	8,636,808
FY 2007	11,032,055	11,032,055	2,766,783	5,999,429	1,379,091	10,145,303	9,523,560	9,523,560
FY 2008	11,064,573	11,064,573	2,636,892	5,997,851	781,418	9,416,161	11,171,972	11,171,972
FY 2009	10,710,792	10,710,792	3,032,746	5,996,038	1,860,904	10,889,688	10,993,076	10,993,076
FY 2010	10,578,125	10,578,125	2,673,004	5,997,108	1,379,567	10,049,679	11,521,522	11,521,522
FY 2011	10,716,000	10,716,000	2,788,936	5,997,382	1,315,905	10,102,223	11,479,387	11,479,387
FY 2012	10,753,000	10,753,000	2,035,024	-	1,471,108	3,506,132	18,085,778	18,085,778
FY 2013	10,122,473	10,122,473	2,080,436	-	1,342,920	3,423,356	24,784,895	24,784,895
FY 2014	9,463,000	9,463,000	2,617,407	6,000,000	1,252,488	9,869,895	24,378,000	24,378,000
FY 2015	9,458,677	9,458,677	3,974,657	6,005,401	382,960	10,363,018	23,473,659	23,473,659
FY 2016	9,159,005	9,159,005	4,518,813	5,998,664	295,681	10,813,158	21,819,506	21,819,506
FY 2017	8,930,030	9,200,000	4,750,000	6,000,000	325,000	11,075,000	19,674,536	19,944,506
FY 2018	8,706,779	9,200,000	4,775,000	6,000,000**	325,000	5,100,000	23,281,315	24,044,506
FY 2019	8,489,110	9,200,000	4,800,000	6,000,000**	325,000	5,125,000	26,645,424	28,119,506
FY 2020	8,276,882	9,200,000	4,825,000	6,000,000	325,000	11,150,000	23,772,306	26,169,506
FY 2021	8,069,960	9,200,000	4,850,000	6,000,000	325,000	11,175,000	20,667,266	24,194,506
FY 2022	7,868,211	9,200,000	4,875,000	6,000,000	325,000	11,200,000	17,335,477	22,194,506
FY 2023	7,671,506	9,200,000	4,900,000	6,000,000	325,000	11,225,000	13,781,983	20,169,506
FY 2024	7,479,718	9,200,000	4,925,000	6,000,000	325,000	11,250,000	-	18,119,506
FY 2025	7,292,725	9,200,000	4,950,000	6,000,000	325,000	11,275,000	-	16,044,506
FY 2026	7,110,407	9,200,000	4,975,000	6,000,000	325,000	11,300,000	-	13,944,506
FY 2027	6,932,647	9,200,000	5,000,000	6,000,000	325,000	11,325,000	-	-

** NOTE: Recommendations in the Senate Bill as Introduced do not fund these grants at the Comptroller's Fiscal Programs.

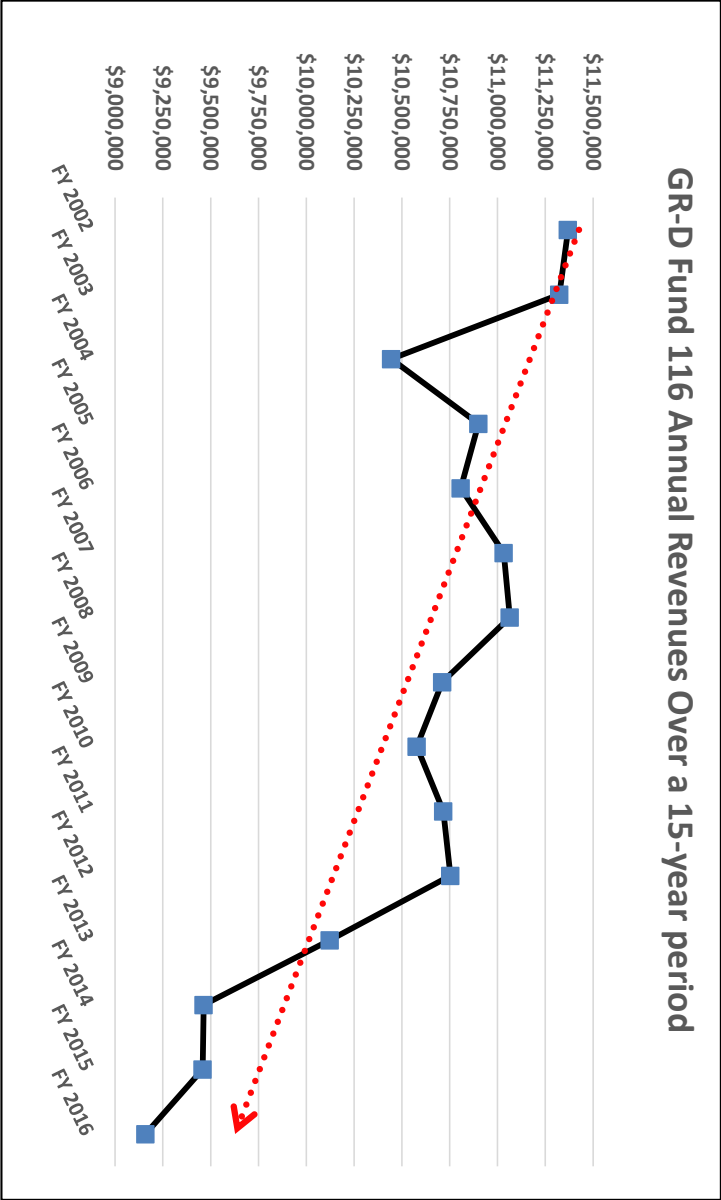
Section 3-1 (Senate)

Court Costs Allocations

Local Government Code Sec. 133.102

- 1 Compensation to victims of crime fund
- 2 Criminal justice planning
- 3 Law Enforcement Custodial Officer Supplement (LECOS)
- 4 Comprehensive rehabilitation
- 5 Fair defense account
- 6 Emergency radio infrastructure account
- 7 Law enforcement officers standards and education
- 8 Judicial and court personnel training fund
- 9 Bill Blackwood Law Enforcement Management Institute
- 10 Center for the Study & Prevention of Juvenile Crime & Delinquency
- 11 Correctional Management Inst. of Texas and Criminal Justice Center Account
- 12 Breath alcohol testing
- 13 Crime stoppers assistance
- 14 Abused children's counseling

Fiscal Year 2016		
Percent of Alloc.	Dollar Share	
37.634%	\$	68,890,787
12.554%		22,980,254
11.143%		20,397,156
9.822%		17,979,357
8.014%		14,670,627
5.590%		10,233,542
5.003%		9,159,005
4.836%		8,852,936
2.168%		3,969,195
1.209%		2,213,142
1.209%		2,213,142
0.551%		1,008,087
0.258%		472,467
0.009%		16,109
100.000%	\$	183,055,806



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

Section 5

	2018-19 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2020-21 *
	GR & GR-D	All Funds	FTEs			

Agency Exceptional Items - In Agency Priority Order

1)	Funding for Items Included in Agency's 4 Percent Reduction - maintain operational capacity in the two program areas impacted by the 4 percent reduction (licensing and technical assistance). See Section 3 and Appendix A for detail.	\$255,535	\$255,535	0.0	No	No	\$255,535
2)	Equity Adjustment - Salary raises to support staff retention.	\$164,000	\$164,000	0.0	No	No	\$164,000
3)	IT Security and Network Operations - 1.0 FTE to maintain and develop the agency's Information Technology systems.	\$187,700	\$187,700	1.0	Yes	No	\$187,700
4)	IT Systems Upgrades and E-Learning - 1.0 FTE to maintain and develop the agency's online services.	\$143,700	\$143,700	1.0	Yes	No	\$143,700
5)	Curriculum Development and Review - 2.0 FTEs to maintain and review current and proposed new training courses for certification by the agency.	\$336,600	\$336,600	2.0	No	No	\$336,600
6)	Administrative Prosecutions - 2.0 FTEs (an Attorney and Legal Assistant) to resolve administrative violations cases more quickly.	\$278,400	\$278,400	2.0	No	No	\$278,400

TOTAL Items Not Included in Recommendations	\$1,365,935	\$1,365,935	6.0				\$1,365,935
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**Commission on Law Enforcement
Appendices - Senate**

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* Appendix is not included - no significant information to report

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

Strategy/Goal	2016-17 Base	2018-19 Recommended	Biennial Change	% Change	Comments
					The recommended biennial variance of \$377,827 is comprised of 3 factors:
					• A net reduction of \$255,535 in General Revenue-Dedicated Funds attributable to the 4 percent reduction requirement included in the Policy Letter; • A \$195,000 reduction in Other Funds (Appropriated Receipts) based on the agency's estimated fee revenue projections (see below); and • An increase of \$72,708 in Fund 116 to biennialize the salary and support costs for the 2.0 FTEs appropriated to TCOLE by the Eighty-fourth Legislature, 2015, as part of the Border Security Initiative.
					Strategy level variances are detailed below.
LICENSING A.1.1	\$1,985,976	\$1,738,504	(\$247,472)	(12.5%)	Variance results from a \$176,472 reduction in Fund 116 due to the 4 percent reduction and a \$71,000 reduction in Other Funds (Appropriated Receipts) due to estimated continued declines in revenues for intermediate, advanced and master certification of licensees and proficiency certificate revenues.
STANDARDS DEVELOPMENT A.1.2	\$450,087	\$351,732	(\$98,355)	(21.9%)	Variance due to a \$25,645 increase in Fund 116 to offset projected decreases in Other Funds (Appropriated Receipts) revenues. Appropriated Receipts are estimated to decrease by \$124,000 due to fewer estimated training contractor and academy renewals in the 2018-19 biennium.
Total, Goal A, LICENSE AND DEVELOP STANDARDS	\$2,436,063	\$2,090,236	(\$345,827)	(14.2%)	

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

Strategy/Goal	2016-17 Base	2018-19 Recommended	Biennial Change	% Change	Comments
ENFORCEMENT B.1.1	\$2,396,283	\$2,474,481	\$78,198	3.3%	This strategy contains the \$221,667 in Fund 116 and 2.0 FTEs the Eighty-fourth Legislature, 2015, appropriated as part of the Border Security Initiative. This funding was exempted from the 4 percent reduction. Recommendations include an additional \$72,708 to biennialize the salary and support costs for these 2.0 FTEs. The remaining variance of \$5,490, taken from other strategies in TCOLE's baseline request, maintains the agency's enforcement and public safety capabilities at current levels.
TECHNICAL ASSISTANCE B.1.2	\$2,338,480	\$2,224,381	(\$114,099)	(4.9%)	Variance due to an estimated increase of \$5,376 in GR-D Fund 5059 (Texas Peace Officer Flag Account) and a projected decrease of \$119,475 in Fund 116 due to the 4 percent reduction. GR-D Fund 5059 is used to purchase state flags for decreased peace officers. The projected increase is due to an estimated increase in donations received for peace officer flags as a result of more concentrated agency solicitations. In previous years, the agency solicited donations for the upkeep of the Texas Peace Officer Memorial on the capitol grounds. A major renovation of this memorial has been completed by the Texas State Preservation Board. As such, the agency now plans to concentrate its solicitation on behalf of the Texas Peace Officer Flag fund at TCOLE's annual Training Coordinator's conference.
Total, Goal B, REGULATION	\$4,734,763	\$4,698,862	(\$35,901)	(0.8%)	
INDIRECT ADMINISTRATION C.1.1	\$624,226	\$628,127	\$3,901	0.6%	Variance due to a \$5,901 increase in Fund 116 to fund an additional .4 FTE position, offset by a \$2,000 decrease in Fund 116 for the 4 percent reduction.
Total, Goal C, INDIRECT ADMINISTRATION	\$624,226	\$628,127	\$3,901	0.6%	
Grand Total, All Strategies	\$7,795,052	\$7,417,225	(\$377,827)	(4.8%)	The agency's estimated reduction of \$195,000 in Other Funds (Appropriated Receipts) is reflected in the estimated amounts included in the following riders:

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

Strategy/Goal	2016-17 Base	2018-19 Recommended	Biennial Change	% Change	Comments
					• Rider 3 (Proficiency Certificate Fees) - decrease of \$54,000. The agency's estimate is based on a multiyear average, and assumes there are no major changes foreseen in these certificate revenues. • Rider 7 (Distance Learning Program) - decrease of \$29,000. The agency's first full year of collecting Rider 7's Distance Learning Program revenues was in FY 2013. Since 2013, this revenue has decreased each fiscal year because many of those licensees eligible for an intermediate, advanced or master certification have already received these. TCOLE estimates that Rider 7's Distance Learning Program revenues will level off at about \$70,000 a year as estimated for the FY 2018-19 biennium. • Rider 8 (Conference, Training, Testing, and Other Fees) - decrease of \$112,000. The agency first started charging for training contractor certifications in FY 2010 and academy certifications in FY 2011. These certifications need to be renewed every 5 years. As such, every 5 years there is a spike in revenue associated with these renewals. The last renewal spike was in 2015 for training contractor renewals and 2016 for academy certification renewals. The next spikes will be in 2020 for training contractor renewals and 2021 for academy renewals.

**Commission on Law Enforcement
FTE Highlights - Senate**

Full-Time-Equivalent Positions	Expended 2015	Estimated 2016	Budgeted 2017	Recommended 2018	Recommended 2019
Cap	43.6	50.6	53.6	53.6	53.6
Actual/Budgeted	44.3	48.0	53.6	NA	NA

Schedule of Exempt Positions (Cap)					
Executive Director, Group 3	\$93,443	\$117,295	\$117,295	\$117,295	\$117,295
<i>Agency included the 2.5 percent salary raise starting in FY 2016 when requesting the salary for its Exempt Position.</i>					

Notes:

a) State Auditor's Office is the source for the FY 2015 and FY 2016 annual averages (actual).

b) FY 2015 actual FTE level includes 2.0 federally funded FTEs that do not count against the agency's FTE cap.

c) The State Auditor's Office report entitled Executive Compensation at State Agencies (Report No. 16-706, August 2016) indicates a market average salary of \$142,037 for the Executive Director position at the Texas Commission on Law Enforcement and recommends changing the Group classification for the position from Group 2 to Group 4. The agency is not requesting any changes to its Exempt Position.

**Commission on Law Enforcement
Performance Measure Highlights - Senate**

	Expended 2015	Estimated 2016	Budgeted 2017	Recommended 2018	Recommended 2019
Number of Appointment Documents Received and Processed New measure. Count of appointments processed in the agency's Texas Commission on Law Enforcement Data Distribution System (TCLEDDS). An "appointment" is when a licensed or elected individual is appointed (commissioned) to the status of a peace officer, jailer, Constable, Sheriff (elected included), or reserve peace officer at an employing law enforcement agency. This measure indicates the agency's workload of formal documents submitted.	17,953	15,500	15,000	15,000	15,000
Number of Border Security-related Investigations Initiated New measure. The Eighty-fourth Legislature, 2015, appropriated \$75,167 and 1.0 FTE in fiscal year 2016 and \$146,500 and 2.0 FTEs in fiscal year 2017 to TCOLE as part of the Border Security Initiative. This funding was intended to compliment DPS' efforts to combat cases of corruption within the ranks of law enforcement agencies and training academies in the border region. As of March 1, 2016 TCOLE had hired the first of the two authorized positions. The agency is estimating 10 cases per fiscal year per position.	0	10	20	20	20
Number of Notices of Impending Training Deficiency Sent New measure. Number of notifications sent to individual officers warning that all required training must be completed prior to 90 days to avoid noncompliance status. This measure is an indicator of the agency's efforts to inform officers of their training status and thereby reduce the occurrence of training noncompliance.	10,430	17,000	10,000	17,000	10,000

Commission on Law Enforcement
Summary of Ten Percent Biennial Base Reduction Options - Senate

Priority	Item	Description/Impact	Biennial Reduction Amounts			Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Included in LBB Recs?
			GR & GR-D	All Funds	FTEs			
1)	Deferred Capital Maintenance	TCOLE reports that this reduction would almost completely eliminate all information technology purchases. This includes systems such as the network and the IT infrastructure. IT capital funds are also used to maintain and upgrade necessary systems in the agency, such as computers, software, and maintenance agreements. This cut would also eliminate all funding for the Distance Learning Program which provides free training to Texas peace officers, jailers, and telecommunicators. This cut would require a method of finance swap of \$140,000 between General Revenue-Dedicated Fund 116 and Other Funds (Appropriated Receipts) for the 2018-19 biennium.	\$300,000	\$300,000	0.0	\$140,000	N/A	No
2)	Program Service Elimination	TCOLE reports it is currently not in a position to realize further reductions without programmatic consequences. TCOLE currently relies on committees comprised of law enforcement representatives statewide who are charged with developing curriculum. This cut would abolish TCOLE's standards development and curriculum section. While TCOLE field services staff would continue to audit the current curriculum learning objectives, they would rely entirely on law enforcement agencies and training providers to develop new curriculum and keep existing curriculum up to date.	\$267,732	\$267,732	0.9	\$84,000	100%	No
3)	Program Service Reduction	These cuts would negatively impact customer service and the ability of the agency to meets it's mission.	\$45,553	\$45,553	0.2	\$0	N/A	
TOTAL, 10% Reduction Options			\$613,285	\$613,285	1.1	\$224,000		