

In Service



September – October 2010

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2010 – 2011
TMPA Board of Directors



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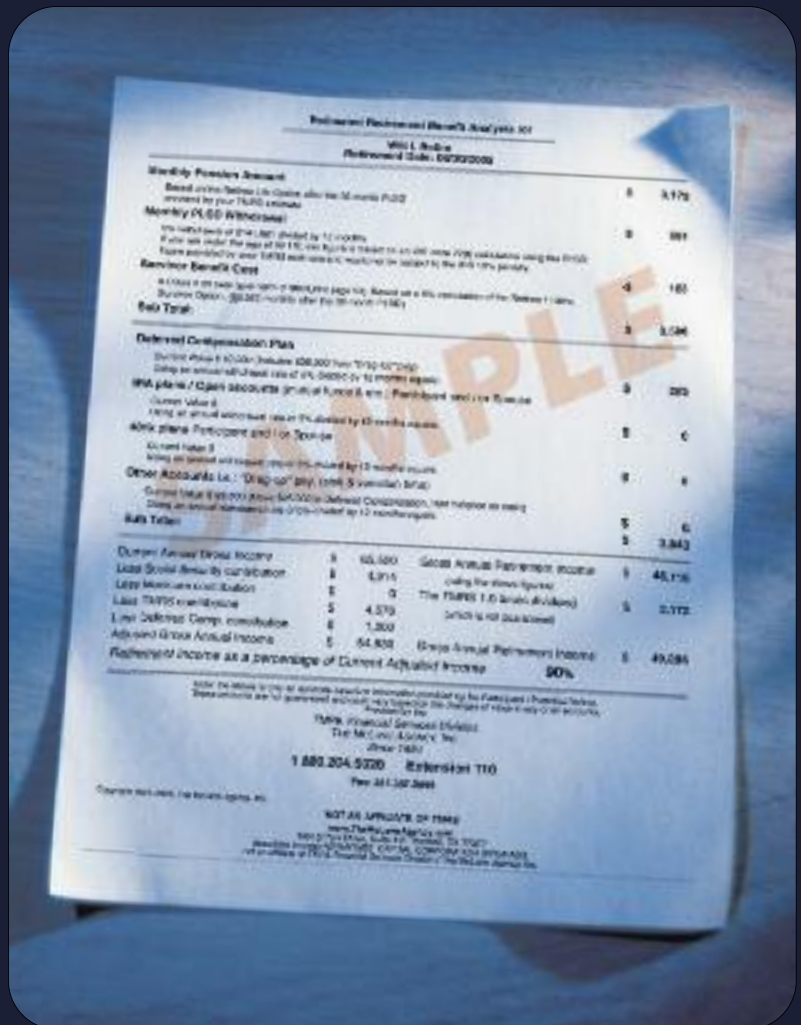
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Message from the Executive Director

Chris Heaton, Executive Director ✉ chris@tmpa.org

Conference Success Once Again

The 2010 Conference is in the books and it was probably the largest gathering in over 40 years. I hope all the delegates and guests had a good time. I want to thank **Governor Rick Perry, Attorney General Greg Abbott** for once again speaking with the delegates and expressing their support for TMPA and Texas law enforcement. I also want to thank **Congressman Ted Poe** for making the trip and entertaining the banquet crowd of nearly 300. If you are not familiar with the background of Congressman Poe, he is a former prosecutor, Harris County judge and currently with the U.S. Congress. Ted Poe is one of those rare individuals who can make you laugh and teach you something about life at the same time. He serves his district well and we certainly appreciate his attendance during our 60th anniversary conference.

I also want to take a moment to thank all the TMPA employees who worked mostly behind the scenes to make sure delegates knew where to go and got the material they needed for the various business and social functions. It is a large task to put together a three day conference and make it as enjoyable as possible for close to 300 delegates and guests.

2010-2011 Board of Directors

I also want to thank the TMPA board members who stepped up to serve and those who have stepped down after many years of service. This year, our lone new board member is **Scott Bird**, Brown County Sheriff's Office. Scott was elected to serve Region 5 and as I write this, Scott is going through an orientation at our office designed to introduce new board members to the various administrative functions at TMPA offices. I want to especially thank **Lon Craft** who leaves the board after serving for many years, most recently as Immediate Past President. Lon is a shy, quiet guy (that was an inside joke) who served the board of directors with passion and commitment to the organization. He will continue to work with the board as the PAC chairman and I do appreciate his leadership and guidance over the years.

And of course, I want to congratulate the new

2010-2011 board of directors who will lead this great organization for the next year. I look forward to working with **President Jimmy de los Santos** and all other board members. It really is a tremendous honor and burden to serve on the TMPA board of directors. One of the board's first duties is to gather in the Fall and approve our operating budget for the coming fiscal year. Next year's budget will be close to \$8 million and the board will spend an entire weekend (after studying over 400 pages of material) reviewing the budget and a number of other issues. I appreciate the work board members put into the organization and look forward to working with everyone.

Stay Tuned and Stay Involved

As we approach the 2010 general elections, TMPA is hard at work in Austin and Washington preparing for new sessions in the Texas Legislature and U.S. Congress. From collective bargaining to civil service, TMPA will play an important role in every bill that impacts law enforcement and at times we will call on our members to let their elected representatives know where we stand on particular issues. Grass root efforts from respected organizations like TMPA are pivotal to our success because legislators really do care what you think. So, if and when you get that email asking you to call your representative, please do so. TMPA was founded as a lobby group representing the interests of local police officers. That remains one of our core functions today.

The Recession Impact on Law Enforcement

Even though Texas has one of the strongest economies in the country during this recession, we are seeing local governments throughout the state pulling back on hiring, raises, and in some cases reducing the number of officers in their law enforcement agencies. Many of our collective bargaining and meet and confer locals are facing bleak budget pictures. But, TMPA takes its role as an advocate for officers to a whole new level than officers represented by traditional unions and associations have come to expect. TMPA does the due diligence and research of financial reports to get an

actual picture of a local government's financial health. And, we know what to look for and what we are looking at when we start digging into the comprehensive annual financial reports. So, discussions are much more honest after all the facts are on the table and negotiations can proceed in a more professional and honest manner. That unique expertise, coupled with the fact that TMPA doesn't negotiate a benefit for itself in any contract, unlike most unions, means our members are better represented and get better contracts.

As a New School Year Begins...

We have many school district police officers as members (and two on our board of directors) and I know September is a particularly busy time for them. When I worked evening shift patrol as an officer and a sergeant, I was not what you would call a "ticket hound" but one violation I would write without blinking an eye was the infamous school zone speed violation. One of the main reasons most of you do what you do is because you

want to protect people; the young and vulnerable are at the top of that list. Whether it is slowing folks down in school zones or removing a child from a dangerous home, you have one of the most important roles in a civilized society and that fact too often goes unnoticed. All I can say is, keep it up and thanks.

EDITOR

Chris Heaton
chris@tmpa.org

How to Reach TMPA

TMPA State Office
6200 La Calma Dr., Suite 200
Austin, Texas 78752
Phone: (512) 454-8900
Toll free: (800) 848-2088
Fax: (512) 454-8860
Toll free: (866) 210-6173

Chris Heaton,
Executive Director
chris@tmpa.org

Kevin Lawrence,
Deputy Executive Director of
Membership
kevin@tmpa.org

Tom Gaylor,
Deputy Executive Director of
Public Affairs
tom@tmpa.org

Mitch Landry,
Deputy Executive Director,
Special Programs
mitch@tmpa.org

Randy Doubrava,
General Counsel

Elizabeth Roden, MBA, CFE, CPA,
Controller
elizabeth.roden@tmpa.org

Jeff Olbrich, Ph.D.,
Project Director
jeff@tmpa.org

Jennifer Gonzales
Program Manager—SAFVIC
jennifer.gonzalez@safvic.org

Curtis Wilson
Program Manager—DWI
(LEADRS)
curtis.wilson@tmpa.org

Ken Smith
Program Manager—TxDOT PTS
ken@tmpa.org

Audrey Huckari
Program Manager—FRIDAY
audreyhuckari@tmpa.org

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For editorial

If you have a letter to the editor, announcement (employment and special events), news item or story idea that would be of interest to the Texas law enforcement community, you can reach us in any of the ways listed above. We treat all communications as letters to the editor unless otherwise instructed, and we reserve the right to edit for length, style, or clarity.

About the Texas Municipal Police Association

TMPA was formed in June of 1950 by officers representing all ranks and agency sizes. TMPA began as a lobbying group of municipal officers with the objective of promoting professionalism in Texas law enforcement as well as improving job conditions and enhancing communication among Texas peace officers.

In recent years, TMPA has evolved into a full-service law enforcement organization. In addition to administering the most comprehensive professional legal protection program for Texas law enforcement officers and public safety professionals, we also have a successful legislative program, provide local representation, TCLEOSE-approved training, a scholarship program and a comprehensive package of membership services and benefits. TMPA also provides management and evaluation support for Police Traffic Safety programs (STEP, Click It Or Ticket, FRIDAY and CRASH programs) funded through the Texas Department of Transportation and advanced Sexual Assault and Family

Violence Investigations Course (SAFVIC), funded through the Office of the Governor, Criminal Justice Division.

How to join TMPA

Membership in TMPA is open to anyone in a law enforcement or public safety occupation in the State of Texas. For more information on membership in TMPA and any other TMPA program, call the State Office at (800) 848-2088 or contact us by e-mail, membership@tmpa.org.

JOIN on-line by visiting our Website:
WWW.TMPA.ORG

We Welcome The Opportunity...

The TMPA staff and our Board of Directors welcome the opportunity to visit with you. Please contact us with your questions, problems, or to arrange a time for a representative to speak to a group of officers from your department about the benefits of joining TMPA.

Other TMPA-related Websites:

Buckle Up, Texas:
www.buckleuptexas.com

Sexual Assault and Family Violence Investigators Course:
www.safvic.org

Law Enforcement Advanced DUI/DWI Reporting System:
www.leadrs.org

FRIDAY
Underage Drinking:
www.texasfriday.org



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Law Enforcement Update

Greg Abbott, Attorney General of Texas



Tools For The Fight Against Crime

In the battle against crime, law enforcement needs every possible advantage. At the Office of the Attorney General (OAG), we know that a better trained officer is a more effective policeman. So we are committed to working cooperatively to ensure local law enforcement officials have access to the training and tools they need to keep Texans safe.

The OAG helps local departments by offering specialized peace officer training, publishing helpful guidelines, and providing investigative assistance to local officials who seek our help.

OAG investigators can help other agencies with specialized or highly technical cases involving computer forensics, complex financial investigations, money laundering and other white-collar crime. Similarly, OAG prosecutors are experienced trial attorneys who have experience prosecuting a variety of criminal conduct.

Juvenile Crime/Gang Training. The OAG offers training for law enforcement and victim services staff on a variety of topics, including juvenile crime. The Attorney General's Juvenile Crime Intervention unit provides courses on such topics as: gang violence; gangs and the Internet; extremist groups; juvenile confessions; "cops in schools" and more.

OAG officers conduct affordable regional gang training all across the state of Texas. The OAG just held a conference in Houston that offered current and comprehensive information on street and prison gangs that operate in that region of the state. For more information or to register for upcoming conferences, please visit www.texasattorneygeneral.gov.

To learn more about training opportunities within this operational sector, contact Juvenile Crime Intervention by phone at (512) 463-4024; fax (512) 480-9186; mail at P.O. Box 12548, Austin, TX 78711-2548; or by e-mail: JCI@oag.state.tx.us.

Crime Victim Services Training. Every law enforcement agency in the state is required to provide crime victims with information about the Texas Crime Victims' Compensation (CVC) Program and an application necessary to seek

financial assistance from the CVC Fund.

Applications also may be found at local hospitals, medical centers, and the OAG website.

Under Texas law, the CVC Fund is available to reimburse victims for the costs associated with violent crime – but the law stipulates that the fund is the payer of last resort. By educating officers about the fund, the OAG works to ensure that they can help inform victims about resources that are available to them.

The OAG also oversees the Texas Address Confidentiality Program, which provides victims of family violence, sexual assault and stalking with a confidential address and free mail-forwarding service. By helping to mask their location, the program adds a layer of protection for victims of crime. CVS staff are available to educate law enforcement agencies about the program, so that local officers can inform victims in their communities.

Money Laundering. The Special Investigations Unit has resources to disrupt and dismantle organized criminal enterprises' complex money laundering operations. These specialized officers can help trace illegal proceeds from their criminal origins to their eventual use or introduction into the nation's financial system. By analyzing banking records and transaction reports, the unit uncovers the tangle of transactions frequently used by drug traffickers.

The unit also helps local officials access critical financial data. For example, the unit provides authorized officials access to Bank Secrecy Act data through a secure Web connection. The BSA database includes cash transaction reports filed by the nation's financial institutions and currency reports filed at U.S. ports of entry. The Financial Crimes Enforcement Network (FinCEN) Gateway System provides the conduit to the BSA data that contains information that is law enforcement sensitive. This data is vital to law enforcement efforts to combat money laundering and the financing of terrorist organizations.

The OAG also provides to law enforcement training on the resources available through

FinCEN and the use of the BSA data.

Peace Officer Liaison. In an effort to maintain cooperative relationships with local agencies and provide support to commissioned peace officers across Texas, the OAG has a Peace Officer Liaison. The liaison is available to answer questions on a multitude of topics, including open meetings regulations; open records requests; criminal investigation procedures; fraud; and complaints against public officials, to name only a few.

Peace officers may direct their law enforcement inquiries to Captain Greg Lucas of the Criminal Investigations Division at (512) 936-1335, or by e-mail at Gregory.Lucas@oag.state.tx.us.

Publications. The OAG publishes a variety of publications that are of interest to law enforcement professionals. Topics range from juvenile law to Medicaid fraud, and nuisance abatement to cyber safety. All publications are available on the OAG Web site.

For more information about the OAG's law enforcement training and other resources, visit www.texasattorneygeneral.gov.

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Message from the President

Jimmy de los Santos ✉ jimmy.delossantos@tmpa.org

I want everyone to know that I consider it an honor and privilege to serve as your

President. I will continue

to work hard to move TMPA forward and keep it the best law enforcement association in Texas. As I have stated in the past, the foundation was laid in 1950, but we are the caretakers and architects of this association's future.

I would also like to take a moment to extend a sincere "Thank You" to the following:

- To everyone who attended the Conference this year, and for making it a huge success. There were more delegates present this year than ever before.
- To Governor Rick Perry, Attorney General Greg Abbott, and Congressman Ted Poe for finding the time to join us at the conference. TMPA values the relationships that have been developed with these elected officials, and I look forward to working with them.

- To Eddie Wilkerson for his hard work as TMPA President and his many years of service on the board. I will certainly rely on him and his experience as I serve in this new role on the board.

- To Past President Lon Craft, as well, for his time and dedication to TMPA. We are lucky Lon will still be around, serving as TMPA PAC Chairman.

On behalf of the board, I would like to also welcome TMPA's newest board member, Scott Bird who will be serving as Region 5 Director.

We have a great Board of Directors and staff to serve you, so if you have any questions please feel free to contact us. My number is printed in your membership calendar, or feel free to email me at jimmy.delossantos@tmpa.org. I need and value your input.

Remember to let everyone know that TMPA serves and represents the interests of all local, county, state, and federal law enforcement.



TMPA PAC Report

Lon Craft, PAC Chairman ✉ lon.craft@tmpa.org

Greetings to all,

As I sit here among all of the delegates and friends at the 61st annual conference, I reminisce of conferences past. While the hotels change each year, the underlying respect and fellowship among officers that face the same type of issues daily is very apparent. As with all of the friends that you only see once a year, it seems like it was just yesterday that you said goodbye—this year was no different. There was a great turnout for our Association, which represents the largest number of cops in Texas. Words cannot express the gratitude and thanks to staff for their handling of the conference this year. A very special “thank you” to Raeha Smothers and Mandy Wallis for their hard work and tireless commitment to the guests and delegates during this event. Thank you for the job you do on a daily basis for our members.

Conference was once again a huge success, with special guests and speakers attending and addressing our delegation. Governor Perry spoke and took time to pose in photos with different delegate groups. The Governor addressed tough issues about border security and his concerns for the safety of our citizens. He thanked the members of this Association for their support and the dedication of service to the people of Texas.

Attorney General Greg Abbott also spoke, thanking us for our support and for the services the men and women of Texas law enforcement provide the residents of our great state. TMPA was honored by the Attorney General when he announced at the conference that Texas’ 2000th offender had been arrested for crimes committed against children. The AG invited one of our members to sit with him at the press conference while he made the announcement to the state.

Keynote speaker Congressman Ted Poe, 2nd Congressional District of Texas, also discussed border security along with issues our members deal with on a daily basis. Congressman Poe was very gracious with his praise for Texas law enforcement and is a strong voice in Washington.

Over the last few months I have received several calls and emails with suggestions of changes and

additions to the current laws of Texas. Tom Gaylor and I have talked about all of them and if you don’t see your suggestion on the agenda, please don’t feel discouraged. Sometimes we float the idea to a different group which may have a better avenue into that particular issue, or we have discussed it with several Capitol staff members and have determined it would be better served attached to a different bill. What I am trying to say is that there are so many different ways to get a bill filed, it is not possible to list all the alternatives in this article.

Many of you have called or sent an email about HR 413 or the Senate companion bill that addresses National Collective Bargaining, which passed in the House because it was attached to a spending bill. Now the bill is in the Senate (actually there are a couple of Senate companion bills but the one with the most traction right now is SB 3194 which contains the same language as the House bill). Several States Attorneys General have raised issues with the constitutionality of these bills, citing several cases involving the 10th Amendment along with the commerce clause that may or may not get the bill passed out of the Senate. There is also language in the Senate bill that strips the collective bargaining bill from the appropriations bill that was passed by the House. As always, TMPA will keep a close eye on this issue, along with many other issues that may impact law enforcement.

The Texas Legislators are going into session in January 2011 which means the need for your PAC donations will be in high demand. I know, you thought I forgot to ask for MONEY. We raised \$2000 and signed up 30 new members at the conference for the PAC. I want to thank those that signed up for a monthly withdrawal. It is a simple procedure, you just fill out a form and we take care of the rest. The monthly withdrawal is a great way to support your PAC because it will allow us to budget a known amount each month, so we have ongoing resources to count on for the upcoming Legislative Session. For more information on how to become involved and/or donate to the TMPA PAC, visit www.tmpa.org and click on the Legislative Advocacy tab.

Thanks for reading and I look forward to hearing from you as the Session nears.

Texas Mental Health Budgets and Impact on Law Enforcement

Meredith McKinney, M.S. Public Affairs ✉ meredith.mckinney@tmpa.org



As many of you may have heard (or will soon read in your local papers), the Texas Department of State Health Services (DSHS) has been ordered by the State to cut their 2012-2013

budget by 10 percent; agency cuts now exceed \$130 million dollars.

Not only are these cuts a concern for the residents of Texas, they are a very large concern for law enforcement. In the March / April issue of *In Service*, we informed our membership of TMPA's participation with the Medical Clearance workgroup, representing you on the issue of medical clearance.

Quick Recap: The issue of medical clearance was brought before the Attorney General to determine if a peace officer is required to obtain medical clearance on a suspect before transporting to a state hospital. The Attorney General released an opinion, making it clear, officers are not required to have medical clearance on a suspect before transporting to a state hospital. Moreover, state hospitals have no statutory authority over peace officers and therefore can not deny admission of a suspect because they lack medical clearance.

TMPA continues to support the opinion of the Attorney General while maintaining an open dialogue with DSHS and MHMR to determine how officers may best serve their communities, with respect to mentally ill persons.

The following page provides a chart, created by the collaborative efforts of members of the Medical Clearance Roundtable, which consist of the following groups: Texas Sheriffs Association, Texas Hospital Association, Texas Police Chiefs Association, Advocacy, Inc., Texas Association of Counties, DSHS-State Hospital Section, and the Texas Council.

This chart is to be referenced as a guide (and is not mandated) between law enforcement agencies and local mental health authorities, should you feel the need to address the current procedures and practices in your community. This guide has been disseminated to all state hospitals as well. TMPA believes it is our responsibility that you receive this information as soon as possible, in the event you see where improvements may be made in your local districts. This information was also provided at the Texas Sheriffs Association in Ft. Worth on July 27th.

The chart guides officers through suggested procedures if/when there is contact with a mentally ill person. Should you have any questions, please feel free to contact me. As always, thank you for your service, and be safe out there!

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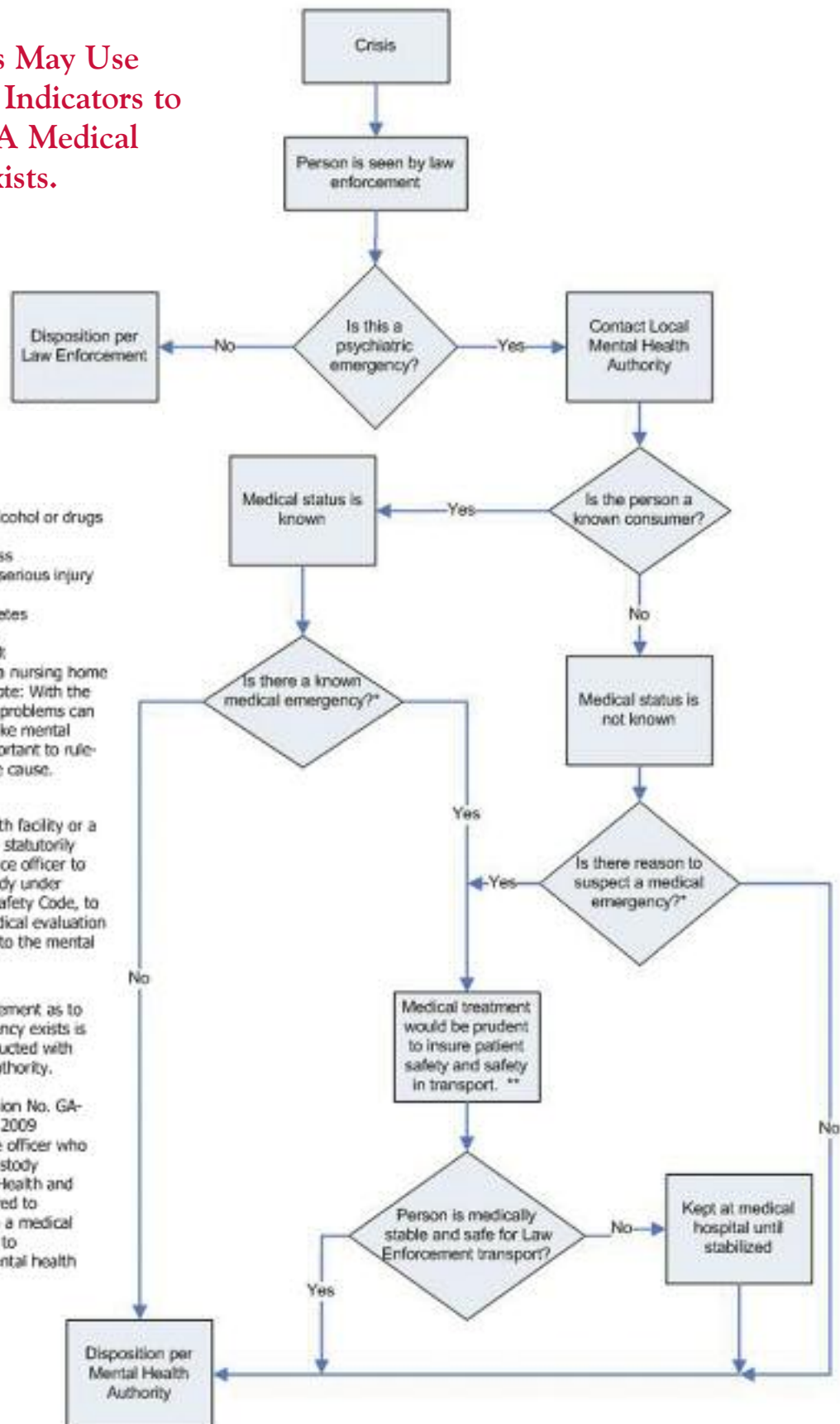
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Psychiatric Emergency Flow Chart

Peace Officers May Use the Following Indicators to Determine if A Medical Emergency Exists.



1. Overdose
2. Acute intoxication with alcohol or drugs
3. Chest pain
4. Fluctuating consciousness
5. Stab wound, bleeding or serious injury
6. Seizure activity
7. Complications from diabetes
8. Injured in assault or fight
9. Victim of a sexual assault
10. Person is a resident of a nursing home or assisted living facility. Note: With the elderly, sometimes medical problems can cause symptoms that look like mental illness but are not. It's important to rule-out medical problems as the cause.

**An inpatient mental health facility or a mental health facility is not statutorily authorized to require a peace officer to transport a person in custody under chapter 573, Health and Safety Code, to a medical facility for a medical evaluation prior to taking that person to the mental health facility.

The opinion of Law Enforcement as to whether a medical emergency exists is final in the screening conducted with the Local Mental Health Authority.

See Attorney General Opinion No. GA-0753 dated December 28, 2009 regarding whether a peace officer who has taken a person into custody under Chapter 573 of the Health and Safety Code may be required to transport that individual to a medical facility for evaluation prior to taking that person to a mental health facility.



PRESIDENT

Jimmy de los Santos
jimmy.delossantos@tmpa.org



SERGEANT AT ARMS

Eddie Rogge
eddie.rogge@tmpa.org



REGION 6 DIRECTOR

Thomas Brown
thomas.brown@tmpa.org



PAST PRESIDENT

Eddie Wilkerson
eddie.wilkerson@tmpa.org



REGION 1 DIRECTOR

James Babb
james.babb@tmpa.org



REGION 7A DIRECTOR

Greg Porter
greg.porter@tmpa.org



1st VICE PRESIDENT

Trae Morris
trae.morris@tmpa.org



REGION 2 DIRECTOR

Chad Norvell
chad.norvell@tmpa.org



REGION 7B DIRECTOR

Heath Wester
heath.wester@tmpa.org



2nd VICE PRESIDENT

David Russell
david.russell@tmpa.org



REGION 3 DIRECTOR

J. Mark Jameson
mark.jameson@tmpa.org



REGION 8 DIRECTOR

David Garza
david.garza@tmpa.org



3rd VICE PRESIDENT

Josh Thurlkill
josh.thurlkill@tmpa.org



REGION 4 DIRECTOR

Stephen Hanna
stephen.hanna@tmpa.org



REGION 9 DIRECTOR

Tommy Smith
tommy.smith@tmpa.org



4th VICE PRESIDENT

Mitch Slaymaker
mitch.slaymaker@tmpa.org



REGION 5 DIRECTOR

Scott Bird
scott.bird@tmpa.org



REGION 10 DIRECTOR

Kathryn Dee Rowell
dee.rowell@tmpa.org



SECRETARY

Aaron Crowell
aaron.crowell@tmpa.org



TREASURER

Alan Rogan
alan.rogan@tmpa.org





C.O.P.S. Preps for Texans at Hands-On Programs

Brooke McKay, C.O.P.S. Marketing Coordinator

Unfortunately, every year Texas ranks among the top three states when it comes to law enforcement officers killed in the line of duty. Concerns of Police Survivors (C.O.P.S.) recognizes this high ranking by the increasingly significant number of law enforcement survivors from Texas who attended the C.O.P.S.' 2009 Hands-On Programs. The number increased drastically, from 36 Texas survivors attending in 2008 to 75 in 2009. C.O.P.S. is now gearing up for its 2010 Hands-On Programs, preparing for a week-long camp for kids, and a wilderness experience for teens. Additionally, C.O.P.S. holds weekend retreats for adult children, siblings, spouses, in-laws, and parents of fallen law enforcement officers. And for the first time, in the fall of 2010, C.O.P.S. will present an Affected Co-Workers Retreat.

"It is devastating to know that more Texas survivors need the C.O.P.S. organization every year, but it is incredible to know there is an organization to turn to in our greatest time of need," said Cathy Hill, who lost her husband Deputy Barrett Hill with the Harris County Sheriff's Office on December 4, 2000. As the newly-elected Mountain Region Trustee for National C.O.P.S., Cathy continued, "The increasing danger officers face weighs heavy on the minds of all law enforcement survivors who are members of C.O.P.S. We know the pain a surviving family will have to endure and also know we will need the compassionate support found through C.O.P.S. for many years to come. It's good to know C.O.P.S. is there for us."

Concerns of Police Survivors is the only national organization with a mission of "rebuilding shattered lives" of surviving family members and affected co-workers of law enforcement officers killed in the line of duty, and C.O.P.S. does that with their "reach-out-and-touch-someone" programs.

In 2009, C.O.P.S. spent \$384,155 providing Hands-On Programs to America's law enforcement survivors, including \$43,146 spent for Texas survivors. The 75 Texans who attended in 2009 included 32 children and their parent/legal

guardian, 3 teenagers, 2 adult-aged children, 8 siblings, 8 spouses, 20 parents, and 2 in-laws. All programs are free of charge to the survivors; the price paid is already too high.

C.O.P.S. membership is comprised of more than 15,000 surviving families; unfortunately, that membership continues to grow as, on average, 140-160 law enforcement officers are killed every year in the line of duty. Visit C.O.P.S. website www.nationalcops.org for more information on the organization and the programs offered to America's surviving law enforcement families.



Jena Kincaid of Houston, TX, is the surviving child of Sergeant Kent Kincaid with the Houston Police Department — End of Watch May 23, 1998. Jena now attends Adult Children's Retreat, mentors at C.O.P.S. Kids Camp to help other surviving children, and raises money for C.O.P.S. at the annual COPS Walk.



Cathy Hill of Houston, TX, Mountain Region Trustee and surviving spouse of Deputy Barrett Hill with the Harris County Sheriff's Office — End of Watch December 4, 2000. Cathy has attended National Police Week since 2001, Spouses Retreat, and C.O.P.S. Kids Summer Camp with her youngest daughter.

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High Court Backs Cops on Recent Miranda Ruling



John Snider, Lyon, Gorsky, Haring & Gilbert, L.L.P.

Police officers frequently must adapt their practices to suit the latest court decision. During its last Term, the United States

Supreme Court limited the circumstances in which officers could search a vehicle incident to arrest with *Arizona v. Gant*, and the Court broadened the ability of police to initiate custodial interviews with *Montejo v. Louisiana*. More recently, the Court made a significant addition to its line of cases following *Miranda v. Arizona*. In *Berghuis v. Thompkins*, a 5-4 majority of the Court held that a suspect's silence during a custodial interview is not an invocation of the right to remain silent.

Thompkins was a fugitive wanted in a drive-by shooting. He was eventually arrested, and an officer went to interview him in jail. He was given a Miranda form, asked to read part of the form aloud to confirm he understood English, and the officer read the remainder of the form to him. Although he refused to sign the form, he otherwise indicated that he understood his rights, so the officer began the interview. Over the next three hours, Thompkins was mostly silent, but he occasionally gave a short response or nodded his head. Toward the end of the interview, Thompkins was asked about his religious beliefs, and he became emotional. He was asked if he prayed to God, and he was asked, "Do you pray to God to forgive you for shooting that boy down?" He answered "Yes" to both questions. On trial for murder, Thompkins claimed his statements were taken in violation of his Miranda rights. His motion to suppress was denied, his statements were used to convict him in state court, and he was sentenced to life. On appeal, the state appellate courts did not buy Thompkins's dual arguments that he had invoked his right to remain silent and had not waived that right. After exhausting his state court appeals, Thompkins filed a petition for writ of habeas corpus in federal court. The Sixth Circuit Court of Appeals reversed the conviction, holding the statements were improperly obtained because there had been no waiver of the right to remain silent.

In *Berghuis v. Thompkins*, the Court reaffirmed the conviction, holding the statements were properly obtained because the suspect had been advised of

his rights, he understood those rights, and he did not invoke his right to remain silent. The Court was not persuaded by the argument that one can invoke the right to remain silent by simply keeping one's mouth shut. Just as the Court has held that the Sixth Amendment right to counsel must be clearly invoked to cut off a custodial interview, it likewise held that the Fifth Amendment right to remain silent must be unequivocally invoked. The Court reasoned that an unambiguous invocation takes the guesswork out of custodial interviews.

Next, the Court addressed the claim that Thompkins had not waived his right to remain silent. Thompkins argued that an express waiver was required before the interview could begin. A valid waiver must be voluntarily made with an understanding of the rights being waived, but it need not be expressly made. Waiver can be implied, and the Court held that Thompkins's conduct during the interview and his answer of "Yes" was effectively a waiver. Furthermore, the Court noted the statements were not the product of intimidation or coercion because Thompkins understood that he could either remain silent or request a lawyer at any time.

So here's the skinny: Under the Fifth Amendment, police do not need a suspect to waive his right to remain silent before beginning a custodial interview, and if the suspect refuses to explicitly waive or invoke his right to remain silent, officers may begin the interview and obtain an implied waiver when the suspect responds to questions. Of course, keep in mind this ruling may not fully address the requirements of the Texas Code of Criminal Procedure, which in some cases may be more restrictive.

Some readers may ask how all this applies to a critical incident response or other criminal investigations of a police officer. Although not all police officers who are involved in a shooting, death in custody, or some other critical incident are subjected to custodial interrogation, some are. So, if you happen to find yourself being questioned by a criminal investigator, open your mouth and clearly state your desire to remain silent—and ask for an attorney.

John Snider is a an associate at the law firm of Lyon, Gorsky, Haring & Gilbert, L.L.P., 3131 McKinney Avenue, Suite 100, Dallas, Texas 75204; tel. 888.711.2583; www.LyonGorsky.com. Email John at jsnider@lyongorsky.com.



New—The Statewide Law Enforcement Training on Violence against Women Program

The SAFVIC Program is excited to announce TRIPLE recently received an American Recovery and Reinvestment Act of 2009, S.T.O.P Violence Against Women Act (VAWA) Program Grant from Criminal Justice Division (CJD) of the Governor's Office. The purpose of the VAWA Recovery Act Program is to assist in developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in such cases.

This new grant will fund The Statewide Law Enforcement Training on Violence against Women Program. The program will create a training event for 200 total patrol officers, investigators, and telecommunicators, with an emphasis on selecting participants from rural areas. Training will be free to all accepted individuals, and will include lodging. The program aims to create a very unique agenda that will cover both the basic dynamics of violent crimes against women, as well as provide in-depth training on special topics such as hostage situations, gang related sexual violence, human trafficking, and cyberstalking. The course will provide participants valuable violence against women training by top experts in the field, as well as indispensable networking opportunities among fellow law enforcement professionals and field experts.

8th Annual SAFVIC Instructor Summit

SAFVIC recently hosted the 8th Annual SAFVIC Instructor Summit in Lost Pines. Instructors received 2 days of training on sexual assault and family violence related topics from the following speakers:

Susan Pamerleau, Major General

Russell Strand, Chief, U.S. Army Military Police School- Family Advocacy Law Enforcement Training Division

Robert Quirk, Detective - Dallas Police Department
Messina Madson - Dallas County District Attorney's Office

Many thanks to our attendees and speakers for helping SAFVIC make the Summit a success!

In Other SAFVIC News

The Sexual Assault Family Violence Investigators Course (SAFVIC) Program currently has three courses available to bring your agency. All SAFVIC courses are free, and we will send instructors to your location at no cost to you. SAFVIC offers the following courses throughout Texas:

SAFVIC for Law Enforcement

TCLEOSE # 3264

This 24-hour course covers crucial aspects for law enforcement's response to crimes of family violence, sexual assault, and stalking. The course also focuses on providing the tools needed to identify community-based resources to assist law enforcement's efforts to investigate and prevent such crimes. This course is also available in stand alone 1-day/8-hour modules.

SAFVIC for Cybercrimes for Law Enforcement

TCLEOSE # 3280

This 8-hour course is an introduction to the high-tech tools used to perpetrate family violence, sexual assault, and stalking crimes against adult victims. The course will provide officers with training on how technology is being used to perpetrate crimes and the impact of these actions on the victim. Additionally, students will also learn how to properly seize and preserve electronic evidence.

SAFVIC for Telecommunication Professionals (SAFVIC for TCPs)

TCLEOSE # 3267

This 8-hour course consists of a comprehensive curriculum covering crucial aspects of telecommunication professionals' response to family violence, sexual assault, and stalking calls.

To register for any of these courses, please visit the SAFVIC website at www.safvic.org. If your agency is interested in hosting any of the SAFVIC courses in your area please contact: brooke.hinojosa@safvic.org. Also, please visit the SAFVIC website for additional resources to assist in investigating sexual assault and family violence cases, and view our quarterly eNewsletter, SAFVIC on the SCENE.

TMPA Saves Edinburg Officer's Job

A Significant Ruling on Compelled Polygraphs

Edinburg Officer Eric Garza had been ordered to take a polygraph test by his Chief. Officer Garza appeared to take the test on September 30th 2009 but was asked to sign a form by the polygraph examiner stating that he was taking the test voluntarily; of his own free will. Since this statement was not true, Officer Garza refused to sign the form and the examiner refused to administer the polygraph. The Chief fired Officer Garza for refusing to take the polygraph. After a civil service arbitration appeal hearing, the arbitrator ordered Officer Garza reinstated with back pay. The arbitrator's decision



Left to right: Edinburg United Police Officer's Association President, Frank Saenz, Edinburg Officer Eric Garza, Attorney Robert "Bobby" Garcia.

was based on two issues. First, it is unreasonable for the Chief to expect Officer Garza to break the law by signing a document that was not true. Second, the officer could not be compelled to waive his Constitutional rights against self incrimination under the 5th amendment as defined under Garrity. Under Garrity, if an officer is ordered to provide a statement as a condition of his or her employment, that statement is not voluntary and is therefore not admissible in a criminal proceeding against the officer. By signing the polygraph form, the officer would essentially been saying that his polygraph statements were voluntary and not compelled as a condition of his employment. The case is significant because many polygraph examiners will not give a person a test without the individual signing a similar consent form. An officer cannot be disciplined for refusing to sign these false forms.

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LEADRS

Law Enforcement Advanced DUI/DWI Reporting System

Texas LEADRS success continues! In May, a new record of 1,039 cases were entered using the Texas LEADRS program. This exceeds the previous high of 893 cases. Texas LEADRS has also created a Facebook page to help market the program and make information readily available. On the LEADRS Facebook page you will find upcoming trainings and events, as well as the latest DWI/DUI news and information.

Texas LEADRS is close to completing integration with E Justice Systems, a web-based product that offers powerful features which streamline and improve data integration and sharing throughout the justice community. We are excited about this partnership and look forward to expanding the Texas LEADRS name and mission across the state. Texas LEADRS will be having its last steering committee meeting of the current grant year on September 14th.

Any feedback or ideas for improvement to Texas LEADRS are welcomed. For more information on Texas LEADRS, or access to the Texas LEADRS Facebook page, visit our website at <http://texas.public.leadrs.org/> or contact us directly at 1-800-848-2088.

Police Traffic Services (PTS)

The Labor Day Impaired Driving Mobilization (IDM) incentive program will begin August 20th and operate through September 6th. Any agency not currently receiving Selective Traffic Enforcement Program (STEP) TxDOT grant funding will be eligible to participate. Fifteen \$4,000 grant incentive awards will be given away to agencies that complete the reporting requirements and one media event. For further information: <http://www.buckleuptexas.com/>.

The Memorial Day Click It or Ticket incentive program was a huge success. The incentive had the highest number of registered users in the history of the program. A total of 235 agencies signed up. Reporting results showed a total of 22,476 hours worked with the following citations issued: 268 child restraint citations, 3,051 seatbelt citations, 5,572 speeding citations, 214 driving while intoxicated arrests, 917 hazardous moving vehicle violations, 864 intersection traffic control citations, 1,786 other arrests, 8,202 other citations, 343 media contacts, 17 stolen vehicles were recovered, 138 felony arrests, 417 warrant arrests, 1,010 uninsured motorist were cited, 148 drug arrests, and 35 drug seizures.

October 1st marks the beginning of the fiscal year and the start of a new Law Enforcement Liaison grant. The grant will have a new focus on training officers in the recognition of properly installed child passenger safety seats and distracted driving awareness. The same Law Enforcement Liaison support will continue for all Police Traffic Services request. This includes Click It or Ticket, as well as Impaired Driving Mobilizations, Selective Traffic Enforcement Programs (STEP's), eGrants support, and working with all partner organizations. For more information on traffic safety visit our website at <http://www.buckleuptexas.com/> or contact us directly at 1-800-848-2088.



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The advertisement features a collage of various challenge coins, including one with a K9 dog, one with a police officer, and one with a pilot. A large eagle logo is also present.

APD First Annual Barbeque Cook-Off



Austin Police Chief Art Acevedo with TMPA's Mike Gomez.

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On June 4th – 5th, The Austin Police Department hosted its first annual Barbeque Cook-Off to benefit their Explorers program. The Austin Police Explorer program is intended to expose young men and women, ages of 14 to 20, to the career opportunities available in law enforcement. They learn both technical skills in the field and life skills such as leadership and positive social interaction.

Barbeque cooking teams consisted of law enforcement agencies and associations. Competing in the areas of brisket, pork ribs, chicken, and a chef's choice meat, the teams filled the Cabela's parking lot in Buda (drawing in a crowd of curious outdoorsmen who were enticed by the smell of meat sizzling on the grills).

By the time the sun reached its peak over the asphalt, all the teams were anxious to get the award ceremony started. With Austin Police Chief Art Acevedo handing out trophies, the competition was heated between TMPA's barbeque team and the competitors: Texas State University Police, Hays County Sherriff's Office, Austin P.O.A., Kennedy Sheriff's Office, etc. TMPA's barbeque Team, headed by Training Coordinator/Pit Master Mike Gomez, brought home the gold; winning 3rd place for pulled pork in the Chef's choice meat category, and 1st place in the pork ribs!

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UT Police Officers form the Texas System Police Association



On June 30th, the Texas System Police Association (TSPA) had its second meeting in Dallas. The TSPA represents the police officers, guards, public safety officers, dispatchers, and administrative personnel in the fourteen University of Texas Police Departments. TSPA is actively working to have the Texas legislature create a peace officer retirement within the Teachers Retirement System for all campus police personnel, both school district and higher education. Some other goals of the TSPA include securing pay raises for its members, and fostering fellowship and cooperation among the UT police

departments. The TSPA also is offering enhanced legal coverage for its members. TSPA president John Malloy invited several guests including TMPA representatives Dick Brock and Jaclyn Kerbow, legal representative Bob Gorsky, and Chase Bank representative Joe Perales. TSPA and TMPA are committed to improving the lives of UT police employees. The TSPA is growing quickly and actively seeking new members – contact John Mulloy at johnmulloy@hotmail.com or Heath Cariker at hcariker@yahoo.com.

Mission Police Association Officially Recognized for Meet and Confer Negotiations

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From left to right: Councilman Ruben Plata, Councilwoman Elena Ramirez, TMPA Board member Mark Jameson, Mayor Norberto “Beto” Salinas, TMPA Field representative Mike Zellers, Mission Police Association President Dagoberto Chavez, Councilwoman Norie Garza, Councilman Leo Olivarez



On April 12th the Mission Police Association was officially recognized for Meet and Confer negotiations with the City of Mission. The action was unanimously approved by the Mayor and City Council members. The Mission Police Association chose to use Meet and Confer to bargain with their city because of the long and positive working relationship officers have with the Mayor and Council.

“We would like to thank TMPA for explaining the

benefits of Meet and Confer to us and how we could address issues without harming our relationship with the elected officials. This was very important to us,” commented Mission Police Association President Dagoberto Chavez.

The Mission Police Association has already formed its bargaining team. Negotiations are scheduled to start this summer.

2010 TMPA Conference

Texas Municipal Police Association



Powerful Legislative Advocacy: The TMPA 82nd Legislative Agenda

Tom Gaylor, Deputy Executive Director of Public Affairs ✉ tom@tmpa.org



TMPA has finalized the legislative agenda for the upcoming session, and we are gearing up to provide our members with the most powerful legislative advocacy at the state Capitol and beyond.

TMPA has an extremely ambitious agenda which will address topics such as:

County Collective Bargaining, or more specifically: Multiple Bargaining Units – At present, the state requires all jailers and deputies be in the same bargaining unit. In some counties this gives jailers a distinct advantage because they outnumber the deputies by a significant margin. For example, in Bexar and El Paso Counties, a significant number of the law enforcement deputies are dissatisfied with the contract terms or the direction of the negotiations.

TMPA will work to allow for (not require) separate bargaining units based on classification.

County Civil Service – Currently in Sheriff's Department Civil Service all disciplinary appeals are heard by the civil service commission. Many deputies feel like they do not receive a fair hearing under the current system because political appointees who serve on the panel do not have an adequate level of separation to ensure an unbiased review. However, in municipal civil service the officer has the option to appeal discipline to an independent hearing administrator. This administrator provides an impartial review of the discipline and the officer receives a fair hearing.

TMPA believes providing county deputies with the right to appeal discipline to an independent hearing administrator would ultimately provide deputies with a sense of fairness, as well as save counties money by reducing the number of wrongful termination and bias lawsuits they face.

What is a Texas Peace Officer? – As part of the TMPA overall mission to promote professionalism in law enforcement, we realized that there is no consistent definition of a peace officer in Texas statutes. There is an explanation of who is a peace officer, but not a concise list of the duties, responsibilities, and protections that come with the office.

TMPA believes a specific definition of what is a Texas peace officer would provide clarity to courts, the general public, to potential agency administrators, and the legislature.

Texas Municipal Retirement System – Although TMPA made up significant ground with last sessions TMRS fix-it bill, we still have a long way to go. At least 26 cities and more than 1,000 TMPA members have faced reductions in their retiree cost of living adjustments (COLA) and more are threatening.

TMPA will work hard to change the statute in a way that will encourage cities to reinstitute COLA when economic times improve.

Alternate Address of Officer Id – Peace officers are given enough grief at work, the last thing we need is for someone to track us down using our DL information and hassle us or our family members.

TMPA will propose legislation that would allow an officer to use his/her departmental address on their DL instead of their home address.

Preclude Probation for Convicted Aggravated Assault on Peace Officer – Under the current statute, a jury may award probation to a person convicted of aggravated assault on a peace officer.

TMPA will seek legislation which removes probation as an option to judge/jury for persons convicted of aggravated assault of a peace officer; requiring jail time.

Waive Probate Fees for Officers Killed in the Line of Duty – Currently families of soldiers killed in action are not required to pay state probate fees when settling the estate.

TMPA believes this same waiver should be extended to the families of peace officers killed in the line of duty.

The above is only a partial listing of items on our agenda. For a complete list of the TMPA agenda, as well as more detailed explanations, and to view bills that TMPA will be opposing, please visit our web site and click on the Legislative Advocacy tab.

As always, don't hesitate to contact the Public Affairs division if you have any questions, comments, or suggestions.

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John Haring has been named as Texas Super Lawyer for 2009 and Christopher Livingston has been named Texas Super Lawyer Rising Star for 2009 by Law & Politics magazine!!

Robert C. Lyon, Bob Gorsky and Mark Gilbert have been named as Texas Super Lawyers again for 2009 by Law & Politics magazine!

We are now on Twitter! Go to www.twitter.com/LyonGorsky

NO consultation fee for TMPA members and their families.

Robert C. Lyon is a member of Robert Lyon & Associates, P.C. and is Board Certified in Personal Injury Trial Law and John Haring is Board Certified in Criminal Law by the Texas Board of Legal Specialization.

All other lawyers in the firm are not certified by the Texas Board of Legal Specialization.