

In Service

 **TMPA**

January – February 2011

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Do you participate in a Retirement Plan?



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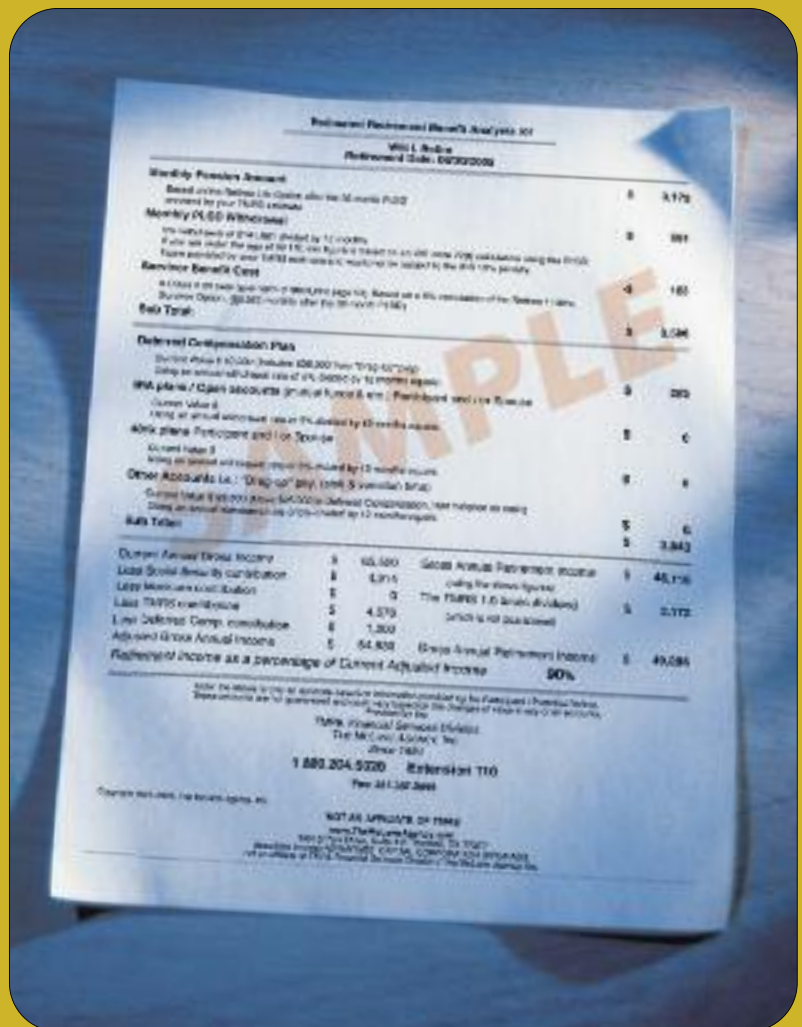
Do you have questions like these?

- What are my options with my Partial Lump Sum Distribution (PLSD)?
- How do I defer taxation of my sick time/vacation time (drag-up) at the time of my retirement?
- How can I pass some of my retirement benefits on to a second generation?

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A Message from TMPA President

Jimmy De Los Santos, TMPA President

✉ jimmy.delossantos@tmpa.org

Dear Friends of TMPA,

I am writing to inform you about some changes at our headquarters in Austin, and introduce the current TMPA budget. First, Chris Heaton is no longer with TMPA; Kevin Lawrence is serving as interim Executive Director. Kevin is a 22 year law enforcement veteran, served on the TMPA Board for a decade, and has been employed by the Association as the Deputy Executive Director of Member Services since 2000.

Second, Lon Craft has joined the TMPA team and will be coordinating TMPA's legislative effort with support from former State Representative Keith Oakley, of Congress Avenue Consulting. Lon has been an officer for over 24 years, serving in Orange County and as a Supervisor with the Baytown Police Department. He is a two time past President of TMPA and also serves as TMPA's PAC Chairman.

Third, the TMPA Board has approved a budget of \$8.9 million for 2011, which represents a \$1.1 million increase over the previous year's budget. This

budget provides for continued product and service delivery in all of our key service areas (legal protection, contract bargaining, legislative advocacy, local political support, and comprehensive training) and additional services in several of these areas. Some highlights include:

- Acquisition of a new top of the line firearms training simulator which will be used to provide training across the state. This is another example of TMPA's commitment to providing quality, state of the art training to officers.
- TMPA is partnering with the Criminal Justice Division (CJD) of the Governor's Office to provide a free, Statewide Conference on Violence Against Women for rural patrol officers, investigators and telecommunications officers.

The Board of Directors of TMPA is committed to serving you. We thank you for your confidence and support.

We hope you all had a Merry Christmas and a safe holiday season.

TMPA Across Texas

Kevin F. Lawrence,

Deputy Executive Director ✉ kevin@tmpa.org

Busy, Busy, Busy

Every other month when the time comes to submit an article for the newsletter, the same problem always seems to present itself: Where to start? Generally that requires an hour or two of contemplation and then the information kind of naturally finds its way into semi-coherent text with multiple typos, syntax errors and grammatical atrocities that you have all come to expect from me.

Trying to write this article has been twenty times worse. So much information that needs to be shared, but so little permissible space and even less innate writing skills make this task virtually impossible. I finally came to the profound realization that all I can do is all I can do. Ergo, things which probably should get mentioned may not, and things that

do get mentioned may not get the full attention you believe they deserve. In either case, please know that any slight to anyone or any group is caused purely by a lack of talent, not by a lack of effort.

Kudos, Congrats and Attaboys

The Mission Police Association, Edinburg Police Officers Association and Groves Police Association all recently signed agreements with their respective cities.

For Mission PD, it is their first Meet and Confer agreement. Local president Dago Chavez and several of the local board members were instrumental in the negotiations and were assisted by TMPA Field Representative Mike Zellers.



Edinburg signed an extension of the Meet and Confer Agreement they originally entered into last year. Local president Frank Saenz and his bargaining team were also assisted by TMPA's Mike Zellers.

I would like to extend a special, personal note of thanks to Groves City Manager D.E. Sosa, City Marshal Jeff Wilmore, Director of Human Resources Diane Thompson, and Finance Director Lamar Ozley. Like many other cities, Groves has suffered through a financial crunch over the last couple of years. Mr. Sosa and his staff have worked very hard to try to keep employees' compensation as competitive as possible. It is a real pleasure to work with professionals like them. The new, one-year contract basically establishes some triggers for a new salary structure for the police officers. The salaries are tied to the results of a professional compensation study by the Waters Group, and the triggers are tied to viable and reasonable sales tax revenue bench marks.

I also want to, again, commend Groves Police Association president Darren Terrell and the other Groves PD officers for the professional manner in which they always approach their contract negotiations. They were assisted by TMPA Field Representative Leighton Guarnere, Attorney Greg Cagle, Associate Director of Public Affairs Meredith McKinney, and yours truly.

Stalled Talks

The Orange Municipal Police Association went through mediation with the City but to no avail. So they have moved to the next step of impasse, which is fact finding. The McAllen Police Officers Union was granted a Temporary Injunction which keeps the terms of their collective bargaining agreement in effect while they exhaust their impasse process. Not surprisingly, there is yet another battle on the horizon about what the impasse process IS. That matter seems destined for even more litigation.

EDITOR

Dick Brock
dick.brock@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

Kevin Lawrence,
Deputy Executive Director
Interim
kevin@tmpa.org

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

Randy Doubrava,
General Counsel
rdoubrava@tmpa.org

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.gonzales@safvic.org

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

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

Audrey Hukari
Program Manager—FRIDAY
audrey.hukari@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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Port Neches

Even though the court case is on appeal, we have gone back to the table in an effort to agree on a new contract. City Manager Andre Wimer and the City are now being represented by Bettye Lynn. PNPOA President Clint Nichols and his board are being assisted by Attorney Greg Cagle, TMPA Field Representative Leighton Guarnere and me. So far this latest round of negotiations has been very encouraging.

Other Contract Negotiations

Balcones Heights PD and San Benito PD appear close to reaching agreement on new contracts. TMPA Bargaining Coordinator John Sierega can provide more details on those negotiations.

Galveston, Oh Galveston

I don't even know what to say here. The City and the officers agreed on a one-year contract extension, but even as that was going on the City Manager and City Council were in the process of cutting the police force by 30+ positions – including about 20 layoffs. The Chief heard a rumor that the Galveston Municipal Police Association was going to rent a billboard questioning the wisdom of those cuts. He then started personally threatening GMPA board members and sent out a department-wide e-mail threatening “swift and certain” disciplinary actions for any officers who dared to exercise their rights to free speech.

Then he suspended an employee for appearing before the City Council in opposition to the layoffs.

While this was going on, the City was in the process of settling two lawsuits with officers whose rights had been violated by the Chief in other cases. Also during this time the GMPA asked for a vote of confidence on the Chief, which resulted in only 4 out of 130+ voting in support of the Chief.

And, in spite of all this, City Manager Steve Leblanc steadfastly refuses to remove the Chief, and instead is trying to rally the citizens to repeal collective bargaining. Unbelievable!!!! The City Manager and the local newspaper editor continue to blame all of the City's woes on the fact that their police officers agreed to take a zero pay raise in their collective bargaining agreement.

Don't be surprised if six months to a year from now I remind you that you read it here first: Things are going to continue to get worse in Galveston – especially if they repeal collective bargaining – until the City Council wakes up and hires a professional City Manager, and a true leader as their new Chief of Police.

Personnel Changes

By the time this issue of *In-Service* gets to your mailbox, you will have already heard about some personnel changes in our State Office. I will not comment about former employees other than to wish them all the best in their new careers.

As always, with personnel changes we welcome new challenges and opportunities. To assist in those endeavors, we are pleased to announce that Lon Craft has joined our staff. As most of you know, Lon has been a police officer for well more than two decades, has served in most every capacity imaginable in law enforcement, served on the TMPA Board of Directors for many years – including two terms as President, and brings a wealth of knowledge and experience to our team. He will head up our legislative efforts and is excited about his new role.

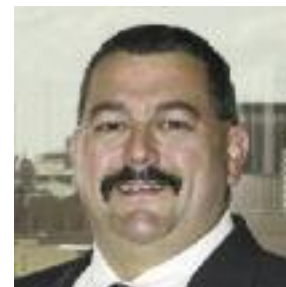
Membership

Between September 13th, and December 16th TMPA processed 708 new member applications, including new members from Tiki Island to Tyler PD, Val Verde County to Vidor PD, and from Wylie to Weslaco. All over the state, and from all types of agencies, Texas law enforcement officers are coming home to TMPA.

Message from Lon Craft

*Lon Craft,
Director of
Legislative Affairs*

✉ lon.craft@tmpa.org



As you read this newsletter the 2011 Legislative session will be underway and the madness that it encompasses will have started. Some of you may have heard by now that I have retired from the City of Baytown and began a new career with TMPA. I want to thank the Board of Directors for the honor of serving the Officers of this State. A little over 24 years ago I held up my hand and swore an oath to protect and serve as all of you have done. I had a great career and was fortunate enough to have been able to work in many different fields.

I am truly honored to have been hired as the Director of Legislative Affairs for our Association, and hope that the future is just as fun as the last 24 years. Please contact me if you have any questions or if I can help you or your Local Associations in anyway.



Premium Recipe for Service will Not Change

Tommy Smith, Region 9 Director ✉ tommy.smith@tmpa.org

Have you ever found a wonderful small restaurant that had the best food at a very reasonable price? You begin to go there a lot, loving the service and the food. Then one day you show up for lunch and all the tables are full. You don't mind the wait because the food, service and price are worth it.

One day you find out that your favorite small restaurant has decided that with all the new found customers, they are going to build a new building instead of expanding the old. With that new building they will have the space to accommodate double the clientele and hope to bring in new customers. With the expectation of doubling their business they modified the recipes to accommodate larger quantities being prepared.

4] At the reopening of your favorite restaurant, you rush down, excited to get that favorite dish you just have been craving. When you arrive you're impressed with the beautifully designed building. As you are seated, you notice that only about half the tables are full because the design was for the hope of many new customers. So you look for who has always greeted you, but they are in serving other patrons. You are assigned a new server who has obviously been hired for the anticipation of more business. Although they are very nice, you really notice they know nothing about you or how you like your dinner. You order your favorite dish. When it arrives you immediately notice that the recipe has changed. It is good but not as good as you remember it. You leave that day thinking that the restaurant was okay and I will come back, but it is just not what you really enjoyed. Because of the changes, you are just not as excited to return as you once were.

Right about now you may be thinking to yourself; yes, I understand what you are talking about but what does this have to do with Law Enforcement and TMPA? I believe that over the last few years as we undertook merger talks with CLEAT and looked at our current member-

ship growth with TMPA, there had been discussions about a new restaurant (association): one that can accommodate double our clientele. We also started looking at changing the way we have done things in the past to adapt to a larger group of officers aligning themselves with TMPA. This has had some of our members believing that they may not continue to receive the quality of service that they have grown to expect from TMPA.

I want to remind you today that TMPA is the MEMBERS. Point blank you, the members, make up TMPA and we are nothing without you and your support. The most important thing to me as Region 9 Director, the whole Board of Directors, and the staff at TMPA is each and every one of you. The Board and the staff have devoted themselves to improving Law Enforcement for all who work within this profession. We also are committed to providing you, the member, the service you deserve and have grown to expect.

I can assure you that as a Board, we support the TMPA members, staff, and Special Programs. We may have had to expand the dining room to provide accommodations for all the new members, but we refuse to change the recipes that define us. We are also committed to continuing the quality and type of service you have come to know and love. You have my word that I am going to focus on superior service for our members. If others would like to join us because we are the best, then let them come. But let it be known we will always stand firm on our higher standard of service and our integrity. We will not waiver from that.

I would like to personally thank each of you for allowing me the opportunity to serve you as part of the Board of Directors. Most of all I want to express my gratitude for your service to our great State of Texas. Because of each of you, I feel a greater sense of security today when I strapped on my gun belt, pin on my badge, and walk out the door, knowing I am a member of TMPA.

TMPA's 2010 TCLEOSE Award Nominees

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



TMPA Promotes Professionalism in Law Enforcement Through Education and Representation

It is important for your communities to see how you serve them, and it is important to TMPA that our officers receive the acknowledgement they deserve for a job well done. You may have already seen articles in your local papers or heard about these nominations on your local news channels.

This year, TMPA has nominated 18 law enforcement professionals for their exceptional service to their communities and the State of Texas in 2010:

Sergeant Bryan McGee, Corporal Jeremie Atilano, and Deputies Ryan Connelly and Manny Valdez with the Ellis County Sheriff's Office for their actions on June 22nd which saved the life of a woman who was trapped in a car engulfed in flames.

Officer Chris Sanderson with the Galveston Police Department for his actions on June 13th which saved a 14 year-old boy from drowning.

Officer Justin Weston and Officer Daniel Williams with the City of San Angelo for their actions on January 9th which resulted in saving the life of an elderly resident during a fire.

Officer Patrick Sirois, commissioned by both the United States Department of Defense and Nolanville Police Department, for his selfless actions on November 23rd which resulted in saving the life of a stranded motorist, by pushing them out of harms way when he spotted an oncoming vehicle. Officer Sirois made the ultimate sacrifice to save another.

Sergeant Gerald Johnson with the Bandera Sheriff's Department who, while executing a search warrant on August 28th, was shot and still able to act quickly to successfully end the shooter's attack on his fellow Deputies.

Deputies Charles Scott, David Craven, Frank Cempa Sr., Carlos Pocasangre, Courtney Banks, and Ron Skarpa of the Fort Bend County Sheriff's Office patrol division for their actions on May 22nd. These deputies pursued, under heavy gun fire, violent offenders who robbed a bank earlier that day. Deputy Scott was shot three times, while the other

deputies responded; resulting in the successful apprehension of these violent threats to public safety.

Officer William Brian Dudley for his actions on July 12th during a bank robbery in a crowded shopping center. Officer Dudley successfully contained the threat to the public after the armed suspect reached for his weapon.

Lieutenant Terry Miller and Officer James Hildebrand of the Commerce Police Department for their actions on March 7th after their encounter with an armed suspect who fired upon them with an assault rifle and fled to a local Wal-Mart. When the suspect exited his vehicle, he began to enter the store and came into contact with an off duty officer with the Delta County Sheriffs Office; shooting the deputy multiple times. Lieutenant Miller and Officer Hildebrand, being close behind, were able to return fire ending the assault on the Delta County deputy, and ensuring the safety of patrons inside the Wal-Mart.

TMPA is proud to have nominated the above officers and look forward to the awards ceremony.

Should you have any questions about the nominations process or suggestions for future nominees, please feel free to contact me.

We hope everyone had a safe and happy holiday season and look forward to representing you in 2011.

5



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Internal Interviews: Know Your “Weingarten Rights”

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

Depending upon where you work, your “employee rights” during an internal investigation, a disciplinary action, or an appeal may vary greatly. And when it concerns attorney appearances at Internal Affairs, some agencies are more magnanimous than others. In this regard, Texas’ public employees recently received a favorable decision from an intermediate appellate court.

City of Round Rock, Texas Firefighter Jaime Rodriguez used his sick time while competing for another job. His department began a misconduct investigation and called him in for an internal interview. When Rodriguez asked that his association representative be allowed to attend the interview, his request was denied and he was ordered to attend the interview alone. The charges were sustained and he was suspended for five days. Rodriguez sued, claiming his rights were violated when the department denied his request for representation. He won in district court and the City appealed. The issue before the Austin Court of Appeals was whether section 101.001 of the Texas Labor Code gives government employees “Weingarten rights.” In other words, did Rodriguez have a statutory right to have his representative present during the required internal interview when he reasonably feared disciplinary action would result?

In *National Labor Relations Board v. J. Weingarten, Inc.*, 420 U.S. 251 (1975), the U.S. Supreme Court interpreted federal statutes providing private employees a right to “act in concert for mutual aid and protection.” In *Weingarten*, a retail employee was suspected of misconduct and her request to have a representative present during her interview was denied. The Court held that federal law provided private employees the right, upon request, to have a representative present during an investigatory interview when disciplinary action may reasonably result. *Weingarten* was not applicable to public employees.



Thirty-five years after *Weingarten*, in *City of Round Rock v. Rodriguez*, 317 S.W.3d 871 (Tex. App.—Austin July 21, 2010, pet. filed),

the majority held that the Texas Labor Code provides public employees with the equivalent of “*Weingarten* rights.” Section 101.001 of the Texas Labor Code states, “All persons engaged in any kind of labor may associate and form trade unions and other organizations to protect themselves in their personal labor in their respective employment.” Labor organizations, unions, and associations are broadly defined in Texas. See TEX. LAB. CODE §§ 21.02(10), 101.101(3), 101.251(1); TEX. GOV’T CODE § 617.001. In its analysis, the Court of Appeals concluded that the Texas statute mirrored the federal statute at issue in *Weingarten*, and that the key language in the statute conferring a right for “all persons” to “associate” to “protect themselves” reflected the Legislature’s intent to protect all employees, including public employees, by leveling the playing field.

Although *Round Rock* concerned public employees’ right to non-attorney representatives, the Texas Supreme Court has held, in another labor context, that a public employee could choose an attorney as their representative in a post-termination appeal. *Sayre v. Mullins*, 681 S.W.2d 25, 28 (Tex. 1984). Furthermore, the policy grounds identified in *Round Rock*—leveling the playing field—are not inconsistent with the use of a lawyer as one’s representative; an employee may fear management, lack an ability to express his own position, be unable to advocate on his own behalf, or present evidence in his own defense. Although it was not addressed in either *Weingarten* or *Round Rock*, an equally compelling reason to use an attorney as a representative is the attorney-client privilege, which is absent from conversations between fellow employees.

Although *Round Rock* may go before the Texas Supreme Court, it has affirmed the statutory right of a public employee to have a representative present during an internal interview when: (1) the employee is a member of a labor organization; (2) the employee asks to have a representative who does not claim the right to strike; and (3) the employee reasonably fears disciplinary action. Some agencies already allow attorneys to accompany employees to internal interviews; *Round Rock* would seem to make this an employee's "right" rather than an employer's option. So, if you are ordered or asked to participate in an internal interview, tell the investigator you want to have a representative with you and then call an attorney.

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



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5th Annual Holiday Bowl Flag Football Game

Ft. Bend Co. SO Enforcers and Sugar Land PD Chargers. Ft. Bend took the trophy back in the 5th annual Holiday Bowl flag football game by beating Sugar Land. Deputy Scott with Ft. Bend Co. SO was recognized at halftime along with other Ft. Bend County deputies and Sugar Land PD officers for their heroic actions with a recent bank robbery where Deputy Scott was shot by the suspect armed with an assault rifle.





AG Law Enforcement Update

Greg Abbott, Attorney General of Texas

Multi-Jurisdictional Effort To Minimize Danger Of Sex Offenders

Law enforcement officers with the Office of the Attorney General (OAG) recently joined Gov. Rick Perry, State Representative Senfronia Thompson, and Department of Public Safety Director Steve McCraw at an event announcing a new initiative to crack down on the State's most dangerous sex offenders.

Under the plan, the OAG, Texas Department of Public Safety (DPS), Texas Department of Criminal Justice (TDCJ) and local law enforcement will create joint Sex Offender Parole Violation Apprehension Teams, which will locate and arrest high-risk sex offenders who have violated the terms of their parole. These teams will also coordinate with local law enforcement agencies to conduct additional registration compliance checks on high-risk sex offenders.

The State's new, multi-jurisdictional approach continues our Fugitive Unit's traditional approach of working with the TDCJ and other law enforcement agencies to locate and arrest fugitives who have a history of sex crimes against children – specifically those offenders who have violated parole or sex offender registration requirements. Parole violations include failing to report to parole officers or being present in areas that might allow offenders access to young children. Since our Fugitive Unit was launched in August 2003, it has arrested more than 1,900 fugitives.

The initiative announced last month builds on the success of recent initiatives, like the Texas Ten Most Wanted Sex Offender list. In September, the Fugitive Unit, the DPS and the U.S. Marshals Service successfully located and arrested one of the State's Ten Most Wanted Sex Offenders: David Ross Baxley. Baxley had been wanted in Texas since 2003 and in New Mexico since 2006. Investigators discovered Baxley had been living in Texas under an assumed name since 2006. State and federal law enforcement officials arrested Baxley in Vidor, Texas.

Baxley's arrest marked the third time our Fugitive Unit helped secure the arrest of a Top Ten Most Wanted offender in the last six weeks. Earlier in September, the Fugitive Unit located and arrested Michael Brian McCollum in Hurst. Fugitive Unit investigators also recently located Joel Burt

Thompkins in New York. After investigating and discovering the fugitive's location, our officers provided logistical assistance to the New York Police Department, which arrested Thompkins on Aug. 20. Both McCollum and Thompson were on DPS' Top Ten Most Wanted Fugitives list.

Our recent successes follow a restructuring effort at the OAG. In August, we established a separate, independent command structure for the agency's more than 140 peace officers. As a result, the OAG's peace officers and the staff assigned to the Criminal Investigative Division now report to a fellow peace officer – rather than to a prosecutor.

To achieve this, we created a new senior-level position, the Director of Law Enforcement, and recruited a 30-year law enforcement veteran to fill the position. Our first-ever Director of Law Enforcement is Clete Buckaloo, a lifelong peace officer and 20-year Texas Ranger.

Director Buckaloo first received his commission as a DPS Trooper in April 1978. A little more than three years later, he became a DPS Narcotics Agent and six years after that joined the Texas Rangers at the age of 30. Although he retired from the Department as a Captain in 2007, he rejoined the Rangers earlier this year with the same rank. A graduate of Sul Ross State University, Director Buckaloo was honored by his alma mater as a distinguished alumnus in 2002.

As the OAG's Director of Law Enforcement, Captain Buckaloo oversees the Fugitive Unit, the Cyber Crimes Unit, the Special Investigations Unit, the Facilities Security Unit, the Criminal Litigation Unit and the Professional Standards Unit. Director Buckaloo will also coordinate the Fugitive Unit's work with DPS, TDCJ and local law enforcement as they create the new Sex Offender Parole Violation Apprehension Teams.

Perhaps more importantly, after three decades as a commissioned peace officer, Director Buckaloo has a long history of working with law enforcement agencies across the state to help protect Texas families. With his arrival, there is an even greater focus on cooperation and collaboration with local law enforcement – because all Texans benefit when local, state and federal agencies join forces and combine our resources to protect the communities we serve.

Small Non-Profits Important Filing Requirement

Tracy Green Landauer, Attorney at Pryor Cashman LLP

Annual Electronic Filing Requirement For Small Exempt Organizations — Form 990-N (E-Postcard)

Small tax-exempt organizations whose annual *gross receipts* are *normally \$25,000 or less* may be required to electronically submit Form 990-N, also known as the e-Postcard, unless they choose to file a complete Form 990 or Form 990-EZ.

If you do not file your e-Postcard on time, the IRS will send you a reminder notice but you will not be assessed a penalty for late filing the e-Postcard. However, an organization that fails to file required e-Postcards (or information returns – Forms 990 or 990-EZ) for three consecutive years will *automatically lose its tax-exempt status*. The revocation of the organization's tax-exempt status will not take place until the filing due date of the third year.

Note: Small organizations at risk of losing their tax-exempt status because they failed to file for three consecutive years should review IRS guidance to help them come back into compliance.

Due Date Of The E-Postcard

The e-Postcard is due every year by the 15th day of the 5th month after the close of your *tax year*. For example, if your tax year ended on December 31, the e-Postcard is due May 15 of the following year. If the due date falls on a Saturday, Sunday, or legal holiday, the due date is the next business day. You cannot file the e-Postcard until after your tax year ends.

How To File

Click to file the e-Postcard. If you have trouble accessing the system's link, you may be able to access the filing site directly by typing or pasting the following address into your Internet browser: <http://epostcard.form990.org>. When you access the system, you will leave the IRS site and file the e-Postcard with the IRS through our trusted partner, Urban Institute. The form must be completed and filed electronically. There is no paper form.

Information You Will Need To File The E-Postcard

The e-Postcard is easy to complete. All you need is eight items of basic information about your organization.

1. Employer identification number (EIN), also known as a Taxpayer Identification Number (TIN).
2. Tax year
3. Legal name and mailing address
4. Any other names the organization uses
5. Name and address of a principal officer
6. Web site address if the organization has one
7. Confirmation that the organization's annual gross receipts are normally \$25,000 or less (\$50,000 for tax years ending on or after December 31, 2010)
8. If applicable, a statement that the organization has terminated or is terminating (going out of business)

Who Must File

Most small tax-exempt organizations with gross receipts that are normally \$25,000 or less must file the e-Postcard. Exceptions to this requirement include:

- Organizations that are included in a group return,
- Churches, their integrated auxiliaries, and conventions or associations of churches, and
- Organizations required to file a different return.

Search For E-Postcards - Public Disclosure

To find and view an organization's e-Postcard go to <http://www.irs.gov/app/ePostcard/>. To download the entire data base of e-Postcard filings go to <http://www.irs.gov/app/ePostcard/forwardToDownload.do>.

It's Never Too Late

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



It took John Manning sixteen years to reach out for help after his brother Corporal Donald Manning with the Fort Worth Police Department was shot and killed in the line of duty on June 27, 1993. John found his long overdue support through Concerns of Police Survivors' (C.O.P.S.)



Siblings Retreat. For years, John struggled with the devastating loss of his brother, while he cared and worried about his 4 siblings and parents, but never took care of himself or asked for help.

C.O.P.S. Siblings

Retreat was held at the YMCA Trout Lodge on Sunnen Lake in Potosi, Missouri, September 10th - 13th, 2010. C.O.P.S. Siblings Retreat is held for the surviving siblings of America's fallen law enforcement heroes killed in the line of duty. This year 90 siblings and brothers/sisters-in-law attended the retreat. With activities that encourage team-building combined with professional counseling, siblings realize that they are not alone in the debilitating grief that often affects surviving brothers and sisters of fallen officers. The true effects of the death of a sibling are often postponed for almost two years since the surviving siblings are so engrossed in taking care of others. After those two years, losing a sibling in the line of duty impairs the daily lives of surviving siblings. Unfortunately, it took John much longer than the average two years to begin taking care of himself.

"After a while, I thought I had dealt with my brother's death. It was behind me... it was a long time ago. I just really thought I had dealt with it and it was in the past. I started having some issues at home with my temperament and it was

overflowing into my work," stated John.

In 2009, John reached the boiling point with internalized anger. He started functioning negatively because he never even acknowledged the anger stirring inside him for 16 years. When John hit his breaking point, his boss pulled him aside and said something had to change. John went home from work that day determined to put a plan in place to turn his life around.

"I went home and started looking online for something... anything for my 'get well plan.' It was the strangest thing, I went to look at the mail that day and there was C.O.P.S. Siblings Retreat registration, and I decided I needed to attend," said John.

John attended his first Siblings Retreat in September 2009. During the opening of the retreat, all the first-time attendees were asked to introduce themselves. John remembers the one sentence that changed everything, "I was one of the last people to introduce myself and I had time to think about what I wanted to say. Once they got to me, the Executive Director of C.O.P.S. looked at my name tag and questioned; "1993! Where have you been? Why are you here?" Again, I had all this time to think of what I wanted to say and I just stopped and said "because I'm still p__ed off! That statement was very strong and meant everything. It was me finally admitting I was hurting...hurting terribly."

John spent the weekend bonding with other law enforcement surviving siblings from across the nation. They truly understood what he was feeling, many having gone through the same situation. He spent the weekend getting to know people, hearing their stories and he realized in one



short weekend that he wasn't alone. There was help out there for him.

At the retreat, strong peer support is coupled with professional counseling and challenges to learn new outdoor skills. Rope obstacle courses, shotguns, fishing, and archery classes help participants deal with the difficulties they are experiencing from the death of their sibling. The attendees leave the retreat with a new, tremendous sense of personal growth, self-awareness, self-esteem, and an understanding of the issues that accompany grief.

This year, John returned to the Siblings Retreat and was asked to share his story. "I guess my story is that you have to seek help so you can address the emotional aftermath of a tragic line of duty death. If you don't address the issues, they cause long-term problems. I am so thankful that I discovered Concerns of Police Survivors' Siblings Retreat before it was too late for me."

Concerns of Police Survivors' mission is to "rebuild shattered lives" of the surviving family members and affected co-workers of law enforcement officers who have made the supreme sacrifice in the line of duty. In addition to the Siblings Retreat, C.O.P.S. hosts a kids camp, wilderness experience for surviving teenagers, and weekend retreats for adult children, parents, spouses, in-laws, and affected co-workers of fallen officers.

C.O.P.S. is a national, nonprofit organization with 51 chapters throughout the United States with a membership comprised of more than 15,000 surviving families; unfortunately, that membership continues to grow as 140-160 law enforcement officers are killed every year in the line of duty.

Visit www.nationalcops.org for more information on the organization and the programs offered to America's surviving law enforcement families.



Advanced Child Abuse Investigation Offers Free TCLEOSE Credits

Nicole Martinez, Program Manager ✉ nicole.martinez@tmpa.org



The Advanced Child Abuse Investigation training is designed to improve law enforcement's response to child abuse and neglect, particularly child sexual abuse and exploitation cases. This training combines the most up-to-date interviewing and investigative techniques for officers to handle such crime more effectively while ensuring full victim restoration through the use of multidisciplinary teams. Training topics include:

- *History of Child Abuse, Neglect & Exploitation*
- *Dynamics & Indicators of Child Abuse, Neglect & Exploitation*
- *Characteristics of Perpetrators & Victims*
- *Laws Related to Child Abuse, Neglect & Exploitation*
- *Interviewing & Investigative Techniques*
- *Multidisciplinary Teams*
- *Victim Resources*

Officers attending and successfully completing the Advanced Child Abuse Investigation training will receive 24 hours of TCLEOSE credit (#53264).

This training does not satisfy the Intermediate Child Abuse (#2105).

Registration

To find a list of upcoming classes and to register online, please visit our website at www.acatraining.org and click on Calendar.

If there is not a training available in your area, please contact the Program Manager to set one up at your agency. **Instructors will travel for FREE to your agency to teach.** Agencies interested in hosting must meet the following requirements:

- Ensure a minimum of 10 officers are in attendance
- Provide a facility (at no cost) that can accommodate 10+ officers comfortably
- Provide a media projector and screen

Contact

Nicole Martinez, Program Manager or
Tammany Williams, Program Assistant
tammany.williams@tmpa.org



January is National Stalking

Awareness Month

January is National Stalking Awareness Month, a time to focus on a crime that affects 3.4 million victims a year¹. This year's theme, "Stalking: Know It. Name It. Stop It." challenges the nation to fight this dangerous crime by learning more about it. Stalking is difficult to recognize, investigate, and prosecute. Unlike other crimes, stalking is not a single, easily identifiable crime, but a series of acts, a course of conduct directed at a specific person that would cause that person fear. Stalking may take many forms, such as assaults, threats, vandalism, burglary, or animal abuse, as well as unwanted cards, calls, gifts, or visits. One in four victims reports that the stalker uses technology, such as computers, global positioning system devices, or hidden cameras to track the victim's daily activities². Stalkers fit no standard psychological profile and many stalkers follow their victims from one jurisdiction to another, making it difficult for authorities to investigate and prosecute their crimes.



Communities that understand stalking may support victims and combat the crime. It is important for law enforcement to understand stalking, recognize it when it happens, and to help stop it. If you would like to receive training on stalking, family violence, and sexual assault crimes you may request a free 24-hour SAFVIC course to be held at your agency. Please see below for information to set up a SAFVIC class in your area.

You may also find additional resources at:
The Stalking Resource Center-
www.ncvc.org/SRC/

The National Stalking Awareness Month website - stalkingawarenessmonth.org and www.ovv.usdoj.gov

¹ *Stalking Victimization in the United States*, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2009, <http://www.ojp.usdoj.gov/bjs/pub/pdf/svus.pdf> (accessed September 29, 2009).

² *Ibid.*

SAFVIC Courses

The Sexual Assault Family Violence Investigators Course (SAFVIC) Program currently has three different 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 - 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 - 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) - 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 SAFVIC courses 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*.

SAFVIC for Telecommunication Professionals Instructor Course

SAFVIC will be conducting the 3rd Annual **SAFVIC for TCPs Instructor Course** on May 2nd - 4th, 2011 at the TMPA Training facility in Austin. The course will be 3 days/24-hours of classroom study, including an oral presentation. The training covers adult teaching techniques, judicial and medical response to these crimes, and services available to victims. Students attending the SAFVIC for TCPs Instructor Course will receive 24-hours of TCLEOSE credit for completing the course. Please visit the SAFVIC website for eligibility information and instructor application.



Law Enforcement Advanced DUI/DWI Reporting System

Texas LEADRS (Law Enforcement Advanced DUI/DW Reporting System) is currently being funded by the Texas Department of Transportation and is centered on assisting officers who are using, or would like to start using Texas LEADRS. On staff, we have two Texas LEADRS Specialists who travel the state and offer a Texas LEADRS 4-hour training course. Officers will receive TCLEOSE credit for attendance. Whether you need a refresher course, or are a new user and need to be trained on the program in depth, a Texas LEADRS Specialist will be glad to assist.

The integration with EJustice Solutions is complete. The interface developed for this integration offers all agencies using EJustice Solutions the ability to utilize Texas LEADRS. We are also in talks with other record management companies across the state. Integration allows officers to export a LEADRS case directly into their RMS at the push of a button. An integration will also permit automatic transfer of case reports such as PDF attachments to any third party system. If you would like to see an interface take place between your RMS and Texas LEADRS, please contact your vendor and inform them that you are interested in having this feature.

The staff of Texas LEADRS is very excited about the upcoming year. Many new projects are being developed that will make the experience you have with Texas LEADRS both user friendly and easy. In development is a new GPS data mapping report. This report will produce maps with the coordinates of location of arrest, suspect's address, and more. This report allows for officers, or anyone viewing the map, to determine the number of miles traveled while intoxicated, and possibly the number of miles prevented from being driven while intoxicated. We think this will be a very useful feature to add to the overall Texas LEADRS experience. As always, if you are interested in scheduling training, or would like more information on the integration process, please contact the Texas LEADRS staff at 800-848-2088.

In future newsletters, an agency that is using Texas LEADRS will be featured for their outstanding practices with DWI enforcement and how Texas LEADRS benefits them. If you would like to nomi-

nate your agency please send pictures, news articles, or information to Ben Gorby ben.gorby@tmpa.org or call 512-454-8900 / 1-800-848-2088.

Law Enforcement Liaison Grant

Police Traffic Services has changed focus and has been renamed the **Law Enforcement Liaison Support and Training Project**. The Law Enforcement Liaisons will maintain support to all law enforcement agencies by assisting with the Selective Traffic Enforcement Program (STEP) grants, TxDOT request for proposals, Click It or Ticket and Impaired Driving Mobilizations, eGrant support, grant administration, as well as supporting partner organizations. If your agency is new to eGrants and would like training on the application process, grant administration, or general information to perform a STEP, Law Enforcement Liaisons are available to meet with your agency.

The new LEL program will feature courses for distracted driving for teens, adults and emergency vehicle operators. A new course on the recognition of properly installed child safety seats to law enforcement is also offered. Traffic safety is the key to saving lives. The purpose of these trainings is to create awareness and change driver behavior and attitudes toward distracted driving. A Distracted Driving Awareness Facebook page has been created that will have the latest in news and laws regarding distracted driving, as well as information on trainings across the state.

The Law Enforcement Liaisons have always had a focus on Child Passenger Safety. A renewed concentration towards law enforcement on the Child Passenger Safety laws as well as identifying gross misuse of Child Safety Seats with a class called "Child Occupant Restraint Enforcement" (CORE) has been developed. These trainings will be available to officers across the state. If you are interested in scheduling a training would like more information, please contact Ben Gorby by email: ben.gorby@tmpa.org or call 800-848-2088.

Under the STEP grants, agencies that perform well will be identified and featured in future articles with their best practices as well as their accomplishments. If you would like to nominate your agency please send pictures, news articles, or information to Ben Gorby.



Carole Metcalf, Program Coordinator ✉ carole.metcalf@tmpa.org

The F.R.I.D.A.Y. Program is an 8-hour training class for law enforcement officers related to the prevention of underage drinking and underage impaired driving. Classes are taught by law enforcement officers who have attended a 24-hour Train the Trainer course and are committed to participating in a local coalition and training in rural areas.



Instructor Highlight

14



John Wilkerson

Instructor Wilkerson has been a Peace Officer for 7 years and an Instructor for 3 years. He is dual commissioned with the Knox County Sheriff's Department and the Seymour Police Department. He is a K-9 officer and is certified in Standardized Field Sobriety Testing. He consistently receives great feedback from the officers in his classes. For more information about this program, please visit our website; www.texasfriday.org or contact the FRIDAY staff at 1-800-848-2088 x 207.

For anyone interested in becoming an instructor and providing this training to officers, a Train the Trainer course will be held in the next few months. Please check our website for updates.

Attorney General's Opinion

Greg Abbott,
Attorney General of Texas

Opinion No. GA-0804

Re: Whether a particular activity constitutes an offense under chapter 47 of the Penal Code, which proscribes certain forms of gambling

Summary: A participant paying an amount of money to purchase a square in the game activity you describe does not make a bet under chapter 47 of the Texas Penal Code. Absent a bet, we cannot conclude that the activity you describe implicates sections 47.02 and 47.03 of the Penal Code.

Opinion No. GA-0812

Re: Whether bingo gift certificates and similar items constitute "noncash merchandise prizes, toys or novelties" under section 47.01(4)(B) of the Penal Code and whether certain business practices, which may be used by charities that conduct bingo to maximize their net proceeds, comply with chapter 2001, Occupations Code, and other applicable law

Summary: Texas courts have repeatedly considered the legal status of eight-liner machines that award gift certificates redeemable at retail establishments or tickets redeemable for further play and have determined that those machines are gambling devices and do not meet the requirements for exclusion under subsection 47.01(4)(B) of the Penal Code. Similarly, a device that awards bingo cards or paper, card-minding devices and pull-tab bingo, or gift certificates redeemable for the same, is not rewarding the player exclusively with "non-cash merchandise prizes, toys, or novelties," under subsection 47.01(4)(B) of the Penal Code.



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◀ Noel Johnson conducts "Agency In Service" Training for the Office of the Inspector General

National Night out in Fort Bend County. Pictured left to right, TMPA Board Member Chad Norvel, Charlie Howard, Fort Bend County Justice of the Peace Jim Richard and Fort Bend Pct. 4 Constable Troy Nehls. ▼



▲ Irving Chili cookoff - Left to right back row: Dick Brock, Irving Asst. Fire Chief Rusty Wilson, Irving Fire Chief Mario Molina; Irving Retired Chief of Police Lowell Cannaday, Irving Chief of Police Larry Boyd, City Manager Tommy Gonzalez, Irving Asst. Chief David Paris. Front Row: Irving Fire Capt. Roger Hogle, Retired Irving PD Becky Fann.



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Letter to TMPA

I would like to give praise and thanks to my attorney, Shane Boasberg, and his office which were assigned to me. Mr. Boasberg worked outstanding in the efforts to preserve my future interests in Law Enforcement and I was pleased on the outcome. Please inform and pass this information on to Mr. Boasberg's higher authority.

—Matt



Hi, how is everyone at TMPA? Attached you should receive the contract for review that our union was able to work out with the City of Edinburg. Without Mike Zeller's assistance it would not have been possible to achieve this. His guidance and knowledge of the meet and confer/bargaining was extremely helpful specially to me as 1st year union president and to the rest of my bargaining team. I commend TMPA for all of their support and that of Mike Zellers. Should you have any questions, please do not hesitate to call or email. Again thanks to all the TMPA team for all of your help.

—Frank Saenz



Gentlemen,

I would like to express my sincere thanks and appreciation to the hard work and dedication of TMPA Attorney Lance Wyatt.

I found myself terminated from the Dallas County Sheriff's Department after 18 1/2 years of service. I knew in my heart that I had not done the things that I was accused of, and that the current Administration had basically attempted to ruin my professional life. In fact, due to the nature of the accusations, my wife who is a nurse with no connection to Dallas County, lost her job when my bogus allegations and termination was released to the Dallas area media. Never in my entire life did I think that every mistake I ever made in my career could be spread all over the news media, without listing any of my accomplishments and good deeds I have performed for the citizens of Dallas County.

Thanks to TMPA and a true godsend in Lance Wyatt, I was able to prove my innocence, and had my termination overturned and re-instated to my full rank exactly 60 days after being terminated. I have my professional life back thanks to Lance Wyatt, and you wonderful people at TMPA that

authorized my polygraph examination!! I can never repay Lance for his hard work and dedication to my case!

Thanks to the TMPA and Lance Wyatt I was made whole again professionally, and I want the world to know how much I appreciate Lance and the TMPA for being here for their members! I want to also acknowledge the TMPA Customer Service Department and the Membership Services Department. Every person I spoke to at TMPA was most helpful and showed that they truly care for the membership holders. I never felt like a "number," I was made to feel like Steve Gentry, which is so hard to find today.

Again, thank you for being there when I felt my career slipping away from me, and please make sure that everyone with ears knows what a wonderful human being Lance Wyatt is!!

Cordially,

—Steven Gentry



Greetings,

This thank you should have come sooner, but we wanted to wait until the final reading of the city's budget, which took place Monday, September 27th, 2010, so that we would be able to share with you the outcome of whether or not the police officers step pay would be frozen. Regardless, of the outcome, the thank you note would still have come. The final reading of the budget did in fact include the step increases for our police officers.

We would like to thank Chad Norvell for his work in preparing us for our address to City Council and organizing our press release. We would also like to give special thanks to Leighton Guarnera and Ray Wilkinson for attending the City Council meeting with us, in which our association addressed City Council on the issue. These guys are a true testament to the dedication TMPA puts forth for its members, as they were in attendance until almost midnight.

We truly appreciate the support and advice given to us from TMPA staff. You make us proud to be members of TMPA.

Sincerely,

—Adam Carroll, PPOA -- President
Chris Basye, PPOA -- Vice President
John Despain, PPOA - Secretary/Treasurer
Pearland Police Officers' Association



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Share Your Christmas



The Baytown Municipal Police Association participated in the Share Your Christmas Food Drive. The officers from left to right: Aaron Crowell, Daniel Estes, Chris McDonald, and Alan Cliburn. The Baytown Fire Department also participated.



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911 Bio Cleaning provides specialty cleaning and recovery services for individuals involved in horrific and tragic situations. 911 Bio Cleaning operates throughout the State of Texas, including the Dallas/Fort Worth, Houston, Waco areas and Southern Oklahoma. The team at 911 Bio Cleaning are a group of highly trained cleaning and decontamination technicians with cleaning and restoration experience.

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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.