

OFFICE OF CONSTABLE

MARTIN D. RUBLE

Justice Precinct Four
County of Williamson
State of Texas



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Chief Marty Herrin

June 14th, 2018

Marty,

Per our discussion this week about the possibility of commissioning your designated staff as Texas Peace Officers to give them the ability to meet Arson Investigator requirements. At Constable Ruble's request I contacted Jim Clifton Senior Field Agent SW-Region for Texas Commission on Law Enforcement (TCOLE). I posed the question to Mr. Clifton about what concerns may be considered if we were to commission individuals not employed by our agency. Clifton stated that it is rarely done but is absolutely not recommended. Clifton stated that since TCOLE is a State Agency for licensing purposes, they (TCOLE) would directly hold the licenser (us in this case) 100% responsible for any and all issues involving those persons. We would be held responsible for all training requirements, training shortfalls and potential of suspensions should violations occur. Problem is we didn't hire them paid and have little recourse. So, to put it in layman's terms (worst case scenario) if that person gets into an incident regardless of in the line of duty, off duty, or culpable mental state, that department takes the fall. Adding that since we cannot hire, terminate, suspend them officially as a county employee, only as a licensee it opens a huge civil liability to that department carrying the license. So, if you as the "paying employer" did not agree with the status of an issue, we could get the county sued and our department and elected officials directly. Or if we "unlicensed them" in conflict with your opinion we could get into civil rights issues.

We support the right thing in TCOLE's eyes and that is to make your office TCOLE certified as all State Fire Marshal's are. After reviewing this Constable Ruble, we stand in support of Chief Herrin in securing the ability to be a TCOLE Licensing agency.

Respectfully,

Mark Birchard
Chief Deputy Constable