



TEXAS COMMISSION ON LAW ENFORCEMENT

D.C. Jim Dozier, J.D., Ph.D.
Executive Director

September 14, 2004

Ms. Lynn Hale, Superintendent
Galveston Independent School District
P.O. Box 660
Galveston, Texas 77553

Dear Ms. Hale:

The Texas Commission on Law Enforcement Officer Standards and Education records indicate that Chief James Fullen of the Galveston I.S.D. Police Department has not received the police chief training that is mandated and set out in the Education Code §96.641. Initial Training and Continuing Education for Police Chiefs.

On April 17, 2002, Chief Fullen was appointed as police chief and has not complied with that requirement. It is the responsibility of a police chief to obtain this training within two years of appointment in accordance with §96.641. The training must be obtained through the Bill Blackwood Law Enforcement Management Institute (LEMIT). The statute states that if a police chief fails to receive this training, they may not maintain their position as chief.

It is the Commission's position that Galveston I.S.D. comply with provisions set out in the Education Code Section 96.641.

If you have additional questions regarding this matter, please feel free to contact me.

Sincerely,



Cynthia S. Martinez, Director
Executive and Legal Services

/csm



*A nationally accredited
law enforcement agency*

Phone: (512) 936-7700
Fax: (512) 936-7766

6330 U.S. Highway 290 East, Suite 200
Austin, Texas 78723

the position of police chief on April 17, 2002.³ Defendant Hale is a Caucasian woman who became GISD's superintendent in February of 2003 and resigned in January of 2006.⁴

In April of 2004 three African-American officers employed by the GISD police department (Sergeant Dewayne [REDACTED], and Corporals [REDACTED] and [REDACTED] Fields) complained to Hale that plaintiff was engaging in improper conduct including race discrimination and retaliation towards them, favoritism towards two of his relatives, who were also employed by the GISD police department, and destruction of personnel records.⁵ On April 28, 2004, Hale placed plaintiff on administrative leave pending an investigation of the accusations.⁶

Hale commissioned Joe Tooley, an independent attorney from the Dallas area, to investigate the allegations that plaintiff had engaged in race discrimination and retaliation against certain officers, and showed favoritism to his relatives.⁷ Tooley did not

³Id. at 55, 59-60.

⁴Affidavit of Lynn Hale, Exhibit B attached to GISD's Motion, Docket Entry No. 44, ¶2.

⁵See April 13, 2004, Memorandum from plaintiff to Terri Watkins, Exhibit A-2 attached to GISD's Motion, Docket Entry No. 44.

⁶Plaintiff's Deposition, Exhibit A attached to GISD's Motion, Docket Entry No. 44, p. 77.

⁷Affidavit of Lynn Hale, Exhibit B attached to GISD's Motion, Docket Entry No. 44, ¶5.

[w]hile a fact finder might conclude that Chief Fullen has engaged in certain actions in a racially discriminatory manner, the objective evidence in support of such a claim is weak. Even though the complaining employees appear to sincerely believe this is the case, the belief is a subjective one other than the factors mentioned herein. However, there does appear to be sufficient evidence to sustain a finding of retaliation in Chief Fullen's treatment of Officer Fields as well as favoritism toward Detective Mary Fullen-Roark, Chief Fullen's sister.⁹