

FORT BEND COUNTY HISTORICAL COMMISSION

ORAL HISTORY COMMITTEE

Interviewees: **Trever J. Nehls**

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Interviewer: Jane Goodsill

Transcriber: Marsha Smith

Comment: Theme of 'How Government Works'; Trever Nehls
is Constable of Fort Bend County Precinct 4

15 Pages



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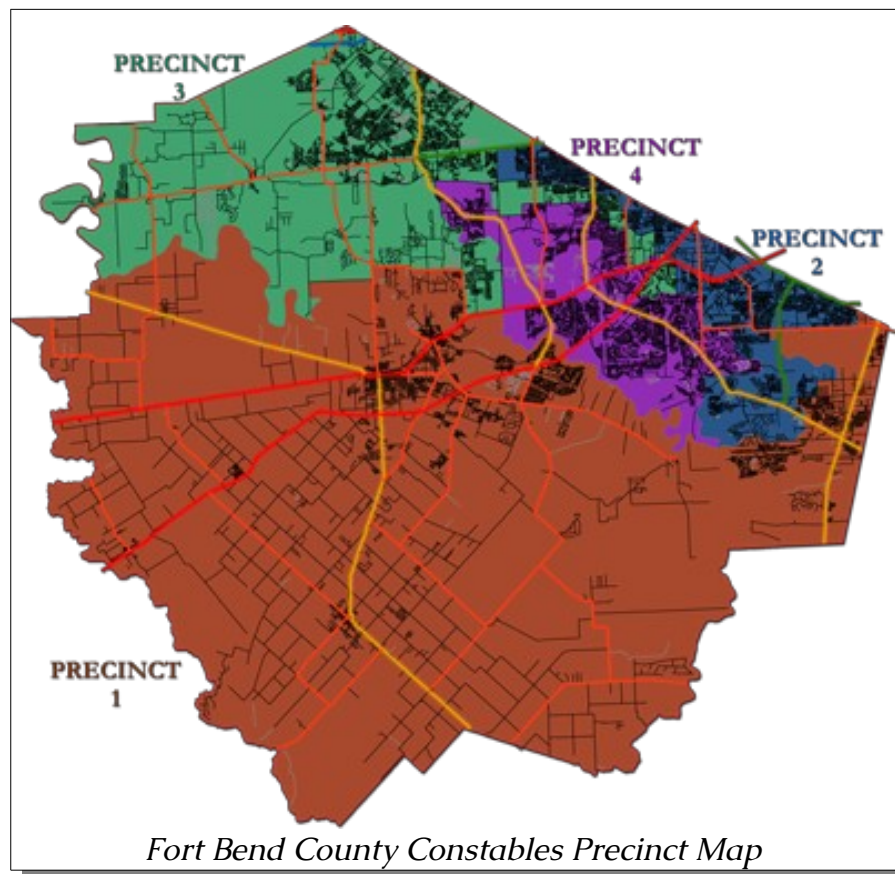
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Transcript

GOODSILL: Good morning! Tell me about your work.

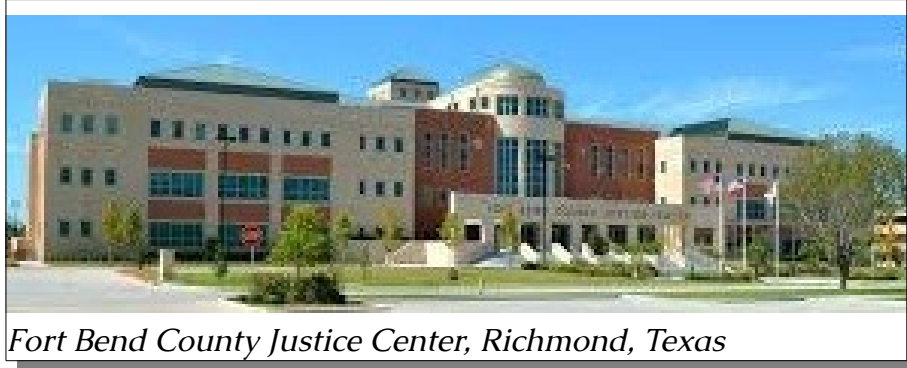
NEHLS: Good morning, Jane. I am Trevor Nehls and I serve as the Constable for Fort Bend County Precinct 4. Fort Bend County is comprised of four different precincts. Some counties may have six or seven, possibly eight different precincts, depending on how large the county is. There are four Commissioners, one assigned to each precinct; a Justice of the Peace and a Constable. In Fort Bend, there are three elected positions within each precinct: Commissioner, the Justice of the Peace and the Constable. Precinct 4 is comprised of most of Sugar Land, parts of Quail Valley in Missouri City and a northern boundary near Highway 99 and West Belfort. The boundaries of the precinct change as a new census is implemented based upon population growth.



The four precincts in Fort Bend County are population-based, not based on square miles (area-based). Precinct One, which is made up of the south and west sides of the county, is equal to or greater than Precincts Two, Three and Four combined, in land mass. It is more rural rather than urban. Precinct 4 is very much an urban area and that holds true with Precinct 2 also, which encompasses Missouri City, Meadows Place, etc.

A Constable has a unique function in the state of Texas. Constables play a more significant role in Harris and Fort Bend Counties, specifically in law enforcement duties, which supplements the Sheriff's Office. Constable's Offices vary in size with the largest office being Harris County, Precinct 4 that has more than 450 sworn personnel.

We have two state-mandated functions the Constable must perform. The Constable is responsible for serving all the civil processes within the precinct. Most processes we receive are through the County court system. My office handles civil process serving, evictions, sales of homes and things of that nature. In addition to serving the civil process, we also serve the Class C warrants issued from the Justice of the Peace. My office is also required to provide a bailiff for the Justice of the Peace court. Precinct Four's County Commissioner, the Justice of the Peace, and the Constable all occupy one building, which is commonly referred to as the "Justice Center."



Fort Bend County Justice Center, Richmond, Texas

It was only recently that Constables expanded their duties outside of the state-mandated functions of serving the civil process and providing court security. What I mean by expanding our duties is that many Constable Offices have patrol contracts with different political entities, whether it is a municipal utility district or a homeowner's association (HOA). These different entities contract with the county to provide supplemental law enforcement services.

I will give you an example. The New Territory subdivision is in Precinct 4. I have four deputies that patrol New Territory 24/7. It is a contract that has been in place for well over a decade. There is a cost associated for the residents of New Territory for that supplemental service. What makes it unique is the deputies assigned to that specific neighborhood in New Territory will remain in that neighborhood. They truly are your first responder in the event of a 911 call.

The most significant benefit of a contract program is a deputy is within minutes if not seconds of a call for service, depending on the proximity of his assigned duty and the location called in. Many neighborhoods opt to have supplemental contracts for deputies. I would say there are in excess of forty supplemental patrol contracts within Fort Bend County, either through the Sheriff's Department or the Constable's Office. A municipal utility district or an HOA can opt to pick a law enforcement agency solely for that purpose. A majority of the contracts in Fort Bend County are done through Constable Offices.

GOODSILL: And they pay the Constable's office for this service?

NEHLS: The contract is through the county, so it is the county auditor who sends out the bill on a monthly basis. To enter into a contract with the county for supplemental patrol for one deputy would be approximately \$90,000 per year, for one deputy for forty hours a week. When you contract for five deputies, you can receive 24/7 coverage. We have five deputies that patrol Sweetwater subdivision even though it is within the city of Sugar Land. Precinct 4 has contracted with the Sweetwater HOA for several years. Despite the additional costs for homeowners, supplemental patrol is what is preferred. It is all dependent upon what level of service is desired. I feel it is a first line of defense.

GOODSILL: Does your office have a limit of how many deputies you can hire?

NEHLS: No, it is dependent upon the demand, whether it is an HOA or a Municipal Utility District requesting supplemental patrol services. If they request 10 deputies, we can accommodate them with ten. However, the cost associated with additional deputies results in a significant increase. Currently, we are negotiating to enter into a contract with the Fort Bend Toll Road Authority for Highway 99, which in Fort Bend County runs from the Westpark Toll Road to Greatwood subdivision. I will hire two additional deputies in the next few weeks to patrol Highway 99, which will be paid for by the Fort Bend Toll Road Authority.

GOODSILL: Is it a revenue source for the county to have all these supplemental contracts?

NEHLS: There is no true net gain. The contract will list the salary, any equipment, uniforms and things of that nature. The contract pays for the deputy, fuel, training and the cost of the patrol vehicle, etc., and no specific office or individual is compensated. I feel many neighborhoods look at the contract deputy program in a very positive light, because it gives them reassurance that somebody is close.

GOODSILL: How do you describe the difference between the policy service and the Constable service?

NEHLS: In patrol contracts, the deputies are patrolling the neighborhood. They may not take all the criminal offense reports associated within that neighborhood. They may not have the space to store evidence; that would be done by the Sugar Land Police Department (SLPD) or the Sheriff's Department. There is some subjectivity and gray area. What is beneficial for us is we have a good working relationship with the SLPD (where I retired from) and the Sheriff's Department.

We feel that if we can collaborate our efforts, it is a win-win for everyone versus "You can only do this," or "You can only do that" and we can never merge our efforts for the benefit of the community. We are all about efficiency.

One of the Sheriff's primary responsibilities is to house all the prisoners within the county. For Class B misdemeanors or above, an offense which the offender could spend a year in jail; the offender upon arrest will be housed in the jail of the Fort Bend County Sheriff's Department in Richmond. Class C offenses such as traffic violations, public intoxication – those are 'fine only' – a municipal agency like Sugar Land has a small jail with eight or nine cells. SLPD can hold people for a number of days if the offender is sitting out an offense where there was an extensive fine and they do not want to pay the fine. Any Class B or higher offense will go to the Sheriff's Department. That is one of the Sheriff's main responsibilities in addition to patrolling a large area. There are about 625,000 people within Fort Bend County and 300,000 of those are in the unincorporated areas, which means they are not serviced by a municipal police department. The Sheriff is responsible for law enforcement services to about half the residents of Fort Bend County.

The Sheriff's Department has in excess of 750 employees, which allows him to effectively run his jail and provide a patrol division and a criminal investigation division, an ID division, etc. That is the significant difference between the Sheriff's department and a Constable's office in Fort Bend County. I do not have detectives or an identification unit.

GOODSILL: What's an identification division?

NEHLS: An identification or crime scene unit would process a crime scene. I do not have deputies specifically assigned for that function. We go back to what I initially stated. The two state-mandated functions are civil process and provide a bailiff to the court.

We have expanded the duties to patrol contracts, however, we have an agreement that if there is a crime that requires extensive evidence collection or identification and crime scene investigation, the Sheriff's Department will process the crime scene. I do not envision Fort Bend County ever going in the direction where a Constable's office will have a specific criminal investigation/identification division. The system we have requires collaboration, unity of effort, within the four Constables and the elected Sheriff. It is all about efficiency. You really do not want to have to duplicate tasks when you have one agency with the primary responsibility.

In the city of Sugar Land, they have a criminal investigation unit to include an identification or crime scene unit, as they are responsible for close to 90,000 residents. Very seldom would the city of Sugar Land have to rely on the Sheriff's Department because they have professionals who can accomplish the same task. For Constable offices' here in Fort Bend County – that is NOT the case. There are Constable offices in Harris County that have their own detectives and ID but they are the larger offices.

The most significant difference between a Constable, a Sheriff, and a municipal police officer is a deputy Constable attends more training hours at a police academy than a municipal officer or Sheriff's Deputy as the deputy Constable must also attend a civil process class. I think it is in excess of 40 additional hours. There is some very detailed work involving civil process. They all have arrest authority but removing someone from their home, or evicting them, is a comprehensive process. It requires significant thought processes before you act versus writing a traffic ticket or responding to a disturbance.

GOODSILL: Because there's a consequence afterwards like a law suit or something that happens in front of a judge? And it has to be done properly.

NEHLS: Correct! That is exactly it! When you are talking about taking someone's home or removing him or her from their home, that's serious, more so than writing a traffic ticket or running a stop sign. There is case law involved. It is an ever-changing and evolving process because of lawsuits. There are classes for training Constables for that specific purpose.

Constables were the FIRST law enforcement in the state of Texas, before you ever had a police officer, a Texas Ranger or anything of that nature. We have a very long, rich history in Texas.

I am not a native Texan, but I have been in Texas since 1990. Constable offices are very popular in Texas. I grew up in Wisconsin and I had no clue what a constable was. Nor did you see them. It is not unique to Texas. There are other states with constables. Nevertheless, I think Texas is probably the state in the United States where constables play more of a role – they are more significant – based upon that rich history.

GOODSILL: The position of Constable is an elected position?

NEHLS: The Constable is an elected position, and I believe it always has been. Most constables come from a law enforcement background. I was a 20+year officer at SLPD when I ran for Constable. Obviously successfully elected, so I retired from SLPD and transitioned to the Constable's Office. It is an interesting transition, moving from a municipal governmental agency, to county government.

As elected Constable, one is required to obtain a basic peace officer license and you have twelve months from the date you start serving to obtain it. So any businessperson or other individual that desires to become a Constable may run for the office, but he/she will have to obtain a peace officer license.

GOODSILL: Is there continuing education that allows a person to keep their peace license?

NEHLS: Yes. Within the first 90 days after my election, I attended a class at Sam Houston on my roles and responsibilities that are unique to the elected Constable. Constable, Commissioner, and your Justice of the Peace are partisan races, where you run on the Republican ticket or the Democratic ticket. There is an argument whether it should be partisan or not. You really are not involved in public policy, taxation or things of that nature, but it IS a partisan office in Texas.

GOODSILL: It was set up like that from the beginning?

NEHLS: Yes, and I think it would take quite an effort or a paradigm shift to change that! The City Council races in Sugar Land are non-partisan, but county races are partisan.

GOODSILL: How long a term does a Constable serve?

NEHLS: Four years, just like your Justice of the Peace and your Commissioner. They are all four-year terms. My peer Constables have been in office for in excess of four terms each.

GOODSILL: Is there a term limit?

NEHLS: There is no term limit for any of the elected officials in Fort Bend County.

GOODSILL: Are they all re-elected at the same time?

NEHLS: No. For example, in two of the four precincts, the Commissioner and Constable are elected at the same time; however, in precinct 4, the Commissioner and Constable are on different cycles.

GOODSILL: How about the County Judge?

NEHLS: The County Judge is up for re-election at the mid-term elections – the non-Presidential years. So if a Constable ever desires to consider another office, what would a Constable do? I do not know of a Fort Bend Constable that has sought another position, other than County Sheriff. My predecessor is Troy Nehls, who is also my twin brother. He served as the Constable for eight years, two terms. Once the Sheriff retired and it was an open seat, he sought that office and was successful. I would think that from a career progression point of view, the Constable may say, "Okay, I served as Constable. Maybe I want to serve as the Sheriff one day." Not that the Sheriff has any control over the Constable's authority, nor does the Constable have any control or authority over the Sheriff. They are not competing interests. They are parallel and equal positions.

GOODSILL: The Sheriff and the Constable are equal positions?

NEHLS: Well, the Sheriff has different responsibilities from the Constable. However, the Sheriff is the primary law enforcement officer in the unincorporated area of Ft. Bend County. As elected officials, each office holder is accountable to the voter, not each other.

GOODSILL: Which is probably good in your case! (laughing)

NEHLS: Yes! What you look for is a working relationship. The Sheriff has no authority over me nor do I have any authority over him. I look at us all as peers. Now his span of control, based on the number of personnel he has, is a LOT larger than my office. However, we all have that mutual respect for each other. I think it has been very good that the current Sheriff WAS a Constable. He understands the duties, responsibilities, and some of the limitations that a Constable's office has, versus a full-fledged police agency. Moreover, I think that is beneficial for Fort Bend County.

There have been cases where previous administrations at the Sheriff's Department did not really understand what a Constable did, on a daily basis, and what his duties were. At times, that can cause friction between the Constables and the Sheriff. That is a disservice to the community, the county in general.

GOODSILL: Sometimes, as you explained, where one job ends another begins. So there needs to be a transition of responsibility. Like when one person makes the arrest but doesn't do the investigation.

NEHLS: That is correct. My office does not have detectives, however, the reports we take – for example, assault reports or burglary reports – once written by a deputy Constable, will be reviewed by me or by one of my supervisors. It then goes straight over to the detectives at the Sheriff's office and they will conduct the follow-up investigation. It is important that the relationship is there and it is on a sound foundation. If you do not have that sound foundation, I do not think you will have a thorough and comprehensive investigation. It may turn into more finger pointing than anything else. Fortunately, we have that relationship in Fort Bend County and I credit that first and foremost to the fact that we have a Sheriff that served as a Constable. There is no misunderstanding. He knows the duties of the Constable and the deputies within the county, and that is unique in Fort Bend County!

GOODSILL: There are not too many people who have moved from Constable to Sheriff?

NEHLS: In other counties that may be the case but I know it has not happened in Fort Bend County in decades. I would think that would be a progression, for a Constable to serve as Sheriff.

GOODSILL: Is there any interaction between the Constable's office and the Commissioner's Court?

NEHLS: During the budgetary process there is. We had budget hearings this past Thursday. I am proud to report that in Precinct 4 we presented a budget with no increase. It is imperative for the three elected precinct officials to work together. The officials are independent of each other; however, a working relationship is critical.

GOODSILL: It's a matter of county record what the budget is, right?

NEHLS: Absolutely.

GOODSILL: May I ask what the budget is for the Constable's office?

NEHLS: Each Constable's office is different. But it is a little over a million dollars. That is exclusive of contracts, because they are specific. They pay for themselves.

GOODSILL: So, a million dollars. What things are covered by the million dollars?

NEHLS: All my civil process servers, of which there are five, and the warrant deputy. Different precincts have different numbers of deputies. The largest of the four Constable offices in Fort Bend County is Precinct 3.

Why would Precinct 3 have a larger office than my precinct? A majority of my precinct encompasses Sugar Land and SLPD has their own patrol services. Precinct Three's growth in Cinco Ranch and Fulshear is all unincorporated. There are few municipal agencies within that area, but a majority of Precinct 3 is incorporated area, and there are more civil processes because of that. Precinct Three has the largest office, in terms of number of employees and budget. I think Precinct 2 has a good number of deputies also. We are all close in size, but Precinct 3 is the largest.

GOODSILL: That unincorporated part is very important because it means there is no municipal agency handling law enforcement?

NEHLS: That is correct. Many new neighborhoods in Cinco Ranch are in an unincorporated area. They desire to have a supplemental patrol contract. They do not have to. Some people argue, and it is known publicly, supplemental patrol contracts are an additional tax. "Why am I being taxed twice?" They feel VERY passionate about that. I can understand that argument.

GOODSILL: But their level of service would be a lot less if they didn't have the supplemental patrol contracts.

NEHLS: Unfortunately, based on the environment and the size, in each instance it is difficult to guarantee to have a deputy on scene within two to three minutes. When you have a supplemental patrol contract, in many cases you will. There is a cost benefit but I can understand the argument of the double tax, too.

I cannot think of anything unique to the Constable versus any other law enforcement official or law enforcement agency within Fort Bend County other than what I have described. That is truly it. The most distinct difference is that we serve the civil process.

GOODSILL: So, tell us a little about serving civil process.

NEHLS: Any type of evictions, sales of homes.

GOODSILL: Why sales of homes? Isn't that handled as a private matter?

NEHLS: It can be. If you have civil process that needs to be served there is a cost associated with that. An attorney's office can have a private person conduct civil process or they can have a law enforcement agency, a Constable's office, EVEN a Sheriff's department can conduct civil process.

GOODSILL: Are we talking about a house that is in bankruptcy?

NEHLS: Yes, foreclosures. For example, in a bankruptcy proceeding through a court, we receive the order through a district court or county court. We then attempt service...you must have a good understanding of it. My most senior person is Sergeant Mike Kutach and he has over twenty years with Precinct 4. He is serving under his third Constable. He is Fort Bend County's resident expert in civil process. He does not hold a law degree but attorneys call him with questions. He is THAT well versed in civil process.

GOODSILL: Does the civil process law change very often?

NEHLS: I would say the laws are stable, whereas criminal law changes more often. That happens only once every two years, based upon legislative sessions.

GOODSILL: When you went from Sugar Land Police to this job, there was quite a difference in responsibilities?

NEHLS: I retired as a Sergeant. I wished not to seek advancement because I serve in the Army Reserve. I have 26 years in and still serve in the U. S. Army Reserve. I have a great deal of responsibility in my military service, as a Lieutenant Colonel. From 2004 to 2012, I was absent about 7 years. I was away from SLPD for a considerable number of years due to a tour in Iraq and then two tours in Afghanistan. I felt it would not be fair to the chief or the city council if I were promoted up through the ranks of SLPD and then had to leave for a year or more. I decided early on to stay at that level until I either retired from the military or moved on.

GOODSILL: Did you take a leave of absence from the police department then?

NEHLS: It was military leave. The city had to allow military leave. The city treated me very well throughout my long absence and I am very appreciative of that. When the federal government calls and your country is at war, you are going to serve no matter what the circumstances are, and that is what I did.

GOODSILL: What were your job responsibilities overseas?

NEHLS: I had different responsibilities. In Iraq, I went over as a captain in 2004-2005. I was located in Najaf, Iraq, which is in southern Iraq about 100 miles due south of Baghdad. It was in 2004 when Muqtada al-Sadr took over some of the main parts of the city and there was a large uprising. There were many U. S. forces involved in some very heavy fighting in Najaf, to move al-Sadr, who had a group called the Mahdi Militia.

We were able to move him out of that area and he went up to the Baghdad area and Sadr City, which is named after his father. My responsibility was to work with the government officials in Najaf to help try to rebuild the city. There was extensive damage in the city. Many people lost their businesses, their homes, or loved ones. We paid out claims. For example, if a relative were killed because of that type of fighting, we would provide them with a certain amount of money per death. My team of four spent several million dollars over there.

I then served in Afghanistan in 2008 and returned in 2010/2011, but I wish to not divulge any specific detail and I appreciate your understanding.

GOODSILL: So you're still in the Army Reserves?

NEHLS: I am. In fact, this week, I will head to Michigan.

GOODSILL: What is your job now in the Army Reserves?

NEHLS: I command a Civil Affairs battalion that consists of five companies, with different responsibilities. For example, I just had a company return from Africa. I sent 32 people (a company) to work with the populace in six different nations in Africa. It was not necessarily nation building, it was more an evaluation process. What do you have, what do you need? There is a much larger effort-taking place in Africa from a foreign policy perspective, in my opinion, than there was ten years ago. I think once we transition out of Afghanistan, you are going to see the balancing or pivot moving from the European area to the Asian area, and you will see that in Africa.

GOODSILL: So there are some efforts being made now to do assessments so they don't GET to the crisis point?

NEHLS: Assessments is a very good term to utilize in that situation. Assess their capabilities...we all know what the issues are in Africa. There is a lack of governance.

GOODSILL: When there is a lack of governance; there is an opportunity for insurrection?

NEHLS: Trans-national type activities, drugs, and extremism, such as the recent Boko Haram activity in Nigeria kidnapping the girls. There are many nations in Africa that are not functioning governments. They may be hotbeds for future insurgencies because they have freedom of movement.

There has not been a concerted effort by the U. S. to work on the multitude of issues that are taking place in Africa, but we know that Africa has a large number of natural resources. In fact, Nigeria is one of the largest world trading partners with the United States. There is a lot more opportunity in Africa. Many of the economies in Africa are growing at a higher annual rate than many Westernized economies, so there are opportunities that I think the United States will explore which will benefit U. S. interests. China is HEAVILY engaged in Africa and they have been longer than we have. Therefore, they are ahead of us.

GOODSILL: Heavily engaged in doing what?

NEHLS: With the natural resources and working with different governments, taking natural resources in Africa and sending them home to China.

GOODSILL: Not too beneficial for the Africans, is it?

NEHLS: Well, I do not think it is beneficial in some ways, but it is beneficial in that China builds infrastructure in Africa. There really are no rules set up, or environmental standards and that is not doing the country any good. There are some intense negotiations taking place between the United States and China to work collaboratively, and I hope that will take Africa where they need to be.

GOODSILL: So you have to wear several different hats. When you're doing your Army Reserve, you're in that zone of thinking. When you come back here, you're thinking about how to manage this office.

NEHLS: Different functions but the same type of leadership. Leadership is leadership, one way or another. I think that the military has propelled me to the position I have today. I think if it were not for my military service, I would not be in the position I am today. I feel if you ever have a chance to speak with the Sheriff, my brother, he would tell you the same.

GOODSILL: Has he had military service as well?

NEHLS: Yes. He retired after twenty-one years, also serving three tours. It was weighing heavily on his family. My wife is supportive of my efforts. Now, she has NO desire for me to ever deploy again, but she understands that it might happen. It is very hard on families to be gone for a year to fifteen months. It is difficult but our father did it, our grandfathers did it.

GOODSILL: I notice your father, Edwin E. Nehls...

NEHLS: My father was an elected Sheriff in Dodge County, Wisconsin, where I grew up. I have an older brother named Todd Nehls, I am 46, my brother Todd is around 55. My brother Todd was hired to be a deputy by my father when he was Sheriff. He rose up through the ranks. When my father was no longer the Sheriff my brother Todd was elected Sheriff. So my father, my elder brother, Todd, and my twin brother, Troy, are all Sheriffs. It is quite interesting. It runs in the family.

GOODSILL: How is it that you and Troy chose Fort Bend County?

NEHLS: I have another older brother, there are seven of us all together, who has lived in Fort Bend County for 30 years. One summer I traveled to Houston to visit. Being from a rural area of Wisconsin, Galveston was a sight to see! I was single and did not have anything holding me back. I had already been a peace officer in Wisconsin and I felt Texas would be a good choice. I made arrangements at Houston Community College and I took the entrance exam to enter the police academy. I passed the exam, so I went back to Wisconsin and packed. Soon thereafter, I graduated from the police academy, applied at Sugar Land, and I was hired in 1993.

GOODSILL: Troy came down afterwards?

NEHLS: He came down soon afterwards because he was attending his officer-training course at Fort Knox, Kentucky. It was about three months later. I still have folks asking me, and your recorder will probably pick up my distinct accent, "Are you from New York?" I say, No, I'm a Midwestern boy." I do have the accent and it is something I will not lose. My brother, Terry, still has the accent. I do make jokes to native Texans. I say, "Well, I throw a y'all in there every now and then, to appease you all." But I love Texas. I truly do. There is much more opportunity as a law enforcement officer, to be in areas with a larger population. I worked in a community that was 1,500 people. You were not going to get promoted unless there was a retirement. With a smaller agency, there is less opportunity for promotion. I earned a bachelor's degree and I wanted to take it to a new level. Texas has allowed me to spread my wings and I am surely grateful for that.

GOODSILL: Thank you for this interview. Is there anything we forgot to talk about?

NEHLS: Cannot think of anything.

GOODSILL: Well, thank you! I really appreciate it.

NEHLS: You are so welcome.

Interview Ends