

# Texas Administrative Code Chapter 341

Revised standards effective on April 1, 2014

The TJJD Board has adopted changes throughout 37 TAC Chapter 341, relating to Juvenile Probation Department General Standards. These changes will take effect on **April 1, 2014**. This document contains a summary of the changes and shows the marked-up text of the affected standards. To see the final text of Chapter 341 in its entirety without the mark-ups, please visit the [Resources page on the TJJD website](#).

## SUMMARY OF CHANGES

Rule #	Title of Rule	Revisions
<b>SUBCHAPTER A: DEFINITIONS</b>		
341.1	Definitions	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
<b>SUBCHAPTER B: JUVENILE BOARD RESPONSIBILITIES</b>		
341.2	Administration	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.3	Policy and Procedures	<ul style="list-style-type: none"> <li>Removed the requirement to have the following items in each department's personnel policies:               <ul style="list-style-type: none"> <li>the salary scale for all juvenile probation officers, and</li> <li>the provision for juvenile probation officers to receive all applicable benefits and allowances given to county employees.</li> </ul> </li> <li>Added new provisions for volunteers and interns, including documentation requirements for the sign-in log.</li> <li>Added provisions that allow for research studies under certain conditions and restrictions.</li> <li>Added a requirement for departments to adopt policies and procedures for zero-tolerance for sexual abuse.</li> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.4	Waiver or Variance to Standards	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
<b>SUBCHAPTER C: CHIEF ADMINISTRATIVE OFFICER RESPONSIBILITIES</b>		
341.9	Policy and Procedure Manual	<ul style="list-style-type: none"> <li>Added clarification that the chief administrative officer must ensure the daily practice conforms to the policies and procedures.</li> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.10	Participation in Community Resource Coordination Groups	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
<b>SUBCHAPTER D: ASSESSMENT AND SCREENING (New name for this Subchapter)</b>		
341.20	Risk and Needs Assessment	<ul style="list-style-type: none"> <li><b>NEW.</b> Requires departments to use a validated risk and needs assessment instrument or process that is provided or approved by TJJD.</li> </ul>
<b>SUBCHAPTER D: TREATMENT AND SAFETY (Old name for this subchapter)</b>		
341.16	Testing	<ul style="list-style-type: none"> <li><b>REPEALED.</b> Deleted the language from this rule and added a provision to §341.3 to require departments to adopt policies and procedures for zero-tolerance for sexual abuse.</li> </ul>
<b>SUBCHAPTER F: REQUIREMENTS FOR CERTIFIED OFFICERS</b>		
341.28	Certification of Staff	<ul style="list-style-type: none"> <li><b>REPEALED.</b> Moved contents to Chapter 344 (Certification) in §344.800.</li> </ul>
341.29	Duties of Certified Juvenile Probation Officers	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>

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Rule #	Title of Rule	Revisions
<b>SUBCHAPTER G: CASE MANAGEMENT STANDARDS</b>		
341.35	Definitions	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.36	Screening	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.37	Case Planning	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.38	Field Supervision	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.39	Residential Placement	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.40	Level of Supervision	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.41	Exit Plan	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
<b>SUBCHAPTER H: DATA COLLECTION STANDARDS</b>		
<b>DIVISION 1: CASEWORKER SYSTEMS (This heading has been deleted because Division 2 has been repealed.)</b>		
341.47	Definitions	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> <li>Added a definition for SRSXEdit.</li> </ul>
341.48	Data Coordinator	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.49	TJJD EDI Extract	<ul style="list-style-type: none"> <li>Replaced references to "Monthly Folder Extract" with "Electronic Data Interchange (EDI) Extract."</li> <li>Added a statement requiring TJJD to discuss any proposed changes to data specifications with county representatives in advance to minimize disruptions or resource issues.</li> </ul>
341.50	Accuracy of Data	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.51	Security of Data	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
<b>DIVISION 2: NON-CASEWORKER SYSTEMS</b>		
341.52	Definitions	<ul style="list-style-type: none"> <li><b>REPEALED.</b> Incorporated text into §341.47.</li> </ul>
341.53	Data Coordinator	<ul style="list-style-type: none"> <li><b>REPEALED.</b> Incorporated text into §341.48.</li> </ul>
341.54	TJPC Monthly Folder Extract	<ul style="list-style-type: none"> <li><b>REPEALED.</b> Incorporated text into §341.49.</li> </ul>
341.55	Accuracy of Data	<ul style="list-style-type: none"> <li><b>REPEALED.</b> Incorporated text into §341.50.</li> </ul>
341.56	Security of Data	<ul style="list-style-type: none"> <li><b>REPEALED.</b> Incorporated text into §341.51.</li> </ul>
<b>SUBCHAPTER I: ELECTRONIC DATA INTERCHANGE SPECIFICATIONS</b>		
341.60	TJJD Monthly Folder Extract	<ul style="list-style-type: none"> <li><b>REPEALED.</b> Removed attachments and incorporated rule text into §341.49 (c).</li> </ul>
<b>SUBCHAPTER J: RESTRAINTS</b>		
341.65	Definitions	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.66	Requirements	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.67	Prohibitions	<ul style="list-style-type: none"> <li>Clarified the provision that prohibits obstructing the airway or impairing the breathing of a juvenile to include that nothing can be placed in, on, or over the juvenile's mouth or nose.</li> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.68	Documentation	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.69	Physical Restraint	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>

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341.70	Mechanical Restraint	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.71	Transporting	<ul style="list-style-type: none"> <li>Terminology updates and minor clean up.</li> </ul>
<b>SUBCHAPTER K: CARRYING OF WEAPONS</b>		
341.80	Definitions	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.81	Applicability and Authorization	<ul style="list-style-type: none"> <li>Added a requirement that a juvenile probation officer must not be designated as a perpetrator in a TJJD abuse, neglect, or exploitation investigation to receive authorization to carry a firearm.</li> </ul>
341.82	Documentation Requirements (New Title)	<ul style="list-style-type: none"> <li>Clarified that documentation must be provided to TJJD <i>after</i> a juvenile probation officer obtains the initial firearms proficiency certificate from TCOLE and every two years for a renewal certification. The list of required documents has also been updated.</li> <li>Specified that the chief juvenile probation officer or the supervising officer of a juvenile probation officer seeking authorization to carry a firearm will now be responsible for sending the documentation to TJJD.</li> </ul>
341.83	Responsibilities of a Juvenile Probation Officer Authorized to Carry a Firearm	<ul style="list-style-type: none"> <li>Removed the requirement for a juvenile probation officer who is authorized to carry a weapon to submit necessary documentation to TJJD. As required in §341.82, this responsibility will now be completed by the chief juvenile probation officer or the supervising officer of the juvenile probation officer.</li> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.84	Use of Force Continuum	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.85	Responsibilities of Chief Juvenile Probation Officers or Other Supervising Officer (New Title)	<ul style="list-style-type: none"> <li>Removed the requirement for a chief juvenile probation officer or designee to send TJJD copies of training certificates and forms. This requirement can be found in §341.82.</li> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.86	Written Policies and Procedures	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.87	Reporting and Investigating Use of Force Incidents	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.88	Records	<ul style="list-style-type: none"> <li>Added a requirement for the personnel file to contain documentation showing completion of TCOLE's current firearms training program for juvenile probation officers.</li> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.89	Training and Qualification Requirements	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.90	Disqualifying Conduct	<ul style="list-style-type: none"> <li>Updated terminology and made minor clean-up revisions.</li> </ul>
341.91	Prohibited Conduct	<ul style="list-style-type: none"> <li>Made no changes.</li> </ul>

## §341.1 Definitions

The following words and terms, when used in this chapter, ~~shall~~ have the following meanings unless the context clearly indicates otherwise.

- (1) **Alleged Victim**--A juvenile alleged as being a victim of abuse, exploitation, or neglect.
- (2) **Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department, including the juvenile probation department of a multi-county judicial district.
- ~~(3) **Commission**--The Texas Juvenile Probation Commission.~~

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- (43) **Juvenile Justice Program**--A program or department operated wholly or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board that serves juveniles under juvenile court jurisdiction or juvenile board jurisdiction. The term includes:
- (A) ~~a~~ juvenile justice alternative education programs, and
  - (B) ~~a~~ non-residential programs that serve juvenile offenders under the jurisdiction of the juvenile court, and or
  - (C) ~~juvenile board jurisdiction and a~~ juvenile probation departments.
- (54) **Referral**--A referral to the juvenile court for conduct defined in Texas Family Code §51.03 that results in a face-to-face interview between the juvenile and the authorized staff of the juvenile probation department.
- (5) TJJD--Texas Juvenile Justice Department.

## §341.2 Administration

- (a) **Local Juvenile Probation Services Administration.**
- (1) The juvenile board ~~must shall~~ employ a chief administrative officer for each autonomous juvenile probation department.
  - (2) The juvenile board ~~must shall~~ specify the responsibilities and functions of the juvenile probation department as well as the authority, responsibility, and function of the position of the chief administrative officer.
  - (3) When probation services for adult and juvenile offenders are provided by a single probation office, the juvenile board ~~must shall~~ ensure that the juvenile probation department policies, programs, and procedures are clearly differentiated.
- (b) **Referral Ratio.** The juvenile board shall employ at least one certified juvenile probation officer for each 100 referrals made to the juvenile probation department annually.
- (c) **Participation in Community Resource Coordination Groups.**
- (1) Juvenile boards ~~must shall~~ participate in the system of community resource coordination groups ~~and the procedures in the memorandum of understanding adopted pursuant to Texas Government Code §531.055 in §349.69 of this title.~~
  - (2) The chair of the juvenile board, or ~~the chair's~~ his/her designee ~~must shall~~ serve as representative to the interagency dispute resolution process ~~required by Government Code §531.055, described in the memorandum of understanding.~~
- (d) **Notice of Complaint Procedures.** The juvenile board ~~must shall~~ post the sign provided by ~~TJJD the Commission~~ relating to complaint procedures in a public area of:
- (1) the juvenile probation department; and
  - (2) any facility operated by the juvenile board, or ~~operated~~ by a private entity through ~~a~~ contract with the juvenile board.

## §341.3 Policy and Procedures

- (a) **Personnel Policies.** The juvenile board ~~must shall~~ adopt written personnel policies. ~~These personnel policies shall include but not be limited to:~~
- (1) ~~a salary scale for all juvenile probation officers; and~~
  - (2) ~~the provision for juvenile probation officers to receive all applicable benefits and allowances given to county employees.~~

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- (b) **Department Policies.** The juvenile board ~~must shall~~ adopt written department policies and procedures. These policies ~~must shall~~ include, at a minimum, the following provisions but not be limited to:
- (1) **Deferred Prosecution.** The deferred prosecution policy ~~must, shall~~ at a minimum, include the following ~~provisions-policies~~:
    - (A) The maximum supervision fee for deferred prosecution cases is \$15.00 per month.
    - (B) The monthly fee ~~must shall~~ be determined after obtaining a financial statement from the parent or guardian.
    - (C) The fee schedule ~~must shall~~ be based on total parent/guardian income.
    - (D) The chief administrative officer, or ~~his/her the chief administrative officer's~~ designee ~~must shall~~ approve in writing the fee assessed for each child including any waiver of deferred prosecution fees.
    - (E) A deferred prosecution fee ~~must shall~~ not be imposed if the juvenile board does not adopt a fee schedule and rules for waiver of the deferred prosecution fee.
  - (2) **Volunteers and Interns.** If a juvenile probation department has or develops a volunteer or internship program, the juvenile board ~~must, shall~~ at a minimum, ~~shall~~ adopt the following policies for the volunteer and internship program:
    - (A) a description of the authority, responsibility, and accountability of volunteers and interns who work with the department;
    - (B) a requirement for criminal history searches in accordance with the requirements set forth in Chapter §344.300 of this title;
    - (C) selection and termination criteria, including disqualification based on criminal history;
    - (D) orientation and training requirements including training on reporting abuse, exploitation, and neglect;
    - (E) a requirement that volunteers and interns meet minimum professional requirements if serving in a professional capacity; and
    - (F) a provision requiring all volunteer and intern activity involving contact with juveniles to be documented through the use of a log which identifies:
      - (i) the name of the volunteer/intern;
      - (ii) the date and time (beginning and ending) of the activity;
      - (iii) the name of the juvenile(s) contacted/served; and
      - (iv) general description of the activity/service the volunteer/intern provided for a volunteer and intern sign-in log.
  - (3) **Experimentation.** The ~~juvenile board must adopt a policy that, policy shall~~ at a minimum, prohibits a department or juvenile justice program from using juveniles for medical, pharmaceutical, or cosmetic experiments.
  - (4) **Research Studies.** Participation by juveniles in medical, psychological, pharmaceutical, or cosmetic research is prohibited unless the research study is approved in writing by the juvenile board subject to the following requirements:
    - (A) The juvenile board must promulgate approved policies that govern all authorized research studies. Studies that include medically invasive procedures must be prohibited.
    - (B) Approved research studies must adhere to all applicable policies of the authorizing juvenile board.
    - (C) Research studies approved by the juvenile board must be reported to TJJD in a format prescribed by TJJD prior to commencement of the study.

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(D) After receiving a request from TJJD, the juvenile board chair or the chief administrative officer must provide TJJD with the written results of a completed research study.

(E) Policies governing research studies must adhere to all federal requirements governing human subjects and confidentiality.

(5) **Zero-Tolerance for Sexual Abuse.** The juvenile board must adopt zero-tolerance policies and procedures regarding sexual abuse. The policies and procedures must:

(A) strictly prohibit all sexual abuse of juveniles under the jurisdiction of the department by department staff;

(B) establish the actions department staff must take in response to allegations of sexual abuse and TJJD-confirmed incidents of sexual abuse; and

(C) provide for administrative and/or criminal disciplinary sanctions.

## §341.4 Waiver or Variance to Standards

Unless expressly prohibited by another standard, an application for waiver or variance of any standard in this chapter may be submitted in accordance with §349.200 of this title.

Unless expressly prohibited by another standard, the juvenile board, or chief administrative officer may make an application for waiver and the juvenile board may make an application for variance of any standard or standards adopted by the Commission in accordance with §349.2 of this title.

## §341.9 Policy and Procedure Manual

(a) The chief administrative officer must shall develop, maintain, and enforce a policy and procedure manual for the juvenile probation department, which must shall include the policies, and procedures, and regulations of the juvenile probation department as adopted by the juvenile board. The chief administrative officer must also ensure the daily juvenile probation department practice conforms to the policies and procedures detailed in the manual.

(b) The chief administrative officer must shall provide all employees with a copy of or access to the policy and procedure manual, review the manual at least once every 365 calendar days, maintain documentation of this review, on an annual basis and update it the manual as necessary.

## §341.10 Participation in Community Resource Coordination Groups

The chief administrative officer or his/her designee must shall serve as the liaison to the local community resource coordination group in accordance with the memorandum of understanding adopted pursuant to Texas Government Code §531.055 in §349.69 of this title.

## §341.16 Testing

The chief administrative officer shall make available testing for sexually transmitted diseases including HIV for any juvenile designated as a victim by the Commission in an investigation conducted under Chapter 349 of this title, if the Commission determines the victim was sexually abused in a manner by which HIV or any other sexually transmitted disease may be transmitted.

## §341.20 Risk and Needs Assessment

A juvenile probation department must, before the disposition of a child's case and using a validated risk and needs assessment instrument or process provided or approved by TJJD, complete a risk and needs assessment for each child under the jurisdiction of the juvenile probation department.

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## (1) Selection of Risk and Needs Assessment Instrument.

(A) All juvenile probation departments may use the TJJD Risk and Needs Assessment Instrument (RANA).

(B) Departments may request and receive approval from TJJD to use a validated risk and needs assessment instrument other than the RANA.

## (2) Administration of Instrument. The risk and needs assessment instrument must be administered by an individual trained to administer the instrument.

## (3) Reports to TJJD.

(A) The summary risk and needs scores of all juveniles assessed with a risk and needs assessment instrument must be electronically reported to TJJD on a monthly basis in accordance with §341.49 of this chapter.

(B) All risk and needs factor information must be electronically reported to TJJD in the format prescribed by TJJD.

## **§341.28 — Certification of Staff**

~~(a) Individuals required to maintain an active certification as a condition of employment are:~~

~~(1) Chief administrative officers;~~

~~(2) Facility administrators;~~

~~(3) Supervisors in the direct chain of command over juvenile probation officers or juvenile supervision officers;~~

~~(4) Juvenile probation officers;~~

~~(5) Juvenile supervision officers;~~

~~(6) Youth activities supervisors; and~~

~~(7) Any staff, excluding certified physical education teachers, who participates in the administration of intensive physical activity in a Juvenile Justice Alternative Educational Program (JJAEP).~~

~~(b) Additional individuals who may maintain an active certification is limited to those whose primary responsibility and essential job function is:~~

~~(1) Quality assurance officer;~~

~~(2) Juvenile probation and supervision officer trainer; and~~

~~(3) Staff member responsible for supervision of youth in a Juvenile Justice Alternative Educational Program (JJAEP).~~

~~(c) Juvenile Supervision Officers and Juvenile Probation Officers may be dually certified as both Juvenile Supervision Officers and Juvenile Probation Officers if they meet all criteria required for certification and employment for both positions and their job description is consistent with either a Juvenile Supervision Officer or Juvenile Probation Officer as defined in §344.100 of this title.~~

## **§341.29 Duties of Certified Juvenile Probation Officers**

(a) In addition to any duties, responsibilities, or powers granted by Title III of the Texas Family Code, the following duties and responsibilities ~~must~~ shall be performed only by certified juvenile probation officers:

(1) recommending a ~~dispositional recommendations~~ in formal court proceedings;

(2) providing final approval of written social history reports;

(3) acting as the primary supervising officer for all ~~court~~ court-ordered and deferred prosecution cases;

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- (4) writing and administering case plans in ~~accordance with Subchapter G of this chapter~~accordance with the Commission's case management standards; and
  - (5) ~~if authorized by the juvenile board under Texas Family Code §53.01,~~ conducting intake interviews, and investigations, and making release decisions if authorized by the juvenile board under Texas Family Code §53.01.
- (b) An individual hired as a juvenile probation officer, who is not yet certified as a juvenile probation officer may perform the duties under subsection (a) of this section so long as the individual:
- (1) has ~~not~~ worked for the probation department for no more than six 6 months from the individual's date of hire;
  - (2) has received training on each duty listed ~~in subsection under (a) of this section~~; and
  - (3) has received training in recognizing and reporting abuse, exploitation, and neglect.

## §341.35 Definitions

The following words or terms, when used in this subchapter, ~~shall~~ have the following meanings unless the context clearly indicates otherwise.

- (1) **Case Plan**--A written document that sets out actions and goals for a juvenile to follow while under the supervision of the juvenile court in order to make changes necessary to best meet the juvenile's status and circumstances over time. The case plan is developed for each adjudicated juvenile and addresses a juvenile's needs (e.g., educational, family, substance abuse, mental health, etc.), risks of re-offending, level of supervision, strengths and weaknesses, any appropriate intake information, ~~strategies~~Strategies for ~~juvenile~~Juvenile supervision~~Supervision~~ findings if any, preliminary investigation information, and victim impact statements utilizing all appropriate resources.
- (2) **Case Plan Review**--A written document that reviews and measures the initial case plan's goals for progress, including the reassessment and reevaluation of the juvenile's status, circumstances, and resources.
- (3) **Courtesy Supervision**--A request from one Texas county (sending county) to another Texas ~~County~~county (receiving county) requesting supervision for an adjudicated juvenile who is or will be residing in the receiving county.
- (4) **Exit Plan**--~~A~~The exit plan is the written document developed for each juvenile that identifies the juvenile's needs for post-supervision reintegration and specifies the community resources available to meet those needs. The purpose of the exit plan is to facilitate a continuum of community services to the juvenile and the juvenile's family after probation supervision ends.
- (5) **Field Supervision**--Supervision ordered by a juvenile court in accordance with Texas Family Code §54.04(d)(1)(A) where the child is placed on probation in the child's home or in the custody of a relative or another fit person.
- (6) **Formal Referral**--Occurs and should be counted when all three of the following conditions exist:
  - (A) delinquent conduct, conduct indicating a need for supervision, or a violation of probation was allegedly committed;
  - (B) the juvenile probation department has jurisdiction and venue; and
  - (C) either a face-to-face contact occurs with the office or official designated by the juvenile board or written or verbal authorization to detain is given by the office or official designated by the juvenile board.
- (7) **Residential Placement**--Supervision ordered by a juvenile court in accordance with Texas Family Code §54.04(d)(1)(B) where the juvenile is placed on probation outside the child's home in ~~either~~ a foster home, or a public or private institution or agency.
- (8) **Substitute Care Provider**--A foster home, or a public or private institution or agency that provides residential services to juveniles.

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- (9) **Supervision**--Supervision involves the case management of a juvenile by the assigned juvenile probation officer or designee through contacts (face-to-face, telephone, office, home, collateral) with the juvenile, ~~the~~ juvenile's family, and other case planning participants.
- (10) **TJPC-TJJD Standard Screening Tool**--An instrument provided by ~~the Texas Juvenile Probation Commission-TJJD~~ to assist in identifying juveniles who may have mental health needs.

## §341.36 Screening

- (a) **TJJD TJPC Standard Screening Tool.** The ~~TJJD TJPC~~ Standard Screening Tool ~~must shall~~ be completed for all juveniles who receive a formal referral to the juvenile probation department. If the ~~TJJD TJPC~~ Standard Screening Tool has been completed within the previous two weeks and is contained in the juvenile's case record, the department is not required to complete an additional screening.
- (b) **Time of Screening.**
  - (1) Referrals Without Detention. The ~~TJJD TJPC~~ Standard Screening Tool ~~must shall~~ be administered no later than 14 calendar days ~~after the date of from~~ the first face-to-face contact between the juvenile and a juvenile probation officer.
  - (2) Referrals With Detention.
    - (A) The ~~TJJD TJPC~~ Standard Screening Tool ~~must shall~~ be administered to each juvenile admitted into detention.
    - (B) The ~~TJJD TJPC~~ Standard Screening Tool ~~must shall~~ be administered within 48 hours ~~after from~~ the time the juvenile is admitted into detention.
- (c) **Administration of Instrument.** The ~~TJJD TJPC~~ Standard Screening Tool ~~must shall~~ be administered by an individual trained to administer the instrument.
- (d) **Reports to TJJD~~the Commission~~.** The summary scores of all juveniles screened using the ~~TJJD TJPC~~ Standard Screening Tool and any other information required by ~~TJJD the Commission~~ ~~must shall~~ be electronically reported to ~~TJJD the Commission~~ on a monthly basis under §341.49 of this chapter. ~~(CASEWORKER counties), §341.54 of this chapter (non-CASEWORKER counties), or through a separate database provided by the Commission.~~

## §341.37 Case Planning

In accordance with §341.38 or §341.39 of this chapter, a written case plan ~~must shall~~ be developed and implemented for juveniles assigned to progressive sanctions levels three through five and any juvenile given determinate sentence probation under Texas Family Code §54.04(q).

## §341.38 Field Supervision

- (a) **Initial Case Plan.** The initial case plans for juveniles placed on field supervision ~~must shall~~ be:
  - (1) developed in consultation with the juvenile's parent, guardian<sub>i</sub> or custodian<sub>i</sub>; the juvenile<sub>i</sub>; ~~and~~ the supervising juvenile probation officer<sub>i</sub>; and any other interested parties;
  - (2) developed within 60 calendar days ~~after from~~ the date of the juvenile's disposition;
  - (3) signed and dated by the juvenile<sub>i</sub>; the juvenile's parent, guardian<sub>i</sub> or custodian<sub>i</sub>; supervising juvenile probation officer<sub>i</sub>; and any interested parties; and
  - (4) maintained in the juvenile's case file with copies provided to the juvenile and the juvenile's parent, guardian<sub>i</sub> or custodian.
- (b) **Case Plan Review.**
  - (1) Case plans ~~must shall~~ be reviewed and updated:
    - (A) at least once every six months;

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- (B) within 15 calendar days after a juvenile's probation is modified by a court order; and
- (C) within 15 calendar days after acceptance of a juvenile's case from another county for courtesy supervision.
- (2) The juvenile; ~~the supervising juvenile probation officer;~~ and at least one parent, guardian, or custodian ~~and the supervising juvenile probation officer must shall~~ participate in the review process.
- (3) The case plan review ~~must shall~~ document the following:
  - (A) appropriateness of the juvenile's current level of supervision and services;
  - (B) extent of the juvenile's compliance with the individualized case plan;
  - (C) extent of the juvenile's compliance with the conditions of probation;
  - (D) extent of progress toward the goals outlined in the case plan;
  - (E) a projection of a likely date the juvenile is expected to complete probation; and
  - (F) services assessed, offered, or provided to the juvenile and family to address identified risks and needs.
- (4) All case plan reviews ~~must shall~~ be signed and dated by the juvenile; the juvenile's parent, guardian, or custodian; and the juvenile's supervising juvenile probation officer.
- (5) Copies of every case plan review ~~must shall~~ be maintained in the juvenile's case file with copies provided to the juvenile and the juvenile's parent, guardian, or custodian.

## §341.39 Residential Placement

- (a) **Initial Case Plan.** The initial case plans for juveniles placed in residential placement ~~must shall~~:
  - (1) be developed and implemented within 30 calendar days ~~after of~~ the juvenile's initial date of placement;
  - (2) be developed in consultation with the juvenile's parent, guardian, or custodian; the juvenile; the substitute care provider; and the supervising juvenile probation officer;
  - (3) contain specific behavioral goals using the nine domains outlined in ~~1 TAC Title 1 Part 15 Texas Administrative Code~~ §351.13;
  - (4) be signed by the juvenile; ~~and~~ the juvenile's parent, guardian, or custodian; and the juvenile's supervising probation officer; and
  - (5) be retained in the juvenile's case file with copies provided to the juvenile; the juvenile's parent, guardian, or custodian; and the substitute care provider.
- (b) **Case Plan Review.**
  - (1) Case plans ~~must shall~~ be reviewed and updated at least once every 90 calendar days.
  - (2) The juvenile and at least one parent, guardian, or custodian ~~must shall~~ participate in the case plan review with the substitute care provider and the juvenile's supervising juvenile probation officer.
  - (3) The case plan reviews ~~must shall~~ measure the juvenile's progress toward meeting his/her goals using the six-point scale outlined in ~~1 TAC Title 1 Part 15 Texas Administrative Code~~ §351.13.
  - (4) The outcome of the substitute care provider's service delivery ~~must shall~~ be assessed based on whether the child is progressing in ~~fifty~~ 50 percent or more of identified goals.
  - (5) Case plan reviews ~~must shall~~ be signed by the juvenile; the juvenile's parent, guardian, or custodian; and the supervising juvenile probation officer.
  - (6) Copies of every case plan review ~~must shall~~ be retained in the juvenile's case file.

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## §341.40 Level of Supervision

- (a) The juvenile probation department ~~must shall~~ adopt written criteria the department will use to determine a juvenile's level of supervision, while under field supervision.
- (b) The level of supervision ~~must shall~~ be included in the juvenile's written case plan, ~~written under §341.35 of this chapter.~~
- (c) A minimum of one face-to-face contact per month with the juvenile is mandatory unless otherwise noted in the case plan.

## §341.41 Exit Plan

- (a) A written exit plan ~~must shall~~ be developed prior to the juvenile's scheduled release from probation.
- (b) An exit plan is to be provided at a date no later than the date the juvenile successfully completes probation, unless the juvenile was committed to ~~TJJD the Texas Youth Commission.~~
- (c) The written exit plan ~~must shall~~ be developed in consultation with the juvenile, ~~the juvenile's parent, guardian, or custodian,~~ and the supervising juvenile probation officer.
- (d) The exit plan ~~must shall~~ be signed and dated by the juvenile, ~~the juvenile's parent, guardian, or custodian,~~ and the supervising juvenile probation officer.
- (e) The original exit plan ~~must shall~~ be ~~filed placed~~ in the juvenile's case file.
- (f) Copies of the exit plan ~~must shall~~ be provided to the juvenile and the juvenile's parent, guardian, or custodian.

## §341.47 Definitions

The following words or terms, when used ~~during in Division 1 of~~ this subchapter, ~~shall~~ have the following meanings unless the context clearly indicates otherwise.

- (1) ~~CASEWORKER Case Management System~~--A ~~personal~~ computer-based tracking ~~and case management~~ system, ~~developed and supported by the Commission,~~ that provides juvenile probation officers a systematic method to track and manage juvenile offender caseloads.
- (2) **Data Coordinator**--A person employed by a juvenile probation department who is designated by the juvenile board to serve and function as the primary contact with ~~TJJD the Commission~~ on all matters relating to data collection and reporting.
- (3) ~~TJPC-TJJD Monthly Folder~~**Electronic Data Interchange (EDI) -Extract**--An automated process to extract and submit modified case records from the department's ~~CASEWORKER case management~~ system to ~~TJJD the Commission~~. The extract ~~created by CASEWORKER follows in accordance with must be the Electronic Data Interchange Specifications completed in accordance with this chapter.~~
- (4) **Comprehensive Folder Edit**--A report generated in ~~CASEWORKER the Caseworker or Juvenile Case Management System (JCMS) application~~ that performs an extensive edit of the ~~folder case file~~ information. This report identifies incorrectly entered data, unrecoverable files, and questionable data that impact the accuracy of the reports and programs.
- (5) ~~SRSX Edit~~--An audit program developed by TJJD to assist juvenile probation departments not using the Caseworker or JCMS application with verifying their data prior to submission to TJJD.
- (65) ~~Electronic Data Interchange EDI Specifications~~--Document developed by ~~TJJD the Commission~~ outlining the data fields and file structures that each ~~juvenile probation~~ department is required to follow in submitting the ~~TJPC-TJJD monthly folder EDI~~ extract. ~~The Electronic Data Interchange Specifications are published in Subchapter I, §341.60 of this chapter.~~

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## §341.48 Data Coordinator

### (a) Training Requirements.

- (1) The data coordinator shall must have a thorough understanding of ~~the Commission-TJJD's~~ reporting requirements ~~and shall be trained in CASEWORKER by the Commission.~~
- (2) ~~Within 90 days from date of a new designation as data coordinator, the new~~The data coordinator shall must complete attend CASEWORKER training related to data reporting provided by the ~~Commission~~TJJD as needed.

### (b) Duties.

- (1) The data coordinator is responsible for ensuring that all data submitted to the ~~Commission-TJJD~~ by the ~~local~~ juvenile probation department is accurate, timely, and consistent with ~~the Commission-TJJD's~~ reporting requirements.
- (2) The data coordinator must shall ensure that the ~~TJPC-TJJD Monthly Folder~~EDI Extract is received on or by before the applicable due date.

## §341.49 TJJD EDI-TJPC Monthly Folder Extract

- (a) The ~~TJPC-TJJD Monthly Folder~~EDI Extract shall must be sent to the ~~Commission-TJJD~~ via the Internet.
- (b) The extract is due to the ~~Commission-TJJD no later than on~~ the tenth calendar day of each month following the reporting period.
- (c) The TJJD EDI Extract data must include all data fields required by the EDI Specifications. TJJD staff must discuss any proposed changes to the specifications with juvenile probation departments' designated representatives before making substantive changes to the specifications to minimize any disruption and/or resource issues that may be associated with the changes.

## §341.50 Accuracy of Data

- (a) **Required Fields.** The juvenile probation department shall must fill in all applicable data fields for each referral in the department's case management ~~their CASEWORKER~~ system to minimize missing information.
- (b) ~~Comprehensive Folder~~Monthly Edit. ~~The juvenile P~~probation departments shall must run the ~~Comprehensive Folder~~Comprehensive Folder Edit or SRSXEdit on a monthly basis.
- (c) **Errors.** Errors detected by the ~~Comprehensive Folder~~Comprehensive Folder Edit must be corrected prior to the next submission of the EDI Extract. Errors detected by, a ~~Commission-TJJD~~ monitoring visit, or the ~~Commission-TJJD~~ Research and Planning Division upon analysis shall must be corrected prior to ~~the next submission of the TJPC Monthly Folder Extract~~a date provided by TJJD.

## §341.51 Security of Data

### (a) Passwords.

- (1) Each user of the juvenile probation department's case management system must obtain a password to the system. Passwords must not be shared with department employees or other persons. Passwords shall be assigned by the CASEWORKER administrator or management information systems administrator for each individual user and should not be shared by employees or other persons.
- (2) Each department must shall have a limited the number of employees who that are authorized to delete information in the department's case management system~~contained within CASEWORKER.~~
- (3) Access to the department's ~~CASEWORKER case management~~ system must shall be removed concurrent with the termination of a user's the person's employment.

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## (b) Backup and Restoration.

~~(1) The All juvenile probation departments must shall adopt and follow a written policy for the backup and restoration procedures relating to data in their case management system,s relating to data, requiring, at a minimum, a system backup once per week.~~

~~(2) Departments must maintain at least five generations (copies) of data backups.~~

## (c) Off-Site Storage.

~~(1) The All juvenile probation departments must shall store a system backup off-site to be accessible in case of a disaster at the department (e.g., fire, tornado, etc).~~

~~(2) An updated backup for off-site storage must be run at a minimum of once a month, in addition to the five generations of backup.~~

## §341.52 Definitions

~~The following words or terms, when used in Division 2 of this subchapter, shall have the following meanings unless the context clearly indicates otherwise.~~

~~(1) **Data Coordinator**--A person employed by a juvenile probation department who is designated by the juvenile board to serve and function as the primary contact with the Commission on all matters relating to data collection and reporting.~~

~~(2) **TJPC Monthly Folder Extract**--An automated process to gather data relating to all case files in the case management system designed to analyze crime and juvenile trends, program success, and profiling of juvenile offenders. The extract shall be submitted in the format specified by the TJPC Electronic Data Specifications.~~

~~(3) **Electronic Data Interchange Specifications**--Document developed by the Commission outlining the data fields and file structures that each department is required to follow in submitting the TJPC Monthly Folder Extract. The Electronic Data Interchange Specifications are published in Subchapter I, §341.60 of this chapter.~~

## §341.53 Data Coordinator

~~(a) **Training Requirements.** The data coordinator shall attend training, as required and deemed necessary by the Commission, relating to updates on statistical and research-based information and requirements.~~

### ~~(b) Duties.~~

~~(1) The data coordinator is responsible for ensuring that the data submitted to the Commission by the local juvenile probation department is accurate, timely, and consistent with the Commission reporting requirements.~~

~~(2) The data coordinator shall ensure that the TJPC Monthly Folder Extract is received on or by the applicable due date.~~

## §341.54 TJPC Monthly Folder Extract

~~(a) The TJPC Monthly Folder Extract data shall be sent to the Commission via the internet and shall include all data fields required by the TJPC Electronic Data Interchange Specifications.~~

~~(b) The extract is due to the Commission on the tenth day of each month following the reporting period.~~

## §341.55 Accuracy of Data

### ~~(a) Required Fields.~~

~~(1) Departments shall fill in all applicable fields as specified in the CASEWORKER Extract File Layout.~~

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~~(2) If the Commission requires additional fields, each department shall update their case management system to include such information.~~

~~(b) **Maintaining Accuracy.**~~

~~(1) Each department shall have a written policy and procedure to maintain accuracy of data submitted and methods of correcting errors.~~

~~(2) Each department shall report data elements that are consistent with the Commission definitions.~~

~~(c) **Errors.** Errors detected by the department during daily operation, or by the Commission during the annual monitoring visit or by the Commission Research and Planning Division analysis shall be corrected prior to the next submission of the TJPC Monthly Folder Extract.~~

## §341.56 Security of Data

~~(a) **Passwords.**~~

~~(1) Department users shall be required to obtain a password to their case management system.~~

~~(2) Each department shall have a written policy and procedure to ensure secured access and to limit the number of employees that have access to delete information from the case management system.~~

~~(3) Access to the department case management system shall be terminated for people no longer employed by the department.~~

~~(b) **Backup and Restoration.** All juvenile probation departments shall adopt and follow a written policy for backup and restoration.~~

## §341.60 TJPC Monthly Folder Extract

~~The TJPC Monthly Folder Extract data shall include all data fields required by TJPC Electronic Data Interchange Specifications found in the figures below.~~

## §341.65 Definitions

The following words and terms, when used in this subchapter, ~~shall~~ have the following meanings unless the context clearly indicates otherwise.:

- (1) **Approved Physical Restraint Technique ("physical restraint")**--A professionally trained restraint technique that uses a person's physical exertion to completely or partially constrain another person's body movement without the use of mechanical restraints. The approved physical restraint technique ~~must shall~~ be approved for use by ~~TJJD the Commission~~ and adopted by the juvenile board.
- (2) **Approved Mechanical Restraint Devices ("mechanical restraint")**--A professionally manufactured mechanical device to aid in the restriction of a person's bodily movement. The approved mechanical restraint ~~shall must~~ be approved by ~~TJJD the Commission~~ and adopted by the juvenile board. The following are ~~TJJD-Commission~~ approved mechanical restraint devices:
  - (A) **Ankle Cuffs**--Metal, cloth, or leather band designed to be fastened around the ankle to restrain free movement of the legs;
  - (B) **Anklets**--Cloth or leather band designed to be fastened around the ankle or leg;
  - (C) **Handcuffs**--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms;
  - (D) **Plastic Cuffs**--Plastic devices designed to be fastened around the wrist or legs to restrain free movement of hands, arms, or legs;
  - (E) **Waist Band**--A cloth, leather, or metal band designed to be fastened around the waist used to secure the arms to the sides or front of the body; and

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- (F) **Wristlets**--A cloth or leather band designed to be fastened around the wrist or arm ~~which that~~ may be secured to a waist belt.
- (3) **Restraints**--Physical or mechanical restraint.

## §341.66 Requirements

The use of restraints ~~is shall be~~ governed by the following criteria:

- (1) restraints ~~may shall only~~ be used only by juvenile probation officers;
- (2) prior to participating in any restraint, juvenile probation officers ~~must shall be~~:
  - (A) certified in the use of the approved physical restraint technique; and
  - (B) trained in the use of all approved mechanical restraint devices;
- (3) restraints ~~may shall only~~ be used only in instances of threat of imminent self-injury, injury to others, or serious property damage;
- (4) restraints ~~may shall~~ only be used only as a last resort;
- (5) only the amount of force and type of restraint necessary to control the situation ~~may shall~~ be used;
- (6) restraints ~~must shall~~ be implemented in such a way as to protect the health and safety of the juvenile and others; and
- (7) restraints ~~must shall~~ be terminated as soon as the juvenile's behavior indicates that the threat of imminent self-injury, injury to others, or serious property damage has subsided.

## §341.67 Prohibitions

Restraints that employ a technique listed ~~in this section below~~ are prohibited:

- (1) restraints used for punishment, discipline, retaliation, harassment, compliance, or intimidation;
- (2) restraints that deprive the juvenile of basic human necessities including restroom privileges, water, food, and clothing;
- (3) restraints that are intended to inflict pain;
- (4) restraints that put a juvenile face down with sustained or excessive pressure on the back or chest cavity;
- (5) restraints that put a juvenile face down with pressure on the neck or head;
- (6) restraints that obstruct the airway or impair the breathing of the juvenile, including a procedure that places anything in, on, or over the juvenile's mouth or nose;
- (7) restraints that restrict the juvenile's ability to communicate;
- (8) restraints that obstruct the view of the juvenile's face;
- (9) any technique that does not require the monitoring of the juvenile's respiration and other signs of physical distress during the restraint; and
- (10) percussive or electrical shocking devices.

## §341.68 Documentation

**Documentation.** Except as provided by §341.71(a) of this chapter, all restraints ~~must shall~~ be fully documented and the documentation must be maintained. Written documentation regarding the use of restraints ~~must shall~~ require include, at a minimum:

- (1) name of the juvenile;

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- (2) ~~staff member(s)~~ name(s) and title(s) of staff members who administered the restraint;
- (3) date of the restraint;
- (4) duration of the restraint including notation of the time the restraint began and ended;
- (5) location of the restraint;
- (6) description of preceding activities;
- (7) behavior ~~that which~~ prompted the restraint;
- (8) type of restraint applied;
- (9) efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- (10) any injury that occurred during the restraint.

## §341.69 Physical Restraint

In addition to the requirements ~~found~~ in §§341.66, §341.67, and §341.68 of this ~~sub~~chapter, juvenile probation officers ~~must shall~~ be re-certified in the approved physical restraint technique at least once every two years.

## §341.70 Mechanical Restraint

In addition to the requirements ~~found~~ in §§341.66, §341.67, and §341.68 of this ~~sub~~chapter, the use of mechanical restraint, ~~is shall~~ be governed by the following criteria:

- (1) **Requirements.**
  - (A) ~~mechanical~~Mechanical restraints ~~must shall~~ only be used in a manner consistent with their intended use, ~~and~~
  - (B) ~~There must there shall~~ be provisions for the inspection and maintenance of mechanical restraint devices.
- (2) **Prohibitions.**
  - (A) ~~mechanical~~Mechanical restraint devices ~~must shall~~ not be altered from the manufacturer's design, ~~;~~
  - (B) ~~a~~A juvenile ~~must shall~~ not be placed face down while restrained in any mechanical restraint for a period of time longer than necessary to apply the restraint devices, ~~;~~
  - (C) ~~a~~A mechanical restraint ~~must shall~~ not secure a juvenile in a prone position with the juvenile's his or her arms and/or hands behind the his/her juvenile's back and secured to ~~the his/her juvenile's~~ legs, ~~;~~
  - (D) ~~mechanical~~Mechanical restraint devices ~~must shall~~ not be secured so tightly as to interfere with circulation nor so loosely as to cause chafing of the skin, ~~;~~
  - (E) ~~mechanical~~Mechanical restraint devices ~~must shall~~ not be secured to a stationary object, ~~;~~
  - (F) ~~a~~A juvenile in mechanical restraints ~~must shall~~ not participate in any physical activity, ~~and~~
  - (G) ~~plastic~~Plastic cuffs ~~may shall only~~ be used only in emergency situations.

## §341.71 Transporting

- (a) Using ~~Mechanical~~mechanical restraints ~~used~~ during routine transportation in a vehicle, ~~and or~~ the taking of a juvenile into custody are not required to be documented as a restraint.
- (b) During transportation ~~of a juvenile~~ in a vehicle, the juvenile may not be affixed to any part of the vehicle.
- (c) During transportation in a vehicle, a juvenile may not be secured to another juvenile.

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## §341.80 Definitions

The following words and terms, when used in this subchapter, ~~shall~~ have the following meanings unless the context clearly indicates otherwise.

- (1) **Draw**--To un-holster a weapon in preparation for use against a perceived threat.
- (2) **Empty-Hand Defense**--Defensive tactics through the use of pressure points, releases from holds, and blocking and striking techniques using natural body weapons such as an open hand, fist, forearm, knee, or leg.
- (3) **Intermediate Weapons**--Weapons designed to neutralize or temporarily incapacitate an assailant. This level of self-defense employs the use of tools to neutralize aggressive behavior when deadly force is not justified but when empty-hand defense is not sufficient for escaping from a physical confrontation. For the purposes of this subchapter, intermediate weapons include only electronic restraint devices, irritants, and impact weapons.
- (4) **On-Duty**--An officer is engaged in the actual discharge of the officer's duties when the officer is within the course and scope of his/her employment and is actually authorized to engage in the work being performed. Being on-call is not considered as being engaged in the actual discharge of the officer's duties unless or until the officer is actually called into service.

## §341.81 Applicability and Authorization

- (a) **Applicability.** This subchapter applies only to actively certified juvenile probation officers who are authorized to carry a firearm pursuant to this subchapter.
- (b) **Authorization to Carry a Firearm.**
  - (1) In accordance with §142.006 of the Texas Human Resources Code, a juvenile probation officer is authorized to carry a firearm during the course of the officer's official duties if:
    - (A) the juvenile probation officer has been employed for at least one year by the juvenile probation department described in subparagraph (B) of this paragraph;
    - ~~(A) The officer possesses a certificate of firearms proficiency issued by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) under §1701.258 of the Texas Occupations Code verifying successful completion of the TCLEOSE Juvenile Probation Officer Firearms Certification Course;~~
    - (B) ~~The~~ the chief juvenile probation officer of the juvenile probation department that employs the juvenile probation officer authorizes the juvenile probation officer to carry a firearm in the course of the officer's official duties; ~~and~~
    - (C) the juvenile probation officer possesses a certificate of firearms proficiency issued by the Texas Commission on Law Enforcement (TCOLE) under §1701.259 of the Texas Occupations Code; and
    - ~~(C) The juvenile probation officer has been employed for at least one year by the juvenile probation department described in subparagraph (B) of this paragraph.~~
    - (D) the juvenile probation officer has not been designated a perpetrator in a TJJD abuse, neglect, or exploitation investigation.
  - (2) In accordance with §221.35 of this title, a juvenile probation officer must successfully complete TCOLE's current firearms training program for juvenile probation officers to be authorized to carry a firearm in the course of the officer's official duties.
  - (23) This subchapter does not authorize a juvenile probation officer to carry a firearm while not on-duty.
  - (34) A license obtained under Chapter 411, Subchapter H<sub>1</sub> of the Texas Government Code (i.e., Concealed Handgun License), does not enable a certified juvenile probation officer to carry a firearm

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in the course of the officer's official duties and ~~does shall~~ not satisfy, ~~and may not or~~ be accepted in lieu of, the requirements contained in this subchapter.

## **§341.82 Documentation Requirements to Qualify for a Firearms Proficiency Certificate**

~~(a) Documents Required after Obtaining an Initial Firearms Proficiency Certificate. Within five workdays after ~~Prior to~~ obtaining the initial a firearms proficiency certificate from TCOLE TCLEOSE, the chief juvenile probation officer or the supervising officer of the a juvenile probation officer who received the certificate seeking authorization to carry a firearm during the course of his/her official duties must shall provide the following documents proof to the TJJJ: Texas Juvenile Probation Commission of the following required qualifications:~~

- ~~(1) a copy of the Juvenile Probation Officer Firearms Proficiency Certificate from TCOLE; and~~
- ~~(2) a completed, signed, and notarized copy of TJJJ's Verification of Eligibility for Juvenile Probation Officer to Carry Firearm form, including the following required attachments:~~
  - ~~(A) appropriate documentation that the applicant has been subjected to a complete search of local, state, and national records to disclose any criminal record or criminal history;~~
    - ~~(1) current employment as a juvenile probation officer for at least one year by the county juvenile probation department;~~
    - ~~(2) active certification in good standing as a juvenile probation officer by the Texas Juvenile Probation Commission;~~
  - ~~(3) appropriate documentation from each chief juvenile probation officer who has authorized the applicant's participation in the juvenile probation officer firearms proficiency training program and that the applicant has been subjected to a complete search of local, state and national records to disclose any criminal record or criminal history;~~
  - ~~(4B) written documentation from each chief juvenile probation officer who has authorized the applicant's participation in the juvenile probation officer firearms proficiency training program that the applicant has been examined by a psychologist; who was selected by the current employing department and who is licensed by the Texas State Board of Examiners of Psychologists; and~~
  - ~~(5C) a written declaration from the examining psychologist that the officer possesses the requisite psychological and emotional health to carry a firearm in the course of the officer's official duties.;~~
  - ~~(D) documentation of successful completion of TCOLE's current firearms training program for juvenile probation officers;~~
  - ~~(E) documentation of successful completion of at least 20 hours of training in the use of an empty-hand defense tactic, as required by §341.84 of this chapter; and~~
  - ~~(F) documentation of successful completion of adequate training in the use of at least one intermediate weapon, as required by §341.84 of this chapter.~~

~~(b) Documents Required after Obtaining Renewed Firearms Proficiency Certificate. Within five workdays after receiving a renewal of a firearms proficiency certificate from TCOLE, the chief juvenile probation officer or the supervising officer of the juvenile probation officer who receives the certificate must provide the following documents to TJJJ:~~

- ~~(1) a copy of the renewed Juvenile Probation Officer Firearms Proficiency Certificate from TCOLE;~~
- ~~(2) a completed, signed, and notarized copy of TJJJ's Renewal of Verification of Eligibility for Juvenile Probation Officer to Carry Firearm form; and~~
- ~~(3) verification of successful completion of 20 hours of continuing education, as required in §341.89 of this chapter.~~

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## §341.83 Responsibilities of a Juvenile Probation Officer Authorized to Carry a WeaponFirearm

A juvenile probation officer who is authorized to carry a firearm in accordance with this subchapter ~~must~~shall:

- (1) comply with the requirements of this subchapter, the officer's department policies and procedures, and the laws of this State and of the United States;
- (2) be knowledgeable of the places where ~~a~~firearms or other weapons are prohibited;
- (3) immediately report to the chief juvenile probation officer and TJJD if the officer is the Commission any criminal arrestsarrested, chargescharged, or convictionsconvicted of any criminal offense;
- (4) comply with all training, firearms proficiency, and certification requirements of §221.35 of this title;satisfy the firearms proficiency requirements in accordance with §221.1(b) of this title at least once every 12 months;
- ~~(5) successfully complete all sections of the TCLEOSE training course for juvenile probation officers in accordance with §221.35(b) and (c) of this title, including the classroom training and range qualification;~~
- ~~(6) utilize TCLEOSE approved forms for the documentation of the requirements of paragraphs (4) and (5) of this section and provide copies to the Commission;~~
- ~~(7)~~ maintain the firearm and all other authorized weapons in proper working order at all times;
- ~~(8)~~ be responsible for the safe handling of the firearm and all other authorized weapons; and
- ~~(9)~~ store the firearm and other weapons in a secure, locked location designed for secure storage of a weapon when the firearm or other weapon is not on the officer's person.

## §341.84 Use of Force Continuum

- (a) A juvenile probation officer who satisfies the requirements of this subchapter is justified in using force for the protection of persons pursuant to Chapter 9 of the Texas Penal Code.
- (b) Prior to carrying a firearm in the course of the officer's duties, a juvenile probation officer authorized to carry a firearm in accordance with this subchapter ~~must~~shall:
  - (1) receive ~~at least a minimum~~ of 20- hours of training in the use of an empty-hand defense tactics; and
  - (2) receive adequate training in the use of at least one intermediate-~~weapon prior to carrying a firearm in the course of the officer's duty.~~
- (c) A juvenile probation officer who is authorized to carry a firearm must ~~Carry~~ at least one intermediate weapon at all times when the officer carries a firearm.

## §341.85 Responsibilities of Chief Juvenile Probation Officers or Other Supervising Officer

- (a) The chief juvenile probation officer, or the supervising officer of a juvenile probation officer who is authorized to carry a firearm, ~~is shall be~~ subject to the same requirements as an officer authorized to carry a firearm in accordance with this subchapter. This requirement does not mandate the chief juvenile probation officer or ~~the~~ other supervising officer carry a firearm or other weapon in the course of their duties.
- (b) The chief juvenile probation officer, or his/her designee, ~~must shall~~ notify TCOLE TCLEOSE and TJJD the Commission within 24 hours if the department's rescinds its authorization ~~of for~~ a juvenile probation officer to carry a firearm ~~is rescinded~~.
- (c) The chief juvenile probation officer, or his/her designee, ~~must shall~~ submit the requisite forms to TCOLE TCLEOSE and TJJD the Commission within 24 hours if an officer who is authorized to carry a firearm separates from the department.
- (d) The chief juvenile probation officer, or his/her designee, ~~must shall~~ submit to TJJD the Commission the department's approved policies and procedures regarding a juvenile probation officer's authorization to carry a firearm in accordance with this subchapter.

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- ~~(e) The chief juvenile probation officer, or designee, shall submit to the Commission within five working days copies of all requisite training certificates and forms submitted to the TCLEOSE in accordance with this subchapter.~~
- (fe) The chief juvenile probation officer, or his/her designee, ~~must shall~~ conduct an internal investigation in all incidents in which a juvenile probation officer uses an empty-hand defense tactic, draws or uses utilizes an intermediate weapon, or draws or discharges a firearm.
- (gf) The chief juvenile probation officer, or his/her designee, ~~must shall~~ immediately place a juvenile probation officer on administrative leave or reassign him/her the person to a position having no contact with juveniles or relatives of the juveniles if the officer, a juvenile probation officer, who uses an empty-hand defense tactic, ~~utilizes uses~~ or draws an intermediate weapon, or draws or discharges a firearm. The administrative leave or reassignment must be implemented until the conclusion of the internal investigation.

## §341.86 Written Policies and Procedures

Each chief juvenile probation officer who authorizes a juvenile probation officer to carry a firearm in accordance with the requirements contained in this subchapter ~~must shall~~ have written policies and procedures that:

- (1) define which juvenile probation officers within the department are authorized to carry firearms;
- (2) ~~state stipulate~~ whether the firearm is to be purchased and maintained by the department or the individual officer;
- (3) require that the firearm and all other authorized weapons remain under the control of the officer authorized to carry the firearm and weapon(s);
- (4) require that the firearm be fully loaded when carried or worn on-duty;
- (5) require that the officer display credentials identifying the officer as a certified juvenile probation officer while carrying a firearm in accordance with this subchapter;
- (6) describe the circumstances and limitations under which the officer is justified to use force (i.e., self-defense and defense of a third party pursuant to Chapter 9 of the Texas Penal Code);
- (7) specify the firearms to be carried, including the type of firearm, manufacturer, model, and caliber;
- (8) specify the type of ammunition authorized for use in the firearm;
- (9) ~~state prescribe~~ whether the firearm ~~must will~~ be carried in plain view or concealed;
- (10) require that the firearm be encased in an appropriate holster and be worn or carried in ~~such~~ a manner that is appropriate to the situation;
- (11) define the process for reporting and investigating use of force incidents;
- (12) define the process for rescinding or suspending the authorization to carry a firearm;
- (13) prohibit the consumption of alcohol while carrying a firearm or intermediate weapon;
- (14) define the process for conducting an internal investigation of each incident involving a juvenile, in which a juvenile probation officer uses an empty-hand defense tactic, draws or uses utilizes an intermediate weapon, or draws or discharges a firearm; and
- (15) require that a juvenile probation officer be placed on administrative leave or be reassigned to a position having no contact with juveniles or relatives of the juveniles until the conclusion of an internal investigation as required in paragraph (14) of this section. ~~of a use of force as defined in this subchapter.~~

## §341.87 Reporting and Investigating Use of Force Incidents

- (a) The chief juvenile probation officer, or his/her designee, ~~must shall~~ report to TJJD ~~the Commission~~, each incident involving a juvenile, in which a juvenile probation officer uses an empty-hand defense tactic, draws or uses utilizes an intermediate weapon, or draws or discharges a firearm.

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- (1) The initial report ~~must shall~~ be made to ~~TJJD the Commission~~ immediately, but no later than four ~~(4)~~ hours ~~after from~~ the time of the use of force incident.;
  - (2) The initial report ~~must shall~~ be made using the toll-free number as designated by ~~TJJD the Commission~~; and
  - (3) Within 24 hours ~~after of~~ the report by phone, the ~~Juvenile Probation Officer completed~~ Use of Force Incident Report form ~~must shall~~ be submitted to ~~TJJD the Commission~~ via fax or e-mail.
- (b) The chief juvenile probation officer, or ~~his/her~~ designee, ~~must shall~~ report to local law enforcement any discharge of a firearm by a juvenile probation officer immediately, but no later than one ~~(1)~~ hour ~~after from~~ the time of discharge.

## §341.88 Records

- (a) The personnel file of each juvenile probation officer authorized to carry a firearm in accordance with this subchapter ~~must shall~~ contain a copy of the:
- (1) Firearms Proficiency for Juvenile Probation Officers Application;
  - (2) PID Assignment (~~TCOLE TCLEOSE~~-C-1);
  - (3) ~~Criminal-criminal~~ history checks conducted pursuant to the requirements of this subchapter;
  - (4) Licensee Psychological and Emotional Health Declaration (~~TCOLE TCLEOSE~~-L-3); and
  - (5) ~~Proof-proof~~ of annual firearms proficiency.
  - (6) Verification of successful completion of TCOLE's current firearms training program for juvenile probation officers.
- (b) Juvenile probation departments ~~must shall~~ allow ~~TCOLE TCLEOSE~~, other law enforcement agencies, and ~~TJJD the Commission~~ access to records pertaining to firearms and use of force incidents for auditing and investigation purposes.

## §341.89 Training and Qualification Requirements

- (a) ~~No-A~~ juvenile probation officer ~~may not shall~~ be authorized to carry a firearm in the course of ~~their-his/her~~ duties unless the officer has:
- (1) ~~Completed-completed~~ the TCOLE's TCLEOSE-current firearms training program for juvenile probation officers~~approved firearms training program~~;
  - (2) ~~Received-received~~ a certificate of firearms proficiency from ~~TCOLE TCLEOSE~~ as provided in §221.1 of this title; and
  - (3) ~~Completed-completed~~ the training requirements in accordance with §341.84 of this ~~sub~~chapter.
- (b) All training received pursuant to the requirements of this subchapter ~~must shall~~ be received from a ~~TCLEOSE-TCOLE~~-approved instructor.
- (c) All training received pursuant to the requirements of this subchapter ~~must shall~~ be designed with the intent to prepare juvenile probation officers to carry and ~~use utilize~~ firearms, intermediate weapons, and empty-hand defense tactics in the context of self-defense and in defense of a third party.
- (d) In addition to the training requirements contained in Chapter 344 of this title relating to maintaining an active certification as a juvenile probation officer-JPO, a juvenile probation officer authorized to carry a firearm in accordance with this subchapter, ~~must shall~~ successfully complete 20 hours of continuing education every two years. The continuing education ~~must shall~~ be specially designed to enhance the officer's skills and knowledge relating to the proficient and legal use of a firearm, empty-hand defense, and ~~an~~ intermediate weapon as authorized by this subchapter. The training ~~must shall~~ include, but not be limited to:
- (1) ~~U~~se of ~~F~~orce;
  - (2) ~~W~~eapons ~~R~~etention; and

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- (3) ~~C~~risis ~~i~~ntervention.
- (e) Upon completion of each training requirement, the chief juvenile probation officer or his/her designee, must ~~shall~~ submit proof of the successful completion of the training to TJJD ~~the Commission~~ within five workdays ~~after working days of~~ completion of the training.

## §341.90 Disqualifying Conduct

Pursuant to §142.006(b) of the Texas Human Resources Code, a juvenile probation officer is disqualified from seeking authorization to carry a firearm if the officer has been named as a ~~assigned the role of~~ designated or sustained perpetrator in a TJJD ~~TJPC~~ abuse, neglect, or exploitation investigation.

## §341.91 Prohibited Conduct

A certified juvenile probation officer authorized to carry a firearm during the course of the officer's official duties is strictly prohibited from engaging in the following conduct:

- (1) firing warning shots;
- (2) shooting at fleeing vehicles; and
- (3) using a striking weapon as an intermediate weapon.