

Texas Administrative Code

Title 37 Public Safety and Corrections
Part 11 Texas Juvenile Justice Department
Chapter 341 Juvenile Probation Department General Standards

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Subchapter A Definitions

§341.1 Definitions

Effective Date: 4/1/14

The following words and terms, when used in this chapter, 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) **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) juvenile justice alternative education programs;
 - (B) non-residential programs that serve juvenile offenders under the jurisdiction of the juvenile court; and
 - (C) juvenile probation departments.
- (4) **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.

Subchapter B Juvenile Board Responsibilities

§341.2 Administration

Effective Date: 4/1/14

- (a) **Local Juvenile Probation Services Administration.**
 - (1) The juvenile board must employ a chief administrative officer for each autonomous juvenile probation department.
 - (2) The juvenile board must 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 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 participate in the system of community resource coordination groups pursuant to Texas Government Code §531.055.
 - (2) The chair of the juvenile board or his/her designee must serve as representative to the interagency dispute resolution process required by Government Code §531.055.

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- (d) **Notice of Complaint Procedures.** The juvenile board must post the sign provided by TJJJD relating to complaint procedures in a public area of:
- (1) the juvenile probation department; and
 - (2) any facility operated by the juvenile board or by a private entity through a contract with the juvenile board.

§341.3 Policy and Procedures

Effective Date: 4/1/14

- (a) **Personnel Policies.** The juvenile board must adopt written personnel policies.
- (b) **Department Policies.** The juvenile board must adopt written department policies and procedures. These policies must include, at a minimum, the following provisions:
- (1) **Deferred Prosecution.** The deferred prosecution policy must, at a minimum, include the following provisions:
 - (A) The maximum supervision fee for deferred prosecution cases is \$15.00 per month.
 - (B) The monthly fee must be determined after obtaining a financial statement from the parent or guardian.
 - (C) The fee schedule must be based on total parent/guardian income.
 - (D) The chief administrative officer or his/her designee must approve in writing the fee assessed for each child including any waiver of deferred prosecution fees.
 - (E) A deferred prosecution fee must 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, at a minimum, 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 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.
 - (3) **Experimentation.** The juvenile board must adopt a policy that, 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:

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- (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.
 - (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

Effective Date: 4/1/14

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.

Subchapter C Chief Administrative Officer Responsibilities

§341.9 Policy and Procedure Manual

Effective Date: 4/1/14

- (a) The chief administrative officer must develop, maintain, and enforce a policy and procedure manual for the juvenile probation department, which must include the policies and procedures 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 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, and update the manual as necessary.

§341.10 Participation in Community Resource Coordination Groups

Effective Date: 4/1/14

The chief administrative officer or his/her designee must serve as the liaison to the local community resource coordination group pursuant to Texas Government Code §531.055.

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Subchapter D Assessment and Screening

§341.20 Risk and Needs Assessment

Effective Date: 4/1/14

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.

- (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.

Subchapter F Requirements for Juvenile Probation Officers

§341.29 Duties of Certified Juvenile Probation Officers

Effective Date: 4/1/14

- (a) In addition to any duties, responsibilities, or powers granted by Title III of the Texas Family Code, the following duties and responsibilities must be performed only by certified juvenile probation officers:
 - (1) recommending a disposition in formal court proceedings;
 - (2) providing final approval of written social history reports;
 - (3) acting as the primary supervising officer for all court-ordered and deferred prosecution cases;
 - (4) writing and administering case plans in accordance with Subchapter G of this chapter; and
 - (5) 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 worked for the probation department for no more than six months from the individual's date of hire;
 - (2) has received training on each duty listed in subsection (a) of this section; and
 - (3) has received training in recognizing and reporting abuse, exploitation, and neglect.

Subchapter G Case Management Standards

§341.35 Definitions

Effective Date: 4/1/14

The following words or terms, when used in this subchapter, 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 for Juvenile 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 (receiving county) requesting supervision for an adjudicated juvenile who is or will be residing in the receiving county.
- (4) **Exit Plan**--A 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 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.
- (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) **TJJD Standard Screening Tool**--An instrument provided by TJJD to assist in identifying juveniles who may have mental health needs.

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§341.36 Screening

Effective Date: 4/1/14

- (a) **TJJD Standard Screening Tool.** The TJJD Standard Screening Tool must be completed for all juveniles who receive a formal referral to the juvenile probation department. If the TJJD 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 Standard Screening Tool must be administered no later than 14 calendar days after the date of the first face-to-face contact between the juvenile and a juvenile probation officer.
 - (2) **Referrals With Detention.**
 - (A) The TJJD Standard Screening Tool must be administered to each juvenile admitted into detention.
 - (B) The TJJD Standard Screening Tool must be administered within 48 hours after the time the juvenile is admitted into detention.
- (c) **Administration of Instrument.** The TJJD Standard Screening Tool must be administered by an individual trained to administer the instrument.
- (d) **Reports to TJJD.** The summary scores of all juveniles screened using the TJJD Standard Screening Tool and any other information required by TJJD must be electronically reported to TJJD on a monthly basis under §341.49 of this chapter.

§341.37 Case Planning

Effective Date: 4/1/14

In accordance with §341.38 or §341.39 of this chapter, a written case plan must 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

Effective Date: 4/1/14

- (a) **Initial Case Plan.** The initial case plans for juveniles placed on field supervision must be:
 - (1) developed in consultation with the juvenile's parent, guardian, or custodian; the juvenile; the supervising juvenile probation officer; and any other interested parties;
 - (2) developed within 60 calendar days after the date of the juvenile's disposition;
 - (3) signed and dated by the juvenile; the juvenile's parent, guardian, or custodian; supervising juvenile probation officer; 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, or custodian.
- (b) **Case Plan Review.**
 - (1) Case plans must be reviewed and updated:
 - (A) at least once every six months;
 - (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 must participate in the review process.
 - (3) The case plan review must document the following:

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- (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 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 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

Effective Date: 4/1/14

- (a) **Initial Case Plan.** The initial case plans for juveniles placed in residential placement must:
- (1) be developed and implemented within 30 calendar days after 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 §351.13;
 - (4) be signed by the juvenile; 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 be reviewed and updated at least once every 90 calendar days.
 - (2) The juvenile and at least one parent, guardian, or custodian must 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 measure the juvenile's progress toward meeting his/her goals using the six-point scale outlined in 1 TAC §351.13.
 - (4) The outcome of the substitute care provider's service delivery must be assessed based on whether the child is progressing in 50 percent or more of identified goals.
 - (5) Case plan reviews must 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 be retained in the juvenile's case file.

§341.40 Level of Supervision

Effective Date: 4/1/14

- (a) The juvenile probation department must 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 be included in the juvenile's written case plan.
- (c) A minimum of one face-to-face-contact per month with the juvenile is mandatory unless otherwise noted in the case plan.

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§341.41 Exit Plan

Effective Date: 4/1/14

- (a) A written exit plan must 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.
- (c) The written exit plan must 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 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 be filed in the juvenile's case file.
- (f) Copies of the exit plan must be provided to the juvenile and the juvenile's parent, guardian, or custodian.

Subchapter H Data Collection Standards

§341.47 Definitions

Effective Date: 4/1/14

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

- (1) **Case Management System**--A computer-based tracking system 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 on all matters relating to data collection and reporting.
- (3) **TJJD Electronic Data Interchange (EDI) Extract**--An automated process to extract and submit modified case records from the department's case management system to TJJD. The extract must be completed in accordance with this chapter.
- (4) **Comprehensive Folder Edit**--A report generated in the Caseworker or Juvenile Case Management System (JCMS) application that performs an extensive edit of the case file information. This report identifies incorrectly entered data, unrecoverable files, and questionable data that impact the accuracy of the reports and programs.
- (5) **SRSXEdit**--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.
- (6) **EDI Specifications**--Document developed by TJJD outlining the data fields and file structures that each juvenile probation department is required to follow in submitting the TJJD EDI extract.

§341.48 Data Coordinator

Effective Date: 4/1/14

- (a) **Training Requirements.**
 - (1) The data coordinator must have a thorough understanding of TJJD's reporting requirements.
 - (2) The data coordinator must complete training related to data reporting provided by the TJJD as needed.
- (b) **Duties.**
 - (1) The data coordinator is responsible for ensuring that all data submitted to the TJJD by the juvenile probation department is accurate, timely, and consistent with TJJD's reporting requirements.

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- (2) The data coordinator must ensure that the TJJD EDI Extract is received on or before the applicable due date.

§341.49 TJJD EDI Extract

Effective Date: 4/1/14

- (a) The TJJD EDI Extract must be sent to the TJJD via the Internet.
- (b) The extract is due to the TJJD no later than 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

Effective Date: 4/1/14

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

§341.51 Security of Data

Effective Date: 4/1/14

- (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.
 - (2) Each department must limit the number of employees who are authorized to delete information in the department's case management system.
 - (3) Access to the department's case management system must be removed concurrent with the termination of a user's employment.
- (b) **Backup and Restoration.**

The juvenile probation department must adopt and follow a written policy for backup and restoration procedures relating to data in their case management system.
- (c) **Off-Site Storage.**

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

Subchapter J Restraints

§341.65 Definitions

Effective Date: 4/1/14

The following words and terms, when used in this subchapter, 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 be approved for use by TJJD 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 must be approved by TJJD and adopted by the juvenile board. The following are TJJD-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
 - (F) **Wristlets**--A cloth or leather band designed to be fastened around the wrist or arm that may be secured to a waist belt.
- (3) **Restraints**--Physical or mechanical restraint.

§341.66 Requirements

Effective Date: 4/1/14

The use of restraints is governed by the following criteria:

- (1) restraints may be used only by juvenile probation officers;
- (2) prior to participating in any restraint, juvenile probation officers must 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 be used only in instances of threat of imminent self-injury, injury to others, or serious property damage;
- (4) restraints may only be used only as a last resort;
- (5) only the amount of force and type of restraint necessary to control the situation may be used;
- (6) restraints must be implemented in such a way as to protect the health and safety of the juvenile and others; and
- (7) restraints must 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.

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§341.67 Prohibitions

Effective Date: 4/1/14

Restraints that employ a technique listed in this section 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

Effective Date: 4/1/14

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

- (1) name of the juvenile;
- (2) 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 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

Effective Date: 4/1/14

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

§341.70 Mechanical Restraint

Effective Date: 4/1/14

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

- (1) **Requirements.**
 - (A) Mechanical restraints must only be used in a manner consistent with their intended use.

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- (B) There must be provisions for the inspection and maintenance of mechanical restraint devices.
- (2) **Prohibitions.**
- (A) Mechanical restraint devices must not be altered from the manufacturer's design.
- (B) A juvenile must 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 mechanical restraint must not secure a juvenile in a prone position with the juvenile's arms and/or hands behind his/her back and secured to his/her legs.
- (D) Mechanical restraint devices must not be secured so tightly as to interfere with circulation nor so loosely as to cause chafing of the skin.
- (E) Mechanical restraint devices must not be secured to a stationary object.
- (F) A juvenile in mechanical restraints must not participate in any physical activity.
- (G) Plastic cuffs may be used only in emergency situations.

§341.71 Transporting

Effective Date: 4/1/14

- (a) Using mechanical restraints during routine transportation in a vehicle and the taking of a juvenile into custody are not required to be documented as a restraint.
- (b) During transportation 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.

Subchapter K Carrying of Weapons

§341.80 Definitions

Effective Date: 4/1/14

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

- (1) **Draw**--To unholster 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.

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§341.81 Applicability and Authorization

Effective Date: 4/1/14

- (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;
 - (B) 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;
 - (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
 - (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.
 - (3) This subchapter does not authorize a juvenile probation officer to carry a firearm while not on duty.
 - (4) A license obtained under Chapter 411, Subchapter H, of the Texas Government Code (i.e., Concealed Handgun License), does not enable a certified juvenile probation officer to carry a firearm in the course of the officer's official duties and does not satisfy, and may not be accepted in lieu of, the requirements contained in this subchapter.

§341.82 Documentation Requirements

Effective Date: 4/1/14

- (a) **Documents Required after Obtaining an Initial Firearms Proficiency Certificate.** Within five workdays after obtaining the initial firearms proficiency certificate from TCOLE, the chief juvenile probation officer or the supervising officer of the juvenile probation officer who received the certificate must provide the following documents to TJJD:
 - (1) a copy of the Juvenile Probation Officer Firearms Proficiency Certificate from TCOLE; and
 - (2) a completed, signed, and notarized copy of TJJD'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;
 - (B) 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;
 - (C) 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

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- (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 TJJD:
 - (1) a copy of the renewed Juvenile Probation Officer Firearms Proficiency Certificate from TCOLE;
 - (2) a completed, signed, and notarized copy of TJJD'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.

§341.83 Responsibilities of a Juvenile Probation Officer Authorized to Carry a Firearm

Effective Date: 4/1/14

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

- (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 firearms or other weapons are prohibited;
- (3) immediately report to the chief juvenile probation officer and TJJD if the officer is arrested, charged, or convicted of any criminal offense;
- (4) comply with all training, firearms proficiency, and certification requirements of §221.35 of this title;
- (5) maintain the firearm and all other authorized weapons in proper working order at all times;
- (6) be responsible for the safe handling of the firearm and all other authorized weapons; and
- (7) 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

Effective Date: 4/1/14

- (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:
 - (1) receive at least 20 hours of training in the use of an empty-hand defense tactic; and
 - (2) receive adequate training in the use of at least one intermediate weapon.
- (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

Effective Date: 4/1/14

- (a) The chief juvenile probation officer or the supervising officer of a juvenile probation officer who is authorized to carry a firearm is 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 other supervising officer carry a firearm or other weapon in the course of their duties.

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- (b) The chief juvenile probation officer or his/her designee must notify TCOLE and TJJD within 24 hours if the department rescinds its authorization for a juvenile probation officer to carry a firearm.
- (c) The chief juvenile probation officer or his/her designee must submit the requisite forms to TCOLE and TJJD 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 submit to TJJD the department's approved policies and procedures regarding a juvenile probation officer's authorization to carry a firearm in accordance with this subchapter.
- (e) The chief juvenile probation officer or his/her designee must conduct an internal investigation in all incidents in which a juvenile probation officer uses an empty-hand defense tactic, draws or uses an intermediate weapon, or draws or discharges a firearm.
- (f) The chief juvenile probation officer or his/her designee must immediately place a juvenile probation officer on administrative leave or reassign him/her to a position having no contact with juveniles or relatives of the juveniles if the officer uses an empty-hand defense tactic, 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

Effective Date: 4/1/14

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 have written policies and procedures that:

- (1) define which juvenile probation officers within the department are authorized to carry firearms;
- (2) state 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 whether the firearm must be carried in plain view or concealed;
- (10) require that the firearm be encased in an appropriate holster and be worn or carried in 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 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.

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§341.87 Reporting and Investigating Use of Force Incidents

Effective Date: 4/1/14

- (a) The chief juvenile probation officer or his/her designee must report to TJJD each incident involving a juvenile in which a juvenile probation officer uses an empty-hand defense tactic, draws or uses an intermediate weapon, or draws or discharges a firearm.
 - (1) The initial report must be made to TJJD immediately, but no later than four hours after the time of the use of force incident.
 - (2) The initial report must be made using the toll-free number as designated by TJJD.
 - (3) Within 24 hours after the report by phone, the Juvenile Probation Officer Use of Force Incident Report form must be submitted to TJJD via fax or e-mail.
- (b) The chief juvenile probation officer or his/her designee must report to local law enforcement any discharge of a firearm by a juvenile probation officer immediately, but no later than one hour after the time of discharge.

§341.88 Records

Effective Date: 4/1/14

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

§341.89 Training and Qualification Requirements

Effective Date: 4/1/14

- (a) A juvenile probation officer may not be authorized to carry a firearm in the course of his/her duties unless the officer has:
 - (1) completed TCOLE's current firearms training program for juvenile probation officers;
 - (2) received a certificate of firearms proficiency from TCOLE as provided in §221.1 of this title; and
 - (3) completed the training requirements in accordance with §341.84 of this chapter.
- (b) All training received pursuant to the requirements of this subchapter must be received from a TCOLE-approved instructor.
- (c) All training received pursuant to the requirements of this subchapter must be designed with the intent to prepare juvenile probation officers to carry and use 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, a juvenile probation officer authorized to carry a firearm in accordance with this subchapter must successfully complete 20 hours of continuing education every two years. The continuing education must 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 include, but not be limited to:
 - (1) use of force;

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- (2) weapons retention; and
 - (3) crisis intervention.
- (e) Upon completion of each training requirement, the chief juvenile probation officer or his/her designee must submit proof of the successful completion of the training to TJJJ within five workdays after completion of the training.

§341.90 Disqualifying Conduct

Effective Date: 4/1/14

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 designated or sustained perpetrator in a TJJJ abuse, neglect, or exploitation investigation.

§341.91 Prohibited Conduct

Effective Date: 3/1/11

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.