

## ARE DISCIPLINARY CASES PROCESSED?

After the ANE Division concludes its investigation, the case will be referred to the Legal Division for possible disciplinary action.

A disciplinary hearing committee will consider the case and make a recommendation regarding the appropriate disciplinary action. Examples of recommended formal disciplinary action include: probated suspension (the

officer is allowed to continue working in the capacity of a certified officer); active suspension (the officer cannot continue

working in the capacity of a certified officer); and revocation (the certification is revoked by the Commission and, consequently, the officer can no longer work as a certified officer and will never be granted another certification by the Commission in the future). Alternatively, the disciplinary committee may consider the corrective action taken by the officer's employer in response to the incident and recommend that the case be closed with no formal disciplinary action initiated by the Commission.

If formal disciplinary action is recommended, a petition for disciplinary action, which contains notification to the officer of the allegations and gives notice of opportunity for a hearing, will be sent to the officer's last known address on file with the Commission. It is very important that if an officer separates from employment, he/she contact the Commission to update his/her mailing address.



## WHEN CAN I EXPECT TO RECEIVE NOTICE IF DISCIPLINARY ACTION IS RECOMMENDED?

**The time periods for investigating an ANE case and initiating disciplinary action can vary greatly depending on the facts and circumstances of each individual case.** For instance, if there is a pending law enforcement investigation related to the ANE incident, there can be a significant time period between the ANE incident and receiving notice of disciplinary action. An officer may contact the Commission at any time to inquire as to the status of his/her ANE and/or disciplinary case.

## WHAT ARE MY RIGHTS AFTER A PETITION SEEKING DISCIPLINARY ACTION IS FILED?

Along with the petition, an offer to dispose of the case informally will be mailed to the officer. Certified officers are not obligated to accept the informal offer and have the right to a hearing. If the officer chooses to settle the matter informally, an agreed order will be sent to him/her for signature and will then be returned to the Commission for its approval. If the officer chooses to proceed to a hearing, a hearing examiner will conduct a hearing and then present a recommended decision to the governing board of the Commission. The board ultimately decides the resolution of the case. All final formal disciplinary actions are posted on the Commission's website.

## WHO CAN I CALL IF I STILL HAVE QUESTIONS OR NEED MORE INFORMATION?

Address updates and questions related specifically to certification may be directed to the Commission's certification officer. Questions related to disciplinary action may be directed to the Commission's enforcement attorney in the Legal Division. You may reach either of these persons by calling (512) 424-6700.

## Now That You Are a Juvenile Probation or Detention Officer:

## Disciplinary Processes for Certified Officers



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The Texas Juvenile Probation Commission recognizes that most certified officers adhere to the highest standards of professionalism and take pride in the crucial role they play in working with youth. However, there are some circumstances in which an officer may risk losing the privilege of working as a certified officer in the field of juvenile justice. For example, any officer who has been designated as a perpetrator in an abuse, neglect or exploitation (ANE) case, has been convicted of a crime or has otherwise violated the Commission's code of ethics may be subject to disciplinary action.

This brochure provides an explanation and overview of the disciplinary hearing process for officers certified by the Commission.



The Commission is required by law to take the appropriate administrative steps to initiate disciplinary action and ensure that every officer is provided with an opportunity for due process prior to revocation or suspension of certification. The Commission is responsible for reviewing all of the relevant evidence relating to disciplinary matters, providing an opportunity to be heard, and determining the appropriate disciplinary action to be taken regarding an officer's continued certification. The Commission's disciplinary process is conducted in addition to any resolution of the matter that may have occurred or may be ongoing at the local level.

A certified officer may be held accountable and subject to multiple sanctions arising



from one ethical, civil or criminal violation. An officer's act or omission may be addressed by more than one entity with distinct jurisdictional and administrative authority. In addition to possible court prosecution, disciplinary sanctions imposed by the local department will not prevent further action by the Commission. In fact, the defense of double jeopardy or a claim of successive prosecution will not apply in these kinds of cases. For example, an officer could conceivably be convicted or held responsible in criminal and civil court at both the state and federal levels for the same conduct. In other words, the certified officer may be suspended, demoted or terminated from his/her job at the department, tried in court and also subject to agency disciplinary sanctions or decertification by the Commission.

Juvenile detention and probation officers who are certified by the Texas Juvenile Probation Commission must adhere to the Officer Code of Ethics contained in Texas Administrative Code Section 343.17 (detention officers) and Section 341.30 (probation officers). These provisions provide, in part, that certified officers:

- ★ Shall abide by all federal and state laws and Commission standards;
- ★ Shall serve each child with concern for the child's welfare;
- ★ Shall not maintain inappropriate relationships with juveniles residing in a facility or under the jurisdiction of the juvenile court; and
- ★ Shall not be designated a perpetrator in a Commission ANE investigation.

## HOW THE DISCIPLINARY PROCESS CAN AFFECT A CERTIFIED OFFICER

Certified officers generally become involved in the disciplinary process through an ANE case. However, code of ethics violations not involving ANE, such as being convicted of a crime or failing to maintain the integrity of confidential information related to a child, could also result in disciplinary action by the Commission.

## CAN BOTH THE COMMISSION AND THE JUVENILE PROBATION DEPARTMENT DISCIPLINE A CERTIFIED OFFICER?

Yes. The Juvenile Probation Department, as the officer's employer, can impose corrective or disciplinary action as a result of any infraction of employment policies.

Regardless of the disciplinary action imposed by the employer, the



Commission, as the agency that issues the certification, may also discipline a certified officer. The Commission may discipline an officer for code of ethics violations even if the employer chooses not to take any corrective employment action as a result of an incident.

## IF AN OFFICER IS TERMINATED OR RESIGNS, CAN THE COMMISSION STILL PURSUE DISCIPLINARY ACTION?

Yes. The Commission has the ability to initiate disciplinary action regardless of the officer's employment status.