

How Are Disciplinary Cases Processed by the Texas Juvenile Justice Department?

An attorney with the Office of General Counsel (OGC) reviews cases to determine the appropriate disciplinary action after the Administrative Investigations Division (AID) concludes its investigation and refers the case to OGC or after a county facility or program refers a Code of Ethics violation case to OGC.

Examples of disciplinary action include: written reprimand, 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; the officer can no longer work as a certified officer and will not be granted another certification in the future). Alternatively, the case may be closed with no formal disciplinary action initiated by TJJD.

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 Texas Juvenile Justice Department. It is very important that if an officer separates from employment, he/she contact TJJD to update his/her mailing address.



When Can I Expect to Receive Notice if Disciplinary Action is Recommended?

The time periods for investigating an abuse, neglect or exploitation (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 TJJD at any time to inquire as to the status of his/her ANE 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 to sign and return to TJJD for its approval. If the officer does not choose to settle the matter informally, he/she has 20 days to submit a written response to the petition and to request a hearing before the State Office of Administrative Hearings (SOAH). If the officer does not submit a response to the petition within 20 days, the TJJD Board (Board) can enter a decision by default. If the case goes to hearing, SOAH will conduct a hearing and then present a recommended decision to the Board. The Board ultimately decides the resolution of the case. All final formal disciplinary actions involving suspension or revocation, including probated suspension, are posted on TJJD's website.

Who Can I Call With Questions or Receive More Information?

Questions related specifically to certification may be directed to TJJD's Certification Office. Questions related to disciplinary action may be directed to TJJD's enforcement attorney in the Office of General Counsel. You may reach either of these persons by calling 512.490.7130.



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DISCIPLINARY PROCESS FOR CERTIFIED OFFICERS



A publication for juvenile probation officers, juvenile supervision officers, and community activities officers



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The Texas Juvenile Justice Department (TJJD)

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 Administrative Investigations Division (AID) case, has been convicted of a crime, or has otherwise violated TJJD'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 TJJD.

TJJD 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. TJJD 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. TJJD'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.

Any action taken by TJJD is an action related solely to the individual's certification as a probation officer, supervision officer, or community activities officers. It is independent of actions taken by the employer or of any criminal or civil suit that may arise out of the individual's conduct. In other words, one incident could result in a certified officer being disciplined at work, convicted of a crime, civilly sued, and having his or her certification suspended or revoked by TJJD.



Certified JPO's, JSO's, and CAO's must adhere to the Officer Code of Ethics contained in 37 Texas Administrative Code Chapter 345. These provisions provide, in part, that certified officers:

- **Must follow all federal and state laws and TJJD standards;**
- **Must serve each child with concern for the child's welfare;**
- **Must not maintain inappropriate relationships with juveniles;**
- **Must not be designated a perpetrator in a TJJD AID investigation; and**
- **Must not disclose confidential information or falsify documents**



How Can the Disciplinary Process Affect a Certified Officer?

Certified officers generally become involved in the disciplinary process through an AID case. However, Code of Ethics violations not involving AID, 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 TJJD.

Can Both TJJD 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, TJJD, as the agency that issues the certification, may also discipline a certified officer. Additionally, TJJD 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 TJJD Still Pursue Disciplinary Action?

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

