

Texas Juvenile Probation Commission
Title 37 Texas Administrative Code
Chapter 345. Ethics
Juvenile Justice Professionals Code of Ethics and Code of Conduct
Anticipated Effective Date 9/1/2009

Subchapter A. Definitions and Applicability

§345.100 Definitions. Terms used in this Chapter shall have the following meanings unless otherwise expressly defined within the Chapter.

~~(a) Juvenile Justice Program~~

(a) **Commission** - Texas Juvenile Probation Commission

(b) **Juvenile** – A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program.

(c) **Juvenile Justice Facility** (“facility”) – A facility, including its premises and all affiliated sites, whether contiguous or detached, operated wholly or partly by or under the authority of the governing board, juvenile board or by a private vendor under a contract with the governing board, juvenile board or governmental unit that serves juveniles under juvenile court jurisdiction. The term includes:

(1) A public or private juvenile pre-adjudication secure detention facility, including a short-term detention facility (i.e., holdover) required to be certified in accordance with Texas Family Code Section 51.12;

(2) A public or private juvenile post-adjudication secure correctional facility required to be certified in accordance with Texas Family Code Section 51.125, except for a facility operated solely for children committed to the Texas Youth Commission; and

(3) A public or private non-secure juvenile post-adjudication residential treatment facility housing juveniles under juvenile court jurisdiction.

(d) **Juvenile Justice Professional** – A person who is certified or a person who is seeking certification as a juvenile probation officer or juvenile supervision officer and who is employed by a juvenile justice department, juvenile justice program or juvenile justice facility

(e) **Juvenile Justice Program** (“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 program and a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court or juvenile board jurisdiction and a juvenile probation department.

(f) **Juvenile Probation Department** (“department”) – All physical offices and premises utilized by a county or district level governmental unit established under the authority of a juvenile board(s) to facilitate the execution of the responsibilities of a juvenile probation department enumerated in Title 3 of the Texas Family Code and Chapter 141 of the Texas Human Resources Code.

Subchapter B. ~~Ethics Standards Code of Conduct for Juvenile Justice Programs Professionals~~

§345.200-110. Applicability.

(a) ~~An employee~~ Unless otherwise noted, this code of ethics and code of conduct apply equally to persons certified and to persons seeking certification as juvenile probation officers or juvenile supervision officers (hereafter referred to as "juvenile justice professionals") employed by a juvenile justice department, juvenile justice program or juvenile justice facility. ~~Juvenile justice professional employed by in a public or private Juvenile Justice Program holds his or her the position for the benefit of the citizenry of the State of Texas and is obligated to act with responsibility and in the public interest. As such, department employees certified juvenile justice professionals are expected to strive at all times to perform their duties efficiently, faithfully, loyally, and in accordance with federal, state, and local laws, the department's employee personnel manual and in accordance with the administrative rules adopted by the Texas Juvenile Probation Commission (Commission) Compliance standards. Any employee certified juvenile justice professional who violates the provisions of this chapter shall be subject to immediate disciplinary action that may include criminal charges and decertification by under the department's Commission's administrative authority of the Commission. To this end the Commission subscribes to the following principles. (Florida & Penn)~~

(b) The intent of the code of ethics and code of conduct is not to preclude disciplinary action at the employment level for violations of local policies and procedures, but rather to maintain an appropriate level of accountability with respect to the Commission as the entity that issues the credentialing to certified juvenile probation officers or juvenile supervision officers.

§345.202. Access and Adherence. ~~All employees shall receive a copy of, or have access to the Department's Employee Code of Ethics and Personal Responsibility. To facilitate an employee of the Department's expectations, it is the responsibility of supervisors/managers to ensure that each employee is provided a copy of this Code to read and that a copy is available at all times in the facility or office and on the Department's Internet Website. Supervisors/managers must also ensure that employees sign and submit a Statement of Personal Responsibility acknowledging receipt of a copy of the jurisdiction's code of ethics.~~

Subchapter B. Policy and Procedure.

§345.200. Policy and Procedure. Departments, programs and facilities shall have written policies and procedures for reporting violations of the code of conduct to the administration of the department, program or facility and the Commission.

§345.210. Adherence. ~~employed by in a public or private Juvenile Justice Program hold his or her position for the benefit of the citizenry of the State of Texas and is obligated to act with responsibility and in the public interest. As such, department employees are expected to strive at all times to perform their duties efficiently, faithfully, loyally, and in accordance with federal, state, and local laws, the department's employee personnel manual and in accordance with the administrative rules adopted by the Texas Juvenile Probation Commission Compliance standards. Any employee who Juvenile justice professionals found to be in violation of the provisions of this chapter shall be subject to immediate disciplinary action that may include criminal charges and decertification by under the department's Commission's administrative authority of the Commission. To this end the Commission subscribes to the following principles. (Florida & Penn)~~

Subchapter C. Code of Ethics.

§345.300. Code of Ethics. Juvenile justice professionals ~~employed by in a public or private Juvenile Justice Program hold his or her their positions for the benefit of the citizenry of the State of Texas and is are obligated to act with responsibility and in the public interest.~~

(a) ~~As such, department employees~~ Juvenile justice professionals ~~are expected to~~ shall strive at all times to perform their duties efficiently, faithfully and loyally. ~~and in accordance with federal, state, and local laws, the department's employee personnel manual and in accordance with the administrative rules adopted by the Texas Juvenile Probation Commission Compliance standards~~

- (b) ~~Officers~~ Juvenile justice professionals shall respect the significance of all elements of the justice and human services systems and cultivate a professional cooperation with each segment.
- (c) ~~Officers~~ Juvenile justice professionals shall encourage relationships with colleagues of such character to promote mutual respect within the profession and improve quality of service.
- (d) Juvenile justice professionals shall treat others with courtesy at all times and refrain from making statements critical of other juvenile justice professionals unless, these are verifiable and constructive in purpose.
- (e) Juvenile justice professionals shall maintain a standard of professional performance and take every reasonable opportunity to enhance and improve their professional knowledge and competence.
- (f) Juvenile justice professionals shall accept responsibility for their actions, as well as inactions, on or off duty, when those actions bring disrepute on the public image of the juvenile justice profession.
- (g) Juvenile justice professionals shall demonstrate empathy toward the juveniles and families they serve.
- (h) Juvenile justice professionals shall perform all duties in a professional and competent manner.
- (i) Juvenile justice professionals shall not allow the actions or failings of others to be an excuse for not performing duties in a responsible, professional and expected manner.
- (j) ~~Officers~~ Juvenile justice professionals shall respect and consider the right of the public to be safeguarded against juvenile delinquency.
- (k) Juvenile justice professionals shall conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.
- (l) ~~Officers~~ Juvenile justice professionals shall not make statements critical of colleagues or ~~the~~ the juvenile justice program system unless these are verifiable and constructive in purpose.

Subchapter D. Code of Conduct.

§345.400. Adherence and Reporting Violations.

- (a) Juvenile justice professionals shall adhere to the code of conduct set forth in this chapter, in order to contribute to the welfare of the juveniles and families served by the juvenile justice profession.
- (b) ~~Officers~~ Juvenile justice professionals shall report to the appropriate authorities any corrupt behavior or violations of the code of conduct. ~~unethical behaviors which could affect either a child or the integrity of the facility or department. (Idaho & First H)~~

§345.410. Code of Conduct. Juvenile justice professionals found to be in violation of the provisions of this subsection shall be subject to disciplinary action that may include criminal charges and also may include removal or denial of the professional certification issued under the administrative authority of the Commission.

- (a) ~~Officers~~ Juvenile justice professionals shall abide by all federal, state, and local laws and administrative rules adopted by the Commission ~~standards~~.
- (b) ~~Officers~~ Juvenile justice professionals shall respect the authority and follow the lawful directives of the juvenile court and ~~the local~~ governing juvenile board.
- (c) ~~Officers~~ Juvenile justice professionals shall respect and protect the ~~civil and legal rights~~ constitutional rights of all ~~children~~ juveniles and the parents and guardians of the juveniles to liberty, equality and justice;

(d) A juvenile justice professional's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The professional's personal behavior must be beyond reproach.

(e) ~~Officers shall not discriminate against any employee, prospective employee, child, child care provider, or parent on the basis of age, race, sex, creed, disability, or national origin.~~ Juvenile justice professionals shall perform all duties impartially, without favor, affection, ill will or discrimination and without regard to status, ~~sex~~ gender, race, religion, political belief or aspiration. All juveniles and the families of juveniles shall be treated equally with courtesy, consideration and dignity.

(f) Juvenile justice professionals shall avoid the appearance of impropriety, conflict of interest, and/or undue influence in the selection and assignment of juvenile community service worksites and placements.

(g) ~~Officers~~ Juvenile justice professionals shall not accept any gifts, presents, favors, subscriptions, gratuities or promises that imply an obligation or could be interpreted as seeking to cause the juvenile justice professional to refrain from the free and objective exercise of professional responsibilities.

(h) ~~Officers~~ Juvenile justice professionals shall not use official position to secure privileges or advantage, or engage in corruption or bribery, nor condone such acts by other juvenile justice professionals.

(i) ~~Officers~~ Juvenile justice professionals shall serve each ~~child~~ juvenile with concern for the ~~child's~~ juvenile's welfare and with no purpose of personal gain. Juvenile justice professionals shall never allow personal feelings, interests, animosities or friendships to influence official conduct or impair their objectivity.

(j) ~~Officers~~ Juvenile justice professionals shall not engage in or maintain an inappropriate relationship, or the appearance of an inappropriate relationship with a juvenile or member of a juvenile's family. ~~in a juvenile justice program or under the jurisdiction of the juvenile board. An inappropriate relationship can include but is not limited to: bribery, solicitation or acceptance of gifts, favors, or services from juveniles or their families.~~

(k) Juvenile justice professionals shall never employ unnecessary force or violence and shall only such force with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. The use of force shall never engage in cruel, degrading or inhumane treatment of any person.

(l) ~~Officers~~ Juvenile justice professionals shall not interfere with or hinder an ~~abuse, exploitation and neglect~~ internal investigation conducted under §343.3(e) Chapter 358 of this title, a Commission ~~abuse, exploitation and neglect~~ investigation conducted under the authority of Texas Family Code Chapter 261 and Chapter 349-350 of this title, any criminal investigation or any other investigation conducted by a legally authorized entity. ~~conducted by a law enforcement agency.~~

(m) ~~Officers~~ Juvenile justice professionals shall not be designated as a perpetrator in an investigation of Commission abuse, neglect or exploitation ~~investigation~~ conducted by the Commission under the authority of Texas Family Code Chapter 261 and Chapter ~~349~~ 350 of this title.

(n) ~~Officers~~ Juvenile justice professionals shall maintain the integrity of private information and not seek personal data beyond that needed to perform their responsibilities, nor reveal case information to anyone not having proper professional use for such.

(o) ~~Officers~~ Juvenile justice professionals shall not falsify or make material omissions or intentionally erroneous entries on ~~Department and/or state official documents governmental records including employment forms, time records, travel records, certification and training records and any other forms, documents or records used in the course of official business.~~ Any alterations to such documents must reflect the person making the alteration and the date it was made.

(p) ~~Officers~~ Juvenile justice professionals shall be diligent in their responsibility to record and make available for review any and all information which could contribute to sound decisions affecting a juvenile or the public safety.

~~(q) Officers~~ Juvenile justice professionals shall not deliver into nor remove from the grounds of a juvenile ~~detention~~ justice department, program or facility any item of contraband and shall not exercise possession or control of any item of contraband while on the grounds of a juvenile ~~detention~~ justice department, program or facility grounds.

~~(r) Officers~~ Juvenile justice professionals shall not engage in behaviors which misuse state funds or fiscal or business office practices or materials belonging to a department, program or facility including but not limited to: falsifying time sheets, theft or misuse of office supplies, use of facility or department property for personal use, and which use the personal affects or funds belonging to a juvenile. resident of a facility or child under the jurisdiction of the juvenile court.

~~(s) Officers~~ Juvenile justice professionals shall not make statements critical of colleagues or their the juvenile justice program system unless these are verifiable and constructive in purpose.

We can link the following excerpts from the Penal Code to several of these:

- § 36.08 Penal Code--Gift to Public Servant by Person Subject to His Jurisdiction
- § 39.02 Penal Code - Abuse of Official Capacity
- § 39.03 Penal Code - Official Oppression
- § 39.04 Penal Code - Violations of the Civil Rights of Persons in Custody; Improper Sexual Activity with Person in Custody
- § 37.10 Penal Code – Tampering with Governmental Record