

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-1.1.10

DATE: 09/23/15

PAGE: 1 of 7

SUPERSEDES: 09/05/13

SUBJECT: PAROLE OFFICER FIREARM GUIDELINES – BASIC FIREARM ORIENTATION

AUTHORITY: TEXAS PENAL CODE § 46.158, TEXAS OCCUPATIONS CODE § 1701.257, TEXAS COMMISSION ON LAW ENFORCEMENT (TCOLE) RULES HANDBOOK

PURPOSE: This policy establishes procedures for officers employed by the Texas Department of Criminal Justice (TDCJ)–Parole Division to obtain authorization to carry a firearm while on duty.

PROCEDURE:

I. QUALIFYING PROCESS

- A. The applicant must be employed by the TDCJ–Parole Division and classified by the State of Texas as a parole officer (officer), specifically, Parole Officer I, Parole Officer II, Parole Officer III (unit supervisor), Parole Supervisor, Assistant Region Director, Region Director, Deputy Director, or Division Director.
- B. The applicant must be eligible to own and carry a firearm under federal law and must have a clear criminal record. For purposes of this policy, clear criminal record means the following:
 - 1. No felony convictions including deferred adjudication or community supervision;
 - 2. No class A misdemeanor convictions within the past ten years or Class B misdemeanor convictions within the past five years, including deferred adjudication or community supervision; and
 - 3. No Class C family violence convictions and no deferred adjudication based on a guilty or nolo contendere plea to a Class C misdemeanor for family violence.
- C. The applicant must successfully complete the firearm orientation class conducted by the division, which includes the use of Oleoresin Capsicum (OC).

II. PRE-APPROVAL PROCESS

- A. The decision to request approval to carry a firearm on duty is entirely at the discretion of each officer. Officers who want to carry a firearm shall email the Region Director in their region of assignment and seek approval to begin with the psychological testing.
- B. Upon receipt of the applicant's email, the Region Director shall determine if the applicant meets the criteria list in sections I.A. and I.B.
- C. The Region Director shall also determine if the applicant:
 - 1. Is taking any medication, prescribed or over the counter (OTC), that affects motor skills, reflexes, or judgment; or
 - 2. Has demonstrated conduct that would adversely affect the applicant's safety or the safety of others; or
 - 3. Has a Personnel Directive 22 (PD 22), General Rules of Conduct and Disciplinary Action Guidelines for Employees, violation that indicates their ability to carry a firearm is in question.
- D. After the Region Director has determined that the officer meets the initial requirements to carry a firearm, the Region Director may authorize the officer to proceed to the psychological testing phase.

III. APPROVAL PROCESS

- A. To receive approval to continue with the firearm process, the officer must satisfy the following requirements in the following order:
 - 1. Submit the Licensee Psychological and Emotional Health Declaration (L-3) form, completed by a Texas licensed psychologist or psychiatrist, certifying the officer's eligibility to carry a firearm;

Note: The psychologist/psychiatrist must not be related to the officer.
 - 2. Within six (6) months of obtaining the L-3, complete the Texas Commission on Law Enforcement (TCOLE) Firearms Training Program for Supervision Officers and successfully pass the Firing Range Qualification Course; and
 - 3. Obtain a certificate of firearms proficiency issued by TCOLE, qualifying with the actual firearm(s) the officer will carry while on duty. If the officer has more than one firearm that he may want to carry on different days, the certificate of firearm proficiency must specifically reflect proficiency with each of the firearms.
- B. The officer shall submit documentation to the Region Director that all of the above steps have been completed. The Region Director shall determine whether to grant or deny the request to carry a firearm while on duty.

If approval is granted, the officer shall sign the Acknowledgement of Policies and Procedures form (PSV-55) acknowledging that he/she understands the Parole Division's policies and procedures and will comply with said policies.

- C. The Region Director or designee shall maintain all documents and records related to the firearms qualification and the entire approval process, including the original signed acknowledgment.

IV. RESCINDING OR SUSPENDING AUTHORIZATION TO CARRY A FIREARM

- A. The Division Director, Deputy Director, or Region Director may withdraw authorization to carry a firearm. Authorization to carry a firearm may be withdrawn if the officer has received counseling indicating that their judgment is in question.
- B. In the event the officer no longer meets one or more of the qualifying criteria in section I, authorization to carry a firearm shall be suspended or rescinded depending on the nature of the disqualification.
- C. If an officer's authorization to carry a firearm is suspended or rescinded, he may reapply for authorization. If authorization to carry a firearm is granted within twelve (12) months of the date from the suspension or rescission order, the officer shall be allowed to resume his prior recertification schedule. If authorization to carry a firearm is granted after twelve (12) months from the date of the suspension or rescission order, the officer shall repeat the approval and qualifying process.
- D. Once authorization has been withdrawn, the Region Director or designee shall ensure that the officer surrenders his firearms badge and TCOLE card.

V. REQUALIFICATION

- A. The officer shall successfully complete annual range requalification per procedures outlined in the TCOLE Course No. 2401 [CSO & PO Firearms (TDCJ)] qualification requirements and shall forward a copy of the new certificate of firearm proficiency to his Region Director. Each officer who is authorized to carry a firearm on duty may utilize up to eight (8) hours per fiscal year for firearms practice and/or requalification, provided that advance supervisory consent is obtained.
- B. The TCOLE firearms training authority shall maintain all training records and notify the Region Director in writing of the officers who attempted to requalify, but failed.

In the event of a failure to requalify, the authorization to carry a firearm on duty will be suspended and the employee will not be authorized to carry a firearm until he requalifies.

Any attempt to requalify on the firing range must be completed prior to the expiration of the TCOLE card. TCOLE cards may be renewed within (prior to) forty-five (45) days of the expiration date.

- C. If the officer fails to renew his TCOLE card or fails to requalify, the Region Director or designee shall ensure that the officer surrenders his firearms badge and TCOLE card.

VI. FIREARM AND AMMUNITION STANDARDS

- A. While on duty, an officer shall only carry his approved firearm that meets the following standards, as established by the Parole Division:

- 1. Type

- a. Double-action revolver with a 2"-5" barrel, or
- b. Semi-automatic pistol with a 2"-5" barrel.

- 2. Manufacturers

- | | |
|-------------|-----------------------|
| a. AMT | i. Para Ordnance |
| b. Beretta | j. Ruger |
| c. Browning | k. Springfield Armory |
| d. Colt | l. Smith & Wesson |
| e. Glock | m. Sig-Sauer |
| f. H & K | n. Taurus |
| g. Kimber | o. Walther |
| h. Kel-Tec | |

- 3. Caliber

- a. 9 millimeter
- b. 10 millimeter
- c. 40 caliber
- d. 45 caliber
- e. 357 caliber
- f. 38 caliber

- B. Firearm Approval

- 1. A certified TCOLE instructor shall verify that the firearm is mechanically sound, in good repair, and approved for use.
- 2. The officer shall qualify with the same firearm he intends to carry while on duty, which shall be verified by the manufacturer's serial number engraved on the firearm.
- 3. If the officer desires to carry a different firearm, qualification with that firearm is also required.

- C. Ammunition standards are as follows:
1. All ammunition carried shall be factory-original loads with bullet weight between 115 and 250 grains with a controlled expansion-type bullet (hollow point), per Sporting Arms Ammunition Manufacturers' Institute (SAAMI) guidelines.
 2. Only factory-original loads of ammunition shall be used during practice and the firearms qualification process.
 3. No extended magazines shall be carried.
 4. Magazine capacity shall not exceed fifteen (15) rounds.

VII. GENERAL GUIDELINES

- A. Officers who choose to carry a firearm shall do so at their own expense, which includes the cost of the psychological testing, firearm(s), equipment, and ammunition.
- B. Once an officer who is authorized to carry a firearm while on duty leaves the Agency for any reason (e.g., dismissal, retirement), the Region Director or designee shall submit the TCOLE Community Supervision Officer Firearms Certificate (P-1) form within three (3) business days to the TCOLE coordinator, Attn. Credentialing Department. The P-1 is available on the TCOLE web site under the Forms & Applications section.
- C. The firearm shall be carried in a concealed manner at all times. Suitable clothing options are allowed for concealment purposes, such as pullover outer garments (e.g., shirts, blouses, etc.), as long as a casual professional appearance can be maintained.
- D. The firearm must remain holstered at all times and remain in control of the person authorized to carry the firearm. The firearm shall be holstered even when it is being stored.
- E. A Parole Division-issued badge shall be worn on the officer's belt or worn so that the badge is clearly visible whenever the firearm is drawn or becomes visible. The badge shall not be worn on a chain or rope around the neck or otherwise displayed openly in public. The officer must also carry a TCOLE-issued card and his Parole Division identification any time the firearm is carried while on duty.
- F. An officer shall not carry a firearm on duty unless he also carries Oleoresin Capsicum (OC). The OC spray does not need to be concealed when carried.
- G. An authorized officer may carry a firearm any time the officer is on duty, whether in the office or conducting field work. However, under no circumstances, shall the officer carry more than one firearm at a time.
- H. Authorized officers should be aware of those situations where they are required to relinquish control of their firearm (e.g., when traveling by air, visiting a correctional institution, or testifying in court, etc.) and shall comply with all applicable regulations.

- I. When not carried, the firearm shall be stored in a secure manner (i.e., locked in glove box or trunk of vehicle, locked in the desk or file cabinet). A firearm shall not be unholstered in the field, except for lawful self-defense or at designated range training sites.
- J. The officer shall notify the Region Director in writing of any firearm that is lost, stolen, or any change in ownership. The notification shall be on the date of the occurrence or the next business day if it occurred after hours.
- K. The officer is responsible for maintenance and regular inspections of his firearm and ammunition to ensure that both are in serviceable conditions at all times.
- L. Except for purposes of qualification, the officer shall not “dry-fire,” clean, repair, or display the firearm for exhibition purposes while on duty.
- M. In the event an officer draws his firearm but it is not used, or the weapon discharges, either accidentally or intentionally while the officer is on or off duty, the officer shall immediately contact emergency medical services (if needed) and local law enforcement. The officer must then contact his immediate supervisor, who shall notify the Division Director and the Office of Inspector General (OIG).

The officer shall submit a Firearm Incident Report (PSV-56) within twenty-four (24) hours following the occurrence.

- N. In the event that an officer discharges a firearm and causes bodily injury or death:
 - 1. The officer may be placed on three (3) days administrative leave, if approved by the Executive Director.
 - 2. The officer’s authority to carry a firearm shall be suspended while on administrative leave and pending the outcome of an investigation by the OIG, a psychological review of the officer, and the subsequent and final decision of the Region Director, Deputy Director, and Division Director.
 - 3. The Crisis Response Intervention and Support Program (CRISP) Support Team and the team psychologist shall contact the officer to provide immediate and ongoing support and, if deemed necessary, to make a referral to a licensed counselor or psychologist. An Employee Assistance Program (EAP) pamphlet shall be made available to the officer.
 - 4. The Region Director shall require a clearance or recommendation from a CRISP Support Team psychologist or from another licensed counselor or psychologist before permitting the parole officer to return to active duty.
- O. Any media inquiries regarding the discharge of a firearm shall be referred to the TDCJ Public Information Office.

VIII. Firearms Training Report

- A. The Region Director shall forward a copy of each completed L-3 form to the Parole Officer Training Academy, Attn: Training Director.
- B. The Training Director will forward the completed L-3, along with other required documentation, to the Office of Inspector General, Attn: Training Department, after an employee has successfully completed the agency's #2401 firearms course.
- C. The Region Director shall, by the fifth (5th) business day of each month, forward a list of all officers who are currently certified to carry a firearm to the Training Academy, Attn: Training Director.

Stuart Jenkins
Director, Parole Division