

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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SUPERSEDES: 8/16/05

SUBJECT: PAROLE OFFICER FIREARMS GUIDELINES - BASIC FIREARM ORIENTATION

AUTHORITY: TEXAS PENAL CODE § 46.15, TEXAS OCCUPATIONS CODE § 1701.257

POLICY: 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, specifically, Parole Caseworker II, Parole Officer I, Parole Officer II, Parole Officer III (Unit Supervisor), Parole Supervisor, Assistant Regional Director, Regional 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 probation;
 - 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 probation;
 - 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 e-mail the Regional Director seeking approval to begin with the psychological testing.
- B. Upon receipt of the applicant's e-mail, the Regional Director shall determine if the applicant meets the criteria list in section I.A and B.
- C. The Regional Director shall also determine if the applicant:
 - 1. Is taking any medication that affects motor skills, reflexes, or judgement; or
 - 2. Has demonstrated conduct that would adversely affect the applicant's safety or the safety of others.
 - 3. Is currently not in any disciplinary status (PD22).
- D. After the Regional Director has determined that the officer does not have any of the elements listed in sections I.B. and II.C that would prohibit the officer from carrying a firearm, he may authorize the officer to continue with the psychological evaluation.

III. TENTATIVE APPROVAL

- A. To receive approval to continue with the firearm process, the officer must satisfy the following requirements in the following order:
 - 1. Submit the Psychological Release form (PSV-54) completed by a licensed psychologist certifying eligibility to carry a firearm;
 - 2. Within six (6) months of obtaining the Psychological Release, complete the TCLEOSE Parole and Community Supervision Officer Training and Qualification Course; and
 - 3. Obtain a certificate of firearms proficiency issued by TCLEOSE or by Texas Department of Criminal Justice (TDCJ), qualifying with the actual weapon(s) the officer will carry while on duty. If the officer has more than one weapon that he may wish to carry on different days, the certificate of firearm proficiency must specifically reflect proficiency with each of the weapons.
- B. The officer shall submit documentation to the Regional Director that all of the above steps have been completed. The Regional 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) to acknowledge that he understands the Parole Division's policies and procedures and will comply with them.

- C. The Regional 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 Regional 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 judgement 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 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 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 Regional Office shall ensure that the officer surrenders his weapon's badge and TCLEOSE card.

V. REQUALIFICATION

- A. The officer shall successfully complete annual range requalification per procedures outlined in the TCLEOSE Course No. 2401, Qualification Requirements and shall forward a copy of the new certificate of firearm proficiency to his Regional Director. Each officer who is authorized to carry a firearm on duty may utilize up to eight (8) hours of agency time per year for firearms practice and/or requalification, provided that advance supervisory consent is obtained.
- B. The TCLEOSE firearms training authority shall notify the Regional Director in writing of the Parole Officers who attempted to requalify but failed. In the event of a failure to requalify, the authorization to carry a weapon on duty will be suspended, and the employee will not be authorized to carry a weapon until he requalifies.
- C. If the officer fails to renew or requalify and decides not to carry a weapon, the Regional Office shall ensure that the officer surrenders his weapon's badge and TCLEOSE card.

VI. WEAPON AND AMMUNITION STANDARDS

A. While on duty, an officer shall only carry their approved weapon 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 | g. Kimber | m. Sig-Sauer |
| b. Beretta | h. Kel-Tec | n. Taurus |
| c. Browning | i. Para Ordnance | o. Walter |
| d. Colt | j. Ruger | |
| e. Glock | k. Springfield Armory | |
| f. H & K | l. Smith & Wesson | |

3. Caliber

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

B. Weapon Approval

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

A. 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, per Sporting Arms Ammunition Manufacturers Institute (SAAMI) guidelines (hollow point).
- 2. Reloaded ammunition shall be used for practice only.

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, death retirement), the Regional Office shall submit TCLEOSE Form F-5 Separation 9/1/2005 to TCLEOSE as soon as possible. THE F-5 is available on the TCLEOSE web site at <http://www.tcleose.state.tx.us>.
- 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 (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 TCLEOSE 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, in no circumstances shall the officer carry more than one weapon at a time if he has demonstrated proficiency with more than one weapon.
- 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) 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 Regional Director in writing of any firearm that is lost, stolen, or any change in ownership. If the event occurred during business hours the notification shall be on the date of the occurrence or the next business day following the date of the occurrence if it happened after hours.

- K. The officer is responsible for maintenance and regular inspections of his weapon 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. Exhibition means display of the weapon.
- M. An officer shall immediately notify his supervisor if a firearm is:
 - 1. Drawn but not used; or
 - 2. Discharged, either accidentally or intentionally, while the officer is on- or off-duty.

The supervisor shall immediately inform the Office of the Inspector General. The officer shall submit a Firearm Incident Report (PSV-56) within twenty-four (24) hours following the occurrence.

- N. In the event that a Parole Officer discharges a firearm and causes bodily injury or death, the officer shall immediately contact emergency medical services, local law enforcement, and then his immediate supervisor, who shall notify the Division Director and the Office of the Inspector General. In addition:
 - 1. The officer may be placed on three (3) days administrative leave if approved by the Executive Director, TDCJ.
 - 2. The Parole Officer’s authority to carry a weapon shall be suspended while on administrative leave and pending the outcome of the investigation by the Office of the Inspector General, a psychological review of the officer, and the subsequent and final decision of the Regional Director, Deputy Director, and Division Director.
 - 3. The Post-Trauma Staff 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.
 - 4. The Regional Director shall require a clearance or recommendation from a Post-Trauma Staff Support Team psychologist or from another licensed counselor or psychologist before permitting the Parole Officer to return to active duty from administrative leave.
- O. Any media inquiries regarding the discharge of a weapon shall be referred to the TDCJ Public Information Office.

Bryan Collier
Director, Parole Division