

# YOUTH SERVICES POLICY

<b>Title:</b> Commissioned Probation and Parole Officer- Juvenile/Special Agents	<b>Type:</b> A. Administrative <b>Sub Type:</b> 2. Personnel <b>Number:</b> A.2.19
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<b>References:</b> Gun Control Act of 1968, Section 922(d)(8); La. R.S. 14:40, 15:574.8, 15:825.2, C.Cr.P. Art. 201, 227.1, 899; Administrative Rule Title 22, Part III, Subpart 4; ACA Standards 2-7164 (Juvenile Probation and Aftercare Services), 2-CO-3A-01 (Administration of Correctional Agencies); YS Policy Nos. A.1.14 "Unusual Occurrence Reports", A.2.15 "Dress Code for Secure Care Facilities and Community Based Services", A.2.18 "Criminal Record Check", A.2.24 "Staff Development and Training Plan", C.1.8 "Firearms Training, Use and Revocation", and D.2.2 "Off Duty Work Details"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>Otha "Curtis" Nelson, Jr., Deputy Secretary</i>	<b>Date of Approval:</b> 02/16/2023

**I. AUTHORITY:**

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405 and the authority, as delegated by the Secretary of the Louisiana Department of Public Safety and Corrections, to appoint commissioned officers. Deviation from this policy must be approved by the Deputy Secretary.

**II. PURPOSE:**

To establish procedures which govern YS commission appointments and duties.

**III. APPLICABILITY:**

Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Executive Management Advisor, General Counsel, Regional Directors, Regional Managers, and all YS commissioned officers/special agents.

**IV. DEFINITIONS:**

**Commission Cards** – Cards issued after appointment as a Special Agent certifying commission as a juvenile probation and parole officer.

**Commissioned Officer** – A probation and parole employee who has been issued a commission by the Deputy Secretary to carry a firearm when necessary to safely perform their required duties.

**Off Duty Detail** – Any off duty employment of an OJJ P.O.S.T certified employee in a job that may involve the potential use of law enforcement authority outside the performance of the employees' official duties that has been approved by the Regional Manager/Unit Head.

**Regional Managers** - Managers of the Community Based Services (CBS) regional offices located throughout the state.

**Revocation** – The taking of an officer's weapon and commission card under circumstances outlined in Section XI of YS Policy No. C.1.8.

**Special Agent** – A probation and parole series employee hired prior to January 2000, whose authority to carry a weapon is pursuant to LA R.S. 15:825.2.

**Unusual Occurrence Report (UOR)** – A document that must be completed by staff to report incidents or observations of events that may have an impact on any aspect of the agency. UOR forms shall be made available to all employees, working all areas at all times. Employees must complete and submit a UOR prior to the end of their tour of duty on the day an incident is observed or comes to the employee's attention in any way. If a UOR form is not available, the employee may use any paper available to report the pertinent information. UORs may also be submitted by email. (Refer to YS Policy No. A.1.14)

## **V. POLICY:**

It is the Deputy Secretary's policy that employees who are in the Office of Juvenile Justice (OJJ) Probation and Parole series be issued Commission cards when necessary to enable them to safely perform their required duties.

Commissioned officers'/special agents' duties may encompass providing assistance to other law enforcement agencies to improve public safety, including but not necessarily limited to:

- Emergency aid and other assistance as requested;
- Patrol; and/or
- Certain job assignments at the discretion of the agency.

Commissioned officers'/special agents' must be in compliance with the provisions of Firearms Training pursuant to YS Policy No. C.1.8 and other YS policies as applicable.

The Regional Manager is responsible for pulling/holding the commission card of an officer who fails to meet the requirements of Section VI. (H) of this policy and Section XI of YS Policy No. C.1.8.

**VI. PROCEDURES FOR ISSUANCE OF COMMISSION CARDS:**

- A. To receive a commission card, an employee must:
  - 1. Pass a “Law Enforcement POST” academy; and
  - 2. If not included in the POST academy, successfully complete the Threat Pattern Recognition (TPR) course, which includes use of force, basic defensive tactics, weapon retention and use of the baton, as well as the “Field Safety Awareness” course.
- B. Applications for commission cards are submitted by the Regional Manager to the appropriate Regional Director for screening and processing.

Applications shall include the following documents:

- 1. “Criminal Record Check Request Form” in accordance with YS Policy No. A.2.18, completed by the applicant;
  - 2. A “Domestic Violence Questionnaire” [see Attachment A.2.19 (a)] completed by the applicant; and
  - 3. Written verification by the Regional Manager that the applicant has successfully completed all training as required by YS Policy Nos. A.2.24 and C.1.8.
- C. After verifying that all requirements have been met, the Regional Director shall approve the applicant, sign the commission card evidencing the appointment, and forward it to the Deputy Secretary for final approval and signature.
- D. The Deputy Secretary will sign and issue the commission cards and return them to the Regional Director for distribution to the regional offices for timely issuance to the officers.
- E. The employee must carry the commission card at all times in the performance of the employee’s duties, pursuant to YS Policy No. A.2.15.

A commissioned officer must notify the immediate supervisor within 24 hours of the officer’s knowledge of a lost or stolen commission card in order for the proper paperwork to be resubmitted for reissue. The employee shall prepare an “Unusual Occurrence Report” (UOR) detailing their knowledge of the incident and submit it to the employee’s supervisor prior to the end of their tour of duty. The supervisor shall notify the Regional Manager.

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- F. Commissioned officers must remain in compliance with the provisions of YS Policy No. C.1.8, and any other YS policies as applicable.
- G. The Regional Manager is responsible for pulling/holding the commission card of an agent who fails to meet the requirements for commissioned status, withdrawing the employee's authorization to carry a firearm, when any of the circumstances noted in H below and/or circumstances noted in Section XI of YS Policy No. C.1.8 are applicable.

When an agent's commission card is pulled, the Agency's authorization to work off duty details (if applicable) is no longer in effect as their commission is suspended. Their commission is restored when an agent meets all necessary requirements outlined in this policy. Upon return of their commission card, their commission is restored, and the agent may then return to working off duty details.

The "Commission Card Hold Form" [see Attachment A.2.19 (b)] must be completed and a copy forwarded to the unit's HR Liaison for holding until the agent again meets all requirements.

- H. The following documentation shall be submitted yearly by the Regional Manager to the appropriate Regional Director during the assigned month noted below:
  - 1. "Domestic Violence Questionnaire";
  - 2. Firearms scores by a POST Instructor; and
  - 3. Verification of completion of eight (8) hours of firearms/safety classroom training:
    - April - New Orleans
    - May - Baton Rouge and Thibodaux
    - June - Lafayette
    - July - Lake Charles
    - August - Alexandria and Shreveport
    - September - Monroe
    - October - Natchitoches and Tallulah
    - November - Hammond
- I. Upon an employee's termination, the commission card, along with all other State issued items, shall be returned to the appropriate Regional Manager and then forwarded to the Public Safety Services (PSS) Human Resource (HR) office for filing in the employee's personnel file.

**Previous Regulation/Policy Number:** A.2.19

**Previous Effective Date:** 02/01/2021

**Attachments/References:** A.2.19 (a) Domestic Violence Questionnaire January 2021.doc  
A.2.19 (b) Commission Card Hold Form.doc

**DOMESTIC VIOLENCE QUESTIONNAIRE**

**THE GUN CONTROL ACT OF 1968 WAS AMENDED TO PROHIBIT THE POSSESSION OR TRANSPORTATION OF A FIREARM BY ANYONE WHO HAS EVER BEEN CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.**

As defined in the Gun Control Act, a “misdemeanor crime of domestic violence” means an offense that:

- 1) is a misdemeanor under Federal or State law; and
- 2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

This definition includes all misdemeanors that involve the use of attempted use of physical force (e.g., simple assault, assault and battery) if the offense is committed by one of the defined parties. This is true whether or not the State statute or local ordinance specifically defines the assault against his or her spouse would be prohibited from receiving or possessing firearms or ammunition. Moreover, the prohibition applies to persons convicted of such misdemeanors at any time, even if the conviction occurred prior to the new law’s effective date, September 30, 1996. As of the effective date of the new law, such a person may no longer possess a firearm or ammunition. However, with respect to all persons, a conviction would not be disabling if it has been expunged, set aside, pardoned, or the person has had his or her civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offence) **AND** the person is not otherwise prohibited from possessing firearms or ammunition.

- I AM NOT, UNDER THE DEFINITION LISTED, RESTRICTED FROM POSSESSING A FIREARM UNDER THE MISDEMEANOR DOMESTIC VIOLENCE AMENDMENT OF THE GUN CONTROL ACT OF 1968.**
- I AM, UNDER THE DEFINITION LISTED RESTRICTED FROM POSSESSING A FIREARM UNDER THE MISDEMEANOR DOMESTIC VIOLENCE AMENDMENT OF THE GUN CONTROL ACT OF 1968.**

DATE \_\_\_\_\_

SIGNED \_\_\_\_\_

# Commission Card Hold Form

## Card Hold

The Probation & Parole Officer/Juvenile's commission card has been pulled and placed in his/her personnel file at the regional office.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Region: \_\_\_\_\_

Reason for hold: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Officer's Signature

\_\_\_\_\_  
Regional Manager

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## Card Returned

The Probation & Parole Officer has met all of the requirements to reinstate commission status.

Date: \_\_\_\_\_

\_\_\_\_\_  
Officer's Signature

\_\_\_\_\_  
Regional Manager