



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-DIR. 145.307**

**Date: March 30, 2011**

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**Supersedes: None**

## **BOARD DIRECTIVE**

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**SUBJECT: DIRECTIVE FOR RULE 145.12(4)(E), (J) AND (K) AND  
RULE 145.15(A)(2)(B), (C) AND (D) –  
FI-4 R SEX OFFENDER EDUCATION PROGRAM; AND  
FI-9 R AND FI-18 R SEX OFFENDER TREATMENT PROGRAM**

**PURPOSE:** To establish procedures for a “further investigation” vote to transfer sex offenders to the sex offender education or treatment programs.

**AUTHORITY:** Texas Government Code Sections 508.0441, 508.045, 508.152  
Texas Administrative Code Title 37, Part 5, Chapter 145, Sections  
145.12(4)(E), (J) and (K) and 145.15(a)(2)(B), (C) and (D)

**DISCUSSION:** The following eligibility criteria will be utilized by the parole panel for the selection of offenders to participate in the sex offender education or treatment programs.

**DEFINITIONS:** Full Board – the entire membership of the board.

Parole Panel - one board member and two parole commissioners designated by the Presiding Officer (Chair) to vote cases pursuant to Section 508.045 of the Texas Government Code.

**PROCEDURES:**

- I. To be eligible for sex offender education or sex offender treatment programs described in this directive, the Offender may not have the following:
  - A. An active Immigration and Customs Enforcement (ICE) or felony detainer;
  - B. Be currently enrolled in vocational or college courses (not computer screened);
  - C. Be currently enrolled in an intensive rehabilitation program;
  - D. Have consecutive sentences pending parole review; or
  - E. A major disciplinary action resulting in loss of time or class in the past six (6) months (not computer screened).

**\*The Static 99 score identified for each criteria shall not be construed as a limitation or restriction upon the exercise of any discretion of the board or by a parole panel.**

- II. Eligibility Criteria – FI-4R Sex Offender Education Program - The Offender must be a male with the following:
  - A. Current or past sex offender convictions;
  - B. General Population Level 1, 2 or 3 or above (G1, G2 or G3);
  - C. Have a minimum of 10 months prior to the projected release date or maximum discharge date; and
  - D. Have a Static 99 score of 0 – 1 ( low risk).\*
  
- III. Eligibility Criteria – FI-9R Sex Offender Treatment Program - The Offender must be a male with the following:
  - A. Current or past sex offender convictions;
  - B. General Population Level 1, 2 or 3 (G1, G2 or G3);
  - C. Have a minimum of 15 months prior to the projected release date or maximum discharge date; and
  - D. Have a Static 99 score of 2 - 5 ( moderate risk).\*
  
- IV. Eligibility Criteria – FI-18R Sex Offender Treatment Program - The Offender must have the following:
  - A. Current or past sex offender convictions;
  - B. Outside Trusty, General Population Level 1, 2 or 3 (G1, G2 or G3);
  - C. Have a minimum of 24 months prior to the projected release date or maximum discharge date; and
  - D. Have a Static 99 score of 6 or greater (high risk).\*
  
- V. When the Texas Department of Criminal Justice (TDCJ) becomes aware of one of the following circumstances, the TDCJ will immediately forward a transmittal to the Full Board in the case of Extraordinary Vote Required cases or the Original Parole Panel to reconsider their FI vote pursuant to Texas Administrative Code, Section 145.16.
  - A. Ineligible to Participate - An offender may be ineligible to participate in the program recommended by the panel due to:
    - 1. Classification resulting from disciplinary actions, or

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2. A change in the projected release or discharge date which results in a projected release or discharge date less than twelve (12) months after enrollment.
- B. Program Refusal - An offender may initially agree to participate and later refuses to participate in a program or initially refuses to participate in the program.
- C. Program Termination - An offender may be eligible and placed in the program but due to unforeseen circumstances, is removed from the program. An offender may be removed due to:
1. A major disciplinary action,
  2. A release on a bench warrant, or
  3. An active felony detainer for a new offense from county or federal law enforcement.
- D. Program Completion Prior to Future Release Date - An offender may complete the program prior to the specified future release date.

**SIGNED THIS, THE 30<sup>TH</sup> DAY OF MARCH, 2011.**

**RISSIE OWENS, PRESIDING OFFICER (CHAIR)**

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*\* Signature on file.*

**\*The Static 99 score identified for each criteria shall not be construed as a limitation or restriction upon the exercise of any discretion of the board or by a parole panel.**