



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-POL. 04-01.07**

**Date: January 8, 2004**

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**Supersedes: BPP-POL. 01-11.05**

## **BOARD POLICY**

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**SUBJECT: SPECIAL CONDITION “SAFP” (SUBSTANCE ABUSE FELONY PROGRAM)**

**PURPOSE:** To establish “SAFP”—Substance Abuse Felony Punishment—as a special condition of parole or mandatory supervision and establish a procedure for imposing special condition “SAFP” as a condition of parole or mandatory supervision, following a hearing or proceedings concerning alleged violations under Chapter 146 of the board Rules.

**AUTHORITY:** §§508.0441, 508.045, 508.221, 508.281, 508.2811, and 508.283, Government Code.

**POLICY:** Members of the Texas Board of Pardons and Paroles and parole commissioners determine conditions of parole and mandatory supervision. Members and commissioners act in panels comprised of three persons, and panel decisions are made by majority vote. The board presiding officer (chair) designates the composition of the respective panels. Special conditions are imposed in addition to the standard conditions of parole or mandatory supervision. Unless otherwise provided, any condition may be imposed before or after release and shall remain in effect until specifically removed by a parole panel.

**DEFINITIONS:** Substance Abuse Felony Punishment Facility (SAFPF): a facility under contract with or operated by the Texas Department of Criminal Justice. An SAFPF is used to confine and treat offenders required to participate in SAFP as a condition of parole or mandatory supervision, following a hearing or proceedings concerning alleged violations under Chapter 146 of the board Rules.

Special Condition “SAFP” (Substance Abuse Felony Program: a parole panel imposed special condition that will serve to confine and treat an offender and that requires the offender to participate in a post-release drug or alcohol abuse continuum of care treatment plan when a parole panel renders a finding, following a hearing or proceedings concerning alleged violations under Chapter 146 of the board rules, that the offender is a suitable candidate as determined by the suitability criteria.

Substance Abuse Felony Program Term: Indeterminate term of confinement and treatment of not more than one year or less than 90 days. The SAFP term shall begin the date the offender is placed in the Substance Abuse Felony Punishment Facility (SAFPF), following a hearing or proceedings concerning alleged violations under Chapter 146 of the board Rules.

Eligible Offender: an offender who meets the suitability criteria

Suitability Criteria: The suitability criteria are established by the Parole Division of the Texas Department of Criminal Justice under Section 493.009, Government Code. The suitability criteria include:

- (1) The offender is not charged or convicted nor charge or convicted of criminal attempt under the following sections of the Texas Penal Code:
  - (a) Section 21.11, Indecency with a Child;
  - (b) Section 22.011, Sexual Assault; or
  - (c) Section 22.021, Aggravated Sexual Assault;
- (2) The offender has no pending misdemeanor or felony charges;
- (3) The offender is not serving a jail sentence;
- (4) The offender’s maximum discharge date exceeds 18 months on the date of the panel decision;
- (5) The offender has been tested with a TDCJ approved screening instrument and determined to be chemically dependent; and
- (6) A parole panel makes an affirmative finding that drug or alcohol abuse significantly contributed to the commission of the crime or violation of the conditions of parole or mandatory supervision.

**COMPONENTS:** SPECIAL CONDITION “SAFP” (SUBSTANCE ABUSE FELONY PROGRAM)

Special condition “SAFP” is intended to afford an eligible offender confinement, treatment and post-release continuum of care when a parole panel renders a finding, following a hearing or proceedings concerning alleged violations under Chapter 146 of the board Rules, that the offender is a suitable candidate as determined by the suitability criteria and that drug or alcohol abuse significantly contributed to the commission of the crime or violation of the conditions of parole or mandatory supervision.

The goal of the parole panel imposed special condition “SAFP” is to provide confinement, treatment and post-release continuum of care when a parole panel renders a finding that the offender is a suitable candidate as determined by the suitability criteria and that drug or alcohol abuse significantly contributed to the commission of the crime or violation of the conditions of parole or mandatory supervision. The “SAFP” special condition shall result in a period of confinement, treatment and post-release continuum of care under the terms and conditions outlined in this policy. An offender shall return to active supervision upon successful release from a Substance Abuse Felony Punishment Facility (“SAFPF”).

At any time this condition is in effect, and to the extent directed in writing, an offender shall comply with the terms and conditions of the SAFP confinement. Failure to abide by the rules and regulations of the SAFP may constitute a violation of the offender’s conditions of release to parole or mandatory supervision or result in a subsequent review by a parole panel and further action as warranted, following a hearing or proceedings concerning alleged violations under Chapter 146 of the board Rules.

**PROCEDURE:**

- I. Imposition of Special Condition “SAFP”
  - A. A parole panel, upon majority vote, may impose special condition “SAFP,” following a hearing or proceedings concerning alleged violations under Chapter 146 of the board Rules, under the following circumstances:
    1. if a parole panel renders a finding that the offender is a suitable candidate as determined by the suitability criteria and that drug and alcohol abuse significantly contributed to the commission of the crime or violation of the conditions of parole or mandatory supervision; and
    2. upon receipt of certification from Parole Division that a SAFP bed is available or will become available with 60 days of the parole panel decision.

- B. Offender shall have the right to a hearing under Chapter 146 of the board Rules prior to the imposition of Special Condition “SAFP,” unless offender waives the right to a revocation hearing under board Rules 146.4 or 146.5.
  - C. Unless otherwise directed, special condition “SAFP” becomes effective on the date the offender is placed in the Substance Abuse Felony Punishment Facility (SAFPF).
  - D. Upon imposition of special condition “SAFP,” an offender must comply with the rules and regulations of the SAFP for the duration of the SAFP.
  - E. Special condition “SAFP” shall remain in effect until successful completion of the SAFP term.
  - F. Failure to abide by the rules and regulations of the SAFP during an SAFP term may result in a subsequent review by a parole panel and further action as warranted, following a hearing or proceedings concerning alleged violations under Chapter 146 of the board Rules.
- II. Withdrawal of Special Condition “SAFP”
- A. Once imposed, special condition “SAFP” shall continue to govern the offender until successful completion of the SAFP.
  - B. A parole panel, upon majority vote, may withdraw special condition “SAFP” as a special condition of parole or mandatory supervision.
  - C. A request to withdraw special condition “SAFP” shall be returned to the original voting panel with the only exceptions being that covered by other board policy.
  - D. Special condition “SAFP” shall terminate in the event an offender reaches the maximum expiration date during the course of an SAFP term.

**ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 8TH DAY OF JANUARY, 2004.**

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