



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.259
Date: August 31, 2009
Page: 1 of 7
**Supersedes: BPP-POL. 04-06.01
Dated June 16, 2004**

BOARD POLICY

SUBJECT: SPECIAL CONDITION "S" (SUBSTANCE ABUSE)

PURPOSE: To establish Special Condition "S" (Substance Abuse) as a special condition of parole or mandatory supervision and to establish a procedure for imposing special condition "S" as a special condition of parole or mandatory supervision.

AUTHORITY: Texas Government Code §§508.0441, 508.045, 508.184, 508.185 and 508.221

DISCUSSION: The Texas Board of Pardons and Paroles (Board) determine conditions of parole and mandatory supervision. Except in special circumstances, board members and parole commissioners act in panels comprised of three persons, and panel decisions are made by majority vote. The Presiding Officer (Chair) designates the composition of the parole panels. Special conditions are conditions 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.

POLICY: Special Condition "S" represents a cooperative effort between the Board the Texas Department of Criminal Justice Parole Division (Division) to minimize the threat to the community when an offender is released on parole or mandatory supervision.

At any time special condition "S" is in effect, the offender shall fully comply with state laws governing controlled substance testing, substance abuse treatment and conditions of release as well as Board and Division policies.

COMPONENTS: *Mandatory*

“S”—At any time this condition is in effect, unless modified or withdrawn by a parole panel, an offender shall:

- A. not unlawfully use drugs, narcotics, or controlled substances,
- B. not use intoxicating inhalants,
- C. not consume alcoholic beverages,
- D. submit to alcohol use testing,
- E. submit to urinalysis monitoring,
- F. not enter establishment where the primary function is the sale and dispensing of alcoholic beverages for on-premise consumption,
- G. obey all driving restrictions imposed by the Board,
- H. will attend substance abuse treatment program, and
- I. will attend substance abuse counseling.

Discretionary

“S” – In addition, any time that this condition is in effect, and to the extent directed in writing by the offender’s supervising parole officer, an offender shall:

- attend District Reentry Center (DRC) programming,

In addition to the above mandatory and discretionary components, only the Board shall impose the following specific components:

- A. not operate motor vehicle without Board approval
- B. not operate vehicle without “Ignition Interlock Device”

PROCEDURE:

I. Criteria for Imposition

- A. A parole panel shall impose special condition “S” for controlled substance or alcohol testing when there is evidence that:
 - 1. a controlled substance or alcohol is present in the offender’s body;
 - 2. the offender has used a controlled substance or alcohol; or

3. the use of a controlled substance or alcohol related to the offense for which the offender was convicted.

B. A parole panel shall impose special condition “S” when the offender who immediately before release participated in a Texas Department of Criminal Justice program requiring the offender to participate in a drug or alcohol abuse continuum of care treatment program.

II. Imposition of Special Condition

A. A parole panel, upon a majority vote, may impose special condition “S” as a special condition of parole or mandatory supervision.

B. Unless otherwise directed, any special condition of parole or mandatory supervision is effective the date of the parole panel decision.

C. At any time that Special Condition “S” is in effect, an offender’s supervising officer shall require the offender to comply with any or all Special Condition “S” discretionary components to the extent directed in writing by the offender’s supervising parole officer, provided that an acknowledgment form is executed every time compliance requisites are imposed or modified.

III. Withdrawal of Special Condition

A. Once imposed, the Substance Abuse Condition (Condition “S”) shall continue to govern the offender for the duration of the supervision period.

B. The Board, under Procedure II. C., intends to afford the offender’s supervising officer the flexibility to structure the requisites according to supervision needs.

C. A parole panel, by majority vote, may withdraw or modify Special Condition “S” as a special condition of parole or mandatory supervision.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 31ST DAY OF AUGUST, 2009.

Rissie Owens, presiding officer (CHAIR)

** Signature on file.*

[*Pages 4-7 of this policy contain the Imposition/Withdrawal and Acknowledgement Form. To obtain a copy of this form, please contact the Texas Board of Pardons and Paroles.]

Special Condition "S"
IMPOSITION/WITHDRAWAL AND ACKNOWLEDGEMENT FORM

Section A

Name: _____

TDCJ# _____

Section B – Mandatory Components (All Are Applicable)

1. I will not unlawfully use drugs, narcotics, or controlled substances.
2. I will not use intoxicating inhalants.
3. I will not consume alcoholic beverages.
4. I will submit to alcohol use testing.
5. I will submit to urinalysis monitoring.
6. I will not enter establishment where the primary function is the sale and dispensing of alcoholic beverages for on-premise consumption.
7. I will obey all driving restrictions imposed by the Board.
8. I will attend substance abuse treatment programs.
9. I will attend substance abuse counseling.

Section C (Check Where Applicable)

_____ The requirements checked below are imposed as mandatory components of Special Condition "S" as authorized by a parole panel.

_____ The requirements checked below are withdrawn or modified as mandatory components of Special Condition "S" as authorized by a parole panel.

1. _____ I will obey the following driving restrictions:

2. _____ I will participate in the following substance abuse treatment program:

3. _____ I will attend the following substance abuse counseling session:

_____ This requirement checked below is required at the direction of the parole officer.

_____ This requirement checked below is no longer required at the direction of the parole officer.

4. _____ I will attend and participate in District Reentry Center (DRC) programming as directed by my parole officer.

Section D

Comments: _____

Section E

I, _____(offender), understand and agree to abide by the above components of Special Condition "S" as imposed or modified by a parole panel or as directed by my parole officer. I further understand that even if I refuse to sign this form, these components are still in effect.

Signed:

(Offender)

Date: _____

Section F

Submitted by:

Approved by:

(Parole Officer)

(Parole Supervisor)

Date: _____

Date: _____

Dist: Central File
District Release File
This form may be filled out by hand
IMPOSITION/WITHDRAWAL AND ACKNOWLEDGMENT FORM (PSV-S)

PSV-S

COMPLETION INSTRUCTIONS:

1. This form is used to notify an offender of all mandatory components and impose and withdraw discretionary components of Special Condition “S” (Substance Abuse), and serves as an acknowledgement to the offender of said components.
2. Section A. Enter the offender’s name and TDCJ or PIA number.
3. Section B. The mandatory components of Special Condition “S,” applicable to every offender on whom this condition is imposed, are listed here.
4. Section C. The user indicates whether he is imposing or withdrawing a special condition component by checking the block appearing before the appropriate paragraph.
5. Section D. Comments: The comments section is used to justify imposition and withdrawal of program components. The officer should be brief.
6. Section E. The offender’s name shall immediately follow “I”. The offender signs the acknowledgement section, which has been designated for that purpose. The releasee’s signature denotes that he is aware of, and fully understands the special condition components that have been imposed and/or modified.
7. Section F. Submitted and approved by: The supervising officer submits the form and signs in the “Submitted by” space. The officer’s parole supervisor shall, upon concurring with the action taken, sign in the “Approved by” space.
8. Distribution: This form is kept in the offender’s district file and a copy is sent to Regular Supervision/Central for inclusion in the offender’s file.