



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 146.251

Date: February 4, 2010

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**Supersedes: BPP-POL. 04-01.07
Dated January 8, 2004**

BOARD POLICY

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

PURPOSE: To establish “SAFP” (Substance Abuse Felony Program) 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 of the terms and conditions of parole or mandatory supervision, under Chapter 146 of the Texas Board of Pardons and Paroles Rules.

AUTHORITY: Texas Government Code §§493.009, 508.0441, 508.045, 508.185, 508.221, 508.281, 508.2811, and 508.283; Code of Criminal Procedure Article 42.12, §14

DISCUSSION: The Texas Board of Pardons and Paroles (Board) determines conditions of parole and mandatory supervision. Except in special circumstances, the 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 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 “SAFP” represents a cooperative effort between the Board and the Texas Department of Criminal Justice 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 of the terms and conditions of parole or mandatory supervision, under Chapter 146 of the Board Rules; the offender is a suitable candidate as determined by the suitability criteria; and 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 Substance Abuse Felony Punishment Facility may constitute a violation of the offender’s conditions of release to parole or mandatory supervision and may result in a subsequent review by a parole panel for further action as warranted, following a hearing or proceedings, concerning alleged violation of the terms and condition of parole or mandatory supervision, under Chapter 146 of the board Rules.

DEFINITIONS: Substance Abuse Felony Punishment Facility (SAFPF) - a facility under contract with or operated by the Texas Department of Criminal Justice.

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

Substance Abuse Felony Program (“SAFP”) Term - indeterminate term of confinement and treatment of not more than nine (9) months or less than six (6) months. The SAFP term shall begin the date the offender is placed in the SAFPF following a hearing or proceedings, concerning alleged violations of the terms and conditions of parole or mandatory supervision, under Chapter 146 of the Board Rules.

PROCEDURE:

- I. Suitability Criteria - the suitability criteria are established by the Parole Division (Parole Division) of the Texas Department of Criminal Justice under Section 493.009 of the Texas Government Code. The suitability criteria include:
 - A. The offender is not charged or convicted of the following sections of the Texas Penal Code, or charged or convicted of criminal attempt under the following sections of the Texas Penal Code:
 1. Section 21.11, Indecency with a Child;

2. Section 22.011, Sexual Assault; or
 3. Section 22.021, Aggravated Sexual Assault;
- B. The offender has no pending misdemeanor or felony charges;
 - C. The offender is not serving a jail sentence;
 - D. The offender's maximum discharge date exceeds eighteen (18) months on the date of the panel decision;
 - E. The offender has been tested with a TDCJ approved screening instrument and determined to be chemically dependent; and
 - F. 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.

II. Imposition Requirements

- A. A parole panel, upon majority vote, may impose special condition "SAFP" following a hearing or proceedings, concerning alleged violations of the terms and conditions of parole or mandatory supervision, conducted pursuant to Chapter 146 of the Board Rules, 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.
- B. The offender shall have the right to a hearing under Chapter 146 of the Board Rules prior to the imposition of Special Condition "SAFP," unless the offender waives the right to a revocation hearing under Board Rules 146.4 or 146.5.
- C. A parole panel shall require the offender to comply with the rules and regulations of the SAFPF for the duration of the "SAFP" term.

III. Impose Special Condition

- A. Unless otherwise directed, special condition "SAFP" becomes effective on the date the offender is placed in the SAFPF.
- B. Special condition "SAFP" shall remain in effect until successful completion of the "SAFP" term.
- C. Failure to abide by the rules and regulations of the SAFPF 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 of the rules and regulations of the SAFPF, under Chapter 146 of the Board Rules.

IV. Withdrawal of Special Condition

- A. Once imposed, special condition “SAFP” shall continue to govern the offender until successful completion of the “SAFP” term.
- B. Upon recommendation of the Parole Division, 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 of their sentence during the course of an SAFP term.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 4TH DAY OF FEBRUARY, 2010.

RISSIE OWENS, PRESIDING OFFICER (CHAIR)

** Signature on file.*