



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.261

Date: August 17, 2016

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**Supersedes: BPP-POL. 145.261
Dated August 31, 2009**

BOARD POLICY

SUBJECT: SPECIAL CONDITION "T" (ELECTRONIC MONITORING)

PURPOSE: To establish "T" (Electronic Monitoring) as a special condition of parole or mandatory supervision and to establish a procedure for imposing such as a condition of parole or mandatory supervision.

AUTHORITY: Texas Government Code Sections 508.0441, 508.045; 508.221 and 508.227; Code of Criminal Procedure Article 42.12, Section 11(a)(17) and Article 56.11(a-1)

DISCUSSION: The Texas Board of Pardons and Paroles (Board) determines 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 "T" represents a cooperative effort between the Board and 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. The Electronic Monitoring (EM) program is designed to provide for the offender's accountability 24 hours a day, seven days a week.

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

PROCEDURE:

I. Criteria for Imposition

- A. An offender must be known to have committed an act which caused bodily injury or serious bodily injury or placed an individual in danger of bodily injury or serious bodily injury;
- B. An offender must have threatened to commit an act that would cause bodily injury, serious bodily injury, or place an individual in danger of same;
- C. An offender's criminal history or current level of compliance with the terms and conditions of supervisory release indicate that an intensified level of supervision is warranted; or
- D. An offender who is a member of a criminal street gang in an intelligence database established under Chapter 61, Code of Criminal Procedure; and has three or more times been convicted of, or received a grant of deferred adjudication community supervision or another functionally equivalent form of community supervision or probation for a felony offense under the laws of this state another state or the United States.

II. Imposition Requirements

- A. A parole panel shall require the offender to:
 - 1. comply with the terms and conditions of the Electronic Monitoring program as directed in writing, and
 - 2. follow a daily home confinement schedule pre-approved by the supervising parole officer.
- B. Electronic monitoring may be imposed as a component of a broader range of conditions authorized by the parole panel.
- C. Electronic Monitoring as a specific condition of supervision shall only be imposed by utilization of Special Condition "T."

III. Impose Special Condition.

- A. Unless otherwise directed, special condition "T" becomes effective the date of the decision by the parole panel.
- B. The Division shall place an offender on the Electronic Monitoring program in a timely manner following imposition by a parole panel.

IV. Withdrawal of Special Condition

- A. Once imposed, the Electronic Monitoring Special Condition (Condition "T") shall continue to govern the offender until the condition is withdrawn by a parole panel.
- B. Upon recommendation of the Division, a parole panel, by majority vote, may withdraw the Electronic Monitoring Special Condition (Condition "T") for the following reasons:
 - 1. After 60 or 90 days on electronic monitoring, the offender has met the Parole Division's criteria to recommend withdrawal; or
 - 2. Within 30 days of imposition, the offender has a verifiable and documented mental or physical disability.
- C. If the parole panel withdraws special condition "T," the Division shall notify the victim in accordance with Code of Criminal Procedure Article 56.11(a-1) which references 56.11(c).

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 17th DAY OF AUGUST, 2016.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

** Signature on file.*