



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 145.307

Date: March 16, 2021

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Supersedes: June 6, 2019

BOARD DIRECTIVE

SUBJECT: SEX OFFENDER EDUCATION PROGRAM (FI-4R) AND SEX OFFENDER TREATMENT PROGRAMS (FI-9R and FI-18R)

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

AUTHORITY: Texas Government Code Sections 508.035(d), 493.0053, 508.0441, 508.045, and 508.152
Texas Administrative Code Title 37, Part 5, Chapter 145, Sections 145.12(4)(D), (I), and (J), 145.15(a)(2)(B), (C), and (D), and 145.18(a)(2)(B), (C), and (D)

DISCUSSION: The Texas Department of Criminal Justice (TDCJ) is authorized by statute to administer rehabilitation and reintegration programs and services as designated by the Texas Board of Criminal Justice. The following eligibility criteria, as established by the TDCJ, will be utilized by the Texas Board of Pardons and Paroles (Board) for the selection of offenders, who have been convicted of or have received a juvenile adjudication for a sex offense, to participate in sex offender education or treatment programs.

The TDCJ Rehabilitation Programs Division established a procedures and guidelines for offenders who are assessed as having needs that fall under the American with Disabilities Act. The procedures authorize the assessment of the level of accommodation needed for the offender to participate in a program. [*See the Texas Department of Criminal Justice Operations 06.09 Accommodation for Offenders under the Americans with Disabilities Act*]

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

Parole Panel – a three-member panel comprised of one Board Member and two Parole Commissioners.

PROCEDURE:

- I. To be eligible for sex offender education or sex offender treatment programs described in this directive, the offender may not:
 - A. Have 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. Have a major disciplinary action resulting in loss of time or class in the past six (6) months (not computer screened).

- II. Eligibility Criteria – FI-4R Sex Offender Education Program – A program designed to address the needs of offenders who are determined to pose a lower risk to re-offend upon their release from TDCJ. [*See the Texas Department of Criminal Justice Sex Offender Rehabilitation Programs SOEP 01.01 Overview of the Sex Offender Education Program (SOEP)*] The offender must have the following:
 - A. Current or past sex offense convictions;
 - B. General Population Level 2 or 3 (G2 or G3); and
 - C. Have a minimum of 10 months prior to the projected release date or maximum discharge date.

- III. Eligibility Criteria – FI-9R Sex Offender Treatment Program – A moderate intensity treatment program designed to assist sex offenders assessed who pose a moderate sexual re-offense risk upon their release from TDCJ. [*See the Texas Department of Criminal Justice Sex Offender Rehabilitation Programs SOTP 01.01 Overview of the Sex Offender Treatment Program (SOTP-18 and SOTP-9)*] The offender must have the following:
 - A. Current or past sex offense convictions;
 - B. General Population Level 2 or 3 (G2 or G3); and
 - C. Have a minimum of 15 months prior to the projected release date or maximum discharge date.

- IV. Eligibility Criteria – FI-18R Sex Offender Treatment Program – A high intensity treatment program designed to assist sex offenders assessed to pose a higher sexual re-offense risk upon their release from TDCJ. [*See the Texas Department of Criminal Justice Sex Offender Rehabilitation Programs SOTP 01.01 Overview of the Sex Offender Treatment Program (SOTP-18 and SOTP-9)*] The offender must have the following:
 - A. Current or past sex offense convictions;

- B. General Population Level 2 or 3 (G2 or G3); and
 - C. Have a minimum of 24 months prior to the projected release date or maximum discharge date.
- V. Special Circumstances after the FI Vote – When TDCJ becomes aware of one of the following circumstances, they will immediately forward a transmittal to the full Board if the case requires an Extraordinary Vote or to the original parole panel if the case does not, 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 Board due to:
 - 1. Classification resulting from disciplinary actions; or
 - 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 in the program but later refuse, or may initially refuse 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.
 - E. Innocence Claim – An offender may be ineligible to complete the FI-9R or FI-18R program when TDCJ Office of the General Counsel has determined, after reviewing court documents, that the offender has claimed his innocence prior to and since his conviction of the sex offense.

SIGNED THIS, THE 16TH DAY OF MARCH, 2021.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file*