



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-POL. 145.259**

**Date: July 18, 2019**

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**Supersedes: October 20, 2017**

## **BOARD POLICY**

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**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 Sections 508.0441, 508.045, 508.184, 508.185, 508.221, and 508.224  
Code of Criminal Procedure Article 42A.408

**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 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.

Substance abuse treatment, substance abuse counseling, and drug and alcohol abuse continuum of care treatment programs are developed by the Department of State Health Services. Controlled substance abuse testing is administered pursuant the Texas Department of Criminal Justice (TDCJ) Parole Division (Division) policy.

**POLICY:** Special Condition "S" represents a cooperative effort between the Board the 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.

If the Division refers an offender to a parole panel after an offender violates a component of Special Condition “S”, tests positive for use of controlled substance or alcohol, admits use, or requests help with alcohol or drug abuse, the Board will determine the appropriate action such as the imposition of Special Condition “S” if the condition has not been previously imposed, imposition of the Intermediate Sanction Facility condition for the offender to participate in TDCJ substance abuse cognitive programming, or any other appropriate sanction that may increase the offender’s likelihood of successful reintegration.

**DEFINITIONS:** Ignition Interlock Device – a device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator.

**COMPONENTS:**

**A. Mandatory Components – “S” –** At any time this condition is in effect, unless modified or withdrawn by a parole panel, an offender shall:

- ***For All Offenders***

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

- ***For offenders identified in Section I.A. or I.B. below***

8. will attend substance abuse treatment program, and

- ***For offenders identified in Section I.B. below***

9. will attend substance abuse counseling.

**B. Discretionary Component – “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 for substance abuse counseling as required by Division policy.

C. **Driving Restrictions Components** – In addition to the above mandatory and discretionary components, only the Board shall impose the following specific driving restriction components:

1. not operate motor vehicle without Board approval; or
2. not operate vehicle without Ignition Interlock Device.

The Ignition Interlock Device component is authorized pursuant to Section 508.221, which states a parole panel may impose as a condition of parole or mandatory supervision any condition that a court may impose on a defendant placed on community supervision. However, a previous conviction cannot be the basis for a court imposing ignition interlock, if the previous conviction was for an offense committed before the beginning of the 10-year period preceding the date of the instant offense for which the defendant was convicted and placed on community supervision; and the defendant has not been convicted of an intoxication offense which was committed within a 10-year period preceding the date of the instant offense for which the defendant was convicted and placed on community supervision.

**PROCEDURE:**

I. Statutory Criteria for Imposition

- A. Substance Abuse Treatment – A parole panel shall impose Special Condition “S” when the offender who immediately before release participated in a TDCJ drug or alcohol program requiring the offender to participate in a drug or alcohol abuse continuum of care treatment program.
- B. Substance Abuse Counseling – A parole panel may impose Special Condition “S” requiring the offender to attend counseling sessions for substance abusers or participate in substance abuse treatment services if:
  1. the offender was sentenced for an offense involving a controlled substance; or
  2. it is determined that the offender’s substance abuse was related to the commission of the offense.

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, Special Condition “S” shall continue to govern the offender for the duration of the supervision period.
- B. The Board, under Section II.C. above, 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 18<sup>TH</sup> DAY OF JULY, 2019.**

**DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)**

*\*Signature on file.*

[\*Pages 5 - 8 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 (1-7 Are Applicable for All Offenders; 8 and 9 Are Applicable for Offenders Identified in Sections I.A. or I.B. of the Policy.)**

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:

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

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

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**(Check One Below)**

\_\_\_\_\_ This requirement is at the direction of the parole officer.

\_\_\_\_\_ This requirement is no longer required at the direction of the parole officer.

4. \_\_\_\_\_ I will attend and participate in District Reentry Center (DRC) programming for substance abuse counseling as directed by my parole officer.

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**Section D**

Comments: \_\_\_\_\_  
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\_\_\_\_\_

**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

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.