



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.257

Date: May 21, 2020

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Supersedes: January 17, 2019

BOARD POLICY

SUBJECT: SPECIAL CONDITION “P” (SPECIAL NEEDS OFFENDER PROGRAM)

PURPOSE: To establish Special Condition “P” (Special Needs Offender Program) as a special condition of parole or mandatory supervision and to establish a procedure for imposing the program as a condition of parole or mandatory supervision.

AUTHORITY: Texas Code of Criminal Procedure Article 42A.506
Texas Government Code Sections 508.0441, 508.045, and 508.221

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.

POLICY: Special Condition “P” represents a cooperative effort between the Board, the Texas Department of Criminal Justice Parole Division (Division), the Texas Department of State Health Services, and local and community health organizations to ensure the successful reintegration into society of those offenders with special needs.

At any time Special Condition “P” is in effect, the offender shall fully comply with the requirements and instructions related to the assessment, evaluation, counseling, and medication prescribed by medical and therapeutic professionals, as well as Board and Division policies governing the Special Needs Offender Program (SNOP) conditions and supervision.

DEFINITIONS:

Mentally Impaired (MI) – a SNOP caseload category designed to provide offenders with mental illness community-based treatment alternatives when released to parole or mandatory supervision, ideally through the coordination of existing resources. The diagnoses identified are schizophrenia and other psychotic disorders; mood disorders; and delirium, dementia, amnesic and other cognitive disorders (Reference TDCJ PD/POP-3.7.1).

Intellectual Developmental Disorder (IDD) – a SNOP caseload category that seeks to maximize the potential of offenders with a diagnosis of Intellectual Disability (ID) when released to parole or mandatory supervision, ideally through the coordination of existing resources. One or more of the following criteria shall be met: have an IQ of 70 or below on valid psychological testing and must have demonstrated “Adaptive Behavior Deficits” before the age of 18; or have participated in the TDCJ CID Developmental Disabilities program (DDP) while incarcerated (Reference TDCJ PD/POP-3.7.1).

Terminally Ill/Physically Handicapped (TI/PH) – a SNOP caseload category that is designed to provide appropriate supervision to offenders with a documented terminal illness or a severely disabling physical handicap. One or more of the following criteria shall be met: have documentation of a terminal illness that is incurable and will inevitably result in death within one year or less; have a medical condition requiring 24-hour nursing care or specialized medical support services; have a severe and chronic disabling physical handicap; or offenders who are deaf or hard of hearing and received service for their impairment while in TDCJ CID (Reference TDCJ PD/POP-3.7.1).

COMPONENTS:

“P” – At any time that this condition is in effect, and to the extent directed in writing by the offender’s supervising Parole Officer, the offender shall:

- A. Participate in mental health assessment and evaluation as instructed by the offender’s supervising Parole Officer;
- B. Participate in Intellectual Developmental Disorder assessment and evaluation as instructed by the offender’s supervising Parole Officer;
- C. Participate in a mental health/Intellectual Developmental Disorder treatment or counseling/case management/rehabilitation training program as instructed by the offender’s supervising Parole Officer;
- D. Participate in mental health counseling/rehabilitation training for other reasons as instructed by the offender’s supervising Parole Officer; or
- E. Use medication as prescribed by the attending physician or psychiatrist.

PROCEDURE:

- I. Criteria for Imposition – Special Condition “P” is intended for offenders who have a history of MI or ID.
 - A. When a parole panel determines that MI or IDD contributed to the commission of the instant offense(s) or may adversely affect the offender’s potential for success after release, Special Condition “P” may be imposed by a parole panel.
 - B. As such, once imposed, it is a condition that should continue to govern the offender for the duration of the supervision period.
- II. Imposition of Special Condition
 - A. A parole panel, upon majority vote, may impose Special Condition "P" as a condition of parole or mandatory supervision.
 - B. Unless otherwise directed, any condition imposed becomes effective on the date of the parole panel decision.
 - C. At any time that Special Condition “P” is in effect, an offender’s supervising Parole Officer may require the offender to comply with any or all Special Condition “P” components to the extent directed in writing by the offender’s supervising Parole Officer, provided that an acknowledgement form is executed every time compliance requisites are imposed or modified.
- III. Withdrawal of Special Condition
 - A. The latitude created under Procedure II.C. is intended to afford the offender’s supervising Parole Officer the flexibility to develop the supervision and treatment strategies for the offender.
 - B. A parole panel, upon majority vote, may withdraw Special Condition “P” as a condition of parole or mandatory supervision.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 21ST DAY OF MAY, 2020.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)
**Signature on file.*