



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.259

Date: July 15, 2021

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Supersedes: October 28, 2020

BOARD POLICY

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 condition of parole or mandatory supervision.

AUTHORITY: Texas Government Code Sections 508.0441, 508.045, 508.184, 508.185, 508.221, and 508.224
Texas Code of Criminal Procedure Article 42A.408

POLICY: Special Condition "S" represents a cooperative effort between the Texas Board of Pardons and Paroles (Board) and the Texas Department of Criminal Justice (TDCJ) Parole Division (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 substances 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.

DISCUSSION: The 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 to the TDCJ Division policy.

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 an 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. attend a substance abuse treatment program, and

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

9. attend substance abuse counseling.

B. **Discretionary Component** – “S” – In addition, any time 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 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, for offenses listed in Chapter 49 of the Texas Penal Code:

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 listed in Chapter 49 of the Texas Penal Code 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.

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 Parole 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 15TH DAY OF JULY, 2021.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*