



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.261

Date: April 25, 2024

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Supersedes: April 27, 2023

BOARD POLICY

SUBJECT: SPECIAL CONDITION "T" (ELECTRONIC MONITORING)

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

AUTHORITY: Texas Government Code Sections 508.0441, 508.045, 508.221, and 508.227
Texas Code of Criminal Procedure Articles 42A.301(b)(16), 42A.507, and 56A.504

POLICY: Special Condition "T" represents a cooperative effort between the Texas Board of Pardons and Paroles (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 law governing conditions of release as well as Board and Division policies.

DISCUSSION: The Board determines the conditions of parole and mandatory supervision. Except in special circumstances, Board Members and Parole Commissioners act in panels comprised of three (3) 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. Any condition may be imposed before or after release and shall remain in effect until specifically removed by a parole panel, unless otherwise authorized by Board policy.

DEFINITIONS: Electronic Monitoring – voice tracking systems, position tracking systems, position locations systems, biometric tracking systems, and any other electronic or telecommunications system that may be used to assist in the supervision of offenders.

PROCEDURE:

I. Criteria for Imposition

- A. An offender must 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 placed 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 is identified as a member of a criminal street gang listed in an intelligence database established under Chapter 67 of the Code of Criminal Procedure; and has three or more times been previously 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 EM program as directed in writing; and
 - 2. follow a daily home confinement schedule pre-approved by the supervising parole officer.
- B. EM may be imposed as a component of a broader range of conditions authorized by the parole panel.
- C. EM as a specific condition of supervision shall only be imposed by utilization of Special Condition "T."

III. Impose Special Condition

- A. A parole panel, upon majority vote, may impose Special Condition "T" as a special condition of parole or mandatory supervision.
- B. Unless otherwise directed, any condition of parole or mandatory supervision imposed is effective on the date of the parole panel decision.

- C. The Division shall place an offender on the EM program in a timely manner following imposition by a parole panel.

IV. Withdrawal of Special Condition

- A. Once imposed, Special 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 Special Condition "T" for the following reasons:
 - 1. After 60 days on EM, the offender has met the Division's criteria to recommend withdrawal; or if denied, upon subsequent recommendation every 30 days thereafter (reference TDCJ PD/POP-3.5.1 Section XX); or
 - 2. Within 30 days of release or 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 Article 56A.504, Code of Criminal Procedure, which references Article 56A.502, Code of Criminal Procedure.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 25TH DAY OF APRIL, 2024.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*