



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 146.251

Date: May 21, 2020

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Supersedes: April 18, 2019

BOARD POLICY

SUBJECT: SPECIAL CONDITION “SAFP” (SUBSTANCE ABUSE FELONY PROGRAM)

PURPOSE: To establish Special Condition “SAFP” (Substance Abuse Felony Program) as a special condition of parole or mandatory supervision and to establish a procedure for imposing substance abuse treatment as a condition of parole or mandatory supervision.

AUTHORITY: Texas Code of Criminal Procedure Article 42A.303
Texas Government Code Sections 493.009, 508.0441, 508.045, 508.185, 508.221, 508.281, 508.2811, and 508.283
Texas Administrative Code Title 37, Part 5, Chapter 146

POLICY: Special Condition “SAFP” represents a cooperative effort between the Board and the Texas Department of Criminal Justice (TDCJ) intended to afford an eligible offender confinement, treatment, and post-release continuum of care when: a parole panel renders a finding following a hearing or proceeding concerning alleged violations of the terms and conditions of parole or mandatory supervision under Chapter 146 of the Board Rules; the offender is a suitable candidate as determined by the suitability criteria; and drug or alcohol abuse significantly contributed to the commission of the crime or violation of the conditions of parole or mandatory supervision.

Special Condition “SAFP” shall result in a period of confinement, treatment, and post-release continuum of care under the terms and conditions outlined in this policy. An offender shall return to active supervision upon successful release from a Substance Abuse Felony Punishment Facility (SAFPF).

At any time this condition is in effect, and to the extent directed in writing, an offender shall comply with the terms and conditions of the SAFPF confinement. Failure to abide by the rules and regulations of the SAFPF may constitute a violation of the offender’s conditions of release to parole or mandatory supervision and may result in a subsequent review by a parole panel for further action as warranted following a hearing or proceeding concerning an alleged violation of the terms and conditions of parole or mandatory supervision under Chapter 146 of the Board Rules.

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 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.

DEFINITIONS: Substance Abuse Felony Punishment Facility (SAFPF) – a facility under contract with or operated by TDCJ.

Special Condition “SAFP” (Substance Abuse Felony Program) – a special condition imposed by a parole panel that will serve to confine and treat an offender and requires the offender to participate in a post-release drug or alcohol use continuum of care treatment plan. The special condition may be imposed when a parole panel renders a finding following a hearing or proceeding concerning alleged violations of the terms and conditions of parole or mandatory supervision under Chapter 146 of the Board Rules for an offender who is a suitable candidate as determined by the suitability criteria.

Substance Abuse Felony Program (SAFP) Term – an indeterminate term of confinement and treatment of not more than 12 months or less than six (6) months. The SAFP term shall begin the date the offender is placed in the SAFPF following a hearing or proceeding concerning alleged violations of the terms and conditions of parole or mandatory supervision under Chapter 146 of the Board Rules.

Substance Use Treatment (Therapeutic Community Model Phases) – Phase I/Orientation (Average – 30 days) – to engage and assimilate the offender into the treatment process and therapeutic community. Phase II/Main Treatment (Average – 90 days for regular needs, 4 – 6 months for special needs) – to strengthen the offender’s skills in autonomous decision-making; capacity for increasing self-management; skills in relapse prevention; and transitional planning. Phase III/Re-Entry (Average – 60 days) – to help the offender in sustaining meaningful recovery and to identify relapse triggers and behaviors. (Reference TDCJ Rehabilitation Division SATOM 03.08-SAFP)

Substance Use Treatment (Aftercare) – to provide the substance-using offender the vital support and treatment services needed to maintain a drug-free lifestyle in the community. To achieve this goal, the coordination for Aftercare Services begins while the offender is involved in the treatment program at the unit and involves both, a specific relapse prevention and management plan, and an exploration of community resources (Reference TDCJ Rehabilitation Division SATOM 03.08-SAFP.)

Substance Use Treatment (Relapse) – for offenders who have relapsed and have returned to the program. The Relapse Phase is intended to provide those offenders who have relapsed with intensive treatment that specifically addresses individual relapse issues. Returning offenders shall be initially placed in the Orientation phase for not longer than 15 days to complete the relapse evaluation. The entire Relapse Phase shall not be longer than four (4) months in duration for regular needs offenders and five (5) to six (6) months for those offenders with special needs. If it is determined that an offender must remain in the Relapse Phase longer than prescribed above, a program extension shall be recommended by the Treatment Team and submitted to the SATP Program Supervisor V (PS V) or designee in writing within 48 hours (Reference TDCJ Rehabilitation Division SATOM 03.08-SAFPF).

PROCEDURE:

- I. Suitability Criteria – the suitability criteria are established by the TDCJ under Section 493.009 of the Texas Government Code (Reference TDCJ Rehabilitation Division SATOM 03.03-SAFPF Par. Mod.). The suitability criteria include:
 - A. The offender is not convicted of or adjudicated for an offense which requires sex offender registration; is not charged or convicted under the below sections of the Texas Penal Code; or not charged or convicted of criminal attempt under the below sections of the Texas Penal Code:
 1. Section 21.11, Indecency with a Child;
 2. Section 22.011, Sexual Assault; or
 3. Section 22.021, Aggravated Sexual Assault;
 - B. The offender has no pending misdemeanor or felony charges;
 - C. The offender is not serving a jail sentence;
 - D. The offender’s maximum discharge date is greater than 12 months from the date of the panel decision;
 - E. The offender has been tested with a TDCJ-approved and validated screening instrument and determined to be chemically dependent; and
 - F. A parole panel makes an affirmative finding that drug or alcohol use significantly contributed to the commission of the crime or violation of the conditions of parole or mandatory supervision.
- II. Imposition Requirements

- A. A parole panel, upon majority vote, may impose Special Condition “SAFP” following a hearing or proceeding concerning alleged violations of the terms and conditions of parole or mandatory supervision conducted pursuant to Chapter 146 of the Board Rules if a parole panel renders a finding that the offender is a suitable candidate as determined by the suitability criteria and that drug and alcohol abuse significantly contributed to the commission of the crime or violation of the conditions of parole or mandatory supervision.
- B. The offender shall have the right to a hearing under Chapter 146 of the Board Rules prior to the imposition of Special Condition “SAFP”, unless the offender waives the right to a revocation hearing under Board Rules 146.4 or 146.5.
- C. A parole panel shall require the offender to comply with the rules and regulations of the SAFPF for the duration of the SAFP term.

III. Impose Special Condition

- A. Unless otherwise directed, Special Condition “SAFP” becomes effective on the date the offender is placed in the SAFPF.
- B. Special Condition “SAFP” shall remain in effect until successful completion of the SAFP term.
- C. Failure to abide by the rules and regulations of the SAFPF during a SAFP term may result in a subsequent review by a parole panel and further action as warranted following a hearing or proceedings concerning alleged violations of the rules and regulations of the SAFPF under Chapter 146 of the Board Rules.

IV. Withdrawal of Special Condition

- A. Once imposed, Special Condition “SAFP” shall continue to govern the offender until successful completion of the SAFP term.
- B. Upon recommendation of the TDCJ Parole Division, a parole panel, upon majority vote, may withdraw Special Condition “SAFP” as a special condition of parole or mandatory supervision.
- C. A request to withdraw Special Condition “SAFP” shall be returned to the original voting panel with the only exceptions being those covered by other Board policies.
- D. Special Condition “SAFP” shall terminate in the event an offender reaches the maximum expiration date of their sentence during the course of a SAFP term.

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

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*