

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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SUBJECT: SEX OFFENDER PROGRAM SUPERVISION GUIDELINES

AUTHORITY: TEX. GOV'T CODE § 508.181, 508.1861, 508.187, 508.221, 508.316; TEX. OCCUPATIONS CODE § 109.052; 109.054; 37 TAC § 163.38, 195.51; TEXAS FAMILY CODE § 58.005, PENAL CODE § 43.21; CODE OF CRIMINAL PROCEDURES § 62.0061(f); Article 15.27

POLICY:

The Parole Division manages sex offenders using the Containment Approach. The aim of this approach is to improve system wide management of offenders in the community by holding offenders consistently accountable for the harm caused by sexual abuse with the ultimate goal of preventing further victimization. The Containment Approach model establishes a process for managing sex offenders and has five components:

1. A philosophy that values public safety;
2. Implementation strategies that rely on agency coordination, multidisciplinary partnerships, and job specialization;
3. Accountability of sex offenders through the combined use of both offenders' internal controls and external criminal justice controls, and use of the polygraph to monitor internal controls and compliance with external controls;
4. Development and implementation of policies that create and support consistent practices; and
5. Quality control mechanisms that include program monitoring and evaluation.

In order to improve public safety and increase the likelihood of successful reintegration, sex offenders supervised in the community must abide by special conditions. The Containment Approach uses team management to verify offender compliance with these conditions. The management team includes the parole officer, the treatment provider, and the polygraph examiner. Working together, the team forms a 'triangle' of supervision for the offender, who is in the center of the triangle. The goal is to closely monitor the offender's lifestyle and contain the offender within boundaries established by the team.

Each team member has a very distinct role and requires that they hold the offender accountable for his/her behavior. The treatment provider furnishes information on the offender's offense cycle, risk, and progress or regress. The polygraph examiner provides the parole officer and treatment provider with the most accurate information available regarding the offender's compliance with treatment and supervision. The parole officer provides information regarding supervision, employment, and level of compliance with special conditions. The higher the level of communication and teamwork, the more profound the team's effect will be on the offender and the community.

Sex offenders have distinctive supervision and treatment needs and their own unique issues that require a case-by-case analysis. Officers shall manage sex offenders within a comprehensive framework when determining the type of special conditions that are needed to assist the offender in becoming a productive member of the community while enhancing public safety. Offenders require their own customized course of supervision with respect to treatment referrals and supervision techniques.

This policy establishes the procedures for sex offender special conditions and supervision guidelines.

PROCEDURE:

I. CONTAINMENT APPROACH – INTERNAL CONTROLS

Sex offenders are taught to achieve personal control of their inappropriate sexual impulses, thoughts, and behaviors through sex offender-specific treatment. Special conditions are tailored to the offender's identified risk and the offender's offense cycle.

A. Special Condition Imposition

Special conditions and discretionary components shall directly relate to the identified risk, supervision, and treatment needs of the individual offender.

1. Special Condition "X"

The parole officer shall complete a Notice of Special Condition via the Offender Information Management System (OIMS) at the initial interview or the interview following the imposition of Special Condition "X". The officer shall apply the appropriate components on a case-by-case basis to ensure effective supervision. Subsequent Notice of Special Condition forms may be completed with the offender upon determining that imposition or withdrawal of components is appropriate.

a. The following are mandatory components of Special Condition "X". At any time Special Condition "X" is in effect, unless modified or withdrawn by the Board of Pardons and Paroles (Board), an offender shall:

- (1) Enroll in and participate in a treatment program for sex offenders as directed by the supervising parole officer.

The Board of Pardons and Paroles (Board) requires that offenders serving a sentence for an offense as defined in Section 508.187(a), Texas Government Code, against a victim seventeen (17) years of age or younger shall receive psychological counseling until such time as the treatment provider, in conjunction with the Parole Division, determines that treatment is no longer required. The Board requires the Parole Division to submit a recommendation to withdraw the requirement to attend psychological counseling to the appropriate Board Panel in those instances where such action is deemed appropriate. However, as a matter of Division policy, the officer will not request the withdrawal of Special Condition “X” or sex offender treatment conditions as outlined in Section I.I of this policy.

- (2) The offender shall not operate, cause to operate, secure employment in, participate in, attend, or go in or on any sexually-oriented business including adult bookstores, massage parlors, adult video stores, or any business that provides adult entertainment, such as nude or partially-nude services, dancing or exhibition.
- (3) The offender shall not intentionally or knowingly communicate directly or indirectly by telephone, correspondence, video or audio device, third person, media, or by any electronic means, with the victim or guardian of the victim of the sex offense, or intentionally or knowingly go near a residence, school, place of employment, or business of a victim or guardian of the victim. This component applies even when the offender is the legally recognized parent of the victim.
- (4) The offender shall not participate in any volunteer activities or volunteer any services without prior written approval of the offender’s supervising parole officer. In the event any such volunteer activity or service is approved, the offender must provide written notification to the prospective recipient agency/person regarding criminal history, as directed by the supervising parole officer.
- (5) The offender shall not enroll in, attend, be employed by, volunteer for, or enter an institution of higher learning, to include community college, junior college, university, public or private, or any facilities, off-site or otherwise, without Board Panel approval and notification to the victim or guardian of the victim of the sex offense.

Reference Section I. J of this policy regarding procedures for offenders attending or entering a school.

- (6) The offender shall not view, possess, purchase, or subscribe to, or cause to be purchased or subscribed to, any photographs, literature, magazines, books, or visual media that depict sexually explicit images, or communicate or cause to communicate with a person for sexually explicit purposes through telecommunications or any other electronic means, including 1-900 services.
- (7) The offender shall submit to polygraph examinations outside the treatment contract between the sex offender and the sex offender treatment provider, as directed by the supervising parole officer and approved by the Board Panel.

Treatment polygraphs can be an instant offense, sexual history, monitoring, or maintenance polygraph.

b. The following components are mandatory and only apply to offenders whose victim was under seventeen (17) years of age.

- (1) An offender shall not operate, cause to operate, participate in, or attend any program that includes as participants or recipients persons who are seventeen (17) years of age or younger and that regularly provides athletic, civic, or cultural activities, or go in, on, or within a distance specified by Board policy of a premise where children commonly gather, including a school, daycare facility, playground, public or private youth center, public swimming pool, or video arcade facility.

When adding or editing this component in the OIMS, the officer shall enter the child safety zone distance that has been established by the Board, which is 500 feet. Only the Board can modify the distance. In the event, the distance has been modified by the Board, the officer shall enter the distance required for that offender in the comment section.

- (2) The offender shall not become involved in dating, marriage, or platonic relationship with any person who has children seventeen (17) years of age or younger unless approved in writing by the offender's supervising parole officer.
- (3) The offender shall not reside with, have unsupervised contact with, or cause to be contacted any child seventeen (17) years of age or younger, neither in person, by telephone, correspondence, video or audio device, third person, media, or any electronic means, unless the offender is the legally recognized parent of the child.

If a chaperone is not approved or supervised contact is not appropriate, supervised contact shall not occur.

c. At any time Special Condition "X" is imposed, the officer may apply the following components at his discretion.

- (1) The offender shall not leave the offender's approved County of Residence without written permission from the offender's supervising parole officer.
- (2) The offender shall not own, maintain or operate computer equipment without a declared purpose and the written authorization of the offender's supervising parole officer. If authorization is granted, the offender shall submit to a search of the computer hardware, software, files, and peripherals without a warrant, at any time, day or night, by any TDCJ parole or law enforcement official. The offender shall allow the supervising parole officer to install a specified computer program designed to track computer activity.

Once staffed with the Supervision Team and if determined appropriate that the offender be allowed access to a computer, the supervising parole officer shall provide the offender with an Advisement Form. The Advisement Form shall

indicate the declared purpose, the level of access (e.g. Internet access, or specific software program(s)), and location of the computer (work, home, etc.). In the event computer monitoring software is installed on the offender's computer, this shall be at the expense of the offender.

- (3) The offender shall not own, maintain, or operate photographic equipment, to include Instamatic, still photo, video, or any electronic imaging equipment unless approved in writing by the offender's supervising parole officer.
- (4) The offender shall notify any prospective employer regarding the offender's criminal history if directed in writing by the supervising parole officer.
- (5) The offender shall abide by a curfew established in writing by the supervising parole officer.
- (6) The offender shall submit to a search of the offender's person, motor vehicle, and place of residence, property, or any property to which offender has been given permission to use, without a warrant, at any time, day or night, by the offender's parole officer or any authorized representative of the TDCJ Parole Division, with the assistance of any law enforcement officer.

Officers shall refer to Parole Division policy 3.6.10 *Special Condition "X" Search Guidelines*, for search procedures.

- B. In the event that Special Condition "X" was not imposed at the time of the offender's release and upon determining that the offender meets the caseload eligibility criteria under Parole Division policy 3.6.1 *Sex Offender Program Administrative Guidelines*, the parole officer shall request the Board impose the condition. All post-release requests for "X" or "O" – Sex Offender Evaluation (O.33) shall be reviewed and approved by the Sex Offender Program Supervisor prior to submission to the Board. The officer shall send the request for review via the All Purpose Interoffice Memorandum (PSV-109) with the supporting documents attached, or reference the material if it is scanned in the OIMS, to substantiate the request within ten (10) calendar days of release or being identified as meeting the criteria. Once the officer receives approval to submit the request to the Board, the officer shall submit the request via the OIMS within three (3) business days. The request shall detail the sex offense and reference therapeutic reports and evaluations when applicable, judgment and sentence, and all court documents related to the offense as well as other relevant information that provides justification for the request.

In the event the OIMS does not have the information to support the request (e.g. out-of-state or prior sex offense convictions), the officer shall scan the supporting documentation into the OIMS or fax to the Board Panel indicating that that these documents are in support of a request for a special condition being submitted via the OIMS. The supporting documents shall be made available for the Board's review.

Upon imposition of the special condition, the officer shall select the appropriate components of Special Condition "X", print the Notice of Special Condition form from the OIMS, and obtain the offender's signature acknowledging imposition of the special condition. The officer shall update the OIMS with the date the offender was notified.

- C. If the offender only has Special Condition “O” – Sex Offender Evaluation (O.33) and evidence supports sex offender treatment, the officer shall submit the evaluation results via the PSV-109 to the Sex Offender Program Supervisor requesting approval to request Special Condition “X”. Conversely, if treatment is not recommended at that time, the officer may still submit the report for review for Special Condition “X” in order to use the other necessary components. In the event, the Board Panel imposes Special Condition “X”, treatment will not be required until determined appropriate by the sex offender treatment provider.
- D. Even in those instances in which the Board does *not* impose the requested conditions on an offender who has a sex offense conviction, adjudication or deferred adjudication, the specialized Sex Offender Officer shall supervise that offender on a sex offender caseload and ensure that the sex offender indicators and caseload category are entered into the OIMS within three (3) business days.
- E. Out-of-state sex offenders are identified in the same manner as Texas offenders. If an out-of-state offender needs to have special conditions imposed, requests to impose the appropriate special condition(s) shall be made by the Specialized Sex Offender Officer to the Board through the OIMS after review and approval from the Sex Offender Program Supervisor. The parole officer shall send the request for review and approval via PSV-109 with supporting documents within ten (10) calendar days of arrival or being identified as meeting the criteria.
- F. Other conditions deemed necessary for adequate supervision shall be submitted via the OIMS to the Board Panel for approval. The request for each special condition shall provide detailed information to justify the need for the special condition.
- G. Offenders with documented medical problems may not be able to comply with treatment or other special conditions. These situations need to be reviewed on a case-by-case basis before conditions are requested. Documentation of the offender’s medical condition shall be maintained in the offender’s district file and the officer shall update the information in the Medical Section of the OIMS.
- H. Contact With Children
 - 1. Offenders with child victims shall not be allowed to live with or have unsupervised contact with children unless the offender is the legally recognized parent of the child, or the Board has imposed a condition allowing contact.

A Legally Recognized Parent is defined as: The mother, a man presumed to be the father, a man legally determined to be the father, a man who has been adjudicated to be the father by a court of competent jurisdiction, a man who has acknowledged his paternity under applicable law, or an adoptive mother or father, as defined in the Texas Family Code § 101.024 or where the offender has been appointed legal guardian of said child.

a. Legally Recognized Parent – Requesting No Contact

- (1) In the event it is determined necessary to prohibit an offender from having contact with his or her own children, and the process has not been completed prior to release, the officer shall provide the offender with the Legally Recognized Parent Notice form (SP-0602) within seven (7) calendar days of being placed on the sex offender caseload or determining that the restriction is necessary.

To determine if the offender has received notice prior to release, the supervising parole officer shall access the Legally Recognized Parent Notice History on the Offender Notification System on the Clemency and Parole System (CAPS).

The notice shall indicate the reason(s) the division is requesting this restrictive condition. The offender has thirty (30) calendar days to submit a statement and any supplemental documentation on his behalf to give reasons why the Board should not restrict contact with his/her child. The offender shall not be allowed contact with his/her child during the notice period if credible information exists that the offender poses a threat to said child.

- (2) During the notice period, to the fullest extent possible, the supervising parole officer shall contact the custodial legal guardian of the child(ren). This contact should help to determine if there is any legal reason why the offender should or should not have contact.
- (3) The supporting documents requesting the restriction shall include, but not be limited to, credible information in writing that indicates the offender poses a threat to the child and that such restrictions are necessary to protect the child. Credible information shall include, but not be limited to, a detailed description of the offender's sexual behavior/offense; a recommendation from the therapist detailing the threat the offender poses to said child; evaluations; polygraphs, if applicable; court orders involving the custody of the offender's child (e.g. Divorce Decree, Suits Affecting Parental-Child Relationship, etc.); and all relevant information providing justification why the offender should not be allowed to have contact with his/her child(ren). The request for imposition of no contact with the offender's child(ren) shall include the child(ren)'s name and date of birth or age.
- (4) Within three (3) calendar days after the notice period expires or after the offender waives the notice period, the officer shall submit the transmittal and all supporting documents to the Unit Supervisor and Parole Supervisor for review and approval prior to submitting the packet to the Assistant Regional Director (ARD) for review and approval. The ARD shall forward the transmittal packet to the district office in proximity to the panel that will vote the transmittal. The designee shall present the case to the Board Panel.
- (5) In the event the offender had been previously allowed, by a Board Panel, to have contact with his/her child(ren) and subsequently, credible information is received that necessitates requesting the Board to prohibit contact with his/her child(ren), the officer shall initiate the process noted above by providing the offender with notice and proceed accordingly.

b. Legally Recognized Parent – Allowing Contact

- (1) In the event there is no existing credible information that contact with the offender's child(ren) should be restricted, the officer shall allow the offender to have contact with his/her children.

- (2) Prior to submitting the transmittal, the supervising parole officer shall contact the custodial legal guardian of the child(ren). This contact should help to determine if there is any legal reason why the offender should not have contact.
 - (3) The parole officer shall submit a Board Transmittal within three (3) calendar days after determining contact will be allowed, requesting the offender continue to be allowed contact with his/her child(ren). Offenders who are allowed contact with their child(ren) shall not receive a notice form. The transmittal packet shall include treatment information, and if applicable, a recommendation from a therapist, court documents relating to the custody of the offender's child(ren), and any other relevant information to support the request.
- c. Contact with Child(ren) of whom the Offender is Not the Legally Recognized Parent
- (1) If supervised contact with child(ren) other than the offender's child(ren) is determined appropriate, the parole officer and treatment provider shall pre-approve the chaperone. Permission for supervised contact shall be provided in writing to the offender via the Advisement Form.
 - (2) A chaperone is defined as a responsible adult who has completed chaperone training. The chaperone shall remain in visual contact with the named child(ren) during the offender's visitation period. Chaperone training shall be conducted by the therapist in accordance with the Council on Sex Offender Treatment Rules and Regulations. Unsupervised contact with children shall only be approved by the Board.
 - (3) In the event it is determined that unsupervised contact is appropriate, the parole officer shall submit a Board transmittal requesting unsupervised contact. The transmittal packet shall include treatment information, a recommendation from the therapist, polygraph reports and all relevant information that will substantiate the request for unsupervised contact with children.
- d. Offenders with Adult Victims
- (1) An offender who does not have a victim under seventeen (17) years of age shall not be restricted from having contact with children unless there is credible information in writing that the offender poses a threat to children.
 - (2) If a restriction is necessary, the parole officer shall submit a transmittal with all supporting documents to include a therapist's recommendation detailing how the offender poses a threat to children and that the restriction is necessary.
 - (3) Within three (3) calendar days of determining the condition is necessary, the officer shall submit the transmittal and all supporting documents to the Unit Supervisor for review and approval. The Unit Supervisor shall submit the packet to their Assistant Regional Director (ARD) for review and approval. The ARD shall forward the transmittal packet to the district office in proximity to the panel that will vote the transmittal. The designee shall present the case to the Board

Panel.

- (4) If the Board imposes a condition of no contact with children, the offender shall be allowed to have contact with only his/her legally recognized child(ren) unless the procedures applicable to that process have been accomplished.
2. The voted transmittal as noted in Section H.1.a-d above shall be faxed to the lead voter's Board Office to enter on the mainframe. A copy of the transmittal packet shall be sent to Specialized Programs, Attention: LRP Transmittals, 8610 Shoal Creek Blvd., Austin, Texas 78757. The condition will be entered in the OIMS by a designated Program Supervisor or designee. The copy of the transmittal packet will be filed in the offender's central file or scanned in the OIMS, whichever applies. The original packet shall remain in the district file.

I. Completion of Treatment

The officer shall not request the Board remove Special Condition "X", sex offender Special Condition "O" – Sex Offender Evaluation (O.33), or related counseling special conditions upon the offender's successful discharge from a treatment program. A yearly psychological/sex offender evaluation shall be conducted to determine treatment needs.

J. Offenders Attending/Entering a School

1. In the event an offender who has Special Condition "X" requests to attend/enter an institution of higher learning and the team determines it is appropriate, victim notification and Board approval shall precede allowing an offender to attend/enter school. The parole officer shall complete the Victim Notification Worksheet (SP-0701) and forward it to the Sex Offender Program Supervisor or designee via Lotus Notes indicating that the offender has requested to attend/enter school.

The Program Supervisor will facilitate victim notification through Victim Services. Once the Program Supervisor has confirmed that the victim has been notified, the officer shall submit a hardcopy Board Transmittal to the Board Panel requesting permission for the offender to enter or attend school. The transmittal shall include the therapist's recommendation and whether victim notification was achieved.

2. In the event any offender requests to attend/enter a secondary school, regardless of caseload placement (e.g. regular caseload, SISP, SNOP, etc.), the officer shall contact the Sex Offender Program Supervisor or designee prior to approving or allowing an offender to attend/enter school. The Program Supervisor will provide written instructions regarding procedures for allowing an offender to attend/enter a secondary school.
3. In the event a sex offender has been given permission to attend/enter a secondary school and is placed in an Alternative Education Program, at the end of the first semester, the school's Board of Trustees shall convene a committee to review the student's placement. The supervising parole officer shall participate as a committee member in determining whether the offender shall be returned to a regular classroom.

4. In the event an offender who has been given permission to attend/enter a secondary school is transferred or reenrolled in another school, the supervising parole officer shall verbally notify the new school officials and the Sex Offender Program Supervisor prior to allowing the offender to attend/enter the new school. Written notification to the new school official and the Sex Offender Program Supervisor shall follow within 24 hours of learning of the offenders transfer or reenrollment, or before the next school day, whichever is earlier. The notification shall include a statement of whether the offender is required to register as a sex offender. The supervising parole officer shall enter this contact in the OIMS as an Investigative Contact.
- K. Prohibition of Internet Access for Certain Sex Offenders as required by Government Code, Section 508.1861
1. An offender shall have certain computer restrictions if they are required to register as a sex offender and are currently serving an offense as described below:
 - a. Indecency with a Child;
 - b. Sexual Assault and the victim was a child;
 - c. Aggravated Sexual Assault and the victim was a child;
 - d. Online Solicitation of a Minor;
 - e. Sexual Performance of a Child.
 2. An offender shall have certain computer restrictions if the offender has a current or prior conviction that requires sex offender registration and has either:
 - a. Used the Internet or any type of electronic device used for Internet access to commit the offense or engage in the conduct for which the offender is required to register; or
 - b. Been assigned a risk level of three (high-risk) based on the risk assessment conducted for sex offender registration.
 3. The restrictions shall include a prohibition of use of the Internet to:
 - a. Access obscene material, which is material or a performance that depicts or describes sexual acts or conduct and is defined in Section 43.21 of the Penal Code;
 - b. Access a commercial social networking site, which is an Internet website for creating a profile that allows for communication with other users and has the primary purpose of facilitating online social interaction and is defined in Section 62.0061(f) of the Code of Criminal Procedure;
 - c. Communicate with any individual concerning sexual relations with a person who is younger than seventeen (17) years of age; and

- d. Communicate with any individual who the offender knows is younger than seventeen (17) years of age.
4. Offenders who meet the above criteria shall have a mandatory special condition imposed.
5. A Parole Panel may modify at any time the conditions noted above if the condition interferes with the offender's ability to attend school, become or remain employed and consequently constitutes an undue hardship, or if the offender is the legally recognized parent of a person who is younger than seventeen (17) years of age and is not otherwise prohibited from communicating with the person.

II. CONTAINMENT APPROACH – EXTERNAL CONTROLS

External controls are networks that assist the offender in the likelihood of successful reintegration. This network of external controls increases the accuracy and consistency of information concerning a sex offender's behavior and activities, which assists the parole officer in verifying offender compliance.

External controls can include others outside the criminal justice system to assist in this network. Not everyone in the offender's life is appropriate or willing to be a part of the network. Officers shall be judicious when identifying network individuals and shall not include those who are not reliable in identifying or reporting when the offender is engaging in potentially risky behavior. Network individuals may be employers, Alcoholics Anonymous/Narcotics Anonymous sponsors, family, spouses, significant others, religious leaders, etc. Sharing information between the network members in a timely manner is essential and may reduce the likelihood of the offender relapsing.

A. Collateral Contact

1. Ideally, the Collateral Contact Information form (PMS-14) should be completed upon the officer's initial contact with the offender's "collateral contacts", which may occur during the pre-parole investigation. All sex offenders shall have at least one (1) person identified as a "collateral contact" within thirty (30) calendar days of being placed on the sex offender caseload. This person may be, for example, a roommate, employer, family member, spouse, significant other, pastor, sponsor, or friend. The collateral contact(s) shall be asked to sign the PMS-14 and at least one (1) collateral contact will be conducted monthly to assist in monitoring the offender's behavior. Officers shall work with the offender and therapist to identify collateral contacts.
2. The PMS-14 shall be completed any time the officer becomes aware of another person who is significant in the offender's life. Significant others and collateral contacts refer to anyone who plays an important role in the offender's life. Some offenders may require several forms to be signed by their support system while other offenders may have only a few. All offenders shall have at least one (1) form signed. The form is intended to lessen the likelihood of the offender repeating sexually deviant or offensive behavior by encouraging important, meaningful communication with the offender's support system. In order to alert those close to the offender of their conviction or history as a sex offender, the form shall be completed even when the offender plans to reside alone.

B. Employer Notification

1. Notifying employers of the Parole or Mandatory Supervision status of offenders is recommended. Notification will assist the parole officer in monitoring the adjustment of offenders under their supervision and can ultimately be of benefit to the employer and the offender. Each benefits from knowing the expectations of supervision, such as appointments, child safety zones, etc.
2. Employer notification shall occur when offenders are employed in institutions, hospitals, schools, churches (or entry to these locations is required), landscaping, apartments, hotels, resorts, as a domestic, as a resident farmhand, as home repair, door-to-door sales, or positions of special trust such as an accountant, bookkeeper, office manager, cashier, auditor, supervisor, delivery, or in athletic, civic, or cultural programs that include participants or recipients who are seventeen (17) years of age or younger. For further information on employer notification reference PD/POP-3.2.12 *Offender Employment*.
3. Offenders who are being supervised on a sex offender caseload due only to an adjudication of delinquency (juvenile adjudication) are strictly confidential and cannot be disclosed to an employer or named individuals except to the extent authorized by law (Texas Family Code, § 58.005). The parole officer cannot divulge information regarding the sex offense to the employer or prospective employer. The offender could be encouraged to share this information with the prospective employer. If the offender is subject to sex offender registration, any information made public on the Texas Department of Public Safety website can be released to the employer.

C. Officers who become aware that the offender's employment may present a specific hazard to the public or to the offender shall request the Board to impose a special condition prohibiting that type of employment.

D. Notification of Other Individuals

1. Parole officers shall make a reasonable effort to notify adults with whom a sex offender resides of the offender's placement on a sex offender caseload and the sex offense.
2. If the offender is attending any treatment or self-help program, the officer shall notify the therapist (e.g. psychologist, substance abuse counselor, family therapist) or the 12-step sponsor of the offender's sexually deviant or criminal behavior history and request they sign a PMS-14. Sex offender therapists do not need to sign the PMS-14.
3. Parole officers, with the approval of the Regional Director, may notify named individuals of the offender's Parole or Mandatory Supervision status in accordance with agency policy. "Named individuals" include apartment managers, neighbors, etc.

III. RESIDENTIAL PLACEMENT

A. Investigation

1. Prior to visiting the residence, the officer shall check the Department of Public Safety (DPS) Sex Offender Registration website for the specified zip code to determine if other sex offender(s) reside at that same address. If there is another sex offender at the address, the plan may be denied with the Parole Supervisor's concurrence. The officer shall also check maps of the area using the Internet (e.g. Mapquest, Yahoo Maps) to check for schools in the area.

The parole officer shall also check the websites of the regulatory agency (i.e. [http://www.dfps.state.tx.us/Child Protection/About Child Protective Services](http://www.dfps.state.tx.us/Child_Protection/About_Child_Protective_Services) for Family and Protective Services) for any licensed, registered, or listed childcare facilities (home based or commercial) for offenders living in a residence or a non-contracted facility, excluding those living in a TDCJ contracted Residential Reentry Center to determine if the residence is located within the child safety zone. If the offender's residence is within the specified child safety zone, the assigned officer shall deny the plan upon visual confirmation, should child safety zones apply to that offender.

2. Specialized Officers shall personally visit the proposed residence prior to approving a home placement plan, including transfers, pre-parole and mandatory release investigations, or change of address requests. All placement investigations for sex offenders who are subject to child safety zones shall be in coordination with the investigating officer and the Unit Supervisor.

Unit Supervisors shall physically view the proposed residence to determine its suitability with regard to child safety zones. Documentation of activities regarding plan investigation shall be maintained in the offender's working file and/or in the OIMS when applicable.

3. The Parole Supervisor shall review all denied home plans for pre-parole, mandatory release, and transfer requests for offenders in a Residential Reentry Center to determine if the denial is appropriate.
4. When a pre-parole or mandatory supervision investigation is denied, the investigating officer shall work with the offender's support system in the community to develop a viable release plan in accordance with applicable procedures. If a plan cannot be established, the investigating officer shall state the reason for the denial in the chronological record and on the Parole Plan Update (PPU) screen.
5. Officers shall check the daycare regulatory agency website every six (6) months to determine if daycare facilities (home-based or commercial) have been established within 500 feet of an offender's residence. This applies to offenders who are subject to child safety zones. Officers shall document the results as an Investigative Contact in the OIMS. If it is determined that an offender is living within a child safety zone, the officer shall send the information on the Child Safety Zone Worksheet (SP-0702) within three (3) workdays to the Sex Offender Program Supervisor, via Lotus Notes, through their chain-of-command. The case shall be reviewed by the Program Supervisor and staffed with the Deputy Director of Field Operations. Once a decision has been made on the appropriate action, the officer shall be provided with further instructions.

B. A residential placement may be APPROVED when:

1. The proposed residence does not conflict with any conditions of release to Parole or Mandatory Supervision.
2. Sex offender treatment is available in the community or in an area within reasonable driving distance. Investigating officers should ask proposed sponsors of the availability of transportation.
3. The adult persons (i.e. householders) and custodians of any child seventeen (17) years or younger with whom the sex offender proposes to reside.
 - a. Are made aware of the offender's involvement in sexually criminal behavior;
 - b. Agree to the residence plan;
 - c. Sign the Collateral Contact Information Form (PMS-14).
4. The Unit Supervisor has physically viewed and approved the proposed residence for offenders subject to child safety zones.

C. A residential placement shall be DENIED when:

1. The victim of the sexual criminal behavior resides in the proposed residence.
2. The offender has a history of offending against children, and there are children seventeen (17) years of age or younger residing in the home, unless the offender is the legally recognized parent of the child(ren) and the Board has approved contact.

If restrictions are necessary, the procedures for notice of our intent to request no contact with his/her children shall be given to the offender.
3. The sex offender seeks to reside in a housing facility (other than a Parole Division contract facility) including a boarding house or dormitory where a common restroom or bath facility is shared with any child seventeen (17) years or younger. This type of facility does *not* include a one-bathroom apartment or house.
4. The family or occupants of the residence with whom the offender proposes to reside refuse to accept the offender.
5. Sex offender treatment is not available in the community or in an area within a reasonable driving distance.
6. The proposed residence conflicts with any conditions of release to Parole or Mandatory Supervision.
7. The plan is in a child safety zone and the offender's offense was against a child.

8. The proposed residence is also a licensed (including registered or listed) home-based daycare facility regardless of whether child safety zones apply.

D. A home plan may be denied if:

1. The family or occupants of the residence and the custodians of any child seventeen (17) years or younger with whom the sex offender proposes to reside refuse to sign the Collateral Contact Information Form (PMS-14);
2. Another sex offender resides in the proposed residence; or
3. When the residence of an offender whose offense is against an adult lies within a child safety zone, the plan may be denied, with the Parole Supervisor's concurrence, if a therapist/polygraph examiner has advised the Parole Division in writing that the offender living near children poses a threat. Officers denying home plans for offenders with offenses against adults because the residence is in a child safety zone shall document the justification for the denial in the chronological record and enter it in the Comments section on the PPU screen. A special condition restricting the residency shall be submitted to the Board.

IV. DETERMINING SUPERVISION LEVELS

Sex offenders pose different levels of risk to the community, therefore, not all sex offenders need to be supervised at the same level. In order to utilize resources for those offenders who pose a greater threat of re-offending, the division has adopted the position that offenders shall be supervised according to their level of risk.

- A. Offenders' level of supervision shall be directly correlated with the level of risk as determined by the Static 99 risk assessment.
 1. Low risk shall be supervised on SI-1.
 2. Moderate risk shall be supervised on SI-2.
 3. High risk shall be supervised on SI-3.
- B. Offenders' level of supervision can change over time as outlined in Section VI of this policy.
- C. In the event a Static 99 is not located in the file, the officer shall check the Sex Offender Treatment Program (SOTP) screen on the Inmate Record Inquiry (IMF) of the mainframe to determine the offender's risk level. If a risk level is entered in the mainframe, officers may contact the Sex Offender Rehabilitation Program (SORP) for a copy of the Static 99. If a risk level is not entered on the SOTP screen, the officer shall contact the Sex Offender Program Supervisor or designee by email with the offender's name and TDCJ# requesting that a Static 99 be completed.

- D. Those offenders placed on a sex offender caseload who currently do not have a Static 99 risk level shall be supervised on SI-2 pending the completion of the Static 99.

V. CONTACT STANDARDS

- A. Sex Offender Officers shall work a minimum of two (2) weekend days per month conducting random home or field visits. The process of 'Containment' involves parole officers' schedules that are beyond traditional business hours. Flexibility of schedules is crucial to validate compliance. As a continuation of external controls, the parole officer utilizes contacts as a means to determine compliance of conditions that include controlling and monitoring the offender's leisure time.
- B. The parole officer shall conduct a home visit within seven (7) calendar days of an offender being placed on the sex offender caseload, transferred, or released from custody whether it is an initial or subsequent release (CID, ISF, county jail, etc.).
- C. During every contact, the parole officer shall conduct a plain view search of the offender and their environment, with a plain view search of the entire residence done by the officer at least one (1) time each quarter. The parole officer shall exercise caution so as not to create a hostile situation. In the event there are safety concerns when conducting a search, officers may ask another parole officer or the Unit Supervisor to assist.

Plain view searches of the entire residence that are done quarterly shall be documented in the OIMS as an Investigative Contact. In the event the Investigative Contact was also an unscheduled contact, the parole officer shall indicate in the Comment section that the visit was an unscheduled visit. For more information on plain view searches, reference Parole Division policy 3.6.10 *Special Condition "X" Search Guidelines*.

- D. Contact standards shall be followed as minimum standards:

- 1. SI-1

At least two (2) face-to-face contacts shall be conducted per month, consisting of:

- a. One (1) scheduled office visit; and
- b. One (1) unscheduled home visit.

- 2. SI-2

At least three (3) face-to-face contacts shall be conducted per month, consisting of:

- a. One (1) scheduled office visit;
- b. One (1) unscheduled home visit; and
- c. One (1) scheduled or unscheduled field or employment visit. In rare instances when there are not any viable field/employment visit options due to documented medical reasons, the officer may substitute a field visit with an unscheduled home visit with the

Unit Supervisor's approval, which shall be documented in the OIMS within three (3) business days.

In the event an unscheduled home visit is unsuccessful due to reasons other than medical (e.g. hospitalized, doctor's appointment, etc.), this substitution will no longer be allowed since it demonstrates that there are viable field visit options. However, if the offender attends regular or frequent doctor's visits, this should be considered a viable field visit option.

3. SI-3 – Electronic Monitoring or Home Confinement (Curfew)

At least four (4) face-to-face contacts shall be conducted per month, consisting of:

- a. One (1) scheduled office visit;
- b. Two (2) unscheduled home visits; and
- c. One (1) surveillance contact per month. A surveillance contact requires observing the offender without his knowledge, at home, work, treatment, etc., to validate compliance with all applicable conditions. In rare instances when there are no surveillance options due to documented medical reasons, the officer may substitute surveillance with an unscheduled home visit with the Unit Supervisor's approval, which shall be documented in the OIMS. In the event, an unscheduled home visit is unsuccessful due to reasons other than medical (e.g. hospitalized, doctor's appointment, etc.), this substitution will no longer be allowed since it demonstrates that there are viable field visit options. However, if the offender attends regular or frequent doctor's visits, this should be considered a viable field visit option.
- d. Electronic Monitoring/Home Confinement (Curfew)
 - (1) Officers shall request Special Condition "T" – Electronic Monitoring (EM) from the Board for offenders scoring nine (9) or above on the Static 99 who do not have a Super-Intensive Supervision Program (SISP) special condition. An SISP Officer shall supervise the offender in accordance with the Parole Division policy 3.15.1 *Super-Intensive Supervision Program Administrative Guidelines*, with regard to contact standards for sex offenders with Special Condition "T" for the duration the offender is on EM.

Prior to requesting the Board to withdraw the EM condition on an offender who scored nine (9) or above on the Static 99 from EM, the officer shall staff the case with the Sex Offender Program Supervisor.
 - (2) Offenders scoring high on the Static 99 shall be placed on Home Confinement (Curfew). Offenders shall receive random calls from the parole officer on a weekly basis to validate compliance to Home Confinement schedules.
 - (a) Home Confinement schedules should allow travel to work, treatment, church, and activities authorized by the parole officer. Home Confinement and daily activity schedules shall be addressed on the Advisement Form.

- (b) Random calls may substitute for one (1) non-offender contact for offenders on Home Confinement. Random calls shall be made during scheduled work hours, which will be arranged to verify compliance to Home Confinement schedules.
 - (3) Officers may request Special Condition “T” from the Board via the OIMS when appropriate. Sex Offenders who are being supervised on EM due to Special Condition “T” shall be supervised by an SISP Officer in accordance with Parole Division policy 3.15.1 *Super-Intensive Supervision Program Administrative Guidelines*, with regard to contact standards for sex offenders with Special Condition “T.” If the placement on EM is not due to a risk score of nine (9) or above, the duration of EM shall be in accordance with Parole Division policy 3.5.1 *Electronic Monitoring*.
 - (4) Offenders who score moderate or low risk on the Static 99, and are being placed on a sex offender caseload due to the removal of an SISP condition, shall initially be supervised on SI-3. The parole officer shall supervise the offender with the SI-3 contact standards; however, the home confinement/curfew does not apply.
 - (5) Offenders may be placed on Home Confinement regardless of risk level, if determined necessary by the Supervision Team. Justification shall be documented in the OIMS. If an offender is given a curfew, the offender shall be supervised as an SI-3.
- E. Any deviation from the contact standards not noted above shall be approved in writing by the Regional Director. For example, offenders confined to a nursing home may not be able to report for office visits. The Regional Director shall decide if the office visit shall be waived or if an unscheduled home visit shall substitute for the office visit. The offender’s risk level and level of mobility such as bedridden verses ambulatory shall be taken into consideration when deviating from the contact standards noted above. Documentation of the approved deviation shall be maintained in the OIMS.
- F. **Unscheduled Contact Policy**
- 1. Unscheduled contacts should be attempted at times when the offender is reasonably expected to be at a specific location.
 - a. If the offender is not present, parole officers shall leave reporting instructions at the specified location.
 - b. The officer shall make an entry into the OIMS documenting the time of day when the offender was not present.
 - c. The parole officer shall investigate the offender’s whereabouts during the unscheduled contact attempt. Activities will be documented and appropriate interventions taken if needed.

2. The parole officer shall attempt a second unscheduled contact at the time the offender is scheduled to be at the specified location.

G. Non-Offender Contacts/Collateral Contacts

Two (2) contacts per month, one being with the sex offender treatment provider, if applicable. These contacts can be in person, by telephone, or by written report from the treatment provider. The treatment provider's report can only be substituted for one (1) collateral contact per quarter. In the event, the offender is not in treatment, the officer shall still conduct two (2) collateral contacts per month with other collateral contacts. Additional non-offender contacts may include, but are not limited to, family members, employers, spouse, friends, significant others, law enforcement, polygraph examiner, or any person who may provide information relevant to the offender's progress.

- H. Documentation of all contacts shall be updated in OIMS within three (3) business days after the contact or within three (3) business days after returning to designated headquarters.

VI. SUPERVISION TEAM MEETINGS

In order to facilitate the Containment Approach for sex offender management, regular Supervision Team meetings are necessary. The Supervision Team consists of the parole officer, treatment provider, and the polygraph examiner. The purpose of Supervision Team meetings is to discuss the offender's progress or regress, establish the appropriate level of supervision, determine compliance with treatment and supervision, and to facilitate open and ongoing communication among team members.

Supervision Team members will preferably meet in person, but if necessary, the Supervision Team meeting may be held as a telephone conference. In the event the Supervision Team meeting is necessary prior to the selection of a polygraph examiner, the Unit Supervisor may serve as part of the Supervision Team.

A. Supervision Team meetings, at a minimum, shall occur:

1. Within five (5) workdays following completion of the offender's polygraph to discuss the results and determine any appropriate treatment or supervision needs;
2. Every six (6) months to:
 - a. Discuss treatment and supervision progress or regress;
 - b. Review compliance with treatment and supervision;
 - c. Determine appropriate referrals, if applicable; and
 - d. Determine the offender's appropriate supervision level. During the initial six (6) month Supervision Team meeting, the offender's supervision level can only increase to a more intensive level if needed. The team shall not decrease an offender's supervision level until after the offender has been under supervision for one (1) year.

- B. Supervision Team meetings to determine supervision level have specific guidelines. The team:
 - 1. Shall consider all factors in order to assess the offender's appropriate level of supervision;
 - 2. Shall not decrease the offender's level of supervision more than one (1) level per year regardless of any recommendation; or
 - 3. May increase, with justification, the offender's supervision level as necessary and appropriate. Supervision levels may be increased prior to the scheduled team meeting if needed, however, the increase should include input from the team.
- C. In the event the Supervision Team disagrees on the appropriate level of supervision, the offender shall be supervised at the most restrictive level recommended for six (6) months. Upon completion of this six (6) month period, the offender shall be re-evaluated by the Supervision Team. If appropriate, the treatment plan should be updated by the therapist.
- D. The parole officer shall document the information discussed at the Supervision Team meeting and the decision and justification for the current supervision level in the Team Meeting section of the OIMS.

VII. TRAVEL PERMITS

- A. Nonessential travel (e.g. travel not related to work, treatment, daily living activities) shall be limited. If limiting an offender's out-of-county travel or any other travel restriction (e.g. travel allowed only with a preapproved schedule) is determined to be necessary, Specialized Officers shall select the component, or request the Board impose a special condition, if Special Condition "X" is not in effect, restricting an offender's out-of-county travel without permission. The child safety zone set by the Board Panel may also restrict travel. Travel that would inhibit proper supervision shall be denied.
- B. If an offender is living in a county other than the offender's county of residence, travel to the county of residence to secure employment and permanent residence shall be allowed (such as in the case of an offender residing in a Residential Reentry Center located in a county other than the offender's county of residence). Once the transfer process has begun, the offender is not allowed to travel to the receiving district until the transfer process has been completed and the sending and receiving officers and Unit Supervisors have made prior arrangements.
- C. In the event the out-of-county travel restriction component or condition is in effect, the parole officer shall provide written permission using the Advisement Form if travel is approved. When reviewing an offender's travel request, officers shall consider the purpose of the trip and determine if the trip conflicts with special conditions (e.g. no contact with children, counseling, EM, child safety zones) or whether the offender has the financial ability to pay for the trip. Offenders who are not current in paying fees or are receiving subsidized treatment shall not be approved for recreational travel.

- D. Parole officers shall notify local law enforcement authorities in the current and visiting area, in writing, of a sex offender's travel to their community, if the travel is longer than seven (7) calendar days and the offender is required to register. Notification shall include the offender's reason for the travel and his address while in the area. Reference Parole Division policy 3.6.4 *Sex Offender Registration Program*, for additional sex offender registration requirements.
- E. Out-of-state travel for sex offenders shall be granted only on a limited basis. Procedures for out-of-state travel shall comply with Parole Division policy 3.1.5 *Travel Permission*. Travel may be granted if:
 - 1. The officer determines the travel is necessary;
 - 2. The officer determines the offender's adjustment is stable;
 - 3. The offender's therapist (if applicable) concurs; and
 - 4. The Parole Supervisor or designee approves.

The officer shall verify emergency requests before approval is given. In these cases, the therapist's concurrence is preferable but not necessary. Applicable procedures shall be followed for emergency travel permission.

VIII. TRANSFERS

Officers shall become familiar with newly-transferred cases in order to maintain continuity of supervision with minimal disruption to the offender. The officer shall review the file, which includes, but is not limited to, the offender's supervision conditions, offense history and behaviors, the OIMS and chronological record entries for at least the preceding year, all reports from therapists, reports of violations, and any other pertinent information.

- A. Offenders may transfer to other districts or regions. A transfer shall be accepted by the receiving Specialized Officer if the following criteria are met:
 - 1. The proposed residence does not conflict with any condition of release to Parole or Mandatory Supervision (e.g. children are not in the home if there is a condition prohibiting the offender from living with children);
 - 2. If counseling is required, sex offender treatment services are available in the immediate area or in an area within a reasonable driving distance of the proposed residence; and
 - 3. A Board Panel has approved the offender's residence in that county.
- B. Officers conducting a transfer investigation may recommend that the sending officer request, withdraw, or modify special conditions if it will enhance supervision or is needed to approve an acceptable home plan.

- C. An in-state or out-of-state transfer request shall not be permitted for a sex offender if:
 - 1. The offender is in violation of the conditions of release to Parole or Mandatory Supervision and those violations have not been addressed;
 - 2. The offender refuses to participate in treatment if required to do so;
 - 3. The offender is required to attend counseling and there is no sex offender treatment in the immediate area or in areas within reasonable driving distance of the proposed residence; or
 - 4. The Board does not approve the change in county of residence for transfers within the state.
- D. If the request for transfer is approved, the sending parole officer shall transfer the case using applicable procedures. Both the sending and receiving Specialized Officers shall record the transfer on their respective Sex Offender Caseload Monthly Statistical Report (PMS-38) once the receiving officer updates the OIMS to show that the transfer is completed.
- E. If a Texas offender who meets the criteria for placement on the sex offender caseload requests a transfer to another state, the parole officer shall ensure that the appropriate conditions are imposed to address the sexual offense. This request shall be made prior to the transfer of supervision. In the event Special Condition "X" is imposed, the officer shall review the current components and, if necessary, remove or impose components applicable to the offender's supervision. The changes shall be reviewed with the offender and all parties shall sign the form prior to the offender's departure from Texas. The revised Notice of Special Condition form shall be submitted to the receiving state in accordance with established procedures.
- F. Out-of-state transfer of supervision may be requested using the applicable procedures.
 - 1. The offender is not allowed to travel to the receiving state until the Compact Administrator has approved the transfer process.
 - 2. Once the transfer out of state is completed, the officer shall enter the offender on the Sex Offender Caseload Monthly Statistical Report (PMS-38) as a successful termination from the sex offender caseload.

IX. PRE-REVOCAION STATUS

- A. Sex offenders in pre-revocation status remain on the sex offender caseload. Violations of rules and conditions of release shall be processed in accordance with Parole Division policy 4.1.1 *Processing Violations of the Rules and Conditions of Release, Violation Action Grid*.
- B. In the event an offender who has been identified as a case that requires a Notice and Opportunity to Respond (reference Parole Divison policy 3.6.1 *Sex Offender Program Administrative Guidelines*) and has received due process, requests a hearing, or waives his rights to a hearing, the documents such as the transmittal or preferably the Board Minute posting (if it indicates the case is a Coleman case), verifying the offender has received due process shall be presented as evidence in the hearing or submitted with the waiver packet.

- C. In exceptional circumstances when the Specialized Officer or therapist is unable to testify, a sworn notarized affidavit shall be submitted as an exhibit at the hearing. However, an affidavit may not be sufficient to substantiate a rule violation if the offender invokes his right to confront and cross-examine. In these circumstances, direct testimony shall be utilized.

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