

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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PAGE: 1 of 3

SUPERSEDES: 11/1/01

SUBJECT: RESIDENCY REQUIREMENTS FOR RELEASEES

AUTHORITY: TEX. GOV'T CODE ANN. § 508.181

PURPOSE: To establish policy and procedures requiring offenders to reside in their legal county of residence.

PROCEDURE:

I. COUNTY OF RESIDENCE REQUIREMENT

- A. Offenders shall be required to reside in the legal or approved county of residence as indicated. The offender's legal county of residence is defined as the location in which the offender was residing at the time of the instant offense. If the offender was residing out of state, the legal county of residence is defined as the location in which the instant offense occurred. Normally, the offender will be released to his legal county of residence, but with Board panel approval, the offender may be released from TDCJ-Correctional Institutions Division to a county other than his legal county of residence.
- B. Parole panels may approve the release of an offender to a county other than the Legal County of Residence under the following circumstances:
 - 1. To protect the life or safety of a victim of the offender's offense, the offender, a witness in the case, or any other person; or
 - 2. To increase the likelihood of the offender's successful completion of a program of supervision because of:
 - a. Written expressions of significant public concern in the county in which the offender would be required to reside;
 - b. The presence of family members or friends in another county who have expressed a willingness to assist the offender in successfully completing the terms and conditions of supervision;

- c. The verified existence of a job offer in another county; or
 - d. The availability of treatment programs, educational programs, or other social service programs in the other county that are not available in the county where the offender would be required to reside.
- C. Once the reason the parole panel's initial requirements for an offender a releasee to reside in a county other than the county required have been met, the offender is required by law to return to his legal county of residence.

II. PROCEDURE FOR REQUESTING APPROVAL TO RESIDE IN A COUNTY OTHER THAN THE LEGAL COUNTY OF RESIDENCE

- A. If the offender requests to remain in his county of release after having met the parole panel's initial requirements for any other reason cited in Section I. B, and the Regional Director grants approval to remain, the Parole Officer shall submit the request through the Offender Information Management System (OIMS) via E-transmittal. The reason for the request shall be stated on the E-transmittal.
- B. If an offender has been released to parole or mandatory supervision and requests permission to reside in a county other than the legal county of residence, the request for approval shall be submitted by his Parole Officer through OIMS via E-transmittal. The reason for the request shall be stated on the E-transmittal.
- C. In order for an offender to request to remain in his county of release or transfer to a county other than his legal county of residence, he must be current on fees and have not violated any conditions of release.
- D. If the offender is not on active supervision (i.e. offender is still in prison), the request for approval to reside in a county other than the legal county of residence shall be submitted via paper transmittals to the proper Board panel. Once the transmittal has two concurring votes, the transmittal is faxed to the receiving DPO and the Review and Release Processing Section, Austin, to be placed in the offender's Board file.
- E. After a parole panel has approved the transmittal, the request for transfer will be followed in accordance with Parole Division Policy 3.2.17, *Transfer Investigations*.

III. RESIDENTIAL CARE PLACEMENTS

A. TRANSITIONAL TREATMENT CENTERS

- 1. Upon successful completion of either the In-Prison Therapeutic Community (IPTC) or the Substance Abuse Felony Punishment Facility (SAFPF), the offender shall be placed into a Transitional Treatment Center (TTC) for continuum of care.
- 2. The Placement Analyst, Huntsville Placement and Release Unit, shall review the file material of each case qualified for TTC placement and shall attempt to place the offender into a TTC in the legal county of residence. If there are no beds available in a TTC in the legal county of residence, placement shall be secured in the next

available facility closest to the legal county of residence. The Placement Analyst will then submit the transmittal to the appropriate Board panel requesting approval for the offender to reside in a county other than the legal county of residence.

B. HALFWAY HOUSE PLACEMENT

1. The Placement Analyst, Huntsville Placement and Release Unit, shall review the file material of each case received for Halfway House placement and shall attempt to place the offender into a contract facility in his legal county of residence. If there are no beds available in a contract facility in his legal county of residence, placement shall be arranged in the next available facility closest to the legal county of residence. The Placement Analyst will then submit the transmittal to the appropriate Board panel requesting approval for the offender to reside in a county other than the legal county of residence.
2. If the offender is currently on supervision and has no resources in his legal county of residence and a Halfway House placement is necessary, placement shall be secured in the next available facility closest to the legal county of residence. The Placement Analyst will then submit the E-transmittal requesting approval for the offender to reside in a county other than the legal county of residence.
3. Once the offender has obtained adequate resources to move out of the halfway house and live independently due to stable employment the Parole Officer shall ensure that the offender returns to his legal county of residence. If the offender requests to remain in his release county, the Parole Officer shall obtain approval from the Regional Director. Additionally, the offender must be current on fees and has not violated any conditions of release. The request to remain in the county of release shall be submitted in OIMS via E-transmittal by the Parole Officer. The rationale due to a verified existence of a job offer shall be stated on the E-transmittal.

III. BOARD MINUTE POSTING

Upon approval of a special condition for offenders being released from TDCJ-CID, the transmittal shall be faxed to Austin. The Program Specialist III, Review and Release Processing, Austin, shall post the special condition on the minute sheet of the offender's Board file within seven (7) workdays.

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