

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-3.2.31

DATE: 10/09/08

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SUPERSEDES: 11/07/05

SUBJECT: VERIFICATION OF OFFENDER ACTIVITIES AND COMPLIANCE WITH THE CONDITIONS OF SUPERVISION

AUTHORITY: TEX. GOV'T CODE § 508.221; CODE OF CRIMINAL PROCEDURES § 15.27

PURPOSE: To establish criteria for the verification and monitoring of offender activities and offender compliance with conditions of release.

PROCEDURE:

- I. Each month, Parole Officers shall monitor the offender's activities and verify compliance with the conditions of supervision and record verification in the Offender Information Management System (OIMS).
 - A. Parole Officers shall use the following general methods to monitor offender activities and offender compliance as appropriate. Other creative methods may be used in order to verify compliance, as well.
 1. Contact with offenders in person and by telephone;
 2. Contact with persons who are knowledgeable of the offender's activities;
 3. Review of documents and reports concerning the offender;
 4. Criminal history and/or law enforcement checks;
 5. Testing for use of alcohol or illegal substances.
 - B. Parole Officers shall use the following specific methods to monitor offender activities and verify compliance:
 1. Residence
 - a. Contact with the offender and other persons at the residence;
 - b. Review of lease or mortgage records (if applicable) and rent receipts;

- c. Review of utility records, e.g., electric, gas, water, and telephone, as applicable.
2. Employment
- a. Contact with the employer;
 - b. Review of employment or payroll records;
 - c. Parole Officers shall refer unemployed and under employed offenders who do not have a verified medical disability to the Texas Workforce Commission (TWC) - Project Reintegration of Offenders (RIO) in accordance with PD/POP 3.3.1. Offenders may be instructed to maintain a continuous listing of job search contacts for review by the Parole Officer as applicable.

If an offender changes his or her place of employment, the Parole Officer shall contact the offender's previous employer within seven days to ascertain the reason.

3. Offenders Attending/Entering a School

Pursuant to Section 15.27, Code of Criminal Procedures, the following procedures apply to offenders attending school.

- a. If an offender requests to attend a secondary school, regardless of caseload placement, e.g., regular caseload, SISP, SNOP, etc., the supervising Parole Officer shall contact the Sex Offender Program Specialist III, or designee, prior to approving or allowing an offender to attend school. The Sex Offender Program Specialist III will provide written instructions regarding procedures for allowing an offender to attend a secondary school.
- b. Upon discovery that an offender is enrolled in a primary/secondary school, the District Parole Officer shall notify the Principal, or his/her designee, of the appropriate school:
 - (1) The officer shall advise the primary/secondary school officials of offender's status and instant offense within 24 hours;
 - (2) The officer shall provide the same information to the Sex Offender Program Specialist III within five (5) workdays;
 - (3) The Sex Offender Program Specialist III shall compile, maintain, and track the offender's status until the offender ceases to attend school or discharge of sentence, whichever comes first.
- c. The Supervising Parole Officer shall notify school officials of an arrest, deferred adjudication, or conviction for offenses relating to Unlawful Restraint, Indecent Exposure, Assault, Deadly Conduct, Terroristic Threat, and/or Engaging in an Organized Criminal Activity, within 24 hours of a student offender's transfer or re-enrollment in a school.

- d. If an offender who has been given permission to attend a secondary school is transferred or re-enrolled in another school, the Supervising Parole Officer shall verbally notify the new school officials and the Sex Offender Program Specialist III prior to allowing the offender to attend the new school. Written notification to the new school official and the Sex Offender Program Specialist III shall follow within 24 hours of learning of the offender's transfer or re-enrollment. 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 OIMS as an Investigative Contact.
- e. The Supervising Parole Officer shall serve on a committee to determine whether the offender shall be returned to a regular classroom if the offender had been placed in an Alternative Education Program.
- f. In the event an offender who has Special Condition "X" requests to enter an institution of higher learning and the team determines it is appropriate, victim notification and Board approval shall precede allowing an offender to enter or attend school. The Parole Officer shall complete the Victim Notification Worksheet (SP-0701) and forward it to the Sex Offender Program Specialist III or designee via Lotus Notes indicating that the offender has requested to attend school.

The Sex Offender Program Specialist III will facilitate victim notification through Victim Services Division. Once the Sex Offender Program Specialist III has confirmed that victim notification was completed/attempted the officer will be notified. The Supervising Parole Officer shall submit a hardcopy Board Transmittal to the Board Panel requesting the offender be allowed to enter or attend school. The transmittal shall include the therapist's recommendation and whether victim notification was accomplished.

4. Medical

- a. Contact with the treatment provider or social services agency;
- b. Review of medical records;
- c. Review of disability records;
- d. Contact with the offender.

Officers shall have the offender sign a Consent of Disclosure form (PSV-33) prior to gathering any medical information with treatment providers, physicians, or other entities who are privy to offender's medical conditions or treatment information.

5. Financial

- a. Contact with persons who are knowledgeable of the offender's financial activities;

- b. Review of pay stubs, payment receipts, bank records (savings and checking accounts), and tax returns;
 - c. Verification of payment of court costs and fees with court clerk's office per PD/POP 3.1.6 *Fees/Restitution/Post Secondary Education Reimbursement/Collection*;
 - d. Review of supervision fees, restitution and other fee/reimbursement records;
 - e. Review of payment receipts/bills for rent, loans, insurance, groceries, car note, etc.
6. Counseling
- a. Contact with the treatment provider;
 - b. Review of progress reports or attendance records;
 - c. Contact with the offender at the counseling site;
7. Drug and Alcohol Abstinence
- a. Alcohol and urinalysis testing;
 - b. Contact with treatment provider or instructor;
 - c. Contact with others associated with the offender, including family members, employers, etc.;
 - d. Unscheduled contact with the offender;
 - e. Law enforcement checks.
8. Special Conditions
- a. Contact with the treatment provider, or instructors;
 - b. Review of progress reports or attendance records;
 - c. Contact with the offender at the counseling site;
 - d. Alcohol and urinalysis testing;
 - e. Contact with others associated with the offender;
 - f. Contact with victim, if applicable;
 - g. Unscheduled contact with the offender, as appropriate.

9. Driving Restrictions

- a. Contact with local law enforcement, offender's employer, and/or social network;
- b. Regular odometer checks on the vehicle(s) owned by the offender or vehicles the offender may have access to;
- c. If the Board of Pardons and Paroles (BPP) imposes a special condition for the offender to have an 'interlock device' on their vehicle as part of a requirement for driving privileges, the supervising officer shall monitor the ignition interlock equipment and report.

II. Violations of conditions of supervision shall be handled in accordance with the procedures noted in PD/POP 4.1.1, *Processing Violations of the Rules and Conditions of Release*. Violations by sex offenders and SISP offenders shall be handled in accordance with the appropriate specialized caseload policies.

III. Parole Supervisors shall maintain management oversight responsibility to ensure verification of compliance with the conditions of release. Unit Supervisors shall ensure that all verifications are accurately updated in OIMS in a timely manner.

Stuart Jenkins
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