

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-3.6.1

DATE: 7/31/2019

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SUPERSEDES: 11/19/17

SUBJECT: SEX OFFENDER PROGRAM ADMINISTRATIVE GUIDELINES

AUTHORITY: 37 TEXAS ADMINISTRATIVE CODE §§ 163.38 AND 195.51; TEXAS CODE OF CRIMINAL PROCEDURE, CHAPTER 62; TEXAS PENAL CODE, CHAPTER 15 AND 43

PURPOSE: To establish administrative guidelines for the sex offender (SO) caseload.

PROCEDURE:

I. SEX OFFENDER CASELOAD CRITERIA

The Parole Division will identify an offender as a sex offender, regardless of special conditions imposed, when an offender meets the following criteria:

- A. Current or prior sex offense conviction or the current sex offense was the result of a juvenile adjudication, and the offender is still serving the sentence for an offense under any of the following provisions of the Penal Code.
1. 20.04(a)(4) Aggravated Kidnapping, if the person committed the offense with the intent to violate or abuse the victim sexually
 2. 20A.02(a)(3), Trafficking of Persons
(4), (7) or (8)
 3. 20A.03 Continuous Trafficking of Persons
 4. 21.02 Continuous Sexual Abuse of Young Child or Children
 5. 21.08 Indecent Exposure – (second conviction/adjudication) or one Indecent Exposure (conviction/adjudication), if there is evidence of sexual behavior
 6. 21.09 Bestiality
 7. 21.11 Indecency with a Child

8. 21.12 Improper Relationship Between Educator and Student
9. 21.15 Invasive Visual Recording
10. 22.011 Sexual Assault (formerly Rape)
11. 21.16 Unlawful Disclosure or Promotion of Intimate Visual Material
12. 21.16 Voyeurism
13. 22.021 Aggravated Sexual Assault (formerly Aggravated Rape)
14. 25.02 Prohibited Sexual Conduct, (formerly Incest)
15. 30.02(d) Burglary with the Intent to Commit a Sexual Felony Offense
16. 33.021(c) or (f) Online Solicitation of a Minor
17. 43.02(c-1)(3) Prostitution Solicit Person Under 18 Years of Age
43.02(c-1)(2) Prostitution Solicit Person Under 18 Years of Age (for offenses committed on or after 09/01/2019)
18. 43.05 Compelling Prostitution
19. 43.25 Sexual Performance by a Child
20. 43.26 Possession or Promotion of Child Pornography
21. 43.031 Online Promotion of Prostitution
22. 43.041 Aggravated Online Promotion of Prostitution
23. 71.02 Engaging in Organized Criminal Activity to commit any of the above listed offenses.

Note: Some of the Penal Code section titles have been renamed over the years; however, the Penal Code section numbers have not changed. Parole officers shall determine caseload placement based on the Penal Code section number, not title. For example, Penal Code 25.02 was originally titled “Incest” and later changed to “Prohibited Sexual Conduct.”

If not already in the file or imaged in the Offender Information Management System (OIMS), parole officers shall obtain all court documents to include dismissals, plea agreements, judgment, sentence, indictment, and offense report for all sex-related offenses, image them in OIMS, and maintain them in the file.

- B. Current or prior sex offense conviction or the current sex offense was the result of a juvenile adjudication, and the offender is still serving the sentence for Attempt, Conspiracy, or Solicitation to commit any of the above listed offenses.
- C. Current or prior sex offense conviction or the current sex offense was the result of a juvenile adjudication, and the offender is still serving the sentence under the laws of the United States, another state, another country, the Uniform Code of Military Justice, or the Texas Family Code for an offense containing elements that are comparable to the offenses listed above or are considered a sex offense.
- D. Current or prior conviction or the current sex offense was the result of a juvenile adjudication, and the offender is still serving the sentence for Public Lewdness, the elements of the offense indicate sexually deviant behavior, and treatment is recommended by a sex offender treatment provider.

II. OFFENDERS WITHOUT A SEX OFFENSE CONVICTION

- A. An offender who has a current conviction for a non-sexual offense, but criminal sexual behavior was exhibited during the commission of the offense, may be subject to placement on the sex offender caseload and sex offender special conditions. Current offenses with a sexual element are offenses that the offender was serving at the time of release and the hearing process was completed prior to the sentence expiring, and the Texas Board of Pardons and Paroles (BPP) imposed Special Condition “X”—Sex Offender Program.
- B. An offender who has a discharged juvenile adjudication for a sex offense may be subject to placement on the sex offender caseload and sex offender special conditions.
- C. For the processing of these cases, reference PD/POP-3.6.8, *Administrative Guidelines for Imposition of Special Condition “X” for Offenders without a Sex Offense Conviction*.

III. CASELOAD PLACEMENT FOR OFFENDERS WITH MULTIPLE NEEDS

An offender may be identified with multiple indicators; however, he shall be placed on only one type of caseload. The following guidelines shall be used when determining caseload placement:

- A. Sex offenders shall be supervised on a sex offender caseload.
- B. Sex offenders who have a Super-Intensive Supervision Program (SISP) special condition shall be supervised on the SISP caseload, as long as the SISP special condition is in effect. Sex offenders who are supervised on an SISP caseload shall be reported as SISP/SO on the SISP Monthly Statistical Report. If the SISP special condition is withdrawn, the case shall be transferred to the sex offender caseload and reported on the Sex Offender Caseload Monthly Statistical Report (PMS-38).

- C. Sex offenders who have Special Condition “T”—Electronic Monitoring (EM) shall be assigned to a sex offender caseload in the OIMS and supervised by an SISP officer in accordance with the PD/POP-3.15.1, *Super-Intensive Supervision Program (SISP)—Administrative Guidelines*, with regard to contact standards for sex offenders with Special Condition “T” for the duration the offender is on EM.

These offenders shall be reported as EM/SO on the SISP Monthly Statistical Report (SSS-9718B). Once Special Condition “T” is withdrawn, the offender shall be transferred to a sex offender officer and reported on the PMS-38.

- D. Sex offenders who qualify for Special Needs Offender Program (SNOP) caseload placement shall remain on a sex offender caseload for the duration of supervision.

The sex offender officer shall meet with the SNOP officer at least once per quarter to address the offender’s needs. The supervising officer shall document the meeting with the SNOP officer as a collateral contact in the OIMS.

- E. Sex offenders who have a Special Condition “O”—Serious and Violent Offender Reentry Initiative (SVORI) shall be supervised on the sex offender caseload. The offender shall comply with the SVORI special condition by completing the District Reentry Center (DRC) Core programming as a continuum of his reintegration process. The sex offender officer shall meet with the DRC officer every month to address the offender’s needs and compliance with the DRC requirements.

The supervising officer shall document the meeting with the DRC officer as a collateral contact in the OIMS. The offender shall be supervised in accordance with the sex offender policies and any additional requirements stated in the PD/POP-3.13.1, *District Reentry Center Administrative and Caseload Supervision Guidelines*.

IV. SEX OFFENDER CASELOAD MANAGEMENT

- A. The parole officer shall enter the “Sex Offender” caseload type and one of the following applicable sex offender subcategory indicators in the OIMS:
1. Current sex offense conviction.
 2. Prior sex offense conviction.
 3. BPP-imposed sex offender special conditions. This indicator shall be used for offenders who meet the criteria in PD/POP-3.6.8, *Administrative Guidelines for Imposition of Special Condition “X” for Offenders without a Sex Offense Conviction*, if the BPP imposes Special Condition “X.”

All other applicable indicators and subcategories shall also be selected in the OIMS.

B. Parole Officer Qualifications

1. The Region Director shall select the most qualified parole officers to supervise a specialized caseload. Qualifications shall include current parole officer experience, Specialized Officer Supervision School (SOSS), performance evaluations, and may include specific degrees, certifications, licenses, training, and prior experience that would benefit the caseload.

Justification shall be maintained by the Region Director for any parole officers that may meet the qualifications to supervise the specialized caseload and are not selected.

2. The Region Director shall ensure an adequate number of parole officers are pretrained so that offenders assigned to the specialized caseload are supervised according to the guidelines, and all duties and responsibilities are completed in the absence of the primary parole officer.
 - a. Backup officers are those officers who perform duties when primary officers are unavailable for short time frames (e.g., vacation or sick leave, training, etc.).
 - b. Replacement officers are those parole officers who will assume an existing caseload when a vacancy occurs or an increase in caseloads necessitate additional officers based on existing ratios.
3. The Region Director or designee shall notify the sex offender program supervisor, Specialized Programs, Central Office, within five (5) business days of all sex offender officer or supervisory staff changes. Such notification shall be made by written interoffice communication or email.

C. Training Requirements

The selected parole officer, if not already trained, shall complete the next available SO SOSS. In the event the parole officer is supervising a sex offender caseload and has not attended the required training, the Region Director shall document justification and identify the next training date the officer will attend.

D. Sex Offender Caseload Ratio

1. Offenders shall be supervised at a 30:1 caseload ratio.
2. Mixed caseloads:
 - a. In some geographic areas where the 30:1 ratio cannot be reached, or in

offices where full caseload capacity has been reached, a mixed caseload may be established. With this type of caseload, officers shall also supervise regular cases and/or other specialized cases.

- b. Unit supervisors shall adjust an officer's mixed caseload appropriately using the formula in PD/POP-3.15.1, *Super-Intensive Supervision Program (SISP) Administrative Guidelines*. Region Directors are responsible for determining when to designate an officer as a full caseload officer or to assign another partial caseload officer.
- c. Offenders shall not be moved from a partial caseload to a full caseload if the full caseload decreases in size, unless it benefits the offender or the district parole office. The full caseload officer shall be assigned new arrivals and transfers until the number increases to a 30:1 capacity.

V. SEX OFFENDER REPORTS

- A. Each sex offender officer shall complete an individual PMS-38, according to the PMS-38 instructions. The compiled PMS-38 shall show all monthly sex offender caseload activity for each respective unit. The sex offender caseload unit supervisor shall, by the fifth (5th) business day of each month, submit the unit's PMS-38 by fax or email to Specialized Programs, Central Office, and to the Region Director or designee. The sex offender caseload unit supervisor shall keep the individual sex offender officer's reports (or copies).
- B. Specialized officers, including SISP officers, shall submit the Quarterly Sex Offender Treatment Report (PMS-39) to their unit supervisor, who will compile one report per unit. The PMS-39 shall reflect sex offenders attending treatment for the months of November, February, May, and August. This report is not a cumulative report for the quarter; rather, it shall reflect activity for only those specified months. The compiled PMS-39 shall be faxed or emailed by the fifth (5th) business day after the end of the quarter to Specialized Programs, Central Office, and to the Region Director or designee

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