

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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DATE: 09/01/17

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SUPERSEDES: 09/01/11

SUBJECT: SEX OFFENDER PROGRAM SUPERVISION GUIDELINES

AUTHORITY: TEXAS ADMINISTRATIVE CODE, TITLE 37 §§ 163.38, 195.51; TEXAS BOARD OF PARDONS AND PAROLES, BPP-POL. 145.263; TEXAS CODE OF CRIMINAL PROCEDURE § 62.0061(F), ARTICLE 15.27, 62.152, 16.153; TEXAS FAMILY CODE §§ 58.005, 101.024; TEXAS GOVERNMENT CODE §§ 508.181, 508.1861, 508.187, 508.221, 508.316; TEXAS OCCUPATIONS CODE §§ 109.052, 109.054; TEXAS PENAL CODE § 43.21

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 use of offenders' internal controls, external criminal justice controls, and the use of polygraphs 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 that requires they hold the offender accountable for his or 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. Parole 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 the implementation of sex offender special conditions and supervision guidelines.

PROCEDURE:

- I. Special Condition “X”—There are mandatory components for all sex offenders, mandatory components for sex offenders with child victims, and discretionary components. Components shall be appropriately selected by the parole officer during the initial interview or after imposition of the “X” condition according to the offender’s offense and necessity of the component.

Once the components are selected, the parole officer shall complete a Notice of Special Conditions form via the Offender Information Management System (OIMS) Subsequent Notice of Special Conditions 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 (BPP), an offender shall:

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

Per Texas Government Code, Section 508.187(a), the BPP requires offenders serving a sentence for an offense against a victim seventeen (17) years of age or younger to receive psychological counseling until such time as the treatment provider, in conjunction with the Parole Division, determines treatment is no longer required.

The BPP requires the Parole Division to submit a recommendation to withdraw the requirement to attend psychological counseling to the appropriate BPP Panel in those instances where such action is deemed appropriate; however, as a matter of Parole Division policy, the parole officer will not request the withdrawal of Special Condition "X" or sex offender treatment conditions as outlined in Section I.A of this policy.

2. 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. 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. 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. 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.

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

6. Not view, possess, purchase, 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. 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.

- 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, day care facility, playground, public or private youth center, public swimming pool, or video arcade facility.

When adding or editing this component in the OIMS, the parole officer shall enter 500 feet as the child safety zone distance. Only the BPP can modify the distance.

Note: Reference PD/POP-3.6.5, *Child Safety Zones*, for information regarding child safety zones.

2. The offender shall not become involved in a 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.

Note: Reference Section I.J.2.a of this policy regarding procedures for offenders who are legally recognized parents.

- C. At any time Special Condition "X" is imposed, the parole officer may apply the following components at his discretion to ensure effective supervision and shall be directly related to the offender's risk and supervision levels and treatment needs.

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 or an electronic device which functions or operates as a computer and has access to the Internet **where the offender used such equipment, or any other electronic device to commit the offense** without a declared purpose and the written authorization of the offender's supervising parole officer. If authorization is granted, the offender shall submit to regular inspection, monitoring, or search of the computer equipment and electronic device without a warrant, at any time, day or night, by any Parole Division 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 a Sex Offender Advisement Form (SP-0080).

The SP-0080 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 or an electronic device with photographic capabilities, to include Instamatic, still photo, video, or any electronic imaging equipment **where the offender used such equipment or any other electronic device to commit the offense**, 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 the 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.

Reference PD/POP-3.6.10, *Special Condition "X" Search Guidelines*, for search procedures.

7. The offender shall not operate or offer to operate a bus; not provide or offer to provide a passenger taxicab or limousine transportation service; not provide or offer to provide any type of service in the residence of another person unless the provision of service is supervised; or not operate or offer to operate any amusement ride.

Note: For this component to be imposed, the offender had to have been convicted or adjudicated on or after 9-1-13 for a sexually violent offense in Texas and the judge made an affirmative finding the victim or intended victim was younger than 14 years of age.

- D. In the event Special Condition "X" was not imposed at the time of the release and upon determining the offender meets the caseload eligibility criteria under PD/POP-3.6.1, *Sex Offender Program Administrative Guidelines*, the parole officer shall request the BPP impose the condition. All post-release transmittals for "X" shall be reviewed and approved by the Sex Offender Program Supervisor III (SO PS III) prior to submission to the BPP. The parole officer shall send the request for review via email to the SO PS III or designee within ten (10) calendar days of release or being identified as meeting the criteria.

The parole officer shall ensure supporting documents are imaged in OnBase prior to submitting the request. Once the parole officer receives approval from the SO PS III or designee, the parole officer shall submit a transmittal to the BPP 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 supporting documents (e.g., out-of-state or prior sex offense judgments, indictments, offense reports) are not available in OnBase or in the district file, the parole officer shall obtain the documents from the appropriate agency or request assistance from the SO PS III in obtaining the documents prior to requesting review. The supporting documents shall be made available for the BPP's review.

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

- E. If the offender has Special Condition "O.33"—Sex Offender Evaluation imposed and the evaluation report recommends sex offender treatment, the parole officer shall submit the evaluation report via email to the SO PS III requesting approval to request Special Condition "X." Conversely, if treatment is not recommended, the parole officer shall submit the report for review for imposition of other necessary components.
- F. In instances where the BPP does **not** impose the requested conditions on an offender who has a sex offense conviction or adjudication, the parole officer shall supervise the offender on a sex offender caseload and ensure the sex offender indicators and caseload category are entered into the OIMS within three (3) business days.
- G. 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, transmittals to impose the appropriate special condition(s) shall be made by the parole officer to the BPP through the OIMS after review and approval from the SO PS III or designee. The parole officer shall submit the request for review via email, ensuring supporting documents are imaged in OnBase.
- H. Other conditions deemed necessary for adequate supervision shall be submitted via the OIMS to the BPP Panel for approval. The transmittal for each special condition shall provide detailed information to justify the need for the special condition.
- I. 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, imaged in OnBase, and the parole officer shall update the information in the Medical screen of the OIMS.

J. 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 verified legally recognized parent of the child(ren), and/or the BPP has imposed a condition allowing contact.

As defined in Section 101.024 of the Texas Family Code, a 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.” The Parole Division considers an offender who has been appointed legal guardian of a child as a parent

2. The parole officer shall review file material and contact the legal guardian of the child(ren) within five (5) calendar days of release or placement on the sex offender caseload to determine whether or not the offender poses a threat to the child(ren), or if there is any reason, legal or otherwise, why the offender should or should not have contact with the child(ren). Any information obtained indicating the offender poses a threat to the child(ren) shall be in writing.

a. Legally Recognized Parent—Requesting No Contact

- i. If it is determined an offender poses a threat to his or her own child(ren), and it is necessary to prohibit contact, the parole officer shall provide the offender with the Legally Recognized Parent Notice form (SP-0602), complete with justification for requesting the restrictive condition, within seven (7) calendar days of being placed on the sex offender caseload or determining the restriction is necessary.
- ii. The offender has thirty (30) calendar days to submit a statement and any supplemental documentation on his or her behalf to justify why the BPP should not restrict contact.

Note: The offender shall not be allowed contact with the child(ren) during the notice period.

- iii. Within three (3) business days of the expiration of the SP-0602 or after the offender waives the notice period, the parole officer shall complete a hard copy transmittal and compile a packet of supporting documentation, which shall be submitted through the parole officer’s chain of command to the Assistant Region Director (ARD) for review and approval. The ARD shall submit the transmittal and packet, via email to the SO PS III.

The transmittal shall include a synopsis of the sex offense, information regarding the offender posing a threat to the child(ren) or what legal documentation restricts contact, therapist's recommendation, polygraph and evaluation results (if conducted), name(s) and date(s) of birth of the child(ren), and any other pertinent information.

The packet of supporting documents shall include, but not be limited to, documentation establishing the offender as the legally recognized parent (birth certificate, divorce decree, etc.), the parole case summary, judgment and indictment with regard to the sex offense, release certificate, Notice of Special Conditions form, offense report, a recommendation from the therapist detailing the threat the offender poses to said child(ren), evaluations and polygraphs (if conducted), court orders involving the custody of the offender's child(ren) (i.e., divorce decree, suits affecting parental-child relationship), Child Protective Services reports, or any relevant information providing justification why the offender should not be allowed to have contact with his or her child(ren).

- iv. Within two (2) business days, the SO PS III shall review the transmittal and packet. If not approved, the SO PS III shall email the ARD advising what modifications are needed and instructions on how to proceed. If approved, the SO PS III shall notify the ARD via email that the transmittal and packet are approved and provide instructions on how to proceed.

Note: The transmittal and packet shall not be presented to the BPP prior to receiving approval and instructions from the SO PS III.

- v. Upon BPP vote, the ARD shall submit the signed transmittal to the SO PS III, via email, within two (2) business days in order for the SO PS III to update the Special Conditions screen in the OIMS.
- vi. In the event the BPP allowed an offender to have contact with his or her child(ren) previously, and new credible information is received that necessitates requesting the BPP to withdraw their prior approval, the parole officer shall initiate the process noted above (refer to Section J.2.a) by providing the offender with notice and proceed accordingly.

b. Legally Recognized Parent—Allowing Contact

- i. If it is determined there is no credible information that contact with the offender's child(ren) should be restricted, the parole officer shall allow the offender to have contact. The offender shall not be provided the SP-0602.

- ii. Within three (3) business days of making the determination, the parole officer shall complete a hard copy transmittal and compile a packet of supporting documentation that will be submitted through the unit supervisor to the parole supervisor for review and approval. The parole supervisor shall then submit the transmittal and packet to the SO PS III for review and approval.

The transmittal shall include a synopsis of the sex offense, the therapist's recommendation, results of evaluations and polygraphs (if conducted), the name(s) and date(s) of birth of the child(ren), and any other relevant information.

The packet shall include documentation establishing the offender as the legally recognized parent (birth certificate, divorce decree, etc.), parole case summary, judgment and indictment with regard to the sex offense, parole certificate, Notice of Special Conditions form, offense report, therapist recommendation, court documents regarding custody, if applicable, and any other relevant information.

- iii. Within two (2) business days, the SO PS III shall review the transmittal and packet. If not approved, the SO PS III shall email the parole supervisor advising what modifications are needed and instructions on how to proceed. If approved, the SO PS III shall notify the parole supervisor via email that the transmittal and packet are approved and provide instructions on how to proceed.

Note: The transmittal and packet shall not be presented to the BPP prior to receiving approval and instructions from the SO PS III.

- iv. Upon BPP vote, the parole supervisor shall submit the signed transmittal to the SO PS III, via fax or email, within two (2) business days, in order for the Special Conditions screen to be updated in the OIMS.
- v. In the event the BPP restricted an offender from contact with his or her child(ren) previously, and new, credible information is received that necessitates requesting the BPP to withdraw their prior denial for contact, the parole officer shall initiate the process noted above (refer to Section J.2.b.ii).

c. Contact with Child(ren) of whom the Offender is Not the Legally Recognized Parent

- i. If supervised contact with a 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 SP-0080.

- ii. 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) or offender depending on the circumstances during the offender's visitation period. If the offender and child are the only ones present, then the chaperone can maintain visual contact with either party. If more than one child is present, the chaperone will be required to maintain visual contact with the offender at all times.

Note: The safety of the child(ren) is the highest priority and shall take precedence over the offender's ability to have contact.

- iii. Chaperone training shall be conducted by the therapist in accordance with the Council on Sex Offender Treatment Rules and Regulations.
- iv. In the event the offender's primary therapist is not available to conduct chaperone training, the parole officer shall provide the therapist conducting the training all file material, to include but not limited to, the parole case summary, court documents, offense report, prior evaluations and polygraphs, and Notice of Special Conditions form, as well as discuss the appropriateness of the chaperone via telephone.
- v. In the event it is determined that unsupervised contact is appropriate, the parole officer shall submit a BPP 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

- i. 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.
- ii. Within three (3) calendar days of determining the condition is necessary, the parole 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 the parole supervisor for approval. The parole supervisor shall submit the packet to the 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 BPP Panel.

- iii. If the BPP imposes a condition of no contact with child(ren), the offender shall be allowed to have contact with only his or her legally recognized child(ren), provided that process has been completed.
3. The voted transmittal, as noted in Section I.J.2.a–d above, shall be faxed or emailed to the lead voter’s BPP office to enter on the mainframe and a copy of the transmittal submitted via email to the SO PS III or designee to ensure the special condition is entered in the OIMS.

The transmittal and packet shall be imaged in OnBase and the original packet placed in the district file.

K. Completion of Treatment

The parole officer shall **not** request the BPP withdraw Special Condition “X” 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.

L. Offenders Attending/Entering a School

1. Institutions of Higher Education

- a. In the event an offender has Special Condition “X” and requests to attend or enter an institution of higher education as defined by Section I.A.5 of this policy and the team determines it is appropriate, victim notification and BPP approval are required prior to allowing an offender to attend or enter school. The parole officer shall complete the Victim Notification Worksheet (SP-0701) and forward it to the SO PS III or designee via email indicating the offender has requested to attend or enter school.
- b. The SO PS III will facilitate victim notification through Victim Services. Once victim notification is confirmed, the SO PS III shall instruct the parole officer to submit a transmittal via the OIMS to the BPP Panel requesting permission for the offender to enter or attend school. The transmittal shall include a synopsis of the sex offense, the therapist’s recommendation, and whether victim notification was achieved or not.
- c. An offender who is required to register may not reside on the campus of a public or private institution of higher education, unless the offender has a Static 99 or Static 99R risk level of Low and the institution approves the offender to reside on campus.

2. Secondary Schools

- a. In the event an offender requests to attend or enter a secondary school, regardless of caseload placement (e.g., regular caseload, SISP, SNOP, etc.), the parole officer shall contact the SO PS III or designee prior to allowing an offender to attend or enter school. The SO PS III will provide written instructions regarding procedures for allowing an offender to attend or enter a secondary school.
- b. In the event a sex offender has been given permission to attend or 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 parole officer shall participate as a committee member in determining whether the offender shall be returned to a regular classroom.
- c. In the event an offender who has been given permission to attend or enter a secondary school is transferred or re-enrolled in another school, the parole officer shall verbally notify the new school officials and the SO PS III prior to allowing the offender to attend or enter the new school. Written notification to the new school official and the SO PS III shall follow within 24 hours of learning of the offender's transfer or re-enrollment, or before the next school day, whichever is earlier. The notification shall include a statement regarding the offender's duty to register as a sex offender. The parole officer shall enter this contact in the OIMS as an Investigative Contact.
- d. Offenders who are required to register shall immediately notify the facility's administration of their presence and registration status, if they enter the premises of an elementary or secondary school or day care center during standard operating hours.

M. Prohibition on Internet Access for Certain Sex Offenders as required by Section 508.1861 of the Texas Government Code

1. Offenders shall have certain computer restrictions if they are required to register as a sex offender, released on or after 09/01/2009, 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, released on or after 09/01/2009, 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 high on the Static 99 or Static 99R.
3. An offender shall have certain computer restrictions if the offender has a current or prior conviction that requires sex offender registration, released on or after 09/01/2015, and has been assigned a risk level of moderate or high on the Static 99 or Static 99R.
4. 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 Texas 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.
5. Offenders who meet the above criteria (refer to Section M.1–3) shall have a mandatory special condition imposed.
6. 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. NETWORKS AND COLLATERAL CONTACTS

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 supervision. Not everyone in the offender's life is appropriate or willing to be a part of the network.

Parole 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, recovery-directed support group 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. 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 a roommate, employer, family member, spouse, significant other, pastor, sponsor, or friend. The collateral contact(s) shall be asked to sign the Collateral Contact Information form (PMS-14), and at least one (1) collateral contact will be conducted monthly with this person to assist in monitoring the offender's behavior. Parole officers shall work with the offender and therapist to identify collateral contacts.
2. The PMS-14 shall be completed any time the parole officer becomes aware of another person who is significant 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 the sex offense 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:
 - a. Required entry to or employed at apartments, churches, hospitals, hotels, institutions, resorts, or schools;
 - b. Hired as a domestic or resident farmhand, or for door-to-door sales, home repair, or landscaping;

- c. Placed in a position of special trust such as an accountant, auditor, bookkeeper, cashier, delivery person, office manager, or supervisor; and/or
 - d. Aailed to facilitate or assist 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 delinquent conduct (juvenile adjudication) are strictly confidential and cannot be disclosed to an employer or named individuals except to the extent authorized by law (Section 58.005 of the Texas Family Code). The parole officer cannot divulge information regarding the sex offense to the employer or prospective employer; however, the offender should 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 (DPS) website can be released to the employer.
- C. Parole officers who become aware that the offender’s employment may present a specific hazard to the public or to the offender shall request the BPP 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 parole 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 he or she sign a PMS-14. Sex offender therapists do not need to sign the PMS-14.
 - 3. Parole officers, with the approval of the Region 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 parole officer shall check the 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 parole officer shall check maps of the area using the Internet (e.g., Google, Google Earth) to check for schools and other child safety zones in the area.

For offenders living in a residence or a non-contracted facility, excluding those living in a TDCJ contracted Residential Reentry Center (RRC), the parole officer shall check the Texas Department of Family and Protective Services (DFPS) website

(i.e., https://www.dfps.state.tx.us/Child_Protection/Investigations/default.asp) to determine if the residence is located within a child safety zone. If child safety zones apply and the offender's residence is within the specified distance of a child safety zone, the assigned officer shall deny the plan upon visual confirmation.

2. Parole 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 coordinated 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 entered as a chronological record in the OIMS.

3. The parole supervisor shall review all denied home plans for pre-parole, mandatory release, and transfer requests for offenders in an RRC 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. Parole officers shall check the day care regulatory agency website every six (6) months to determine if day care 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. Parole officers shall document the results as an Investigative Contact in the OIMS.

6. In the event a day care has been established, the parole officer shall staff the case with region management and the offender treatment provider to determine if continued residence is appropriate. If deemed inappropriate, the offender shall be required to move. If deemed appropriate, a child safety zone modification shall be submitted. Reference PD/POP-3.6.5, *Child Safety Zones*, for instructions on modifications.

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; and
 - 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 plan is in a child safety zone, and the offender's offense was against a child.
2. The victim of the sexual criminal behavior resides in the proposed residence.
3. 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 BPP has approved contact.

If restrictions are necessary, the procedures for notice of our intent to request no contact with his or her children shall be given to the offender.

4. 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.

Note: This type of facility does **not** include a one-bathroom apartment or house.

5. The family or occupants of the residence with whom the offender proposes to reside refuse to accept the offender.
 6. Sex offender treatment is not available in the community or in an area within a reasonable driving distance.
 7. The proposed residence conflicts with any conditions of release to Parole or Mandatory Supervision.
 8. The proposed residence is also a licensed (including registered or listed) home-based day care 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 PMS-14;
 2. Another sex offender resides in the proposed residence; or
 3. 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. Parole 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 transmittal restricting the residency shall be submitted to the BPP.

IV. CONTACT STANDARDS AND SUPERVISION LEVELS

- A. Reference PD/POP-3.2.34, *Contact Standards*, for required contacts for sex offenders.
- B. Reference PD/POP-3.2.5, *Case Assessment*, for instructions on how to determine supervision level and the override procedures for supervision levels.
- C. In the event a Static 99 or Static 99R is not located in the file, the parole 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, parole officers may contact the Sex Offender Rehabilitation Program (SORP) for a copy of the Static 99 or Static 99R.

If a risk level is not entered on the SOTP screen, the parole officer shall contact the SO PS III or designee via email requesting that a Static 99R be completed. The parole officer shall provide the SO PS III with the offender's name and TDCJ number, information as to whether or not the offender has ever resided with a significant other for two (2) or more years, and ensure court documents, offense report (s), and current DPS full Record of Arrest and Prosecution (RAP) sheet are available.

- D. Offenders may be placed on Home Confinement regardless of risk level, if determined necessary by the supervision team. The home confinement requirement shall be reviewed every 90 days by the supervision team. Justification shall be documented in the OIMS.

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 Sex Offender Advisement Form.

- E. Supervision Team meetings, at a minimum shall occur:
1. Within five (5) business days following completion of the offender's polygraph to discuss the results and determine any appropriate treatment or supervision needs.
 2. Every six (6) months for offenders who have a Static 99 or Static 99R risk score of High, or annually for offenders who have a Static 99 or Static 99R risk score of Moderate or Low to:
 - a. Discuss treatment and supervision progress or regress;
 - b. Review compliance with treatment and supervision; and
 - c. Determine appropriate referrals.
- F. 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.

V. TRAVEL PERMITS

- A. 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 an RRC). Once the transfer process has begun, the offender is not allowed to travel to the receiving county without parole officer approval, until the transfer process has been completed.
- B. In the event the out-of-county travel restriction component or condition is in effect, the parole officer shall provide written permission using the SP-0080 if travel is approved.
- C. When reviewing an offender's travel request, parole officers shall consider the purpose of the trip and determine if the trip conflicts with special conditions (e.g., no contact with children, counseling, electronic monitoring, child safety zones), or whether the offender has the financial ability to pay for the trip. Offenders who are not current in paying fees shall not be approved for recreational travel. Offenders who are receiving subsidized treatment may 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 PD/POP-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 PD/POP-3.1.5, *Travel Permission*.

Travel may be granted if:

1. The parole officer determines the travel is necessary;
2. The parole officer determines the offender's adjustment is stable;
3. The offender's therapist (if applicable) concurs; and
4. The parole supervisor or designee approves.

Note: The parole 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.

- F. Reference PD/POP-3.1.5, *Travel Permission*, for guidelines on out of country travel.

VI. TRANSFERS

Parole officers shall become familiar with newly-transferred cases in order to maintain continuity of supervision with minimal disruption to the offender. The parole 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. A transfer to another region or district shall be accepted by the receiving parole 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 BPP Panel has approved the offender's residence in that county.
- B. Parole 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 BPP 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 parole officers shall record the transfer on their respective Sex Offender Caseload Monthly Statistical Report (PMS-38) once the receiving parole officer updates the OIMS to show 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 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 parole 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 Conditions 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 parole officer shall enter the offender on the PMS-38 as a successful termination from the sex offender caseload.

VII. PRE-REVOCAATION 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 PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.

- B. In the event an offender who has been identified as a case that requires a Notice and Opportunity to Respond (reference PD/POP-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 BPP Minute posting (if it indicates the case is a Sex Offender Condition Hearing 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 parole 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.

Pamela Thielke
Director, Parole Division