

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND OPERATING
PROCEDURE**

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DATE: 08/11/17

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SUPERSEDES: 01/03/95

SUBJECT: COMMUNITY SERVICE GUIDELINES

AUTHORITY: TEXAS GOVERNMENT CODE ANN. § 508.188; TEXAS CODE OF CRIMINAL PROCEDURE ANN. ART. §§ 42.014, 42.036, 42.12, 42.15, 42.16, 42A.304, 43.09, 45.049; AND 45.09.

PURPOSE: To establish a policy and procedure to recruit and examine organizations that wish to participate in the Community Service program.

To orient approved and participating organizations to the purposes of the Community Service program and outline the amount of time and the appropriate projects a client can be ordered to perform.

To prepare clients and establish community service administrative procedures for caseload processing, client orientation, and statistical data reporting.

PROCEDURES:

I. RECRUITING COMMUNITY SERVICE PROVIDERS

- A. Parole Division staff shall actively encourage and recruit participation from appropriate organizations and agencies in close proximity to the population the organization or agency serves. Each Region Director shall assign designees from their designated parole offices to recruit the participation of appropriate non-profit organizations or governmental agencies for the community service program.
- B. Community service provider organizations may be identified through such sources as the local Community Supervision and Corrections Department's listings, the United Way directory of participating organizations, volunteer clearinghouse publications, chaplain organizations, www.211texas.org, Texas Connector, and parole officer contacts in the area.
- C. The Region Director or designees shall make a site visit to each organization or agency being considered for participation in the Parole Division's community service program.

D. Organizations or agencies being considered for community service shall meet specific criteria. The organization or agency:

1. Shall be a non-profit or governmental entity that provides services that enhance social welfare and the general well-being of the community.
2. Shall not discriminate in the acceptance of a client based on the client's race, color, disability, religion, national origin or ancestry, age, genetic information, gender or sexual orientation.
3. Shall have demonstrated the ability to meet valid community needs and utilize clients in a community service capacity.
4. Shall have a primary purpose to serve the economic and social needs of the community, not the organization's members.
5. Shall have a job description of safe, non-hazardous work to be performed by clients, which will not seriously jeopardize the health or safety of clients or the community.
6. Shall provide work that does not displace paid workers and shall consist of duties outside of those performed by paid workers.
7. May be a church or religious organization that provides opportunities for community service, but clients cannot be required to participate in religious observances or support ministerial functions. Clients may only perform community service with a church or religious organization on a voluntary basis.
8. Must be politically non-partisan.
9. Shall not have a contract or pending bid with TDCJ.

Note: Careful review of contracting agencies shall guard against any conflict of interest concerns.

10. Must be able to meet the following conditions:
 - a. Clients shall be well supervised by the participating organization.
 - b. Clients shall not be placed in positions where, for example, they may supervise other clients, have responsibility for funds or have unsupervised contact with children.

II. ORGANIZATION APPROVAL, AGREEMENTS, AND SELECTION

A. All selected community service providers must complete and submit a volunteer application located on the TDCJ Rehabilitation Programs Division (RPD) website (http://tdcj.texas.gov/divisions/rpd/rpd_volunteer.html).

Organizations that meet all selection criteria may be approved by the Region Director after the organization has been approved through the TDCJ RPD Volunteer Services Program as a Community Partner Program provider. Community service providers are considered volunteers, and their applications are processed in accordance with the Volunteer Services Plan and TDCJ AD-07.35, *Administration of Volunteer Services*.

- B. Each local representative of large, non-profit organizations must complete the application for their specific site (e.g., An application with the Habitat for Humanity International, Dallas, cannot be construed with the Habitat for Humanity International, Houston).
- C. Once approved, an authorized representative of each organization or agency participating in the Parole Division community service program shall sign an agreement with the Parole Division in order to establish the basic responsibilities of the organization or agency and the Parole Division.
- D. The Region Director or designees will conduct an initial site visit, and provide sufficient information about the Parole Division's community service referral program, which includes the definition of community service, the client screening criteria, the methods of client monitoring, the reporting procedures, and the expectations for the organization.
- E. The Region Director or designees will conduct a semi-annual site visit, and during the visit review the community service agreement and project description to determine all information continues to be valid.
- F. The semi-annual site visit also allows the Region Director or designees the opportunity to maintain cordial working relationships with participating organizations or agency staff. Site visits may be increased, if there are issues to resolve or if there is staff turnover.
- G. All approved community service providers shall be maintained in the Offender Information Management System (OIMS) Resource Directory. Parole supervisors shall add or delete the approved community service providers once they receive notice from the Region Director.

III. COMMUNITY SERVICE PROVIDER ORGANIZATION ORIENTATION

- A. The client's district parole office (DPO) shall provide specific orientation to the selected community service provider. The orientation will include the name of the client, the agreed schedule, the number of hours ordered, the client restrictions or limitations, and the documentation needed to verify hours completed. Parole Division clients should not be allowed to work on projects where there is unsupervised contact with children or money handling.
- B. Each participating organization or agency will be provided with an orientation document containing the name, position, address, telephone number, and email address of the designated parole officer.

IV. COMMUNITY SERVICE SPECIAL CONDITION

- A. Community Service (Special Condition “O.07”) is imposed for clients serving a sentence for certain crimes committed as identified in PD/POP-2.2.25, *Imposing Mandated Special Conditions*.
- B. Community Service is imposed due to a client’s judicial mandated judgement and sentence imposed orders.
- C. In accordance with Article 45.049, *Community Service in Satisfaction of Fine or Costs*, Texas Code of Criminal Procedure, the client’s judgement and sentence will specify the number of hours required to perform, the type of community service required to perform, and the due date the client must submit to the court the documentation verifying the completion of community service. The specific information will be listed in the orders imposed.
- D. When there is an affirmative finding under Article 42.014, *Finding That Offense Was Committed Because Of Bias or Prejudice*, Texas Code of Criminal Procedure, a client shall be required to perform not less than 300 hours of community service at a project that primarily serves the person or group that was the target of the client in the instant offense. According to PD/POP-2.2.25, *Imposing Mandated Special Conditions*, Special Condition “O.07” will be imposed.
- E. In accordance with Article 42.036, *Community Service*, Texas Code of Criminal Procedure, a client who is employed may not be required to perform more than 16 hours per week of community service, unless the court determines that requiring the client to work additional hours does not cause a hardship on the client or the client’s dependents.
- F. In accordance with Article 42.036, *Community Service*, Texas Code of Criminal Procedure, a client who is unemployed may not be required to perform more than 32 hours per week of community service, but the client may be directed to use the remaining hours of the week to seek employment.
- G. In accordance with Article 42A.304, *Community Service*, Texas Code of Criminal Procedure, a client may not be required to work at a community service project if, as determined and notated on the order by the judge:
 - 1. The client is physically or mentally incapable of participating;
 - 2. Participation in community service will cause a hardship on the client or the client’s dependents; or
 - 3. There is other good cause shown.
- H. The supervising parole officer shall have the discretion in establishing the number of hours per week the client is involved in community service, less than the maximum amount and the latitude to make the recommendation to the participating organization. The weekly schedule of community service should not cause the client hardship. This information will be included in the OIMS Special Condition Referral Screen.

- I. In order to recommend an appropriate number of hours per week of community service for the client, the parole officer should try to balance the client's needs, parole requirements, and the needs of the participating organization.

V. DEFERRED PROGRAM REFERRAL CRITERIA

The client must provide written documentation from the judge, supporting the identified deferred reasons.

- A. Deferred participation requires the parole officer to staff the case with the unit supervisor after the client has provided the supporting documentation.
- B. Upon the unit supervisor's review, the request shall be approved, disapproved, or returned for correction.
- C. Deferred participation shall be reviewed every six (6) months.
- D. All deferred participation shall be documented in the OIMS within three (3) business days of the deferral.

VI. CLIENT COMMUNITY SERVICE ORIENTATION

- A. Clients must be adequately prepared for participation in community service and interviewed prior to being assigned to a participating organization. An interview with the client conducted by the supervising parole officer may be used to identify the client's skills, interests, abilities, and any circumstances that may interfere with placement of the client.
- B. During orientation with the client, the parole officer shall discuss the following topics:
 - 1. The purpose of the community service requirement.
 - 2. Nature of community service and assignment options.
 - 3. Expectations and responsibilities of the Parole Division, the client, and the participating organization.
 - 4. The participating organization's physical address, location, reporting time and dates, expected duties, and contact person.

VII. COMMUNITY SERVICE STATISTICAL DATA

- A. Each DPO shall complete the Community Service Monthly Report (PSV-84) and submit the form via email to the Region Director by the third (3rd) business day of every month. The PSV-84 shall include:

1. The DPO identification name (e.g., Dallas V) and number;
 2. The number of new community service placements made during the preceding month;
 3. The number of clients successfully completing community service during the preceding month;
 4. The number of clients removed from the community service program during the preceding month;
 5. The total number of community service hours performed during the preceding month;
 6. The total number of community service providers (attach a list); and
 7. The total number of active providers during the reporting period.
- B. The Region Director or designees shall consolidate this information on a PSV-84 and submit it by email to Specialized Programs, DRC Program Supervisor III, by the fifth (5th) business day of every month.

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