

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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SUPERSEDES: 7/15/97

SUBJECT: TRANSFER OF TEXAS YOUTH COMMISSION OFFENDERS TO THE PAROLE DIVISION

AUTHORITY: TEX. GOV'T CODE ANN. § 508.156; TEX. FAM. ANN. § 51.09(b), HUMAN RESOURCES CODE §61.081 (f); § 61.084 (f) or (g)

PURPOSE: This directive establishes procedures for transferring Texas Youth Commission (TYC) offenders to the jurisdiction of the Texas Department of Criminal Justice-Parole Division (PD). This directive does not address the transfer of youthful offenders from the TYC to the Texas Department of Criminal Justice-Institutional Division (ID)

DISCUSSION: Certain youthful offenders under the jurisdiction of the TYC who commit offenses on or after January 1, 1996, may be transferred to the Institutional Division or Parole Division of the Texas Department of Criminal Justice (TDCJ). TYC offenders may be transferred to the PD either from a TYC custody facility or from TYC parole supervision. Generally, the responsibilities of the agencies involved in this process may be described as follows:

1. The TYC is responsible for making decisions on parole release and transfer of youthful offenders to the PD. They TYC and the TDCJ Parole Division shall provide trial officials, counties of release, and victims notices of the impending release of these offenders from TYC facilities and shall comply with statutory requirements to register sex offenders. The TYC shall provide information for PD officers on juvenile programs at the TYC.
2. The ID shall establish the duration of the parole period for youthful offenders transferred to the PD.
3. The Board of Pardons and Paroles (BPP) shall establish the conditions of parole supervision for youthful offenders transferred to the PD and has the authority to revoke the parole of transferred youthful offenders.
4. The PD shall supervise transferred youthful offenders according to the same standards that apply to other offenders supervised by the PD. Special conditions enumerated in Parole and Mandatory Supervision Law, Section 508 of the Government Code, including those relating to the payment of supervision fees and residence during release to parole, apply to youthful offenders transferred to the PD.

PROCEDURES:

- I. Procedures for the transfer of TYC inmates and TYC parolees to the PD are essentially identical except for the manner in which the Certificate of Transfer is executed (see Section IX of this directive).

- II. At least 90 days prior to the transfer of a youthful offender to the PD, the TYC will provide the ID Records Office with a copy of all pertinent information about the offender, including:
 - A) certified juvenile court judgment;
 - B) circumstances of the instant offense;
 - C) previous social history and juvenile court records;
 - D) physical and mental health records;
 - E) record of conduct, employment history, and attitude while committed to TYC;
 - F) record of the sentence served at TYC and in juvenile detention in connection with the conduct for which the person was adjudicated;
 - G) any written comments or information provided by TYC, local officials, or victims of the offense;
 - H) a record (if applicable) of the offender's adjustment while under community supervision by the TYC;
 - I) fingerprints and photos;
 - J) the current location of the offender and whether the offender is incarcerated in a TYC facility or is under TYC supervision in the community;
 - K) the length of sentence of the offender and the sentence begin date;
 - L) the date paroled to supervision, if the offender is under TYC supervision; and
 - M) the intended parole date, if the offender remains incarcerated in a TYC facility.

- III. Regardless of any prior notification provided by the TYC, Review and Release Processing shall provide trial officials, counties of release, and victims notice of the impending release of youthful offenders from TYC facilities as required by applicable law. In addition, the TYC shall comply with statutory requirements to register sex offenders.

- IV. TYC will send two copies of the TYC case material to the Review and Release Processing Section in Austin. On receipt of the TYC case material, Review and Release Processing shall verify the case material and forward one copy to the ID Records Office. The ID Records Office will assign an identification number to the offender, calculate a discharge date, and enter the identification number to the offender, calculate a discharge date, and enter the identification number on the TDCJ mainframe computer.

- V. Review and Release Processing shall prepare a transmittal for BPP review, to include TYC's recommendation for special conditions and any special conditions required by law and/or BPP policy. The BPP will then decide what special conditions of parole, in addition to the standard rules, that are to be imposed.

- VI. A copy of the case material shall be forwarded by Review and Release Processing to the parole officer responsible for investigating the plan. Review and Release Processing in Austin shall notify TYC and the parole officer of any special conditions imposed by the board. Halfway house plans shall be sent to Specialized Programs in Huntsville for arrangement of the placement.
- VII. Placement investigations on youthful offenders shall be conducted according to the standards of PD/POP-2.1.11. Upon completion of the placement investigation the field officer shall conduct a pre-parole investigation and complete a pre-release worksheet and forward it to Review and Release Processing. If the offender is already being supervised in the community, the parole officer shall make face to face contact with the TYC parole officer to discuss the transfer, the offender's case history, and supervision planning.
- VIII. Review and Release Processing shall conduct a final review of the case, which includes: contacting the TYC to coordinate a release plan; confirming a release date; directing the issuance of a Certificate of Transfer; and obtaining a Confidentiality Agreement if the offense occurred prior to September 1, 1996. A copy of the Confidentiality Agreement shall be kept in the Central Office file.
- IX. The Release Coordination Unit in Huntsville shall obtain parole release and parole discharge information from the ID Records Office, print the necessary copies of the Certificate of Transfer, obtain the Confidentiality Agreement if necessary, and enter discharge dates on the certificate. At this point in the process, procedures for handling the cases of offenders being supervised on parole by TYC and offenders transferred from TYC custody facilities differ.
- A. Youthful offenders being supervised on parole by the TYC.
1. The Release Coordination Unit in Huntsville shall mail the unsigned Certificate of transfer to the PD parole officer responsible for supervising the offender.
 2. The PD officer shall arrange a meeting with the supervising TYC officer and the youthful offender. During the meeting, the rules or parole supervision shall be explained, and a "transfer Date" (date transferred to PD jurisdiction) shall be entered on the certificate. The certificate shall be signed and the TYC field file shall be transferred to the PD officer.
 3. The PD supervising officer shall keep one copy of the Certificate of Transfer, and copies shall be provided to the youthful offender and supervising TYC officer. The remaining copies of the certificate shall be returned to the Release Coordination Unit in Huntsville for further distribution.
- B. Youthful offenders being held in a TYC facility.

1. The Release Coordination Unit shall mail the unsigned Certificate of Transfer to PD staff assigned to execute Certificates of Transfer at TYC facilities.
 2. The designated staff shall interview the youthful offender at the indicated TYC facility, review the rules of parole, provide the offender with reporting instructions, enter the "Transfer Date" (the date transferred to PD jurisdiction) on the Certificate of Transfer, and obtain the appropriate signatures. The "Parole Date" and the "transfer Date" are the same when an offender is released from a TYC custody facility to adult people.
 3. The youthful offender shall be given one copy of the Certificate of Transfer and one copy shall be provided to the TYC facility. The remaining copies of the certificate shall be returned to the Release Coordination Unit in Huntsville for further distribution.
 4. The Parole Division is not responsible for transportation arrangements. Transportation will generally be provided by family members of the offender, but in some cases TYC will provide the offender with a bus ticket.
- X. Supervision planning shall be based on information provided by the TYC, the interview with the offender, and risk and needs assessment as described in PD/POP-3.2.5. Youthful offenders shall be referred to PD specialized caseloads and programming in keeping with their individual needs.
- XI. The initial interview with youthful offenders shall be conducted in the manner described in PD/POP-3.1.1. Youthful offenders transferred from TYC do not receive "gate money".
- XIII. Youthful offenders are subject to the same general requirements as offenders released on parole from the ID, including: supervision fees, restitution payments (when entered on the juvenile court judgment and imposed by the BPP), sex offender registration, and county of residency relocations. Rule violation reporting, sanctioning, warrant issuance criteria, the warrant issuance process, the hearing process, and the revocation process are the same for transferred youthful offenders as for all other offenders supervised by the PD.

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