

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-4.3.1

DATE: 01/09/14

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SUPERSEDES: 03/16/07

SUBJECT: INTERMEDIATE SANCTION FACILITY (ISF)

AUTHORITY: TEXAS GOVERNMENT CODE §§ 411.148, 508.119, BPP POL. 00-04.04

PURPOSE: To establish criteria and procedures related to ISF placements

PROCEDURE:

I. CRITERIA FOR ISF PLACEMENT

- A. Clients are eligible for placement in an Intermediate Sanction Facility (ISF) as a result of a Texas Board of Pardons and Parole (BPP) action for ISF placement pursuant to a revocation hearing, waiver of the revocation hearing process, or Notice of Alternate Action (PSV-48A).
- B. Clients are ineligible for ISF placements if there are pending criminal charges or significant medical or mental health issues.

II. PROCEDURE FOR ISF PLACEMENT PURSUANT TO A CONDITIONAL WAIVER OF REVOCATION HEARING PROCESS VIA NOTICE OF ALTERNATE ACTION (PSV-48A)

- A. Upon receipt of the Notice of Arrest, the parole officer is responsible for conducting a pre-hearing interview with the client in accordance with PD/POP-4.2.1, *Pre-Hearing and Hearing Process*.
 - 1. The Rights of Offender in the Revocation Process shall be read and a copy of the form provided to the client; and
 - 2. The Notice of Alternate Action (PSV-48A) shall be read and a copy provided to the client.

At the time of the initial pre-hearing interview, the client may agree to placement in an ISF or Substance Abuse Felony Punishment Facility (SAFPF). This conditional waiver shall resolve the alleged violation(s) depending on the

Texas Department of Criminal Justice Parole Division (TDCJ-PD) recommendation and the BPP approving the recommendation. The allegations must be administrative violations only with no law violation(s) pending.

- a. If the client agrees with a conditional waiver of the revocation hearing process and accepts ISF placement to resolve the alleged violation(s), the client shall sign the PSV-48A, acknowledging understanding and acceptance of the terms. The client shall be provided a copy of the PSV-48A.
 - b. Within three (3) business days of the interview, the parole officer shall submit a BPP Transmittal (PSV-119) and attach the completed Rights of Offender in the Revocation Process , PSV-48A, and all documents that establish proof of the alleged violation(s), including the release certificate, indictment or information, judgment or sentence, statements, affidavits, and Adjustment Statement (PSV-32B).
- B. Should the BPP deny ISF imposition, the parole officer shall proceed to the revocation hearing process to address alleged violation(s) in accordance with approved policy.
- C. Should the BPP approve ISF imposition, the parole officer shall:
1. Complete and forward the ISF transfer packet to the Region ISF coordinator or designee within three (3) business days of receipt of the BPP action. The packet shall consist of the:
 - a. Board action [Hearing Report Processing Sheet (HS-135), TDCJ-PD Waiver Processing Sheet (PSV-67) or BPP Transmittal]
 - b. Copy of the Parole or Mandatory Release Certificate
 - c. Parole Summary
 - d. Medical Screen
 2. The parole officer shall create a work item for the Region ISF coordinator in the Offender Information Management System (OIMS).

III. PROCEDURE FOR ISF PLACEMENT PURSUANT TO THE REVOCATION HEARING PROCESS VIA HS-135 OR PSV-67

- A. Upon receipt of the BPP action for ISF placement pursuant to the revocation hearing process and in custody, the assigned parole officer shall follow the procedure outlined in III.C above.

- B. Upon receipt of the BPP action for ISF placement pursuant to a summons hearing, the assigned parole officer shall:
 - 1. Contact the Warrants Section/Command Center and request an emergency warrant to have the client taken into custody.
 - 2. Complete all steps noted in II.C above upon receipt of the Notice of Arrest.

IV. SCHEDULING THE ISF TRANSFER

- A. The Region ISF coordinator or designee shall:
 - 1. Complete the work item from the parole officer in the OIMS within two (2) business days.
 - 2. Review the packet and ensure that any medical and/or psychological information (e.g., medication, dosage, etc.) is properly recorded on the medical screen in the OIMS.
 - 3. Immediately notify the CCU ISF Program Supervisor I (PS I) or designee by email of clients not eligible for ISF due to medical reasons, detainer, transfer to bench warrant, or pending charges.
 - 4. At the time of transfer to the ISF from the county jail, the Region ISF coordinator shall hand-deliver the ISF transfer packet to the ISF transport staff.
 - 5. Within two (2) business days of receipt from the parole officer, the Region ISF coordinator or designee shall forward the work item to CCU ISF in the OIMS.
- B. The CCU ISF unit shall update the transport dates on the ISF/SAFPP Transfer screen in the OIMS. The CCU ISF PS I or designee shall coordinate and forward the transport schedules, via email, to the facility parole officer, Region ISF coordinator, and the ISF facility.

V. DUTIES OF THE FACILITY PAROLE OFFICER

- A. Upon arrival of a client to the ISF, the facility parole officer shall:
 - 1. Update all client information in the OIMS within five (5) business days;
 - 2. Verify the approved release plan and, if needed, submit the County of Residence (COR) e-transmittal in the OIMS; and
 - 3. Submit all Residential Reentry Center requests to the Review and Release Processing, Huntsville Placement and Release Unit (HPRU) to arrange placement.

- B. While the client remains in an ISF, the facility parole officer shall:
1. Notify CCU by email of situations that prevent the client from being released (e.g., disciplinary, COR request, medical, plan failure, etc.) immediately upon learning of said event; and
 2. Notify CCU immediately by email of all parole plan approvals or denials and subsequent changes to the client's release.
- C. While the client remains in an ISF, the facility parole officer shall complete the following:
1. One (1) face-to-face contact within 24 hours of arrival at the facility, indicating the client has arrived at the facility, attended orientation, and was given a copy of facility rules.
 2. Weekly face to face contacts for the purpose of home plan development shall be completed until a plan is developed and submitted for investigation. If the plan investigation results in denial, weekly in-person contacts with the client shall resume until a new plan is developed and submitted for investigation.
 3. Any additional contacts required for home plan development or contacts due to disciplinary issues arising during the client's time at the ISF.
 4. Collateral contacts shall be conducted as needed, either in person or by telephone, with family members, associates, employers, treatment providers, law enforcement, concurrent federal or community supervision, significant others, therapists, or any person or entity with pertinent knowledge or information about the client and his activities.
 5. Ensure the client has received reporting instructions and Electronic Monitoring (EM)/Super-Intensive Supervision Program (SISP) equipment has been connected, if required, prior to departure.

All contacts shall be documented in the OIMS within one (1) business day after the contact. Unanticipated leave may cause a delay, but the goal is to maintain current information in the OIMS.

VI. PROCESSING FACILITY DISCIPLINARY VIOLATIONS

- A. The facility shall forward all facility Disciplinary Hearing Reports to the CCU Parole Officer III (PO III) within three (3) business days after the conclusion of the facility Disciplinary Hearing. The PO III shall review the report to determine whether:
1. The client received written notification of the charge(s) at least twenty-four (24) hours prior to the hearing.

2. The client was illiterate, mentally retarded, mentally ill, intellectually or mentally impaired, confined in Pre-Hearing Detention (PHD), hearing impaired, non-English speaking, or of questionable understanding of English, in which case, counsel substitute was appointed.
 3. Counsel substitute was appointed when, due to the complexity of the issue, the client would not be able to present the evidence necessary for an adequate representation of the case.
 4. The client requested witnesses and witnesses were allowed to testify. If not, the PO III shall determine whether witnesses were disallowed for security or safety reasons, as well as if written witness statements were accepted in lieu of testimony and entered into evidence.
 5. The client was allowed to present documentary evidence.
 6. The client was allowed to attend the hearing.
 7. The client received written notification of the recommended sanction.
 8. Graduated sanctions had been used.
- B. Should the client have two (2) prior findings of guilt for a minor disciplinary offense, any subsequent minor disciplinary offense may be processed as a major disciplinary offense.
- C. The PO III shall review the Parole Review of Administrative Sanctions Recommended form and indicate whether any of the requirements above were not met and if the PO III concurs with the facility recommended sanction. The PO III shall provide a copy of the Parole Review of Administrative Sanctions Recommended form to the facility and facility parole officer within two (2) business days of the decision.
- D. The CCU Program Supervisor V has the authority to override any facility-recommended sanction.
- E. If the facility recommendation is to return the client to TDCJ-Correctional Institutions Division (CID) and the PO III concurs with the recommendation, the facility parole officer shall proceed to the revocation hearing process for BPP action on the new allegation(s).
- F. The facility parole officer, in accordance with PD/POP-4.2.1, Pre-Hearing and Hearing Process, shall conduct a pre-hearing interview with the client within five (5) business days from the PO III's decision to proceed with the revocation hearing process for disciplinary rule violation(s). The facility parole officer shall notify the PO III by email that the revocation hearing process has been initiated for noted violations. The PO III shall designate the client ineligible for release from the facility.

- G. The facility parole officer shall attach a copy of the facility hearing report to include the Parole Review of Administrative Sanctions Recommended form and attachments to the Rights of Offender in the Revocation Process as outlined in PD/POP-4.2.1, *Pre-Hearing and Hearing Process*.
- H. The facility parole officer shall notify the CCU ISF unit of the BPP action immediately upon receipt. The notification shall be sent via fax and shall indicate the BPP action.

VII. NOTIFICATION OF DETAINER OR BENCH WARRANT FOR CLIENTS IN ISF

- A. Any agency that has an active detainer or bench warrant for the client shall immediately notify the CCU PO III or designee who shall request a copy of the detainer or bench warrant.
- B. Upon receipt, the agency's detainer or bench warrant shall be forwarded immediately by the PO III to the ISF warden.
- C. Within two (2) business days, the PO III or designee shall notify the detaining agency and request a date and time of transport from the ISF by the detaining agency.
- D. Bench Warrant Process
 - 1. Upon release on the bench warrant, the client's status and charges shall be monitored by the ISF PO III or designee:
 - a. If the client exceeds 60 days from the BPP action while in custody on the bench warrant, the case shall be staffed for ISF completion.
 - b. If the charges are adjudicated or dismissed within 60 days from BPP action, the client shall be returned to the ISF to complete his ISF term.
- E. Detainer Process

The PO III or designee shall submit a request to the BPP via a transmittal to request withdrawal of the ISF condition, if the client:

- 1. Has served less than 60 calendar days from BPP action; or
- 2. Was voted ISF until discharge by the BPP.

Should the BPP approve the withdrawal of the ISF condition, and the client is released from the ISF to the detainer, the PO III or designee shall notify the CCU Detainer PS I by email that the client has been released to a detaining agency.

- F. The warrant shall be withdrawn by the PO III or designee, as the special condition for ISF has been withdrawn.

The case shall be reviewed to determine if transfer to a detainer unit is appropriate (i.e., immigration or federal charges) or return to the field parole officer (i.e., county or state charges) for monitoring of charges or any further action.

VIII. ISF TERMS AND OTHER ISSUES

- A. The ISF term shall not be less than 60 calendar days or more than 180 calendar days from BPP action as a result of a waiver, conditional waiver, or revocation hearing.
- B. The ISF term shall not be less than 60 calendar days or more than 180 calendar days from date of placement as a result of summons.
 - 1. If the client is placed into custody as a result of an affirmative finding at the conclusion of the hearing, the term begins when the BPP approves ISF placement.
 - 2. If the client is not placed into custody at the conclusion of the hearing and the BPP approves ISF placement, the term begins on the date of the warrant execution.
- C. A client may remain in an ISF until discharge only if the discharge date does not exceed 180 calendar days and if approved by the BPP.
- D. The Central Coordination Unit (CCU) ISF unit will determine certification and compliance with an ISF special condition imposition.

Stuart Jenkins
Director, Parole Division