

TEXAS BOARD OF
PARDONS AND PAROLES



PAROLE GUIDELINES
ANNUAL REPORT - FY 2008

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PAROLE GUIDELINES
ANNUAL REPORT
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In accordance with Section 508.1445, Government Code, the Board annually shall submit a report to the Criminal Justice Legislative Oversight Committee, the Lieutenant Governor, the Speaker of the House of Representatives, and the presiding officers of the standing committees in the Senate and House of Representatives primarily responsible for criminal justice regarding the Board's application of the parole guidelines adopted under Section 508.144.

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HISTORY OF THE PAROLE GUIDELINES

Prior to 1984, both parole and executive clemency acts required the affirmative action of the Board of Pardons and Paroles and the Governor before relief could be given. Statutory changes made by the 68th Legislature had a significant impact on agency operations in fiscal year 1984. Article IV, Section 11 of the Texas Constitution was amended to remove the governor from the parole process and make the Board of Pardons and Paroles the final parole authority for the state. Senate Bill 396 designated the Board as a statutory agency with exclusive authority to approve paroles, increased Board membership to six members to be appointed by the governor, and gave the Board authority to revoke paroles and issue warrants for the arrest of administrative release violators.

The Texas Board of Pardons and Paroles (Board) used Salient and Significant Factor Score sheets when making parole decisions. The Salient Factor score sought to classify parole candidates according to their risk for succeeding or failing under parole supervision. The Significant Factor reflected the seriousness of the offense committed. If parole was denied, an offender was set-off and the case was reviewed within one year, or was given a serve-all where the offender remained in prison until released to mandatory supervision or until discharged sentence in prison.

The Board adopted the PABLO Scale in 1983 to assist board members to use similar criteria when making parole decisions. It calculated the level or risk of an offender by evaluating the offender's rating on twenty variables, which included criminal history, juvenile history, substance abuse history, age at the time of the offense, education, etc.

The legislature mandated that the Board incorporate parole guidelines, with minimum release criteria, into parole decision-making in 1985. The guidelines were to be developed according to acceptable research methods and be based on the seriousness of the offense and the likelihood of a favorable parole outcome.

The Board replaced the PABLO Scale with parole guidelines that combined measurements of parole risks with PABLO Scale to define the parole risk score in 1987. The risk factors consisted of nine variables that have been shown to be associated with recidivism (number of prior convictions, number of prior incarcerations, age at first incarceration, commitment offense, number of prior parole or probation violations, history of alcohol/drug dependence, employment history, level of education, and release plan). The offense severity assigned the most severe offense the offender was serving time for into one of four levels (aggravated, high severity, medium severity, and low severity). Finally, the time served item was used to adjust the risk and offense severity score.

The actual formula for computing the parole score was as follows:

$$\textit{Parole Score} = [(\textit{Risk/Offense Severity}) + \textit{percent of Time Served}] \times 1.9$$

When the computed score reached a certain score, the Board could set a tentative parole date that could be over-ridden by the Board at its discretion. However, the reasons for over-rides had to conform to a limited set of over-ride factors established by the Board.

In 1993, the 73rd Legislature directed the Criminal Justice Policy Council (CJPC) to report “at least annually to the Legislative Criminal Justice Board, the Texas Board of Criminal Justice, and the Texas Board of Pardons and Paroles on the use of the parole guidelines by each member of the Board in making parole decision.

After conducting a study of the Board’s use of the guidelines, in 1996 CJPC recommended that revised guidelines be formulated to ensure the guideline criteria reflect BPP policy, are applied in a consistent manner to all candidates for parole (reliable), and are predictive of risk to public safety (valid).

Reliability is a measure of consistency of the TDCJ-Parole Division staff to extract and present the same relevant data to the Board so it can make parole decisions. Validity is a measure of the risk factors to accurately predict whether or not a candidate for parole falls into a class of offenders who are either a good, moderate, or poor risk to succeed on parole. Guidelines are able to accomplish these two objectives by developing scoring instruments that use well-defined measures of risk that have been shown to be predictive of post release success.

The Board applied to the National Institute of Corrections (NIC) for technical assistance in developing parole guidelines in 1998. NIC agreed to provide technical assistance for an initial site visit and assessment. NIC reported “...to simply update existing guidelines will not increase the viability or effectiveness of the Board’s case decision making and would not bring Texas in line with new approaches that have been successful in other jurisdictions. A fundamental re-examination and redesign is required.”

In 1999, a contract was awarded to Security Response Technologies, Incorporated (SRT). The Board Chair established a parole guidelines committee to act as the liaison between the Board and the consultant. Initially, the committee was comprised of seven board members, one from each board office. Each member was responsible for providing their colleagues with current information regarding the guidelines initiative, along with soliciting their input as well.

The Board’s contract with SRT was an 18-month project divided into three distinct phases:

- Phase I consisted of a comprehensive review of the Board’s current practices as well as the practices of other states that use parole guidelines.
- Phase II activities involved completing a validation test of the existing guidelines along with an evaluation of the other selected factors that would be used for assessing risk.
- Phase III consisted of training Board and Institutional Parole Officers (IPOs) in the use of the new guidelines. In September 2001, the Board began using the parole guidelines to assist them in making parole decisions.

Based on SRT’s recommendation, the committee re-reviewed the NCIC offenses initially ranked in 2000, one year after the implementation of the parole guidelines. SRT also recommended that the committee review the offense rankings after each legislative session. The Board has complied with SRT’s recommendation, and the Parole Guidelines Committee continues to actively review all guidelines related issues.

COMPONENTS OF THE GUIDELINES

Parole Guidelines (guidelines) are tools that assist the members of the parole panel or the board in making discretionary parole release decisions. The revised parole guidelines consist of two major components that interact to provide a single score. The first is a Risk Assessment Instrument that weighs both static and dynamic factors associated with the inmate's record. The other component is Offense Severity class.

- ***Risk Assessment Instrument***

Static factors are those associated with the inmate's prior criminal record. They will not change over time. Dynamic factors reflect characteristics the inmate has demonstrated since being incarcerated and are factors that can change over time.

- 1 Static factors include:

- Age at first admission to a juvenile or adult correctional facility
- History of supervisory release revocations for felony offenses
- Prior incarcerations
- Employment history
- The commitment offense

- 1 Dynamic factors include:

- Inmate's current age
- Whether the inmate is a confirmed security threat group (gang) member
- Education, vocational and certified on-the-job training programs completed during the present incarceration
- Prison disciplinary conduct
- Current prison custody level.

An inmate can be assigned 0-9 points on static factors and 0-12 points on dynamic factors. A low score is associated with low risk. The higher the score, the greater the risk the inmate presents for a successful parole:

SCORE ASSIGNED RISK LEVEL	
<i>Based on the total of static and dynamic factor points, the risk level to be assigned to the inmate should be determined below:</i>	POINTS
Low Risk	0-5
Moderate Risk	6-8
High Risk	9-11
Highest Risk	12+

- *Offense Severity Class*

Parole Board members have assigned an offense severity rating to every one of the 1,931 felony charges in the Penal Code. Offense Severity classes range from Low for non-violent crimes such as credit card abuse, to Highest for capital murder. An inmate’s most serious active offense is assigned an Offense Severity Class according to the established list.

THE PAROLE GUIDELINES SCORE

After both of the above factors have been considered, the two components of the guidelines are then merged into a matrix that creates the inmate’s Parole Guidelines Score based on the intersection of his risk level and the offense severity rating. Parole Guidelines Scores range from 1 for an individual with the poorest probability for success, up to 7 for an inmate with the greatest probability of success.

OFFENSE SEVERITY CLASS	RISK LEVEL			
	Highest	High	Moderate	Low
Highest	1	2	2	3
High	2	3	4	4
Moderate	2	4	5	6
Low	3	4	6	7

The higher an inmate’s score, the better risk he is predicted to complete parole. The guidelines are not automatic indicator as to whether an inmate will be paroled. Voting members retain the descretion to vote a case regardless of the parole guidelines score when the circumstances of an individual case merit their doing so.

DEPARTING FROM THE GUIDELINES

Section 508.144, Texas Government Code, requires the parole panel members to document the reason for deviating/departing from the guidelines. For example, guidelines level 3 has a total of 4,372 approved cases, which is divided by 21,776 total cases considered for an aggregate approval rate of 20.08%. The recommended approval rate for guidelines level 3 is 16% to 25%.

Aggregate approval rates are compared to the recommended approval rates and categorized as a percentage of the total votes by guidelines levels. A comparison of aggregate approval rates with recommended approval rates by guidelines level is made available to the Board Members and Parole Commissioners on a monthly basis. However, Board Members and Parole Commissioners vote cases on a daily basis; therefore, at the time of the parole panel member's vote, the current monthly aggregate approval rates by guidelines level are not available to them. This means that the panel member voting a case is unaware of the aggregate approval rate to determine whether or not they are voting within the range of the recommended approval rate. This being the case, the parole panel member provides approval and denial reasons for all votes. A Notice of Parole Panel Action letter is generated with a detailed written statement explaining the denial reason(s) specific to each case. The Texas Department of Criminal Justice Parole Division staff delivers a copy of the Notice of Parole Panel Action to the offender.

UPDATING PAROLE GUIDELINES

The Board is currently utilizing comparison of the aggregate approval rates and the recommended approval rates to identify areas in the guidelines that need to be reviewed and analyzed to determine whether adjustments are appropriate. For example, the offense severity ranking for Driving While Intoxicated (DWI) is Low with the ultimate parole guidelines score of 6 or 7. In reality, a DWI offender's parole guidelines score should be lower than the 6 or 7 because of the uniqueness of DWI offenders and their history.

The need for this adjustment became very apparent when the Board Members and Parole Commissioners were voting to deny DWI offenders with a parole guidelines score of 6 or 7. This became evident after reviewing the comparison of aggregate approval rates with recommended approval rates over a period of time.

In October 2007, the Board requested the National Institute of Corrections (NIC) to provide technical assistance in updating the parole guidelines as they relate to DWI offenders. NIC approved the Board's request and Dr. Jim Austin, NIC Consultant, will provide technical assistance with a final report due in early 2009.

**RECOMMENDED APPROVAL RATES AND ACTUAL APPROVAL RATES COMPARISON
FY 2008**

GUIDELINES LEVEL STATEWIDE

GUIDELINE LEVEL	CASES CONSIDERED	CASES APPROVED	APPROVAL RATE	RECOMMENDED APPROVAL RATE
1	739	32	4.33%	0% - 5%
2	11,051	1,671	15.12%	6% - 15%
3	9,372	1,898	20.25%	16% - 25%
4	26,650	6,526	24.49%	26% - 35%
5	11,902	4,814	40.45%	36% - 50%
6	11,367	5,664	49.83%	51% - 75%
7	3,811	2,417	63.42%	76% - 100%
TOTAL	74,892	23,022	30.74%	

GUIDELINES LEVEL BY THE CHAIR'S VOTE

R. OWENS, CHAIR				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	7	3	42.9%	0% - 5%
2	128	77	60.2%	6% - 15%
3	199	144	72.4%	16% - 25%
4	309	213	68.9%	26% - 35%
5	73	41	56.2%	36% - 50%
6	60	30	50.0%	51% - 75%
7	20	14	70.0%	76% - 100%
TOTAL	796	522	65.6%	

**GUIDELINES LEVEL BY BOARD MEMBER/PAROLE COMMISSIONER
GROUPED BY BOARD OFFICE**

The Board annually reports parole guideline votes statewide and by individual board member and parole commissioner. The statutory requirements for this report pertaining to regional offices, are displayed in the below charts grouped by board office. It should be noted that Roy Garcia, Parole Commissioner, was assigned to the Palestine Board Office at the beginning of the fiscal year but was transferred to the Huntsville Board Office in January and continued to assist the Palestine Board Office by voting cases assigned to the Palestine Board Office through the end of February. Other vacancies and new positions in the board offices are noted in footnotes. There are also occasions when a board member or parole commissioner is out of the office for an extended period of time where a board member or parole commissioner from another office will vote cases in their absence.

GUIDELINES LEVEL BY BOARD MEMBER/PAROLE COMMISSIONER
GROUPED BY BOARD OFFICE

AMARILLO BOARD OFFICE				
AYCOCK, C.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	125	17	13.6%	0% - 5%
2	1,707	328	19.2%	6% - 15%
3	1,760	416	23.6%	16% - 25%
4	3,429	905	26.4%	26% - 35%
5	1,106	390	35.3%	36% - 50%
6	1,033	397	38.4%	51% - 75%
7	303	141	46.5%	76% - 100%
TOTAL	9,463	2,594	27.4%	

POLAND, J.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	114	6	5.3%	0% - 5%
2	1,335	161	12.1%	6% - 15%
3	933	189	20.3%	16% - 25%
4	2,663	620	23.3%	26% - 35%
5	1,256	427	34.0%	36% - 50%
6	1,126	517	45.9%	51% - 75%
7	322	215	66.8%	76% - 100%
TOTAL	7,749	2,135	27.6%	

SHIPMAN, C.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	124	4	3.2%	0% - 5%
2	1,472	88	6.0%	6% - 15%
3	1,063	76	7.1%	16% - 25%
4	2,913	555	19.1%	26% - 35%
5	1,336	480	35.9%	36% - 50%
6	1,246	549	44.1%	51% - 75%
7	343	229	66.8%	76% - 100%
TOTAL	8,497	1,981	23.3%	

GUIDELINES LEVEL BY BOARD MEMBER/PAROLE COMMISSIONER
GROUPED BY BOARD OFFICE

ANGLETON BOARD OFFICE									
GARCIA, L.*					LORRAINE, B. *				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE	LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	67	2	3.0%	0% - 5%	1	5	0	0.0%	0% - 5%
2	1,226	145	11.8%	6% - 15%	2	140	37	26.4%	6% - 15%
3	1,505	242	16.1%	16% - 25%	3	114	37	32.5%	16% - 25%
4	3,044	798	26.2%	26% - 35%	4	383	130	33.9%	26% - 35%
5	1,093	442	40.4%	36% - 50%	5	142	61	43.0%	36% - 50%
6	1,136	616	54.2%	51% - 75%	6	118	57	48.3%	51% - 75%
7	395	299	75.7%	76% - 100%	7	31	15	48.4%	76% - 100%
TOTAL	8,466	2,544	30.0%		TOTAL	933	337	36.1%	

FREEMAN, P.					RUZICKA, L.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE	LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	49	2	4.1%	0% - 5%	1	47	4	8.5%	0% - 5%
2	918	133	14.5%	6% - 15%	2	895	175	19.6%	6% - 15%
3	786	172	21.9%	16% - 25%	3	777	245	31.5%	16% - 25%
4	2,335	623	26.7%	26% - 35%	4	2,474	878	35.5%	26% - 35%
5	1,076	417	38.8%	36% - 50%	5	1,166	472	40.5%	36% - 50%
6	1,056	447	42.3%	51% - 75%	6	1,212	601	49.6%	51% - 75%
7	357	208	58.3%	76% - 100%	7	448	285	63.6%	76% - 100%
TOTAL	6,577	2,002	30.4%		TOTAL	7,019	2,660	37.9%	

* L. Garcia served as a Board Member from September 1, 2008 to July 3, 2008

* B. Lorraine served as a Board Member from July 4, 2008 to August 31, 2008.

GUIDELINES LEVEL BY BOARD MEMBER/PAROLE COMMISSIONER
GROUPED BY BOARD OFFICE

GATESVILLE BOARD OFFICE				
GONZALEZ, J.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	57	1	1.8%	0% - 5%
2	1,157	207	17.9%	6% - 15%
3	1,341	315	23.5%	16% - 25%
4	3,551	897	25.3%	26% - 35%
5	1,678	724	43.1%	36% - 50%
6	1,689	791	46.8%	51% - 75%
7	549	242	44.1%	76% - 100%
TOTAL	10,022	3,177	31.7%	

HIGHTOWER, E.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	51	2	3.9%	0% - 5%
2	883	147	16.6%	6% - 15%
3	728	144	19.8%	16% - 25%
4	3,206	769	24.0%	26% - 35%
5	1,765	766	43.4%	36% - 50%
6	1,821	937	51.5%	51% - 75%
7	632	316	50.0%	76% - 100%
TOTAL	9,086	3,081	33.9%	

THRASHER, H.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	41	2	4.9%	0% - 5%
2	857	91	10.6%	6% - 15%
3	672	96	14.3%	16% - 25%
4	3,000	521	17.4%	26% - 35%
5	1,693	572	33.8%	36% - 50%
6	1,751	740	42.3%	51% - 75%
7	597	233	39.0%	76% - 100%
TOTAL	8,611	2,255	26.2%	

GUIDELINES LEVEL BY BOARD MEMBER/PAROLE COMMISSIONER
GROUPED BY BOARD OFFICE

HUNTSVILLE BOARD OFFICE									
DAVIS, C.					FORDYCE, T.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE	LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	135	13	9.6%	0% - 5%	1	104	3	2.9%	0% - 5%
2	2,107	582	27.6%	6% - 15%	2	1,428	257	18.0%	6% - 15%
3	2,130	731	34.3%	16% - 25%	3	1,171	295	25.2%	16% - 25%
4	4,711	1,570	33.3%	26% - 35%	4	3,418	914	26.7%	26% - 35%
5	1,632	828	50.7%	36% - 50%	5	1,433	705	49.2%	36% - 50%
6	1,506	853	56.6%	51% - 75%	6	1,318	774	58.7%	51% - 75%
7	433	312	72.1%	76% - 100%	7	378	277	73.3%	76% - 100%
TOTAL	12,654	4,889	38.6%		TOTAL	9,250	3,225	34.9%	

GARCIA, R. *					GARRETT, G.*				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE	LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	115	4	3.5%	0% - 5%	1	0	0	0.0%	0% - 5%
2	1,615	290	18.0%	6% - 15%	2	0	0	0.0%	6% - 15%
3	1,267	315	24.9%	16% - 25%	3	0	0	0.0%	16% - 25%
4	3,571	900	25.2%	26% - 35%	4	0	0	0.0%	26% - 35%
5	1,515	565	37.3%	36% - 50%	5	1	0	0.0%	36% - 50%
6	1,350	629	46.6%	51% - 75%	6	0	0	0.0%	51% - 75%
7	427	312	73.1%	76% - 100%	7	0	0	0.0%	76% - 100%
TOTAL	9,860	3,015	30.6%		TOTAL	1	0	0.0%	

* G. Garrett did not serve as a Parole Commissioner in FY 2008. However, there was one vote carried over from FY 2007.

* R. Garcia served as a Parole Commissioner in the Palestine Board Office from September 1, 2007 through December 31, 2007 and was reassigned to the Huntsville Board Office on January 1, 2008. He voted cases in both the Huntsville and Palestine Board Offices between January 1, 2008 and February 28, 2008.

GUIDELINES LEVEL BY BOARD MEMBER/PAROLE COMMISSIONER
GROUPED BY BOARD OFFICE

PALESTINE BOARD OFFICE				
DENOYELLES, J.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	104	5	4.8%	0% - 5%
2	1,608	208	12.9%	6% - 15%
3	1,700	316	18.6%	16% - 25%
4	3,671	852	23.2%	26% - 35%
5	1,326	566	42.7%	36% - 50%
6	1,207	633	52.4%	51% - 75%
7	472	299	63.3%	76% - 100%
TOTAL	10,088	2,879	28.5%	

HENSARLING, J. *				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	47	3	6.4%	0% - 5%
2	714	89	12.5%	6% - 15%
3	580	109	18.8%	16% - 25%
4	1,758	362	20.6%	26% - 35%
5	697	245	35.2%	36% - 50%
6	617	279	45.2%	51% - 75%
7	237	148	62.4%	76% - 100%
TOTAL	4,650	1,235	26.6%	

KIEL, J.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	77	0	0.0%	0% - 5%
2	1,176	148	12.6%	6% - 15%
3	976	188	19.3%	16% - 25%
4	2,906	573	19.7%	26% - 35%
5	1,303	490	37.6%	36% - 50%
6	1,199	610	50.9%	51% - 75%
7	475	373	78.5%	76% - 100%
TOTAL	8,112	2,382	29.4%	

** J. Hensarling served as a Parole Commissioner from March 3, 2008 to August 31, 2008.*

GUIDELINES LEVEL BY BOARD MEMBER/PAROLE COMMISSIONER
GROUPED BY BOARD OFFICE

SAN ANTONIO BOARD OFFICE				
ALISEDA, J.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	92	7	7.6%	0% - 5%
2	1,603	267	16.7%	6% - 15%
3	1,619	333	20.6%	16% - 25%
4	3,417	842	24.6%	26% - 35%
5	1,246	514	41.3%	36% - 50%
6	1,263	676	53.5%	51% - 75%
7	459	322	70.2%	76% - 100%
TOTAL	9,699	2,961	30.5%	

MORALES, E.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	83	9	10.8%	0% - 5%
2	1,269	306	24.1%	6% - 15%
3	913	253	27.7%	16% - 25%
4	2,820	868	30.8%	26% - 35%
5	1,411	632	44.8%	36% - 50%
6	1,310	741	56.6%	51% - 75%
7	501	366	73.1%	76% - 100%
TOTAL	8,307	3,175	38.2%	

SPEIER, C.				
LEVEL	CON	APP	APP RATE	RECOMMENDED APPROVAL RATE
1	74	8	10.8%	0% - 5%
2	1,221	316	25.9%	6% - 15%
3	888	269	30.3%	16% - 25%
4	2,925	892	30.5%	26% - 35%
5	1,460	601	41.2%	36% - 50%
6	1,408	747	53.1%	51% - 75%
7	517	315	60.9%	76% - 100%
TOTAL	8,493	3,148	37.1%	



Texas Board of Pardons and Paroles

