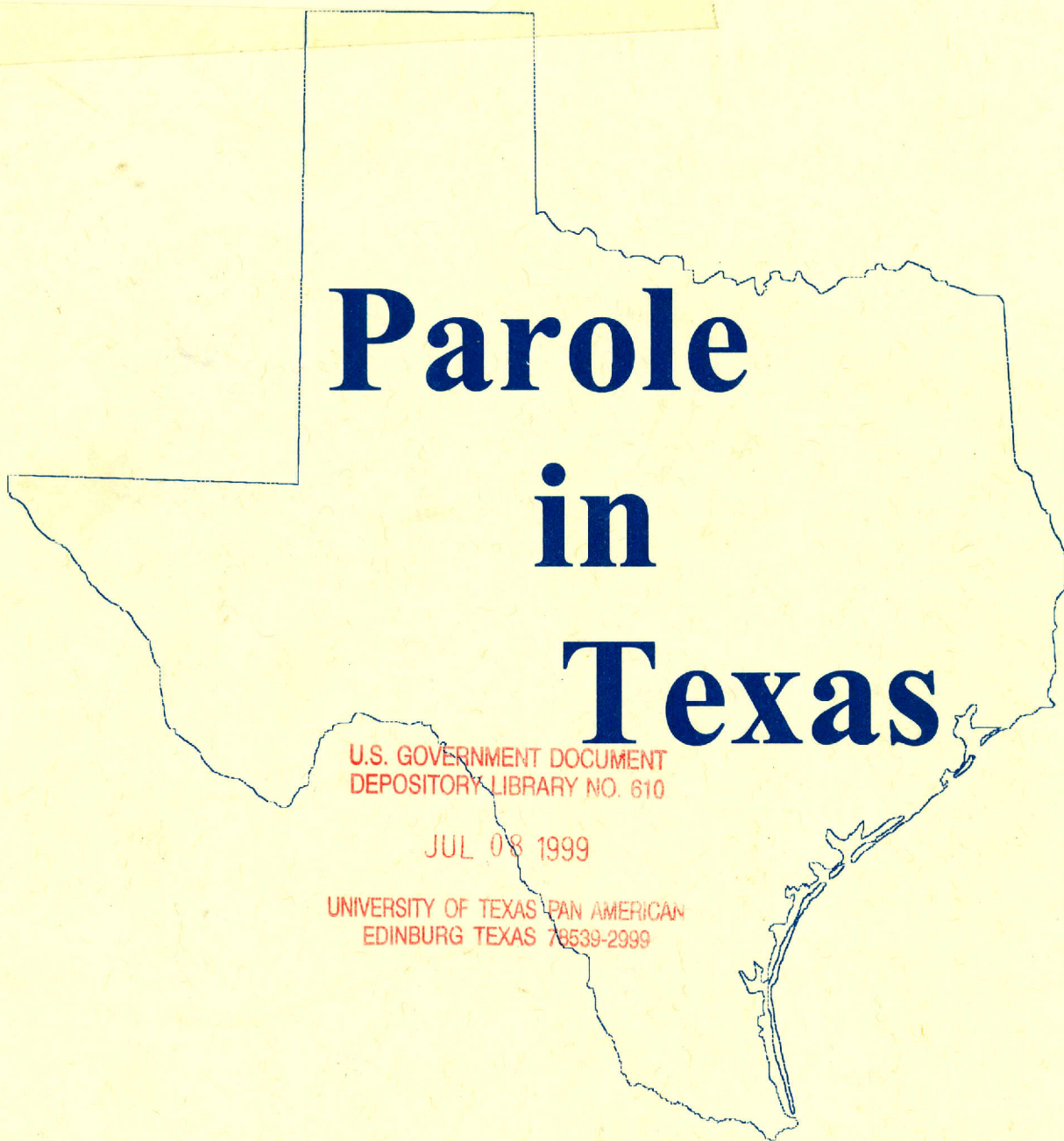


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**Texas Board of
Pardons and
Paroles**



**Texas Department
of Criminal Justice
Parole Division**

Answers to Common Questions

Published by the

Texas Board of Pardons and Paroles
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and

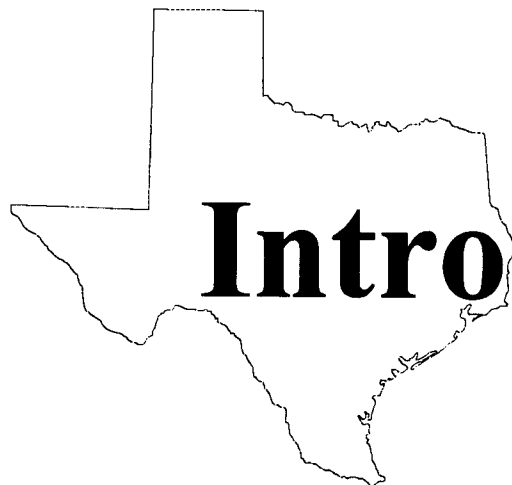
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The information contained in this booklet is subject to change at any time as new laws are enacted and new policies are adopted by the Texas Department of Criminal Justice and by the Policy Board of the Texas Board of Pardons and Paroles. In addition, this booklet serves only for informational purposes, and the information on policies and procedures presented herein should not be construed as legal advice or as legal requirements binding the Texas Department of Criminal Justice or the Board of Pardons and Paroles.

Austin, Texas
1998

Table of Contents

Introduction	1
Eligibility for Release and Good Conduct Time	5
Parole and Mandatory Supervision Eligibility Chart	8
Decision-Making and the Parole Process	16
Review Process and Release Process Charts	19
Release and Supervision	21
Specialized Programs	31
Administrative Hearing Process	46
Preliminary Hearing Procedures Chart	56
Revocation Hearing Procedures Chart	58
Executive Clemency	60
Victim Services Division	63
Quick Reference	69



Introduction

Texas Board of Pardons and Paroles

The primary role of the **Texas Board of Pardons and Paroles** (hereinafter referred to as the Board) is the discretionary release of eligible inmates sentenced to the Institutional Division to a plan of parole supervision. In addition, the Board is responsible for determining the conditions of release, imposing any special conditions for parole and mandatory supervision releasees on a case by case basis, and responding to violations of the conditions of release with sanctions to include revocation and re-incarceration. On September 1, 1996, the Board was also given authority to review and rescind scheduled mandatory supervision releases for inmates with offenses committed on or after September 1, 1996.

The Governor, with the advice and consent of the Texas Senate, appoints the Board's 18 members. Members hold office for six-year terms. To be eligible to serve, Board members must be representative of the general public, be resident citizens of Texas, and have resided in Texas for the two years preceding appointment.

Six members of the Board are designated by the Governor to serve as Policy Board members for the duration of their terms. In addition to other Board duties, Policy Board members adopt rules relating to Board decision-making processes, establish caseloads for Board members, develop and update parole guidelines and policies, and carry out other functions. The Chairman of the Board, who is designated by the Governor, is also presiding officer of the Policy Board.

The Board has offices in Abilene, Amarillo, Angleton, Austin, Gatesville, Huntsville, Palestine, and San Antonio. Three-member panels, who may either meet together or review cases separately, make decisions on parole, supervision rules, and revocation. A full Board vote plus a written report from the Texas Department of Criminal Justice (TDCJ) is required for release decisions for inmates convicted of certain felony offenses. The Board also makes recommendations to the Governor on executive clemency matters, including pardons, reprieves, and commutation actions. The Board employs professional staff to assist with legal matters, the parole process, hearings, clemency, and administrative duties.

The **Hearing Section** handles the revocation processing of offender cases when violations of supervision rules are alleged. Hearings are held in county jails or on TDCJ units statewide, and the written hearing reports are presented to Board Panels for revocation decisions. Other functions include requests for special review after a denial of parole release and responses to correspondence dealing with a myriad of Board-related issues.

The **Executive Clemency Unit** is responsible for processing requests for clemency for presentation to the Board for consideration and decision. There are several types of clemency available in Texas, but the primary requests are for full pardon, commutation of sentence, reprieve of a death sentence, and emergency reprieves. Executive Clemency staff investigates, compiles all information, and notifies trial officials of clemency consideration prior to presentation to the Board.

Parole Division

The term “parole” comes from the French *parole* meaning “word,” as in giving one’s word of honor or promise. It has come to mean an inmate’s promise to conduct himself or herself in a law-abiding manner and according to certain rules in exchange for release. A person on parole is still in the legal custody of the state and remains under supervision for the remainder of his or her sentence.

The TDCJ Parole Division is responsible for pre-release planning and for supervising parolees and mandatory supervision releasees once they are released to the community. The mission of the Parole Division is to promote public safety and positive offender change through effective supervision, programs, and services.

The **Review and Release Processing Section** provides the Board of Pardons and Paroles with the information necessary for the Board to conduct parole reviews and performs the administrative activity necessary to release inmates to parole or mandatory supervision.

The **Specialized Programs Section** develops, administers, and coordinates therapeutic, rehabilitative, and resource intervention programs.

The **Warrants Section** handles functions related to the processing of parole violations, including warrant issuance, publication, and confirmation as well as Interstate Services/Extradition.

The **Field and Support Services Section** coordinates field operations and carries out various support functions (discharge processing, restitution assessment, document filing, detainer monitoring).

Field Supervision includes staff in numerous District Parole Offices distributed throughout the state who provide direct supervision of parolees and mandatory supervision releasees. Parole officers and other field staff are responsible for investigating release plans prior to an inmate’s release, for assessment and classification of the offender after release, for development of a supervision plan based on the needs of the releasee, and for making appropriate referrals. In addition, they ensure that conditions of release are met and initiate intervention procedures when necessary.

What is the difference between the Board of Pardons and Paroles and Parole Division?

The primary role of the Board is the discretionary release of eligible inmates sentenced to the Institutional Division to a plan of parole supervision and the revocation of parole or mandatory supervision offenders for violations. Additionally, the Board is responsible for determining the conditions of release and the imposition of any special conditions for parole or mandatory supervision offenders.

The primary role of the Parole Division is to enhance public safety by successfully reintegrating offenders through supervision, treatment programs, and utilization of community resources and residential facilities. In addition to the supervision of offenders released from the Institutional Division on parole or mandatory supervision, the Division supervises offenders who are released from a county jail or another jurisdiction to *Parole in Absentia*.

How can I contact the Board of Pardons and Paroles?

Persons wishing to comment on Board actions, procedures, case handling, or any other matter should submit their concerns in writing to:

Texas Board of Pardons and Paroles (512) 406-5452
P. O. Box 13401, Capitol Station
Austin, Texas 78711

Website: link.tsl.state.tx.us/tx/BPP

How can I contact the Parole Division?

Persons wishing to comment on Division policies, procedures, case handling, or any other matter should submit their concerns in writing to:

Texas Department of Criminal Justice - Parole Division (512) 406-5250
Attention: Ombudsman
P. O. Box 13401, Capitol Station
Austin, Texas 78711

Website: www.tdcj.state.tx.us



**Eligibility for Release
and Good Conduct Time**

Types of Release

Parole: The release of an offender, by decision of the Board, to serve the remainder of his or her sentence under supervision in the community. Offenders may only be paroled if they receive approval from the Board and if they have served enough of their sentence to be eligible by law for parole. Parole is a privilege, not a right.

Mandatory Supervision Release: Certain offenders may accrue enough combined "calendar time" and "good time" to qualify by law for mandatory supervision release prior to completion of their entire sentence. Mandatory releasees, like parolees, are subject to conditions of release as determined by the Board and are obligated to complete the remaining portion of their sentences under TDCJ Parole Division supervision in the community.

Direct Discharge: Offenders who are not granted parole and who are not eligible for mandatory supervision release must remain in the prison system until they have served all of their court-ordered sentence and are discharged from state custody. No post-release supervision requirements can be imposed on such discharged offenders.

What is the difference between parole and mandatory release?

Parole is **discretionary** and always involves a decision on the part of the Board. Although an initial parole eligibility date may be reached months or even years before an offender's mandatory supervision date, the Board is in no way obligated to approve parole at the time of initial or subsequent parole reviews.

Under the law in effect until August 31, 1996, release to mandatory supervision was automatic, with no Board decision involved. All offenders serving time for offenses committed prior to August 31, 1996, and classified as eligible for mandatory supervision based on the nature of their offenses **must** be released on their "minimum expiration date," when calendar time served and accrued "good time" add up to their entire sentence.

In 1995 the 74th Legislature gave the Board authority to review and intervene in scheduled mandatory supervision releases for offenders with offenses committed on or after September 1, 1996. Specifically, the Board may block mandatory supervision releases on a case-by-case basis when it determines that an offender's good conduct time does not accurately reflect the potential for rehabilitation and that the offender's release would endanger the public. For more information about mandatory release and parole eligibility dates, see the "Eligibility Chart" on the following pages.

Parole and mandatory supervision are similar in that both categories of offenders are supervised by the Parole Division. They must report to parole officers, must abide by the same rules in the community, and are subject to arrest and re-incarceration if they violate the conditions of release.

What is a Special Needs parole?

In 1991, the Texas Legislature authorized the early parole review of offenders who are mentally ill, mentally retarded, elderly, terminally ill, or physically handicapped. With approval from the Board, such offenders may be released to a special needs parole program.

All special needs parole applicants are carefully screened by the Texas Council on Offenders with Mental Impairments (TCOMI) and, prior to release, the Board must determine that the offender is no longer a threat to public safety and poses no risk of committing future offenses due to his or her medical condition. In addition, individuals incarcerated for certain categories of offenses (including "aggravated" offenses, those involving use of a weapon, and those listed under Article 42.12, Section 3g, Texas Code of Criminal Procedure) are not eligible for special needs parole.

For all potential special needs offenders, TCOMI ensures that the parole plan provides intensive case management, appropriate supervision by specialized parole officers, and a suitable placement in the community. Services for this special population are provided via TCOMI contracts with the Department of Human Services and TCOMI/TDCJ local Mental Health/Mental Retardation centers.

What laws govern parole and mandatory supervision in Texas?

Adult parole and mandatory supervision laws may be found in Chapter 508 of the Texas Government Code.

What is Good Conduct Time?

Good conduct time or "good time" is time credited to an offender for good behavior and for participating in work and self-improvement programs while incarcerated. For many--but not all--offenders, "good time" credits may be added to calendar time served in calculating their eligibility for parole or mandatory supervision. "Good time" does not otherwise affect an offender's sentence.

Good conduct time is a privilege and not a right. In accordance with TDCJ's institutional rules, prison officials may award or take away "good time" based on an offender's behavior. Prison officials keep all records on earned "good time".

Neither the Parole Division nor the Board of Pardons and Paroles is involved in the awarding of "good time". Offenders do not earn "good time" while on parole or mandatory supervision. Questions regarding an offender's "good time" should be addressed to the Records and Classification Office of the Texas Department of Criminal Justice Institutional Division, P.O. Box 99, Huntsville, TX 77340.



**Parole and Mandatory Supervision
Eligibility Chart**

Parole and Mandatory Supervision Eligibility Chart

(Revised 01/30/98)

Offense Date	Offense	Legislature	Parole Eligibility
Prior to 01-01-66	All Offenses*	55th	Calendar Time = 1/3, including any bonus & blood donations* Maximum = 15 yrs. <i>*(Art. 42.12 was amended 01-01-66 to allow good time and 1/4 time for all persons confined in TDC.)</i>
01-01-66 thru 08-28-67	All Offenses*	59th	Calendar Time + Good Time = 1/4, including any bonus & blood donations Maximum = 15 yrs.
08-29-67 thru 08-28-77	All Offenses* <i>* TDCJ Data Services calculates eligibility dates on all offenses prior to 08-28-77 utilizing calendar time + good time = 1/3, regardless of the law in effect when the offense was committed. This is apparently due to court rulings during that time period.</i>	60th	Calendar Time + Good Time = 1/3, including any bonus & blood donations Maximum = 20 yrs. No Mandatory Supervision: inmate discharges sentence when calendar time + good time = total sentence Sentence is effectively reduced by the amount of good time earned.
08-29-77 thru 08-31-87	Capital Murder Agg. Kidnaping Agg. Rape Agg. Sexual Abuse (08-31-85: Agg. Rape and Agg. Sexual Abuse combined into Aggravated Sexual Assault) Agg. Robbery Any Offense with Affirmative Finding of Deadly Weapon	65th 69th	Art. 42.12 Sec. 3f (08-29-77 thru 08-31-83) Art. 42.12 Sec. 3g (09-01-83 thru 08-31-87) Calendar Time = 1/3 Minimum of 2 yrs. Maximum of 20 yrs.
	All other offenses		Calendar Time + Good Time = 1/3, including A, B, or C credits and bonus Maximum of 20 yrs. All offenses eligible for Mandatory Supervision.

Offense Date	Offense	Legislature	Parole Eligibility
09-01-87 thru 08-31-89	3g Offenses: Capital Murder Agg. Kidnaping Agg. Sexual Assault Agg. Robbery Any Offense with Affirmative Finding of Deadly Weapon	70th	Calendar Time = 1/4 Minimum of 2 yrs. Maximum of 15 yrs.
	All other offenses		Calendar Time + Good Time = 1/4, including work credits and bonus Maximum of 15 yrs.
			The offenses listed below are NOT eligible for Mandatory Supervision: Capital Murder Agg. Kidnaping Agg. Sexual Assault Agg. Robbery Any Offense with an Affirmative Finding of a Deadly Weapon Murder, 1st Degree Sexual Assault, 2nd Degree Agg. Assault, 2nd & 3rd Degree Deadly Assault on Law or Corrections Officer, Court Participant; Probation Personnel; Member or Employees of the BPP; Employees of TYC Injury to Child or Elderly, 1st Degree Arson, 1st Degree Robbery, 2nd Degree Burglary Punishable under Subsection d(2) or d(3)
09-01-89 thru 08-31-93	3g Offense: Capital Murder (Capital Felony) - Life Sentence 1) Murders a peace officer or fireman on official duty, 2) Murders while committing a kidnaping, burglary, robbery, aggravated sexual assault, or arson, 3) Murders for remuneration, 4) Murders while escaping from a penal institution, 5) Murders an employee of a penal institution, or 6) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme.	71st-72nd	Calendar Time = 1/4 Minimum of 2 yrs. Maximum of 15 yrs. Calendar Time = 35 yrs. effective 09-01-91.

Offense Date	Offense	Legislature	Parole Eligibility
09-01-89 thru 08-31-93 (Continued)	3g Offenses: Agg. Kidnaping Agg. Sexual Assault Agg. Robbery Any Offense with Affirmative Finding of Deadly Weapon		Calendar Time = 1/4 Minimum of 2 yrs. Maximum of 15 yrs.
	<u>Special Needs Parole</u> (Effective 12-1-91) Elderly Physically Handicapped Terminally Ill Mentally Retarded Mentally Ill		3g cases are excluded. At a date earlier than normally calculated (No longer a threat to society; appropriate supervision plan) Above criteria + approval by Texas Council on Offenders with Mental Impairments
	All other offenses		Calendar Time + Good Time = 1/4, including work credits and bonus Maximum of 15 yrs.
			Must earn time credit on all sentences, one after another, until eligibility is reached on the last sentence.
			The offenses listed below are NOT eligible for Mandatory Supervision: Capital Murder Agg. Kidnaping Agg. Sexual Assault Agg. Robbery Any Offense with an Affirmative Finding of a Deadly Weapon Murder, 1st Degree Sexual Assault, 2nd Degree Agg. Assault, 2nd & 3rd Degree Deadly Assault on Law or Corrections Officer, Court Participant; Probation Personnel; Member or Employees of the BPP; Employees of TYC Injury to Child or Elderly, 1st Degree Arson, 1st Degree Robbery, 2nd Degree Burglary Punishable under Subsection d(2) or d(3)

Offense Date	Offense	Legislature	Parole Eligibility
09-01-93 thru 08-31-94	3g Offense: Capital Murder (Capital Felony) - Life Sentence 1) Murders a peace officer or fireman on official duty, 2) Murders a person in the course of committing a kidnaping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation, 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution, 6) Murders with intent to establish or participate in an alliance or individuals, 7) A person convicted of murder who murders while incarcerated, 8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnaping, Aggravated Sexual Assault, or Aggravated Robbery, 9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme, 10) Murders an individual under six years of age.	73rd	Calendar Time = 40 yrs.
	3g Offenses: Agg. Kidnaping Agg. Sexual Assault Agg. Robbery Any Offense with Affirmative Finding of Deadly Weapon Murder Indecency With a Child (Sexual Conduct)		Calendar Time = 1/2 Minimum of 2 yrs. Maximum of 30 yrs.

Offense Date	Offense	Legislature	Parole Eligibility
09-01-93 thru 08-31-94 (Continued)	Special Needs Parole Elderly Physically Handicapped Terminally Ill Mentally Retarded Mentally Ill		3g cases are excluded At a date earlier than normally calculated (No longer a threat to society; appropriate supervision plan) Above criteria + approval by Texas Council on Offenders with Mental Impairments
	All other offenses		Calendar Time + Good Time = 1/4, including work credits and bonus Maximum of 15 yrs.
			Must earn time credit on all sentences, one after another, until eligibility is reached on the last sentence.
	Drug-Free Zones: Institution of higher learning or a playground (1000 ft.), youth center, public swimming pool or video arcade (300 ft.)		Calendar Time = 5 yrs. or maximum term, whichever is less
			The offenses listed below are NOT eligible for Mandatory Supervision: Capital Murder Agg. Kidnaping Agg. Sexual Assault Agg. Robbery Any Offense with an Affirmative Finding of a Deadly Weapon Murder, 1st Degree Sexual Assault, 2nd Degree Agg. Assault, 1st & 2nd Degree Injury to Child or Elderly, 1st Degree Arson, 1st Degree Robbery, 2nd Degree Burglary Punishable under Subsection d(2) or d(3) A Felony Increased Under Health and Safety Code (Drug-Free Zones)

Offense Date	Offense	Legislature	Parole Eligibility
09-01-94 thru 08-31-95	3g Offense: 73rd Capital Murder (Capital Felony) - Life Sentence 1) Murder of a peace officer or fireman on official duty, 2) Murders a person in the course of committing a kidnaping, burglary, robbery, aggravated sexual assault, or arson, obstruction, or retaliation, 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution, 6) Murders with intent to establish or participate in an alliance or individuals, 7) A person convicted of murder who murders while incarcerated, 8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnaping, Aggravated Sexual Assault, or Aggravated Robbery, 9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme, 10) Murders an individual under six years of age.		Calendar Time = 40 yrs. (Full Board vote)
	3g Offenses: Agg. Kidnaping Agg. Sexual Assault Agg. Robbery Any Offense with Affirmative Finding of Deadly Weapon Murder Indecency With a Child (Sexual Contact)		Calendar Time = 1/2 Minimum of 2 yrs. Maximum of 30 yrs.

Offense Date	Offense	Legislature	Parole Eligibility
09-01-94 thru 08-31-95 (Continued)	Special Needs Parole Elderly Physically Handicapped Terminally Ill Mentally Retarded Mentally Ill		At a date earlier than normally calculated (No longer a threat to society; appropriate supervision plan) Above criteria + approval by Texas Council on Offenders with Mental Impairments
	All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor)		Calendar Time + Good Time = 1/4, including work credits and bonus Maximum of 15 yrs.
			Must earn time credit on all sentences, one after another, until eligibility is reached on the last sentence.
	Drug-Free Zones: Institution of higher learning or a playground (1000 ft.), youth center, public swimming pool or video arcade (300 ft.)		Calendar Time = 5 yrs. or maximum term, whichever is less
	State Jail Felonies		Parole eligibility is not applicable (confinement is to a state jail for any term of not more than two years or less than 180 days.)
			The offenses listed below are NOT eligible for Mandatory Supervision: Capital Murder Agg. Kidnaping Agg. Sexual Assault Agg. Robbery Any Offense with an Affirmative Finding of a Deadly Weapon Murder, 1st Degree Sexual Assault, 2nd Degree Aggravated Assault, 1st & 2nd Degree Injury to Child or Elderly, 1st Degree Arson, 1st Degree Robbery, 2nd Degree Burglary Punishable under Subsection d(2) or d(3) A Felony Increased Under Health and Safety Code (Drug-Free Zones)

Offense Date	Offense	Legislature	Parole Eligibility
09-01-95 thru 08-31-96	3g Offense: 73rd Capital Murder (Capital Felony) - Life Sentence 1) Murder of a peace officer or fireman on official duty, 2) Murders a person in the course of committing a kidnaping, burglary, robbery, aggravated sexual assault, or arson, obstruction, or retaliation, 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution, 6) Murders with intent to establish or participate in an alliance or individuals, 7) A person convicted of murder who murders while incarcerated, 8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnaping, Aggravated Sexual Assault, or Aggravated Robbery, 9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme, 10) Murders an individual under six years of age.		Calendar Time = 40 yrs. (Full Board vote + written report from Texas Department of Criminal Justice)
	Offender is given a Life Sentence for one of the following offenses and has two prior felonies, one of which was a sex-related offense. Agg. Sexual Assault Agg. Kidnaping (with intent to violate or abuse victim sexually) Indecency with a Child (12.42 (c) (2) PC)		Calendar Time = 35 yrs. (Full Board vote + written report from Texas Department of Criminal Justice)

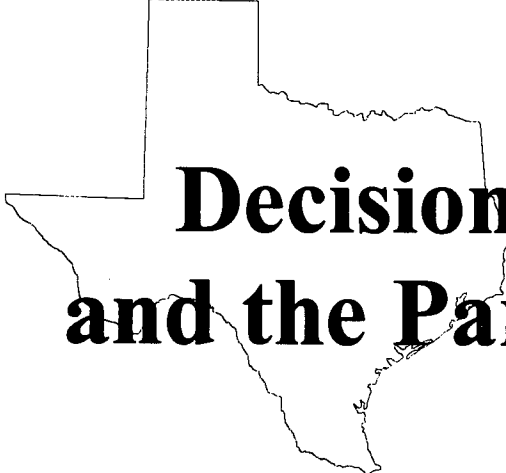
Offense Date	Offense	Legislature	Parole Eligibility
09-01-95 thru 08-31-96 (Continued)	Burglary of a Habitation with intent to commit a felony other than Felony Theft, or committed or attempted to commit a felony other than Felony Theft, Sexual Assault, or Indecency with a Child		
	3g Offenses: Agg. Sexual Assault Agg. Kidnaping Agg. Robbery Any Offense with Affirmative Finding of a Deadly Weapon Murder Indecency with a Child (Sexual Contact) (21.11 (a) (1) PC) Sexual Assault ((a)(2) with a Child)		Calendar Time = 1/2 Minimum of 2 yrs. Maximum of 30 yrs.
	Special Needs Parole Elderly Physically Handicapped Terminally Ill Mentally Retarded Mentally Ill		At a date earlier than normally calculated (No longer a threat to society; appropriate supervision plan) Above criteria + approval by Texas Council on Offenders with Mental Impairments
	All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor) <i>The length of a sentence can be affected by the enhancement law (Sec. 12.42 of the Penal Code, Habitual & Repeat Offenders)</i>		Calendar Time + Good Time = 1/4, including work credits and bonus Maximum of 15 yrs. Must earn time credit on all sentences, one after another, until eligibility is reached on the last sentence.
	Drug-Free Zones: Institution of higher learning or a playground (1000 ft.), youth center, public swimming pool or video arcade (300 ft.)		Calendar Time = 5 yrs. or maximum term, whichever is less

Offense Date	Offense	Legislature	Parole Eligibility
09-01-95 thru 08-31-96 (Continued)	State Jail Felonies * <i>*A state jail felony can be enhanced to a 2nd or 3rd degree felony.</i>		Parole eligibility is not applicable. <i>Confinement is to a state jail for any term of not more than two years or less than 180 days.</i> <i>Effective 01-01-96: Confinement to a state jail is not more than two years or less than 90 days.</i>
			The offenses listed below are NOT eligible for Mandatory Supervision: Capital Murder Agg. Kidnaping Agg. Sexual Assault Agg. Robbery Any Offense with an Affirmative Finding of a Deadly Weapon Murder, 1st Degree Sexual Assault, 2nd Degree Agg. Assault, 1st & 2nd Degree Injury to Child or Elderly Individual, 1st Degree Arson, 1st Degree Robbery, 2nd Degree Burglary, 1st Degree A Felony Increased Under Health & Safety Code (Drug-Free Zones)
09-01-96 thru Present	3g Offense: 74th Capital Murder (Capital Felony) - Life Sentence 1) Murder of a peace officer or fireman on official duty, 2) Murders a person in the course of committing a kidnaping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation, 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution, 6) Murders with intent to establish or participate in an alliance or individuals, 7) A person convicted of murder who murders while incarcerated,		Calendar Time = 40 yrs. (Full Board vote + written report from Texas Department of Criminal Justice)

Offense Date	Offense	Legislature	Parole Eligibility
09-01-96 thru Present (Continued)	8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnaping, Aggravated Sexual Assault, or Aggravated Robbery, 9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme, 10) Murders an individual under six years of age.		
	Offender is given Life Sentence for one of the following offenses and has two prior felonies, one of which was a sex-related offense. Agg. Sexual Assault Agg. Kidnaping (with intent to violate or abuse victim sexually) Indecency with a Child (12.42 (c) (2) PC) Burglary of a Habitation with intent to commit a felony other than Felony Theft, or committed or attempted to commit a felony other than Felony Theft, Sexual Assault, or Indecency with a Child		Calendar Time = 35 yrs. (Full Board Vote + written report from Texas Department of Criminal Justice)
	3g Offenses Agg. Sexual Assault Agg. Kidnaping Agg. Robbery Any Offense with Affirmative Finding of Deadly Weapon Murder Indecency With a Child (Sexual Contact) (21.11 (a) (1) PC) Sexual Assault ((a) (2) with a Child)		Calendar Time = 1/2 Minimum of 2 yrs. Maximum of 30 yrs.

Offense Date	Offense	Legislature	Parole Eligibility
09-01-96 thru Present (Continued)	<u>Special Needs Parole</u> Elderly Physically handicapped Terminally Ill Mentally Retarded Mentally Ill		At a date earlier than normally calculated (No longer threat to society; appropriate supervision plan) Above criteria + approval by Texas Council on Offenders with Mental Impairments
	All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor) <i>The length of a sentence can be affected by the enhancement law (Sec. 12.42 of the Penal Code, Habitual & Repeat Offenders)</i>		Calendar Time + Good Time = 1/4, including work credits and bonus Maximum of 15 yrs. Must earn credit on all sentences, one after another, until eligibility is reached on the last sentence.
	Drug-Free Zones: Institution of higher learning or a playground (1000 ft.), youth center, public swimming pool or video arcade (300 ft.)		Calendar Time = 5 yrs. or maximum term, whichever is less
	State Jail Felonies * <i>* A state jail felony can be enhanced to a 2nd or 3rd degree felony.</i>		Parole eligibility is not applicable. <i>Confinement is to a state jail for any term of not more than two years or less than 180 days.</i>
			<i>Effective 01-01-96: Confinement to a state jail is not more than two years or less than 90 days.</i>
			The offenses listed below are NOT eligible for Mandatory Supervision: Capital Murder Agg. Kidnaping Agg. Sexual Assault Agg. Robbery Any Offense with an Affirmative Finding of a Deadly Weapon Murder, 1st Degree Sexual Assault, 2nd Degree

Offense Date	Offense	Legislature	Parole Eligibility
09-01-96 thru Present (Continued)			Agg. Assault, 1st & 2nd Degree Injury to Child or Elderly Individual, 1st Degree Arson, 1st Degree Robbery, 2nd Degree Burglary, 1st Degree A Felony Increased Under Health & Safety Code (Drug-Free Zones) Injury to Disabled Individual Previous Conviction for 3g Offense Previous Conviction for Offense with an Affirmative Finding of a Deadly Weapon Indecency with a Child, 2nd & 3rd Degree, (Offense date on or after 05-23-97) Murder, 2nd Degree (Offense date on or after 05-23-97)
			A case may be denied mandatory supervision by a parole panel.



**Decision-Making
and the Parole Process**

How does an offender learn when he or she becomes eligible for parole?

Soon after each offender's arrival, the Institutional Division Records Office will provide a time calculation sheet showing the initial parole eligibility date (although this date may be subsequently revised depending upon the amount of "good time" earned or lost). In addition, Institutional Parole Offices have parole officers on each unit to answer parole-related questions.

Can any offender be paroled?

No. Offenders who are sentenced to death are never eligible for parole.

If an offender is serving "stacked" (consecutive) sentences, how does this affect parole eligibility?

Offenders serving stacked sentences for offenses committed before September 1, 1987, become eligible for parole based on the total number of years of the various sentences. For example, two 15-year sentences running consecutively would be considered one 30-year sentence for eligibility purposes. Based on the requirement to be credited for one-third of one's sentence or 20 years (whichever is less) to become parole eligible, an offender with these stacked sentences would have an initial parole review after accruing 10 years of time credit. Under the same formula, any offender with very lengthy consecutive sentences would become eligible for parole after accruing 20 years of time credit, no matter whether he or she had six 10-year sentences or six 99-year sentences.

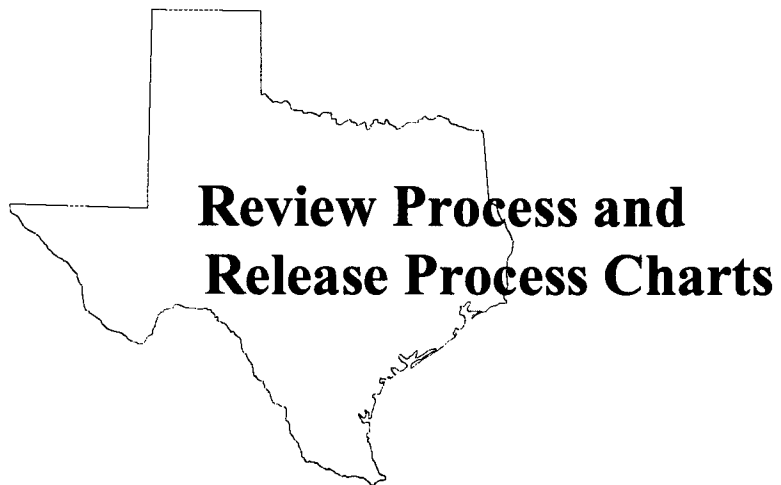
Offenders who are serving consecutive sentences committed after September 1, 1987, must complete each sentence in the series before the next sentence begins. The sentence can be completed only by serving the sentence day for day until the maximum expiration date or by receiving a favorable vote from the Board for the sentence to "cease to operate" on a specified date. Time earning for parole review purposes on the next sentence in the series will begin on the date specified by the Board. The phrase "cease to operate" only means that the next sentence in the sequence begins and does not mean that the sentence is totally discharged. All sentences in the series are totaled to calculate the maximum discharge date. Mandatory supervision, if applicable, applies only to the last sentence in the series.

What is Discretionary Mandatory Supervision?

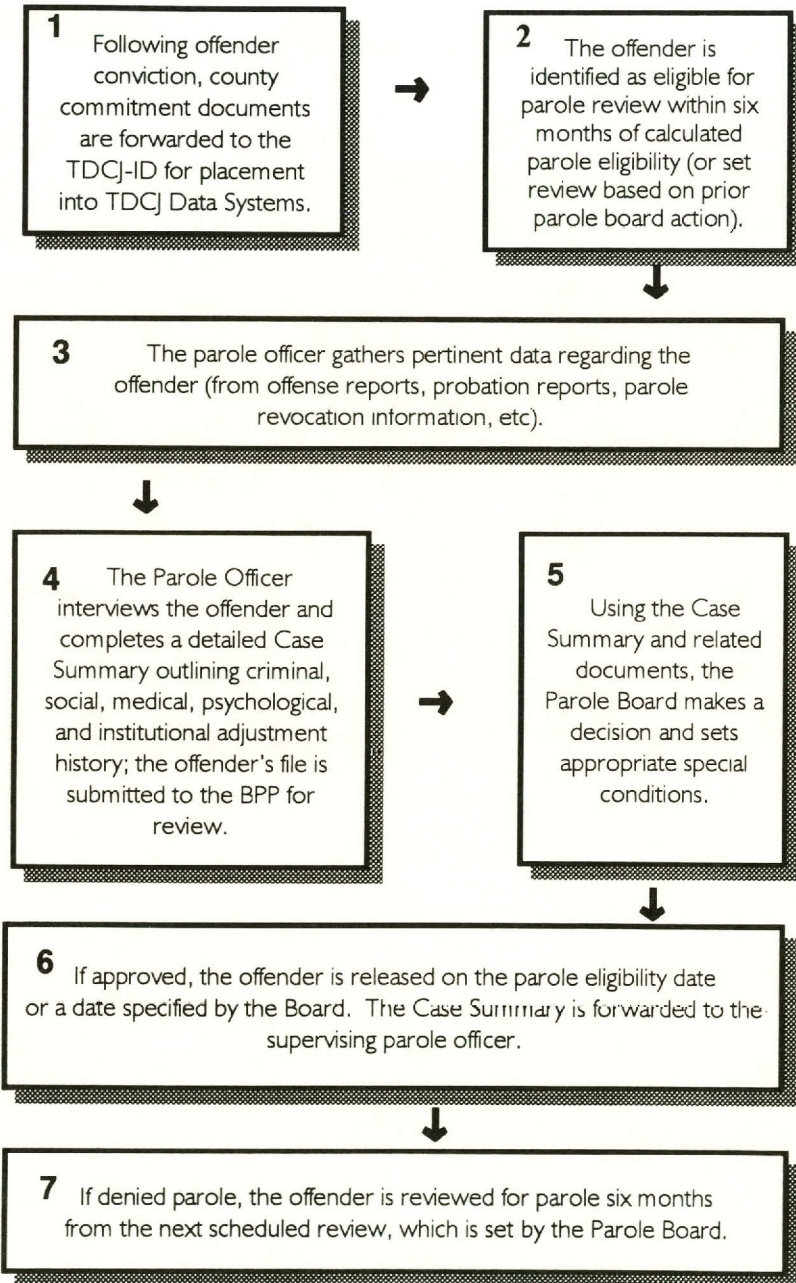
Offenders eligible for release on mandatory supervision who are incarcerated for an offense committed on or after September 1, 1996, must be approved for release by the Board. If release on mandatory supervision is denied by the Board, the offender must be reviewed for mandatory supervision at least twice in the two years following the date the decision was made.

What is a Senate Bill 45 case?

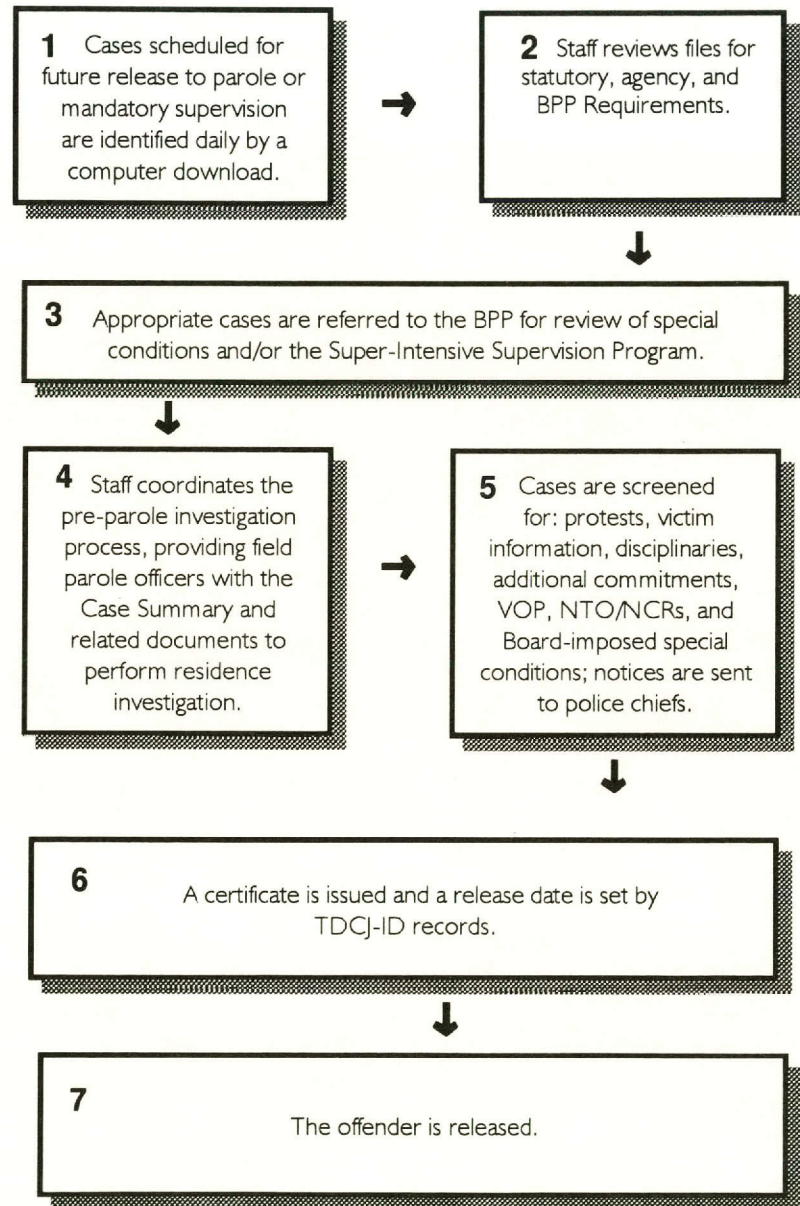
In accordance with Article 508.046 of the Texas Government Code as amended by S.B. 45, 74th Legislature, a two-thirds majority vote of the entire Board is necessary for parole decisions involving capital felons, persons convicted of an offense under 21.11(a)(1) (Indecency with a Child) or 22.021 (Aggravated Sexual Assault) of the Penal Code, or persons required under Article 508.145 of the Texas Government Code to serve 35 calendar years before becoming eligible for release on parole.




REVIEW PROCESS



RELEASE PROCESS





**Release and
Supervision**

What happens first in the process?

Several months before an offender's parole eligibility review date, he or she is interviewed by an institutional parole officer. The parole officer prepares a case summary which includes the facts of the offender's offense; other relevant information such as assaultive behavior or the use of narcotics; personal history; assignments, adjustment, and disciplinary record while in prison; physical and mental condition; and a summary of positive and negative factors.

What is a release plan?

A parole or mandatory release plan includes: (1) the name, address, and phone number of the person with whom an offender plans to live; (2) prospective employment, if possible, including pertinent names, addresses, and phone numbers; and (3) other plans such as treatment for drug or alcohol addiction.

The offender should provide this information when interviewed by the parole officer and should tell the parole officer about any changes in the plan that occur after the interview. The plan must be verified by a district parole officer before the offender can be released.

Section 508.181 of the Texas Government Code states in part that a parole panel shall require as a condition of parole or mandatory supervision that an offender reside (1) in the county where the offender resided at the time of committing his or her offense or (2) in the county where the offender committed his or her offense if the offender was not a resident of the state at the time of committing the offense. In addition, a parole panel may require the offender to reside in a county other than the official county of residence to: (1) protect the life and safety of a victim of the offense, the offender, a witness in a the case or any other person, or (2) increase the likelihood of the offender's successful completion of parole or mandatory supervision.

Who makes the decision to grant parole?

As the offender's parole eligibility review date approaches, the offender's case is reviewed by a Board parole panel. The offender may be interviewed by one of the members of this panel before the panel votes. For most offenders, the panel will consist of three members of the Board, and two of the three panelists must vote for parole before it can be granted. A few categories of offenders may be paroled only upon a two-thirds majority vote of the entire 18-member Board.

What do decision-makers consider before granting parole?

Parole panel members look at the circumstances and seriousness of the offense; prior prison commitments; relevant input from victims, family members, and trial officials; adjustment and attitude in prison; the offender's release plan; and factors such as alcohol or drug use, violent or assaultive behavior, deviant sexual behavior, use of a weapon in an offense, institutional adjustment, and emotional stability. Based on the entirety of the available information, the parole panel then determines whether the offender deserves the privilege of parole.

What can an offender do to prepare a good release plan?

An offender should call upon family, friends, and relatives to help arrange for a job, a place to live, a means of transportation, and moral support. If the source of an offender's trouble is related to the environment to which the offender intends to return, he or she is advised to live elsewhere. If there are no resources in the community to help the offender, the Parole Division's Specialized Programs Section can assist in making a halfway house placement. In this case, the offender should contact an institutional parole officer for assistance. Offenders whose crimes were alcohol-or-drug related should look for a location where counseling is available for those problems. Offenders can expedite their job searches by acquiring birth certificates and social security numbers before they are released.

Does an offender need the services of an attorney or a "parole consultant" in order to be released to parole?

No, it is not required. However, offenders have the right to employ attorneys if they so desire. State law stipulates that anyone receiving a fee for representation of an offender must be a licensed attorney.

What can family members do to help an offender gain parole?

Offenders' behavior and accomplishments in prison are factors that are considered in all parole decisions. Family members should encourage offenders to maintain a clear conduct record and to participate in the educational, vocational, and character development programs offered at the prison. Also, in many instances the offender must rely on family or friends in arranging a suitable parole plan, which includes a job and a place to live.

Do Board members meet with family members?

Board members are not required to meet with an offender's family prior to a parole decision.

Are Board members required to interview offenders in person?

No. It is at the discretion of the individual Board members to determine which inmates are to be interviewed.

Is parole "automatic" when an offender meets the time and program requirements?

No. Offenders will be *considered* for parole when the statutory time requirements are met and they have served sufficient time to be legally eligible to be released. However, it is up to parole officials to decide, among other things, whether an offender has properly adjusted in prison, is no longer a threat to society, and is ready to accept the responsibilities of a law-abiding citizen.

Each offender is unique and will be evaluated on an individual basis. There are no compulsory release criteria that must be followed by the Board in every case.

What if parole is denied?

If an offender is denied parole on first review, he or she is given either a *Serve-All (SA)* or a *Next Review (NR)* date (sometimes called Continued Review Date or Set-Off). An NR vote means that the Board has decided the offender is not ready for parole but that a subsequent review should be conducted at a specified future date within one to three years. A Serve-All vote means that the offender is not considered ready for parole and that no future parole reviews will be scheduled. A Serve-All may only be given to offenders who have less than three years until their discharge or scheduled release to mandatory supervision.

If reconsideration of an SA or NR decision is requested by an offender based on **new information** previously unavailable to the parole panel, then the offender's file and the new information may be presented for "Special Review" to the Board. The Special Review Panel will determine whether the new information is pertinent to the parole decision and whether the case should be returned to the original parole panel for a re-vote. Special Reviews are not commonly granted.

What other voting options are available to the Board?

The following is a list of voting options other than Serve-All or Next Review options. When the vote sets a tentative future date for release (voting options FI 2, FI 3R, FI 4, FI 6R, FI 9R, and FI 18R), that date cannot be more than three years from the "docket date" (initial parole eligibility date in some cases, next review date in other cases) or from the date of the panel decision if the docket date has already passed by the time the Board votes.

- FI 1** The offender is to be released on parole as soon as he or she is eligible.
- FI 2** The offender is to be released on a specified future date within the three year incarceration period following the date of the panel decision.
- FI 3R** The offender is to be transferred to a TDCJ rehabilitation tier program of not less than three months in length and not earlier than the specified date, with release to parole upon program completion. Such TDCJ program may include the Pre-Release Substance Abuse Program (PRSAP).
- FI 4** The offender is to be transferred to a Pre-Parole Transfer facility prior to the presumptive parole date set by Board Panel, with release to parole supervision on the presumptive parole date.
- FI 5** The offender is to be transferred to Inpatient Therapeutic Community Program, with release to an aftercare component only after completion of IPTC program.
- FI 6R** The offender is to be transferred to a TDCJ rehabilitation tier program of not less than six months in length and not earlier than the specified date, with release to parole upon program completion. Such TDCJ program may include the Pre-Release Therapeutic Community (PRTC).

- FI 9R** The offender is to be transferred to a TDCJ rehabilitation tier program of not less than nine months in length and not earlier than the specified date, with release to parole upon program completion. Such TDCJ program may include the In-Prison Therapeutic Community (IPTC).
- FI 18R** The offender is to be transferred to a TDCJ rehabilitation tier program of not less than 18 months in length and not earlier than the specified date, with parole upon program completion. Such TDCJ program may include the Sex Offender Treatment Program (SOTP).
- CU-FI** Designates the date on which an offender serving consecutive sentences would have been eligible for parole if the offender had been sentenced to serve a single sentence. The cause numbers that were approved will be indicated in the vote.
- CU-NR** A Board Panel denial of favorable parole action in a consecutive sentence case, which sets the specified cause number for next review during a future specified month and year.
- DMS** Deny Mandatory Supervision. Applicable to **HB 1433** cases, i.e., offenders for whom mandatory supervision is “discretionary” because their mandatory release eligible offense was committed on or after September 1, 1996.
- RMS** Release to Mandatory Supervision. Applicable to **HB 1433** “discretionary mandatory supervision” cases.

If released on parole, are offenders free to do as they please?

No. Offenders agree to abide by certain rules and conditions when they sign their release certificates.

Who is notified about an offender's parole review and/or release?

Prior to a parole review or an offender's scheduled release, the Parole Division notifies the trial officials (sentencing judge, sheriff, and district attorney) of the county of conviction, the police chiefs of every city in the county of conviction, the county in which the offense was committed (in cases with a change of venue), and the county to which the offender is to be released. Also notified are any victims or others who completed a victim impact statement at the time of trial or who requested notification by telephone or letter (see the Victim Services section of this handbook). These parties are notified in advance of the scheduled parole review in order to solicit their comments regarding the individual's release.

All correspondence regarding an offender--whether written in support of or in opposition to parole--will be added to the offender's permanent file and will be available to Board members at the time of parole deliberations. It is important for comments to be submitted in a timely fashion, but if protest letters received after a parole review appear to contain significant information previously unavailable to the Board, the case will be submitted to the Board for reconsideration in light of the objection. Each objection is carefully weighed on its own merits.

What are the rules of parole and mandatory supervision?

Persons released on parole and mandatory supervision must abide by certain rules while in the community and are subject to revocation for violations of the rules. Rules of release may include, but are not limited, to the following:

- report as instructed to the supervising parole officer;
- obey all municipal, county, state, and federal laws;
- obtain the parole officer's written permission before changing residence;
- obtain the parole officer's written permission before leaving the state;
- do not own, possess, sell, or control any firearm, prohibited weapon, or illegal weapon as defined in the *Texas Penal Code*; do not unlawfully carry any weapon; and do not use or attempt or threaten to use any tool, implement, or object to cause or threaten to cause any bodily injury;
- avoid association with persons of criminal background ("avoid association" shall mean that a person on release or mandatory supervision shall not associate with any person who is engaged in criminal conduct nor any person or group of persons whose specific association has been prohibited, by written instruction by a parole officer);
- do not enter into any agreement to act as an "informer" or special agent for any law enforcement agency without specific written approval of the Parole Division; and
- abide by any special conditions imposed by Board members, whether imposed upon release and listed on the release certificate or imposed at a later date.

Offenders also agree to abide by all rules of parole and laws relating to the revocation of parole and mandatory supervision, including appearing at any required hearings or proceedings.

Offenders are required to pay the Parole Division monthly supervision and administrative fees for each month they are required to report to their parole officers, payable as instructed by the officers. Offenders who are unemployed can seek permission from the Board through their parole officers to defer payment of these fees, but they must begin payments as soon as they find jobs. Offenders granted deferrals remain responsible for the month(s) deferred, and the amount deferred

must be paid no later than two years after the date the deferral was approved and must be paid in full prior to discharge. Offenders also must make payments toward any outstanding fines, court costs, or fees adjudged against them at the time of sentencing. Such payments are to be made to the appropriate court clerk, with the offender providing documentation of the payments to the supervising parole officer.

What special conditions can the Board impose in addition to the rules stated previously?

Board members may add special release conditions for any offender. The most common special conditions include halfway house placement, sex-offender requirements, intensive supervision, electronic monitoring, drug monitoring (urinalysis), or mandatory participation in drug/alcohol treatment, educational programs, or psychological counseling. The Board may also impose other conditions deemed appropriate to the individual and in the interest of society, including payment of court-ordered restitution to victims. A Super-Intensive Supervision Program (SISP) special condition requires violent/assaultive offenders to be placed on a SISP caseload upon release from prison. (Refer to page 35 for additional information).

When does release become effective?

A parole release becomes effective when the offender signs his or her release certificate. The certificate orders the release and tells the offender in clear and understandable language where to report and to whom. The certificate lists the conditions of release and gives the date on which the offender will discharge his or her sentence and be free from supervision. The certificate also includes a waiver of extradition. The parole certificate must be signed by the offender.

Offenders released on mandatory supervision are given release certificates which provide parole office information and release conditions. Mandatory supervision offenders are not required to sign their release certificates, but they nevertheless must obey the rules and conditions of supervision and are subject to revocation if they violate the rules or conditions.

Can probation violators be paroled?

Offenders imprisoned for probation violations are no longer probationers. They are therefore eligible for parole consideration or mandatory release in accordance with the same laws and policies that apply to all offenders.

What is "gate money?"

The Institutional Division provides \$50 and a bus ticket to offenders released on parole or mandatory supervision to help with transportation to the community to which they will be paroled and with other expenses involved in resettling in the community. They receive an additional \$50 upon reporting to their parole office. Offenders who are not required to report to a parole officer immediately after release or who are released to a detainer or to an out of state plan receive the full \$100 at time of release.

How often does a releasee report to his parole officer?

The number of required visits with a parole officer depends on the level of supervision that has been imposed. Basic guidelines follow, but these do not apply to releasees on intensive, super-intensive or specialized caseloads.

- Minimum level**
- One contact with the offender each month
 - Verification of employment monthly
 - Verification of counseling monthly
 - Collateral contacts (any significant contact with a person other than the offender) as appropriate
 - Residence verification within 30 days of change of address
- Medium level**
- Two contacts with the offender each month (office contacts not required, but not more than one office visit shall be counted toward this obligation)
 - Verification of employment monthly
 - Verification of counseling monthly
 - Collateral contacts (any significant contact with a person other than the offender) as appropriate
 - Residence verification within 30 days of change in address
- Maximum level**
- Four contacts with the offender each month (office contacts not required, but no more than one office visit shall be counted toward this obligation)
 - Verification of employment monthly
 - Verification of counseling monthly
 - Collateral contacts (any significant contact with a person other than the offender) as appropriate
 - Residence verification within 30 days of change in address

Quarterly Reporting Offenders meeting the following criteria may be allowed to report once each quarter at the discretion of the supervising officer. The releasee must be:

- 35-39 years of age and on supervision a minimum of five years, or 40+ years of age and on supervision a minimum of three years;
- current on all fees and restitution;
- compliant with all special conditions; and
- free of ever having a warrant issued during his or her period of supervision (excluding warrants issued in error).
- further, the releasee's instant offense(s) or prior conviction(s) must not include a 3g or sex offense.

Can offenders be supervised in other states upon release?

Yes. Texas has an agreement with other states to send and receive offenders for supervision. It is called the "Interstate Compact for the Supervision of Parolees and Probationers." Offenders sent to other states must obey the rules of both Texas and the supervising state. Upon a decision from the Board, they must be returned to Texas to continue serving their sentences and are subject to revocation of their release if they violate the rules.

The processing of Interstate Compact transfer requests may take several months, since a parole plan must be investigated and accepted by the receiving state. The amount of time needed to finalize an interstate transfer tends to vary widely. Offenders should file timely requests for out-of-state placements and should be aware that they may encounter unanticipated delays.

What is Parole in Absentia (PIA)?

Some offenders serve their Texas sentences while in the custody of federal facilities, prisons in other states, or city and county jails. The Board may conduct parole in absentia reviews for such parole-eligible offenders who are incarcerated in non-TDCJ facilities. The Institutional Parole offices assist in tracking PIA reviews and in preparing the appropriate paperwork.

What happens if offenders violate the terms of release?

For minor administrative rule violations, the Parole Division may--at its discretion--decide to hold a conference with the offender or impose a low-level sanction such as writing a letter of reprimand. However, any offender who is alleged to have committed a new offense, absconded from supervision, or violated any rules, terms, or conditions can have a warrant issued for his or her arrest. Such warrants--which are sometimes referred to as "blue warrants"--will be executed by law enforcement authorities.

At a revocation hearing, testimony is heard, and the hearing officer will determine whether enough evidence exists to recommend revocation. Even if the offender has received a new felony conviction, a revocation hearing will be conducted to consider mitigating circumstances, unless the offender waives his or her right to the hearing. If the evidence shows a violation, the hearing officer may recommend that the appropriate authorities (that is, the Board) revoke the offender's parole or mandatory supervision. If supervision is not revoked, the Board may allow the offender to continue supervision under the same or modified conditions. Alternatively, the Board may order a transfer to an Intermediate Sanction Facility.

Previously earned "good time" days are forfeited after an offender's parole or mandatory release revocation, and parole and mandatory supervision eligibility must be re-calculated based on the number of "good time" days lost and newly accrued. "Good time" lost due to a revocation is not restored.

After revocation of parole or mandatory supervision, an offender will not be reconsidered for parole until after serving enough additional time to be calculated as parole eligible (in accordance with standard formulas) on the longest of his or her sentences or until after one year elapses from the date of incarceration on the arrest warrant, whichever is greater. At that point, as with all paroles, a Board Panel must approve release.



What is the role of Specialized Programs?

The Specialized Programs Section administers a wide range of rehabilitative, therapeutic, residential, and resource programs. These programs were created to help the PD accomplish its mission of enhancing public safety by successfully reintegrating offenders. The programs are designed for offenders at various points in the criminal justice process and for those with special needs. The PD contracts with private vendors for various residential and therapeutic services. Programs are designed to assist pre-release and post-release offenders in adapting themselves to more productive experiences, environments, and opportunities for self-improvement.

What is Pre-Parole Transfer?

Inmates who are within one year of their presumptive parole or mandatory supervision release date may be transferred to a secure community-based pre-parole facility at the discretion of the Parole Division and after appropriate screening. These transitional facilities provide counseling, on-site academic and vocational education, and other associated programming. Pre-parolees may prepare for job interviews and (in some instances) seek to arrange post-release employment in the community. Pre-parolees are entitled to earn good conduct time in the same manner as inmates in the Institutional Division. Those individuals who successfully complete the pre-parole program are considered for release on parole or mandatory supervision upon reaching their specified release dates.

What is the Work Program?

The Work Program is provided in a secure facility and is designed for inmates who are between six months and two years of parole eligibility. Inmates may also participate if they have been denied parole but will be reviewed again for parole in six months to two years. Work Program residents may participate in on-site academic, educational, and other associated programs. Additionally, residents have the opportunity to voluntarily accept work assignments in an on-site industry program.

Residents participating in the industry program are paid minimum wage or the prevailing wage for similar work in the locality in which the facility is located. They are required to contribute not more than 80% of their wages to defray costs of supervision and housing, pay restitution and dependent support, and maintain a savings account.

What is an Intermediate Sanction Facility?

Intermediate Sanction Facilities (ISF) serve as an alternative to returning parole violators to the Institutional Division (ID). The facilities provide a highly effective addition to the range of sanctions available to parole supervision. An ISF is generally used to incarcerate low-risk offenders with no pending charges who are being held for violating the terms and conditions of their release agreements.

What employment assistance is available for releasees?

The Project RIO (Re-Integration of Offenders) program seeks to secure employment for releasees. Within the Institutional Division, the RIO program is open to all offenders unless they are to be paroled out of state or have a verified Immigration Naturalization Service (INS) or felony detainer. Level of service (vocational training, pre-release employment, and/or counseling activities) is prioritized by projected release date.

In the community, Project RIO operates in conjunction with the Texas Workforce Commission (TWC). Parole officers may refer unemployed or under-employed releasees to RIO-TWC immediately after release from incarceration or at any time during their period of parole or mandatory supervision. RIO-TWC provides access to employment information and services which are available through the workforce development centers located statewide. A releasee will be served by RIO-TWC as many times as necessary until he or she can maintain full-time employment for self-sufficiency.

What adult education assistance is available for releasees?

The primary program for providing educational assistance to releasees is Project COPE (Community Opportunity Programs in Education), which is a consortium of the TDCJ-Parole Division, Texas Youth Commission, TDCJ Windham Schools, Community Supervision and Corrections Departments, and community adult education providers. COPE's goal is to deliver education services to releasees who have education skills below the sixth grade level and to assist releasees in obtaining General Equivalency Diplomas. Parole officers refer releasees to education classes where available.

Does the Parole Division deliver cognitive intervention training?

Turning Point for Parole is a cognitive intervention program designed to help releasees develop the motivation and ability to change criminal behavior, thereby lessening the probability that they will recidivate. The goals of this program are (1) to teach releasees to change and manage antisocial feelings and thinking; (2) to increase releasees' self-control, self-management and problem-solving skills; (3) to demonstrate processes for replacing antisocial habits, such as lying, stealing, and aggression, with pro-social skills; and (4) to enable releasees to recognize risky situations and to use a concrete, well-rehearsed plan for dealing with these types of situations. This program is delivered by parole officers and/or community volunteers.

The Specialized Programs Section contracts for various treatment, habilitative, and surveillance services. How are the contracted services monitored?

The quality and quantity of contracted services are monitored by Specialized Programs personnel tasked with ensuring the contractual compliance of contract vendors. This is accomplished by both on-site inspections and a review of records and operations. Investigations may be utilized to ensure contractual compliance.

How are complaints concerning contracted services processed?

Each contracted vendor has a grievance process within its administrative structure to ensure proper attention to issues submitted by the clients which may require corrections. Clients who are not satisfied with the vendor's response to a submitted complaint may forward their complaint to the Specialized Programs Section.

Which releasees are placed on the sex offender caseload?

- Offenders who have a criminal sexual conviction;
- offenders who have a conviction in which sexually deviant or offensive behavior was clearly displayed;
- offenders who have admitted to committing sexually deviant or offensive behavior; and
- offenders for whom the Board has imposed special conditions instructing, the Division to supervise the offender as a sex offender, regardless of whether they fit in any of the previous categories.

How is the supervision of sex offenders more specialized than with other offender populations?

Parole officers who supervise sex offenders have extra training to enhance their expertise in supervising this offender population. The caseload ratio is 45:1. Officers work closely with therapists to identify the sex offender's offense cycle in order to interrupt that cycle before a new victimization occurs. Officers constantly discuss with the offender the behaviors that might be high risk behaviors for that offender, such as the use of alcohol or drugs, having contact with children, anger control problems, etc. Officers assess the offender's home and work environment to ensure that potentially dangerous situations do not exist, such as access to children if the offender has a history of offending against children. Behaviors and situations that may appear innocent may not be innocent with sex offenders.

Are sex offenders required to attend counseling?

For offenders whose offense was against a child and were convicted after September 1, 1995, the Board of Pardons and Paroles is required by law to impose counseling conditions. The Board has discretion to impose counseling on all other offenders. The majority of sex offenders have a counseling requirement.

How often do officers meet with the sex offender each month?

There are three face to face contacts each month with the offender. These contacts include one visit in the parole office and two home visits with the offender. One of these home visits is unscheduled. Officers may increase the number of monthly contacts depending on the needs of the offender. Each month, officers also meet the offender's significant other(s), who may be the offender's spouse, parent, employer, companion, or any other significant person in the offender's life. Since the majority of sex offenders are required to attend counseling, the officer has monthly contact with the therapist.

What if a sex offender cannot afford counseling?

For offenders who are classified as indigent, the Parole Division may assist in paying the counseling costs for sex offenders at selected sites statewide, and referrals may be made to contract providers.

What type of treatment is most effective for sex offenders, and how long is a treatment program?

Many treatment modalities are used with sex offenders. The most widely used form of therapy is "cognitive restructuring," which employs group confrontation methods to expose an offender's thinking errors and deviant behavior patterns. This type of therapy is considered to be the most effective form of treatment for sex offenders. The group confrontation tends to break through denial issues more quickly than individual counseling. Offenders remain in treatment until released by the therapist and parole officer. Treatment is generally on a weekly basis, lasting 12-24 months.

How does sexual deviancy treatment differ from other forms of treatment?

More limits and boundaries are set on this type of offender than on other individuals who seek traditional therapy. For example, the therapist may play a role in monitoring the offender's employment regarding access to vulnerable individuals or in setting limitations on where and with whom the offender may live. In addition, a "duty to warn" permits a therapist to waive confidentiality--within very strict limits--in order to permit notification to significant others (including family, employers, potential victims, and parole officers) of treatment progress, goals, and problems.

Is a sex offender's treatment progress confidential?

By law, releasees must give written permission for treatment records to be released, with the exception of information covered by the "duty to warn" provision. In addition, the law allows sex offender treatment progress to be shared between the therapist and criminal justice agencies without the offender's written consent.

Do sex offenders ever become "cured"?

Unfortunately, it is not possible to state with any certainty that sex offenders ever become "cured." However, studies indicate that treatment does help to reduce the amount of re-offending.

Can sex offenders who are under the jurisdiction of the Parole Division ever visit or live with children?

Yes. However, consent for such living arrangements would be at the discretion of the Board of Pardons and Paroles, which is responsible for imposing the special conditions of supervision. The Board generally relies on the supervising parole officer and the sex offender therapist to assist in deciding whether an offender should be allowed to be around children.

What is the Super-Intensive Supervision Program?

The Super-Intensive Supervision Program (SISP) was created by the 75th Legislature to provide the level of supervision and monitoring for potentially dangerous offenders that will best protect public safety. The SISP is the highest level of supervision provided by the Parole Division. All releasees in the SISP are supervised on some form of electronic monitoring. Releasees in the SISP are required to comply with 24-hour-a-day schedules which must be pre-approved in writing by their parole officer.

Who decides which offenders are supervised on SISP caseloads?

Before being released on parole or mandatory supervision, offenders who meet one or more of the following criteria are referred to a panel of Board of Pardons and Paroles members for consideration for placement on SISP:

- a current or past conviction for an offense that involved an act of violence;
- a current or past conviction for an attempted version of any offense that involved an act of violence resulting in bodily injury; or
- a current or past conviction, including juvenile convictions, for any offense involving the threat of an act of violence that could result in bodily injury.

If an offender has already been released on supervision but otherwise meets one of the above criteria, the offender may be referred to the Board for consideration for placement on SISP if the Director of the Parole Division and the Chairman of the Board both recommend the referral. The final decision on SISP placement is made by the Board Panel.

How is the SISP different than the supervision of other caseloads?

Releasees in the SISP are supervised by specially trained parole officers with caseload ratios of 14 to 20 SISP releasees per officer. In metropolitan areas, teams of officers supervise SISP releasees. One of the officers is primarily responsible for monitoring the releasees activities in the community.

SISP releasees have ten face-to-face contacts with parole officers each month. Technical violations committed by releasees supervised on SISP are not subject to the Division's policy regarding the enforcement of graduated sanctions.

SISP parole officers respond to all violations and request parole violation warrants 24 hours a day, seven days a week. All SISP releasees are supervised on electronic monitoring.

How long are releasees required to remain on SISP?

Releasees remain in the Super-Intensive Supervision Program until they discharge their term of supervision or until the designated Board Panel votes to remove the "SISP" special condition and allow the releasee to be placed on a different type of caseload.

Are sex offenders supervised on the SISP?

Yes, in some cases. Any sex offenders on SISP are required to participate in sex offender treatment programs and comply with all other aspects of sex offender supervision as well as the components of the Super-Intensive Supervision Program.

What is the Intensive Supervision Program (ISP)?

At one time the Intensive Supervision Program was the highest level of supervision available on which to place releasees. However, with the implementation and expansion of the Electronic Monitoring Program and the recent creation of the Super-Intensive Supervision Program, the Intensive Supervision Program has for all intents and purposes been absorbed into the regular Electronic Monitoring Program.

What is Electronic Monitoring?

Electronic Monitoring (EM) is a technology that supplements the ability of the officer to supervise releasees and also supplements the ability of TDCJ to protect public safety by providing an additional surveillance tool to the parole officer. The Parole Board and field staff use EM as a sanction for releasees requiring a higher level of supervision than normal supervision provides. It can be used as a cost-effective alternative to incarceration for releasees who do not pose an apparent threat to public safety. Initiated in Texas in 1987 through authorization by the 70th Legislature, EM was placed in Bexar, Dallas, El Paso, Harris, Tarrant, and Travis counties. In April 1998, there were 25 locations around the State of Texas where EM was in use.

There are three types of EM in use in Texas:

Continuous The releasee wears a radio transmitter around the ankle. A receiving unit hooked to a telephone line is placed in the home of the releasee. The receiving unit picks up the signal from the ankle transmitter as long as the releasee is within a specified range. Should the releasee go beyond that range, a central monitoring station is alerted by the home receiver. The central monitoring station then alerts the parole officer to respond to the violation.

Drive By The releasee wears the transmitter around the ankle. The parole officer monitors the releasee by means of a portable, hand held receiver. This receiver can detect an ankle transmitter in most locations. This allows the officer to do surveillance even when the releasee is not at home.

Voice Monitoring This technology uses individual voice characteristics to identify a releasee by use of telephone. A "sample" of the releasee's voice is initially taken and stored in a central computer. The releasee calls the central monitoring station from a designated phone at scheduled and random times, and the computer compares the characteristics of the caller's voice to the sample. If the voice of the caller does not match the sample or if the releasee fails to call in, the parole officer is notified of the violation. In addition, if the releasee calls from other than the designated phone/location, a violation occurs and the officer is notified.

The Specialized Programs Section can monitor up to 700 releasees on continuous or drive-by radio frequency monitoring and up to 100 releasees by voice monitoring.

What services are provided for those released on Special Needs parole?

Individuals released on Special Needs Parole are mentally ill, mentally retarded, elderly, terminally ill, or physically handicapped. For all potential Special Needs releasees, TCOMI ensures that the parole plan provides intensive case management, appropriate supervision by specialized parole officers, and a suitable placement in the community. Services for this special population are provided via TCOMI contracts with the Department of Human Services and TCOMI/TDCJ contracts with local Mental Health/Mental Retardation centers.

What is the purpose of the Mentally Impaired Offender (MI) Caseload and who is eligible?

This program was developed to provide appropriate supervision and a continuity of mental health treatment services for offenders released on parole or mandatory supervision who have mental health diagnoses. Individuals eligible for this program must have a documented history of hospitalization or medication involving a severe and persistent mental disorder, such as schizophrenia, bipolar disorder, major depression, or dementia.

What is the purpose of the Mentally Retarded Offender (MR) Caseload and who is eligible?

This program was developed to provide appropriate supervision and services for offenders released on parole or mandatory supervision who have special needs due to a significantly lower than average intelligence level. Individuals must meet one of the following criteria to be eligible for this program:

- full-scale IQ of 69 or below, based on a valid psychological test, with retardation originating in the developmental period and existing concurrently with deficits in adaptive behavior; or
- releasee participated in the Institutional Division's Mentally Retarded Offenders Program while incarcerated.

Are releasees with MI/MR supervised by knowledgeable officers?

Specialized Officers receive training related to mental retardation, mental illness, substance abuse, and community resources. These officers utilize a community network of services, make appropriate referrals, and ensure that there is intensive follow-up for the treatment needs of their caseload.

What services are available for MI/MR releasees?

In addition to placement on a specialized caseload, the Parole Division and TCOMI have funded contract programs in eight of the larger counties in the state. These programs provide comprehensive case management and treatment services for mentally impaired or mentally retarded releasees.

In areas where contract services are not available, parole officers refer MI/MR releasees to human service agencies in the community and strive to develop a cooperative working relationship with each agency.

What programs are available for releasees with substance abuse problems?

Offenders who have substance abuse problems may obtain treatment while on parole or mandatory supervision through a wide range of programs, ranging from outpatient counseling to detoxification to long-term participation in residential and/or outpatient programs. One goal of these programs is to ensure an automatic continuum of care for individuals who participated in intensive drug treatment programs while incarcerated (i.e., the IPTC/SAFPP program). Another goal is to ensure that appropriate treatment referrals are made for other releasees on a case-by-case basis by the Parole Division's specialized case managers.

What is a Therapeutic Community? What is an “In-Prison Therapeutic Community” (IPTC)?

In a Therapeutic Community, people with similar needs and problems (such as substance abuse) work together toward a common goal (positive behavior change). Members of the group provide mutual support and acceptance of responsibility and accountability. An integral part of this treatment modality is the integration of the Twelve Step principles, as commonly used in Alcoholics Anonymous and Narcotics Anonymous.

In-Prison Therapeutic Communities (IPTC) are operated in some TDCJ prison units and are available only for inmates. In an IPTC, inmates are placed in units where they receive long-term intensive chemical dependency treatment and rehabilitation, with an average duration of nine months. Successful participants are subsequently released to the community, where they continue treatment for a minimum of 12 months while under supervision by the Parole Division.

What is a Substance Abuse Felony Punishment Facility (SAFPF)? How does it differ from an In-Prison Therapeutic Community (IPTC)?

Like the IPTC program, Substance Abuse Felony Punishment Facilities (SAFPF) are designed to allow residents with substance abuse problems to work together in a Therapeutic Community. These facilities offer chemical dependency treatment delivered in a secure (locked-up) setting.

However, SAFPF participants are either probationers or certain types of parole/mandatory supervision releasees. Specifically, releasees who have violated conditions of release and who have been designated by the Board for treatment instead of revocation or former Therapeutic Community clients who have requested voluntary placement in the SAFPF program due to relapse or risk of relapse.

Offenders may be sentenced to a SAFPF by the court as a condition of probation. The offender sentenced to the SAFPF must remain incarcerated in a county jail until bed space is arranged at the SAFPF. A SAFPF placement may also be given to parole or mandatory supervision releasees who receive a probated sentence for a new offense committed while under supervision. Such offenders having crime-related substance abuse problems can receive indeterminate sentences of 6-12 months and receive substance abuse treatment in SAFPF facilities. Offenders who complete the program will continue with aftercare upon release to the community.

How does a parole or mandatory supervision releasee get into a SAFPF?

The Board of Pardons and Paroles must modify the conditions of parole or mandatory supervision in order to assign an offender to a SAFPF. Those who are sent to a SAFPF are often in pre-revocation status due to technical violations or adjudicated misdemeanors. An offender may choose to enter a SAFPF voluntarily, in some circumstances. In addition, participants must meet the following criteria:

- the releasee has been screened as chemically dependent;
- the releasee has not committed a sex offense;
- no felony charges are pending against the releasee;
- the releasee's parole or mandatory supervision has not been formally revoked by the Board; and
- the releasee has at least one year of supervision remaining.

What is the Field Referral Program?

There are a number of parole and mandatory supervision releasees who have not been in IPTC or SAFPF programs but who nevertheless have special needs related to substance abuse problems. For such individuals, the Parole Division's Field Referral Program is available to make appropriate treatment referrals, with services ranging from detoxification to outpatient counseling. Case-by-case referrals are made by parole officers to case managers.

The case manager then assesses the releasee to determine the type of treatment required and makes the treatment referral. The case manager will continue to monitor the releasee's participation in treatment.

The Field Referral program is based on offender progress and need. The duration of the program is determined by the offender's satisfactory participation and completion of program requirements.

A releasee who participated in the Pre-Release Substance Abuse Program or Pre-Release Center Substance Abuse program, while incarcerated, is referred to case managers and to the Field Referral service providers. These two programs utilize a modified therapeutic community approach for substance abuse treatment.

How long are the above substance abuse programs?

The IPTC is designed to be, on average, a nine-month program in the prison setting, with an aftercare component of approximately 12-15 months. The length of the program is based on offender progress and needs.

The SAFPF program for offenders whose release conditions were modified is designed to be, on average, a nine-month program in the secure facility setting. The aftercare component is approximately 12-15 months. Again, the length of the program is based on offender progress and needs.

What is the Case Manager's role in substance abuse program aftercare?

Parole Division case managers are actively involved in each offender's post-IPTC or SAFPF transition from incarceration to society. Case managers are specially trained to work with program participants in a three-phase treatment plan which begins upon release from an IPTC or SAFPF. The case managers can also facilitate access to further treatment and to a variety of support services.

Which releasees are selected for drug testing?

Tests will be administered to a randomly-selected sample of all releasees under supervision. In addition, a releasee may receive "targeted" testing at random intervals for drugs if evidence indicates possible current use of illicit substances or an abuse of drugs or if the releasee falls into one of the following categories:

- graduates of an In-Prison Therapeutic Community Facility or a Substance Abuse Felony Punishment Facility;
- releasees with a Special Condition requiring urinalysis imposed by the Board of Pardons and Paroles;
- releasees with a record of conviction for an offense involving illicit substance or drug abuse;
- releasees whose criminal history reveals that use of illicit substances or drug abuse was associated with the commission of any offense; or
- releasees with a history of addiction and/or dependency to an illicit substance or an abuse of drugs.

How often does a releasee have to submit to drug tests?

All releasees who meet the established testing criteria should receive an initial drug test within the first 30 days of release from incarceration or at the time the parole officer is assigned the case, if an initial test has not yet been conducted. The frequency of subsequent testing will be determined by the parole officer based on the results of the initial test and whether the officer suspects drug use. Additional testing will be done each quarter on a computer-generated random selection of all offenders under supervision.

Is a releasee's treatment progress confidential?

Yes. Substance abuse treatment programs must conform to Federal Regulation 42 CFR 2.1 (1987) on the Confidentiality of Alcohol and Drug Abuse Records. Accordingly, they must protect the confidentiality of client records and must specify conditions and procedures for the release of information. A signed consent by the releasee is a prerequisite for release of any treatment records or information.

Are drug tests confidential?

Yes. The following exceptions apply, however:

- drug test results may be used as evidence of a violation in an administrative hearing conducted by the Board of Pardons and Paroles; or
- if the Releasee signs a Consent for Disclosure form and specifically consents to release, drug test results may be released to a substance abuse treatment provider being used by releasee or to specified individuals or organizations.

What happens if an offender relapses?

The Parole Division utilizes graduated sanctions for releasees, some of which require Board actions. The following are options available for releasees who relapse:

- modify treatment modality;
- increase the supervision level;
- place the releasee in detoxification;
- place the releasee in a community-based relapse center;
- place the releasee in a more intensive treatment modality;
- place the releasee in an Intermediate Sanction Facility;
- place the releasee in a Substance Abuse Felony Punishment Facility;
- request a Pre-Revocation Warrant; or
- revoke supervision.

How is the family involved in the continuum of care for releasees with substance abuse problems?

Families and significant others will be contacted and asked to join a treatment team which consists of the releasee, a case manager, a parole officer, a primary counselor, and a Therapeutic Community Aftercare Coordinator. The case manager will maintain contact with interested families in order to attempt to build support for and interest in the offender's recovery.

Do families have to participate in a Substance Abuse Treatment Team?

No. Families will be contacted by the case manager or a team member once the releasee signs the proper consent forms. If the family chooses to be part of the team, participation is immediate upon the individual's release. However, it is not anticipated that all families of releasees will wish to be involved in the treatment process.

What is parole to a community-based facility (Halfway House/County Jail Work Release Program)?

Halfway house beds are designated for placement of parole and mandatory supervision offenders either immediately upon release from ID or upon referral from field staff under specific circumstances. Specifically, some offenders who need closer supervision and special services or who lack family and community resources are released to these facilities to ease the transition from prison life to community life. Halfway house facilities provide programming such as life skills, substance abuse education, employment workshops, and community referrals.

County jail work release beds are contractually arranged by Texas counties and the TDCJ-PD. The program was developed to return the parole or mandatory supervision offender to the offender's county of residence despite the unavailability of halfway house residential facilities in the offender's county. Currently, the program exists in non-metropolitan populated counties.

What are the rules of Halfway House/County Jail Work Release Program?

Each community-based facility has its own rules, but residents must abide by the following general rules:

- upon release, go directly to the assigned facility and remain there until permission to move is granted by authorized parole officials;
- obey all facility rules and attend required facility meetings;
- cooperate with facility officials in monitoring one's whereabouts;
- remain on the property at all times except for traveling to and from a job or as authorized by facility rules;

- pay 25% of gross salary toward upkeep in the facility and any specified obligations incurred while a resident;
- make court-ordered restitution payments to one's crime victims; and
- leave the keys of any privately-owned vehicles with facility staff at all times when the vehicle is not in authorized use.



**Administrative
Hearing Process**

Prior to the U.S. Supreme Court's decision in Morrissey v. Brewer, 408 U.S. 471, 33 L. Ed2d 484, 494 (1972), there were no due process requirements regarding parole revocation. The supervising parole officer generally determined when a offender's administrative release status was revoked. The Morrissey decision provided for the establishment of an administrative hearing process by which hearings were conducted by both parole officers and supervisory personnel from the Parole Division. The Hearing Section was created as a separate entity on October 1, 1980.

The reasons for the establishment of a separate section were threefold.

- First, the number of hearings administered on a monthly basis increased to the point that there was interference with the primary job of the Parole Division personnel.
- Second, the ever-increasing due process legal requirements necessitated specialized hearing officers who would possess the requisite body of specialized knowledge.
- Finally, the Morrissey decision required that the hearing officer be neutral and detached.

What is the role of the Hearing Section of the Board of Pardons and Paroles?

The role of the Hearing Section is to facilitate the administration of the parole revocation hearing process. This includes: 1) scheduling hearings; 2) reviewing and acting on attorney determination requests, with appointment of attorneys when needed; 3) conducting preliminary and/or revocation hearings; 4) reviewing/processing hearing reports and waiver packets (for those who have chosen to forego hearings) and making recommendations for case disposition; 5) handling hearings and extradition matters with respect to out-of-state cases being supervised by Texas under the Interstate Compact; and 6) providing a process for reconsideration of a revocation decision.

What are the legal authorities and requirements for the administration of parole revocation matters?

The legal authorities and requirements for the administration of parole revocation matters are contained within: 1) Texas Code of Criminal Procedure, Article 42.11 (Uniform Act for Out-of-State Parolee Supervision); 2) Texas Government Code, Chapter 508 (Parole and Mandatory Supervision Law); 3) Rules of the Texas Board of Pardons and Paroles; and 4) applicable court rulings. Additional authorities and requirements are mandated as a result of rulings made by the Texas Court of Criminal Appeals and the United States Fifth Circuit Court. The activities of the Hearing Section are the means by which the due process requirements, as outlined in Morrissey v. Brewer, 408 U.S. 471, 33 L.Ed.2d 484, 494 (1972), are administered. The Supreme Court's decision in Gagnon v. Scarpelli, 411 U.S. 778, 36 L.Ed.2d 656, 666 (1973), provided further clarification regarding due process requirements as they relate to the conditional right to be represented by an attorney.

What types of administrative revocation hearings may be conducted?

Some alleged parole violators are legally entitled to both a preliminary hearing and a revocation hearing, others to only a revocation hearing. The purpose of a preliminary hearing is to determine whether probable cause exists to believe an offender has violated one or more conditions of parole. If probable cause is found, then a second hearing called a revocation hearing may be held. In order for the Board to revoke an offender's parole or mandatory supervision based on a revocation hearing, there must be a finding, based on a preponderance of credible evidence, that one or more conditions of release have been violated.

The preliminary and revocation hearings are both bifurcated (two-phased) hearings. The first phase is the allegation phase, which is restricted to presenting evidence concerning the alleged violations. The hearing does not proceed to the adjustment phase unless the applicable level of proof has been established for at least one of the alleged violations. The adjustment phase is normally referred to as a mitigation hearing, and it provides an opportunity to consider evidence concerning an offender's adjustment while on parole, such as work history, compliance with prescribed drug treatment programs, adherence to conditions of administrative release and previous violations of parole or mandatory supervision.

How does the Board Panel decision-making process work?

Three-member Board Panels typically review waivers and the hearing reports generated from the hearing process. There are currently six panel locations throughout the state. The panel location where a case is considered is generally determined by the geographic location where the hearing or waiver of a hearing occurred. Board Panel analysts, located at each panel location, are responsible for reviewing hearings and waivers for presentation to the Board Panel.

What actions may the Board Panel take?

The Board Panel may order various actions in the revocation process. Such actions may include:

- proceed to a revocation hearing;
- transfer to an Intermediate Sanction Facility;
- do not revoke, but allow to continue on supervision, either with or without modification of conditions of release;
- do not revoke and allow to discharge if the offender is past his or her discharge date;
- revoke release; and
- reversal of previous revocation action.

What role does the TDCJ - Parole Division play in the process?

The TDCJ - Parole Division is responsible for the supervision of offenders on parole or mandatory release. The Parole Division is also responsible for the violation process whereby warrants are issued for offenders who are alleged to have violated a condition of parole. The Parole Division issues all such warrants and also tracks all offenders arrested under their authority. When appropriate, such as may be the case with a first-time administrative violator who has a valid release plan and no additional criminal law violations, the Parole Division rather than pursuing revocation may withdraw its warrant and continue supervision of administrative release status, possibly with imposition of some sanctions. The Parole Division may also choose to proceed with the violation process and schedule a hearing. In that event, the alleged violation will be considered by the Board.

What are the responsibilities of the hearing participants?

Offender

The offender is under no obligation to answer questions or provide any information concerning the alleged violation(s). The offender or his or her attorney has the right to request witnesses and should direct such requests to the parole officer. The offender or his or her attorney may ask direct and cross-examination questions of the witnesses. An offender may testify on his or her own behalf and present testimonial and documentary evidence in support of his or her position. An offender or his or her attorney may make objections and motions and may raise concerns regarding procedures or evidence.

Hearing Officer

The hearing officer is an employee of the Board and is responsible for conducting revocation hearings on behalf of the Board. Authority to convene hearings is derived from Chapter 508 of the Texas Government Code and the Rules of the Texas Board of Pardons and Paroles (published in Title 37 of the Texas Administrative Code). The hearing officer is a neutral and detached fact finder who determines the relevant facts of a case. Hearing officers are also skilled examiners who are trained to identify pertinent information and objectively summarize that information in a report for presentation to the Board for a final decision.

Parole Officer

The parole officer is an employee of the Parole Division and is responsible for bringing forth information to support the alleged violations. The parole officer also has a duty to present exculpatory evidence that may demonstrate that a violation did not occur. The parole officer is responsible for obtaining subpoenas for all offender and adverse witnesses. All requests for witnesses should be submitted to the parole officer as expeditiously as possible. The parole officer notifies all parties of witnesses who are expected to testify, serves subpoenas, and provides the offender and hearing officer copies of all documents to be presented at the hearing as evidence.

- Attorney** Offenders may hire an attorney, at their own expense, and have a conditional right to be represented by a state-appointed attorney at the revocation hearing. Factors used in determining whether an offender is to be appointed an attorney are: 1) whether the offender is indigent; 2) whether the offender lacks the ability to articulate or present a defense or mitigation evidence in response to the allegations; and/or 3) the complexity of the case and whether the offender admits the alleged violations. The attorney will serve as the offender's advocate during the proceeding and will examine witnesses, present witnesses, and address each allegation in defense of the offender.
- Witnesses** It is the duty of witnesses to attend hearings as requested and to tell the truth by responding to relevant questions presented by the affected parties.
- Observers** Observers are not allowed to participate in the administrative hearing process. The attendance of observers is subject to access restrictions imposed by local jails or other confinement facilities. If permitted to attend, observers are simply there to watch the proceeding. They may not interrupt or interject during the proceeding.

How does the warrant issuance process work?

The supervising parole officer submits a report of violation when an offender on parole or mandatory release status is believed to have violated terms or conditions of supervised release. The report of violation is what determines whether a warrant will be issued. Personnel within the Parole Division will review the report of violation and determine if there is probable cause to believe a violation of parole conditions has occurred. If such a finding is made, and no other suitable sanctions appear warranted, a warrant is issued to detain the offender pending an administrative hearing. The warrant is typically published in the National Crime Information Center (NCIC) and/or the Texas Crime Information Center (TCIC) fugitives warrant database.

Once an offender is detained on a parole warrant and the sheriff having custody has notified the Parole Division of arrest, the Parole Division determines whether to place the case into the hearing process. If the violations are administrative only (no criminal law violations pending disposition in a court of law) or include adjudicated charges (a conviction) and the offender has discharged any imposed sentence, a request is made for a hearing to be scheduled. The sheriff having custody is also required to notify the Parole Division when criminal charges have been dismissed and when any imposed sentence resulting from a conviction has been discharged. In instances where there are criminal charges pending adjudication, the Parole Division may defer the revocation process pending final disposition of the charges.

What happens after the warrant is executed?

Once a warrant has been executed and the Parole Division has decided to proceed with an administrative revocation hearing, the offender is interviewed by a parole officer. At that time, the offender is advised of his or her rights in the revocation hearing process. The following reflects the list of rights on the Notification of Alleged Violations form (PSV-48).

- The right to be personally served with written notice of the rules and conditions alleged to have been violated.
- The right to a preliminary hearing unless the offender has been alleged to have committed only administrative violations or has been convicted of a new criminal offense. The hearing will be at or near the place of the alleged parole or mandatory supervision violation. The purpose of the preliminary hearing is to determine whether there is probable cause or reasonable grounds to believe a condition of release has been violated. In some circumstances the offender may choose to waive his or her right to a preliminary hearing.
- The right to a revocation hearing if the offender is alleged to have committed administrative violations or has been found guilty in a criminal case.
- The right to full disclosure of all the evidence to be used against the offender. The offender will be allowed to see everything before the hearing.
- The right to hire an attorney and, under certain circumstances, the conditional right to a state-appointed attorney.
- The right to be heard in person by telling the hearing officer what happened and to present evidence, affidavits, letters, and documents in support of the offender's position. This includes the right to subpoena witnesses through the parole officer.
- The right to confront and cross-examine adverse witnesses (unless the hearing officer finds good cause to deny confrontation) by asking questions at the hearing.
- The right to be heard on the violations by someone designated by the Board.

If parole or mandatory supervision is revoked as a result of the hearing, the offender will receive a written report by the hearing officer which sets forth the evidence relied upon in support of the finding of a violation of one or more conditions of parole or mandatory supervision. In some circumstances the offender may request that the Board reopen the revocation hearing.

How does the administrative hearing process work?

Generally, there are two categories of offenders arrested under a warrant issued by the Parole Division: 1) those entitled to both preliminary and revocation hearings, and 2) those entitled to a revocation/mitigation hearing only. At the initial interview, offenders are required to choose whether they want to have or waive their administrative hearing(s). Those entitled to do so, may waive either or both hearings.

The following procedures are used for those offenders entitled to a preliminary and/or revocation hearing:

I. When the preliminary hearing is requested:

- A. After a pre-revocation interview, the parole officer will schedule a preliminary hearing and notify the offender of the scheduled date and time of the preliminary hearing.
- B. A hearing officer will conduct the preliminary hearing and review all the information and evidence presented at the hearing. A determination will be made as to whether there is probable cause to believe a violation has occurred. The probable cause determination will determine how the case will be processed.
- C. If probable cause is found for at least one allegation, the hearing officer will initiate the following actions:
 - (1) Decide if the case should proceed to a revocation hearing and afford the offender an opportunity to be heard at the revocation hearing or waive the hearing. If the offender decides to have the revocation hearing, it will be scheduled at the conclusion of the preliminary hearing and all parties will be notified at that time; or
 - (2) If the offender decides to waive the hearing, or the hearing officer determines the case should not proceed to a revocation hearing, the hearing officer will forward the waiver or the preliminary hearing report to a Board Panel for disposition. The Board Panel will generally respond by taking one of the following actions:
 - a) continue the parole or mandatory supervision in a manner warranted by the evidence, which may include transferring the offender to a treatment facility, halfway house, Substance Abuse Felony Punishment Facility, or Intermediate Sanction Facility;

- b) direct the case to proceed to a revocation hearing; or
- c) revoke the offender's administrative release status (only when the revocation hearing has been waived).

II. When the preliminary hearing is waived:

- A. If the preliminary hearing is waived at the time the initial interview is conducted, the parole officer will forward the waiver with attachments to the Board Panel for disposition. The waiver will be reviewed by a Board Analyst. If there is probable cause to believe a violation has occurred, the Board Analyst may refer the case to a parole officer to schedule a revocation hearing; or may present the case to a Board Panel for disposition.
- B. When a Board Panel receives a preliminary hearing waiver packet, the panel will generally take one of the following actions:
 - (1) continue the parole or mandatory supervision in a manner warranted by the evidence, which may include transferring the offender to a treatment facility, halfway house, Substance Abuse Felony Punishment Facility, or Intermediate Sanction Facility;
 - (2) direct the case to proceed to a revocation hearing; or
 - (3) revoke the offender's administrative release status (only when the revocation hearing has been waived).

The following procedures are used for those offenders entitled to a revocation hearing only:

I. When the revocation hearing is requested:

- A. After the initial pre-revocation interview, the parole officer will schedule a revocation hearing if the offender is not entitled to a preliminary hearing, and the revocation hearing is requested. The parole officer will notify the offender of the scheduled date and time of the hearing.
- B. A hearing officer who acts as the Board's representative will conduct the revocation hearing.
- C. The hearing officer will review all the information and evidence presented at the hearing to determine if there is a preponderance of credible evidence to believe a violation has occurred. If it is determined that such evidence exists regarding at least one condition of parole or mandatory supervision, the hearing officer will proceed to the mitigation phase of the hearing.

- D. Within a reasonable time after the close of the hearing, the hearing officer will forward a report summarizing the evidence, all documents and information received at the hearing to the Board for final disposition. The hearing officer and parole officer will each make a recommendation concerning the disposition of the case. A Board Analyst will also make a recommendation and will present the case to the Board. The Board Panel will dispose of the case by taking one of the following actions:
- (1) continue the parole or mandatory supervision in a manner warranted by the evidence; which may include transferring the offender to a treatment facility, halfway house, Substance Abuse Felony Punishment Facility, or an Intermediate Sanction Facility;
 - (2) direct the case to proceed to a revocation hearing (only when considering a waiver of the revocation hearing);
 - (3) revoke the offender's administrative release status; or
 - (4) refer the case back to the hearing officer for further development of factual or legal issues.
- E. If revoked, the supervising parole officer will provide the offender a copy of the report of the hearing officer and notice of the right to submit a petition to reopen the hearing.

II. When the revocation hearing is waived:

- A. If the revocation hearing is waived at the time the initial interview is conducted, the parole officer will forward the waiver with attachments to the Board Panel for disposition. A Board Analyst will review the waiver and attachments to determine if there is a preponderance of evidence that a condition of parole or mandatory supervision has been violated.
- B. The Analyst will present the case to a Board Panel for final disposition. Waivers of revocation hearings sent to the Board result in one of the disposition options set forth above regarding revocation-hearing cases.

Under what circumstances can a hearing be reopened?


When an offender receives notice that the Board's decision is revocation, he or she will have 30 days from the date of the decision to request a reopening. Such a request will be granted under the following circumstances and/or on the following grounds:

- there is new, relevant evidence that is of probative value and not merely collateral or cumulative information that was unavailable at the time of the hearing;

- the findings of fact or conclusions of law are not supported by a preponderance of the credible evidence or are contrary to law; or
- the procedures followed in the hearing or the disposition of the case violated the law.

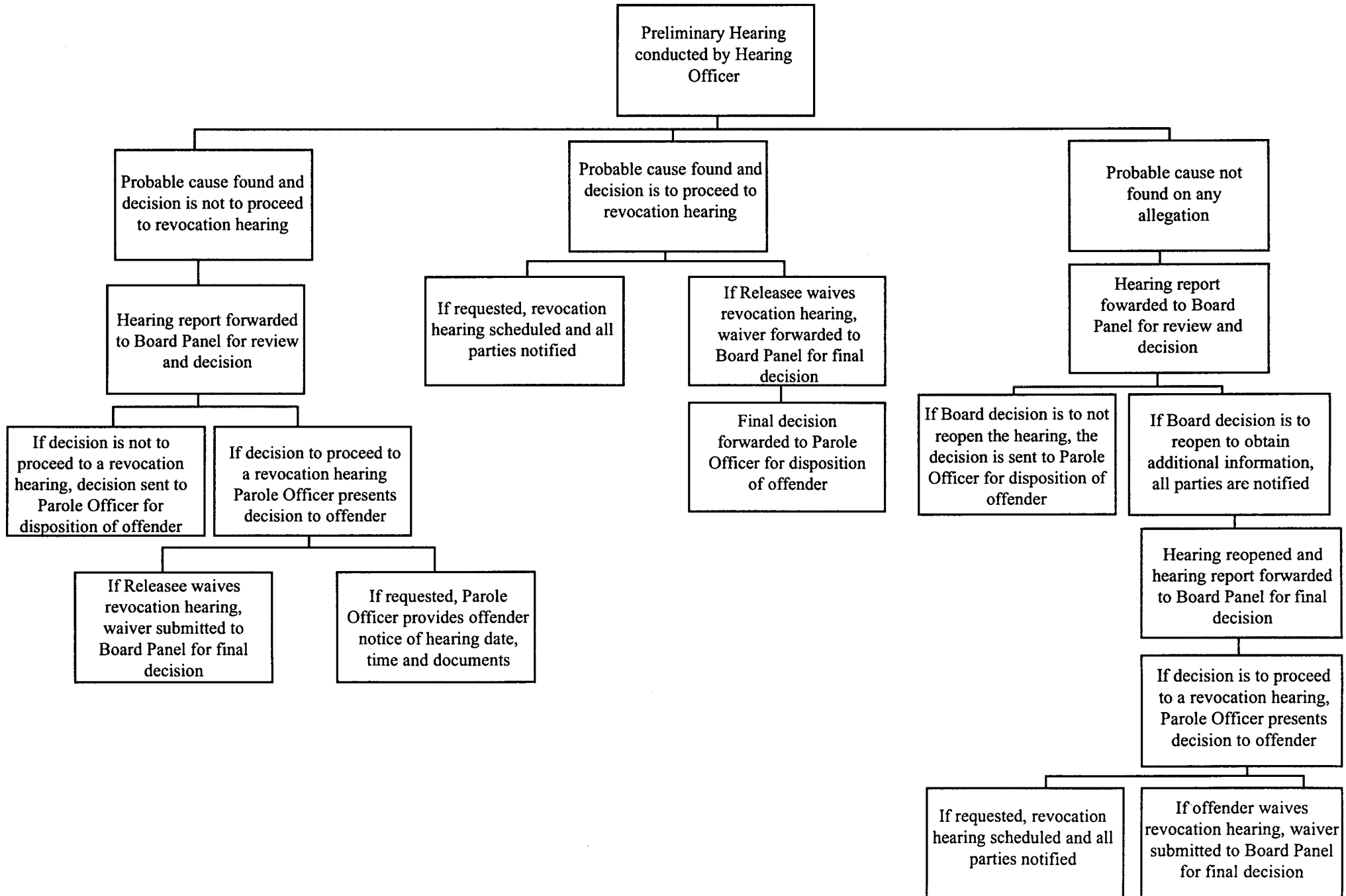
Upon receipt of any request for reopening, the Board will dispose of such request by taking one of the following actions:

- grant the motion and order the hearing to be reopened;
- deny the motion; or
- reverse the previous revocation decision.




**Preliminary Hearing
Procedures Chart**

Preliminary Hearing Procedures

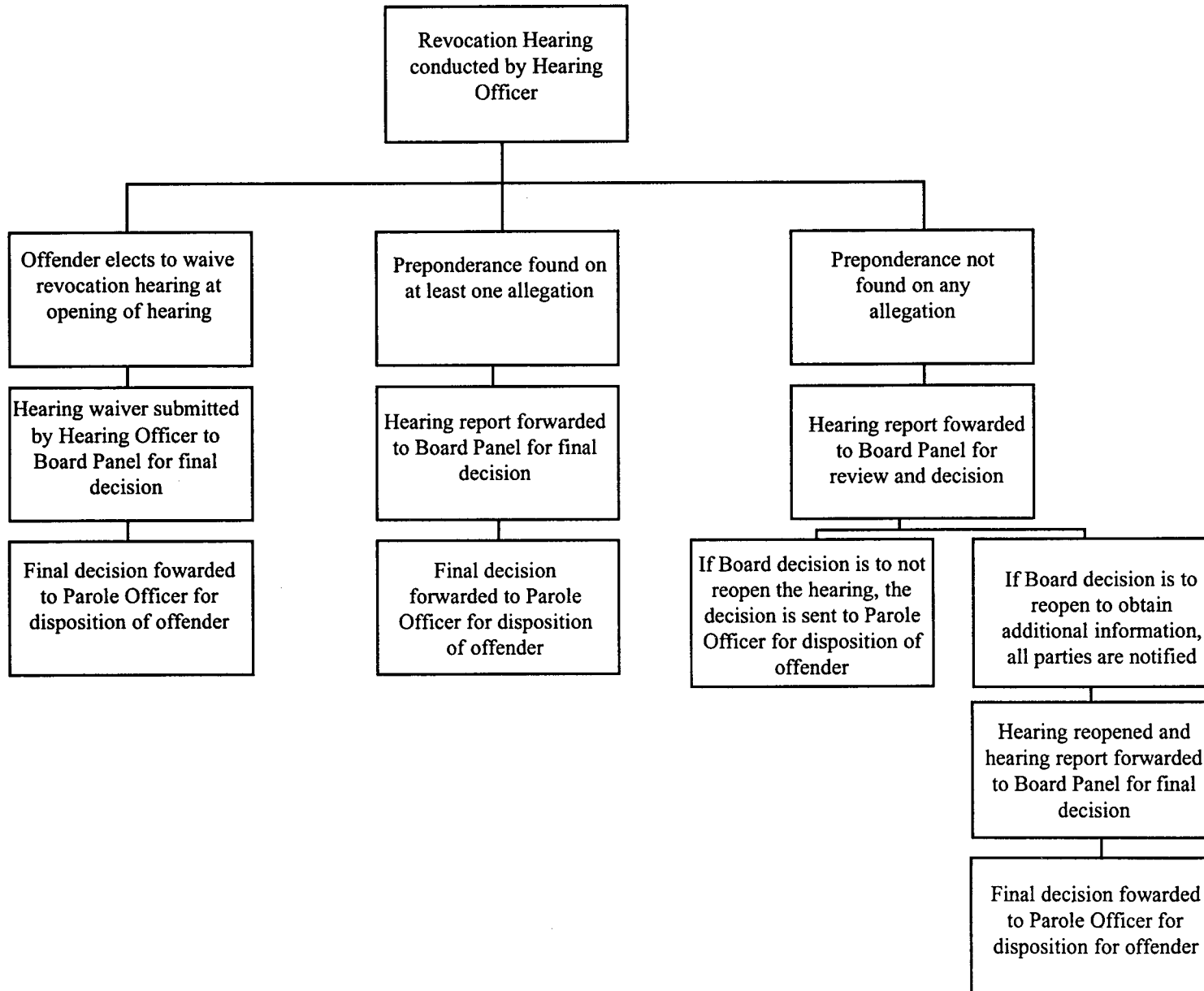






**Revocation Hearing
Procedures Chart**

Revocation Hearing Procedures





Executive Clemency

What is Executive Clemency?

Executive clemency is the power of the governor to grant a full or conditional pardon, full pardon based on innocence, commutation of sentence, remission of a fine or forfeiture resulting from a criminal conviction, emergency medical reprieve, or 30-day reprieve of execution. In accordance with the Texas Constitution, the governor may only grant executive clemency upon the recommendation of the Board (with the exception of a reprieve of execution, as described below). The Board is limited to recommending clemency and to setting minimal eligibility requirements for clemency applicants.

What is the Executive Clemency Section?

The Executive Clemency Section processes clemency requests and is a source of information on executive clemency. The Clemency Section mails out pardon application packets, analyzes and researches clemency requests, and prepares clemency files for consideration by the Board. The Section may be reached at (512) 406-5852 from 8:00 a.m. to 5:00 p.m. (Monday through Friday).

What is a full pardon?

A full pardon restores certain citizenship rights forfeited by law as the result of a criminal conviction, such as the right to vote, the right to serve on a jury, and the right to hold public office. Of note, in many states--including Texas--voting rights are automatically restored when one discharges a felony sentence, even without a pardon. (Pursuant to the current Texas Election Code, voting rights are restored to Texas residents after discharging a felony sentence, provided that they are otherwise eligible to register.)

A full pardon will remove barriers to some, but not all, types of employment and professional licensing. However, licenses are granted at the discretion of the state licensing boards of each profession, and it is advisable to contact such boards directly to learn whether a pardon is necessary or sufficient to restore licensing eligibility in a particular field. A pardon will **not** restore eligibility to become a licensed peace officer in Texas.

A full pardon does not have the legal effect of expunging a criminal record or of exonerating an individual of his crime, unless the pardon is based on grounds of innocence. It should be stressed that innocence pardons are extremely unusual and are usually considered only on unanimous recommendation of an applicant's three trial officials. For further information, contact the Executive Clemency Section.

What is a conditional pardon?

A conditional pardon releases the offender from the conditions of his sentence and some disabilities imposed by law, subject to certain conditions. The conditional pardon is often used to release an offender to another country or to immigration officials for deportation. A conditional pardon does not restore civil rights or rights of citizenship.

What is a commutation of sentence?

Commuting a sentence is changing or reducing the penalty assessed by the court. Under the rules of the Board of Pardons and Paroles, sentence commutations will generally be considered only if supported by a majority of the applicant's trial officials. Even with trial official support, a commutation will only be granted if recommended to the governor by the Board and if the governor concurs with the recommendation.

What is a reprieve (emergency medical, family, civil court proceedings)?

A reprieve is a delay or temporary suspension of punishment. Inmates who are terminally ill or require medical treatment unavailable within TDCJ but who are ineligible for Special Needs Parole may seek an emergency medical reprieve. Inmates may also seek a family medical reprieve to attend to critically ill relatives, and to attend civil court proceedings. As with the other forms of clemency, a recommendation from the Board and final concurrence from the Governor are necessary for granting of a reprieve. When the time allowed on reprieve has elapsed, the offender must return to prison unless an additional reprieve is granted.

Emergency reprieve requests to attend funerals or visit critically ill relatives are not usually handled by the executive clemency process, since prison officials have the authority to grant eligible offenders short-term furloughs for such special situations.

In what circumstances may a reprieve of execution be granted?

In capital cases, the governor has the constitutional authority to grant an offender one 30-day reprieve of a scheduled execution without a Board recommendation. In addition, upon recommendation from the Board, the governor may grant one or more reprieves in a capital case for any period of time that does not exceed the period recommended by the Board members. Upon receiving a timely request for a reprieve of execution, the Board will determine, by majority vote, whether to recommend to the governor that a reprieve be granted. Similarly, if the Board receives a timely petition from a death row offender for a commutation of sentence to a lesser punishment, such as life imprisonment, the Board will vote on whether to recommend the commutation to the governor. The Board may also decide, by majority vote, whether to hold a clemency-related hearing.



**Victim Services
Divison**

The Victim Services Division provides a central mechanism for victims and the public to participate in the Criminal Justice System. They may be reached at:

Victim Services Division (512) 406-5424
P. O. Box 13401
Austin, Texas 78711

Fax: (512) 406-5417

Victim Hot Line: 1-800-848-4284

Website: www.tdcj.state.tx.us/

E-mail address: victim.svc@tdcj.state.tx.us

Who is a “victim”?

A victim is a person who has been subjected to sexual assault, kidnapping, or aggravated robbery, or who has suffered bodily injury or death as a result of the criminal conduct of another. A close relative of a deceased victim or legal guardian of a victim are also considered victims.

The Victim Services Division will provide services to any concerned citizen upon request, regardless of whether they are a “victim” in the narrow sense of the law.

Some of the services provided by the Victim Services Division are:

- assistance in determining inmate status;
- information and referral;
- explanation of parole and mandatory supervision law;
- victim notification throughout the parole review process and in situations where there are escapes, recapture, and offender deaths during incarceration or while under supervision;
- automated telephone system available to victims 24 hours a day to enable them to obtain inmate status information;
- prison tours for victims, concerned citizens, and criminal justice professionals;
- referrals to community assistance organizations, victim groups, and restitution assistance and referral;

- training of criminal justice staff on victim sensitivity issues (parole, community supervision and corrections, institutional division, state jail division);
- public presentations;
- Victim Impact Panel presentations to community supervision offenders, inmates, and offenders;
- victim witness screening and preparation prior to viewing an execution;
- Victim Offender Mediation/Dialogue Program; and
- Crime Victim Clearinghouse.

What is a Victim Impact Statement and where can one be obtained?

A Victim Impact Statement (VIS) is a form used by law enforcement agencies, prosecutors, and other participants in the Criminal Justice System to record the impact of a crime on the victim, guardian of a victim, or a close relative of a deceased victim. Information contained in the VIS is used to provide notification to the victim at any stage in the criminal justice process.

Victims may obtain a VIS form from county attorneys, criminal district attorneys, and victim/witness coordinators throughout the state. The forms are also available through the Crime Victim Clearinghouse.

What rights do I have as a victim or victim survivor?

The rights of crime victims within the Criminal Justice System are described in Chapter 56 of the Texas Code of Criminal Procedure. A brochure may be obtained from the Crime Victim Clearinghouse which list these rights.

I'm afraid to file a Victim Impact Statement or furnish information to the Victim Services Division because I fear the offender who victimized me might find out. What protection do I have?

The VIS and additional information submitted to the Victim Services Division for the inmate's parole review file are considered privileged and confidential information and not subject to disclosure under the Open Records Act.

How can I be notified of a pending parole review or release? If I did not fill out a Victim Impact Statement at the time of the offense, can I send one to the Victim Services Division?

You may request notification by contacting the Victim Services Division at the address or telephone numbers listed above. You may forward a VIS to the Victim Services Division at any time. Be sure that the offender's name and TDCJ-ID number are included. If you do not have the offender's TDCJ-ID number, contact the Victim Services Division for assistance.

If I am not the victim of the offense for which the offender is in prison; but have been threatened by the offender, will I be notified if I request notification?

Yes. Just call or write the Victim Services Division and request to be notified. Please include your name, address and telephone number in your letter.

What if I move or change my telephone number?

Notify the Victim Services Division of any change of address or phone number to ensure receipt of your notification letters.

Can I request to be notified at an address other than my own?

Yes. Contact the TDCJ Victim Services Division and provide the address.

What information about an offender is available to the public?

- inmate information (name, prison number, and parole status)
- demographic data (birth date, race, sex, unit of assignment, and last known address)
- offense information (offense, sentence length, county of offense)
- release information (release date, county of release, parole officer's name, special conditions imposed with the exception of drug related or substance abuse information, or other information which is not considered confidential by law)

How can I find about "good time"?

See the first section of this booklet for a brief description. If you have additional questions, contact Victim Services or the Texas Department of Criminal Justice, Institutional Division-Records Section, P. O. Box 99, Huntsville, Texas 77340. Be sure to provide the offender's name and TDCJ-ID number.

Can the Board forbid the offender who victimized me from having any contact with me and my family?

Yes. The Victim Services Division will forward your written request to the Board at the appropriate time for their consideration. The Board members can impose special conditions prohibiting the offender, upon his release, from contacting you and your family.

What is restitution?

Restitution is money an offender is ordered to pay to compensate for losses sustained by the victim of an offense. Restitution can be ordered only by the sentencing judge in the case and should not be confused with fines, court costs, or attorney fees. Offenders pay restitution to the Parole Division, which in turn forwards the funds to the Comptroller's Releasee Restitution Fund for distribution to the victim. This ensures that the victim and offender have no contact with each other.

Can I meet with members of the Board before they vote on the offender's case?

Yes. Contact the Victim Services Division and arrangements will be made to contact you at the appropriate time.

If I travel to Austin to present my concerns, will someone be available to talk with me?

Yes. A Victim Services representative will be available to discuss your concerns and answer questions Monday through Friday during our normal business hours (7:30 a.m. to 5:30 p.m.). However, it is suggested that you make an appointment.

Does the Victim Services Division provide training to parole officers on how to assist victims?

Yes. The Victim Services Division has staff who train not only parole officers, but also criminal justice professionals, victim advocates, and others who assist victims. The training focuses on victim impact panels, victim's rights, victimology, crisis intervention, and victim resources.

What is the Victim-Offender Mediation/Dialogue Program?

The Victim-Offender Mediation/Dialogue Program provides victims of violent crimes the opportunity to have a structured face-to-face meeting with their offenders in a secure, safe environment in order to facilitate the recovery process. At the request of a victim and upon approval and preparation by the Victim Services Division, an attempt will be made to arrange victim-offender mediation. Such meetings will not always be possible.

What is the Crime Victim Clearinghouse Program?

The Crime Victim Clearinghouse (CVC) serves as a central source of information and referral services for victims and victim service providers. The CVC conducts an annual training conference and regional workshops for victim service providers, in addition to providing them with technical assistance and a victim resource directory.



Quick Reference

Quick Reference

Administrative Hearing Process	51
Administrative Revocation Hearings	47
Blue Warrant	28
Board of Pardons and Paroles	1
Board Panel Decision Making Process	47
Board Voting Options	23
Commutation of Sentence	61
Consecutive Sentences	16
Crime Victim Clearinghouse Program	67
Drug Testing	41
Electronic Monitoring	36
Executive Clemency	60
Field Referral Program	40
Full Pardon	60
Gate Money	26
Good Conduct Time	6
Halfway House/County Jail Work Release Program	43
In-Prison Therapeutic Community	39
Intermediate Sanction Facility	31
Parole and Mandatory Supervision Eligibility Chart	7
Parole Division	2
Parole in Absentia	28
Pre-Parole Transfer	31
Preliminary Hearing Procedures Chart	56
Project COPE	32
Project RIO	32
Records and Classification	6
Release Plan	22
Release Process Chart	19
Reprieve	61
Restitution	66
Review Process Chart	19
Revocation Hearing Procedures Chart	58
Rules of Parole and Mandatory Supervision	25
Senate Bill 45	17
Special Needs Parole	37
Substance Abuse Felony Punishment Facility	39
Super Intensive Supervision Program	35
Texas Board of Pardons and Paroles	1
Types of Release	5
Victim Impact Statement	64
Victim Services	63
Victim-Offender Mediation/Dialogue Program	66
Warrant Issuance Process	49

