

Most frequently asked questions

- › Do I need a parole attorney?
- › Do I need a parole packet?
- › How much information should I put in a parole packet?



Definitions

- › 3(g) offenses
- › State Jail Felony Offenses
- › Senate Bill 45 cases (Extraordinary Votes)
- › Interstate compact
- › Stacked sentence
- › TDCJ Parole Division



“3G Offenses” in Texas

3G offenses are a special category of felony offenses, listed in Texas Code of Criminal Procedure in Article 42.12 Section 3g, that are considered to be the most serious or violent.



“3G Offenses” in Texas

- ▶ Texas Code of Criminal Procedure Article 42.12 Section 3g lists the following offenses:
 - Murder
 - Capital murder
 - Indecency with a child
 - Aggravated kidnapping
 - Aggravated sexual assault
 - Aggravated robbery
 - Drug cases where a child is used in the commission of the offense, or the offense took place within 1,000 feet of a school or on a school bus.



“3G Offenses” in Texas

- Sexual assault
- Injury to a child, elderly individual, or disabled individual, if the offense is punishable as a felony of the first degree
- Sexual performance by a child
- Criminal solicitation cases that are punishable as a felony of the first degree
- Compelling prostitution
- Trafficking of persons
- Burglary



Types of Release

- Discretionary release of offender from prison
- Mandatory Supervision– automatic release based on time/good behavior
- Discretionary Mandatory supervision – requires parole vote for release of non-violent, pre-September 1996 offenders eligible for Mandatory Supervision
- Flat discharge



Good, Work and Flat Time

► Line class (SAT II – Line Class III)

| Time Earning | Good Time | Work/School/ Program Time |
|----------------|-------------------------------|------------------------------|
| SAT II | 30 days GT per 30 days served | 15 days |
| SAT III | 30 days GT per 30 days served | 15 days |
| SAT IV | 25 days GT per 30 days served | 15 days |
| Line Class I | 20 days GT for 30 days served | 15 days |
| Line Class II | 10 days GT for 30 days served | 15 days |
| Line Class III | No GT credit | 0 days |



Parole Eligibility

- Eligibility set by Texas Department of Criminal Justice based on legislation in effect at time of offense
 - Percentage of sentence served before eligible varies by nature of offense, legislation and offense date.
- After 1st review, non-violent offenders reviewed annually
- Exceptions for violent offenses – 1 to 10 years



Eligibility Timeframes

- Determinants for parole
 - Type of crime
- Law when crime committed
 - Refer to the Parole and Mandatory Supervision Eligibility Chart for detailed information regarding changes in legislation. It is located on page 12 in the "Parole in Texas" publication.
 - http://www.tdcj.state.tx.us/documents/parole/PIT_English.pdf



Eligibility Timeframes

▸ Parole Eligibility

- **Life sentences** – must serve 35/40 years
- **3(g) offenses** – serve ½ of their sentences
- **All other offenses** – calendar time plus good/work time equals ¼ of their sentence or 15 years
- **State Jail Felony offenses** – not eligible for parole
(state jail felonies committed on or after or September 1, 2015 may earn time credit for diligent participation)



PAROLE REVIEW PROCESS

1. STATE READY –

- County sends the prison packet of information to the TDCJ
- The offender receives an intake interview by TDCJ staff and the admission case summary is prepared
- The admission case summary also assists in the appropriate classification and unit assignment of offenders for security purposes
- The case summary compiled during the parole interview process will be compared to this initial admission case summary to determine rehabilitation progress



PAROLE REVIEW PROCESS

2. CASEPULL –

- Six months prior to initial parole eligibility (four months for a subsequent review) a "casepull" occurs
- File material, including parole packet and support letters, is collected and copied or scanned for the creation of a parole file
- File is then forwarded to the regional IPO office



PAROLE REVIEW PROCESS

3. REVIEW PROCESS –

- The file is assigned to an institutional parole officer (IPO) at the offender's unit
- The IPO interviews the offender and creates a parole case summary report
- The parole guidelines risk assessment is completed
- Any new information such as certificates or support letters delivered by the offender during the interview will be included
- Upon completion of the Case Summary, the IPO submits the report for typing.



PAROLE REVIEW PROCESS

4. VOTE –

- The file is submitted to the parole board office
- The Board relies on a parole guideline score prepared by IPOs
- The review process usually happens within 7 days of the Board receiving the file
- Offenders who have served at least 20 years are generally granted an interview



PAROLE REVIEW PROCESS

4. VOTE – The Process

- A panel consists of three voting members and a majority of two votes is needed
- Voting is sequential
- An interview with the offender is at the discretion of the Parole Panel member, as are interviews with individuals in support or protest of an offender's release to parole
- Parole Panel members must grant an interview to victims, as defined by statute, upon request



PAROLE REVIEW PROCESS

5. NOTIFICATION OF THE DECISION

- The IPO delivers status letters that explain the Board's decisions
- Family members can look up the status of the decision the day after it is recorded.
- Once the residential plan is verified, a certificate is issued (This can take between 7-21 days)
- If denied parole, the process starts again four months prior to the next scheduled review date, which is set by the Parole Board



The Institutional Parole Officer (IPO)

- Are physically assigned to TDCJ units and are employed by the Board of Pardons and Paroles
- They interview individuals at TDCJ Units, federal correctional institutions, contracted facilities, and county jails statewide to prepare Parole Case Summaries
- Approximately 200 Institutional Parole Officers interview offenders at more than 100 TDCJ units and 250 county jails across the state.



The IPO

- Interviews the offenders, compare, contrast and consolidate all pertinent information to create the parole case summary
- Completes the parole guidelines risk assessment, Static 99 assessment for sex offenders, and
- Screens offenders for eligibility for the in-prison therapeutic community (IPTC) treatment program.



The Parole Case Summary

A comprehensive document that details information regarding an offender's ...

- Demographics
- Commitment Information
- Offense details
- Criminal History
- Substance Abuse History
- Physical/Mental Health Status
- Social History
- Employment History
- Current Institutional Adjustment
- Release Plans

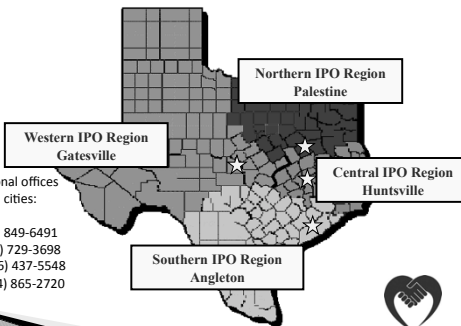


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The Institutional Parole Division

IPOs are organized into four areas around the state with regional offices in the following cities:

Angleton: (979) 849-6491
 Palestine: (903) 729-3698
 Huntsville: (936) 437-5548
 Gatesville: (254) 865-2720



Additional IPO Functions:

- Conducting parole orientations for new offenders
- Verifying offender related information
- Completing sex offender risk assessments (STATIC-99)
- Screening offenders for treatment program eligibility
- Processing status letters that inform offenders whether or not they were approved for parole
- Answering offenders' written and verbal questions
- Contacting offenders for acceptable residential plans
- Responding to inquiries from families and the public and
- Providing District Parole Officers with offender information.



Parole Guidelines

► Components of the Guidelines

- Risk Assessment Instrument
 - Static Factors (these do not change)
 - Dynamic Factors (these will change)
- Offense Severity Class



Parole Guidelines

► Risk Assessment Instrument

- Static Factors (these do not change)
 - Age at first admission to a juvenile or adult correctional facility
 - History of supervisory release revocations for felony offenses
 - Prior incarcerations
 - Employment history
 - The commitment offense.
- Dynamic Factors (these will change)



Parole Guidelines

► Risk Assessment Instrument

- Static Factors (these do not change)
- Dynamic Factors (these will change)
 - Offender's current age
 - Whether the offender is a confirmed security threat group (gang) member
 - Education, vocational and certified on-the-job training programs completed during the present incarceration
 - Prison disciplinary conduct
 - Current prison custody level.



Risk Level

| OFFENSE SEVERITY CLASS | MALE Risk Level | | | | FEMALE Risk Level | | |
|------------------------------|--------------------|------|------|-----|----------------------|------|-----|
| | Highest | High | Mod. | Low | High | Mod. | Low |
| Highest | 1 | 2 | 2 | 3 | 2 | 2 | 3 |
| High | 2 | 3 | 4 | 4 | 3 | 4 | 4 |
| Moderate | 2 | 4 | 5 | 6 | 4 | 5 | 6 |
| Low | 3 | 4 | 6 | 7 | 4 | 6 | 7 |



Approval Rate by Guideline Level

Guideline Levels Statewide - FY 2014

| Guideline Level | Cases Considered | Cases Approved | Approval Rate | Recommended Approval Rate |
|-----------------|------------------|----------------|---------------|---------------------------|
| 1 | 10 | 1 | 10.00% | 0% - 5% |
| 2 | 8,511 | 2,192 | 25.75% | 6% - 15% |
| 3 | 7,697 | 2,820 | 36.64% | 16% - 25% |
| 4 | 24,067 | 6,463 | 26.85% | 26% - 35% |
| 5 | 20,210 | 7,230 | 35.77% | 36% - 50% |
| 6 | 13,551 | 6,569 | 48.48% | 51% - 75% |
| 7 | 3,253 | 2,224 | 68.37% | 76% - 100% |
| TOTAL | 77,299 | 27,499 | 35.57% | |



Voting Options

Parole panel members do not just vote "yes" or "no."

- FI-1: Release when eligible.
- FI-2: Release during a specified month/year.
- FI-3R: Transfer to TDCJ rehabilitation program. Release to parole upon completion, no earlier than 3 months from specified date.
- FI-4: Transfer to pre-parole transfer facility and release to parole on specified date.
- FI-4R: Transfer to TDCJ Sex Offender Education Program. Release to parole upon completion, no earlier than 4 months from specified date.
- FI-5: Release after completing In-Prison Therapeutic Community Substance Abuse Prevention Program.



Voting Options (cont)

- FI-6: Transfer to DWI Program. Release to continuum of care program as required.
- FI-6R: Transfer to TDCJ rehabilitation program. Release to parole after completing program; no earlier than 6 months from specified date.
- FI-7R: Transfer to Serious and Violent Offender Reentry Initiative program. Release to parole after program; at least 7 months from date.
- FI-9R: Transfer to TDCJ Sex Offender Treatment Program. Release to parole after; no earlier than 9 months from specified date.
- FI-18R: Transfer to TDCJ rehabilitation program. Release to parole after; at least 18 months.
- RMS: Release to Mandatory Supervision.



Denial Voting Options

- NR: Do not release, but set next parole review for (month and year).
- SA: Serve All – Offender to serve full sentence
- CU-NR: Deny favorable action and set next review in consecutive sentence case.
- CU-SA: Require offender to serve all of current sentence in consecutive sentence case.
- DMS: Denies Mandatory Supervision (and sets next review date).

Senate Bill 917 set rules for parole review:

- o Annual review with exceptions
- o If sentence for violent offense, 1–5 year set off allowed.

Serve-All only allowed if discharge scheduled before next parole review



Approval/Denial Reasons

Note: One or more component in each paragraph may apply, but only one required for approval (A) or denial (D).

1. CRIMINAL HISTORY

A The record does not include a documented pattern of violent or assaultive arrests or convictions.

D The record indicates that the offender has repeatedly committed criminal episodes that indicate a predisposition to commit criminal acts upon release.

2. NATURE OF OFFENSE

A The record indicates non-violent offenses and the instant offense indicates no tendency toward violent/assaultive behavior, with limited potential for future assaultive type offenses.

D The record indicates the instant offense has elements of brutality, violence, assaultive behavior, or conscious selection of victim's vulnerability indicating a conscious disregard for the lives, safety, or property of others, such that the offender poses a continuing threat to public safety.



Approval/Denial Reasons

3. DRUG OR ALCOHOL INVOLVEMENT

- A** The record indicates limited or non-involvement with substance use.
- D** The record indicates excessive substance use involvement.

4. INSTITUTIONAL ADJUSTMENT

- A** The record indicates that the offender has maintained a satisfactory institutional adjustment.
- D** The record indicates that the offender has an unsatisfactory institutional adjustment.



Approval/Denial Reasons

5. ADJUSTMENT DURING PERIODS OF SUPERVISION

- A** The record indicates successful periods of supervision on probation, parole, or mandatory supervision.
- D** The record indicates unsuccessful periods of supervision on previous probation, parole, or mandatory supervision that resulted in incarceration, including parole-in-absentia.

6. PARTICIPATION IN TDCJ-CID PROPOSED OR SPECIALIZED PROGRAMS

- A** The record indicates participation in and completion of TDCJ-CID programs and activities in the individual treatment plan that should enhance chances to obtain and maintain full-time stable employment.
- D** The record indicates that the offender refused to participate or intentionally failed to complete TDCJ-CID programs and activities in the individual treatment plan.



Approval/Denial Reasons

7. TIME SERVED

- A** The record indicates that length of time served by the offender is congruent with offense severity and criminal history.
- D** The record indicates that length of time served by the offender is not congruent with offense severity and criminal history.

8. FELONY OFFENSE

- D** The record indicates that the offender has been charged before a magistrate, indicted, or convicted by a court of competent jurisdiction, with a felony offense committed while incarcerated.



Approval/Denial Reasons

9. DISCRETIONARY MANDATORY SUPERVISION

Not to release requires voting both D1 and D2, along with other reasons that may apply.

A Release to Discretionary Mandatory Supervision.

D1 The record indicates that the offender's accrued good conduct time is not an accurate reflection of the offender's of the offender's potential for rehabilitation.

D2 The record indicates that the offender's release would endanger the public.

10. GANG AFFILIATION

A The record indicates that the offender is not a confirmed member of one of the TDCJ-CID designated security threat groups.

D The record indicates that the offender is a confirmed member of one of the TDCJ-CID designated security threat groups.



Approval/Denial Reasons

11. OTHER

A or D Write an explanation



Parole Voting Information and Results

SPECIAL INFORMATION FOR SCHEDULED RELEASE:

Scheduled Release Date: Offender is not scheduled for release at this time.

Scheduled Release Type: Will be determined when release date is scheduled.

Scheduled Release Location: Will be determined when release date is scheduled.

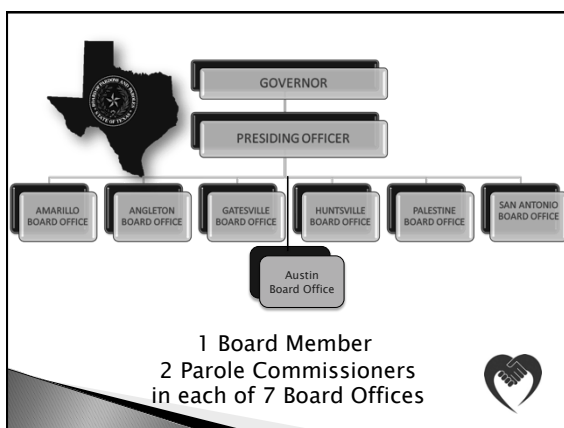
Parole Review Information Button:

Parole Review Information



The Parole Board





Board Member Functions

- Adopt policies for decision-making by Board and parole panels
- Recommend executive clemency to Governor
 - reprieve,
 - pardon,
 - commutation of sentence.
- Vote on cases requiring extraordinary vote (SB 45) of full membership



Board Member and Parole Commissioner Functions

- Decide which offenders to release on parole
- Impose special conditions of release
- Review violation reports to decide graduated sanctions:
 - Additional conditions,
 - Intermediate Sanction Facility (ISF) or Substance Abuse Felony Punishment Facility (SAFPF), or
 - Return to prison.



Parole Panels

- 3 voting members (majority of 2 decides)
 - Parole
 - Discretionary Mandatory Supervision
 - Revocation actions
 - Conditions of supervision
- Exception: Entire 7-person Board votes
 - SB 45 cases (require 5 votes for parole)
 - Extraordinary votes (clemency)



To request the minutes of your LOs parole you will have to write to:

Open Records
PO Box 13401
Capital Station
Austin, Texas 78711

They will have to state that they are requesting the minutes from their last parole review vote. Be sure they include their name, TDCJ# and date of review.



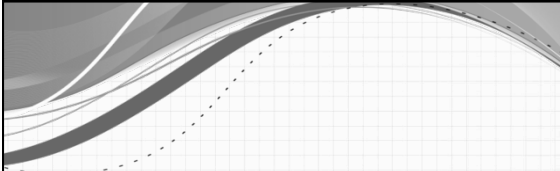
OMBUDSMAN CONTACTS

TDCJ Ombudsman Coordinator
Debra Booker
P.O. Box 99
Huntsville, Texas 77342
936-437-6791

TDCJ - Parole Division Ombudsman
Nancy Hall
P.O. Box 13401, Capitol Station
Austin, Texas 78711
512-406-5795

Texas Board of Pardons and Paroles Ombudsman
Jeffrey LeBaron
8610 Shoal Creek Blvd.
Austin, Texas 78787
512-406-5864





QUESTIONS?
