

Texas Board of Pardons & Paroles


PRESENTED BY
CHAIRMAN DAVID GUTIÉRREZ,
CHIEF OF STAFF TIM MCDONNELL

TEXAS DISTRICT AND COUNTY ATTORNEYS ASSOCIATION
NOVEMBER 30, 2023


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Overview

- Mission Statement
- Distinguish Between TDCJ & BPP
- Make-Up of the Board
- Factors Considered When Voting
- Parole Review Process
- Victim Liaison Program
- Post-Conviction Challenges
- Resources
- Processing Parole Violations



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Mission Statement

To perform its duties as imposed by Article IV, Section 11, of the Texas Constitution and:

- Decide which prisoners to release on parole or mandatory supervision;
- Decide conditions of parole and mandatory supervision;
- Decide revocation of parole and mandatory supervision; and
- Recommend clemency matters to the Governor.

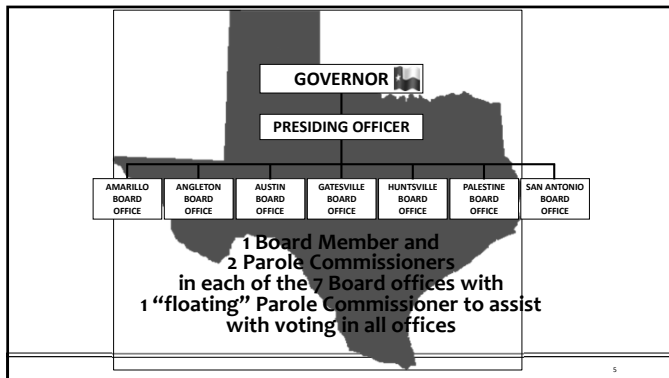
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The Board of Pardons & Paroles Does Not:

- Determine parole eligibility: This is a function of TDCJ Classification & Records, and is based on the statutes in effect at the time of the offense
- Supervise offenders released on parole or mandatory supervision: This is a function of the TDCJ Parole Division

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Parole Panels

- Composed of three voting members*
- Offender's location determines which Board office votes

*Exception to the three-member panel: Extraordinary Votes (SB 45 / HB 1914 cases) require a two-thirds majority vote by Board Members only

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Factors Considered When Voting

- Seriousness of the offense(s).
- Letters of support and/or protest.
- Sentence length/amount of time served.
- Criminal history/other arrest, probation, parole
- Number of prison incarcerations.
- Juvenile history
- Institutional adjustment (participation in specialized programs).
- Offender age
- Parole Guidelines
- Input from trial officials

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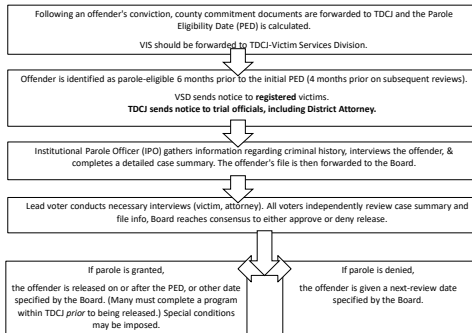
Clemency

- The Texas Constitution authorizes the Board of Pardons and Paroles to make clemency recommendations to the Governor
- Only upon the recommendation and advice of the majority of the Board may the Governor grant a clemency request

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Parole Review Process in Texas



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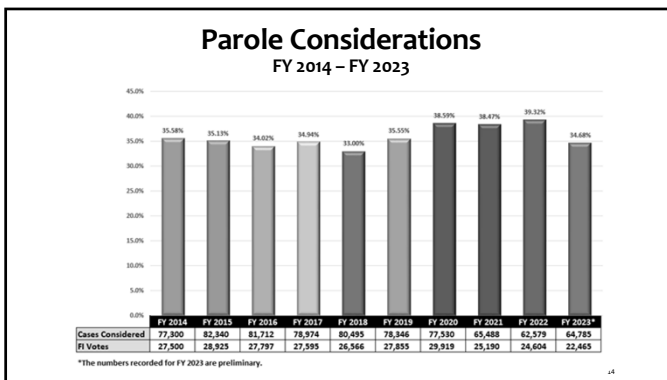
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Murder

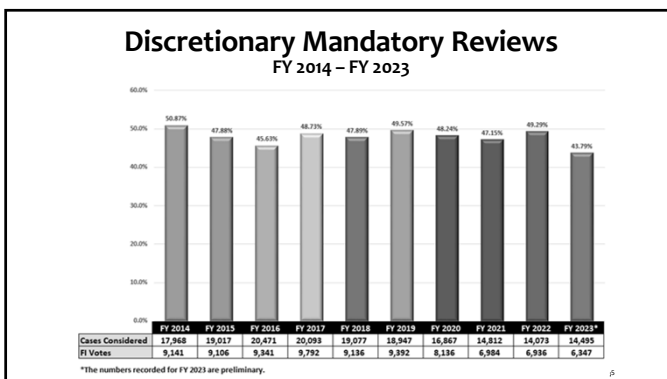
Parole Approval Votes CY 2021 and 2022 with an Instant Offense of Murder				
	# of Approvals	Average % Sentence Served	Average Time Served in Years	Average Sentence Length in Years
2021	422	67.77%	21.7	34.4
2022	387	68.51%	22.8	35.7

Sentences greater than 60 years or for Life were calculated as 60 years.
Excludes Capital Murder, Attempts/Conspiracy/Solicitation to Commit, Criminally Negligent Homicide, and Manslaughter.

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Victim Liaison Program

Upon his appointment as Presiding Officer, Chairman Gutiérrez focused on ways to improve operations within the agency and identified the need for a Victim Liaison.

A Victims of Crime Act (VOCA) grant was awarded, and on February 1, 2017, the Board of Pardons and Paroles launched the Victim Liaison Program.

Two initial goals: (1) Provide training to Board employees, & (2) provide direct services to victims.



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Victim Liaison Program



Board conducts an average of 300 victim interviews monthly

Training Board staff who interact with victims & other CJ professionals

Accompaniment provided to 1200+ victims and survivors to date

Prep victims prior to interviews & hearings, and follow-ups & referrals after

Assist with special requests

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Victim Liaison Program

TEXAS BOARD OF PARDONS AND PAROLES

VICTIM LIAISON:
For questions or concerns regarding victim/survivor interactions with the Board of Pardons and Paroles, please contact the BPP's Victim Liaison, Libby Hamilton at libby.hamilton@bpps.texas.gov or (512) 406-5833

FREQUENTLY ASKED QUESTIONS (888)
VICTIM LIAISON PROGRAM VIDEO (888)
Updated 06/19/2019

- Frequently Asked Questions
- 10-minute video explaining process

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Processing Parole Violations

The TDCJ Parole Division is responsible for the investigation and supervision of all releaseses.

The Director of the Parole Division (per Government Code 508.252) has the authority to issue:

- A Pre-Revocation Warrant/"Blue Warrant" if there is reliable evidence that the person has violated the terms and conditions of their release
- OR
- A Summons to Appear



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Why not just revoke the offender's parole?

MORRISSEY V BREWER, (408 US, 471)
1972 SUPREME COURT DECISION

Established due process right for offenders prior to revocation of Parole

- Written notice of the alleged violations
- Disclosure of evidence against offender
- Opportunity to be heard in person and present witnesses / evidence
- Confront and cross-examine adverse witnesses unless good cause exists to disallow
- Neutral and detached hearing officer
- Written statement as to evidence relied on for revocation

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Parole Officer Actions

- Parole officer becomes aware of a violation and conducts an investigation
- Based on specific allegation(s), Parole Division may take a graduated sanctions approach in lieu of issuing a warrant
- If a warrant is issued, the Pre-Revocation process starts after the offender is placed into custody
- The offender is interviewed and may request a hearing or waive the hearing(s)
- If a hearing is requested, the PO will contact our BPP scheduling section in Austin to set a date and time of the hearing
- Database on all counties in the state as to what dates and times are available – coordinated with each county jail

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Types of Hearings

- Preliminary (Probable Cause) Hearing – For offenders with law violations that have not been adjudicated
- Revocation Hearing – Offender who has been charged only with an administrative (technical) violation and/or has been adjudicated guilty of or has pleaded guilty or nolo contendere to an offense committed after release

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Timeframes

- Parole Panel to dispose of the charges before the 41st day after a warrant is executed on only an administrative (technical) violation
- Parole Panel to dispose of the charges before the 91st day after an offender has been arrested but not indicted for a felony or information has not been filed for a misdemeanor

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88th Legislative Session

SB-1004: (Senator Huffman)

- Tampering with an Electronic Monitor
 - No longer simply a technical or administrative violation of parole or mandatory supervision
- State Jail Felony
- 3rd Degree Felony if the person is on super-intensive supervision (SISP)
- TBCJ-OIG task force working with the Parole Division

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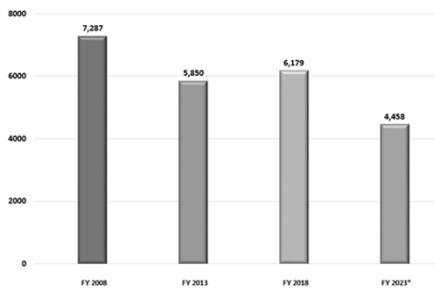
Options after a Revocation Hearing

- Continue on supervision under the same or modified rules and conditions
- Place in an Intermediate Sanction Facility (ISF) or Substance Abuse Felony Punishment Facility (SAFPF)
- Revoke
- Allow to Discharge

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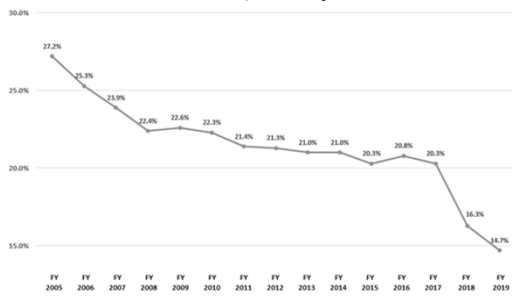
Parole Revocation Rates



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Prison Reincarceration Rates (Recidivism) FY 2005 – FY 2019



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