



Parole Revocation Warrant Procedure

Interim Charge #3: Examine the current parole revocation warrant ("blue warrant") procedure. Specifically, the committee should consider the monetary costs to the counties; using Risk Assessment Instruments and the Offense Severity Scale to evaluate static and dynamic factors associated with an offender's record in order to escalate high-risk revocation offenders to the Department of Public Safety for immediate detention; and creating an online list providing the number of outstanding "blue warrants" pending per county.

Parole Division

At the end of Fiscal Year (FY) 2020, the Parole Division (PD) supervised 83,891 offenders released from the custody of the Texas Department of Criminal Justice (TDCJ), Texas Juvenile Justice Department (TJJD), or county jail to serve the remainder of their sentence in the community. In addition, there were 2,101 offenders supervised in Texas from other states under the Interstate Compact Office.

There are 67 District Parole Offices (DPO) statewide covering 254 counties. The DPOs house approximately 1,440 parole officers who provide supervision services in the community.

The PD strives to enhance public safety and successful offender reentry through effective supervision, programs, and services. Promoting positive offender change contributes to the reduction in recidivism.

Services provided through parole supervision include employment assistance, housing, education, sex offender treatment, mental health services, and substance abuse treatment.

The PD works closely with the Board of Pardons and Paroles (BPP) to ensure offenders have the necessary special conditions in place prior to release from incarceration to assist them with successful reintegration into society.

The PD utilizes available resources to ensure offender compliance with imposed special conditions and to address any identified issue that arises. In cases where interventions are not successful in gaining compliance with supervision requirements or where immediate action is required to protect public safety, the PD works with the BPP to address non-compliance through the revocation process.



Parole Revocation Warrant Procedure

Texas Board of Pardons and Paroles

The primary role of the Texas Board of Pardons and Paroles (BPP) is the discretionary release of eligible offenders sentenced to the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID) that includes:

- **Determining which prisoners are due to be released on parole or discretionary and the conditions of parole and mandatory supervision.**

BPP decides which eligible offenders to release on parole or discretionary mandatory supervision, and under what conditions. BPP uses research-based Parole Guidelines to assess each offender's likelihood for a successful parole against the risk to society.

- **Determining revocation of parole and mandatory supervision.**

BPP also decides whether to revoke parole if conditions are not met, using a graduated sanctions approach. Depending on the seriousness of the violation, the BPP may continue parole, impose additional conditions, place the offender in an Intermediate Sanction Facility (ISF), or use other alternatives to revoking parole and sending the offender back to prison. BPP schedules and conducts the parole revocation hearing.

- **Recommending the resolution of clemency matters to the Governor.**

BPP recommends clemency matters, including pardons, to the Governor.

The BPP consists of seven Board Members appointed for six-year terms by the Governor with the advice and consent of the Senate. The Presiding Officer reports directly to the Governor and serves as administrative head of the agency. Fourteen Parole Commissioners are hired by the Presiding Officer to assist BPP in deciding parole release and revocation by serving as voting members on parole panels. BPP uses researched-based Parole Guidelines to assess each offender's likelihood for a successful parole against the risk to society.



Parole Revocation Warrant Procedure

Risk Assessment: Parole Guidelines

The BPP has developed Parole Guidelines to aid in making release decisions on individuals being considered for Parole or Discretionary Mandatory Supervision. This risk instrument consists of several components: static factors, dynamic factors, and an offense severity class.

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

Static factors include:

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

Dynamic factors include:

- 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; and
- Current prison custody level.



Parole Revocation Warrant Procedure

Offense Severity Class

BPP has assigned an Offense Severity Ranking to every one of the felony offenses in the statute. Offense Severity Classes range from low, for non-violent crimes such as credit card abuse, to highest, for capital murder. If an offender is incarcerated for more than one offense, the most serious active offense is assigned an Offense Severity Class.

The two components of the guidelines – Risk Assessment and Offense Severity – are merged into a matrix that creates the offender's Parole Guidelines Score. Separate risk scales have been developed for male and female offenders. Parole Guidelines Scores range from one, for an individual with the poorest probability of success, up to seven, for an offender with the greatest probability of success.

A Parole Guideline Score is not utilized in making revocation decisions.

Risk Assessment

The PD utilizes the Texas Risk Assessment System (TRAS) which is an evidence-based assessment tool adapted from the Ohio Risk Assessment System. The PD uses this tool to identify offender's risk and need as the offender progresses through the criminal justice system.

The following identifies the four types of tools applicable within the PD:

- **Re-entry Tool (RT)** - Assessment tool designed to use with inmates releasing from prison who have served more than four years of continuous incarceration;
- **Supplemental Re-entry Tool (SRT)** - Assessment tool designed to use with inmates releasing from prison who have served four years or less, but more than six months of continuous incarceration;
- **Community Supervision Screening Tool (CSST)** – Post-release screening tool used with offenders under supervision to identify offender risk factors; and
- **Community Supervision Tool (CST)** - A full assessment tool designed to use with offenders under supervision to identify offender risk and needs.



Parole Revocation Warrant Procedure

Using one of the above tools, the PD can assess and score the offender's risk levels. The offender's risk and caseload determine the level of supervision. The PD has the following supervision levels:

Active Parole Population As of August 31, 2020	
Supervision/TRAS Level	TOTAL
L - Low	28,071
L/M - Low/Medium	21,063
M - Medium	10,904
M/H - Medium/High	142
H - High	16,920
VH - Very High	12
Not Classified	6,779
Total	83,891



Parole Revocation Warrant Procedure

Parole Revocation Warrant Procedures

The PD issues pre-revocation warrants (blue warrants) on supervised offenders for administrative violations and/or new criminal offenses.

Pre-revocation warrants are issued when an offender violates conditions of release, is arrested, charged, indicted, or convicted for a new felony offense and dependent upon the severity of violations.

The PD created the Violation Action Grid (VAG) to provide guidance to staff in determining the course of action that may be taken when an offender is not complying with the rules and conditions of release. The VAG outlines recommendations that includes interventions, summons, and warrants and is based on caseload and risk level.

The VAG considers the severity of the violation, previous violations and the offender's supervision level. Other than situations outlined in policy that require immediate warrant issuance, the PD utilizes an intervention process that applies interventions to bring them into compliance with supervision requirements prior to warrant issuance. The PD adopted this method from the National Institute of Justice as an effective method to increase compliance. Below is a brief description of administrative violations and intervention options:

- **Administrative Violations** are violations of the terms and conditions of release excluding new felony or misdemeanor offenses. Examples of administrative violations include, but are not limited to the following:
 - Offender who has a special condition to participate in cognitive skills classes, substance abuse or sex offender treatment, or other programs; however, refuses to attend the class or program;
 - Offender who is electronically monitored and required to follow a daily schedule or child safety zones; however, fails to comply;
 - Offender who is required to live in an approved residence; however, moves without authorization;
 - Offender who does not report, does not contact the parole officer, and cannot be located; or
 - Offender who tests positive for use of drugs or alcohol on a urinalysis.



Parole Revocation Warrant Procedure

- **Interventions** are corrective measures designed to address non-compliance and direct offenders toward future compliance with conditions of release. Parole officers utilize the intervention process to correct non-compliance with rules and conditions of release prior to requesting a warrant unless there is an immediate threat to public safety. Examples of interventions include, but are not limited to the following:
 - Case conference;
 - Written reprimand;
 - Treatment placement;
 - Increased reporting; or
 - Request the BPP to impose a special condition, (e.g. electronic monitoring, psychological evaluation, etc.).

Warrant Issuance Process

When interventions are not effective in correcting non-compliance, the parole officer initiates the warrant process:

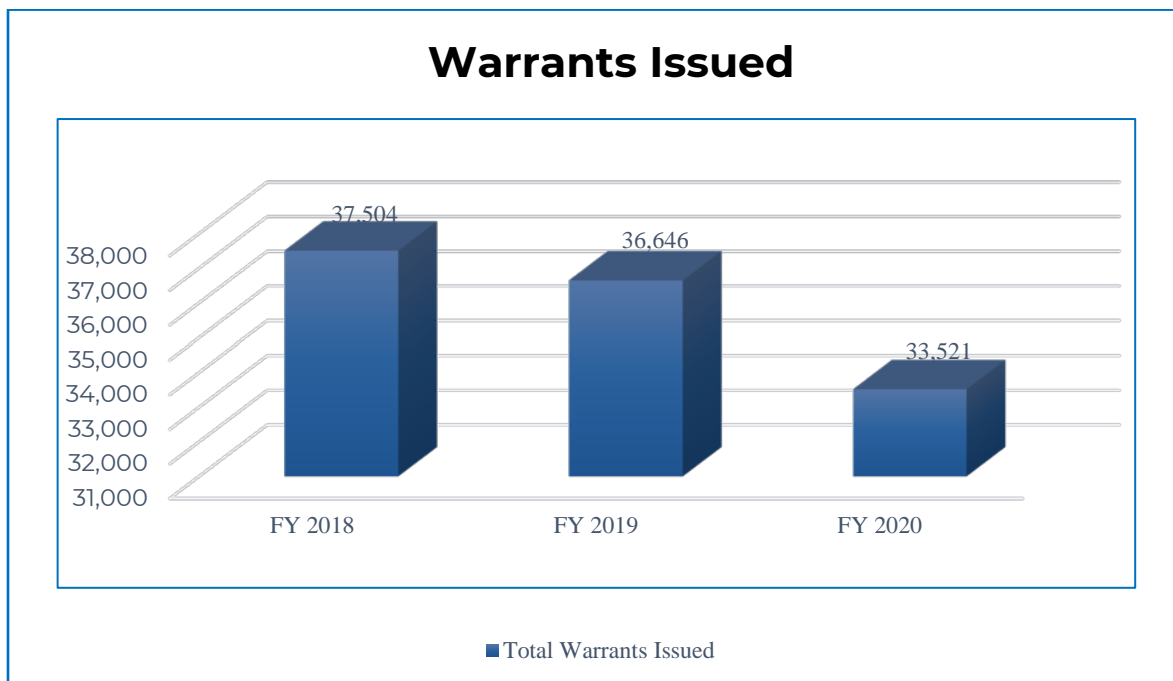
- The parole officer completes a violation report identifying all administrative violations of rules and conditions of release and/or pending criminal charges.
- The violation report routes through a review and approval process, which includes a unit supervisor and/or a parole supervisor, and a region warrant specialist who makes the final determination of warrant issuance, summons to a revocation hearing or impose alternate sanctions through the use of interventions.
- Texas Government Code 508.251 allows the PD to issue a summons in lieu of pre-revocation warrant for eligible offenders, which allows the pre-revocation hearings to be conducted while the offender remains in the community.

The PD may withdraw a warrant and take an alternative intervention any time prior to scheduling a revocation hearing based on additional information obtained during an investigation. When sufficient information is obtained during the investigation to support the allegations, the offender will continue through the revocation process. Those offenders with new criminal charges will proceed through the revocation process pending the adjudication of charges.



Parole Revocation Warrant Procedure

During Fiscal Year (FY) 2020, there were 33,521 new parole warrants published with Texas Law Enforcement Telecommunicating System (TLETS) in FY 2020, of which 8,030 warrants were due to new criminal charges. Additionally, there were 29,307 offenders apprehended on parole warrants and 29,216 parole warrant withdrawals. However, warrants executed and withdrawn are tracked based on the overall outstanding parole warrants published regardless of the origination year.



Warrant Notification

Warrants issued by the PD are published in the National Crime Information Center and the Texas Crime Information Center which is available to all law enforcement nationwide. In addition, when a warrant is issued on a high risk offender (Super Intensive Supervision Program or Sex Offender) a regional broadcast is sent through the TLETS notifying all law enforcement with a mnemonic within a specific region that a warrant has been issued. The regions are established by the Texas Department of Public Safety and the regional broadcast is determined by the offender's last residence. The PD works synergistically with the Office of the Inspector General and their fugitive apprehension program to identify and target parole absconders with a history of violent crimes.



Parole Revocation Warrant Procedure

Revocation Process

The revocation process is initiated upon notification of an offender's arrest. The Texas Government Code 508.282 establishes a time frame of 41 days to complete the revocation process, for those arrested on administrative violations and those with adjudicated law violations and which the sheriff has provided notification to the department. The time frames listed below are outlined in PD policy and reflect the procedures employed by the division and the BPP to process an offender through the revocation process to meet the requirements of Government Code 508.282:

- The parole officer has five calendar days from arrest (warrant execution) to conduct a pre-revocation interview; at which time, the parole officer reads rights to the offender and advises the offender of the allegations. Eligible offenders are advised of their right to waive a revocation hearing at the time of pre-revocation interview. This can be completed virtually if equipment is available in the jail in accordance with COVID-19 protocols.
- The parole officer has one calendar day from the date of the interview to request a revocation hearing date. If the offender waives the hearing, the revocation information is forwarded to the BPP.
- The BPP schedules the revocation hearing within one business day of the request; it is scheduled no earlier than six calendar days and no later than 14 calendar days from the request. This allows for the following to occur:
 - The offender to identify any witnesses who need to be subpoenaed.
 - Attorney to be appointed, if needed.
 - The subpoena to be generated and delivered; and
 - The parole officer to provide a copy of all documents they are presenting at the revocation hearing to the offender/attorney five calendar days prior to the hearing date.
- The BPP's hearing officer must submit the hearing report to the BPP analyst for their review and recommendation within four business days. The analyst submits the hearing report to the BPP Panel for voting. This can be completed virtually if equipment is available in the jail in accordance with COVID-19 protocols.



Parole Revocation Warrant Procedure

Upon BPP final decision, the parole officer is required to notify the offender of results and complete the following within five business days:

- If BPP action decision is “Continue Supervision” the parole officer shall secure a residence and request to withdraw parole warrant.
- If BPP action decision is placement in a “Intermediate Sanction Facility” (ISF) or “Substance Abuse Felony Punishment Facility” (SAFP) the parole officer shall submit a transfer packet to the Regional Intermediate Sanction Facility Coordinator to assist in unit transport arrangements.
- If BPP action decision is “Revoke” the parole officer shall provide a copy of the Revocation Warrant to the holding facility.

