BOARD DIRECTIVE

SUBJECT: ACTION UPON REVIEW – APPROVAL

PURPOSE: To establish procedures for the board panel or parole panel to reconsider a further investigation parole vote.

AUTHORITY: Texas Government Code §§508.0441, 508.045, 508.046, 508.141(g), 508.152; Texas Administrative Code Title 37, Part 5, Chapter 145, Section 145.12 and Section 145.15; Board Policy BPP-POL. 145.200 and BPP-POL. 145.201

DISCUSSION: This directive will provide a procedure for reconsidering a parole approval vote when an inmate is ineligible to participate in a required program, refuses to participate in a required program, completes the required program prior to the specified future release date or when a different program is recommended.

DEFINITIONS: Board Panel - full board panel which is authorized to vote cases pursuant to Texas Government Code Section 508.046 Extraordinary Vote Required.

Parole Panel - one board member and two parole commissioners designated by the Presiding Officer (Chair) to vote cases pursuant to Section 508.045 of the Texas Government Code.

Specified Future Release Date - refers to the "specified release date" as defined in Sections 145.12 and 145.15 of the Texas Administrative Code Title 37, Part 5, Chapter 145.

PROCEDURES:

I.   Extraordinary Vote

     A.   When the board panel (board) reviews an extraordinary vote case and determines that the totality of the circumstances favor the offender's release on parole, the board may vote FI (further investigation) pursuant to Texas Administrative Code Section 145.15.

     B.   Voting Options - the board may vote FI-1, which orders the release of the offender when eligible, FI-4R, FI-9R or FI-18R which requires the offender to participate in and complete a designated Texas Department of Criminal Justice (TDCJ), Rehabilitation Division or Windham School District program consistent with the vote type prior to their release on a specified future release date.

II.   Regular Vote

    A.   When the parole panel (panel) reviews a regular vote case and determines that the totality of the circumstances favor the offender's release on parole, the panel may vote FI (further investigation) pursuant to Texas Administrative Code Section 145.12.

    B.   Voting Options

        1.   The panel may vote FI-1 which orders the release of the offender when eligible; or FI-2 which orders the release on a specified future release date.

        2.   If the panel determines the offender needs treatment prior to their release, the parole panel may vote FI-3R, FI-4R, FI-5, FI-6, FI-6R, FI-7R, FI-9R or FI-18R which requires the offender to participate in and complete a designated Texas Department of Criminal Justice (TDCJ), Rehabilitation Division or Windham School District program consistent with the vote type prior to their release on a specified future release date.

III.   Specified Future Release Date - The board and panel shall establish a reasonable specified future release date.

    A.   The specified release date will consider the following:

        1.   The length of the program.

        2.   A designated period of time for the TDCJ to place the offender in the program. For FI-3R, the panel shall allow a minimum of one month for placement.

        3.   A designated period of time for the TDCJ, the board and/or panel to comply with the statutory requirements to release the offender to the community after successfully completing the program.

    B.   The designated period of time to release the offender may include, but is not limited to, the TDCJ's verification of sentence time calculation for release eligibility; and the board or panel approving the offender's county of residence and imposing any additional appropriate special conditions of release.

IV.   Transmittals - When the Texas Department of Criminal Justice (TDCJ) becomes aware of one of the following circumstances, the TDCJ will immediately forward a transmittal to the board or the original panel to reconsider their FI vote pursuant to Texas Administrative Code Section 145.16.

    A.   <u>Ineligible to Participate</u> - An offender may be ineligible to participate in the program recommended by the panel:

        1.   Due to classification resulting from disciplinary actions,

        2.   Due to medical reasons which are verified by TDCJ Health Services, or

3.   The offender is not able to complete the program prior to his specified future release date.

Windham School District programs - An offender's enrollment in a Windham School District educational or vocational training program does not disqualify the offender from participating in the specified treatment program designated by the board or panel.

B.   Different Program Recommended - The TDCJ Rehabilitation program manager may recommend that the offender participate in a different program than the one designated by the board or panel.

C.   Program Refusal - An offender may initially agree to participate and later refuses to participate in a program or initially refuses to participate in the program.

D.   Program Termination - An offender may be eligible and placed in the program but due to unforeseen circumstances, is removed from the program. An offender may be removed:

1.   Due to medical reasons which are verified by TDCJ Health Services, or

2.   Due to a release on a bench warrant, or

3.   Due to an active detainer for a new offense from county or federal law enforcement.

E.   Program Completion Prior to Future Release Date - An offender may complete the program prior to the specified future release date.

F.   Program Completion Prior to FI-R Vote - The board or panel may designate a treatment program for which it is later determined the offender already completed during the two years prior to the board or panel vote.

V.   If the original panel member is no longer a part of the board, the Chair shall designate an alternate panel member to vote the case.

SIGNED THIS, THE 8th DAY OF OCTOBER, 2013.

RISSIE OWENS, PRESIDING OFFICER (CHAIR)

* Signature on file.