

- **ATTORNEY** provides counsel to the offender, examines witnesses, and addresses each allegation in defense of the offender.
- **WITNESSES** attend hearings to testify regarding any facts of which they have personal knowledge about the allegation(s) during the offender's current period of supervision.
- **OBSERVERS** have no standing to offer any testimony or evidence in the hearing. They are not allowed to be disruptive to the proceeding. Although BPP pre-revocation hearings are public, with the exception of the offender, all other participants are guests in the facility and must comply with their security requirements and rules.

REOPENINGS

An offender has 60 days from the date of the decision to request a reopening of the case for any substantial error in the revocation process or upon newly discovered information. Requests submitted later than this deadline will not be considered unless exceptional circumstances exist, including but not limited to:

- judicial reversal conviction where the offense constituted an underlying factor in the initial revocation decision
- judicial order requiring a hearing
- initial revocation happened without opportunity for a hearing or waiver as required under law

Request for reopening must be in writing and delivered to the board or placed in the U.S. mail (certified, return receipt requested) and addressed to the Texas Board of Pardons and Paroles, General Counsel, 8610 Shoal Creek Boulevard, Austin, Texas 78757. Additional information regarding the parole revocation process can be accessed through the BPP site: <http://www.tdcj.state.tx.us/bpp>.



Texas Board of Pardons and Paroles
 P.O. Box 13401, Capitol Station
 Austin, Texas 78711



TEXAS BOARD OF PARDONS AND PAROLES

HEARING PROCESS

The administrative pre-revocation hearing process is designed for offenders who have allegedly violated their parole or mandatory supervision. If the supervising parole officer believes the offender has violated terms or conditions of release, a warrant or summons will be issued.



WAIVE PRELIMINARY, REVOCATION, OR BOTH HEARINGS

Once a warrant or summons has been issued and the offender has been detained, the parole officer determines whether or not to proceed to a hearing. If the parole officer decides to proceed, he interviews the offender to determine whether they want their hearing, or want to waive one or both hearings.

Some alleged violators are legally entitled to both a preliminary and a revocation hearing, and others are entitled to a revocation hearing only. If the offender waives the preliminary, revocation, or both hearings, the parole officer will forward the waiver, with attachments, to the parole panel for disposition. A parole panel analyst will review the waiver. If there is probable cause to believe a violation has occurred, the analyst may refer the case to a parole officer to schedule a revocation hearing; or may present the case to a parole panel for disposition. If there is a preponderance of credible evidence, the analyst presents the case to a parole panel for disposition.

TYPES OF ADMINISTRATIVE PRE-REVOCATION HEARINGS

Hearings are the offender's opportunity to address current violation(s) of parole or mandatory release which are being alleged by TDCJ-Parole Division. Evidence is presented by the parole officer and the offender regarding the current allegation(s) and

adjustment during the current period of release. An offender has a conditional limited right to a state appointed attorney or may retain one.

The purpose of a preliminary hearing is to determine whether probable cause exists when a law violation is alleged. In these cases, if probable cause is found, a second hearing, called a revocation hearing, may be held. In order for the Board to revoke an offender's parole or mandatory supervision, there must be an affirmative finding for at least one allegation at the revocation hearing. This finding at a revocation hearing is based upon a preponderance of credible evidence.

PRELIMINARY HEARING

If the hearing is not waived and an offender is entitled to a preliminary hearing, the parole officer will schedule the hearing and notify the offender of the scheduled date and time. A hearing officer will conduct the hearing and review all the evidence. A determination will be made as to whether there is probable cause to believe a violation has occurred. The probable cause determination will affect how the case proceeds.

If probable cause is found for at least one allegation, the hearing officer will decide if the case should proceed to a revocation hearing and afford the offender an opportunity to either be heard at the revocation hearing, or to waive the hearing. If the offender decides to have the hearing, typically the parole officer will be instructed to schedule a revocation hearing upon disposition of any pending charges. If a law violation is alleged, but no charges are pending, a date will generally be scheduled at the conclusion of the preliminary hearing and all parties will be notified at that time.

REVOCATION HEARING

If the revocation hearing is waived, the parole officer will forward the waiver to the parole panel. If the offender requests a hearing, and is not entitled to a preliminary hearing, the parole officer will schedule the revocation hearing and notify the offender of the scheduled date and time.

A hearing officer acts as the Board's designee in conducting the revocation hearing. The hearing officer reviews all evidence presented at the hearing to determine whether there is a preponderance of credible evidence to believe a violation has occurred. If it is determined that evidence exists regarding at least one condition of parole or mandatory supervision, the hearing officer will proceed to the second phase (mitigation phase) of the hearing.

Within a reasonable time after the hearing, the hearing officer forwards an electronic report summarizing the evidence received to the parole panel for final disposition. If revoked, the parole officer will provide the offender a copy of the report and notice of their right to request the hearing be reopened. The panel may also vote to return the offender to supervision, modify conditions of release, or place in a secured facility (ISF) for 60-90 days.

ROLES OF PARTICIPANTS

- **OFFENDER** is under no obligation to answer questions or provide information on any alleged violation. The offender may testify in their own behalf and present testimonial and written evidence. Offenders who chose to testify will be subject to cross-examination. They may have an attorney and request witnesses, through the parole officer, and ask questions of witnesses. They may object, make motions and raise concerns regarding procedures or evidence.
- **HEARING OFFICER** is employed by the board, and is responsible for conducting hearings. As a neutral and detached fact finder, they determine the relevant facts of the case and objectively summarize pertinent information in a report for the Board.
- **PAROLE OFFICER** works for TDCJ-Parole Division. They present the state's case regarding alleged violation(s), obtain and serve subpoenas for all witnesses, and notify all parties that are expected to testify. They also provide the offender and hearing officer with copies of all documents to be presented as evidence.