



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR.141.355

Date: March 9, 2017

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**Supersedes: BPP-DIR.141.355
Dated October 6, 2016**

BOARD DIRECTIVE

SUBJECT: OFFENDER PAROLE INTERVIEWS IF INCARCERATED FOR 20 CONSECUTIVE YEARS

PURPOSE: To provide procedures for the voting members to conduct interviews on offenders who have been incarcerated 20 consecutive years or more.

AUTHORITY: Texas Government Code Section 508.141(c)
Texas Administrative Code, Title 37, Part 5, Chapter 141, Subchapter E

DISCUSSION: Section 508.141 of the Texas Government Code provides that before releasing an inmate on parole, the panel may conduct an interview with the offender. The purpose of the interview is to provide the offender an opportunity to present information, make a statement(s) and provide document(s) to the voting member.

This interview is not a hearing and is not open to the public.

DEFINITIONS: Lead Voter - the member of the parole panel or Board Member designated to cast the first vote in the parole review process.

Unit of Assignment - the Texas Department of Criminal Justice Correctional Institutions Division (TDCJ CID) unit where the offender is currently located.

PROCEDURES:

- I. Initial Interview - Interviews will be conducted if an offender has been sentenced to TDCJ CID and has been in continuous custody, in any county, state or federal facility, for 20 consecutive years or more (has never been released on parole during that period) and:
 - A. has not been interviewed by a voting member during the last two parole reviews, or
 - B. this is the offender's initial parole review.

- II. Schedule, Conduct and Record of Interview - Prior to voting the case, the Lead Voter of the parole panel shall schedule and conduct an interview with the offender at the offender's unit of assignment. The Lead Voter will conduct an in-person interview, unless the offender is located more than 100 miles from the Lead Voter's designated headquarters. If the unit is more than 100 miles, the Lead Voter has the discretion to schedule the interview by videoconferencing as outlined in BPP-DIR.141.306 (Videoconferencing). Time and duration of the interview shall be established at the discretion of the Lead Voter.
- A. Extraordinary Vote - For cases that require an extraordinary vote, the Lead Voter is a board member. For all other cases, the Lead Voter may be a board member or parole commissioner.
 - B. Recusal – If the designated Lead Voter recuses him or herself prior to voting, whether or not an interview has been conducted, that voting member is no longer the Lead Voter for purposes of this Directive. When another voting member is designated as the Lead Voter after a recusal, a new offender interview will be conducted by the new Lead Voter.
 - C. Interview Not Required - This directive does not apply to offenders who are in disciplinary status, diagnosed by the medical staff with an intellectual disability or impairment, housed in administrative segregation determined to be a violent or considered dangerous as determined by TDCJ CID staff or offenders incarcerated in a FCI (Federal Correctional Institution).
 - D. Record - A record of the interview and any documents received from the offender during the interview shall be placed in the offender's file. The interview should be documented in the file on the minute sheet. In the event the lead voter has documented an interview on the minute sheet and then recused himself, the new Lead Voter will document the new offender interview on the minute sheet.
- III. Subsequent Interview – In any case where it has been five or more years since the initial 20 year interview was conducted, a subsequent interview will be conducted prior to voting the case.

SIGNED THIS, THE 9TH DAY OF MARCH, 2017.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

** Signature on file.*