



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 145.300

Date: October 20, 2021

Page: 1 of 4

Supersedes: January 17, 2020

BOARD DIRECTIVE

SUBJECT: ACTION UPON REVIEW – APPROVAL

PURPOSE: To establish procedures for the Texas Board of Pardons and Paroles to reconsider a further investigation parole vote.

AUTHORITY: Texas Government Code Sections 508.035(d) and 508.152
Board Policies BPP-POL.145.200 and BPP-POL.145.201

DISCUSSION: This directive will provide a procedure for the Texas Board of Pardons and Paroles (Board) to reconsider a parole approval vote when an offender 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: American with Disabilities Act (ADA) – a civil rights law that prohibits discrimination based on disability.

Full Board – the entire membership of the Texas Board of Pardons and Paroles, which is authorized to vote cases pursuant to Section 508.046 of the Texas Government Code.

Parole Panel – one Board Member and two Parole Commissioners designated by the Presiding Officer to vote cases pursuant to Section 508.045 of the Texas Government Code.

Specified Future Release Date – the “specified release date” as defined in Sections 145.12 and 145.15 of the Texas Administrative Code Title 37, Part 5, Chapter 145.

PROCEDURE:

I. Extraordinary Vote

- A. When the full Board reviews an extraordinary vote case and determines that the totality of the circumstances favor the offender’s release on parole, the full Board may vote Further Investigation (FI) pursuant to Texas Administrative Code Section 145.15.

- B. Voting Options – the full Board may vote FI-1, which orders the release of the offender when eligible, or FI-4R, FI-9R or FI-18R, which require 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 reviews a regular vote case and determines that the totality of the circumstances favor the offender’s release on parole, the parole panel may vote FI pursuant to Texas Administrative Code Section 145.12.
 - B. Voting Options
 - 1. The parole panel may vote FI-1, which orders the release of the offender when eligible, or FI-2, which orders the release of the offender on a specified future release date.
 - 2. If the parole panel determines that 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 require the offender to participate in and complete a designated 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 full Board or parole 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 TDCJ to place the offender in the program. For FI-3R, the parole panel shall allow a minimum of one month for placement unless the offender is currently enrolled in the program.
 - 3. A designated period of time for TDCJ and the full Board or parole 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, TDCJ’s verification of sentence time calculation for release eligibility, and the full Board or parole panel approving the offender’s county of residence and imposing any additional appropriate special conditions of release.
- IV. Transmittals – When TDCJ becomes aware of one of the following circumstances, TDCJ will immediately forward a transmittal to the full Board or the original parole panel to reconsider their FI vote pursuant to Texas Administrative Code Section 145.16.

- A. Ineligible to Participate – An offender may be ineligible to participate in the program recommended by the full Board or a parole panel due to:
1. Classification resulting from disciplinary actions;
 2. Medical reasons, based upon written verification from TDCJ Health Services, which prohibit the offender from participating in and completing the program;
 3. Qualified Disability, based upon written verification from TDCJ Rehabilitation Programs Division, for which TDCJ is unable to provide an accommodation for the offender to participate in or complete the program; or
 4. Inability to complete the program prior to their 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 full Board or parole panel.
- B. Different Program Recommended – The TDCJ Rehabilitation Programs Division Manager may recommend that the offender participate in a different program than the one designated by the full Board or parole panel.
- C. Program Refusal – An offender may initially agree to participate in the program but later refuse or may initially refuse 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 due to:
1. Medical reasons for which TDCJ Health Services has provided written verification;
 2. A release on a bench warrant; or
 3. 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 – An offender has completed the treatment program designated by the full Board or parole panel during the two years prior to the full Board or parole panel vote.

V. Transmittal Vote

- A. Upon review of the transmittal, the full Board or the parole panel may vote to remain set or withdraw the previous FI vote and vote one of the extraordinary voting options in Board Policy 145.200 or one of the regular voting options in Board Policy 145.201.
- B. If the offender is ineligible to participate in the treatment program due to an ADA qualified disability or a medical reason, the full Board or the parole panel may vote another FI vote or remain set until the offender is able to participate in the treatment program. And, it should be noted that under these circumstances, the full Board or a parole panel may not vote NR.

- VI. If the original Board or parole panel member is no longer a part of the Board, the Presiding Officer shall designate an alternate Board or parole panel member to vote the case.

SIGNED THIS, THE 20th DAY OF OCTOBER, 2021.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*