



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.208

Date: January 21, 2021

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Supersedes: January 16, 2020

BOARD POLICY

SUBJECT: INITIAL REVIEW

PURPOSE: To establish a policy regarding the initial review of all offenders who are eligible to be released on parole.

AUTHORITY: Texas Government Code Section 508.152

POLICY: The initial review process represents a cooperative effort between TDCJ and the Board. No later than the 180th day after the date of the offender's admission to the TDCJ Correctional Institutions Division (CID), the Board shall identify the classes or programs listed in the Individual Treatment Plan (ITP) as the classes or programs the Board intends to require the offender to complete before releasing the offender on parole. TDCJ shall notify the offender of the classes and programs in the ITP.

The offender's successful completion of the ITP classes and programs does not imply a right to or expectation of release on parole.

DISCUSSION: The Texas Board of Pardons and Paroles (Board) determines which offenders are to be released on parole or mandatory supervision. Except in special circumstances, Board Members and Parole Commissioners act in panels comprised of three persons, and panel decisions are made by majority vote. The Presiding Officer designates the composition of the parole panels. If the Board or parole panel determines an offender should be released on parole, there are several available voting options that may be utilized, which include requiring an offender to participate and successfully complete a Texas Department of Criminal Justice (TDCJ) treatment program.

DEFINITIONS: Individual Treatment Plan – a plan established by TDCJ for each offender which includes the following:

1. a record of the offender's institutional progress that includes the offender's participation in any program, and/or an intensive volunteer program as defined by TDCJ;

2. a record of the offender's institutional progress that includes the offender's participation in any program, and/or an intensive volunteer program as defined by TDCJ;
3. the results of any assessment of the offender, including any assessment made using the risk and needs assessment instrument adopted under Section 501.0921, Government Code, and any vocational, educational, or substance abuse assessment;
4. the dates on which the offender must participate in any subsequent assessment; and
5. all of the treatment and programming needs of the offender, prioritized based on the offender's needs.

PROCEDURE:

I. Initial Review

- A. The Board shall notify the offender of the Board's intent for the offender to complete the list of classes or programs listed in the ITP through the TDCJ Correctional Institutions Division (CID) Unit Classification Committee meeting.
- B. TDCJ shall notify the offender:
 1. of the requirement to participate in and complete the classes or programs listed in the ITP before being released on parole; and
 2. that the refusal to attend or fully participate in the classes or programs listed in the ITP may be considered by the Board.

II. Initial Parole Review – when the offender becomes eligible for parole, the Board or parole panel shall review the ITP.

- A. **Successful Completion –** if the offender has successfully completed the classes or programs identified in the ITP, the Board or parole panel shall exercise discretion in determining whether or not the offender should be released on parole.
- B. **Unsuccessful Completion or Not Enrolled –** if the offender fails to successfully complete or is not enrolled in the classes or programs in the ITP, the Board or parole panel shall exercise discretion in determining whether the offender should be released on parole or remain in TDCJ CID pending successful completion of the identified classes or programs.

- C. Refusal to Participate – if the offender refuses to complete the classes or programs in the ITP, per TDCJ policy, the offender will execute the appropriate TDCJ Refusal to Participate in Treatment Program form. Upon receipt of the form, the Board or parole panel shall consider the offender’s refusal to participate when determining whether or not the offender should be released on parole.

- III. Subsequent Parole Review – when the offender becomes eligible to be reviewed after an initial parole denial, the Board or parole panel shall review the ITP before exercising discretion in determining whether the offender should be released on parole.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 21ST DAY OF JANUARY, 2021.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*