

TEXAS BOARD OF PARDONS AND PAROLES



Parole Guidelines Annual Report

Fiscal Year 2013

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Texas Board of Pardons and Paroles

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In accordance with Section 508.1445, Government Code, the Board annually shall submit a report to the Criminal Justice Legislative Oversight Committee, the Lieutenant Governor, the Speaker of the House of Representatives, and the presiding officers of the standing committees in the Senate and House of Representatives primarily responsible for criminal justice regarding the Board's application of the parole guidelines adopted under Section 508.1445.

April 2014

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MISSION STATEMENT

THE MISSION OF THE TEXAS BOARD OF PARDONS AND PAROLES is to perform its duties as imposed by Article IV, Section 11, of the Texas Constitution and:

- Determine which prisoners are to be released on parole or discretionary mandatory supervision;
- Determine conditions of parole and mandatory supervision;
- Determine revocation of parole and mandatory supervision; and,
- Recommend the resolution of clemency matters to the Governor.

VISION STATEMENT

THE TEXAS BOARD OF PARDONS AND PAROLES, guided by sound application of the discretionary authority vested by the Constitution of the State of Texas, shall:

- Render just determination in regard to parole release and revocations, thereby maximizing the restoration of human potential while restraining the growth of prison and jail populations;
- Impose reasonable and prudent conditions of release consistent with the goal of structured reintegration of the offender into the community; and,
- Resolutely administer the clemency process with recommendation to the Governor fully commensurate with public safety and due consideration.

PAROLE GUIDELINES OVERVIEW

Parole Guidelines are tools to assist parole panel members in making discretionary parole release decisions. Guidelines provide a framework for more consistent voting across parole panels.

The Texas Board of Pardons and Paroles guidelines combine a research-based risk assessment of the offender with a measurement of the severity of the offense. The risk assessment measures the likelihood of an offender to have a successful parole. It uses both an offender's historical (static) information and current (dynamic) situation.

The assessed level of risk combines with the offense severity ranking to create a Parole Guidelines Score. The score ranges from one to seven -- one indicates the poorest probability, and seven the greatest, for success on parole.

While the score provides a measurement for parole panel consideration, the guidelines do not produce a precise recommendation to either deny or grant parole.

Security Response Technologies, Inc., the consulting firm contracted to assist the Board in developing guidelines in 2001, stated that "to have a so called 'presumptive' grant rate for each case would neither be practical nor desirable for a system that is designed to provide guidance and not certainty to each reviewed case."

In addition to the Parole Guidelines, a parole panel will consider additional information in making parole decisions. Board members and parole commissioners also consider such information as plea bargains, victim statements, protests from trial officials (judges, district attorneys, sheriffs and police chiefs), and letters of support.

While the Board seeks to maximize the state's ability to restore human potential to society through the granting of parole, its first priority always is public safety.

HISTORY OF TEXAS PAROLE GUIDELINES

Prior to 1983, parole and executive clemency required positive actions by both the Board of Pardons and Paroles and the Governor before relief could be given to an offender. The 68th Legislature brought changes.

Article IV, Section 11 of the Texas Constitution was amended to remove the Governor from the parole process and make the Board of Pardons and Paroles the final parole authority in Texas. Senate Bill 396 designated the Board as a statutory agency with exclusive authority to approve parole. It also gave the Board authority to revoke paroles and issue warrants for the arrest of those who violate the conditions of parole.

At that time, the Board used Salient and Significant Factor Score sheets when making parole decisions. The Salient Factor score sought to classify parole candidates according to the likelihood for succeeding under parole supervision. The Significant Factor reflected the seriousness of the offense committed.

In 1983, the Board adopted the PABLO Scale to aid members in applying similar criteria to parole decisions. The scale calculated the risk of releasing an offender by evaluating the offender's rating on 20 variables, which included criminal history, juvenile history, substance abuse history, age at the time of the offense, education, etc.

In 1985, the Legislature mandated that the Board incorporate Parole Guidelines, with minimum release criteria, into parole decision-making. Based on research, the guidelines were to consider the seriousness of the offense and the likelihood of a favorable parole outcome.

In 1987, the Board combined the PABLO Scale with Parole Guidelines that measured parole risks to set a parole risk score.

The risk factors consisted of nine variables shown to be associated with recidivism (number of prior convictions, number of prior incarcerations, age at first incarceration, commitment offense, number of prior parole or probation violations, history of alcohol/drug dependence, employment history, level of education and release plan).

The offender's most severe current offense was assigned one of four severity levels (highest, high, medium, and low). Time served was used to adjust the risk and offense severity score. Based on the score, the Board would set a tentative parole date that still could be overridden by the Board at its discretion. However, the reasons for overrides had to conform to a limited set of factors established by the Board.

In 1993, the 73rd Legislature directed the Criminal Justice Policy Council (CJPC) to report "at least annually to the Legislative Criminal Justice Board, the Texas Board of Criminal Justice and the Texas Board of Pardons and Paroles on the use of the Parole Guidelines by each member of the Board in making parole decisions."

After conducting a study of guideline usage, CJPC recommended in 1996 that revised guidelines be developed to ensure that the criteria reflect Board policy, are applied in a consistent manner to all candidates for parole (reliable), and are predictive of risk to public safety (valid).

Reliability is a measure of the consistency of institutional parole officers in extracting and presenting the same data to the Board for consideration in parole decisions. Validity is a measure of risk factors to accurately predict whether a candidate is a good, moderate or poor risk to succeed on parole. Parole Guidelines accomplish these two objectives by developing scoring instruments that use well-defined measures of risk that correlate with post-release success.

In 1998, the Board applied to the National Institute of Corrections (NIC) for technical assistance in developing Parole Guidelines that would provide both reliability and validity.

NIC agreed to an initial site visit and assessment. NIC reported that "...to simply update existing guidelines will not increase the viability or effectiveness of the Board's case decision making and would not bring Texas in line with new approaches that have been successful in other jurisdictions. A fundamental re-examination and redesign is required."

In 1999, the Board contracted with Security Response Technologies, Inc., for an 18-month, three-phase project:

- I - a comprehensive review of the Board's current practices as well as those of other states in using parole guidelines.
- II - a validation test of existing guidelines, along with an evaluation of other selected factors to be used in assessing risk.
- III - training of Board members, parole commissioners and institutional parole officers in using the new guidelines.

In 2001, the Board began using the new Parole Guidelines to assist in making parole decisions.

In 2006, the Board requested a voting pattern analysis on DWI offender cases. Dr. James Austin, NIC consultant, presented a report based on data revalidating the Board's Parole Guidelines and risk analysis.

In 2009, the Board adopted his report, modifying and updating the Parole Guidelines. Additionally, Austin revised instructions for completing the risk assessment, created a new Supplemental DWI Risk Assessment Factors and Scale and trained staff.

In 2010, the Board selected MGT of America, Inc., to perform research and make recommendations for updating the Parole Guidelines.

The 18-month initiative researched data on domestic violence, gender (female) differences or security threat group considerations.

In 2012, the consultant recommended no changes in factors involving domestic violence and security threat groups. The major change was to separate risk scales by gender, which the Board adopted. The Board continues to assess and review the guidelines through its Parole Guidelines Committee, chaired by Board Member Juanita Gonzalez.

COMPONENTS OF THE GUIDELINES

The Parole Guidelines consist of two major components that interact to provide a single score.

The Risk Assessment Instrument weighs both static and dynamic factors associated with the offender's record.

The Offense Severity Class is the second component.

RISK ASSESSMENT INSTRUMENT

Static factors come from the offender's prior criminal record, which do not change over time.

Static factors include:

- Age at first commitment to a juvenile or adult correctional facility,
- Prior incarcerations,
- History of supervisory release revocations for felony offenses,
- Employment history, and
- The commitment offense.

Dynamic factors reflect characteristics the offender has demonstrated since being incarcerated, and can change over time.

Dynamic factors include:

- Current age,
- Whether the offender is a confirmed security threat group (gang) member,
- Education, vocational and certified on-the-job training programs completed during the present incarceration,
- Prison disciplinary conduct, and
- Current prison custody level.

An offender receives 0-10 points on static factors and 0-9 points on dynamic factors. A low score is associated with low risk. The higher the score, the greater the risk in granting parole.

The re-validation study completed in 2012 determined the need for a separate risk scale for males and females.

SCORE ASSIGNED RISK LEVEL		
Based on total of static and dynamic factor points, risk level assigned to offender should be determined below:		
	MALE (POINTS)	FEMALE (POINTS)
Low Risk	3 or less	3 or less
Moderate Risk	4-8	4-9
High Risk	9-15	10+
Highest Risk	16+	N/A

OFFENSE SEVERITY CLASS

The Board has assigned an offense severity ranking to each of the 2,623 felony offenses in the Statutory Codes.

Offense Severity classes range from Low, for non-violent crimes such as credit card abuse, to Highest for capital murder.

For each assessment, the offender's most serious active offense is assigned an Offense Severity Class according to the established list.

The Parole Guidelines Committee of the Board continually reviews current offenses for possible reranking and new offenses for appropriate ranking.

THE PAROLE GUIDELINES SCORE

The two components of the guidelines – Risk Assessment and Offense Severity -- are merged into a matrix that creates the offender’s Parole Guidelines Score (at the intersection of risk level and offense severity in the diagrams below). Separate risk scales have been developed for male and female offenders.

Parole Guidelines Scores range from one, for an individual with the poorest probability for success, to seven for an offender with the greatest probability for successfully discharging their sentence on parole without returning to prison.

The guidelines are neither automatic nor presumptive of whether an offender will receive parole. Parole panel members retain the discretion to vote outside the guidelines when circumstances of an individual case merit doing so.

Offense Severity Class	MALE RISK LEVEL				FEMALE RISK LEVEL		
	Highest (16)	High (9-15)	Moderate (4-8)	Low (3 or less)	High (10+)	Moderate (4-9)	Low (3 or less)
Highest	1	2	2	3	2	2	3
High	2	3	4	4	3	4	4
Moderate	2	4	5	6	4	5	6
Low	3	4	6	7	4	6	7

ACTUAL APPROVAL RATES FY 2013

GUIDELINES LEVEL STATEWIDE

GUIDELINE LEVEL	CASES CONSIDERED	CASES APPROVED	APPROVAL RATE
1	29	5	17.24%
2	8,801	2,288	26.00%
3	7,778	2,651	34.08%
4	23,099	6,276	27.17%
5	19,737	7,304	37.01%
6	14,119	6,737	47.72%
7	4,053	2,813	69.41%
TOTAL	77,616	28,074	36.17%

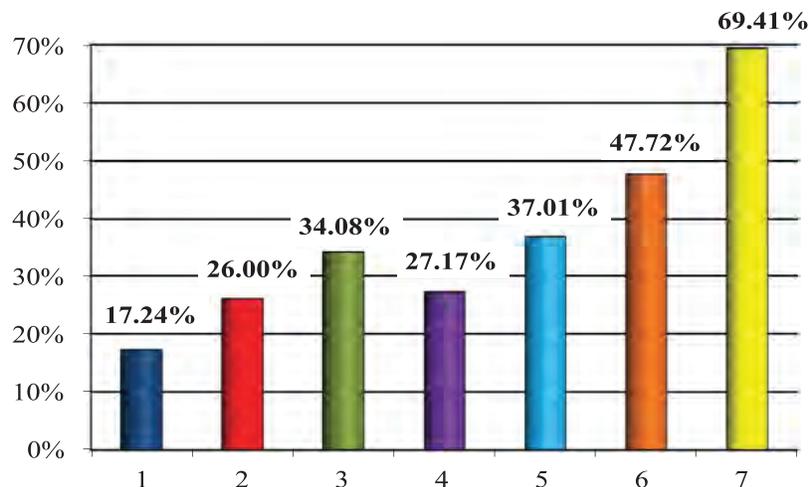
- Total Parole Considerations in FY 2013 were 77,619, with three MRIS cases considered and approved without a guidelines score.

Board Members and Parole Commissioners vote cases daily. Approval rates, with recommended rates by guideline level, are available monthly, which means that, while voting cases, panel members are unaware of the aggregate approval rate to determine whether they are voting within the range of the recommended approval rate.

The parole panel member provides approval and denial reasons for all votes.

A Notice of Parole Panel Action letter is generated with a detailed written statement explaining the denial reason(s) specific to each case. The institutional parole officer delivers a copy of the notice to the offender.

APPROVAL RATE BY GUIDELINE LEVEL



GUIDELINES LEVEL BY BOARD MEMBER/PAROLE COMMISSIONER GROUPED BY BOARD OFFICE

The Board annually reports Parole Guideline votes statewide and by individual Board Member and Parole Commissioner. The statutory requirements for this report pertaining to regional offices are displayed in the following charts grouped by Board office.

Vacancies and new parole panel voters are noted in footnotes. Occasionally a Board Member or Parole Commissioner is out of the office for an extended period of time and a panel member from another office will vote cases in their absence.

AMARILLO BOARD OFFICE

James LaFavers

LEVEL	CON	APP	APP RATE
1	11	3	27.27%
2	1,840	648	35.22%
3	2,164	1,111	51.34%
4	3,831	1,456	38.01%
5	2,381	856	35.95%
6	1,597	641	40.14%
7	459	299	65.14%
TOTAL	12,283	5,014	40.82%

Charles Shipman

LEVEL	CON	APP	APP RATE
1	3	0	0.00%
2	1,253	163	13.01%
3	866	138	15.94%
4	2,831	521	18.40%
5	2,314	695	30.03%
6	1,644	647	39.36%
7	445	246	55.28%
TOTAL	9,356	2,410	25.76%

Marsha Moberley

LEVEL	CON	APP	APP RATE
1	2	0	0.00%
2	1,248	294	23.56%
3	840	239	28.45%
4	2,763	718	25.99%
5	2,310	970	41.99%
6	1,595	796	49.91%
7	430	343	79.77%
TOTAL	9,188	3,360	36.57%

ANGLETON BOARD OFFICE

Conrith Davis *

LEVEL	CON	APP	APP RATE
1	7	4	57.14%
2	866	344	39.72%
3	1,301	736	56.57%
4	2,028	798	39.35%
5	1,102	329	29.85%
6	875	385	44.00%
7	233	153	65.67%
TOTAL	6,412	2,749	42.87%

Tauss, Cynthia *

LEVEL	CON	APP	APP RATE
1	0	0	0.00%
2	344	95	27.62%
3	377	125	33.16%
4	1,046	338	32.31%
5	790	348	44.05%
6	511	254	49.71%
7	121	48	39.67%
TOTAL	3,189	1,208	37.88%

Lynn Ruzicka

LEVEL	CON	APP	APP RATE
1	2	1	50.00%
2	785	280	35.67%
3	596	240	40.27%
4	2,349	741	31.55%
5	2,062	881	42.73%
6	1,559	830	53.24%
7	466	353	75.75%
TOTAL	7,819	3,326	42.54%

Fred Rangel

LEVEL	CON	APP	APP RATE
1	0	0	0.00%
2	831	254	30.57%
3	582	214	36.77%
4	2,396	570	23.79%
5	2,105	774	36.77%
6	1,552	785	50.58%
7	462	337	72.94%
TOTAL	7,928	2,934	37.01%

* Cynthia Tauss was appointed to the Board by Governor Rick Perry on February 25, 2013, succeeding Conrith Davis.

GATESVILLE BOARD OFFICE

David Gutiérrez

LEVEL	CON	APP	APP RATE
1	8	3	37.50%
2	1,081	406	37.56%
3	1,818	976	53.69%
4	2,786	1,145	41.10%
5	2,098	696	33.17%
6	1,965	893	45.45%
7	650	467	71.85%
TOTAL	10,406	4,586	44.07%

Elvis Hightower

LEVEL	CON	APP	APP RATE
1	2	0	0.00%
2	621	209	33.66%
3	696	295	42.39%
4	2,072	673	32.48%
5	2,190	831	37.95%
6	1,953	980	50.18%
7	627	480	76.56%
TOTAL	8,161	3,468	42.49%

Trent Marshall *

LEVEL	CON	APP	APP RATE
1	1	1	100.00%
2	121	36	29.75%
3	119	45	37.82%
4	391	108	27.62%
5	441	142	32.20%
6	379	177	46.70%
7	128	91	71.09%
TOTAL	1,580	600	37.97%

Troy Fox *

LEVEL	CON	APP	APP RATE
1	1	0	0.00%
2	800	227	28.38%
3	769	258	33.55%
4	2,453	777	31.68%
5	2,577	933	36.20%
6	2,182	963	44.13%
7	660	428	64.85%
TOTAL	9,442	3,586	37.98%

* Troy Fox moved from the San Antonio Board Office on October 31, 2012, succeeding Trent Marshall.

HUNTSVILLE BOARD OFFICE

Roman Chavez *

LEVEL	CON	APP	APP RATE
1	2	0	0.00%
2	406	88	21.67%
3	447	106	23.71%
4	1,195	279	23.35%
5	861	229	26.60%
6	514	193	37.55%
7	97	36	37.11%
TOTAL	3,522	931	26.43%

Thomas Leeper *

LEVEL	CON	APP	APP RATE
1	8	3	37.50%
2	983	397	40.39%
3	1,362	814	59.77%
4	2,217	1,009	45.51%
5	1,154	454	39.34%
6	774	388	50.13%
7	173	143	82.66%
TOTAL	6,671	3,208	48.09%

Tony Garcia

LEVEL	CON	APP	APP RATE
1	3	0	0.00%
2	1,148	279	24.30%
3	918	257	28.00%
4	2,868	743	25.91%
5	2,171	784	36.11%
6	1,480	674	45.54%
7	324	214	66.05%
TOTAL	8,912	2,951	33.11%

Pamela Freeman

LEVEL	CON	APP	APP RATE
1	2	0	0.00%
2	1,063	292	27.47%
3	893	250	28.00%
4	2,662	684	25.69%
5	2,084	842	40.40%
6	1,379	613	44.45%
7	317	161	50.79%
TOTAL	8,400	2,842	33.83%

* Roman Chavez was appointed to the Board by Governor Rick Perry on February 25, 2013, succeeding Thomas Leeper.

PALESTINE BOARD OFFICE

Michelle Skyrme

LEVEL	CON	APP	APP RATE
1	9	3	33.33%
2	1,430	503	35.17%
3	1,834	972	53.00%
4	3,472	1,184	34.10%
5	2,260	713	31.55%
6	1,467	613	41.79%
7	489	226	46.22%
TOTAL	10,961	4,214	38.45%

Paul Kiel

LEVEL	CON	APP	APP RATE
1	4	0	0.00%
2	1,117	257	23.01%
3	839	256	30.51%
4	3,145	781	24.83%
5	2,568	1,058	41.20%
6	1,745	975	55.87%
7	641	521	81.28%
TOTAL	10,059	3,848	38.25%

James Hensarling

LEVEL	CON	APP	APP RATE
1	3	0	0.00%
2	1,046	275	26.29%
3	785	266	33.89%
4	3,046	897	29.45%
5	2,587	1,102	42.60%
6	1,730	986	56.99%
7	620	496	80.00%
TOTAL	9,817	4,022	40.97%

SAN ANTONIO BOARD OFFICE

Juanita González

LEVEL	CON	APP	APP RATE
1	7	4	57.14%
2	1,542	547	35.47%
3	1,966	1,015	51.63%
4	3,567	1,408	39.47%
5	2,689	1,060	39.42%
6	1,777	884	49.75%
7	492	300	60.98%
TOTAL	12,040	5,218	43.34%

Charles Speier

LEVEL	CON	APP	APP RATE
1	1	1	100.00%
2	740	202	27.30%
3	534	170	31.84%
4	2,031	556	27.38%
5	2,159	852	39.46%
6	1,439	694	48.23%
7	393	219	55.73%
TOTAL	7,297	2,694	36.92%

Anthony Ramirez *

LEVEL	CON	APP	APP RATE
1	0	0	0.00%
2	501	104	20.76%
3	337	96	28.49%
4	1,507	381	25.28%
5	1,692	606	35.82%
6	1,071	521	48.65%
7	317	185	58.36%
TOTAL	5,425	1,893	34.89%

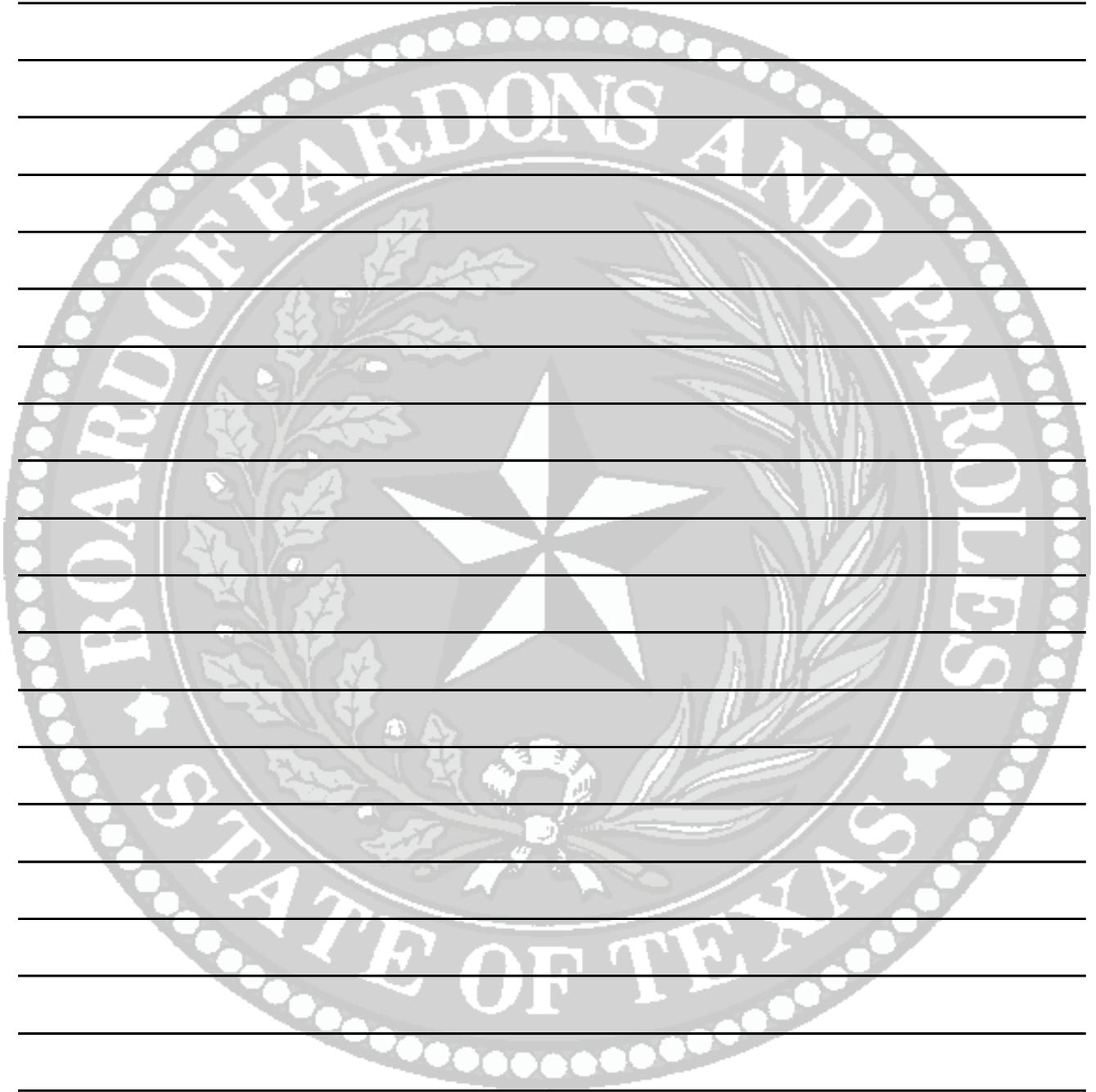
* Anthony Ramirez began serving as a Parole Commissioner on December 10, 2012.

THE CHAIR'S VOTE

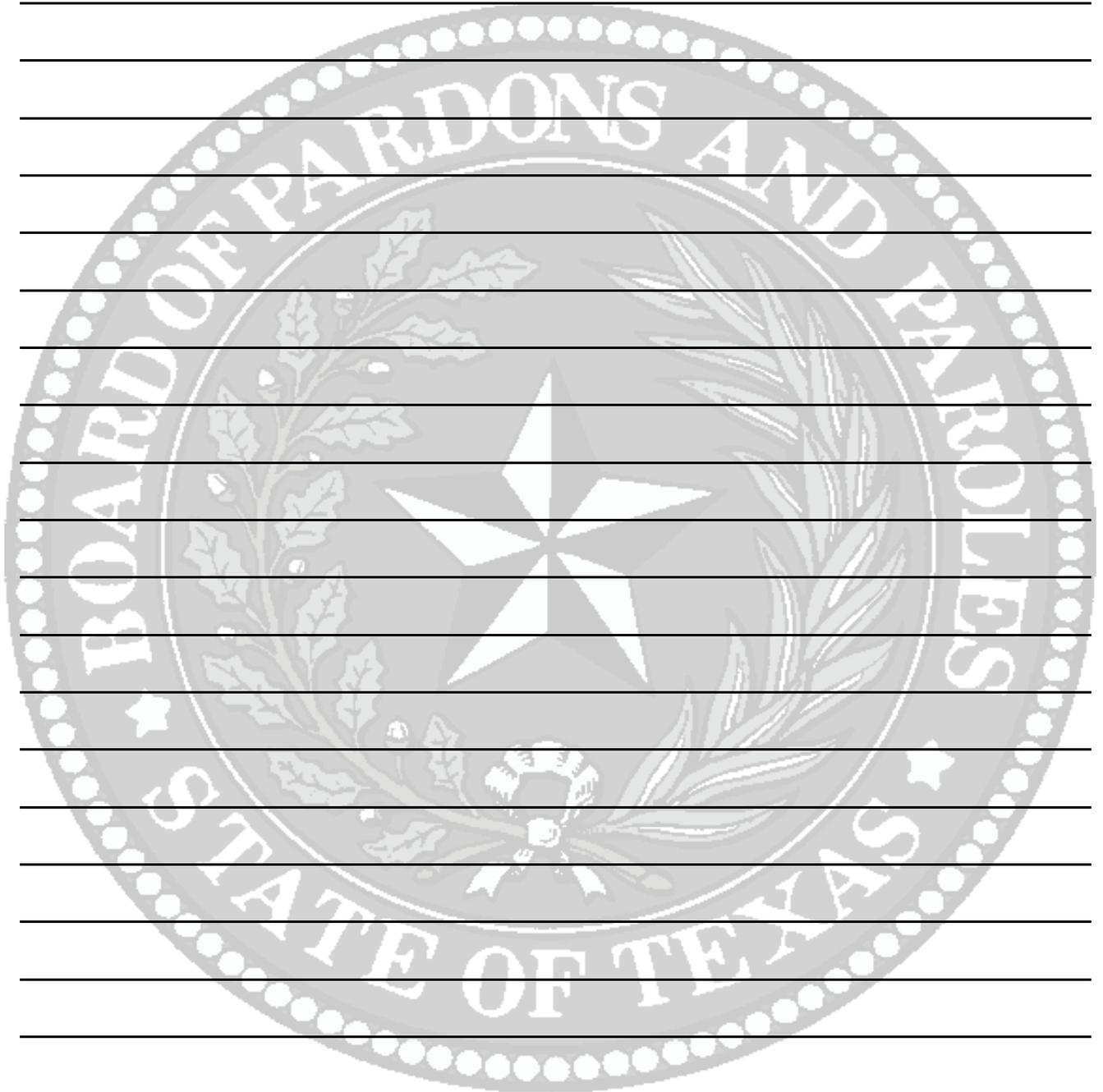
Rissie Owens, Chair

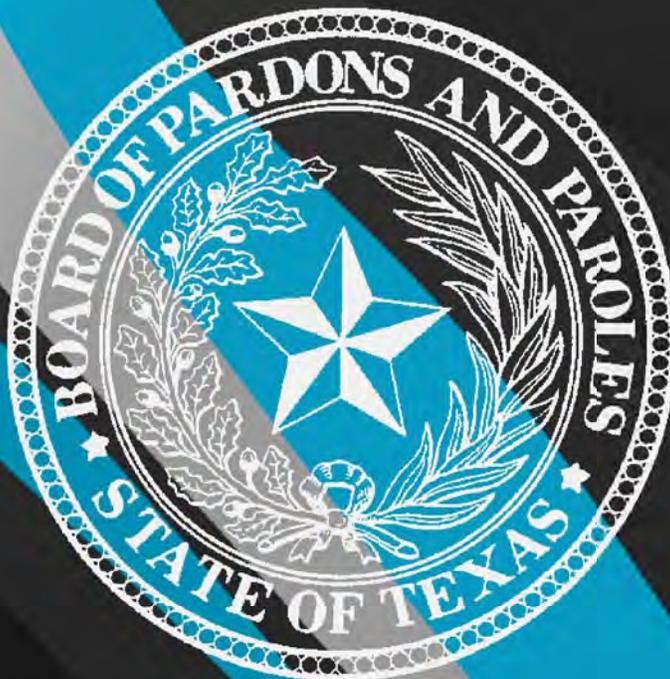
LEVEL	CON	APP	APP RATE
1	3	3	100.00%
2	273	262	95.97%
3	768	749	97.53%
4	636	629	98.90%
5	9	7	77.78%
6	4	4	100.00%
7	0	0	0.00%
TOTAL	1,693	1,654	97.70%

NOTES



NOTES





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