

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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DATE: 3/8/00

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SUPERSEDES: 5/29/97

SUBJECT: RELEASEE RETURNS WITH PRIOR CONVICTIONS

AUTHORITY: EX PARTE SNOW, 899 S.W. 2D 201 (TEX. CRIM. APP. 1995)

PURPOSE: To establish procedures for processing case files of persons on parole or mandatory supervision who are returned to TDCJ custody with convictions for offenses that occurred prior to their release.

PROCEDURE:

- I. Case files of offenders returned to the TDCJ Institutional Division (ID) with convictions for offenses that occurred prior to their release on parole or mandatory supervision are routinely referred to the Review and Release Processing Section by the Regular Supervision Section or the Board of Pardons and Paroles Hearing Section. Upon receipt of these case files, Review and Release Processing Central Office staff shall verify that no new violations of the conditions of release have been reported by field staff and notify the TDCJ-ID Classification Committee Chairman. The case file shall be returned to the Regular Supervision Section if it is determined that new violations have occurred.
- II. A letter, identifying the offender as having been returned with a conviction for an offense that occurred prior to release on supervision, shall be sent by the assigned Review and Release Processing Section staff member, to the TDCJ-ID Classification Committee Chairman. The letter shall explain that the offender is not a release violator, that good time earned prior to release shall not be forfeited, and that parole review and release shall be initiated only on the new commitment(s).
- III. Since eligibility for subsequent release is governed by the new commitment and an existing certificate of release, Review and Release Processing staff shall take the necessary steps to ensure that offender's correct status and eligibility for subsequent release are reflected on the mainframe computer as well as in the paper file. Corrections to mainframe computer data shall be accomplished on a case-by-case basis by referral to the ID Records Office and the Data Services File Maintenance Clerk. The case file shall be retained by the assigned Review and Release Processing staff member until all mainframe data is current and the offender is scheduled for parole review or is eligible for release on mandatory supervision.

- IV. Case files shall be referred for review to a Board panel, accompanied by a current Case Summary and a transmittal, which explains that the offender has an existing certificate of release that cannot be rescinded or revoked if the only basis for such action would be the new conviction. Cases not eligible for parole review shall have an explanatory memorandum placed in the file, and shall be tagged to be returned to Case Analysis staff prior to any subsequent referral to a Board panel.

- V. When issuing an additional Certificate of Release, Review and Release Processing staff shall identify offenders with concurrent certificates to the Release Coordination Unit (RCU).

- VI. Upon issuance of a subsequent Certificate of Release, the RCU shall attach a memorandum to all copies of the new certificate explaining that the offender has concurrent Certificates of Release, and shall not discharge the offender from supervision until all sentences for which the offender is under supervision expire. If an offender is being released to a new supervising parole officer, the previous supervising parole officer shall be instructed by copy of the memorandum to forward the district case file to the new officer,

Victor Rodriguez
Director, Parole Division