

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-2.1.13

DATE: 12/03/12

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SUPERSEDES: 08/09/11

SUBJECT: CASE FILE MATERIAL PROCESSING FOR RELEASE

AUTHORITY: TEXAS GOVERNMENT CODE § 508.115, 508.181

PURPOSE: To provide general procedures for Review and Release Processing (RRP) staff in the review of cases eligible for release, preparation of file material for distribution to District Parole Offices, initiation of release plan investigations, and review of case files in preparation for certificate issuance.

DEFINITIONS:

Notice to Trial Officials (NTO): Official notification to Trial Officials of the county in which the offender was convicted, to be sent prior to the Board of Pardons and Paroles (BPP) consideration for release on parole. This provides an avenue for Trial Officials to protest, support, or provide additional information to the BPP during the review of the individual offender's file. Refer to PD/POP-2.1.15, *Notice to Trial Officials/Notice to County of Release*.

Legacy Case: A case in which a physical parole file is created and maintained until the individual offender discharges Texas Department of Criminal Justice (TDCJ) supervision.

Offender Information Management System (OIMS) Case: A case in which an electronic parole file is created and maintained until the individual offender discharges TDCJ supervision.

Lego Case: A case in which a physical parole file is created (Legacy Case), and during the parole review process, the Parole Case Summary is created in the OIMS, printed and returned to the physical parole file.

PROCEDURE:

I. CASE REVIEW (LEGACY CASES)

- A. All parole approved case files, to include Texas Juvenile Justice Department (TJJD) committed, or non-discretionary offenders with a projected release date within the next 180 days, shall be forwarded to RRP for review through Central File Coordination Unit (CFCU) staff.

This also includes all cases voted FI-1, RMS, FI/FIR (with a future release date within the next seven months. The current Board of Pardons and Paroles (BPP) votes can be located on the BPP website, <http://www.tdcj.texas.gov/bpp>. On the main menu screen, click on Parole/Mandatory (MS) information.

1. The case files of offenders that are within 90 days of mandatory release shall be removed from the parole review process and prepared for mandatory release.
 2. The case files of non-mandatory eligible (Non-MS) offenders that are voted Serve All shall not be forwarded to RRP for release. These cases shall remain at the Central File Coordination Unit (CFCU) for discharge processing.
- B. The case files are routed from CFCU in boxes according to the release vote. Staff shall work case files in numeric order by vote (release) month and vote type, with priority given to case files with projected release dates within 30 days.
- C. Upon receipt of the case file, RRP staff shall verify the case file minute sheet and Board of Pardon and Parolees (BPP) vote and special conditions, on the TDCJ mainframe, Clemency and Parole System (CAPS), Minutes Browse Screen, Minutes Detail Information Screen match. Discrepancies shall be submitted to the BPP Board Administrator for correction. Once corrected, the case files will have File Material prepared as noted in Section II of this policy.

II. PREPARING OFFENDER CASE FILE MATERIAL (LEGACY CASE)

- A. Prepare and image the file material packet into the OIMS.
1. RRP staff shall remove, from the case file, the items listed below:
 - a. Most recent Initial Parole Case Summary to include the Residence Sheet (Lego cases-Legacy to OIMS) and the Offender Verification Form;
 - b. Most recent Subsequent Parole Case Summary and Initial Parole Case Summary, if not in updated format;
 - c. TDCJ - Correctional Institutions Division (CID) Admission Summaries, if applicable;
 - d. Judgments and Sentences for all active offenses;
 - e. Offense Reports for all active offenses;
 - f. Victim Impact Statements, if applicable;
 - g. Pre-Sentence Investigations for each active offense, if available;
 - h. Parole Guidelines;

- i. Risk Item Factor score sheet/STATIC 99;
 - j. Copies of Psychological Assessments on Special Bulletin Cases; and
 - k. Protective orders; to include human trafficking.
 - 2. The file material packet shall be imaged into the OIMS within two calendar days of preparing of the file material packet.
 - 3. The imaged documents shall be placed back into the Legacy parole file in the appropriate labeled section from which they were pulled.
- B. RRP staff shall review the most recent Parole Case Summary and locate all identified release plans. All plan information shall be entered on the Parole Plan Update (PPU) screen. RRP staff shall add additional comments regarding sponsor contact information, additional parole plans, or to identify that additional comments are listed on the Chalkboard (Function Key F11), as applicable. If no release plan is listed, the PPU screen will remain blank.

III. REVIEWING THE CASE FILE (LEGACY CASE)

- A. RRP staff shall review the case file to confirm that a Notice to Trial Officials (NTO) was generated prior to the most recent parole vote. If an NTO was not generated, a manual NTO shall be generated through the TDCJ mainframe, Clemency and Parole Screen, Special Batch Print Request screen before processing is continued in accordance with PD/POP-2.1.15, *Notice to Trial Officials/Notice to County of Release*.
- B. RRP administrative staff shall review every case file to establish whether any new or additional information has occurred since the date of the most recent Parole Case summary or HB1433 Review Transmittal that warrants a new BPP review. New information includes, but is not limited to:
- 1. Major disciplinary case in which the offender's classification status was reduced below entry level or the offender incurred a loss of good time;
 - 2. Active detainer has been cancelled;
 - 3. Any detainer, excluding misdemeanor and Immigration and Customs Enforcement (ICE), received;
 - 4. New TDCJ commitment(s) have been received;
 - 5. Change in identified security threat group affiliation/association status;
 - 6. Program refusal;
 - 7. Parole denial.

8. Court ordered victim restitution – Special Condition ‘R’ (Restitution) is mandated for offenses committed between 09/01/81 and 09/01/89 or after 08/31/93;
9. Special Bulletin – civilly committed; and
10. Protest from trial officials/victims/concerned citizens – Protest from victims and concerned citizens shall be forwarded to the Victim Services Division for processing when the information is more current than the date of the BPP decision.

A transmittal shall be created and submitted to the BPP for their review with proper documents to validate the request. The outcome of the BPP decision may alter the original vote or provide additional special conditions. The file shall be returned to the requestor after the decision and processed accordingly.

- C. RRP staff shall review every case file to determine whether the appropriate special conditions are imposed or have been requested.
 1. If a special condition is needed, an imposition transmittal is completed and routed to the appropriate BPP panel. The file is returned to the requestor after the decision and processed accordingly.
 2. If a special condition is needed to be considered for withdrawal, a withdrawal transmittal is completed and routed to the appropriate BPP panel. The file is returned to the requestor after the decision and processed accordingly.
 3. Statutorily mandated conditions shall be imposed as noted in PD/POP-2.2.25, *Imposing Mandated Special Conditions*.
- D. RRP staff shall review the file to determine whether the offender has an identified Super Intensive Supervision Program (SISP) referable conviction, along with an identified security threat group (STG) status within the case file, in accordance with PD/POP-3.15.1, *Super Intensive Supervision Program (SISP)–Administrative Guidelines*. The TDCJ mainframe, Unit Classification Inquiry, Current Institutional Adjustment Records and Disciplinary Records screens shall also be reviewed to confirm association and involvement. If the offender has a referable conviction, either present or past, or meets the criteria established in PD/POP-3.15.1, *Super Intensive Supervision Program–(SISP) Administrative Guidelines*, RRP staff shall perform the following actions:
 1. RRP staff shall enter a “Y” in the SISP refer field on the PPU screen. The plan (parole cases only) shall not be placed in “I” (Investigation) status until the outcome of SISP transmittal has been received from the BPP unless the Projected Release Date (PRD) is within thirty (30) days.

2. RRP staff shall submit an SISP transmittal with the file or relevant file material to the BPP SISP panel or to the daily duty panel via fax, if the case is within thirty (30) days of the projected release date.
3. Upon receipt of the voted transmittal, designated RRP staff shall enter a “Y” or “N” in the *SISPAPP* field based on the BPP decision. The date of the decision shall also be entered. RRP staff shall place the plan in “I” status prior to sending the file to the Plan Pending Cabinets.
4. If SISP is imposed, the following notation shall be added to the *Comments* field on the PPU screen, “SISP imposed, PSV-162 must be signed.”
5. If T (Electronic Monitoring) is imposed, the following notation shall be added to the *Comments* field on the PPU screen, “T imposed, PSV-162 must be signed.”
6. If SISP or T (Electronic Monitoring) was imposed and the plan has already passed, RRP staff shall place the plan under investigation status “I” with the following notation in the comment field, “please reinvestigate, (SISP) or (T) imposed; PSV-162 must be signed.”

NOTE: Plans may have already passed at this point as a result of expedited investigations or plans being placed in “I” status inappropriately. When this occurs, case files are routed and processed according to PD/POP-2.2.17, *Issuing Parole and Mandatory Release Certificates*.

- E. RRP staff shall review the case file to determine if any protective orders are present, to include one from a victim(s) of Trafficking of Persons. If available, RRP staff shall:
 1. Verify that the protective order is imaged into the OIMS.
 2. Email Victim Services with the offender’s information and notify them the protective order is in the OIMS.
- F. If SISP was denied, RRP shall review the case file to determine if the offender is classified as a sex offender. If the offender is a sex offender and has a Static 99 risk assessment score of 6 or higher or has an override by Dynamic Risk Assessment as a high risk, RRP shall submit a transmittal requesting the imposition of Special Condition 0.58- Global Positioning System (GPS).
- G. RRP staff shall review the file to determine if the offender is a High Profile Offender Prospect based on identifiers referenced in PD/POP 1.1.8, *Public Concern and Offender Release/Supervision*.

IV. UPDATING THE PAROLE PLAN UPDATE SCREEN-INVESTIGATION (LEGACY CASE)

- A. Before placing a release plan under investigation on the PPU screen several assessments must occur. On the PPU screen:

1. RRP staff shall verify that the release plans located on the Parole Case Summary or on the PPU screen are not older than one year for regular offenders; or not older than six months for a sex offender.
2. If the plan is outdated, the plan will be placed in “C” (re-contact) status. This will send notification to the institutional parole officer (IPO), to re-contact the offender for a valid plan. The comment “> 6 months or 1 year – need updated plan” will also be added on the Comment line.
3. RRP staff shall verify the Legal County of Residence (LCOR). Texas Government Code 508.181 requires all offenders to return to the counties in which they resided at the time they committed the offenses for which they were committed to the Texas Department of Criminal Justice- Correctional Institutions Division, as well as exceptions to this requirement.
 - a. The LCOR has been verified by the IPO and is located in the Parole Case Summary. This LCOR shall match the LCOR listed on the TDCJ Inmate Record Inquiry (IMF), County of Residence Update (CORE) screen.
 - b. If the LCOR does not match, staff shall verify the LCOR and update the CORE screen before continuing. The following will be utilized to determine the offender’s LCOR:
 - i. Pre-sentence Investigation (PSI)
 - ii. Police/Prosecution Reports
 - iii. TDCJ-CID Admission Summary
 - iv. Offender (self report)
 - c. If an offender has more than one present offense, the LCOR shall be determined by the date of the most recent offense. Offenses occurring while incarcerated are not considered.
 - d. For non-residents, the county of residence shall be the county of conviction.
4. RRP staff shall, if special conditions are imposed that encompass electronic monitoring, add the comment “electronic monitoring imposed, please have PSV-162 signed” in the Comments line on the PPU screen. This notation is important as Classification and Records will schedule offenders for release at a Region Release Site if the PSV-162 field is left blank. Offenders requiring monitors are released from the Huntsville Unit only.
5. RRP staff shall ensure a Sex Offender review has been completed.

- a. Review the Parole Case Summary, in accordance with PD/POP-3.6.1, *Sex Offender Administrative Guidelines*, and PD/POP-3.6.2, *Sex Offender Program Supervision Guidelines*.
 - b. If the offender is a sex offender: enter “Y” or verify that the mainframe pre-populated the *SEX* field.
 - c. Add victim comment on the Phone Comments line; “adult/juvenile and male/female”, as applicable. Victim information is located in the Parole Case Summary or offense report(s).
 - d. The comment “Post Release Coleman” will be added on the Phone Comments line, along with the comment from Section III. C., if the offender is determined a Coleman case but was unable to complete the Coleman Process prior to release.
6. RRP staff shall fill in the Image/File Material Date (IMG/FM DATE) on the PPU screen with the date the File Material was imaged into the OIMS. This notifies the district parole officer that the File Material is available for viewing.
 7. RRP staff shall add a comment on the Phone Comments line on identified Special Needs Alert offenders as stated in the Parole Case Summary Other Comments area. Comments shall identify specific impairment.
 8. RRP staff shall review for special conditions affecting release (electronic monitoring, Z-county restrictions, V-victim, O-no contact with _____, or other BPP imposed conditions). If the offender provides a residential release plan to a sponsor with whom he/she is not legally able to reside, the plan will be placed in “c” (contact) status and a comment made on the phone comment line to indicate why the plan was not utilized. This will send notification to the institutional parole officer (IPO), to re-contact the offender for a valid plan. The comment “need updated plan” will also be added on the Comment line.
 9. RRP shall not initiate a residential release plan on an offender that has an active Felony/United States Marshall (USM)/Immigration Customs and Enforcement (ICE) or State Jail Detainer with a jail expiration date more than 60 days from projected release date or vote month. RRP staff shall pass the plan directly to the active detainer.
 10. RRP staff shall review the Parole Case summary and the PPU screen to determine if the offender has exhausted all residential resources, before initiating a request for a Residential Reentry Center (RRC).
 11. RRP staff shall add the comment “Innerchange participant” on the Phone Comment line for all offenders actively enrolled in Innerchange.

12. If the offender is identified as a gang member, RRP staff shall add the offender's gang affiliation to the PPU comment screen. The file will be processed in accordance with PD/POP-2.2.27, *Special Procedures for Gang Members*.
13. RRP staff shall add the comment "Investigation due within 48 hours" and indicate the offender's projected release date (PRD) if the offender is within 30 days of release on supervision to expedite the investigation process.
14. RRP staff shall add the comment "Qualified Interpreter required" on the Phone Comment line for all offenders identified as needing assistance in accordance with PD/POP- 3.2.16, *Accommodations of Offenders with Disabilities*.
15. RRP staff shall add the comment "MRIS offender" on the Phone Comment line for all offenders approved for release in accordance with PD/POP-2.2.5, *Medically Recommended Intensive Supervision*.
16. RRP staff shall add additional comments regarding sponsor contact information, additional parole plans, or to identify that additional comments are listed on the Chalkboard, (Function Key F11), as applicable.
17. RRP staff shall verify that the Residential Information, on the PPU screen, is accurate prior to placing the plan under investigation.

B. Verification of plan initiation

Once all fields are complete, the residential release plan is submitted for investigation by placing an "I" in the *Parole Plan Status* field. The mainframe computer will automatically update the Region/District field based on the zip code entered.

V. CASE FILE TRACKING

- A. All files shall be maintained in, and scanned to, the RRP Plan Pending cabinets, sorted by vote month, while under investigation.
- B. Files shall be pulled the day following plan approval and scanned to the appropriate location for certificate issuance, in accordance with PD/POP-2.2.17, *Issuing Parole and Mandatory Release Certificates*.

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