

# ADULT PAROLE SYSTEM IN TEXAS



## AN ISSUE BRIEF FROM LEGISLATIVE BUDGET BOARD STAFF

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### OBJECTIVE

The Texas Board of Pardons and Paroles (BPP) and Texas Department of Criminal Justice (TDCJ) have different and distinct statutory roles in the adult parole system in Texas, which has the responsibility for state prison inmates released to parole, mandatory supervision (MS), or discretionary mandatory supervision (DMS).

### KEY FACTS

- ◆ BPP determines which offenders are released from TDCJ to parole or DMS. BPP also decides the supervision conditions of offenders on parole, MS, or DMS, and makes revocation decisions as necessary.
- ◆ TDCJ is responsible for pre-release planning, release processing, and the supervision of state prison inmates released to parole, MS, or DMS.

### BUDGETARY IMPACT

The 2014–15 biennial appropriations for parole-related functions within BPP and TDCJ total approximately \$371.2 million.

### STATUTORY REFERENCES

Texas Constitution, Article IV, Section 11.

Texas Government Code, Chapters 493, 498, 499, 508, and 510.

General Appropriations Act, Eighty-third Texas Legislature, Regular Session, 2013, page V–5.

The Texas Board of Pardons and Paroles (BPP) and Texas Department of Criminal Justice (TDCJ) have different and distinct statutory roles in the adult parole system in Texas. The adult parole system has the responsibility for state prison inmates released to parole, mandatory supervision (MS), or discretionary mandatory supervision (DMS). Statutorily, an offender released from TDCJ to MS or DMS is also considered to be released on parole. The projected average number of offenders on active parole supervision (includes MS and DMS) is 88,378 in fiscal year 2014 and 88,893 offenders in fiscal year 2015.

### TYPES OF RELEASES AND SUPERVISION

Parole is the release of a state prison inmate by a decision of BPP which has complete discretion to grant or deny parole on a case-by-case basis. Statutorily, parole is not an option for confinees in a TDCJ state jail. MS is the automatic release from prison to supervision as provided by law for restricted categories of offenders. Eligible offenders are released to MS when calendar time served added to good time credit equals the length of the court-ordered prison sentence. The release to MS does not require BPP approval, but BPP sets the mandatory conditions of MS release and supervision. The establishment of DMS occurred in 1995 when the Seventy-fourth Legislature gave BPP the authority to review MS-eligible offenders whose offenses were committed on or after September 1, 1996, for possible release from state prison to DMS instead of MS. As with parole release, BPP has the discretion to grant or deny DMS release.

### ROLE OF TEXAS BOARD OF PARDONS AND PAROLES

BPP was established in 1936 by an amendment to the Texas Constitution. The full-time salaried seven-member board is made up of a Chair and six board members appointed by the Governor with Senate approval for staggered six-year terms. The BPP Chair is responsible for the overall administration of the agency. Board members serve on parole panels that:

- determine which offenders are to be released on parole or DMS;
- determine conditions of parole, MS, and DMS;
- make revocation decisions as necessary; and
- perform other duties required by the Texas Constitution.

Also serving on parole panels are 14 parole commissioners who assist board members in reviewing and deciding parole and DMS cases. The primary distinction between a board member and a parole commissioner is that only board members are vested with the responsibility of promulgating BPP policy, voting on cases requiring the full vote of the board, and voting on clemency matters.

The review and release process includes identifying offenders eligible for parole, MS, or DMS. Texas Government Code, Chapter 508, and Texas Administrative Code, Section 145.3, specify the eligibility requirements for the various classes of offenders. Historically, code sections defining release eligibility have been amended, and offenders are required to meet

release eligibility based on the definition existing at the time of offense. To make a decision regarding release and supervision conditions, BPP reviews an offender's case summary, which includes criminal, social, medical, psychological, and institutional adjustment history. BPP also screens for other issues, including victim information and disciplinary conduct. If approved, the offender is released when eligible on a date specified by BPP. If denied, the offender's case cannot be reviewed again for a minimum of one year, and it must be reviewed again not later than five years from the date of the last denial.

Appropriations for BPP for the 2014–15 biennium total \$52.5 million in All Funds to support BPP operations. BPP appropriations are included in TDCJ's budget structure in the General Appropriations Act (see Fig. 1).

### ROLE OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE

The Parole Division within TDCJ is responsible for pre-release planning, release processing, and the supervision of offenders released to parole, MS, or DMS. During fiscal year 2013, TDCJ had an average of 1,435 parole officers throughout its 66 district parole offices statewide. At the close of fiscal year 2013, parole officers actively supervised a population of 87,662 released offenders. TDCJ was appropriated \$229.3 million in All Funds for the 2014–15 biennium to fund parole release processing and parole supervision.

Additionally, \$87.7 million was appropriated to TDCJ for ensuring adequate surveillance and control of parolees that require residential placement in halfway houses (HH) and intermediate sanction facilities (ISF). TDCJ manages the contracted HH and ISF beds through a collaborative effort among six TDCJ divisions (Business and Finance, Reentry and Integration, Parole, Rehabilitation Programs, Private Facility Contract Monitoring and Oversight, and Internal Audit).

Fig. 1 shows 2014–15 biennium funding for all parole-related functions, including TDCJ's Interstate Compact Office. Interstate Compact facilitates the transfer of parolees' supervision from one state to another pursuant to national Interstate Compact Rules and law.

**FIG. 1**  
**PAROLE-RELATED FUNCTIONS , 2014–15 BIENNIUM FUNDING**

APPROPRIATIONS LINE ITEM (FUNDING STRATEGY) WITHIN TDCJ BILL PATTERN	PAROLE-RELATED FUNCTIONS	2014–15 BIENNIUM FUNDING	FY 2015 FTES
C.1.3. Offender Services	TDCJ Interstate Compact Office (includes services for parolees and probationers)	\$1,348,003	14.0
E.1.1. Board of Pardons and Paroles	BPP Operations, Executive Clemency, and Institutional Parole Officers	38,292,304	461.0
E.1.2. Revocation Processing	BPP Revocation Processing	14,232,316	122.1
F.1.1. Parole Release Processing	TDCJ Parole Release Processing	13,188,179	152.9
F.2.1. Parole Supervision	TDCJ Parole Supervision	216,113,370	2,233.5
F.2.2. Halfway House Facilities	TDCJ Halfway House Facilities (contracted facilities)	47,072,194	0.0
F.2.3. Intermediate Sanction Facilities	TDCJ Intermediate Sanction Facilities (contracted facilities and excludes probation ISF funding)	40,629,159	0.0
G.1.1. Central Administration	TDCJ Parole Administration and Training	355,802	4.0
<b>TOTAL</b>		<b>\$371,231,327</b>	<b>2,987.5</b>

NOTE: FTES = Full-Time-Equivalent staff positions.

SOURCE: Legislative Budget Board, Texas Board of Pardons and Paroles, Texas Department of Criminal Justice.

### USEFUL REFERENCES

The Legislative Budget Board (LBB) produces periodic correctional populations and projections reports that include information on parole populations. These reports may be found on the LBB website at <http://www.lbb.state.tx.us/Teams.aspx?Team=CJDA>. Additional information may be found in the LBB's *Fiscal Size-Up*, at [http://www.lbb.state.tx.us/Fiscal\\_Size-up/Fiscal%20Size-up%202014-15.pdf](http://www.lbb.state.tx.us/Fiscal_Size-up/Fiscal%20Size-up%202014-15.pdf).

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