



State of Texas
BOARD OF PARDONS AND PAROLES

MARSHA MOBERLEY
Presiding Officer (Chair)

October 9, 2024

Eric Beverly
Executive Director
Sunset Advisory Commission
PO Box 13066
Austin, Texas 78711-3066

Re: Sunset Review of Texas Board of Pardons and Paroles

Dear Mr. Beverly:

Thank you for the opportunity to provide a response to the Sunset Advisory Commission Staff Report on the Texas Board of Pardons and Paroles (BPP). BPP is continually seeking input and opportunities to enhance agency operations to carry out our mission for all of Texas in an effective and efficient manner.

Our agency plays a significant role in the Criminal Justice System in this great state. With the increasing use of technology, changing characteristics of the current workforce and increased reliance on data and evidence-based practices, it is critical that our agency be receptive and adaptive to new ideas and processes. This review highlights some specific areas for improvement for BPP, many of which were already in the implementation stage.

Although the review and report itself covered four entities, some of the recommendations made within the report pertained either partially or specifically to the BPP. To that end, as requested we are providing comments and/or our position on each of those recommendations applicable to BPP.

Recommendations

4.5 Require TDCJ, BPP, and Windham to collaborate in developing evidence-based ITP and parole-voted program criteria and to develop and maintain associated program lists.

Several of BPP's current voting options for parole approval are contingent upon the successful completion of a rehabilitation program prior to release. Since the early 2000's when more funding became available for such programs, BPP has seen the positive impact of rehabilitation programs on the recidivism rate. The Legislative Budget Board reported a 38 percent drop in the recidivism rate since 2007 for those released from the prison and later returned. BPP partially attributes this reduction to programming provided and is continually seeking ways to improve upon these programs related to parole release and the successful reintegration of those back into society.

BPP concurs with the recommendation.

4.10 Direct BPP to make parole-voted program decisions independent of TDCJ program placement practices.

BPP parole decision making is not driven by TDCJ program placement practices. BPP makes parole-voted programming decisions based on offender need for a program and the ability to complete the program before an offender's projected release date. Recognizing that rehabilitation programs are not on all prison units, BPP in setting a start or specified date, has allowed for a short period of time for TDCJ to place an individual into a program. Typically, this is 2 months. Currently TDCJ can place an offender into a rehabilitation program prior to the specified date the BPP identifies.

BPP defers to the legislature on this recommendation.

5.1 Abolish the PO salary career ladder and require TDCJ to establish it in rule.

BPP also employs parole officers and consideration should be given to also require BPP to establish in board rule.

BPP concurs with this recommendation.

5.3 Require TDCJ and BPP to evaluate post-release special conditions that may be temporarily modified by POs and require TDCJ and BPP to establish corresponding modification processes in rule.

BPP is provided with the statutory authority to impose conditions of release, like the authority of a judge in probation cases. A current electronic process exists for a parole officer to seek the removal or imposition of a special condition. The text of this report primarily points to electronic monitoring concerns for those incapacitated and those offenders that may not have a history of drug use/abuse being required to attend treatment or submit to urinalysis testing. The BPP contends these are situations that would warrant being reexamined by the board and not temporarily deferred. Additionally, BPP is concerned that providing this discretionary authority to over 1500 parole officers potentially leads to inconsistencies in application. BPP maintains there are current processes to address the concerns noted in this issue. Finally, under Issue 6.5, the management issue requiring the Parole Division and BPP to discuss the impact of special conditions on parole supervision will allow for both agencies to identify and resolve concerns that may arise with respect to special conditions.

BPP defers to the legislature on this recommendation.

5.5 Direct the Parole Division to report supervision trends and workload impacts of supervision conditions to BPP annually.

BPP concurs with the recommendation.

6.1 Require BPP to report outcomes by panel for release decisions, special conditions, and revocations and incorporate the findings into training for voters and staff.

The Board of Pardons and Paroles (BPP) currently collects and reports statistical information annually in both the Parole Guidelines and the Statistical Report. These reports contain statistical information including Board Member and Parole Commissioner approval percentages for Parole and Discretionary Mandatory Supervision considerations, Medically Released Intensive Supervision (MRIS) agency approval rates, along with fiscal year totals for violation decisions by action (Continue Supervision, Placement into an Intermediate Sanction Facility/Substance Abuse Felony Treatment Program and Revocations). Additionally, the BPP conducts Board Member/Parole Commissioner workshops at least two times a year, has an annual parole guidelines meeting, and has annual Hearing Officer Training as required by statute.

BPP is neutral on this recommendation.

6.2 Require BPP to provide training for MRIS voters.

All new Board Members and Parole Commissioners receive MRIS training during their initial training program. An enhanced MRIS training program can be implemented.

BPP concurs with this recommendation.

6.3 Require BPP to establish a process in rule for assessments of an inmate's prognosis for MRIS cases.

Currently, BPP receives a medical report from a health care practitioner for those cases under MRIS review. The report can be enhanced to ensure medical diagnosis is presented to BPP in plain language.

The BPP has concern about a health care practitioner required report identifying an offender's "ability to constitute a threat to public safety." This is a defined function of the BPP and not a health care practitioner.

BPP defers to the legislature on this recommendation.

6.4 Require BPP to establish in rule the factors considered in MRIS decisions.

BPP concurs with the recommendation.

6.5 Require BPP and TDCJ's Parole Division to create a special conditions working group consisting of voters and Parole Division staff representatives.

BPP currently has a special condition work group consisting of Board members and Parole Commissioners. Additionally, BPP has met with TDCJ Parole Division and has discussions about the impact of special conditions on Parole Division as well as adding/removing special conditions as needed.

BPP has no issues with this requirement, due to its existing occurrence. BPP suggests this is an appropriate management action as opposed to a statutory change.

BPP defers to the legislature on this recommendation.

6.6 Direct BPP to develop formal and detailed internal processes to address variations form parole guidelines.

BPP concurs with this recommendation.

6.7 Direct the agency to review its IPO interview procedures and take action to increase effectiveness and consistency.

BPP concurs with this recommendation.

6.8 Direct the agency to review its case summary preparation processes and take action to address inefficiencies.

BPP is in the process of reviewing/modifying the case summary prepared by Institutional Parole Officers to allow for automation of data populations where possible. This will allow for more productivity from each officer as this transition occurs.

BPP concurs with this recommendation.

6.9 Direct BPP to work with TCOOMMI to establish a method to videoconference with an inmate who qualifies for MRIS due to a medical condition.

BPP concurs with this recommendation.

6.10 Direct BPP to identify and address barriers to completing noncapital clemency applications and post relevant guidance on its website.

BPP is neutral on this recommendation.

8.2 Update for TDCJ, BPP, and the committee the standard across-the-board requirement related to board member training.

BPP concurs with this recommendation.

8.3 Update for BPP the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public.

BPP concurs with this recommendation.

Once again, thank you for the opportunity to provide input on your recommendations.

In Your Service,



Marsha Moberley
Presiding Officer