

- Full disclosure of all the evidence against the offender before the hearing;
- Hire an attorney and, under certain circumstances, the conditional right to a state-appointed attorney;
- Tell the hearing officer in person what happened and to present evidence, affidavits, letters, and documents to support their position, including the right to subpoena witnesses through the parole officer;
- Confront and cross-examine adverse witnesses (unless the hearing officer finds good cause to deny confrontation); and
- Be heard on the allegations by someone designated by the Board.

If the parole or mandatory supervision is revoked as a result of the hearing, the offender receives a written report by the hearing officer which describes the evidence relied upon in finding a violation. In certain cases, the offender may petition the Board to reopen the revocation hearing.

ACTIONS TAKEN DURING THE PAROLE REVOCATION PROCESS

The parole panel may make any of the following decisions in the revocation process:

- Proceed to a revocation hearing;
- Transfer to an Intermediate Sanction Facility (ISF);
- Transfer to a Substance Abuse Felony Punishment Facility (SAFPF);
- Continue on supervision, with or without modifying conditions of release;
- Allow to discharge if the offender is past the discharge date; or
- Revoke the parole or mandatory supervision release.

UNDER WHAT CIRCUMSTANCES CAN A HEARING BE REOPENED?

When an offender receives notice that the parole panel's decision is revocation, they will have 60 days from the date of the decision to request that the hearing be reopened. Such a request may be granted under the following circumstances and/or on the following grounds:

- For any substantial error in the revocation process; or
- Upon newly discovered information.

Upon receipt of a request for reopening, a parole panel will either:

- Grant the motion and order the hearing reopened for a stated, specific, and limited purpose;
- Deny the motion; or
- Reverse the previous revocation decision.

REQUEST FOR REOPENING

Requests for reopening should be directed in writing to the following address:

**Texas Board of Pardons and Paroles
General Counsel
8610 Shoal Creek Blvd.
Austin, Texas 78757
T 512-406-5353
F 512-467-0945
Toll Free 4**

For more information on the hearing process, please visit the website at: www.tdcj.texas.gov/bpp/ and select the "Parole Revocations" link.



TEXAS BOARD OF PARDONS AND PAROLES

HEARING PROCESS

When the Parole Division identifies a potential violation of parole or new criminal charge(s), it is investigated by a parole officer employed by the Texas Department of Criminal Justice. It is at their discretion whether to impose graduated local sanctions such as a verbal warning, a conference with a supervisor, increase the reporting requirement, refer the offender to substance abuse counseling, or issue a pre-revocation warrant or summons for the offender. The warrant, sometimes called a “Blue Warrant”, serves as a mechanism to place the offender in custody pending an administrative pre-revocation hearing. A summons allows the offender to remain under supervision, working, attending programs, and remaining with his family pending the convening of a hearing. Prior to scheduling a revocation hearing, the Parole Division may withdraw its warrant and continue supervision of the offender with or without additional graduated local sanctions.

HEARING OPERATIONS

Hearing Operations facilitates the parole pre-revocation hearing process, which includes:

- Scheduling hearings;
- Reviewing attorney determination requests and appointment of attorneys;
- Conducting hearings;
- Reviewing hearing reports and waivers for those who have waived their hearing(s);
- Making recommendations to the parole panels;
- Conducting hearings for cases being supervised by Texas for another state; and
- Providing a process for reconsideration of a revocation decision.

TYPES OF HEARINGS

A preliminary hearing is conducted to determine whether probable cause exists to proceed to a revocation hearing. This is the same level of proof

needed when a police officer pulls someone over for a traffic stop or a magistrate sets a bond. Only offenders with pending criminal charges or unfilled charges are entitled to a preliminary hearing.

A revocation hearing is conducted to determine whether a preponderance of credible evidence exists to believe that one or more conditions of release have been violated. A preponderance means that there is more evidence than not that a violation occurred. A revocation hearing may be conducted when probable cause is found in a preliminary hearing, a conviction has occurred, or if there are only technical violations alleged. There must be an affirmative finding in the revocation hearing for a Board panel to take action. The panel has several options: the offender may be continued on supervision with or without additional graduated sanctions; the offender may be incarcerated in an Intermediate Sanction Facility or transferred to a Substance Abuse Felony Punishment Facility for a limited period of time while remaining on supervision; or the offender's parole or mandatory supervision may be revoked and the offender returned to prison.

A mitigation hearing (the same as a revocation hearing) is conducted to determine whether an offender who has received a felony conviction with a term of incarceration in a penal institution should be revoked. This is a limited hearing designed to allow the offender to explain why they should not be revoked.

All hearings are conducted by a designee of the Board, also known as the Hearing Officer.

NOTE: An offender has the right to waive their hearing(s) if eligible to do so.

HOW THE ADMINISTRATIVE HEARING PROCESS WORKS

An offender may have a hearing if the Parole Division issues either a warrant or a summons.

There are generally two categories of offenders arrested on a warrant: 1) those entitled to both preliminary and revocation hearings, and 2) those entitled to a revocation or mitigation hearing only. At the initial interview with the parole officer, the offender is required to choose whether they want to have their hearing(s) or waive their right to one or both hearings.

PAROLE PANEL DECISION MAKING

A three-member parole panel, by majority vote, consisting of Board Members and Parole Commissioners, makes final decisions after a revocation hearing is conducted or the offender waives his right to a revocation hearing. There are seven panel locations throughout the state. The panel that considers the case is generally determined by the geographic location where the offender is in custody. Analysts review hearings and waivers and perform other duties to support Board activities.

RIGHTS OF THE OFFENDER

Once the offender is detained and the Parole Division decides to request a hearing, the offender is interviewed by a parole officer. The offender is advised of their rights in the revocation hearing process to:

- Be personally served with written notice of alleged parole violations;
- A preliminary hearing, unless the offender is accused only of administrative violations or has been convicted of a new criminal offense. The purpose of this hearing is to determine if there is probable cause to believe a condition of release was violated (NOTE: The offender has the right to waive their preliminary hearing if eligible to do so);
- A revocation hearing, if the offender is alleged to have committed administrative violations or has been found guilty in a criminal case (NOTE: The offender has the right to waive their revocation hearing if eligible to do so);