

**SUBJECT:** Studying effectiveness of the assessment used to make parole decisions

**COMMITTEE:** Corrections — committee substitute recommended

**VOTE:** 8 ayes — White, Bailes, Bowers, Dean, Morales, Neave, Sherman, Stephenson

1 nay — Allen

**WITNESSES:** For — Andy Kahan, Crime Stoppers of Houston; (*Registered, but did not testify*: Michael Barba, Texas Catholic Conference of Bishops; Rachelle Reyna)

Against — None

On — Timothy McDonnell and David Gutierrez, Texas Board of Pardons and Paroles; Brenda Gaye Webb

**BACKGROUND:** Government Code sec. 508.144 requires the Board of Pardons and Paroles (BPP) to develop and implement parole guidelines as the basic criteria on which parole decisions are made. The guidelines must be based on the seriousness of the offense and the likelihood of a favorable parole outcome, ensure that they require consideration of an inmate's progress in any programs, and establish and maintain a range of recommended parole approval rates for each category or score within the guidelines.

BPP must annually review and discuss the guidelines and range of recommended parole approval rates. The board must consider how the guidelines and range of recommended approval rates serve the needs of decision-making and the extent to which the guidelines and range of recommended approval rates reflect parole decisions and predict successful outcomes.

Based on the review, the board can update the guidelines by including new risk factors, change the values of offense severity or risk factor scores, or modify the range of recommended parole approval rates, if

approval rates differ significantly from the range of recommended approval rates.

DIGEST:

CSHB 788 would require the Board of Pardons and Paroles (BPP) to study the effectiveness of the assessment components of the parole guidelines used by the board and parole panels to determine which inmates should be released on parole.

To conduct the study, BPP would have to obtain certain information on inmates considered and released on parole from September 1, 2013, to August 31, 2016. The information would have to be obtained from the Texas Board of Criminal Justice, the Texas Department of Criminal Justice, and any other criminal justice agency with relevant information on the recidivism of those inmates. The study could use information for a select group of inmates based on an acceptable research methodology.

To evaluate the effectiveness of the assessments, the board would have to compare and analyze the recidivism rates and parole guideline score of the inmates in the study. The board would have to determine for each category or score within the parole guidelines the number of inmates released on parole who were convicted of a misdemeanor or felony following release on parole and the number who had parole revoked for a reason other than a new conviction.

By January 1, 2021, the board would have to submit a report on the study to the governor, the lieutenant governor, and members of the Legislature. The report would have to include any recommendations BPP considered necessary to improve the parole decision-making process, including any updates to the parole guidelines or modifications to the range of recommended parole approval rates.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019. The requirement for the report would expire August 31, 2021.

- SUPPORTERS SAY:** CSHB 788 would allow the Board of Pardons and Paroles to review the tools it uses to assess and evaluate the suitability of inmates for parole, which could help avoid tragedies. Unfortunately, there are several cases of parolees who went on to commit violent crimes, including murder, after being released on parole. In fiscal 2018, almost 6,000 parolees were convicted of new offenses while on parole but did not have their parole revoked. These examples illustrate the shortcomings in the current assessment and the need for a focused study on it. While BPP is required to discuss the guidelines annually, the bill would focus study on the assessment tool and on providing recommendations to lawmakers to improve the existing approach.
- OPPONENTS SAY:** CSHB 788 is unnecessary because BPP has an established process to review its parole guidelines, and this process has worked well. Any needed changes could be identified through the current process.
- OTHER OPPONENTS SAY:** The study should take a broader approach and consider individuals sent to intermediate sanction facilities and why some individuals who might be suitable for parole were denied.