

- facility, halfway house, Substance Abuse Felony Punishment Facility, or an Intermediate Sanction Facility;
2. direct the case to proceed to a revocation hearing; or
3. revoke the offender's administrative release status (only when the revocation hearing has been waived).

THE FOLLOWING PROCEDURES ARE USED FOR THOSE OFFENDERS ENTITLED TO A REVOCATION HEARING ONLY:

When the revocation hearing is requested:

- A. After the initial pre-revocation interview, the parole officer will schedule a revocation hearing if the offender is not entitled to a preliminary hearing, and the revocation hearing is requested. The parole officer will notify the offender of the scheduled date and time of the hearing.
- B. A hearing officer who acts as the Board's representative will conduct the revocation hearing.
- C. The hearing officer will review all the information and evidence presented at the hearing to determine if there is a preponderance of credible evidence to believe a violation has occurred. If it is determined that such evidence exists regarding at least one condition of parole or mandatory supervision, the hearing officer will proceed to the mitigation phase of the hearing.
- D. Within a reasonable time after the close of the hearing, the hearing officer will forward a report summarizing the evidence, all documents and information received at the hearing to the Board for final disposition. The hearing officer and parole officer will each make a recommendation concerning the disposition of the case. A Board Analyst, who will also make a recommendation, will present the case to the Board. The Board Panel will dispose of the case by taking one of the following actions:
 1. continue the parole or mandatory supervision in a manner warranted by the evidence; which may include transferring the offender to a treatment facility, halfway house, Substance Abuse Felony Punishment Facility, or an Intermediate Sanction Facility.
 2. direct the case to proceed to a revocation hearing (only when considering a waiver of the revocation hearing);
 3. revoke the offender's administrative release status; or
 4. refer the case back to the hearing officer for further development of factual or legal issues.
- E. If revoked the supervising parole officer will provide the offender a copy of the report of the hearing officer and notice of the right to submit a petition to reopen the hearing.

When the revocation hearing is waived:

- A. If the revocation hearing is waived at the time the initial interview is conducted, the parole officer will forward the waiver with attachments to the Board Panel for disposition. A Board Analyst will review the waiver and attachments to determine if there is a preponderance of evidence that a condition of parole or mandatory supervision has been violated.
- B. The Analyst will present the case to a Board Panel for final disposition. Waivers of revocation hearings sent to the Board result in one of the disposition options set forth above regarding revocation hearing cases.

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UNDER WHAT CIRCUMSTANCES CAN A HEARING BE REOPENED?

When an offender receives notice that the Board's decision is revocation, he or she will have 60 days from the date of the decision to request a reopening of the case for any substantial error in the revocation process or upon newly discovered information.

A request to reopen the revocation hearing or reinstate supervision submitted later than 60 days from the date of the board panel's revocation decision will not be

considered unless under exceptional circumstances including but not limited to:

- judicial reversal of a judgment of conviction of a criminal offense where the offense constituted an underlying factor in the initial revocation decision
- judicial order requiring a hearing
- initial revocation effected without opportunity for a hearing or waiver as required under law.

Any such request for reopening made under this section must be in writing and delivered to the board or placed in the United States mail and addressed to the Texas Board of Pardons and Paroles, Board Administrator, P.O. Box 13401, Austin, Texas 78711.

Upon receipt of any request for reopening, the Board will dispose of such request by taking one of the following actions:

1. grant the motion and order the hearing to be reopened;
2. deny the motion; or
3. reverse the previous revocation decision.

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