

TELEMASP BULLETIN

TEXAS LAW ENFORCEMENT MANAGEMENT AND ADMINISTRATIVE STATISTICS PROGRAM

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The Function of Policing in Parole Violator Enforcement

From a traditional perspective, the contribution of policing in the overall criminal justice system ends when an offender is convicted of a crime and sentenced. However, in the context of parole supervision, law enforcement has an important role. From time to time police officers arrest individuals for serious crimes and find, subsequently, that the offender is on parole for a previous conviction. In some cases the offender is not only on parole, but also an absconder with an active warrant for his arrest on file with the Texas Department of Criminal Justice-Pardons and Paroles Division. The frustration in this situation is predictable. Had the offender been returned to prison, by virtue of his parole revocation, then the new crime he has just allegedly committed would not have happened. But nothing in the criminal justice system is that easy. Texas parole officers have no arrest authority and are therefore dependent upon law enforcement agencies for the apprehension of parole violators.

Recently the Bill Blackwood Law Enforcement Management Institute of Texas (LEMITE) and the Correctional Management Institute of Texas (CMIT) co-hosted a conference between law enforcement, county corrections and parole officials on the role of law enforcement in the apprehension of parole violators. This meeting resulted in the identification of a number of issues and recommendations all designed to enhance efficiency in the critical relationship between law enforcement and parole officials. The general consensus among those attending the meeting was that law enforcement performs an integral role in the effectiveness of parole. The purpose of this bulletin is to examine this role.

Background

To fully understand the role of law enforcement in parole, it is necessary to recall the recent history of Texas' correctional system. From 1983 to 1992, the number of criminal cases added to the criminal dockets of district courts increased 52% (Office of Judicial Administration, *Annual Report FY 1992*). This increase resulted in a subsequent increase of individuals sentenced to terms of imprisonment in the Texas Department of Criminal Justice—Institutional Division (TDCJ-ID). During the same period, strict federal court-imposed limits on prison capacity left TDCJ-ID with little choice but to reduce the number of admissions from county jails and consider options to reduce the number of inmates in their custody. Early release through parole, and its functional equivalent mandatory supervision, were obvious options. Parole and mandatory supervision can loosely be defined as:

the discretionary and conditional release of an eligible prisoner from the physical custody of the Institutional Division of the Texas Department of Criminal Justice if the prisoner contractually agrees to serve the remainder of his sentence under the supervision and control of the Pardons and Paroles Division (*Code of Criminal Procedure*, Article 42.18, Section 2).

In 1986 TDCJ-ID released 27,255 inmates to parole or mandatory supervision. By 1990 TDCJ-ID released 46,476 to parole or mandatory supervision, an increase of nearly

Bill Blackwood Law Enforcement Management Institute of Texas

60%. (TDCJ, *FY 1990 Annual Report*). Almost 20% of the offenders released to parole in 1991 were paroled *in absentia* from county jails without ever being received by TDCJ-ID (HPD, *Parolee Analysis/Apprehension Program Report*, February 1995). By 1993 a total of 242,723 felons and 286,981 misdemeanants were under the supervision of the Texas Department of Criminal Justice-Pardons and Paroles Division (PPD) (TDCJ, *FY 1992 Annual Report*). Not surprisingly, as the number of inmates released to parole or mandatory supervision increased, so did the potential for an increase in the number of absconders and other types of parole violators.

The Blue Warrant Issuance Process

At its best, parole is an excellent opportunity for an individual to re-enter society with the assistance and under the supervision of the state after a period of incarceration. All parolees are subject to conditions that govern their activities during the prescribed period of supervision. These conditions vary depending upon the individual and the nature of his/her offense. But at the very least, all parolees are required to make regular reports to a parole officer and to refrain from additional criminal activity. Failure to adhere to the terms of parole can result in the revocation of parole and the individual's return to incarceration for the remainder of his/her original sentence. The following is a description of the parole revocation process.

An individual's parole may be revoked if:

- there is reason to believe that the person has been released although not eligible for release,
- the person has been arrested for an offense,
- there is a verified complaint stating that the person violated a rule or condition of release, or
- there is reliable evidence that the person has exhibited behavior during the person's release that indicates to a reasonable person that the person poses a danger to society that warrants the person's immediate return to incarceration.

Field parole officers are required by policy to report all parole violations to the Pardons and Paroles Division (PPD) headquarters in Austin. After review of these reports, PPD may issue a warrant, commonly called a blue warrant, for the parolee's arrest. These warrants are issued on the basis of one or more of the following conditions:

- the type and nature of the violation,
- the number of previously imposed unsuccessful sanctions,
- a reliable report of criminal activity, or
- an arrest for a criminal offense.

Nearly 80% of all blue warrants are issued on the basis of the parolee's failure to make regular reports to his/her parole officer. These parolees are true absconders. A parole officer is required, by PPD policy, to "exhaust every means available" to locate the parolee prior to requesting a warrant for his/her arrest from the Austin headquarters.

After establishing probable cause, PPD will issue a warrant for the parolee's arrest. This warrant is entered into the Texas Crime Information Center (TCIC) along with all other arrest warrants from law enforcement agencies throughout Texas. The physical warrant is, by virtue of TCIC policy, located at PPD headquarters in Austin. When the parolee is arrested, the warrant is confirmed through PPD headquarters in Austin. The parolee is then taken to a county jail to await a series of hearings.

Within 15 days after the arrest, PPD will conduct a preliminary hearing. This hearing will result in one of the following decisions:

- to release the prisoner and not proceed with revocation,
- to incarcerate the parolee in an intermediate sanction facility, or
- to proceed with revocation proceedings.

If PPD decides to proceed with revocation, the prisoner will remain in the county jail pending the outcome of the next revocation hearing.

Within 120 days of the arrest, PPD will conduct the actual revocation hearing. This hearing is conducted in the county jail. At this hearing, evidence is presented and witnesses testify on whether or not the parolee should return to incarceration or be released. Revocation proceedings reaching this point rarely result in the parolee's release. Almost always, the parolee is returned to the custody of the Institutional Division. This process is illustrated in Figure 1.

HPD's Parolee Analysis/Apprehension Program

One of the most innovative and effective parole violator apprehension programs was implemented in 1991 by the Houston Police Department. This program was implemented in reaction to significant increases of crime in almost every category. The public, fueled largely by an active media, blamed a substantial portion of this increase on inadequately supervised parolees. HPD's Parolee Analysis/Apprehension Program was specifically designed to target a highly active segment of criminals—parole violators. This program was designed to achieve two primary objectives:

The Blue Warrant Issuance Process

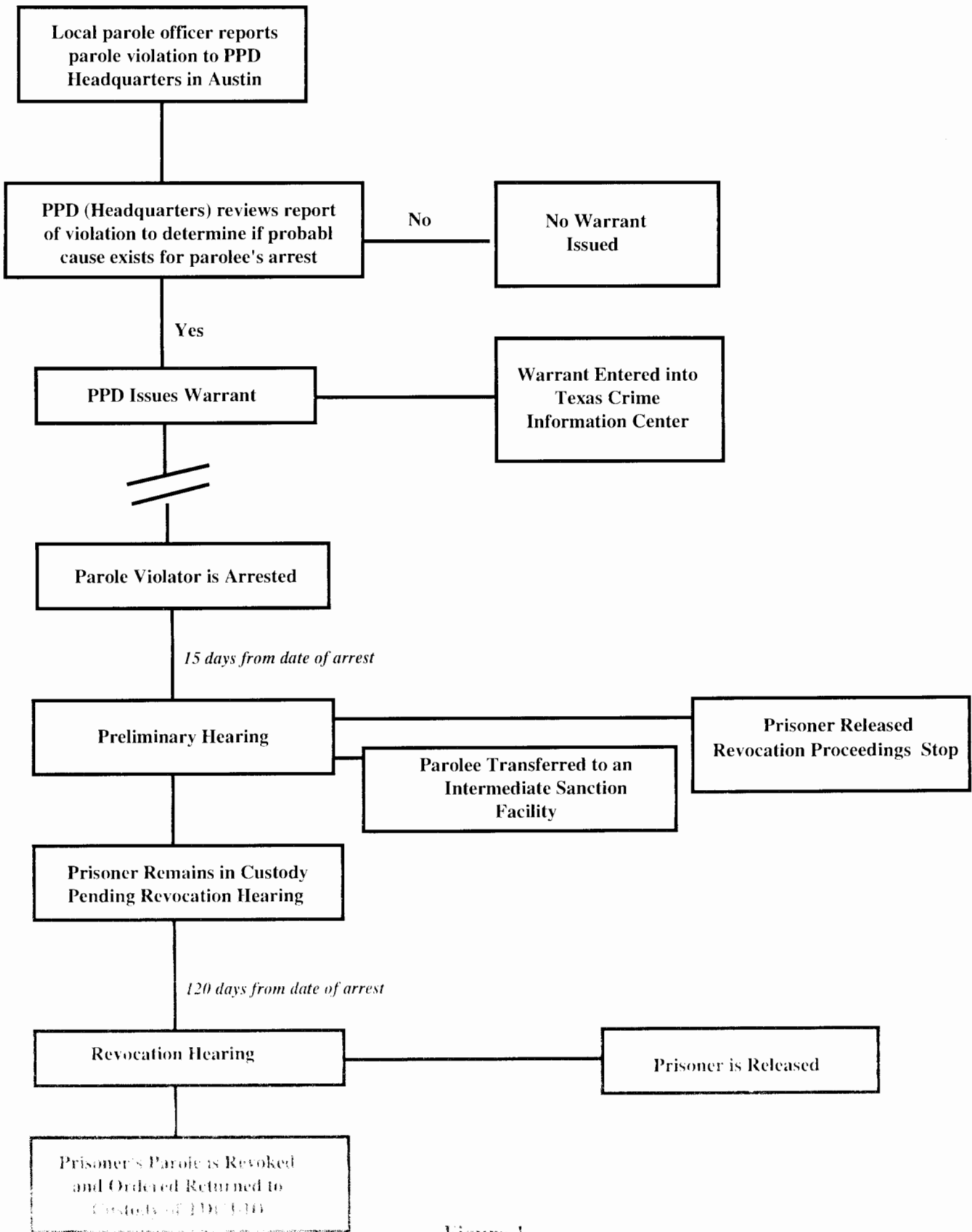


Figure 1



- to establish a network to identify, locate, and apprehend parole violators in Houston, and
- to develop a database to monitor and track parolees under supervision in the Harris County area.

Almost immediately after the program began, crime, particularly property crime, decreased. Four years later this trend continues. The Houston Police Department credits its Parolee Analysis/Apprehension Program with much of this decrease. There are a number of critical elements of this program that warrant presentation in this bulletin.

The initial task of the program was to strengthen the relationship between the Houston Police Department and the PPD Regional Office in Houston. Local PPD officials were receptive to the program and offered their assistance. HPD's Crime Analysis Division, with the assistance of PPD, reviewed 833 blue warrants and identified 267 potentially violent absconders. Of these, 90 listed addresses outside HPD's jurisdiction and another 63 had no viable information from which leads could be developed. The remaining 114 cases were distributed to nine patrol divisions for execution. During this initial phase, considerable attention was given to "restoring the respect of this type of arrest" among patrol officers that had, over time and through experience, considered this activity unworthy of their attention. Patrol officers were encouraged to not limit their attention to the parolees named on the warrants. Patrol divisions were allowed flexibility in scheduling this activity. Most opted for a directed patrol approach. A sweep week was conducted from October 11 - 21, 1991. The results "were greater than expected." During this 10 day period, 295 parole warrants were cleared and 216 parole violators were arrested. In addition, as a direct result of the effort, 67 felony and 34 misdemeanor charges were filed or holds obtained. Surprisingly, 66 parolees were found already in custody and another 13 were deceased.

The initial success of the program contributed greatly to the image of this activity among patrol officers. Each patrol division was allowed to develop its own enforcement strategy. The newly formed Parolee Analysis Section within the Crime Analysis Division was charged with the responsibility to manage the program. Figure 2 represents the relationship between components in the current program. But beyond that, it is important to mention the key elements of the program that are in a large part directly responsible for the program's expansion beyond the initial phase (HPD, February 1995).

For more information concerning the Houston Police Department's Parolee Analysis/Apprehension Program, please contact: Sgt. Ron Williford; Houston Police Department; 61 Riesner; Houston, TX 77002; (713) 247-5442

Key Elements. According to the Houston Police Department the following elements are important to the success and future viability of their Parolee Analysis/Apprehension Program:

- the commitment of the department's administration including the allocation of financial resources (asset forfeiture funds were used),
- a strong working relationship between local law enforcement and parole officials,
- the technical support of a qualified crime analysis unit that "pulls together" information from various sources on each parole violator to assist patrol officers with developing leads,
- rigorous monitoring of warrants to avoid backlogs and significant increases of inactive cases,
- creative (competitive) use of overtime funds including the allocation of overtime money to patrol divisions making the most arrests,
- Patrol district autonomy in developing enforcement strategies.

Program Costs. Since the inception of the program, the Houston Police Department has arrested 11,000 parole violators. The cost of clearing a targeted parole violation warrant is estimated at \$530. This amount includes time spent unsuccessfully attempting to locate violators and a significant amount of administrative processing time. The program has a 54% clearance rate (HPD, February 1995).

A Multi-Agency Task Force Approach

Since last December a multi-agency task force in the Midland-Odessa area has arrested more than 250 parole violators. The multi-agency task force includes departments throughout West Texas including the Panhandle, Abilene and El Paso. More than half of the parole violators were arrested in the Midland-Odessa area. The Ector County Sheriff's Department, the Odessa Police Department and the Midessa Auto Theft Task Force also participated in the initiative. Lieutenant Joel Young, supervisor of the area Criminal Intelligence Unit for the Texas Department of Public Safety, coordinated the sweep.

The sweep was initiated in anticipation of the opening of a new Intermediate Sanction Facility in Pampa for parole violators. Intermediate Sanction Facilities are new state prison facilities designed to house parolees who violate the terms of their supervision. These new facilities should ease the current burden experienced by county jails responsible for housing parole violators awaiting transfer to the state penitentiary. A parole violator may be housed in an Intermediate Sanction Facility from 90 days to one year.

HOUSTON POLICE DEPARTMENT

Parolee Analysis/Apprehension Program

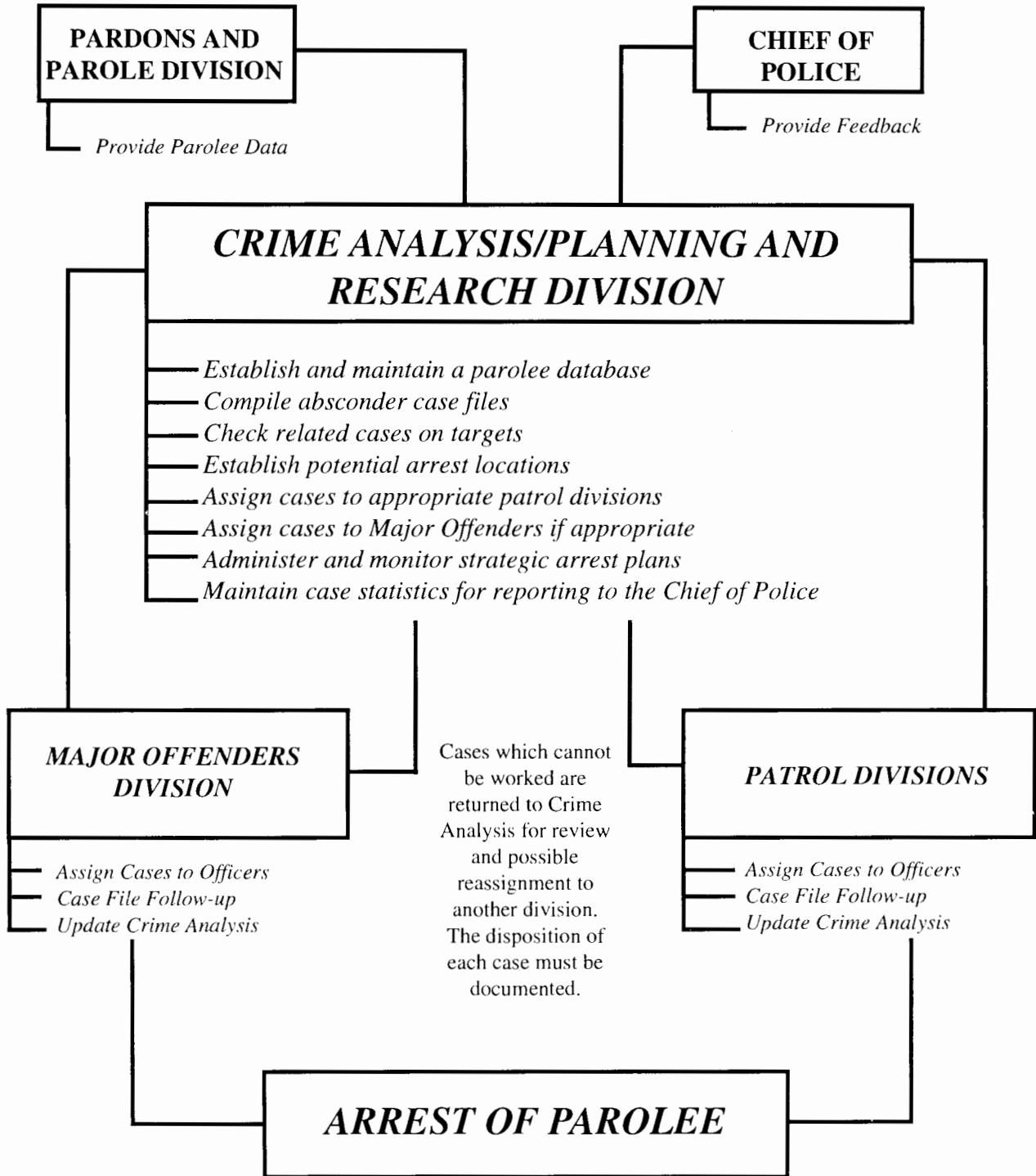


Figure 2

Forging a Relationship

As mentioned in the introduction of this bulletin, LEMIT and CEMIT recently (February 21, 1995) co-hosted a meeting of law enforcement, county corrections and parole officials. The purpose of this meeting was to:

- discuss common problems with respect to the supervision and enforcement of parole violators,
- identify potential solutions to the problem of parole violators, and
- identify necessary legislative solutions.

Five significant issues were identified. These issues are listed below with their associated comments.

Issue One: The nature and circumstances justifying the issuance of a blue warrant for the arrest of a parole violator. The Pardons and Paroles Division is undergoing significant change in its internal procedures and policies. This "re-engineering" effort is designed primarily to make the agency more effective and responsive to the needs of its clients as well as its partners in the criminal justice community. The following initiatives are exemplary of the changes that are now taking place at PPD.

Probably the most important change at PPD, at least from a law enforcement perspective, is the current philosophy with respect to the use of blue warrants. The Pardons and Paroles Division will not issue a warrant for the arrest of a parole violator unless PPD actually intends to pursue revocation proceedings. This gives the law enforcement officer more incentive to apprehend the violator since there is a greater probability that the violator's parole will be revoked and therefore the officer's time will not be perceived as wasted.

In the past parole officers were required to wait 60 days before filing a warrant for the arrest of a parole violator who failed to report. The current policy requires the officer to "exhaust every means available to locate the parolee" prior to requesting a warrant. This change places the parole officer in a better position to manage his/her caseload. Internal controls are in place to insure that absconders are not overlooked or allowed to circumvent reporting for an unreasonable period of time.

A concern was expressed regarding the ability of some parolees to report during regular business hours. Many parolees are employed in jobs requiring their presence on the job during and beyond regular business hours. Since parole offices are typically open only during regular business hours, many parolees find it difficult to report. This may lead to unnecessary warrants. PPD is aware of this problem and is exploring several ideas to extend the office hours.

Issue Two: The necessity for proactive information to law enforcement officials. The Pardons and Paroles Division is notified when a parolee is arrested if the arresting agency reports the arrest to the Texas Department of Public Safety. The Texas Department of Criminal Justice-Internal Affairs Division is working on an information system designed to provide law enforcement officials access to relevant TDCJ information. However, currently there is no generally available system to proactively provide information to law enforcement officials on parolees. At the very least, a system should be available that notifies law enforcement officials that an inmate is being released on parole within the agency's jurisdiction.

Issue Three: Automated file exchange of information between PPD and law enforcement. Recent improvements to the state level criminal justice information systems, including the telecommunications systems, do not meet all the information needs of law enforcement officers with respect to parole violator enforcement. To support its Parolee Analysis/Apprehension Program the Houston Police Department developed an information system that is able to receive information on parolees, via tape update, from TDCJ on all parolees sent to Harris County. In the near future this system will be expanded to include information on parolees released to adjacent counties.

Issue Four: The processing timetable. A parole violator arrested pursuant to a blue warrant may remain in jail for 120 days. The Pardons and Paroles Division is required by statute to either revoke the prisoner's parole or release the prisoner within 120 days following the arrest. Although law enforcement officials may support a longer period of incarceration pending revocation proceedings, the effect on the county jails population can be substantially adverse.

Issue Five: Financial responsibility for housing arrested parole violators pending hearing. As mentioned earlier, TDCJ-ID limits admissions from counties based upon a statutorily imposed allocation formula. Parole violators awaiting transfer to TDCJ-ID, subsequent to revocation, are included in the general population of prisoners awaiting transfer to TDCJ-ID. In counties with active parolee apprehension programs, like Harris, the county may have quite a number of parole violators awaiting transfer. This further exacerbates the already tenuous problem of backlogs of inmates awaiting transfer to TDCJ-ID. Furthermore, the state does not compensate counties for the housing of parole violators until the violator's parole is actually revoked. The following recommendations were offered:

- Prisoners awaiting transfer to TDCJ-ID, pursuant to parole revocation, should not be included in the county's general allocation of prison bed space.

- Counties should be reimbursed for the expense of housing parole violators awaiting revocation proceedings.
- In some cases, parole violators could be housed in available state jails pending parole revocation proceedings.

Future Applications

Texas is in the process of "implementing the most far-reaching sentencing reform in the nation." This reform is supported by the largest expansion of correctional facilities in the nation and the largest increase of correctional substance abuse treatment programs in the world. By December 1995, the total prison capacity will be 145,081 beds. By June 1995, "the county jail backlog is projected to decline and the state is projected to transfer all backlogged offenders from county jails to state facilities" (Criminal Justice Policy Council, *Projection of Correctional Population in Texas, FY 1994-2000*, March 18, 1994). By all accounts the pressure to release offenders to parole and mandatory supervision will be greatly reduced in the very near future. However, the viability of parole violator apprehension programs should not be discounted. Parolees will continue to violate the terms of their supervision and the parole authorities will continue to need the assistance of law enforcement to apprehend errant parolees.

In anticipation of this possibility, the Houston Police Department has begun to explore the feasibility of extending its Parolee Analysis/Apprehension Program to targeting probation violators. Six out of 10 offenders are sentenced to a term of probation. Almost certainly there is an application of the parole program to probation (HPD, February 1995).

The following individuals participated in the aforementioned conference on the role of law enforcement in parole violator apprehension. Their contribution to the creation of this bulletin is sincerely appreciated.

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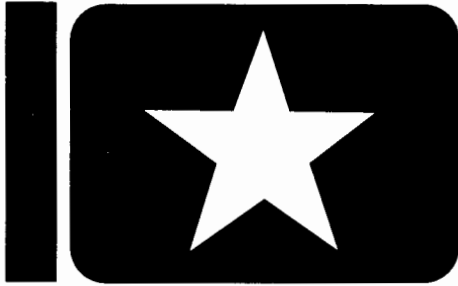
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