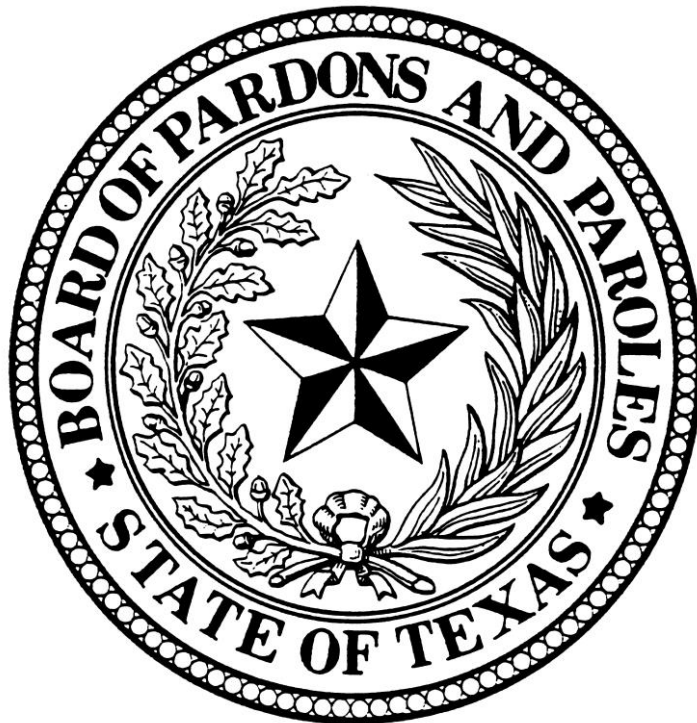


# TEXAS BOARD OF PARDONS AND PAROLES

## MINUTES

*Board Meeting No. 25-0109*



January 9, 2025

Bryan, Texas



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# TEXAS BOARD OF PARDONS AND PAROLES

## Board Meeting

Thursday, January 9, 2025

4100 Lake Atlas Drive

Bryan, Texas

9:00 AM

## Order of Business

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1. Call to Order
2. Convene Texas Board of Pardons and Paroles Open Meeting
3. Recognitions
4. Consent Item – Minutes for the October 17, 2024 Board Meeting
5. Discussion and Consideration of the Revised 89<sup>th</sup> Legislative Appropriations Request (LAR) for Fiscal Years 2026 and 2027 – Kyle Britt, Director of Budget
6. Discussion and Consideration of Board Policy, BPP-POL.145.255 Special Condition "L" (MAXIMUM LEVEL OF SUPERVISION)
7. Discussion and Consideration of Board Policy, BPP-POL.145.257 Special Condition "P" (SPECIAL NEEDS OFFENDER PROGRAM)
8. Discussion and Consideration of Board Policy, BPP-POL.145.260 Special Condition SISP (SUPER INTENSIVE SUPERVISION PROGRAM)
9. Discussion and Consideration of Board Policy, BPP-POL.145.262 Special Condition "V" (VICTIM)
10. Discussion and Consideration of OIMS Condition O.17 Not to operate motor vehicle without approval of Parole Officer.
11. Discussion and Consideration of OIMS Condition O.18 Not to operate a motor vehicle without an ignition interlock device
12. Discussion and Consideration of OIMS Condition O.34 County Jail Work Program
13. Discussion and Consideration of OIMS Condition O.37 Participate in Project RIO
14. Discussion and Consideration of OIMS Condition O.41 Submit to clinical polygraph as directed by supervising officer
15. Discussion and Consideration of OIMS Condition O. 55 Allow contact with the following children
16. Discussion and Consideration of OIMS Condition O.59 Medication-assisted Treatment Evaluation
17. Discussion and Consideration of Board Policy, BPP-POL.145.201 ACTION UPON REVIEW – RELEASE DENIED
18. Discussion and Consideration of Board Policy, BPP-POL.145.206 SPECIAL REVIEW – RELEASE DENIED
19. Discussion and Consideration of Board Policy, BPP-POL.145.270 POLICY STATEMENT ON IMPOSITION OF SPECIAL CONDITIONS
20. Discussion and Consideration of Board Policy, BPP-POL.146.252 PRELIMINARY HEARINGS – PENDING CRIMINAL CHARGES

21. Discussion and Consideration of Board Policy, BPP-POL.148.200 SEX OFFENDER CONDITIONS – RELEASEE NOT CONVICTED OF A SEX OFFENSE
22. Initial Readoption without Amendments in 37 TAC, Chapter 148
  - A. §148.44 Motions
23. Initial Readoption with Non-Substantive Amendments in 37 TAC, Chapter 148
  - A. §148.48 Record
  - B. §148.50 Procedure after Waiver of Hearing
  - C. §148.51 Scheduling of Hearing
  - D. §148.52 Hearing
  - E. §148.53 Final Board Disposition
  - F. §148.54 Releasee’s Motion to Reopen Hearing
  - G. §148.55 Procedure after Motion to Reopen is Granted; Time; Rights of the Releasee; Final Disposition
24. Initial Readoption with Substantive Amendments in 37 TAC, Chapter 148
  - A. §148.41 Public Hearings
  - B. §148.42 Authority of Hearing Officers
  - C. §148.43 Ex Parte Consultations
  - D. §148.45 Witnesses
25. Initial Readoption with Substantive Amendments in 37 TAC, Chapter 150
  - A. §150.55 Conflict of Interest Policy
26. Convene Texas Board of Pardons and Paroles Closed Meeting – Executive Session
  - A. Consultation with Legal Counsel Regarding Pending or Contemplated Litigation or Settlement Offers; to Receive Legal Advice on Items Posted on this Agenda (Closed in accordance with Section 551.071, Government Code).
  - B. Consultation with Legal Counsel on Matters Where the Texas Board of Pardons and Paroles Seeks the Advice of its Attorney as Privileged Communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Closed in accordance with Section 551.071, Government Code).
  - C. Annual Parole Guidelines Meeting to Review and Discuss the Parole Guidelines and Range of Recommended Parole Approval Rates. (Closed in accordance with Section 508.144b, Government Code).
27. Reconvene Texas Board of Pardons and Paroles Open Meeting
28. Adjourn



**MINUTES OF THE  
TEXAS BOARD OF PARDONS AND PAROLES  
BOARD MEETING  
THURSDAY, JANUARY 9, 2025**

**REGULAR SESSION**

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, January 9, 2025 at 9:00 a.m., 4100 Lake Atlas Drive, Bryan, Texas.

**BOARD MEMBERS PRESENT**

Marsha Moberley  
Elodia Brito  
Sandra Fletcher  
Carmella Jones  
Brian Long  
Linda Molina  
Ed Robertson

**PAROLE COMMISSIONERS PRESENT**

Michael Adams  
Richard Aiello  
Jacqueline Bishop  
Joel Butler  
Edward Davila  
Lee Ann Eck-Massingill  
Mary Farley  
Troy Fox  
Raymond Gonzalez  
Michael Hardges  
James Kiel  
Jeffrey Marton  
Anthony Ramirez  
Alfredo Salcido

Roel Tejada

**BOARD STAFF PRESENT**

Bettie Wells, General Counsel  
Carol Garcia, Deputy General Counsel  
Timothy McDonnell, Chief of Staff  
Jessica Dillard, Board Administrator  
Rachel Alderete, Director, Support Operations  
Kyle Britt, Director, Budget  
Eugene Stroud, Deputy Director of Financial Operations  
Wadella Murphy, Director, Hearing Operations  
Clinton Gunnels, Director, Institutional Parole Operations  
Erica Montalvan, Deputy Director, Institutional Parole Operations  
Libby Hamilton, Director, Victim Liaison Program  
Kesley Stratton, Director, Staff Development  
Rodney Sigler, Director, Human Resources  
Terence Hall, Director, Information Technology  
Heather Penick, Manager of Business Operations  
Pamela Pacher, Program Specialist, Governmental Affairs  
Brent Baker, Budget Analyst  
Robert Detjen, Systems Analyst  
Estela DeHoyos, Program Supervisor, Board Support  
Chrissy Ruiz, Executive Assistant  
Oliver Cui, Executive Assistant  
Elizeth Willaker, Executive Assistant  
Matthew Schlosser, Multimedia Technician

**TDCJ STAFF PRESENT**

Kelsey Kersh, Internal Audit  
Derl Ellisor, OIG

**CONVENED – TEXAS BOARD OF PARDONS AND PAROLES**

Presiding Officer (Chair) Marsha Moberley convened the meeting of January 9, 2025 at 9:00 a.m. in accordance with Chapter 551, Texas Government Code, Open Meetings Act. After roll call, the Chair stated a quorum was present and declared the meeting open.

**RECOGNITIONS**

Chair Moberley recognized the Board Members and Parole Commissioners present.

Chair Moberley introduced Sandra Fletcher, the new Board Member and Michael Hardges the new Parole Commissioner for the Angleton Board Office. She highlighted their career and education.

**BOARD RETIREES (ATTACHMENT A)**

Chair Moberley recognized the employees that retired and stated the names of the retirees will be included as part of the official minutes of the meeting.

**NAMES OF SERVICE AWARD RECIPIENTS (ATTACHMENT B)**

Chair Moberley recognized the Board staff who received service awards. She expressed her deepest appreciation for their dedicated service, and stated the names of the service award recipients will be included as part of the official minutes of the meeting.

Chair Moberley recognized Lee Anne Eck-Massingill, for 35-years of state service. She highlighted her career and thanked her for her years of service to the state.

Timothy McDonnell, Chief of Staff, recognized Libby Hamilton for 15-years of state service and Pam Pacher for 35 years of state service. He highlighted their careers and thanked them for their service to the state.

**CONSENT ITEMS**

Chair Moberley asked if the Board had any objections to the Consent Item listed on the agenda. Hearing no objections, the Board approved the minutes for the October 17, 2024 Board Meeting.

**DISCUSSION AND CONSIDERATION OF THE REVISED 89<sup>TH</sup> LEGISLATIVE APPROPRIATIONS REQUEST (LAR) FOR FISCAL YEARS 2026 AND 2027 (ATTACHMENT C)**

Chair Moberley yielded the floor to Kyle Britt, Budget Director to present agenda item #5.

Mr. Britt discussed the revised 89<sup>th</sup> LAR for Fiscal Years 2026 and 2027, which included funding for the Victim’s Liaison Program, exceptional item #9 and requested the Board’s approval.

***Motion***

***Ms. Molina moved to adopt the Revised 89<sup>th</sup> Legislative Appropriations Request (LAR) for Fiscal Years 2026 and 2027, as presented.***

***Mr. Long seconded the motion, which prevailed when called for a voice vote.***

**BOARD POLICIES AND OIMS CONDITIONS (ATTACHMENT D)**

Chair Moberley yielded the floor to Ed Robertson, Board Member and Chair of the Special Conditions Work Group to present agenda items #6 - #16 and Bettie Wells, General Counsel to present agenda items #17 - #21 for discussion and consideration.

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.255 SPECIAL CONDITION “L” (MAXIMUM LEVEL OF SUPERVISION)**

Mr. Robertson discussed the responsibilities of the Special Condition Work Group and recognized the Work Group members. He stated the Special Condition Work Group reviewed four (4) Board special condition policies and seven (7) OIMS special conditions. Board Policy 145.255 Special Condition “L” was reviewed by the Special Condition Work Group, and in reviewing the policy the work Group determined the revisions include substantive changes to the signature reflecting the new presiding chair. He recommended the Board approve the revisions to Special Condition “L.”

***Motion***

***Ms. Molina moved to adopt the revisions to Board Policy, BPP-POL. 145. 255 Special Condition “L” (Maximum Level of Supervision), as presented.***

***Ms. Fletcher seconded the motion, which prevailed when called for a voice vote.***

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.257 SPECIAL CONDITION “P” (SPECIAL NEEDS OFFENDER PROGRAM)**

The recommended revisions to Board Policy 145.257 include substantive changes to the DEFINITION section and substantive changes to the signature reflecting the new presiding chair.

***Motion***

***Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 145.257 Special Condition “P” (Special Needs Offender Program), as presented.***

***Ms. Jones seconded the motion, which prevailed when called for a voice vote.***

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.260 SPECIAL CONDITION “SISP” (SUPER INTENSIVE SUPERVISION PROGRAM)**

The recommended revisions to Board Policy 145.260 include substantive changes to the PROCEDURES section and substantive changes to the signature reflecting the new presiding officer.

***Motion***

***Ms. Brito moved to adopt the revisions to Board Policy, BPP-POL. 145.260 Special Condition “SISP” (Super Intensive Supervision Program), as presented.***

***Ms. Molina seconded the motion, which prevailed when called for a voice vote.***

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.262 SPECIAL CONDITION “V” (VICTIM)**

The recommended revisions to Board Policy 145.262 include substantive changes to the DEFINITION section and substantive changes to the signature reflecting the new presiding chair.

***Motion***

***Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL. 145.262 Special Condition “V” (Victim), as presented.***

***Mr. Long seconded the motion, which prevailed when called for a voice vote.***

**DISCUSSION AND CONSIDERATION OF OIMS CONDITION O.17 NOT TO OPERATE MOTOR VEHICLE WITHOUT APPROVAL OF PAROLE OFFICER**

Mr. Robertson stated the OIMS Special Condition table in the meeting packets includes OIMS Condition O.17. In reviewing the OIMS condition, the Work Group determined OIMS Condition O.17 as a special condition of parole or mandatory supervision should no longer be imposed and the condition repealed.

***Motion***

***Mr. Long moved to repeal OIMS Condition O.17 Not to operate motor vehicle without approval of parole officer, as presented.***

***Ms. Brito seconded the motion, which prevailed when called for a voice vote.***

**DISCUSSION AND CONSIDERATION OF OIMS CONDITION O.18 NOT TO OPERATE MOTOR VEHICLE WITHOUT AN IGNITION INTERLOCK DEVICE**

OIMS Condition O.18 was reviewed by the Special Condition Work Group and in reviewing the special condition, the Work Group determined that the imposition of OIMS Condition O.18 as a special condition of parole and mandatory supervision should be discontinued and the condition repealed.

***Motion***

***Ms. Brito moved to repeal OIMS Condition O.18 Not to operate a motor vehicle without an ignition interlock device, as presented.***

***Ms. Molina seconded the motion, which prevailed when called for a voice vote.***

**DISCUSSION AND CONSIDERATION OF OIMS CONDITION O.34 COUNTY JAIL WORK PROGRAM**

OIMS Condition O.34 was reviewed by the Special Condition Work Group and in reviewing the special condition, the Work Group determined that the imposition of OIMS Condition O.34 as a special condition of parole and mandatory supervision should be discontinued and the condition repealed.

***Motion***

***Ms. Jones moved to repeal OIMS Condition O.34 County Jail Work Program, as presented.***

***Ms. Fletcher seconded the motion, which prevailed when called for a voice vote.***

**DISCUSSION AND CONSIDERATION OF OIMS CONDITION O.37 PARTICIPATE IN PROJECT RIO**

OIMS Condition O.37 was reviewed by the Special Condition Work Group and in reviewing the special condition, the Work Group determined that the imposition of OIMS Condition O.37 as a special condition of parole and mandatory supervision should be discontinued and the condition repealed.

***Motion***

***Mr. Long moved to repeal OIMS Condition O.37 Participate in Project Rio, as presented.***

*Ms. Brito seconded the motion, which prevailed when called for a voice vote.*

**DISCUSSION AND CONSIDERATION OF OIMS CONDITION O.41 SUBMIT TO CLINICAL POLYGRAPH AS DIRECTED BY SUPERVISING OFFICER**

OIMS Condition O.41 was reviewed by the Special Condition Work Group and in reviewing the special condition, the Work Group determined that the imposition of OIMS Condition O.41 as a special condition of parole and mandatory supervision should be discontinued and the condition repealed.

***Motion***

*Ms. Brito moved to repeal OIMS Condition O.41 Submit to clinical polygraph as directed by supervising officer, as presented.*

*Ms. Molina seconded the motion, which prevailed when called for a voice vote.*

**DISCUSSION AND CONSIDERATION OF OIMS CONDITION O.55 ALLOW CONTACT WITH THE FOLLOWING CHILDREN**

OIMS Condition O.55 was reviewed by the Special Condition Work Group and in reviewing the special condition, the Work Group determined that the imposition of OIMS Condition O.55 as a special condition of parole and mandatory supervision should be discontinued and the condition repealed.

***Motion***

*Ms. Jones moved to repeal OIMS Condition O.55 Allow contact with the following children, as presented.*

*Ms. Fletcher seconded the motion, which prevailed when called for a voice vote.*

**DISCUSSION AND CONSIDERATION OF OIMS CONDITION O.59 MEDICATION-ASSISTED TREATMENT EVALUATION**

OIMS Condition O.59 was reviewed by the Special Condition Work Group and in reviewing the special condition, the Work Group determined that the imposition of OIMS Condition O.59 as a special condition of parole and mandatory supervision should be discontinued and the condition repealed.

***Motion***

*Ms. Molina moved to repeal OIMS Condition O.59 Medication-assisted Treatment Evaluation, as presented.*

*Ms. Brito seconded the motion, which prevailed when called for a voice vote.*

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.201 ACTION UPON REVIEW – RELEASE DENIED**

The recommended amendments to Board Policy 145.201 include protocol updates.

***Motion***

*Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 145.201 Action Upon Review – Release Denied, as presented.*

*Mr. Robertson seconded the motion, which prevailed when called for a voice vote.*

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.206 SPECIAL REVIEW – RELEASE DENIED**

The recommended amendments to Board Policy 145.206 include protocol updates.

*Motion*

*Ms. Fletcher moved to adopt the revisions to Board Policy, BPP-POL. 145.206 Special Review – Release Denied, as presented.*

*Ms. Jones seconded the motion, which prevailed when called for a voice vote.*

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.270 POLICY STATEMENT ON IMPOSITION OF SPECIAL CONDITIONS**

The recommended amendments to Board Policy 145.270 include protocol updates.

*Motion*

*Ms. Brito moved to adopt the revisions to Board Policy, BPP-POL. 145.270 Policy Statement on Imposition of Special Conditions, as presented.*

*Mr. Long seconded the motion, which prevailed when called for a voice vote.*

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.146.252 PRELIMINARY HEARINGS – PENDING CRIMINAL CHARGES**

The recommended amendments to Board Policy 146.252 include update to the statutory authority and protocol updates.

*Motion*

*Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 146.252 Preliminary – Hearings Pending Criminal Charges, as presented.*

*Ms. Brito seconded the motion, which prevailed when called for a voice vote.*

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.148.200 OFFENDER CONDITIONS – RELEASEE NOT CONVICTED OF A SEX OFFENSE**

The recommended amendments to Board Policy 148.200 include protocol updates.

*Motion*

*Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL. 148.200 Sex Offender Conditions – Releasee Not Convicted of a Sex offense, as presented.*

*Ms. Molina seconded the motion, which prevailed when called for a voice vote.*

**BOARD RULES (ATTACHMENT E)**

Chair Moberley yielded the floor to Linda Molina, Chair of the Rules Committee to present the rules listed in agenda items #22 - #25.

**INITIAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 148**

Ms. Molina presented the rule in agenda item #22, stating the Rules Committee met on April 25, 2024, and considered the rules in Chapter 148. The Rules Committee by unanimous vote recommended the initial readoption without amendments to the rule listed in agenda item #22. The proposed rule review of Chapter 148 was published in the Texas Register on May 10, 2024. Therefore, the Rules Committee is recommending initial readoption without amendments of the rule listed in agenda item #22.

*Motion*

*Mr. Long moved for the Initial Readoption Without Amendments of Chapter 148 Sex Offender Conditions of Parole or Mandatory Supervision, §148.44 Motions.*

*Ms. Brito seconded the motion, which prevailed when called for a voice vote.*

**INITIAL READOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 148**

Ms. Molina presented the rules in agenda item #23, stating the Rules Committee by unanimous vote recommended the initial readoption of Chapter 148 Sex Offender Conditions of Parole or Mandatory Supervision, with non-substantive amendments of the rules listed in agenda item #23. The non-substantive amendments include edits for uniformity and consistency throughout the rules. The Rules Committee is recommending initial readoption with non-substantive amendments of the rules listed in agenda item #23.

*Motion*

*Mr. Long moved for the Initial Readoption With Non-Substantive Amendments in Chapter 148, §148.48 Record, §148.50 Procedure after Waiver of Hearing, §148.51 Scheduling of Hearing, §148.52 Hearing, §148.53 Final Board Disposition, §148.54 Releasee's Motion to Reopen Hearing, and §148.55 Procedure after Motion to Reopen is Granted; Time; Rights of the Releasee; Final Disposition.*

*Mr. Robertson seconded the motion, which prevailed when called for a voice vote.*

**INITIAL READOPTION WITH SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 148**

Ms. Molina presented the rules in agenda item #24, stating the Rules Committee by unanimous vote recommended the initial readoption of Chapter 148 Sex Offender Conditions of Parole or Mandatory Supervision, with substantive amendments of the rules listed in agenda item #24. The substantive amendments include clarity, language from the Judicial Code of Conduct regarding ex parte communications and language clarifying when testimony by written statement may be presented. The

Rules Committee is recommending initial readoption with substantive amendments of the rules listed in agenda item #24.

***Motion***

***Mr. Long moved for the Initial Readoption With Substantive Amendments in Chapter 148, §148.41 Public Hearings, as presented.***

***Ms. Fletcher seconded the motion, which prevailed when called for a voice vote.***

***Motion***

***Mr. Long moved for the Initial Readoption With Substantive Amendments in Chapter 148, §148.42 Authority of Hearing Officers, as presented.***

***Ms. Brito seconded the motion, which prevailed when called for a voice vote.***

***Motion***

***Mr. Long moved for the Initial Readoption With Substantive Amendments in Chapter 148, §148.43 Ex Parte Consultations, as presented.***

***Ms. Jones seconded the motion, which prevailed when called for a voice vote.***

***Motion***

***Mr. Long moved for the Initial Readoption With Substantive Amendments in Chapter 148, §148.45 Witnesses, as presented.***

***Ms. Brito seconded the motion, which prevailed when called for a voice vote.***

**INITIAL READOPTION SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 150**

Ms. Molina presented the rule in agenda item #25, stating the Rules Committee on April 25, 2024, by unanimous vote recommended the initial readoption of Chapter 150, with substantive amendments to the rule in agenda item #25. The proposed rule review of Chapter 150 was published in the Texas Register on May 10, 2024. The substantive amendments include corrections to titles and clarity. The Rules Committee is recommending initial readoption substantive amendments of the rule listed in agenda item #25.

***Motion***

***Mr. Long moved for the Initial Readoption With Substantive Amendments of Chapter 150, §150.55 Conflict of Interest Policy.***

***Ms. Jones seconded the motion, which prevailed when called for a voice vote.***

**EXECUTIVE SESSION**

Chair Moberley recessed the Regular Session at 9:54 a.m. and convened the Board into Executive Session (closed under Section 551.071 and 508.144b, Government Code).

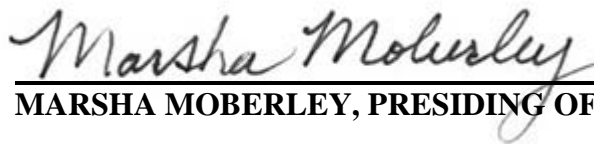
**RECONVENE TEXAS BOARD OF PARDONS AND PAROLES**

Chair Moberley convened the Board back into Regular Session at 11:47 a.m. and proceeded with the order of business.

**ADJOURNMENT**

Having completed all posted items on the agenda, Chair Moberley adjourned the Board Meeting at 11:47 a.m.

**ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 24<sup>th</sup> DAY OF APRIL 2025.**

  
MARSHA MOBERLEY, PRESIDING OFFICER (CHAIR)