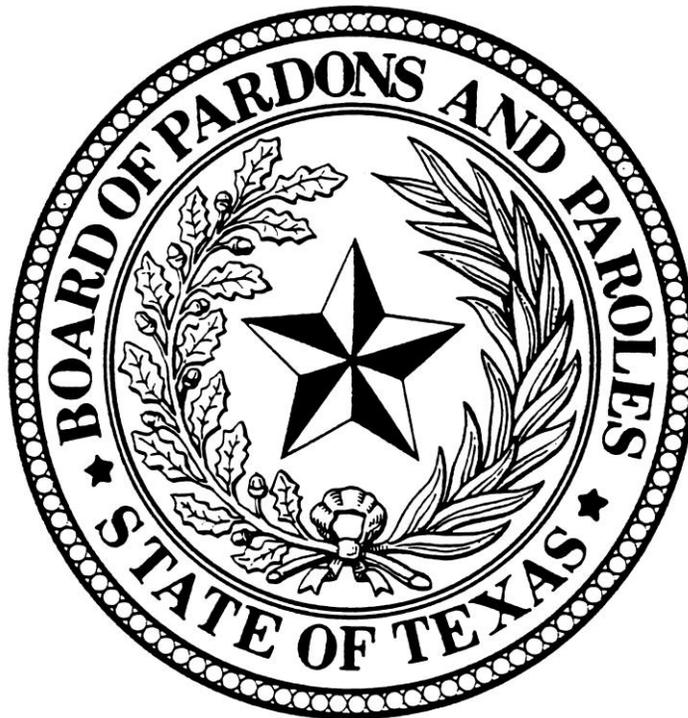


**TEXAS BOARD OF PARDONS AND PAROLES**

**MINUTES**

*Board Meeting No. 19-0418*



**April 18, 2019**

**Austin, Texas**



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# TEXAS BOARD OF PARDONS AND PAROLES

## Board Meeting

Embassy Suites Austin Central  
Agave AB Room  
5901 N. IH-35  
Austin, Texas

April 18, 2019

10:00 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 Items – Minutes for the January 17, 2019 Board Meeting
5. Legislative Update – David Gutiérrez, Chairman
6. Discussion and Consideration of Fiscal Year 2018 Parole Guidelines Annual Report – Jessica Dillard, Board Administrator
7. Discussion and Consideration of Board Policy, BPP-POL. 141.200 Board of Pardons and Paroles Mission Statement
8. Discussion and Consideration of Board Policy, BPP-POL. 141.201 Policy Statement on Internal Audit Procedures
9. Discussion and Consideration of Board Policy, BPP-POL. 141.203 Use of Technology
10. Discussion and Consideration of Board Policy, BPP-POL. 141.400 Offender Transfer From TDCJ CID to Federal Custody
11. Discussion and Consideration of Board Policy, BPP-POL. 145.200 Extraordinary Vote (SB 45)
12. Discussion and Consideration of Board Policy, BPP-POL. 145.207 Extraordinary Vote (HB 1914)
13. Discussion and Consideration of Board Policy, BPP-POL. 145.270 Policy Statement on Imposition of Special Conditions
14. Discussion and Consideration of Board Policy, BPP-POL. 146.251 Special Condition “SAFP” (Substance Abuse Felony Program)
15. Final Re-Adoption without Amendments in 37 TAC, Chapter 146
  - A. §146.3 Right to Counsel
  - B. §146.4 Procedure after Waiver of Preliminary Hearing
  - C. §146.5 Procedure after Waiver of Revocation Hearing
  - D. §146.7 Preliminary Hearing
  - E. §146.9 Revocation Hearing
  - F. §146.10 Final Board Disposition
  - G. §146.12 Procedure after Motion to Reopen is Granted; Time; Rights of the Releasee; Final Disposition

16. Final Re-Adoption with Non-Substantive Amendments in 37 TAC, Chapter 146
  - A. §146.6 Scheduling of Preliminary Hearing
  - B. §146.8 Scheduling of Revocation Hearings
  - C. §146.11 Releasee's Motion to Reopen Hearing or Reinstate Supervision
17. 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).
18. Reconvene Texas Board of Pardons and Paroles Open Meeting
19. Adjourn



**MINUTES OF THE  
TEXAS BOARD OF PARDONS AND PAROLES  
BOARD MEETING  
THURSDAY, APRIL 18, 2019**

**REGULAR SESSION**

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, April 18, 2019 at 10:00 a.m., Embassy Suites Austin Central, 5901 N. IH-35, Austin, Texas.

**BOARD MEMBERS PRESENT**

David Gutiérrez  
D'Wayne Jernigan  
Carmella Jones  
James LaFavers  
Brian Long  
Ed Robertson  
Fred Solis

**PAROLE COMMISSIONERS PRESENT**

Elodia Brito  
Ira Evans  
Mary J. Farley  
Troy Fox  
Tony Garcia  
Raymond Gonzalez  
James Hensarling  
James Kiel  
Lee Ann Massingill  
Marsha Moberley  
Anthony Ramirez  
Wanda Saliagas  
Charles Speier  
Roel Tejada

**OTHERS PRESENT**

Bettie Wells, General Counsel  
Timothy McDonnell, Chief of Staff  
Jessica Dillard, Board Administrator  
Kyle Britt, Budget Director  
Raymond Estrada, Director, Public Information  
Rachel Alderete, Director, Hearing Operations  
Veronica Muraira, Director, Administrative Support  
Tracy Long, Director, Institutional Parole Operations  
Robin Biscamp, Deputy Director, Institutional Parole Operations  
Libby Hamilton, Board Victim Services Program Liaison  
Terence Hall, Systems Analyst  
Estela DeHoyos, Program Supervisor  
Matthew Schlosser, Multimedia Technician  
Angie McCown, Director, Victim Services  
Pastor R.L. Rogers, Ministers Justice Coalition  
Pastor Jackson Jr., Ministers Justice Coalition  
R.C. Williams, Ministers Justice Coalition

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

Presiding Officer (Chairman) David Gutiérrez convened the meeting of April 18, 2019 at 10:00 a.m. in accordance with Chapter 551, Texas Government Code, Open Meetings Act. After roll call, the Chairman stated a quorum was present and declared the meeting open.

**RECOGNITIONS**

Chairman Gutiérrez announced the appointment of Brian Long and re-appointment of Board Members D’Wayne Jernigan, Carmella Jones, and James LaFavers, stating all members were recently confirmed and will continue to serve on the Board.

Chairman Gutiérrez recognized the Board Members and Commissioners present and introduced the newest Parole Commissioners for the Amarillo Board Office, Elodia Brito and Mary J. Farley. He highlighted their careers and education and welcomed them to the Board of Pardons and Paroles. Chairman Gutiérrez noted Ms. Farley replaced the Amarillo position held by Raymond Gonzalez. Mr. Gonzalez was reassigned to the Angleton Board office, effective April 1<sup>st</sup>.

Chairman Gutiérrez formerly recognized and thanked Gerald Garrett for his dedicated service and commitment to the Board. Mr. Garrett’s last day with the Board was Friday March 29<sup>th</sup>.

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

Chairman Gutiérrez recognized the Board employees who have dedicated 5, 10, 20, 25, 30, 40 years of service to the state of Texas. He expressed his deepest gratitude for their service.

Chairman Gutiérrez, in memory of Taylor Cage, formerly recognized Mr. Cage for 25 years of state service, stating the Board is grateful for his service and commitment and he will be fondly

remembered. The Chairman also recognized and presented a state service award to Parole Commissioner Chuck Speier for 40 years of state service. He highlighted his career and thanked him for the knowledge and experience he brings to the Board.

**NAMES OF BOARD RETIREES (*ATTACHMENT B*)**

Chairman Gutiérrez recognized the employees that retired since the last Board Meeting, January 17, 2019.

Timothy McDonnel, Chief of Staff, introduced the new Manager of Staff Development, Kelsey Stratton. He highlighted her career and education.

Rachel Alderete, Director of Hearing Operations, introduced the new Regional Operations Supervisor, Heather Clark. She highlighted her career and education.

**CONSENT ITEMS**

Chairman Gutiérrez stated the Board had an opportunity to review the Consent Item listed on the agenda prior to the meeting; he asked if there were any objections. Hearing no objections, the Board approved the minutes from the January 17, 2019 Board Meeting.

**LEGISLATIVE UPDATE (*ATTACHMENT C*)**

Chairman Gutiérrez provided a brief update on the 86<sup>th</sup> Legislative Session, stating to date a total of 9,545 bills have been filed; 17 bills have been determined to be high priority, with 192 bills determined to be marginal. He discussed the high priority and marginal bills, indicating at this point 1,606 bills passed by the House and Senate and 490 of the bills have been signed by the Governor. Currently, no bills have been vetoed. Many of the bills jointly affect the Texas Department of Criminal Justice (TDCJ) and the Board, consequently, in preparation for each hearing and testimony the Board collaborates and shares information with TDCJ. The Board is optimistic as the final weeks of session approach.

**DISCUSSION AND CONSIDERATION OF FISCAL YEAR 2018 PAROLE GUIDELINES ANNUAL REPORT (*ATTACHMENT D*)**

Chairman Gutiérrez yielded the floor to Jessica Dillard, Board Administrator, to discuss the Fiscal Year 2018 Parole Guidelines Annual Report.

Ms. Dillard provided the history of Parole Guidelines, stating the 80<sup>th</sup> Legislative Session in 2008 provided statute requiring the Board to annually report the application of the parole guidelines to the Lt. Governor, Speaker of the House, standing committee members in the Senate and House of Representatives primarily responsible for criminal justice. She discussed the requirements of the Fiscal Year 2018 Parole Guidelines Annual Report and stated the report meets the guidelines of Government Code 508.1445.

***Motions***

***Mr. Long moved to adopt the Fiscal Year 2018 Parole Guidelines Annual Report, as presented.***

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

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 141.200 BOARD OF PARDONS AND PAROLES MISSION STATEMENT (ATTACHMENT E)**

Chairman Gutiérrez yielded the floor to Bettie Wells, General Counsel, to present for discussion and consideration Board Policy, BPP-POL.141.200 Board of Pardons and Paroles Mission Statement.

Ms. Wells discussed the recommended revisions to Board Policy 141.200, which include grammatical revisions and address updates for the Gatesville Board Office.

*Motions*

*Mr. LaFavers moved to adopt the revisions to Board Policy, BPP-POL.141.200 Board of Pardons and Paroles Mission Statement, as presented.*

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

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.201 POLICY STATEMENT ON INTERNAL AUDIT PROCEDURES (ATTACHMENT F)**

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL.141.201 Policy Statement on Internal Audit Procedures.

Ms. Wells discussed the recommended revisions to Board Policy 141.201, stating the majority of revisions are non-substantive, including sentence structure, acronyms and titles as well as terminology on the type of audit that will be conducted.

*Motions*

*Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL. 141.201 Policy Statement on Internal Audit Procedures, as presented.*

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

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.203 USE OF TECHNOLOGY (ATTACHMENT G)**

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL. 141.203 Use of Technology.

Ms. Wells discussed the proposed revisions to Board Policy 141.203, which include non-substantive changes related to sentence structure, grammar and correction to the term “Internet” and “Website.”

*Motions*

*Mr. Robertson moved to adopt the revisions to Board Policy, BPP-POL.141.203 Use of Technology, as presented.*

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

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.400 OFFENDER TRANSFER FROM TDCJ CID TO FEDERAL CUSTODY (ATTACHMENT H)**

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL. 141.400 Offender Transfer from TDCJ CID to Federal Custody.

Ms. Wells discussed the proposed revisions to Board Policy 141.400, which include non-substantive changes; update to the statutory authority and grammatical revisions.

***Motions***

***Mr. Long moved to adopt the revisions to Board Policy, BPP-POL.141.400 Offender Transfer from TDCJ CID to Federal Custody, as presented.***

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

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.200 EXTRAORDINARY VOTE (SB 45) (ATTACHMENT I)**

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL. 145.200 Extraordinary Vote (SB 45).

Ms. Wells discussed the proposed revisions to Board Policy 145.200, which include grammatical revisions and reformatting the language in the “POLICY” and “DISCUSSION” sections of the policy.

***Motions***

***Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL.145.200 Extraordinary Vote (SB 45), as presented.***

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

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.207 EXTRAORDINARY VOTE (HB 1914) (ATTACHMENT J)**

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL. 145.207 Extraordinary Vote (HB 1914).

Ms. Wells discussed the proposed revisions to Board Policy 145.207, which include grammatical revisions and reformatting the language in the “POLICY” and “DISCUSSION” sections of the policy.

***Motions***

***Mr. Solis moved to adopt the revisions to Board Policy, BPP-POL.145.207 Extraordinary Vote (HB 1914), as presented.***

***Mr. Jernigan 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 (ATTACHMENT K)**

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL. 145.270 Policy Statement on Imposition of Special Conditions.

Ms. Wells stated Board Policy 145.270 was being presented to the Board with non-substantive changes related to the statutory reference in the “AUTHORITY” section.

*Motions*

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

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

**DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.146.251 SPECIAL CONDITION “SAFP” (SUBSTANCE ABUSE FELONY PROGRAM) (ATTACHMENT L)**

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL. 146.251 Special Condition “SAFP”.

Ms. Wells stated Board Policy 146.251 was being presented to the Board with non-substantive changes, specifically to the language in the “PURPOSE” and “DISCUSSION” sections of the policy.

*Motions*

*Mr. Long moved to adopt the revisions to Board Policy, BPP-POL.146.251 Special Condition “SAFP” (Substance Abuse Felony Program), as presented.*

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

**BOARD RULES (ATTACHMENT M)**

Chairman Gutiérrez yielded the floor to Board Member James LaFavers, Chair of the Rules Committee to present the rules listed in agenda item #15 and #16.

Mr. LaFavers, as an ongoing review of the Board’s rules, discussed the amendments and modifications made to the various rules and presented the rules for adoption.

**FINAL RE-ADOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 146**

Mr. LaFavers stated the Board previously approved the re-adoption of the amended rules listed in agenda item #15 and it has been more than 30 day since they were posted to the Texas Register. The General Counsel reports no comments were received.

*Motions*

*Mr. Jernigan moved for the final re-adoption without amendments, Chapter 146, §146.3 Right to Counsel; §146.4 Procedure after Waiver of Preliminary Hearing; §146.5 Procedure after Waiver of Revocation Hearing; §146.7 Preliminary Hearing;*

***§146.10 Final Board Disposition; and §146.12 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.***

***Motions***

***Mr. Jernigan moved for the final re-adoption without amendments, Chapter 146, §146.9 Revocation Hearing.***

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

**FINAL RE-ADOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 146**

Mr. LaFavers stated the Board previously approved the re-adoption of the amended rules in agenda item #16 and it has been more than 30 days since they were posted to the Texas Register. The General Counsel reports no comments were received.

***Motions***

***Mr. Jernigan moved for the final re-adoption with non-substantive amendments, Chapter 146, §146.6 Scheduling of Preliminary Hearing; §146.8 Scheduling of Revocation Hearings; and §146.11 Releasee's Motion to Reopen Hearing or Reinstate Supervision, as presented.***

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

Mr. LaFavers welcomed the new Rules Committee member, Marsha Moberley, and thanked General Counsel Bettie Wells and her staff for their work.

**EXECUTIVE SESSION**

Chairman Gutiérrez recessed the Regular Session at 10:50 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**

Chairman Gutiérrez convened the Board back into Regular Session at 11:57 a.m. and proceeded with the order of business.

**ADJOURNMENT**

Having completed all posted items on the agenda, Chairman Gutiérrez adjourned the Board Meeting at 11:58 a.m.

**ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 18th DAY OF JULY, 2019.**



A handwritten signature in black ink, appearing to read "David Gutiérrez", is written over a solid black horizontal line.

**DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)**