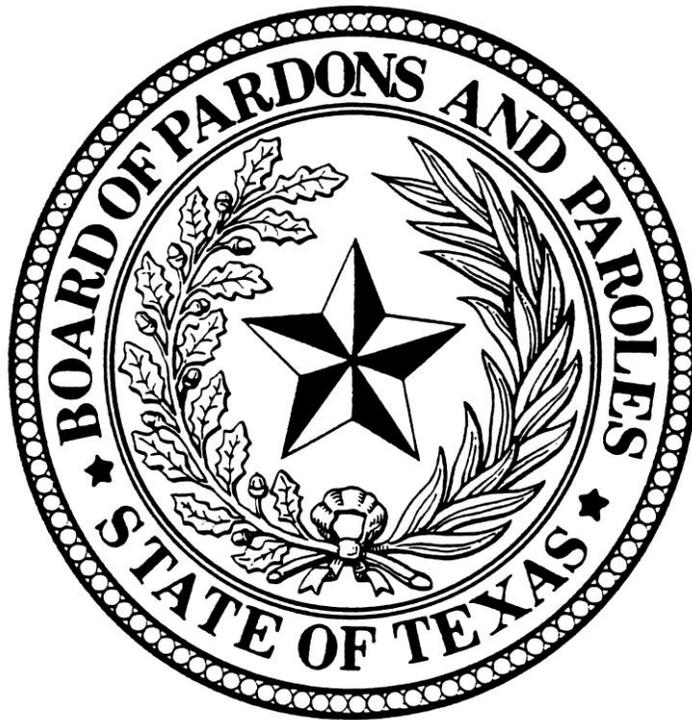


TEXAS BOARD OF PARDONS AND PAROLES

MINUTES

Board Meeting No. 25-0424



April 24, 2025

Austin, Texas

TEXAS BOARD OF PARDONS AND PAROLES

Board Meeting

Thursday, April 24, 2025

4616 West Howard Lane, Suite 200

(CJAD Training Room)

Austin, Texas

10:00 AM

Order of Business

1. Call to Order
2. Convene Texas Board of Pardons and Paroles Open Meeting
3. Recognitions
4. Consent Items – Minutes for the January 8, 2025 Workshop and January 9, 2025 Board Meeting
5. Chair’s Report – Marsha Moberley, Presiding Officer (Chair)
6. Discussion and Consideration of FY 2024 Parole Guidelines Annual Report – Jessica Dillard, Board Administrator
7. Discussion and Consideration of Resolution Regarding Special Conditions – Ed Robertson, Board Member
8. Discussion and Consideration of Board Policy, BPP.POL. 145.258 SPECIAL CONDITION “R” (Restitution)
9. Discussion and Consideration of Board Policy, BPP.POL. 145.261 SPECIAL CONDITION “T” (Electronic Monitoring)
10. Discussion and Consideration of Board Policy, BPP.POL. 145.267 SPECIAL CONDITION “ISF” (Intermediate Sanction Facility)
11. Discussion and Consideration of Board Policy, BPP. POL. 146.251 SPECIAL CONDITION "SAFP" (Substance Abuse Felony Program)
12. Discussion and Consideration of Board Policy, BPP.POL. 141.202 Public Comments and Public Presentations
13. Discussion and Consideration of Board Policy, BPP.POL. 141.203 Use of Technology
14. Discussion and Consideration of Board Policy, BPP.POL. 143.200 Clemency
15. Discussion and Consideration of Board Policy, BPP.POL. 145.202 Discretionary Mandatory Supervision
16. Discussion and Consideration of Board Policy, BPP.POL. 145.203 Eligibility for Release; Consecutive (Cumulative) Felony Sentences
17. Discussion and Consideration of Board Policy, BPP.POL. 145.208 Initial Review
18. Final Readoption without Amendments in 37 TAC, Chapter 148
 - A. §148.44 Motions
19. Final 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
20. Final 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
21. Final Readoption with Substantive Amendments in 37 TAC, Chapter 150
- A. §150.55 Conflict of Interest Policy
22. 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).
23. Reconvene Texas Board of Pardons and Paroles Open Meeting
24. Adjourn



**MINUTES OF THE
TEXAS BOARD OF PARDONS AND PAROLES
BOARD MEETING
THURSDAY, APRIL 24, 2025**

REGULAR SESSION

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, April 24, 2025 at 10:00 a.m., 4616 West Howard Lane, Suite 200, Austin, Texas.

BOARD MEMBERS PRESENT

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

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, 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
Pamela Pacher, Director, Special Projects
Terence Hall, Director, Information Technology

Kimberley Shaub, Deputy Director, Staff Development
Heather Penick, Manager of Business Operations
Jessica Guerrero, Manager of Administration
Robert Detjen, Systems Analyst
Jeremy Botello, Systems Administrator
Cynthia Flores, Analyst Supervisor
Richard Gamboa, Technical Writer
Estela DeHoyos, Program Supervisor
Veronica Torres, Program Supervisor
Elizeth Willaker, Executive Assistant
Megan McGarvey, Program Supervisor, Clemency
Denise Wagner, Administrative Assistant, Clemency
Robert Kershner, Administrative Assistant, Staff Development
Matthew Schlosser, Multimedia Technician

TDCJ STAFF PRESENT

Monica DeVelasco, PD-Deputy Division Director
Brian Yasko, OIG

OTHERS PRESENT

Helen Gaebler, Latino Justice
Justin Martinez, Latino Justice

CONVENED – TEXAS BOARD OF PARDONS AND PAROLES

Presiding Officer (Chair) Marsha Moberley convened the meeting of April 24, 2025 at 10:00 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 present.

Timothy McDonnell recognized the new Director of Special Projects, Pamela Pacher, noting she brings over 35 years of parole experience. She brings a good network that's helped the Board in working through some issues. He highlighted her career and thanked her for stepping up and moving into the new role.

Timothy McDonnell recognized Clinton Gunnels, Director of Institutional Parole Operations, stating Mr. Gunnels will be retiring at the end of May after serving approximately 33 years working for both the Texas Department of Criminal Justice and the Board of Pardons and Paroles. Mr. McDonnell commended Mr. Gunnels for being a hardworking and dedicated employee.

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 Elizeth Willaker for 10-years of state service and Ed Robertson for 30-years of state service. She highlighted their careers and thanked them for their years of service to the state.

Kyle Britt recognized Heather Penick for 20-years of state service. He highlighted her career and thanked her as his partner for making the Board of Pardons and Paroles (BPP) Finance the efficient, flexible and ever evolving function of the BPP.

Jessica Dillard recognized Rachel Alderete for 25-years of state service. She highlighted her career and thanked her for her dedication and years of service to the state.

CONSENT ITEMS

Chair Moberley asked if the Board had any objections to the Consent Items listed on the agenda. Hearing no objections, the Board approved the minutes for the January 8, 2025 Workshop and January 9, 2025 Board Meeting.

CHAIR'S REPORT

Chair Moberley provided a brief update on agency actions and business, specifically areas that reflect the current direction and ongoing efforts within the agency, including:

Legislative Session

Chair Moberley reported things are going well with the legislative session. There has been participation in numerous committee hearings and testimony has been provided on a range of legislative bills that impact the agency. While the budget has not yet been approved, early indications are very optimistic, and the base budget appears to be good. Several of the exceptional items have gained traction and support. She thanked everyone for all the work that has been done, from meeting with people at the legislature, talking about the exceptional items, explaining what we do and how important our role is.

IPO Case Summary

The IPO has been working on their new case summary. An internal work group was developed and has been working this initiative and moving forward on the new product. The IPO case summary is currently in the testing phase.

Rehabilitation and Reentry

There has been great collaboration and communication with TDCJ Rehabilitation Reentry Division working on the individual treatment plan and board voted programs.

Sunset

Chair Moberley thanked everyone that has been involved with Sunset from the very beginning. She stated the first section of the bill passed through the floor, and she feels very positive about the work.

The project is still ongoing. There will be implementation plans that will be finalized hopefully in a couple of years.

Chair Moberley expressed she's very pleased with the overall performance and direction of the agency.

DISCUSSION AND CONSIDERATION OF THE FISCAL YEAR 2024 PAROLE GUIDELINES ANNUAL REPORT (ATTACHMENT C)

Chair Moberley yielded the floor to Jessica Dillard, Board Administrator, to present agenda item #6.

Ms. Dillard discussed the Fiscal Year 2024 Parole Guidelines Annual Report, providing first a brief history as it relates to the Parole Guidelines. Ms. Dillard reported that for Fiscal Year 2024 statewide approval rates were well within the approval rate for guidelines levels 1-7. The Parole Guidelines Annual Report meets the guidelines of government code 508.145.

Motion

Mr. Long moved to adopt the Fiscal Year 2024 Parole Guidelines Annual Report, as presented.

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

DISCUSSION AND CONSIDERATION OF RESOLUTION REGARDING SPECIAL CONDITIONS (ATTACHMENT D)

Chair Moberley yielded the floor to Ed Robertson, Board Member and Chair of the Special Conditions Work Group to present agenda item #7.

Mr. Robertson stated Resolution BPP-RES. 25-04.01 entitled "Resolution Regarding OIMS Special Conditions" is being presented to the Board to memorialize the repeal of OIMS Special Conditions identified in the resolution at the January 9, 2025 Board Meeting and to formally establish the effective date of the repeal as on or after May 1, 2025.

Motion

Ms. Brito moved to adopt Resolution, BPP-RES. 25-04.01 regarding OIMS Special Conditions, as presented.

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

BOARD POLICIES (ATTACHMENT E)

Chair Moberley yielded the floor to Ed Robertson to present agenda items #8 - #11 and Bettie Wells, General Counsel to present agenda items #12 - #17 for discussion and consideration.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.258 SPECIAL CONDITION "R" (RESTITUTION)

Mr. Robertson discussed the responsibilities of the Special Condition Work Group and recognized the Work Group members. He thanked the Work Group members for their participation, suggestions, and recommendations, as well as Ms. Wells, and her staff.

He stated the first condition discussed was Special Condition “R.” Board Policy 145.258 Special Condition “R” 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 “R.”

Motion

Ms. Jones moved to adopt the revision to Board Policy, BPP-POL. 145.258 Special Condition “R” (Restitution), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.261 SPECIAL CONDITION “T” (ELECTRONIC MONITORING)

The recommended revisions to Board Policy 145.261 include substantive changes to the PROCEDURE section on page two, under I., D. and on page three, under IV., B. 1., added the program name, Electronic Monitoring Program (EM) to match TDCJ policy. There is also a substantive change to the signature reflecting the new presiding chair.

Motion

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 145.261 Special Condition “T” (Electronic Monitoring), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.267 SPECIAL CONDITION “ISF” (INTERMEDIATE SANCTION FACILITY)

The recommended revisions to Board Policy 145.267 include substantive changes to the DEFINITIONS section, language was added to the type of treatment program and substantive changes to the signature reflecting the new presiding officer.

Motion

Ms. Brito moved to adopt the revisions to Board Policy, BPP-POL. 145.267 Special Condition “ISF” (Intermediate Sanction Facility), as presented.

Ms. Fletcher 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)

The recommended revisions to Board Policy 146.251 include substantive changes to the DEFINITIONS section, the average of 30 changed to 30 – 45 days, the average of 60 changed to 60 – 90 days, revised the title of three terms, the name of the TDCJ division who oversee the program tracks, and updated the

operations manual references. Lastly, substantive changes to the signature reflecting the new presiding chair.

Motion

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

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.202 PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

The recommended amendments to Board Policy 141.202 include non-substantive revisions on page one and two. Also, a change to the name of the new chair. Ms. Wells indicated that all the policies being presented will be reflecting the name of the new chair.

Motion

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 141.202 Public Comments and Public Presentations, as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.203 USE OF TECHNOLOGY

The recommended amendments to Board Policy 141.203 include non-substantive updates, correct spelling of words on pages one, two and three.

Motion

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

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.143.200 CLEMENCY

The recommended amendments to Board Policy 143.200 include non-substantive grammar updates.

Motion

Ms. Brito moved to adopt the revisions to Board Policy, BPP-POL. 143.200 Clemency, as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.202 DISCRETIONARY MANDATORY SUPERVISION

The recommended amendments to Board Policy 145.202 include substantive and non-substantive updates. The substantive amendments are on page one, related to the list of offenses that are eligible or not eligible for Mandatory Supervision.

Motion

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 145.202 Discretionary Mandatory Supervision, as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.203 ELIGIBILITY FOR RELEASE; CONSECUTIVE (CUMULATIVE) FELONY SENTENCES

The recommended amendment to Board Policy 145.203 includes one non-substantive punctuation update.

Motion

Ms. Jones moved to adopt the revision to Board Policy, BPP-POL. 145.203 Eligibility for Release; Consecutive (Cumulative) Felony Sentences, as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.208 INITIAL REVIEW

The recommended amendment to Board Policy 145.208 includes one revision, a change to the name reflecting the new chair.

Motion

Ms. Brito moved to adopt the revision to Board Policy, BPP-POL. 145.208 Initial Review, as presented.

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

BOARD RULES (ATTACHMENT F)

Chair Moberley yielded the floor to Linda Molina, Chair of the Rules Committee, to present the rules listed in agenda items #18 - #21.

FINAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 148

Ms. Molina presented the rule in agenda item #18, stating the Rules Committee met on April 25, 2024, and considered the rules in Chapter 148 Sex Offender Conditions of Parole or Mandatory Supervision. The Rules Committee by unanimous vote recommended the initial readoption without amendments to the rule listed in agenda item #18. The proposed rule review of Chapter 148 was published in the Texas Register on May 10, 2024. Therefore, the Rules Committee is recommending final readoption without amendments to the rule listed in agenda item #18.

Motion

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

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

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

Ms. Molina presented the rules in agenda item #19, 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 #19. The non-substantive amendments include edits for uniformity and consistency throughout the rules. The Rules Committee is recommending Final readoption with non-substantive amendments to the rules listed in agenda item #19.

Motion

Mr. Long moved for the Final 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.

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

FINAL READOPTION WITH SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 148

Ms. Molina presented the rules in agenda item #20, 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 #20. 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 final readoption with substantive amendments to the rules listed in agenda item #20.

Motion

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

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

Motion

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

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

Motion

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

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

Motion

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

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

FINAL READOPTION SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 150

Ms. Molina presented the rule in agenda item #21, stating the Rules Committee on April 25, 2024, by unanimous vote recommended the initial readoption of Chapter 150 Memorandum of Understanding and Board Policy Statements, with substantive amendments to the rule in agenda item #21. 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 corrections for clarity. The Rules Committee is recommending final readoption with substantive amendments to the rule listed in agenda item #21.

Motion

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

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

EXECUTIVE SESSION

Chair Moberley recessed the Regular Session at 11:02 a.m. and convened the Board into Executive Session (closed under Section 551.071, Government Code).

RECONVENE TEXAS BOARD OF PARDONS AND PAROLES

Chair Moberley convened the Board back into Regular Session at 12:11 p.m. and proceeded with the order of business.

ADJOURNMENT

Having completed all posted items on the agenda, Chair Moberley adjourned the Board Meeting at 12:11 p.m.

ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 24th DAY OF JULY 2025.



MARSHA MOBERLEY, PRESIDING OFFICER (CHAIR)