

# TEXAS BOARD OF PARDONS AND PAROLES

## MINUTES

*Board Meeting No. 24-0425*



**April 25, 2024**

**Austin, Texas**



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# TEXAS BOARD OF PARDONS AND PAROLES

## Board Meeting

Thursday, April 25, 2024

4616 West Howard Lane, Suite 200

(CJAD Training Room)

Austin, Texas

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 Item – Minutes for the January 18, 2024 Board Workshop and Board Meeting
5. Discussion and Consideration of FY 2023 Parole Guidelines Annual Report, Jessica Dillard, Board Administrator
6. Discussion and Consideration of General Victim Assistance Grant Program Resolution – Eugene Stroud, Deputy Director, Financial Operations
7. Discussion and Consideration of Domestic Violence and Human Trafficking Restorative Program Grant Resolution – Eugene Stroud, Deputy Director, Financial Operations
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 146
  - A. §146.3 Right to Counsel
  - B. §146.11 Releasee’s Motion to Reopen Hearing or Reinstate Supervision
  - C. §146.12 Procedure after Motion to Reopen is Granted; Time; Rights of the Releasee; Final Disposition

19. Final Readoption with Non-Substantive Amendments in 37 TAC, Chapter 146
  - A. §146.4 Procedure after Waiver of Preliminary Hearing
  - B. §146.5 Procedure after Waiver of Revocation Hearing
  - C. §146.7 Preliminary Hearing
  - D. §146.9 Revocation Hearing
20. Final Readoption with Substantive Amendments in 37 TAC, Chapter 146
  - A. §146.10 Final Board Disposition
21. 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).
22. Reconvene Texas Board of Pardons and Paroles Open Meeting
23. Adjourn



**MINUTES OF THE  
TEXAS BOARD OF PARDONS AND PAROLES  
BOARD MEETING  
THURSDAY, APRIL 25, 2024**

**REGULAR SESSION**

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, April 25, 2024 at 10:00 a.m., 4614 West Howard Lane, Suite 200, Austin, Texas.

**BOARD MEMBERS PRESENT**

David Gutiérrez  
Elodia Brito  
Carmella Jones  
Brian Long  
Marsha Moberley  
Linda Molina  
Ed Robertson

**BOARD STAFF PRESENT**

Bettie Wells, 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  
Libby Hamilton, Director, Victim Liaison  
Kelsey Stratton, Director, Staff Development  
Fernando Fernandez-Rodriguez, Director, Clemency  
Rodney Sigler, Director, Human Resources  
Carol Garcia, Deputy General Counsel  
Cyndi Warren, Manager, Human Resources

Jessica Guerrero, Manager of Administration  
Heather Penick, Manager of Business Operations  
Kimberley Harris, Manager, Staff Development  
Robin Pennicooke, Staff Development  
Davette Cobb, Staff Development  
Pamela Pacher, Program Specialist  
Terence Hall, Director, IT  
Robert Detjen, Systems Analyst  
Estela DeHoyos, Program Supervisor  
Veronica Torres, Program Supervisor  
Heather Trigo, Program Supervisor  
Oliver Cui, Executive Assistant  
Elizeth Willaker, Executive Assistant  
Matthew Schlosser, Multimedia Technician

**TDCJ STAFF PRESENT**

Chris Cirrito, Director, Internal Audit  
Rene Russell, Deputy Chief Audit Executive, Internal Audit  
Amanda Gage, Deputy Director, Victim Services  
Justin Martinez, Correctional Institutions Division  
Matt Jug, OIG

**OTHERS PRESENT**

Katy Fallon-Brown, Manager, Legislative Budget Board  
Gene Anthes, Attorney at Law  
Roger Nichols, Attorney at Law

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

Presiding Officer (Chairman) David Gutiérrez convened the meeting of April 25, 2024 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 recognized the Board Members, and guests present.

Bettie Wells introduced new Clemency Director, Fernando Fernandez-Rodriguez. She highlighted his career and welcomed him to the Board.

***BOARD RETIREES (ATTACHMENT A)***

Chairman Gutiérrez 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)***

Chairman Gutiérrez recognized the Board staff who have dedicated 5, 35, and 40 years of service to the state of Texas. He expressed his 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.

Chairman Gutiérrez recognized Elodia Brito, Board Member for 5 years of state service. He thanked her for her years of service to the State.

Chairman Gutiérrez recognized two Central office staff, Shahman Murshed, and Jeremy Botello, for streamlining and enhancing agency operations by recommending and developing a new electronic method to schedule and track hearings.

#### **CONSENT ITEMS**

Chairman Gutiérrez stated the Board had an opportunity to review the Consent Items listed on the agenda prior to the meeting and asked if there were any objections. Hearing no objections, the Board approved the minutes for the January 18, 2024 Workshop and Board Meeting.

#### **FY 2023 PAROLE GUIDELINES ANNUAL REPORT (ATTACHMENT C)**

Chairman Gutiérrez introduced Jessica Dillard, Board Administrator, to present agenda item #5.

Ms. Dillard provided a brief history of Parole Guidelines and presented the FY 2023 Parole Guidelines Annual Report for approval, stating the annual report meets the guidelines of Government Code Section 508.1445.

*Ms. Molina moved to adopt the FY 2023 Parole Guidelines Annual Report, as presented.*

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

#### **DISCUSSION AND CONSIDERATION OF GENERAL VICTIM ASSISTANCE GRANT PROGRAM RESOLUTION, BPP-RES.24-04.01 (ATTACHMENT D)**

Chairman Gutiérrez yielded the floor to Eugene Stroud, Deputy Director of Financial Operations to present agenda item # 6.

Mr. Stroud discussed the General Victim Assistance Grant, stating it has four staff members under the direction of Libby Hamilton. Board Resolution, BPP.RES.24-04.01 grants permission to apply for a continuation of the General Victim Assistance Grant Program for Fiscal Year FY 2025.

#### ***Motion***

*Mr. Long moved to adopt the General Victim Assistance Grant Program Resolution, as presented.*

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

#### **DISCUSSION AND CONSIDERATION OF DOMESTIC VIOLENCE AND HUMAN TRAFFICKING RESTORATIVE PROGRAM GRANT RESOLUTION, BPP-RES.24-04.02 (ATTACHMENT E)**

Chairman Gutiérrez yielded the floor to Eugene Stroud to present agenda item # 7.

Mr. Stroud discussed the Domestic Violence and Human Trafficking Restorative Program Grant Resolution, stating it has four staff members under the directions of Bettie Wells. Board Resolution, BPP.RES.24-04.02 grants permission to apply for continuation of the Domestic Violence and Human Trafficking and Restorative Program Grant for Fiscal Year FY 2025.

***Motion***

***Ms. Moberley moved to adopt the Domestic Violence and Human Trafficking Restorative Program Grant Resolution, as presented.***

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

**BOARD POLICIES (ATTACHMENT F)**

Chairman Gutiérrez yielded the floor to Ed Robertson, Board Member and Chair of the Special Conditions Workgroup 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 stated Board Policy 145.258 was reviewed by the Special Condition Workgroup, and in reviewing the policy the Workgroup determined that a non-substantive grammatical change to the DISCUSSION section and non-substantive protocol changes to the PROCEDURES section was appropriate. He recommended the Board approve the revisions to Special Condition “R.”

***Motion***

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

***Mr. Long 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 amendments to Board Policy 145.261 include non-substantive revisions to the POLICY, and PROCEDURES sections. Additionally, a substantive change to the PROCEDURES, Withdrawal of Special Condition section is recommended, to clarify the “EM” term and include the relevant TDCJ Parole Division policy and procedure.

***Motion***

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

***Ms. Molina 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 amendments to Board Policy 145.267 include non-substantive protocol revisions to the POLICY, and PROCEDURES sections, and a non-substantive grammatical revision to the DISCUSSION section.

***Motion***

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

***Ms. Brito 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 amendments to Board Policy 146.251 include non-substantive grammatical changes to the DISCUSSION, DEFINITIONS, and PROCEDURES sections, non-substantive protocol changes to the DEFINITIONS and PROCEDURES sections, and a substantive change to the POLICY section related to the parole panel.

***Motion***

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

***Ms. Moberley 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**

Ms. Wells stated the recommended amendments to Board Policy 141.202 include a substantive revision in the DISCUSSION section to include the phrase “and public presentations,” and a non-substantive word and sentence structure revisions on pages two and three of the policy.

***Motion***

***Ms. Molina moved to adopt the revisions to Board Policy, BPP-POL. 141.202 Public Comments and Public Presentations, as presented.***

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

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

Ms. Wells stated Board Policy 141.203 includes substantive revisions to the DISCUSSION section to include statutory language related to the duties of the Board Members and Parole Commissioners, and substantive revisions to the DEFINITION section to add statutory reference and spelling correction.

***Motion***

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

*Mr. Long 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 a substantive revision to the POLICY section, added language “regarding the resolution of clemency matters.”

***Motion***

*Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 143.200 Clemency, as presented.*

*Mr. Robertson 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 grammatical revisions.

***Motion***

*Ms. Moberley moved to adopt the revisions to Board Policy, BPP-POL. 145.202 Discretionary Mandatory Supervision, as presented.*

*Ms. Molina 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**

Ms. Wells presented Board Policy 145.203 without any recommended revisions.

***Motion***

*Mr. Robertson moved to adopt Board Policy, BPP-POL. 145.203 Eligibility for Release; Consecutive (Cumulative) Felony Sentences, as presented.*

*Ms. Moberley 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 amendments to Board Policy 145.208 include a substantive amendment, statutory update to the AUTHORITY section, and a non-substantive term and acronym revision in the PROCEDURES section.

***Motion***

*Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 145.208 Initial Review, as presented.*

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

**BOARD RULES (ATTACHMENT G)**

Chairman Gutiérrez yielded the floor to Linda Molina, Chair of the Rules Committee to present the rules listed in agenda items #18 - #20.

**FINAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 146**

Ms. Molina presented the rules in agenda item #18, stating the Board previously approved the initial readoption without amendments of the rules. The Rules Committee is recommending final readoption without amendments to the rules listed in agenda item #18.

***Motion***

*Ms. Moberley moved for the Final Readoption Without Amendments to Chapter 146 Revocation of Parole or Mandatory Supervision, §146.3 Rights to Counsel, §146.11 Releasee's Motion to Reopen Hearing or Reinstate Supervision, and §146.12 Procedure after Motion to Reopen is Granted; Rights of the Releasee; Final Disposition.*

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

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

Ms. Molina presented the rules in agenda item #19, and stated the Rules Committee previously approved the initial readoption with non-substantive amendments of the rules listed in agenda item #19, and it has been more than 30 days since they were posted on the Texas Register. The General Counsel reports that no comments were received. The Rule Committee is recommending final readoption without amendments to the rules listed in agenda item #19.

***Motion***

*Ms. Moberley moved for the Final Readoption With Non-Substantive Amendments to Chapter 146, §146.4 Procedure after Waiver of Preliminary Hearing, §146.5 Procedure after Waiver of Revocation Hearing, §146.7 Preliminary Hearing, §146.9 Revocation Hearing.*

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

**FINAL READOPTION WITH SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 146**

Ms. Molina presented the rule in agenda item #20, stating the Rules Committee previously approved the initial readoption of the rule and it has been more than 30 days since it was posted in the Texas Register. The General Counsel reports no comments were received. The Rules Committee is recommending final readoption with substantive amendments to the rule listed in agenda item #20.

***Motion***

*Ms. Moberley moved for the Final Readoption With Substantive Amendments to Chapter 146, §146.10 Final Board Disposition.*

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

**EXECUTIVE SESSION**

Chairman Gutiérrez recessed the Regular Session at 10:40 a.m. and convened the Board into Executive Session (closed under Section 551.071, Government Code).

**RECONVENE TEXAS BOARD OF PARDONS AND PAROLES**

Chairman Gutiérrez convened the Board back into Regular Session at 11:37 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 11:38 a.m.

**ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 22<sup>nd</sup> DAY OF AUGUST 2024.**

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