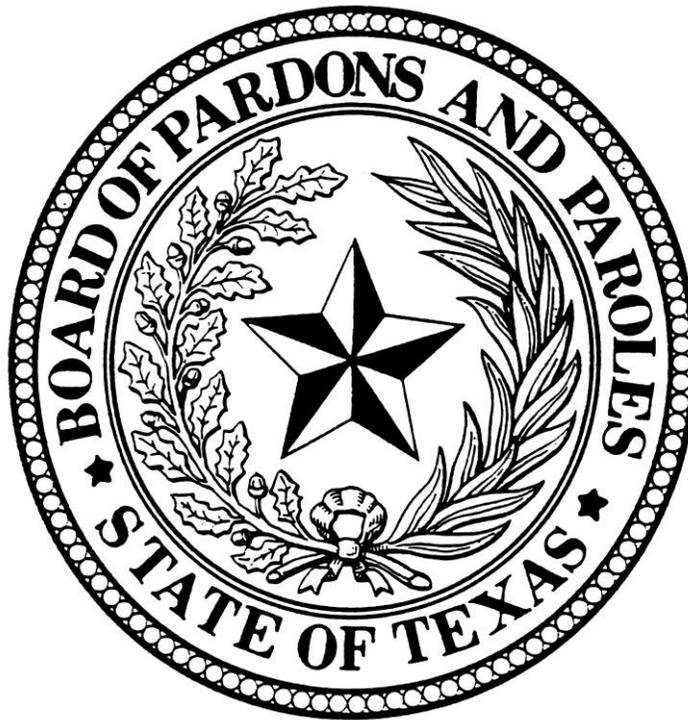


TEXAS BOARD OF PARDONS AND PAROLES

MINUTES

Board Meeting No. 22-0519



May 19, 2022

Austin, Texas

TEXAS BOARD OF PARDONS AND PAROLES

Board Meeting

Thursday, May 19, 2022

Holiday Inn Austin Midtown
(Hill Country AB)
6000 Middle Fiskville Road
Austin, Texas

9:00 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 March 10, 2022, Board Meeting
5. Chairman’s Report – David Gutiérrez, Chairman
6. Discussion and Consideration of Release Certificate Resolution - Bettie Wells, General Counsel
7. Discussion and Consideration of Board Policy, BPP-POL. 145.258 Special Condition “R” (Restitution)
8. Discussion and Consideration of Board Policy, BPP-POL. 145.261 Special Condition “T” (Electronic Monitoring)
9. Discussion and Consideration of Board Policy, BPP-POL. 145.267 Special Condition “ISF” (Intermediate Sanction Facility)
10. Discussion and Consideration of Board Policy, BPP-POL. 146.251 Special Condition “SAFP” (Substance Abuse Felony Program)
11. Discussion and Consideration of Board Policy, BPP-POL.141.202 Public Comments and Public Presentations
12. Discussion and Consideration of Board Policy, BPP-POL.141.203 Use of Technology
13. Discussion and Consideration of Board Policy, BPP-POL.143.200 Clemency
14. Discussion and Consideration of Board Policy, BPP-POL.145.202 Discretionary Mandatory Supervision
15. Discussion and Consideration of Board Policy, BPP-POL.145.208 Initial Review
16. Discussion and Consideration of Board Policy, BPP-POL.145.203 Eligibility for Release; Consecutive (Cumulative) Felony Sentences
17. Initial Readoption with Non-Substantive Amendments in 37 TAC, Chapter 141, Subchapter A
 - A. §141.3 Board Administration
 - B. §141.5 Parliamentary Authority

18. Initial Readoption with Non-Substantive Amendments in 37 TAC, Chapter 141, Subchapter B, §141.57 Petition for Adoption of Rule
19. Initial Readoption with Non-Substantive Amendments in 37 TAC, Chapter 141, Subchapter C
 - A. §141.61 Representation of an Offender
 - B. §141.72 Record of Decisions
20. Initial Readoption with Non-Substantive Amendments in 37 TAC, Chapter 141, Subchapter D
 - A. §141.81 Registration of Visitors
 - B. §141.82 Fee Affidavits
21. Final Adoption of Rule in 37 TAC, Chapter 145, Subchapter A, §145.19 Action Upon Review; Early Release on Parole
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).
 - 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).
23. Reconvene Texas Board of Pardons and Paroles Open Meeting
24. Adjourn



**MINUTES OF THE
TEXAS BOARD OF PARDONS AND PAROLES
BOARD MEETING
THURSDAY, MAY 19, 2022**

REGULAR SESSION

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, May 19, 2022, at 9:00 a.m., Holiday Inn Austin Midtown, 6000 Middle Fiskville Road, Austin, Texas 78752.

BOARD MEMBERS PRESENT

David Gutiérrez
Carmella Jones
James LaFavers
Brian Long
Marsha Moberley
Linda Molina
Ed Robertson

COMMISSIONERS PRESENT

Michael Adams
Richard Aiello
Elodia Brito
Ira Evans
Mary Farley
Troy Fox
Raymond Gonzales
Paul Kiel
Tracy Long
Jeffrey Marton
Anthony Ramirez
Wanda Saliagas
Charles Speier
Roel Tejada

BOARD STAFF PRESENT

Bettie Wells, General Counsel
Carol Garcia, Assistant General Counsel
Tim McDonnell, Chief of Staff
Jessica Dillard, Board Administrator
Rachel Alderete, Director, Support Operations
Kyle Britt, Budget Director
Eugene Stroud, Deputy Director, Financial Operations
Heather Clark, Region Operations Supervisor
Kelsey Stratton, Director, Staff Development
Libby Hamilton, Director, Victim Liaison Program
Kim Mendonca, Director, Human Resources
Cyndi Warren, Manager, Human Resources
Clinton Gunnels, Director, Institutional Parole Operations
Erica Montalvan, Deputy Director, Institutional Parole Operations
Pamela Pacher, Program Specialist
Terence Hall, Systems Analyst
Robert Detjen, Systems Analyst
Estela DeHoyos, Program Supervisor
Matthew Schlosser, Multimedia Technician

OTHERS PRESENT

Chris Cirrito, Director, TDCJ Internal Audit
Amanda Gage, Manager, TDCJ Victim Services
Bill Habern, Attorney at Law
Freddy Alvarez, OIG

CONVENED – TEXAS BOARD OF PARDONS AND PAROLES

Presiding Officer (Chairman) David Gutiérrez convened the meeting of May 19, 2022, at 9:00 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 Parole Commissioners in attendance. He introduced Marsha Moberley, the new Board Member for the Angleton Office, and highlighted her career. Chairman Gutiérrez also acknowledged the two new Parole Commissioners in attendance, Mike Adams, and Richard Aiello, stating they would be formally recognized at the next Board meeting.

NAMES OF 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 employees who have dedicated 5, 10, 15, 20, 25, 30 and 35 years of service to the state of Texas. He expressed his deepest appreciation for their dedicated service. He stated the names of the service award recipients will be included as part of the official minutes of the meeting.

Chairman Gutiérrez presented a state service award to Tracy Long for 30 years of service. He highlighted her career and thanked her for her hard work, and years of service.

Chairman Gutiérrez recognized Libby Hamilton, for receiving the Joe Kegan's Award, stating Ms. Hamilton was recognized for her significant accomplishments in providing exemplary services to victims of crime.

Kim Mendonca recognized Cyndi Warren for 20 years of state service. She highlighted her career and thanked her for her dedication and years of service.

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 March 10, 2022, Board Meeting.

CHAIRMAN'S REPORT

Chairman Gutiérrez reported the agency continues to remain steadfast in the agency activities, including participation in American Probation and Parole Association (APPA) conference, both virtually and in person, participation in Association of Paroling Authorities International (APAI) annual conference, held in San Diego, CA, and attendance at the Texas Corrections Association (TCA) conference June 5-8 in San Antonio. By having the agency actively involved in organizations and conferences this allows staff to not only learn from other Criminal Justice professionals but also to share the knowledge and experience, as effective decision makers.

Operationally, the agency continues to remain steadfast with a 41% average approval rating.

The agency also remains steady on a budgetary standpoint.

The Chairman stated the vacancy rate went down from 21% just a couple of months back to 15%, filling some of the positions that have been restructured, to offer a more competitive salary. A roving commissioner position out of the Austin Board Office was recently created to assist with daily functions, allowing each panel necessary relief while a position works to be filled, or when there are special projects that require the attention and expertise of a commissioner. Troy Fox out of the Austin Board Office was selected as the roving commissioner.

A work group was established to analyze and review voting options. The workgroup will work to develop a less complex process along with streamlined options in determining the release of an offender.

Lastly, the annual hearing officer and institutional training conference, scheduled for August 2022 is currently being coordinated.

DISCUSSION AND CONSIDERATION OF RELEASE CERTIFICATE RESOLUTION

Chairman Gutiérrez stated agenda item #6 Release Certificate Resolution will not be discussed because the computer programming to revise the language for the parole and mandatory release certificate has not been completed. The Chairman solicited a motion to have agenda item #6 postponed until the programming of the revised parole and mandatory supervision release certificate is completed.

Motions

Mr. Long moved that agenda item #6, Discussion and Consideration of Release Certificate Resolution be postponed.

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

BOARD POLICIES (ATTACHMENT C)

Chairman Gutiérrez yielded the floor to Board Member Ed Robertson, Chair of the Special Conditions Workgroup to present agenda items #7 - #10 and Bettie Wells, General Counsel to present agenda items #11 - #16 for discussion and consideration.

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

Board Policy 145.258 was reviewed by the Special Condition Workgroup, and in reviewing the policy, the Workgroup determined that non-substantive changes to sentence structure as well as protocol updates and grammatical revisions were appropriate.

Motions

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

Mr. LaFavers 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 protocol updates, revisions to sentence structure and statutory references, as well as a substantive revision to add a definition.

Motions

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

Mr. Long 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 revisions to statutory and rule references, grammatical revisions, protocol updates as well as a substantive revision to clarify the effective date of imposition of the special condition.

Motions

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

Ms. Jones 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)

In reviewing Board Policy 146.251 Special Condition “SAFP”, Mr. Robertson stated it was determined non-substantive protocol updates and revisions to sentence structure and rule references were appropriate.

Motions

Mr. LaFavers moved to adopt the 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 changes to the sentence structure, grammar, and minor corrections to the clarity in the language in the policy.

Motions

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

Ms. Moberley 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 changes related to protocol, clarity, and minor corrections, and then one substantive change to the policy as it relates to specifically to the person responsible for the website, instead of the Public Information Director, it is now the Chief of Staff.

Motions

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

Mr. Robertson 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 sentence structure changes for clarity.

Motions

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

Mr. LaFavers 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 Discretionary Mandatory Supervision include non-substantive changes to protocol, clarity, and grammar.

Motions

Ms. Moberley moved to readopt Board Policy, BPP-POL. 145.202 Discretionary Mandatory Supervision, without revisions, as presented.

Mr. Long 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 Initial Review include non-substantive changes to protocol, clarity, and minor corrections.

Motions

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

Mr. LaFavers 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 Eligibility for Release; Consecutive (Cumulative) Felony Sentences include non-substantive changes to protocol and clarity.

Motions

Mr. Long moved to adopt the revisions 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.

BOARD RULES (ATTACHMENT D)

Chairman Gutiérrez yielded the floor to James LaFavers, Chair of the Rules Committee, to present the rules listed in agenda items #17 - #21.

INITIAL READOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 141, SUBCHAPTER A

Mr. LaFavers presented the rules in agenda item #17, stating the Rules Committee met in an open meeting and considered the rules in Chapter 141. The Rules Committee by unanimous vote, recommended the initial readoption with non-substantive amendments to the rules in agenda item # 17. The non-substantive amendments include grammatical revisions and protocol updates for uniformity and consistency.

Motions

Ms. Molina moved for the Initial Readoption with Non-Substantive Amendments of Chapter 141, General Provisions, Subchapter A, Board of Pardons and Paroles, §141.3 Board Administration and §141.5 Parliamentary Authority.

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

INITIAL READOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 141, SUBCHAPTER B, §141.57 PETITION FOR ADOPTION OF RULE

Mr. LaFavers presented the rule in agenda item #18, stating the Rules Committee by unanimous vote recommended the Initial Readoption of Chapter 141 General Provisions, Subchapter B, Rulemaking with Non-substantive Amendments to §141.57 Petition for Adoption of Rule. The non-substantive amendments including protocol updates for uniformity and consistency.

Motions

Ms. Molina moved for the Initial Readoption with Non-substantive Amendments of Chapter 141, General Provisions, Subchapter B, Rulemaking, §141.57 Petition for Adoption of Rule.

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

INITIAL READOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 141, SUBCHAPTER C

Mr. LaFavers presented the rules listed in agenda item #19, stating the Rules Committee by unanimous vote recommended the Initial Readoption with Non-substantive Amendments of the rules listed in agenda item #19. The non-substantive amendments include protocol updates for uniformity and consistency.

Motions

Ms. Molina moved for the Initial Readoption with Non-Substantive Amendments of Chapter 141, General Provisions, Subchapter C, Submission and Presentation of Information and Representation of Offenders, §141.61. Representation of an Offender, §141.72 Record of Decisions.

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

INITIAL READOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 141, SUBCHAPTER D

Mr. LaFavers presented the rules in agenda item #20, stating the Rules Committee by unanimous vote is recommending Initial Readoption with Non-Substantive Amendments to the rules listed in agenda item #20. The non-substantive amendments include protocol updates for uniformity and consistency.

Motions

Ms. Molina moved for the Initial Readoption with Non-Substantive Amendments of Chapter 141, General Provisions, Subchapter D, §141.81 Registration of Visitors and §141.82 Fee Affidavits.

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

FINAL ADOPTION OF RULE IN 37 TAC, CHAPTER 145, SUBCHAPTER A, §145.19 ACTION UPON REVIEW; EARLY RELEASE ON PAROLE

Mr. LaFavers stated the rule in agenda item #21 is proposed for inclusion in Chapter 145 Parole, Subchapter A, Parole Process. The Board previously approved the initial adoption of the rule, and it has been more than 30 days since it was posted in the Texas Register. The General Counsel reports that no comments were received. The Rules Committee is recommending Final Adoption of the Rule listed in agenda item #21.

Motions

Ms. Molina moved for the Final Adoption of Chapter 145, Parole, Subchapter A Parole Process, §145.19 Action Upon Review; Early Release on Parole.

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

EXECUTIVE SESSION

Chairman Gutiérrez recessed the Regular Session at 9:49 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 11:54 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 11:54 a.m.

ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 18TH DAY OF AUGUST 2022.



Handwritten signature of David Gutiérrez in cursive script, positioned above a horizontal line.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)