

TEXAS BOARD OF PARDONS AND PAROLES

MINUTES

Board Meeting No. 23-0727



July 27, 2023

Austin, Texas

TEXAS BOARD OF PARDONS AND PAROLES

Board Meeting

Thursday, July 27, 2023

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 Item – Minutes for the April 26, 2023 Workshop and April 27, 2023 Board Meeting
5. Chairman’s Report – David Gutiérrez, Chairman
6. Discussion and Consideration of Board Policy, BPP-POL. 145.251 Special Condition “D” (Release to Detainer)
7. Discussion and Consideration of Board Policy, BPP-POL. 145.252 Special Condition “E” (Educational Skill Level and Vocational Training)
8. Discussion and Consideration of Board Policy, BPP-POL. 145.254 Special Condition “I” (Employer Notification)
9. Discussion and Consideration of Board Policy, BPP-POL. 145.256 Special Condition “M” (Sex Offender Registration Condition and DNA Submission)
10. Discussion and Consideration of Board Policy, BPP-POL. 141.200 Board of Pardons and Paroles Mission Statement
11. Discussion and Consideration of Board Policy, BPP-POL. 141.201 Policy Statement on Internal Audit Procedures
12. Discussion and Consideration of Board Policy, BPP-POL. 141.300 Handgun Policy
13. Discussion and Consideration of Board Policy, BPP-POL. 145.204 Medically Recommended Intensive Supervision
14. Discussion and Consideration of Board Policy, BPP-POL. 145.205 Designation of Standardized Distance for Child Safety Zones
15. Discussion and Consideration of Board Policy, BPP-POL. 145.266 Gang Renouncement and Disassociation
16. Discussion and Consideration of Board Policy, BPP-POL. 145.258 Special Condition “R” (Restitution)
17. Discussion and Consideration of Board Policy, BPP-POL. 145.262 Special Condition “V” (Victim)
18. Discussion and Consideration of Board Policy, BPP-POL. 141.203 Use of Technology
19. Discussion and Consideration of Board Policy, BPP-POL. 146.255 Revocation Hearings – Pending Criminal Charges
20. Initial Readoption with Amendments in 37 TAC, Chapter 146

- A. §146.6 Scheduling of Preliminary Hearing
 - B. §146.8 Scheduling of Revocation Hearings
21. Final Readoption without Amendments in 37 TAC, Chapter 147, Subchapter A
- A. §147.2 Authority of Hearing Officers
 - B. §147.4 Motions
 - C. §147.7 Decisions
22. Final Readoption without Amendments in 37 TAC, Chapter 147, Subchapter B
- A. §147.21 Order
 - B. §147.22 Rules
 - C. §147.23 Privilege
 - D. §147.25 Staff Reports
 - E. §147.27 Decisions
23. Public Comments and Public Presentations
24. 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).
25. Reconvene Texas Board of Pardons and Paroles Open Meeting
26. Adjourn



**MINUTES OF THE
TEXAS BOARD OF PARDONS AND PAROLES
BOARD MEETING
THURSDAY, JULY 27, 2023**

REGULAR SESSION

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, July 27, 2023 at 10:11 a.m., 4616 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, Budget Director
Wadella Murphy, Director, Hearing Operations
Clinton Gunnels, Director, Institutional Parole Operations
Erica Montalvan, Deputy Director, Institutional Parole Operations
Jessica Guerrero, Manager of Administration
Libby Hamilton, Manager, Victim Liaison
Kim Mendonca, Manager, Human Resources
Cyndi Warren, Manager, Human Resources
Pamela Pacher, Program Specialist
Terence Hall, Systems Analyst

Robert Detjen, Systems Analyst
Estela DeHoyos, Program Supervisor
Matthew Schlosser, Multimedia Technician

TDCJ STAFF PRESENT

Rene Hinojosa, Director, Parole Division
Chris Cirrito, Director, Internal Audit
Amanda Gage, Notification Manager, Victim Services
Matt Jug, OIG

CONVENED – TEXAS BOARD OF PARDONS AND PAROLES

Presiding Officer (Chairman) David Gutiérrez convened the meeting of July 27, 2023 at 10:11 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.

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. Additionally, he announced the retirement of Parole Commissioner, Ira Evans, stating his last day with the Board will be July 31st. He thanked Mr. Evans for his contributions to the Board of Pardons and Paroles and the state of Texas.

Timothy McDonnell recognized Kim Mendonca on her retirement and thanked her for her years of service for the Board.

NAMES OF SERVICE AWARD RECIPIENTS (ATTACHMENT B)

Chairman Gutiérrez recognized the Board employees who have dedicated 5, 10, 20, 25, 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.

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 April 26, 2023 Board Workshop and April 27, 2023 Board Meeting.

CHAIRMAN'S REPORT

Chairman Gutiérrez stated agenda item #5 would not be presented.

BOARD POLICIES (ATTACHMENT C)

Chairman Gutiérrez yielded the floor to Ed Robertson, Board Member and Chair of the Special Conditions Workgroup to present agenda items #6 - #9 and Bettie Wells, General Counsel to present agenda items #10 - #19 for discussion and consideration.

DISCUSSION AND CONSIDERATION OF BOARD POLICY BPP-POL. 145.251 SPECIAL CONDITION “D” (RELEASE TO DETAINER)

Mr. Robertson stated Board Policy 145.251 was reviewed by the Special Condition Workgroup, and in reviewing the policy the Workgroup determined that non-substantive protocol revisions were appropriate. He recommended the Board approve the revisions to Special Condition “D.”

Motion

Ms. Moberley moved to adopt the revisions to Board Policy, BPP-POL. 145.251 Special Condition “D” (Release to Detainer), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY BPP-POL. 145.252 SPECIAL CONDITION “E” (EDUCATIONAL SKILL LEVEL AND VOCATIONAL TRAINING)

The recommended amendments to Board Policy 145.252 include substantive revisions to the policy in the Procedure section to clarify the level of skill required.

Motion

Ms. Molina moved to adopt the revisions to Board Policy, BPP-POL. 145.252 Special Condition “E” (Educational Skill Level and Vocational Training), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.254 SPECIAL CONDITION “I” (EMPLOYER NOTIFICATION)

The recommended amendments to Board Policy 145.254 include substantive revisions to the Policy section to identify the relevant Texas Penal Code chapters.

Motion

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 145.254 Special Condition “I” (Employer Notification), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.256 SPECIAL CONDITION “M” (SEX OFFENDER REGISTRATION CONDITION AND DNA SUBMISSION)

The recommended amendments to Board Policy 145.256 include substantive revisions to the Discussion section, and non-substantive changes to the Definition and Procedures sections.

Motion

Ms. Brito moved to adopt the revisions to Board Policy, BPP-POL. 145.256 Special Condition “M” (Sex Offender Registration Condition and DNA Submission), as presented.

Ms. Moberley 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

Ms. Wells presented Board Policy 141.200, stating the policy includes non-substantive revisions on page 2 of the policy.

Motion

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

Mr. Long 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

The recommended amendments to Board Policy 141.201 include non-substantive revisions noted on page 1 and 3 of the policy.

Motion

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

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 141.300 HANDGUN POLICY

Ms. Wells stated Board Policy 141.300 was being presented with substantive and non-substantive revisions. The revisions include statutory reference correction, removal of the definition “License to Carry Holder”, and the addition of the word “Drawn” on page 3 and 4 of the policy.

Motion

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 141.300 Handgun Policy, as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.204 MEDICALLY RECOMMENDED INTENSIVE SUPERVISION

The recommended amendments to Board Policy 145.204 include substantive and non-substantive revisions. The substantive revisions include the addition of “Reentry and Integration Division” under the Discussion section.

Motion

Ms. Brito moved to adopt the revisions to Board Policy, BPP-POL. 145.204 Medically Recommended Intensive Supervision, as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.205 DESIGNATION OF STANDARDIZED DISTANCE FOR CHILD SAFETY ZONES

The recommended amendments to Board Policy 145.205 include non-substantive protocol, and sentence structure revisions.

Motion

Ms. Molina moved to adopt the revisions to Board Policy, BPP-POL. 145.205 Designation of Standardized Distance for Child Safety Zones, as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.266 GANG RENOUNCEMENT AND DISASSOCIATION

The recommended amendments to Board Policy 145.266 include non-substantive protocol revisions.

Motion

Ms. Moberley moved to adopt the revisions to Board Policy, BPP-POL. 145.266 Gang Renouncement and Disassociation, as presented.

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

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

Chairman Gutiérrez stated agenda item #16, Board Policy, BPP-POL .145.258 Special Condition “R” (Restitution) would not be discussed.

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

Board Policy 145.262 was presented to the Board due to new legislation. The recommended amendments include non-substantive and substantive revisions. The substantive revision on page 2 of the policy includes the actual definition of Close Relative of a Deceased Victim.

Motion

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

Board Policy 145.203 was presented to the Board due to new legislation. The recommended amendments include substantive revisions on page 1 and 2, adding a definition. Also, additional information was added concerning commercial media applications and services.

Motion

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. 146.255 REVOCATION HEARINGS – PENDING CRIMINAL CHARGES

Board Policy 146.255 was presented to the Board due to new legislation. The recommended amendments are noted on page 1 of the policy, and the remaining amendments include protocol revisions.

Motion

Ms. Molina moved to adopt the revisions to Board Policy, BPP-POL. 146.255 Revocation Hearing – Pending Criminal Charges, as presented.

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

BOARD RULES (ATTACHMENT D)

Chairman Gutiérrez yielded the floor to Linda Molina, Chair of the Rules Committee to present the rules listed in agenda items #20 - #22.

INITIAL READOPTION WITH AMENDMENTS IN 37 TAC, CHAPTER 146

Ms. Molina presented the rules in agenda item #20, stating the 88th Legislature enacted Senate Bill 374, which extended the deadline from 41 to 91 days for the parole panel Board designee or department to dispose of the charges against a releasee who has committed a violation of the conditions of release. The act takes effect on September 1, 2023. The substantive changes listed in the rules in agenda item #20 encompass the new deadline set forth in Senate Bill 374.

Motion

Ms. Moberley moved for the Initial Readoption with Amendments to Chapter 146 Revocation of Parole or Mandatory Supervision, §146.6 Scheduling of Preliminary Hearing and §146.8 Scheduling of Revocation Hearings.

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

FINAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 147, SUBCHAPTER A

Ms. Molina presented the rules in agenda item #21, stating the Board previously approved the initial readoption without amendments to the rules. The Rules Committee is recommending final readoption without amendments to the rules listed in agenda item #21.

Motion

Ms. Moberley moved for the Final Readoption without Amendments of Chapter 147 Hearings, Subchapter A General Rules for Hearings, §147.2 Authority of Hearing Officers; §147.4 Motions; §147.7 Decisions.

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

FINAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 147, SUBCHAPTER B

Ms. Molina presented the rules in agenda item #22, stating the Board previously approved the initial readoption without amendments to the rules. The rules Committee is recommending final readoption without amendments to the rules listed in agenda item #22.

Motion

Ms. Moberley moved for the Final Readoption without Amendments of Chapter 147 Hearings, Subchapter B Evidence, §147.21 Order; §147.22 Rules; §147.23 Privilege; §147.25 Staff Reports; §147.27 Decisions.

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

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

Chairman Gutiérrez stated no registrations were received for the public comment or public presentation period. He proceeded with the order of business, as posted.

EXECUTIVE SESSION

Chairman Gutiérrez recessed the Regular Session at 10:49 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 12:03 p.m. and proceeded with the order of business.

ADJOURNMENT

Having completed all posted items on the agenda, Chairman Gutiérrez adjourned the Board Meeting at 12:03 p.m.

ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 19th DAY OF OCTOBER 2023.



DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)