

# TEXAS BOARD OF PARDONS AND PAROLES

## MINUTES

*Board Workshop No. 24-0821*



**August 21, 2024**

**Austin, Texas**



# **TEXAS BOARD OF PARDONS AND PAROLES**

## **WORKSHOP**

Wednesday, August 21, 2024

Cambria Hotel Austin Uptown  
(Uptown AB Room)  
13205 Burnet Road  
Austin, Texas

2:00 PM

**Order of Business**

1. Call Workshop to Order
2. Special Conditions
3. Case Summaries
4. Adjourn



**MINUTES OF THE  
TEXAS BOARD OF PARDONS AND PAROLES  
BOARD WORKSHOP  
WEDNESDAY, AUGUST 21, 2024**

**REGULAR SESSION**

The Texas Board of Pardons and Paroles (Board) met in open session on Wednesday, August 21, 2024 at 2:00 p.m., Cambria Hotel Uptown, 13205 Burnet Road, Austin, Texas.

**BOARD MEMBERS PRESENT**

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

**PAROLE COMMISSIONERS PRESENT**

Michael Adams  
Richard Aiello  
Jacqueline Bishop  
Joel Butler  
Edward Davila  
Lee Ann Eck-Massingill  
Mary Farley  
Sandra Fletcher  
Troy Fox  
Raymond Gonzalez  
Jeffrey Marton  
Alfredo Salcido

**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  
Rodney Sigler, Director, Human Resources  
Jessica Guerrero, Manager of Administration  
Heather Penick, Manager of Business Operations  
Kimberley Harris, Manager, Staff Development  
Pamela Pacher, Program Specialist  
Terence Hall, Director, IT  
Robert Detjen, Systems Analyst  
Estela DeHoyos, Program Supervisor  
Oliver Cui, Executive Assistant  
Elizeth Willaker, Executive Assistant  
Matthew Schlosser, Multimedia Technician

**TDCJ STAFF PRESENT**

Monica DeVelasco, Deputy Division Director, TDCJ-PD  
Kelsey Kersh, TDCJ Internal Audit  
Cheryl Foreman, TDCJ Internal Audit  
Chris James, OIG

**OTHERS PRESENT**

Jamie Kim, Sunset  
David O’Neil, Attorney at Law  
Fran Gutiérrez

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

Presiding Officer (Chairman) David Gutiérrez convened the workshop of August 21, 2024 at 2:00 p.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 workshop open.

**RECOGNITIONS**

Chairman Gutiérrez recognized the Board Members, Parole Commissioners and guests present.

**SPECIAL CONDITIONS (ATTACHMENT A)**

Chairman Gutiérrez yielded the floor to Ed Robertson, Board Member and Timothy McDonnell, Chief of Staff and to discuss agenda item #2 Special Conditions.

Mr. Robertson introduced the members of the Special Conditions Workgroup and discussed the workgroup's role, stating the workgroup is responsible for reviewing and making recommendation when appropriate. Additionally, the workgroup is tasked with proposing new policies and reviewing other special conditions that are not identified by a policy. The workgroup reviewed four policies as well as other conditions over the past 3-4 months, which prompted getting more input from TDCJ on some of the conditions and how they are being implemented in the field. This required the workgroup to review how conditions are being used and implemented. Mr. Robertson asked General Counsel Bettie Wells to provide input on the subject item.

Ms. Wells discussed the statute that provides authority to impose the special conditions, stating there are 11 statutory mandatory special conditions identified in the Government Code, which give a parole panel the authority to impose. She pointed specifically to the control substance testing condition stating it speaks to some of the concerns about the imposition of those conditions. These conditions are mandatory conditions, and the statute identifies specific categories that authorize a parole panel to impose the condition when a controlled substance is present in the releasee's body. Her interpretation of that is a controlled substance present during the commission of the offense. Additionally, she stated if the offender is not the resident of the state of Texas, they are required to return to the county in which the conviction occurred. There are discretionary special conditions the statute has also authorized a parole panel to impose. She mentioned there is general language previously noted in 508 that specifically says a parole panel may impose as a condition of parole and mandatory supervision any condition that a court may impose on the defendant placed on community supervision, under Chapter 42 A Code of Criminal Procedure. There are certain conditions that have been established and have been used over the years that may not necessarily be identified in the statute as a mandatory condition or discretionary condition. Parole panels are imposing those conditions that have been identified specifically pursuant to Government Code 508.221.

Mr. McDonnell stated over the years, before the Offender Information Management System (OIMS) there were legacy cases. Everything was voted in legacy. If a Board Member or Commissioner saw or felt there was a condition that was appropriate, they could write it in the file, and it would be entered into the Mainframe and that was a condition. In moving forward, the list increased. When OIMS became effective, the special conditions were placed in OIMS. The presiding officer at that time, implemented a directive to have a board member or commissioner propose any new special condition. It would go before panel to be considered and voted. So, special conditions could no longer be "free styled."

There are offenders being supervised with additional conditions that were pre- OIMS. Per the discussions with the Parole Division, the Board wants to ensure everyone understands what the conditions are. It was brought to the Board's attention that perhaps there were some conditions that were imposed that maybe are no longer applicable, no longer relevant to the offender's supervision. Mr. Robertson was tasked to have the Special Conditions Workgroup Committee review the list of special conditions and determine if there any conditions on the list that perhaps could be deleted because they are no longer applicable. The Chairman wanted to solicit everyone's opinion on some of the conditions before the committee decides in terms of what to recommend. Mr. Robertson discussed the list of current special conditions with the Board membership, and Ms. Monica DeVelasco provided input on behalf of TDCJ-Parole Division.

Ms. Wells discussed the new special condition, Special Condition "A" (Not to Reside in a Specified County) policy, which deals with residence, and it no longer deals with NOT Entering a County, stating

the new condition is going to replace Special Condition “Z” (Not to Reside in or Enter A Specified County).

#### **CASE SUMMARIES**

Mr. McDonnell stated in 2023 TDCJ Internal Audit reviewed the case summaries being prepared by Institutional Parole Officers (IPO’s) and prepared a report with some recommendations that we look at our current case summary. They felt that a lot of what’s done manually could be done electronically to simplify the process. As a result, the Chairman put together a committee to look at the case summary review. The committee met at the end of July and Clint Gunnels provided an overview of the case summaries that are currently being done, and discussed some of the challenges that he has as the Director of IPO.

Mr. Gunnels discussed the three types of case summaries, including OIMS cases which are the electronic cases, Legacy cases, which are the hard files, and Legacy Board file cases, which are a Legacy file being converted into a digital file. Additionally, he discussed the case summary essential elements and what they entail. He stated offender interviews with IPOs are designed to provide a better perspective of the individual to the voters. Also, he covered some of the challenges including low staffing, and an increasing number of parole eligible inmates.

The purpose of the committee is to prioritize what is needed by voters and identify the key aspects of what should be in a case summary.

#### **ADJOURNMENT**

Having completed all posted items on the agenda, Chairman Gutiérrez adjourned the Board Workshop at 4:32 p.m.

**ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 17<sup>th</sup> DAY OF OCTOBER 2024.**

  
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**MARSHA MOBERLEY, PRESIDING OFFICER (CHAIR)**