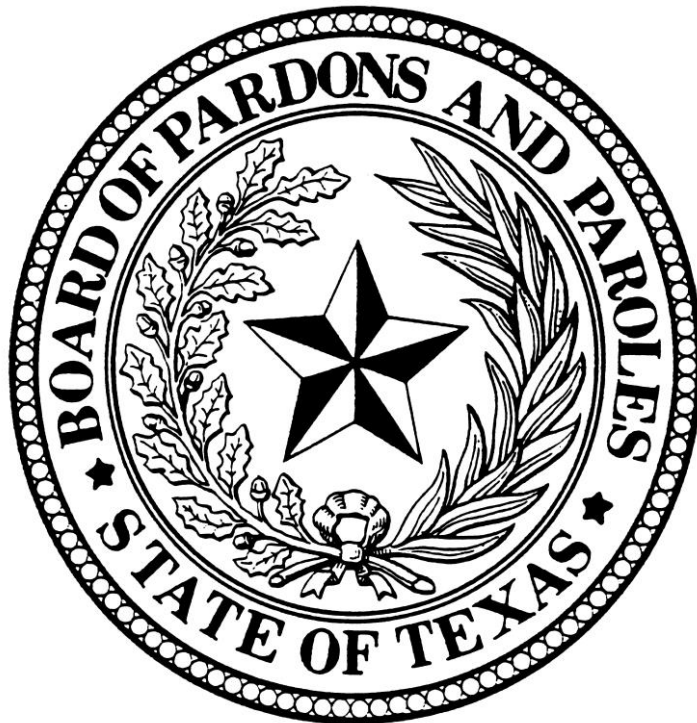


TEXAS BOARD OF PARDONS AND PAROLES

MINUTES

Board Meeting No. 24-1017



October 17, 2024

Austin, Texas

TEXAS BOARD OF PARDONS AND PAROLES

Board Meeting

Thursday, October 17, 2024

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 August 21, 2024 Workshop and August 22, 2024 Board Meeting
5. Chairman’s Report – Marsha Moberley, Presiding Officer (Chair)
6. Sunset Report – Timothy McDonnell, Chief of Staff
7. Discussion and Consideration of Board Designee Hearing Manual Resolution – Batrice Murphy, Director of Hearing Operations
8. Discussion and Consideration of Board Policy, BPP-POL. 145.250 Special Condition "C" (PROHIBITED FINANCIAL ACTIVITIES)
9. Discussion and Consideration of Board Policy, BPP-POL. 145.259 Special Condition "S" (SUBSTANCE ABUSE)
10. Discussion and Consideration of Board Policy, BPP-POL. 145.263 Special Condition "X" (SEX OFFENDER CONDITION)
11. Discussion and Consideration of Board Policy, BPP-POL. 145.265 Special Condition "N" (PROHIBITION ON INTERNET ACCESS FOR CERTAIN SEX OFFENDERS)
12. Discussion and Consideration of Board Policy, BPP-POL. 141.204 NEGOTIATED RULEMAKING
13. Discussion and Consideration of Board Policy, BPP-POL. 141.400 OFFENDER TRANSFER FROM TDCJ CID TO FEDERAL CUSTODY
14. Discussion and Consideration of Board Policy, BPP-POL. 145.200 EXTRAORDINARY VOTE (SB 45)
15. Discussion and Consideration of Board Policy, BPP-POL. 145.207 EXTRAORDINARY VOTE (HB 1914)
16. Discussion and Consideration of Board Policy, BPP-POL. 145.209 EARLY RELEASE ON PAROLE
17. Discussion and Consideration of Board Policy, BPP-POL. 146.255 REVOCATION HEARINGS – PENDING CRIMINAL CHARGES
18. Final Readoption without Amendments in 37 TAC, Chapter 148
 - A. §148.40 Purpose

- B. §148.46 Opinion and Expert Testimony
 - C. §148.47 Evidence
 - D. §148.49 Decisions
19. Final Readoption with Non-Substantive Amendments in 37 TAC, Chapter 150
- A. §150.55 Conflict of Interest Policy
 - B. §150.56 Policies Pertaining to the Administration of the Agency
20. 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).
21. Reconvene Texas Board of Pardons and Paroles Open Meeting
22. Adjourn



MINUTES OF THE TEXAS BOARD OF PARDONS AND PAROLES BOARD MEETING

THURSDAY, OCTOBER 17, 2024

REGULAR SESSION

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, October 17, 2024 at 10:00 a.m., 4616 West Howard Lane, Suite 200, Austin, Texas.

BOARD MEMBERS PRESENT

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

BOARD STAFF PRESENT

Bettie Wells, General Counsel
Timothy McDonnell, Chief of Staff
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, Governmental Affairs
Terence Hall, Director, IT
Robert Detjen, Systems Analyst
Estela DeHoyos, Program Supervisor

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Brandon Smith, Parole Officer, Staff Development
Angel Malone, Parole Officer, Staff Development
Christine Wall, Program Supervisor
Robert Arechiga, Program Specialist, Clemency
Christine Chavez, Program Specialist, Clemency
Chrissy Ruiz, Executive Assistant
Elizeth Willaker, Executive Assistant
Matthew Schlosser, Multimedia Technician

TDCJ STAFF PRESENT

Angie McCown, Director, Victim Services
Amanda Gage, Deputy Director, Victim Services
Joe Ballez, PD-Deputy Division Director
Lance Coleman, OIG
Joe Lozano, OIG

CONVENED – TEXAS BOARD OF PARDONS AND PAROLES

Presiding Officer (Chair) Marsha Moberley convened the meeting of October 17, 2024 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, and guests present.

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 Jessica Guerrero, for 25-years of state service. She highlighted her career and thanked her for her years of service to the state.

Timothy McDonnell, Chief of Staff, recognized Chrissy Ruiz for 25-years of state service. He highlighted her career and thanked her for her service to the state.

Rachel Alderete, Director of Support Operations, recognized Estela DeHoyos for 30-years of state service. She highlighted her career and thanked her for her 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 August 21, 2024 Workshop and August 22, 2024 Board Meeting.

CHAIRMAN’S REPORT

Chair Moberley addressed the Board and staff stating it is an honor to stand as the new presiding officer of a remarkable agency. She extended her deepest gratitude to Governor Abbott for placing his trust in her to lead the Texas Board of Pardons and Paroles, a responsibility she doesn’t take lightly, and she is committed to serving with dedication and integrity.

She stated the strength of this agency lies not only in its mission but in the incredible individuals who carry out that mission every day, making sound release decisions with the safety of the public in mind. Her goal is to build on the strong foundation that has been laid and continue to improve our processes and strive to make this agency even more efficient and effective. She is excited to continue to fulfill our mission and make a positive impact on the people of Texas. She looks forward to the work that will be accomplished together.

SUNSET REPORT (*ATTACHMENT C*)

Chair Moberley yielded the floor to Timothy McDonnell to present agenda item #4 Sunset Report.

Mr. McDonnell gave the Board background information about the Sunset Commission, stating it was created by the Texas Legislature in 1997 as an oversight tool for the Texas Legislature to determine if state agencies and programs are still needed to effectively operate in the state of Texas. The Sunset was set up to review agencies every twelve years with some variance in the time span. Mr. McDonnell indicated the Board was last reviewed in 2013. The Board is being reviewed with Texas Department of Criminal Justice (TDCJ), Correctional Managed Health Care, and Windham School District.

Mr. McDonnell reported on the current Sunset Review for the Board, which included a Sunset Review Timeline, Types of Actions, and the Sunset Report. The report talks about each agency at a glance and provides a brief overview of the agencies’ mission, funding, staffing, etc. He stated the report contains eight issues. He discussed the issues and recommendations relevant to the Board. In closing, Mr. McDonnell thanked the Board Members, Commissioners, and all the staff who participated in providing information to Sunset.

DISCUSSION AND CONSIDERATION OF BOARD HEARING MANUAL RESOLUTION (*ATTACHMENT D*)

Chair Moberley introduced Wadella Murphy, Director of Hearing Operations to present the Board Designee Hearing Manual.

Ms. Murphy stated that per statutory requirements, the Board Designee Hearing Manual was reviewed for the Board’s discussion and consideration. Upon review, it was determined there were needed revisions throughout the manual to include several attachments. Ms. Murphy provided a summary of those revisions, noting there were page number changes to the summary, which in no way affect the

revisions to the manual. Ms. Murphy asked for the Board’s approval of the Board Designee Hearing manual.

Motion

Ms. Molina moved to adopt the Board Resolution, BPP-RES. 24-10.01, which was previously provided, approving the Board Designee Hearing Manual, 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, Board Member and Chair of the Special Conditions Workgroup to present agenda items #6 - #11 and Bettie Wells, General Counsel to present agenda items #12 - #17 for discussion and consideration.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.250 SPECIAL CONDITION “C” (PROHIBITED FINANCIAL ACTIVITIES)

Mr. Robertson discussed the responsibilities of the Special Condition Workgroup and recognized the workgroup members. He stated Board Policy 145.250 Special Condition “C” was reviewed by the Special Condition Workgroup, and in reviewing the policy the workgroup determined that non-substantive protocol changes were appropriate. He recommended the Board approve the revisions to Special Condition “C.”

Motion

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 145.250 Special Condition “C” (Prohibited Financial Activities), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.259 SPECIAL CONDITION “S” (SUBSTANCE ABUSE)

The recommended amendments to Board Policy 145.259 include non-substantive grammatical revisions in the DISCUSSION and COMPONENTS section.

Motion

Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL. 145.259 Special Condition “S” (Substance Abuse), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.263 SPECIAL CONDITION “X” (SEX OFFENDER CONDITION)

The recommended amendments to Board Policy 145.263 include substantive revisions to the DISCUSSION, DEFINITIONS, and PROCEDURES section and non-substantive grammatical and protocol revisions.

Motion

Ms. Brito moved to adopt the revisions to Board Policy, BPP-POL. 145.263 Special Condition “X” (Sex Offender Condition), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.265 SPECIAL CONDITION “N” (PROHIBITION ON INTERNET ACCESS FOR CERTAIN SEX OFFENDERS)

The recommended amendments to Board Policy 145.265 include non-substantive grammatical revisions.

Motion

Ms. Molina moved to adopt the revisions to Board Policy, BPP-POL. 145.265 Special Condition “N” (Prohibition on Internet Access for Certain Sex Offenders), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 141.204 NEGOTIATED RULEMAKING

Ms. Wells discussed the policies in agenda items 12 through 17. The recommended amendments to Board Policy, BPP-POL 141.204 include non-substantive protocol revisions.

Motion

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 141.204 Negotiated Rulemaking, as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 141.400 OFFENDER TRANSFER FROM TDCJ CID TO FEDERAL CUSTODY

The recommended amendments to Board Policy 141.400 include non-substantive clarity revisions.

Motion

Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL. 141.400 Offender Transfer from TDCJ CID to Federal Custody, as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.200 EXTRAORDINARY VOTE (SB 45)

The recommended amendments to Board Policy 145.200 include non-substantive protocol revisions.

Motion

Ms. Brito moved to adopt the revisions to Board Policy, BPP-POL. 145.200 Extraordinary Vote (SB 45), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.207 EXTRAORDINARY VOTE (HB 1914)

The recommended amendments to Board Policy 145.207 include non-substantive protocol revisions.

Motion

Ms. Molina moved to adopt the revisions to Board Policy, BPP-POL. 145.207 Extraordinary Vote (HB 1914), as presented.

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

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.209 EARLY RELEASE ON PAROLE

The recommended amendments to Board Policy 145.209 include non-substantive protocol and sentence structure revisions.

Motion

Mr. Long moved to adopt the revisions Board Policy, BPP-POL. 145.209 Early Release on Parole, 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

The recommended amendments to Board Policy 146.255 include substantive statutory language revisions and non-substantive clarity revisions.

Motion

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

Ms. Brito 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 - #19.

FINAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 148

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 of the rules 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, §148.40 Purpose, §148.46 Opinion and Expert Testimony, §148.47 Evidence and §148.49 Decisions.

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

FINAL READOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 150

Ms. Molina presented the rules in agenda item #19, stating the Board previously approved the initial readoption with non-substantive amendments of the rules, and it has been more than 30 days since they were posted to the Texas Register. The General Counsel reports that no comments were received. The Rules Committee is recommending Final Readoption With Non-Substantive Amendments of the rules listed in agenda item #19.

Motion

Mr. Long moved for the Final Readoption With Non-Substantive Amendments in Chapter 150, §150.55 Conflict of Interest Policy, §150.56 Policies Pertaining to the Administration of the Agency.

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 11:46 a.m. and proceeded with the order of business.

ADJOURNMENT

Having completed all posted items on the agenda, Chair Moberley adjourned the Board Meeting at 11:46 a.m.

ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 9th DAY OF JANUARY 2025.

Marsha Moberley

MARSHA MOBERLEY, PRESIDING OFFICER (CHAIR)