

# TEXAS BOARD OF PARDONS AND PAROLES

## MINUTES

*Board Meeting No. 23-1019*



**October 19, 2023**

**Austin, Texas**



---

# TEXAS BOARD OF PARDONS AND PAROLES

## Board Meeting

Thursday, October 19, 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 July 27, 2023 Board Meeting
5. Discussion and Consideration of Board Policy, BPP-POL. 145.250 Special Condition “C” (Prohibited Financial Activities)
6. Discussion and Consideration of Board Policy, BPP-POL. 145.259 Special Condition “S” (Substance Abuse)
7. Discussion and Consideration of Board Policy, BPP-POL. 145.263 Special Condition “X” (Sex Offender Condition)
8. Discussion and Consideration of Board Policy, BPP-POL. 145.265 Special Condition “N” (Prohibition on Internet Access for Certain Sex Offenders)
9. Discussion and Consideration of Board Policy, BPP-POL. 141.204 Negotiated Rulemaking
10. Discussion and Consideration of Board Policy, BPP-POL. 141.400 Offender Transfer from TDCJ CID To Federal Custody
11. Discussion and Consideration of Board Policy, BPP-POL. 145.200 Extraordinary Vote (SB 45)
12. Discussion and Consideration of Board Policy, BPP-POL. 145.207 Extraordinary Vote (HB 1914)
13. Discussion and Consideration of Board Policy, BPP-POL. 145.209 Early Release on Parole
14. Discussion and Consideration of Board Policy, BPP-POL. 146.255 Revocation Hearings – Pending Criminal Charges
15. Final Readoption with Amendments in 37 TAC, Chapter 146
  - A. §146.6 Scheduling of Preliminary Hearing
  - B. §146.8 Scheduling of Revocation Hearings
16. 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).

17. Reconvene Texas Board of Pardons and Paroles Open Meeting

18. Adjourn



# MINUTES OF THE TEXAS BOARD OF PARDONS AND PAROLES BOARD MEETING

THURSDAY, OCTOBER 19, 2023

## REGULAR SESSION

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, October 19, 2023 at 10:00 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  
Eugene Stroud, Deputy Director of Financial Operations  
Wadella Murphy, Director, Hearing Operations  
Kelsey Stratton, Director, Staff Development  
Rodney Sigler, Director, Human Resources  
Clinton Gunnels, Director, Institutional Parole Operations  
Heather Penick, Manager of Business Operations  
Jessica Guerrero, Manager of Administration  
Libby Hamilton, Manager, Victim Liaison

Carla Rodriguez, Clemency Administrator  
Pamela Pacher, Program Specialist  
Richard Gamboa, Parole Officer  
Fernando Barrera, Parole Officer  
Jeremy Botello, Systems Administrator  
Terence Hall, Systems Analyst  
Estela DeHoyos, Program Supervisor  
Elizeth Willaker, Executive Assistant  
Matthew Schlosser, Multimedia Technician

**TDCJ STAFF PRESENT**

Lauren Montgomery, Director, Review & Release Processing  
Amanda Gage, Notification Manager, Victim Services  
Matt Jug, OIG

**OTHERS PRESENT**

Cory Sharp, Legislative Budget Board  
Darren McDivitt, Sunset Advisory Commission  
Tejas Bommakanti, Sunset Advisory Commission  
Sarah Gruen, Sunset Advisory Commission  
Jamie Kim, Sunset Advisory Commission  
Katherina Wierschke, Sunset Advisory Commission  
Erick Fajardo, Sunset Advisory Commission

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

Presiding Officer (Chairman) David Gutiérrez convened the meeting of October 19, 2023 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.

Timothy McDonnell introduced Rodney Sigler, the new Human Resources Director. He highlighted his career and welcomed him to the Board.

Bettie Wells introduced Carla Rodriguez, the new Clemency Administrator. She highlighted her career and welcomed her 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 employees who have dedicated 5, 10, 15, 20, 25, and 40 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 recognized Carmella Jones, Board Member for five years of state service. He thanked her for her service.

**CONSENT ITEMS**

Chairman Gutiérrez stated the Board had an opportunity to review the Consent Item 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 July 27, 2023 Board Meeting.

**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 #5 - #8 and Bettie Wells, General Counsel to present agenda items #9 - #14 for discussion and consideration.

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

Mr. Robertson stated Board Policy 145.250 was reviewed by the Special Condition Workgroup, and in reviewing the policy the Workgroup determined that non-substantive changes to the PURPOSE, POLICY, DISCUSSION and PROCEDURES sections was appropriate, including substantive changes to the PURPOSE, POLICY, DISCUSSION and PROCEDURES sections which were relevant changes needed. He recommended the Board approve the revisions to Special Condition “C.”

***Motion***

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

***Mr. Long 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 revisions.

***Motion***

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

***Ms. Jones 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 non-substantive revisions to the DISCUSSION and PROCEDURES sections, and substantive changes to the DEFINITIONS section to include relevant code of criminal procedure article for the term “Victim” and the components in those sections.

***Motion***

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

***Ms. Moberley 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 revisions to the PURPOSE, DISCUSSION, and DEFINITIONS sections.

***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.***

***Ms. Jones 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 presented Board Policy 141.204, stating the policy includes non-substantive revisions for protocol and clarity of some of the wording provisions in the policy.

***Motion***

***Ms. Moberley moved to adopt the revisions to Board Policy, BPP-POL. 141.204 Negotiated Rulemaking, as presented.***

***Mr. Long 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 revisions to identify the protocol areas and clarity.

***Motion***

***Ms. Brito 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)**

Ms. Wells stated Board Policy 145.200 was being presented with non-substantive revisions and one substantive change, specifically to the FI-9R vote, which is a treatment program, not an education program.

***Motion***

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

*Ms. Brito 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 revisions and one substantive change, specifically to the FI-9R vote, which is a treatment program, not an education program.

***Motion***

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

*Ms. Jones 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 and substantive revisions, including clarity language and consistency relating specifically to the acronyms, and the inclusion of section IV on page 2 of the policy relating to the decision to deny ERP.

***Motion***

*Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL. 145.209 Early Release on Parole, as presented.*

*Ms. Brito 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 revisions in response to Senate Bill 374, which was approved at the 88<sup>th</sup> Legislative Session. Changes relate specifically to the indictment information and complaint.

***Motion***

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

***Ms. Moberley 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.

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

Ms. Molina presented the rules in agenda item #15, stating the Board previously approved the initial readoption of the rules, and it has been more than 30 days since they were posted in the Texas Register. The General Counsel reports that no comments were received. However, after further review of the proposed rule and legislation, it was determined that additional amendments were required.

***Motion***

***Ms. Moberley moved for the Final Readoption with Substantive Amendments to Chapter 146 Revocation of Parole or Mandatory Supervision, §146.6 Scheduling of Preliminary Hearing.***

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

***Motion***

***Ms. Moberley moved for the Final Readoption with Substantive Amendments to Chapter 146 Revocation of Parole or Mandatory Supervision, §146.8 Scheduling of Revocation Hearings.***

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

**EXECUTIVE SESSION**

Chairman Gutiérrez recessed the Regular Session at 10:27 a.m. and convened the Board into Executive Session (closed under Section 551.071, Government Code).

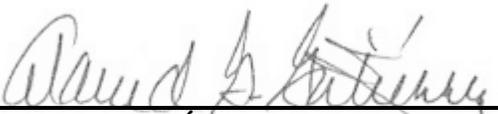
**RECONVENE TEXAS BOARD OF PARDONS AND PAROLES**

Chairman Gutiérrez convened the Board back into Regular Session at 10:46 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 10:46 a.m.

**ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 18<sup>th</sup> DAY OF JANUARY 2024.**

---

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