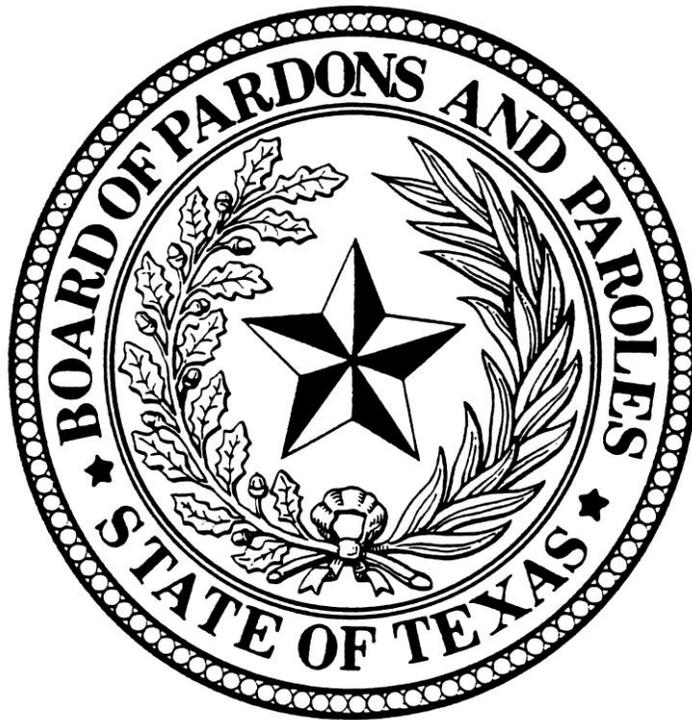


TEXAS BOARD OF PARDONS AND PAROLES

MINUTES

Board Workshop No. 22-1109



November 9, 2022

Austin, Texas

TEXAS BOARD OF PARDONS AND PAROLES

WORKSHOP

Wednesday, November 9, 2022

DoubleTree by Hilton Austin
(Phoenix South)
6505 North Interstate 35
Austin, Texas

1:00 PM

Order of Business

1. Call Workshop to Order
2. From Incarceration to Parole, a Perspective from Craig Caudill
3. Interviewing Techniques – James Huggins
4. Discretionary Mandatory Supervision – Bettie Wells, General Counsel
5. TDCJ-CID Custody Levels – Timothy Fitzpatrick, Director of Classification and Records
6. Pre-Revocation Process – Timothy McDonnell, Chief of Staff and Bettie Wells, General Counsel
7. Adjourn



MINUTES OF THE TEXAS BOARD OF PARDONS AND PAROLES BOARD WORKSHOP

WEDNESDAY, NOVEMBER 9, 2022

REGULAR SESSION

The Texas Board of Pardons and Paroles (Board) met in open session on Wednesday, November 9, 2022, at 1:00 p.m., Double Tree by Hilton Austin, 6505 North Interstate 35, 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
Edward Davila
Lee Anne Eck-Massingill
Ira Evans
Mary Farley
Sandra Fletcher
Troy Fox
Raymond Gonzalez
Paul Kiel
Jeffrey Marton
Anthony Ramirez
Roel Tejada

BOARD STAFF PRESENT

Bettie Wells, General Counsel
Carol Garcia, Assistant General Counsel
Timothy McDonnell, Chief of Staff
Jessica Dillard, Board Administrator
Rachel Alderete, Director, Support Operations
Kyle Britt, Budget Director
Eugene Stroud, Deputy Director, Financial Operations
Heather Penick, Manager of Business Operations
Wadella Murphy, Director, Hearing Operations
Kelsey Stratton, Director of Staff Development
Clinton Gunnels, Director, Institutional Parole Operations
Erica Montalvan, IPO Deputy Director
Libby Hamilton, Victim Liaison
Kimberly Harris, Parole Officer
Brandon Smith, Parole Officer
Pamela Pacher, Program Specialist
Terence Hall, Systems Analyst
Robert Detjen, Systems Analyst
Estela DeHoyos, Program Supervisor
Matthew Schlosser, Multimedia Technician

TDCJ STAFF PRESENT

Amanda Gage, Manager, TDCJ Victim Services
Matt Jug, OIG

Others Present

Richard Quiroz, Attorney at Law

CONVENED – TEXAS BOARD OF PARDONS AND PAROLES

Presiding Officer (Chairman) David Gutiérrez convened the Board Workshop of November 9, 2022, at 1:00 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.

FROM INCARCERATION TO PAROLE, A PERSPECTIVE FROM CRAIG CAUDILL

Chairman Gutiérrez introduced Craig Caudill to present agenda item #2.

Mr. Caudill shared his personal story on incarceration to parole, a perspective from his own life. He was sentenced to two 25-year concurrent sentences for aggravated robbery. In December of 2020 he was approved for parole pending the completion of a treatment program. He was released on parole on August 2, 2021, with numerous conditions, including being placed on super intensive supervision. On August 29th, his super intensive supervision condition was removed based upon his positive accomplishments and his reentry back into society. Mr. Caudill stated everybody along the way in his parole journey has done nothing but bend over backwards and help him by giving him all the tools needed to be successful and go back to normal.

Chairman Gutiérrez thanked Mr. Caudill for his presentation.

INTERVIEWING TECHNIQUES (*ATTACHMENT A*)

Chairman Gutiérrez introduced James Huggins to present agenda item #3, Interviewing Techniques.

Mr. Huggins discussed the interview process techniques, including:

- Figuring out how to get through to people on a one on-one basis or as a group and being available for people to try to get through to you. This includes pre-planning, controlling your surrounding and establishing a rapport when possible, asking proper questions, listening carefully, and documenting properly.
- Observe body language, watch people to determine whether or not they are telling the truth and look for little nuances that are out of the norm, signs of discomfort.
- Observe manipulation signs like foot tapping foot, chin scratching, rubbing the face, neck etc., eye contact, body shifting, as these may be signs of impatience, annoyance, hesitation, or stress.

Mr. Huggins stated interviewing requires the ability to write, think, listen, and speak at the same time. An effective interviewer must be knowledgeable in the art and science of interview techniques and know how to use psychology salesmanship, and dramatics, have persuasiveness and perseverance, have a positive, firm approach and an ability to inspire confidence and knowledge of a broad range of topics of general interest.

Chairman Gutiérrez thanked Mr. Huggins for his presentation.

DISCRETIONARY MANDATORY SUPERVISION

Chairman Gutiérrez introduced Bettie Wells, General Counsel, to present agenda item #4.

Ms. Wells discussed the history of discretionary mandatory supervision, the law's enactment, purpose, and intent. She stated at one time, the only way a person could be released from prison in Texas was clemency, through the governor.

In 1977, the Texas Legislature enacted the system of mandatory supervision. However, this system automatically released many inmates. The mandatory supervision release calculation was if calendar time plus good time credit equaled the sentence length, many inmates were automatically released. This law was in effect for every single offense that a person could have been sentenced, including murder.

In 1996 legislators determined the “automatic release” of an inmate from prison was not meeting the public safety standard the state of Texas desired to have. That's when discretionary mandatory supervision was enacted, giving the Parole Board discretion to deny mandatory supervision releases. Additionally, to deny release to mandatory supervision, the parole board has to make two determinations. First, 9D1, accrued good conduct time must not accurately reflect the potential for rehabilitation. Second, 9D2, the inmate's release must endanger the public. Hence, the parole board has the discretion to make these two determinations. The intent behind discretionary mandatory supervision is to ensure violent offenders are not released without a Board parole panel reviewing them prior to their release.

TDCJ-CID CUSTODY LEVELS (*ATTACHMENT B*)

Chairman Gutiérrez introduced Timothy Fitzpatrick, Director of Classification and Records, to present agenda item #5.

Mr. Fitzpatrick provided an overview of TDCJ – Classification and Records, including Classification and Records Departments (Inmate Time Management, Intake Operations, State Classification Committee, Unit Classification Coordinators, Open Records, Mail Systems Coordinators Panel, and Office of Disciplinary Coordination), State Ready; Pen Packet Checklist/Required Documents; Scheduling; Admissions Overview; Electronic Data Management System (EDMS); Inmate Time Management Responsibilities; Intake Process, Day 1-30; Orientation Process; After Intake; Classification; Types of Facilities; Programs; and Release Process.

Chairman Gutiérrez thanked Mr. Fitzpatrick for his presentation.

PRE-REVOCAION PROCESS

Chairman Gutiérrez yielded the floor to Bettie Wells, General Counsel and Timothy McDonnell, Chief of Staff to present agenda item #6.

Ms. Wells stated the last couple of years there have been opinions from the Texas Court of Criminal Appeals (CCA) specifically telling the Board of Pardons and Paroles and Texas Department of Criminal Justice (TDCJ) the way we were implementing the Pre-Revocation Process did not meet the standard established by the legislature. The issue is with pending charges. Historically TDCJ Parole Division, and the Board have identified if an offender is arrested for a criminal charge, a warrant can be issued, and the offender can either have a preliminary hearing or not. We then had the authority to wait to proceed to the revocation hearing until the charges were adjudicated.

Ms. Wells noted the CCA’s definition of “charge” is someone that is indicted by grand jury or where an information has been filed by the county attorney. The courts made it clear that in accordance with statute, the Board of Pardons and Paroles and TDCJ Parole Division have 41 days to complete the process, which includes conduct the hearing and make the final disposition on whether to revoke the offender or non-revocation. If an offender is not indicted or information is not filed, they need to be released.

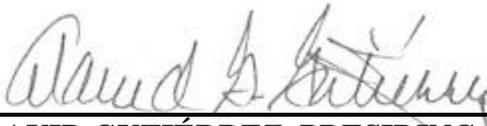
Mr. McDonnell discussed the plan the Board and TDCJ Parole Division came up with, to comply with the CCA opinion. He noted that a lot of the responsibility has been placed on the Parole Division to monitor the charges to see whether or not an indictment or information has been filed. This is the way of complying with the CCA opinion, and not having to subpoena and conduct hearings prior to the charges being adjudicated. There could be situations where individuals have had two preliminary hearings, one on a case that is unindicted another on the case that has been indicted.

Chairman Gutiérrez thank Ms. Wells and Mr. McDonnell for their presentation.

ADJOURNMENT

Having completed all posted items on the agenda, Chairman Gutiérrez adjourned the Board workshop at 4:42 p.m.

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



DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)