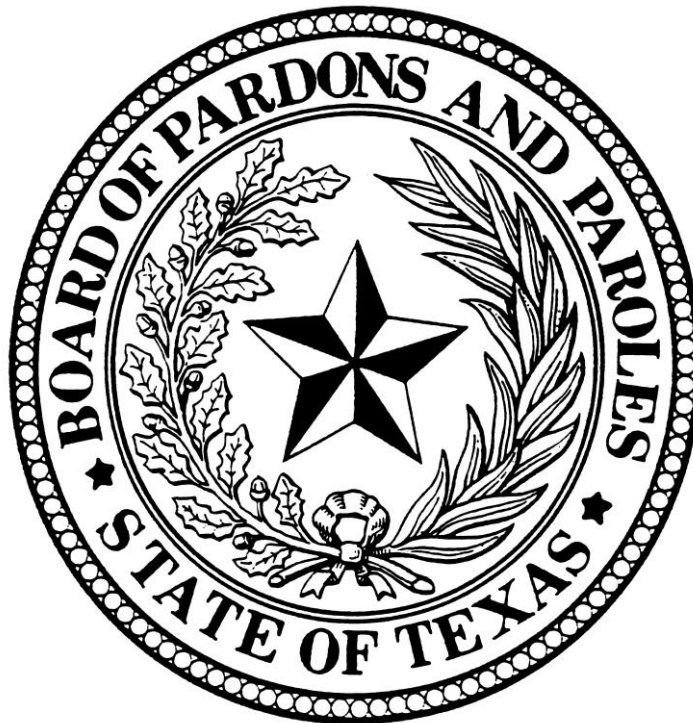


**TEXAS BOARD OF PARDONS AND PAROLES**

**MINUTES**

*Board Meeting No. 19-1024*



**October 24, 2019**

**Austin, Texas**



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# TEXAS BOARD OF PARDONS AND PAROLES

## Board Meeting

Hilton Austin Airport  
Bergstrom B Room  
9515 Hotel Drive  
Austin, Texas 78719

October 24, 2019

8:30 AM

## Order of Business

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1. Call to Order
2. Convene Texas Board of Pardons and Paroles Open Meeting
3. Recognitions
4. Consent Items – Minutes for the July 18, 2019 Workshop and Minutes for the July 18, 2019 Board Meeting
5. CITS Presentation – Melvin Neely, Director and Carl Hazlewood, Project Manager, TDCJ-Information Technology Division
6. Chairman’s Report
7. Discussion and Consideration of Board Designee Hearing Manual – Rachel Alderete, Director, Hearing Operations
8. Discussion and Consideration of Board Policy, BPP-POL. 145.258 Special Condition “R” (Restitution)
9. Discussion and Consideration of Board Policy, BPP-POL. 145.265 Special Condition “N” (Prohibition of Internet Access for Certain Sex Offenders)
10. Discussion and Consideration of Board Policy, BPP-POL. 145.266 Gang Affiliation
11. Re-adoption without Amendments in 37 TAC, Chapter 147, Subchapter A. General Rules for Hearings
  - A. §147.1 Public Hearings
  - B. §147.2 Authority of Hearing Officers
  - C. §147.3 Ex Parte Consultations
  - D. §147.4 Motions
  - E. §147.5 Witnesses
  - F. §147.6 Record
  - G. §147.7 Decisions
12. 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).

13. Reconvene Texas Board of Pardons and Paroles Open Meeting

14. Adjourn



**MINUTES OF THE  
TEXAS BOARD OF PARDONS AND PAROLES  
BOARD MEETING  
THURSDAY, OCTOBER 24, 2019**

**REGULAR SESSION**

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, October 24, 2019 at 8:30 a.m., Hilton Austin Airport, 9515 Hotel Drive, Austin, Texas.

**BOARD MEMBERS PRESENT**

David Gutiérrez  
D'Wayne Jernigan  
Carmella Jones  
James LaFavers  
Brian Long  
Ed Robertson  
Fred Solis

**OTHERS PRESENT**

Bettie Wells, General Counsel  
Jessica Dillard, Board Administrator  
Kyle Britt, Budget Director  
Raymond Estrada, Director, Public Information  
Rachel Alderete, Director, Hearing Operations  
Veronica Muraira, Director, Administrative Support  
Clint Gunnels, Director, Institutional Parole Operations  
Robin Biscamp, Deputy Director, Institutional Parole Operations  
Libby Hamilton, Board Victim Services Program Liaison  
Terence Hall, System Analyst, IT  
Estela DeHoyos, Program Supervisor  
Matthew Schlosser, Multimedia Technician  
Andrew Barbee, Director, TDCJ-Research and Development  
Mary McCaffity, Deputy Director, TDCJ-Victim Services  
Alegra Hill, Policy Advisor, Governor's Office

Board Meeting No. 19-1024

Cassie Daniel, Appointments Manager, Governor's Office  
Roel Benavides, House Corrections Committee Clerk  
David O'neal, Attorney at Law

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

Presiding Officer (Chairman) David Gutiérrez convened the meeting of October 24, 2019 at 8:30 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 Parole Commissioners present. He introduced and welcomed the newest Parole Commissioner for the Huntsville Board Office, Ms. Tracy Long. He highlighted her career and education.

Jessica Dillard, Board Administrator introduced Clint Gunnels as the new Director of Institutional Parole Operations. She highlighted his career and education.

***NAMES OF BOARD RETIREES (ATTACHMENT A)***

Chairman Gutiérrez announced the retirement of James Hensarling, effective July 31, 2019. He highlighted his career and thanked him for his contributions to the Board.

Chairman Gutiérrez recognized the employees that retired since the last Board Meeting, July 18, 2019.

***NAMES OF SERVICE AWARD RECIPIENTS (ATTACHMENT B)***

Chairman Gutiérrez recognized Roel Tejada, Parole Commissioner and Jessica Dillard, Board Administrator for five years of state service. He highlighted their careers and thanked them for their service.

Cassie Daniel, Appointments Manager for the Governor's Office, recognized Chairman Gutierrez for 10 years of state service. She presented him with a proclamation and award in his honor.

Rachel Alderete recognized Heather Clark for 20 years of state service. She highlighted her career.

Chairman Gutiérrez recognized Wanda Saliagas, Parole Commissioner for 50 years of state service. He highlighted her career and thanked her for her service.

Chairman Gutiérrez recognized the Board employees who have dedicated 5, 10, 15, 20, 25, and 35 years of service to the state of Texas. He expressed his deepest gratitude for their service.

**CONSENT ITEMS**

Chairman Gutiérrez stated the Board had an opportunity to review the Consent Items listed on the agenda prior to the meeting; he asked if there were any objections. Hearing no objections, the Board approved the minutes from the July 18, 2019 Workshop and Board Meeting.

### **CITS PRESENTATION (*ATTACHMENT C*)**

Chairman Gutiérrez introduced Melvin Neeley, IT Director, and Carl Hazelwood, Project Manager for the Texas Department of Criminal Justice (TDCJ) to discuss Corrections Information Technology System (CITS).

Mr. Neeley provided an overview of TDCJ'S current legacy mainframe system, stating the system is more than 40 years old, costs the agency approximately \$450 thousand per month to maintain. Fifty percent of the Information Technology Division's programming time is spent on mainframe system maintenance using outdated programming language no longer taught in the profession.

Mr. Neeley stated they will be implementing a modern legacy mainframe system, Commercial Off The Shelf Software (COTS) Package. The new cloud based Corrections Information Technology System (CITS) will replace 50 legacy applications, 35 stand-alone Access databases, and will integrate business intelligence tools like data analytics, and ad-hoc reporting.

Mr. Hazelwood discussed the risks involved with the new system, including staff's willingness to accept change, scope creeps, data migration, complex processes, and lack of subject matter expert involvement. Bids for the new system are due December 2<sup>nd</sup>. Once a package is selected, TDCJ's Chief Financial Officer will present the selected package to the Board for approval February 2020. They expect to begin work April 1 of next year.

The new system will consist of two phases. Phase 1 will include all offender mainframe applications that support incarcerated offenders. Phase 2 will consist of Board and Parole releasing processes, for example intake, time calculations and disciplinary.

An IT and Vendor Support Team, Executive Project Oversight Committee (EPOC), Change Management Team and Change Control Board are in place to assist during agency efforts to purchase and implement the new legacy system.

### **CHAIRMAN'S REPORT**

Chairman Gutiérrez discussed the 2019 agency highlights, reporting the Board had approximately 77,000 parole reviews and nearly 19,000 discretionary mandatory supervision reviews. He stated the parole approval rate increased slightly over 8% from 33% in Fiscal Year 2018 to approximately 35.75% in Fiscal Year 2019. Regarding the discretionary mandatory supervision, the approval rate increased about 3.5% from 47.89% to approximately 49.5%. The Board's continued use of treatment programs prior to release has been a significant factor in the approval rates. Additionally, the Board processed 19,000 waivers. There was slightly over a 12% reduction in revocations in Fiscal Year 2019 from the previous year 2018; a 12% reduction. In 2019 approximately 5,400 individuals were revoked in comparison to nearly 62,000 in 2018. Additionally, Mr. Gutiérrez stated the Board has been working with TDCJ and IT to increase the use of electronic voting to become more efficient in operations. He stated the number of parole review cases voted in OIMS increased 54% from Fiscal Year 2018 to 2019.

In March a new Gatesville Board and Institutional Parole Office were opened, as result of monies appropriated in the last legislative session. The next Board and Institutional Parole Office to be

addressed will be the Angleton Offices. Mr. Gutiérrez reported due to the agency's discipline and prudent appropriation of state funds, the agency ended the year below budget.

Chairman Gutiérrez recognized the appointment of Elizabeth "Libby" Hamilton Patterson to the Texas Crime Victim Institute Advisory Council by Governor Gregg Abbott.

As a result of this past legislative session, Governor Abbott signed several bills into law related to combatting human trafficking. Chairman Gutiérrez announced the Board joins Governor Abbott in this call to action by implementing a new initiative which is designed to reach out to survivors of human trafficking as well as survivors of domestic violence. Additional information about the initiative will be provided on the Board's webpage.

Chairman Gutiérrez thanked all the Board Members, Parole Commissioners, Directors, Executive Team, and Board employees for a very productive year.

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

Chairman Gutiérrez introduced Rachel Alderete, Director of Hearing Operations to discuss agenda item #7, Board Designee Hearing Manual.

Ms. Alderete stated there are four chapters with proposed updates and other chapters with non-substantive edits, previously discussed and presented to the Board. She asked if there were any questions and or comments; the Board had no questions or comments.

#### ***Motions***

***Mr. Long moved to adopt Board Resolution, BPP-RES.19-10.01, which was previously provided to the Board, approving the Board Designee Manual, as presented.***

***Mr. Jernigan 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) (*ATTACHMENT E*)**

Chairman Gutiérrez yielded the floor to Ed Robertson, Chair of the Special Condition Workgroup, to present for discussion and consideration Board Policy, BPP-145.258 Special Condition "R".

Mr. Robertson stated the special condition policies that will be presented were recommended by the General Counsel. Each special condition was reviewed by the Special Condition Workgroup members at a prior meeting. Mr. Robertson stated the policies were previously discussed and presented to the Board. He asked if there were any questions and or comments on agenda item #8, Board Policy, BPP-145.258; the Board had no questions or comments.

#### ***Motions***

***Mr. LaFavers moved to adopt the revisions to Board Policy, BPP-POL.145.258 Special Condition "R" (Restitution), as presented.***

***Mr. Long 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 OF INTERNET ACCESS FOR CERTAIN SEX OFFENDERS) (ATTACHMENT F)**

Chairman Gutiérrez yielded the floor to Ed Robertson to present for discussion and consideration Board Policy, BPP-POL.145.265 Special Condition “N”.

Mr. Robertson discussed the proposed revisions to Board Policy 145.205, stating the revisions include non-substantive changes, protocol updates, acknowledging the Supreme Court’s decision relating to the offender’s first amendment rights, clarifying the criteria to impose the condition. There are sentence structure changes to the DISCUSSION section and non-substantive changes to the PROCEDURES section of the policy.

***Motions***

***Mr. LaFavers moved to adopt the revisions to Board Policy, BPP-POL. 145.265 Special Condition “N” (Prohibition of 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.145.266 GANG AFFILIATION (ATTACHMENT G)**

Chairman Gutiérrez yielded the floor to Ed Robertson to present for discussion and consideration Board Policy, BPP-POL. 145.266 Gang Affiliation.

Mr. Robertson discussed the proposed revisions to Board Policy 145.266, which include non-substantive changes protocol and sentence structure and substantive changes to the policy as it relates to program renunciation.

***Motions***

***Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL.145.266 Gang Affiliation, as presented.***

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

**BOARD RULES (ATTACHMENT H)**

Chairman Gutiérrez yielded the floor to Board Member James LaFavers, Chair of the Rules Committee to present the rules listed in agenda item #11.

Mr. LaFavers, as an ongoing review of the Board’s rules, discussed the amendments and modifications made to the various rules and presented the rules for adoption.

**RE-ADOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 147, SUBCHAPTER A. GENERAL RULES FOR HEARINGS**

Mr. LaFavers stated the Board met in an open meeting and considered the rules listed in agenda item #11. The Rules Committee recommends the re-adoption of Chapter 147, Subchapter A. General Rules for Hearings without amendments. The proposed rule review in Chapter 147 was published in the Texas Register and the General Counsel reports no comments were received.

*Motions*

*Mr. Jernigan moved for the re-adoption without amendments, Chapter 147, Subchapter A. General Rules for Hearings, §147.1 Public Hearings; §147.2 Authority of Hearing Officer; §147.3 Ex Parte Consultations; §147.4 Motions; §147.5 Witnesses; §147.6 Record; and §147.7 Decisions.*

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

**EXECUTIVE SESSION**

Chairman Gutiérrez recessed the Regular Session at 9:58 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 11:22 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 11:23 a.m.

**ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 16<sup>TH</sup> DAY OF JANUARY, 2020.**

  
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DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)