



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-DIR. 141.300**

**Date: May 10, 2019**

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**Supersedes: January 11, 2019**

## **BOARD DIRECTIVE**

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**SUBJECT: BOARD POLICY-MAKING AND MANAGEMENT RESPONSIBILITIES**

**PURPOSE:** To develop and implement a directive that clearly separates the policy-making responsibilities of the Board Members of the Texas Board of Pardons and Paroles and the management responsibilities of the Chief of Staff, Board Administrator, General Counsel, Budget Director, Director of Public Information, and staff.

**AUTHORITY:** Texas Government Code Sections 403.0147, 441.184, 508.034, 508.035, 508.036, 508.0362, 508.040, 508.041, 508.042, 508.044, 508.0441, 508.047, 508.144, and 508.1445, and Chapter 552  
Texas Administrative Code Title 37, Part 5, Chapter 141, Sections 141.1 and 141.3

**DEFINITIONS:** Board – the governmental body.

Board Members – the seven Members of the Texas Board of Pardons and Paroles (Board) appointed by the Governor with the advice and consent of the Senate.

TDCJ – acronym for the Texas Department of Criminal Justice.

**PROCEDURE:**

- I. Presiding Officer
  - A. The Presiding Officer is a Board Member who is designated by the Governor to serve in that capacity at the pleasure of the Governor. Per Government Code Section 508.035(c), the Presiding Officer reports directly to the Governor and serves as the administrative head of the Board. As the administrative head of the Board, the Presiding Officer is responsible for:
    1. Adhering to all the statutory duties and responsibilities of an agency head; and
    2. Overseeing and managing all administrative operations of the Board.

- B. The Presiding Officer may:
1. Delegate responsibilities and authority to Board Members, Parole Commissioners, or to employees of the Board in accordance with Texas Government Code Section 508.035(d)(1);
  2. Appoint advisory committees or work groups from the membership of the Board or from Parole Commissioners to further the efficient administration of Board business in accordance with Texas Government Code Section 508.035(d)(2);
  3. Establish policies and procedures to further the efficient administration of the business of the Board in accordance with Texas Government Code Section 508.035(d)(3); and
  4. Provide a written plan for the administrative review of actions taken by a parole panel by a review panel in accordance with Texas Government Code Section 508.0441(d).
- C. The Presiding Officer shall employ and supervise Board employees in accordance with Texas Government Code Section 508.040 and shall delegate the supervision responsibility of certain Board employees as identified in this directive. All employees of the Board shall be subject to the TDCJ Human Resources policies as described in the most current Board Resolution Readopting the TDCJ Human Resources' Policies.
- D. The duties of the Presiding Officer shall include but are not limited to the following:
1. Development and implementation of policies that clearly separate the policy-making responsibilities of the Board Members and the management responsibilities of the General Counsel, Chief of Staff, Budget Director, and the staff of the Board in accordance with Texas Government Code Section 508.036(a)(1);
  2. Establishment of caseload and required work hours for Board Members and Parole Commissioners in accordance with Texas Government Code Section 508.036(a)(2);
  3. Coordinating of the update of parole guidelines as required by Texas Government Code Section 508.144, assign precedential value to previous decisions of the Board relating to the granting of parole and discretionary mandatory supervision and the revocation of parole and mandatory supervision, and develop policies to ensure that the Board Members and Parole Commissioners use guidelines and previous decisions of the Board Members and Parole Commissioners in making decisions under Texas

Government Code Chapter 508 in accordance with Texas Government Code Section 508.036(a)(3);

4. Requiring Board Members and Parole Commissioners to file activity reports that provide information on release decisions made by the Board Members and Parole Commissioners, the workload and hours worked of the Board Members and Parole Commissioners, and the use of the parole guidelines by the Board Members and Parole Commissioners in accordance with Texas Government Code Section 508.036(a)(4);
5. Reporting at least annually to the Governor and the Legislature on the activities of the Board Members and Parole Commissioners, parole release decisions, and the use of parole guidelines by the Board Members and Parole Commissioners in accordance with Texas Government Code Section 508.036(a)(5).
6. Scheduling, approving the agenda, determining the site, and presiding as the Presiding Officer for the Board meetings required by Texas Government Code Section 508.047.
7. Notify the Governor and Attorney General that a potential ground for removal of a Board Member exists in accordance with Texas Government Code Section 508.034(d).

## II. Policy-Making Responsibilities of the Board Members

The Board Members are responsible for all policy-making. Policy-making includes any decision on an item that affects the entire Board. The duties of the Board Members include:

- A. Adoption of rules relating to the decision-making processes used by the Board and parole panels as required by law in accordance with Texas Government Code Section 508.036(b)(1);
- B. Development and implementation of a training program for new Board Members and Parole Commissioners in accordance with Texas Government Code Sections 508.0362 and 508.042;
- C. Development, implementation, and approval of a training program and annual update for all employees of the Board designated to conduct hearings, in accordance with Texas Government Code Section 508.041, relating to the revocation process. The Board shall prepare and biennially update a procedural manual to be used by the designees of the Board;
- D. Development and implementation of policies that provide the public with a reasonable opportunity to appear before the Board and to speak on any issue under the jurisdiction of the Board with the exception of an individual parole

determination or clemency recommendation in accordance with Texas Government Code Section 508.036(b)(4); and

- E. Preparation, approval, and submission of the legislative appropriations request that is separate from the legislative appropriations request for TDCJ in accordance with Texas Government Code Section 508.036(e);
- F. Preparation and submission of an annual report to the comptroller, by September 30<sup>th</sup> of each year, identifying each program the Board is statutorily required to implement for which no appropriation was made for the preceding state fiscal year, along with a citation to the law imposing the requirement, and the amount and source of the money the Board spent to implement any portion of the program, in accordance with Texas Government Code Section 403.0147; and
- G. Preparation of an annual parole guidelines report that meets the reporting requirements set forth in Texas Government Code Section 508.1445.

### III. Management Duties of the Board Members

As delegated by the Presiding Officer in accordance with Texas Government Code Section 508.035(d)(1), the Board Members have the responsibility and authority to administer and coordinate Board activities, maximize efficiency, assure fair distribution of the caseload, and administer other matters to include personnel matters as required by the Presiding Officer. The following Board Members shall serve as the supervisor for the Parole Commissioners and Board Assistants of the designated Board offices:

Amarillo Board Office – James LaFavers

Angleton Board Office – Carmella Jones

Austin Board Office – Ed Robertson

Gatesville Board Office – David Gutiérrez

Huntsville Board Office – A. D'Wayne Jernigan

Palestine Board Office – Brian Long

San Antonio Board Office – Fred Solis

IV. Management and Duties of the Chief of Staff

The Chief of Staff is employed and supervised by the Presiding Officer. As delegated by the Presiding Officer in accordance with Texas Government Code Section 508.035(d)(1), the Chief of Staff duties include but are not limited to the following:

- A. Supervision of the Board Administrator, Director of Public Information, and Staff Development Director;
- B. Establish a strategic plan for the Board with goals and objectives;
- C. Establish priorities, standards, and measurement tools for determining progress in meeting goals; and
- D. Direct legislative review to include overseeing the preparation of bill impact statements, the development of the Board's position regarding legislative impact, the response to legislative inquiries, and the implementation of new legislation.

V. Management and Duties of the Board Administrator or Designee

The Board Administrator is employed by the Presiding Officer and supervised by the Chief of Staff. As delegated by the Presiding Officer in accordance with Texas Government Code Section 508.035(d)(1), the duties of the Board Administrator or designee include but are not limited to the following:

- A. Management of day-to-day operations of the Board;
- B. Approval or execution of contracts, rental agreements, and leases related to funding expenditures identified in Board Directive BPP-DIR. 141.320 Budget Expenditure Approval;
- C. Supervision of the Director of Hearing Operations, Hearing Officers, and Board Analysts; Director of Institutional Parole Operations and the Institutional Parole Officers; Director of Administrative Support and the Central Analysts and the central office administrative support staff; Director of Information Technology; Director of Human Resources; and Victim Liaison;
- D. Preparation and annual update of a comprehensive written policy statement to ensure implementation of a program to comply with the law on equal employment opportunities, to be coordinated with TDCJ policies regarding the annual filing with the Texas Workforce Commission and included in a biennial report made by the Governor to the Legislature. The Board Administrator is directed to work with the TDCJ Human Resources Director in completing this requirement as a part of the TDCJ policy statement and report;

- E. Implementation of an interagency career ladder program and annual performance evaluation system for the Board's Parole Officers in accordance with most current Board Resolution Readopting the TDCJ Human Resources' Policies; and
- F. Preparation of the biannual update of a procedural manual for Board designees responsible for conducting hearings in accordance with Texas Government Code Section 508.041.

**VI. Legal and Management Duties of the General Counsel**

The General Counsel to the Board is employed and supervised by the Presiding Officer to provide independent legal advice. The duties of the General Counsel to the agency are assigned by the Presiding Officer and include but are not limited to the following:

- A. Providing legal advice to the Board as necessary on questions of law, litigation, and policy matters in the areas of Board parole decisions, revocations of parole and mandatory supervision, clemency, ethics, rulemaking under the Administrative Procedures Act, the Open Meetings Law, the Public Information Act, the Legislature, and any other law or policy affecting the Board;
- B. Supervision of Assistant General Counsels, Clemency Director, and administrative staff; and
- C. Notification to the Presiding Officer or the Governor and the Attorney General that a potential ground for removal of a Board Member exists in accordance with Texas Government Code Section 508.034(d).

**VII. Management and Duties of the Director of Public Information or Designee**

The Director of Public Information is employed by the Presiding Officer and supervised by the Chief of Staff. As appointed by the Presiding Officer, the Director of Public Information is the spokesperson, Public Information Coordinator, and Records Management Officer for the Board. As delegated by the Presiding Officer in accordance with Texas Government Code Section 508.035(d)(1), the duties of the Director of Public Information or designee include but are not limited to the following:

- A. Responding to inquiries from the news media and other organizations;
- B. Administration of the duties and responsibilities of the Presiding Officer as it relates to the Public Information Act pursuant to Texas Government Code Chapter 552 and the Board's Records Management Program pursuant to Texas Government Code Section 441.184;
- C. Supervision of the Communications Supervisor, Ombudsman, and administrative staff;

- D. Coordination of the quarterly and other called Board meetings required by Texas Government Code Section 508.047;
- E. Preparation of an annual statistical report in accordance with Texas Government Code Section 508.036(a)(5), an annual report on parole guidelines in accordance with Texas Government Code Section 508.1445, and publications and website information for crime victims, family members, public and state agencies; and
- F. Preparation of a public information booklet and a written plan providing access by non-English speaking persons to the Board's programs and services.

**VIII. Management and Duties of the Budget Director**

The Budget Director is employed and supervised by the Presiding Officer. As delegated by the Presiding Officer in accordance with Texas Government Code Section 508.035(d)(1), the Budget Director duties include but are not limited to the following:

- A. Preparing and submitting the Board's Legislative Appropriation Request in accordance with Texas Government Code Section 508.036(e);
- B. Preparing an annual Internal Operating Budget with available funds appropriated to the Board;
- C. Preparing an annual Internal Operating Budget with available funds appropriate to the Board by the Texas Legislature;
- D. Managing the Board's budget by transferring funds within expenditure classifications, denoting funds availability, and approving consumable supply requests and requests to fill vacant positions;
- E. Approving or executing contracts, rental agreements and leases related to funding expenditures identified in Board Directive BPP-DIR. 141.320 Budget Expenditure Approval;
- F. Supervision of the accountant and administrative staff; and
- G. Notifying the Presiding Officer of all significant financial transactions as outlined in Board Directive BPP-DIR 141.320 Budget Expenditure Approval.

**SIGNED THIS, THE 10<sup>TH</sup> DAY OF MAY, 2019.**

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

*\*Signature on file.*