



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-DIR. 141.300**

**Date: December 2, 2021**

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**Supersedes: June 13, 2021**

## **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, Director of Financial Operations, 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 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 Section 508.035(c), Government Code, the Presiding Officer reports directly to the Governor and serves as the administrative head of the Texas Board of Pardons and Paroles (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 Section 508.035(d)(1), Government Code;

2. Delegate responsibilities and authority to Board Members, Parole Commissioners, or to employees of the Board in accordance with Section 508.035(d)(1), Government Code;
  3. 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 Section 508.035(d)(2), Government Code;
  4. Establish policies and procedures to further the efficient administration of the business of the Board in accordance with Section 508.035(d)(3), Government Code; and
  5. Provide a written plan for the administrative review of actions taken by a parole panel by a review panel in accordance with Section 508.0441(d), Government Code.
- C. The Presiding Officer shall employ and supervise Board employees in accordance with Section 508.040, Government Code, 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 TDCJ Human Resource 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, Director of Financial Operations, and the staff of the Board in accordance with Section 508.036(a)(1), Government Code;
  2. Establishment of caseload and required work hours for Board Members and Parole Commissioners in accordance with Section 508.036(a)(2), Government Code;
  3. Coordinating the update of parole guidelines as required by Section 508.144, Government Code, 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 Chapter 508, Government Code, in accordance with Section 508.036(a)(3), Government Code;

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 Section 508.036(a)(4), Government Code;
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 Section 508.036(a)(5), Government Code;
6. Scheduling, approving the agenda, determining the site, and presiding as the Presiding Officer for the Board meetings required by Section 508.047, Government Code; and
7. Notifying the Governor and Attorney General that a potential ground for removal of a Board Member exists in accordance with Section 508.034(d), Government Code.

## 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 Section 508.036(b)(1), Government Code;
- B. Development and implementation of a training program for new Board Members and Parole Commissioners in accordance with Sections 508.0362 and 508.042, Government Code;
- 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 Section 508.041, Government Code, 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 Section 508.036(b)(4), Government Code;

- E. Preparation, approval, and submission of the legislative appropriations request that is separate from the legislative appropriations request for TDCJ in accordance with Section 508.036(e), Government Code;
- 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 Section 403.0147, Government Code; and
- G. Preparation of an annual parole guidelines report that meets the reporting requirements set forth in Section 508.1445, Government Code.

### III. Management Duties of the Board Members

As delegated by the Presiding Officer in accordance with Section 508.035(d)(1), Government Code, 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 – David Gutiérrez

Austin Board Office – Ed Robertson

Gatesville Board Office – David Gutiérrez

Huntsville Board Office – Carmella Jones

Palestine Board Office – Brian Long

San Antonio Board Office – Linda Molina

### 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 Section 508.035(d)(1), Government Code, the Chief of Staff duties include but are not limited to the following:

- A. Supervision of the Board Administrator, Human Resources Manager, and Director of Staff Development;
- 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;
- 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;
- E. Responding to or designating staff to respond to inquiries from the news media and other organizations; and
- F. Administration of the duties and responsibilities of the Presiding Officer as it relates to the Public Information Act pursuant to Chapter 552, Government Code, and the Board's Records Management Program pursuant to Section 441.184, Government Code.

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 Section 508.035(d)(1), Government Code, 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 Analysts; Director of Institutional Parole Operations and the Institutional Parole Officers; Director of Support Operations and the central office administrative support staff; Information Technology; and Director of Victim Liaison Program;
- 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 TDCJ Human Resource Policies; and

- F. Preparation of the biannual update of a procedural manual for Board designees responsible for conducting hearings in accordance with Section 508.041, Government Code.

**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 Section 508.034(d), Government Code.

**VII. Management and Duties of the Director of Financial Operations**

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

- A. Preparing and submitting the Board's Legislative Appropriation Request in accordance with Section 508.036(e), Government Code;
- 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 Financial Operations 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 2<sup>ND</sup> DAY OF DECEMBER 2021.**

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

*\*Signature on file.*