



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 141.300

Date: July 25, 2023

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Supersedes: October 14, 2022

BOARD DIRECTIVE

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

Presiding Officer – a Board Member designated by the Governor to serve as presiding officer of the Board.

TDCJ – an acronym for the Texas Department of Criminal Justice.

PROCEDURE:

I. Presiding Officer

A. The Presiding Officer is a Board Member 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. 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;
 3. 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
 4. 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 Board employees shall be subject to the TDCJ Human Resources policies as described in the current Board Resolution Readopting TDCJ Human Resource Policies.
- D. The Presiding Officer's duties shall include but are not limited to the following:
1. Developing and implementing 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. Establishing 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 the parole guidelines as required by Section 508.144, Government Code, and assigning 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 developing 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 by 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, which includes any decision on an item that affects the entire Board. The Board Members' duties include:

- A. Adopting rules relating to the decision-making processes used by the Board and parole panels in accordance with Section 508.036(b)(1), Government Code;
- B. Developing and implementing a training program for new Board Members and Parole Commissioners in accordance with Sections 508.0362 and 508.042, Government Code;
- C. Developing, implementing, and approving a training program and annual update for all Board employees designated to conduct hearings relating to the revocation process; and preparing and biennially updating a procedural manual to be used by the designees of the Board in accordance with Section 508.041, Government Code;
- D. Developing and implementing 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. Preparing, approving, and submitting a legislative appropriations request that is separate from the legislative appropriations request for the TDCJ in accordance with Section 508.036(e), Government Code;
- F. Preparing and submitting an annual report to the Comptroller, by September 30th of each even-numbered 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, if any, to implement any portion of the program, in accordance with Section 403.0147, Government Code; and
- G. Preparing 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 and authorized by Section 508.035(d)(1), Government Code, Board Members have the responsibility and authority to administer and coordinate Board activities, maximize efficiency, assure fair caseload distribution, and administer other matters to include personnel matters as required by the Presiding Officer. The following Board Members shall serve as the supervisor of the Parole Commissioners and Board Assistants at the below designated Board offices:

Amarillo Board Office – Elodia Brito

Angleton Board Office – Marsha Moberley

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's duties include, but are not limited to, the following:

- A. Supervising the Board Administrator, Human Resources Manager, and Director of Staff Development;
- B. Establishing a strategic plan for the Board with goals and objectives;

- C. Establishing priorities, standards, and measurement tools for determining progress in meeting goals and strategies;
- D. Directing 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. Administering 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 Board Administrator's or designee's duties include, but are not limited to, the following:

- A. Managing day-to-day Board operations;
- B. Approving or executing contracts, rental agreements, and leases related to funding expenditures identified in Board Directive BPP-DIR. 141.320 Budget Expenditure Approval;
- C. Supervising the Director of Hearing Operations, Hearing Officers, and Analysts; Director of Institutional Parole Operations and Institutional Parole Officers; Director of Support Operations and Central Administration support staff; Director of Information Technology; and Director of Victim Liaison Program;
- D. Preparing and annually updating 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. Implementing an interagency career ladder program and annual performance evaluation system for the Board's Parole Officers in accordance with the current Board Resolution Readopting TDCJ Human Resource Policies; and

- F. Preparing 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 General Counsel's duties 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 concerning Board parole decisions, revocations of parole and mandatory supervision, clemency, ethics, the Texas Open Meetings Act, the Texas Public Information Act, the Texas Administrative Procedures Act, the Legislature, and any other law or policy affecting the Board;
- B. Supervising the Assistant General Counsels, Clemency Director, and administrative staff; and
- C. Notifying the Presiding Officer or the Governor and the Attorney General that a potential ground for removal of a Board Member exists pursuant to 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 appropriations 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 appropriated 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. Supervising 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 25TH DAY OF JULY, 2023.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*