



**TEXAS BOARD
OF
PARDONS AND PAROLES**

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Date: July 20, 2020

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Supersedes: December 20, 2018

BOARD DIRECTIVE

SUBJECT: RECORDS OF COMPLAINTS

PURPOSE: To provide procedures for the Texas Board of Pardons and Paroles to respond to and maintain records of complaints received from the public.

AUTHORITY: Texas Government Code Sections 508.035(d) and 508.054

DISCUSSION: The person designated by the Presiding Officer to respond to and maintain records of complaints for the Texas Board of Pardons and Paroles (Board) is the Ombudsman. The Ombudsman shall respond to complaints from the public concerning Board policies, procedures, rules, and other matters within the jurisdiction of the Board. The Ombudsman shall not respond to complaints concerning individual parole determinations or clemency recommendations.

DEFINITIONS: Ombudsman – the Board employee appointed to respond to complaints from the public.

Parole Determination – the parole panel’s decision concerning an offender’s release or revocation of parole or mandatory supervision, including special conditions imposed.

Clemency Recommendation – the Board’s constitutional authority to make clemency recommendations to the Governor.

Public – all interested persons except Board employees or offenders incarcerated by the Texas Department of Criminal Justice Correctional Institutions Division.

Response – a written statement in response to a complaint that; (1) acknowledges receipt of a complaint and provides preliminary information, if available, and indicates actions to be taken within an established time frame before a disposition is available; or (2) provides information on the disposition of the complaint. Information provided is limited by rules of confidentiality delineated by the Texas Public Information Act (Texas Government Code Chapter 552).

Workdays – any or all days, Monday through Friday, except national holidays.

PROCEDURE:

- I. The Ombudsman shall:
 - A. Respond to complaints received from the public concerning matters related to Board policies, procedures, rules, and any issues under the jurisdiction of the Board except parole determinations and clemency recommendations.
 - B. Notify other state agencies that the Board has a central Ombudsman Office where the agencies can refer public complaints about the Board.
 - C. Create uniform policies and procedures for the Ombudsman Office to be reviewed and approved by the Board Administrator.
 - D. Prepare a monthly statistical report of the complaints received and subsequent dispositions and distribute the report to the Presiding Officer, Chief of Staff, Board Administrator, Director of Administrative Support, and other staff as may be identified.
 - E. Notify the Board Administrator and Director of Administrative Support of any problematic, systemic trends.
- II. Processing Complaints
 - A. When a written or verbal complaint is received, the Ombudsman shall provide a written acknowledgement of receipt of the complaint. The acknowledgement shall advise the person of the time frame in which to expect a response.
 - B. The Ombudsman shall utilize the electronic database tracking system to maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.
 - C. The Ombudsman shall investigate the complaint and, if necessary, request assistance from Board staff. Once the investigation is complete, the Ombudsman shall respond directly to the person submitting the complaint within the established time frame.
 - D. If the Ombudsman is unable to respond to the complaint within the established time frame, the Ombudsman shall notify the person in writing and advise them of when to expect a response.

III. Processing Time Frames and Referrals

- A. Public – The Ombudsman shall respond to a written or verbal complaint within ten working days of receipt. The maximum time frame to respond is 30 workdays, unless an extension is authorized by the Director of Administrative Support Operations.
- B. Legislative or Elected State Officials – The Ombudsman shall refer all complaints to the Chief of Staff for a written response.
 - 1. Unless otherwise requested, the Chief of Staff shall respond to the complaint within three working days of receipt of the written or verbal complaint. If the response shall take longer than five working days, the Chief of Staff must send written notification to the official advising them of the time frame in which to expect a disposition. The maximum time frame to respond is ten working days, unless an extension is authorized by the Presiding Officer due to the nature of the complaint.
 - 2. The Chief of Staff will notify the Ombudsman when the response has been sent to document the tracking system.
- C. Complaints Related to Parole Determinations or Clemency Recommendations – The Ombudsman shall refer complaints related to parole determinations to the Board Administrator and those related to clemency to the General Counsel, notify the complainant of the action, and document this activity in the electronic database tracking system.
- D. Complaints Related to the Texas Department of Criminal Justice (TDCJ) Correctional Institutions Division (CID) – The Ombudsman shall refer complaints and inquiries from the public related to state operated units including substance abuse felony punishment facilities (SAFPFs) to the TDCJ CID Ombudsman Section.
- E. Complaints Related to TDCJ Parole Division – The Ombudsman shall refer complaints and inquiries from the public related to parole supervision, concerns from offenders on parole or mandatory supervision, and any other issue relating to Parole Division to the TDCJ Parole Division Ombudsman Section.

IV. Board Staff

- A. Board staff shall refer all complaints, other than parole determinations and clemency recommendations, to the Ombudsman.
- B. The Board staff shall forward written complaints to the Ombudsman. For verbal complaints, the Board staff shall obtain the complainant's name, address, phone

number, and the nature of the complaint, forward this information to the Ombudsman via scan and email or fax, and then send the original to the Ombudsman via Interagency Mail.

- C. Board staff shall route all news media inquiries and/or complaints to the Director of Administrative Support Operations.

SIGNED THIS, THE 20TH DAY OF JULY, 2020.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*