



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 141.352

Date: March 1, 2024

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Supersedes: February 27, 2023

BOARD DIRECTIVE

SUBJECT: PUBLIC INFORMATION POLICY

PURPOSE: To provide guidance and instructions to Board Members and staff of the Texas Board of Pardons and Paroles concerning the services related to public information.

AUTHORITY: Texas Government Code Sections 508.035(d), 441.183-441.187, 508.313, and Chapter 552
Texas Administrative Code Title 37, Part 5, Chapter 141, Sections 141.71 and 141.72
Board Directive BPP-DIR. 141.300

POLICY: The Texas Board of Pardons and Paroles (Board) shall respond to public information requests, manage the Board's records in accordance with statutory requirements, and provide quality communication services in fulfilling the Board's mission.

DISCUSSION: Public Information requests addressed to and received by the Board are responded to or coordinated by the Chief of Staff or designee. The Chief of Staff or designee is responsible for but not limited to the following:

- A. Responding to inquiries from the news media and other organizations.
- B. Supervising the Communications Supervisor, Ombudsman, and administrative staff responsible for processing and responding to correspondence and telephone inquiries from the public.
- C. Coordinating the quarterly Board meetings where public information is discussed in an open meeting as required by Section 508.047, Government Code.
- D. Preparing an annual statistical report in accordance with Section 508.036(a)(5), Government Code, an annual report on parole guidelines in accordance with Section 508.1445, Government Code, and publications and website information for crime victims, family members, and public and state agencies.

- E. Preparing a public information booklet and a written plan providing access by non-English speaking persons to the Board's programs and services.

PROCEDURE:

I. Contact by a Member of the News Media

- A. General Information – The Chief of Staff or designee is the spokesperson for the Board. After consultation with the Presiding Officer, the Chief of Staff or designee will respond to all inquiries from news media, except those requests to the Presiding Officer, Board Members, or Parole Commissioners to which they wish to respond.
- B. Media Phone or Email Contact – When contacted by the news media, a Board Member or employee should refer them immediately to the Chief of Staff or designee. The Chief of Staff or designee may consult with the Presiding Officer to determine the most appropriate response and the appropriate person to respond to the news media.
- C. Media In-Person Contact – The Chief of Staff or designee should be contacted immediately if a member of the news media appears at a Board office, hearing, location, or event. The Chief of Staff or designee will contact the Presiding Officer for instructions on how to proceed.
- D. Potential News Media Interest – If a Board Member, Parole Commissioner, or hearing officer anticipates potential news media interest in a particular parole-related matter, the Board Member, Parole Commissioner, or hearing officer should report that expected interest to their immediate supervisor and the Chief of Staff or designee. After consultation with the Presiding Officer, the Chief of Staff or designee will determine how to respond to any news media inquiry. The Chief of Staff or designee will inform the original contact of the disposition of the inquiry.

II. Public Information Requests

- A. The Chief of Staff or designee is the Public Information Coordinator for the Board. The Chief of Staff or designee is responsible for responding to all public information requests.
- B. Receipt of Open Records Request – The Chief of Staff or designee oversees and tracks all responses to official open records requests for public information. Official open records requests are in writing and considered received by the Board when the written request is first received in any of the designated Board offices. On the day of receipt, all written requests for official records or information are date stamped, scanned, and forwarded via email or fax to the Chief of Staff or designee, or Ombudsman and the original sent via truck mail.

- C. Routine Requests – The Chief of Staff or designee may respond to routine open records requests. Should a question arise about whether the requested information is releasable as an open records request, the Chief of Staff or designee will contact the General Counsel or Assistant General Counsel, who may or may not request an opinion from the Attorney General to maintain the confidentiality of a record.
1. The following information shall be released when requested by a member of the general public in accordance with Board Rule 141.71:
 - a. Minutes of the Board and parole panels;
 - b. The parole status of an offender;
 - c. Final decisions relating to parole, mandatory supervision, pardons, and clemency; and
 - d. General information regarding the parole decision-making process.
 2. If a request is received for public information identifiable and readily available on the Board’s website, the requestor may be referred to the exact internet location or uniform resource locator (URL) of the Board’s website. If the requestor does not have access to the internet or prefers a manner other than access through the URL, the Board must supply the information in the manner required by statute for information not maintained on the Board’s website.
 3. If a request is received for a copy of the record of a preliminary or revocation hearing, sex offender condition hearing, or statistical or general information concerning the parole and mandatory supervision process, the requestor should be referred to the Texas Department of Criminal Justice as the official custodian of all electronic and paper records for offenders eligible for parole or mandatory supervision.
- D. Temporary Suspension of the Open Records Requirements – When the impact of a catastrophe on Board operations occurs, the Chief of Staff or designee shall consult with the Presiding Officer on whether to suspend the requirements of Chapter 552, Government Code. If the Presiding Officer elects to suspend the requirements of Chapter 552, Government Code, the Chief of Staff or designee shall comply with the statutory requirements to submit the appropriate notification to the Attorney General and public.

III. Public Information Report

- A. The Public Information Act requires each state agency to submit a report to the Attorney General concerning the public information requests received and cost to the agency.

- B. The Chief of Staff or designee will forward the required information to the Texas Department of Criminal Justice Business and Finance Office for submission to the Attorney General in compliance with the statutorily mandated reporting requirements.

IV. Research and Development of Public Information

- A. The following officers or employees are entitled to request public information assistance. Board employees not included in this listing should follow their chain-of-command to request public information support.

1. Presiding Officer;
2. Board Members;
3. Parole Commissioners;
4. Chief of Staff and any employees who report directly to the Chief of Staff;
5. Board Administrator and any employees who report directly to the Board Administrator;
6. General Counsel and any employees who report directly to the General Counsel; and
7. Any other particular officers or employees authorized by the Presiding Officer.

- B. The Chief of Staff or designee shall prepare information of public interest describing the functions of the Board, making the information available to the public and appropriate state agencies by producing publications and maintaining information on the Board's website.

SIGNED THIS, THE 1ST DAY OF MARCH, 2024.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*