

Texas Board of Pardons and Paroles Self-Evaluation Report



***Submitted to the
Sunset Advisory Commission
September 2023***

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Texas Board of Pardons and Paroles Self-Evaluation Report

I. Agency Contact Information

Texas Board of Pardons and Paroles Exhibit 1: Agency Contacts

	Name	Address	Telephone	Email Address
Agency Head	David Gutiérrez Presiding Officer (Chair)	209 West 14 th Street, Ste 500 Austin, Texas 78701 545 State Hwy 36 Bypass N, Ste A Gatesville, Texas 76528	(512) 936-6351 (254) 404-2701	david.gutierrez@tdcj.texas.gov
Agency's Sunset Liaison	Timothy McDonnell Chief of Staff	8610 Shoal Creek Blvd Austin, Texas 78757	(512) 406-5460	timothy.mcdonnell@tdcj.texas.gov

Table 1 Exhibit 1 Agency Contacts

II. Key Functions and Performance

A. Agency Overview

The mission of the Texas Board of Pardons and Paroles (Board) is to perform its duties as imposed by Article IV, Section 11 of the Texas Constitution and:

- Determine which prisoners are to be released on parole or discretionary mandatory supervision;
- Determine conditions of parole and mandatory supervision;
- Determine revocation of parole and mandatory supervision;
- Recommend the resolution of clemency matters to the Governor.

The agency vision of the Board, guided by sound application of the discretionary authority vested by the Constitution of the State of Texas, shall:

- Render just determination in regard to parole release and revocations, thereby maximizing the restoration of human potential while restraining the growth of prison and jail populations;
- Impose reasonable and prudent conditions of release consistent with the goal of structured reintegration of the offender into the community; and,
- Resolutely administer the clemency process with recommendations to the Governor fully commensurate with public safety and due consideration.

Key functions of the agency

Except for cases requiring the full board to vote, the board, acting in panels of three (one board member and two parole commissioners) determines which offenders are to be released on parole or mandatory supervision; determines appropriate conditions of parole or mandatory supervision; and, when an offender is alleged to have violated one or more terms, rules or conditions of release, determines whether supervision status will be continued, modified, or revoked.

Board members are responsible for making recommendations to the governor for all clemency related matters. The clemency section staff compiles all appropriate documents for the board members to review when making a recommendation to the governor.

The institutional parole operations staff compiles information for the board members and parole panels to consider when making parole and mandatory release decisions. The institutional parole officer conducts an interview and prepares a case summary on all offenders who are eligible for parole and discretionary mandatory review.

When a parole officer alleges an offender has violated one or more of the terms, rules, or conditions of release, the hearing officer, as the Board's designee, conducts a preliminary and/or revocation hearing and prepares a report on all hearings conducted. The report is then provided to a voting panel for revocation determination.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed?

They key functions of the Board continue to serve a clear and ongoing objective as the Board is a constitutionally created agency. The agency is responsible for the recommendation of clemency matters to the governor and making discretionary decisions to release offenders from prison to parole or mandatory supervision. The Board is the only state agency authorized by the Texas Constitution to fulfill these primary key functions. If the Board no longer performed its key functions, it would adversely impact the prison population.

C. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?

The agency adheres to legislative mandates in the performance of their duties, which continue to reflect the agency mission, objectives and the ability to perform key functions. Collaboration with the legislative body in which information is provided to allow for evaluation and impact to proposed changes in law occurs regularly.

D. Have you previously recommended changes to the Legislature to improve your agency's operations? If so, briefly explain the recommended changes, whether or not they were adopted, and if adopted, when.

The agency serves as a neutral resource to legislators providing input and feedback on proposed legislation as subject matter experts. During the 88th Legislative Session, feedback was provided on several bills. Feedback provided on HB 3549 highlighted potential unintended consequences such as resulting in the automatic releasing of offenders requiring intensive supervision. This bill was left pending in committee. Alternatively, feedback was provided on two additional bills (SB 374 and SB 1004) both of which were signed by the governor. SB 374 relates to the disposition of charges that a person violated a condition of release before the 91st day. SB 1004 relates to creating a criminal offense of tampering with an electronic monitoring device.

E. Do any of your agency’s functions overlap or duplicate those of another local, state, or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

The Board is the only state agency authorized by the Texas Constitution to fulfill these primary key functions.

F. In general, how do other states carry out similar functions?

The process of handling parole considerations, revocations, and clemency recommendations can vary among different states and jurisdictions. In some states, the parole board operates under the Department of Corrections, while others operate independently. Most states have board members appointed by the governor or legislative committees for a designated term length. The method by which each state differs in determining parole eligibility differs as well. Although other states have parole, no other state is comparable to number of offenders reviewed annually by the state of Texas.

G. Discuss any changes that could impact your agency’s key functions in the near future (e.g., changes in federal law or outstanding court cases).

There are currently no federal laws or pending court cases that will significantly impact the Board.

H. Overall, how does the agency measure its effectiveness in carrying out its objectives?

The effectiveness of the Board can be measured by several indicators. Indicators should be considered collectively rather than in isolation. Common indicators the Board uses include: the number of release considerations, the number of revocations, the number of successful discharges from parole, and the recidivism rate as reported by the Legislative Budget Board.

Parole Considerations and Approval Rates History
FY 2018 – FY 2022

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Cases Considered	80,495	78,346	77,530	65,488	62,579
Cases Approved	26,566	27,855	29,919	25,190	24,604
Approval Rate	33.00%	35.55%	38.59%	38.47%	39.32%

**Discretionary Mandatory Supervision Considerations and Approval Rates History
FY 2018 – FY 2022**

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Cases Considered	19,077	18,947	16,867	14,812	14,073
Cases Approved	9,136	9,392	8,136	6,984	6,936
Approval Rate	47.89%	49.57%	48.24%	47.15%	49.29%

**Revocation History
FY 2018 – FY 2022**

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revocations	6,179	5,397	4,092	3,639	4,663

Hearings and Waivers – Average Processing Time in Days *

	Preliminary	Revocation	Preliminary & Revocation
Average	23.60	20.90	32.40

** Start Date to parole panel disposition*

Case Summaries Prepared FY 2018 – FY 2022

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Parole Case Summaries	78,287	76,658	74,538	63,529	57,924
DMS Summaries	18,184	18,452	16,319	14,036	13,478
Clemency Case Summaries	96,490	95,128	90,868	77,575	71,411
Total	96,490	95,128	90,868	77,575	71,411

* Due to COVID-19 the variance is due to a reduced prison population thus resulting in a lower number of inmates eligible for consideration.

Data from the Texas Department of Criminal Justice (TDCJ) Parole Division (Division) in FY 2022 indicates 26,451 discharges (16,183 on parole, 10,268 on mandatory supervision) from supervision.

Recidivism rates: Recidivism rates are a general indicator of the paroling authority’s effectiveness, measuring the rate at which individuals released on parole commit new offenses or violate the conditions of their parole. Lower recidivism rates indicate that the parole system is successfully rehabilitating and reintegrating individuals back into society. The Legislative Budget Board provides the recidivism and revocation rates through the Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates report. Over a 5-year span the recidivism rate continues to drop.

**Arrest and Incarceration Rates within Three Years of Release from Prison
FY 2015 – FY 2019**

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Incarcerations	20.2%	20.8%	20.2%	16.3%	14.7%

Source: Legislative Budget Board Recidivism Rates – February 2023

In the following chart, provide information regarding your agency’s key performance measures, including outcome, input, efficiency, and explanatory measures. *See Exhibit 2 Example.* Please provide both key and non-key performance measures set by the Legislative Budget Board as well as any other performance measures or indicators tracked by the agency. (Numbers are for reference in Section VII)

**Texas Board of Pardons and Paroles
Exhibit 2: Performance Measures — Fiscal Year 2022**

Key Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2022 Target	FY 2022 Actual Performance	FY 2022 % of Annual Target
1.Number of Parole Cases Considered	NA	NA	95,073	75,116	79.01%

Table 2 Exhibit 2 Performance Measures

*See Exhibit 3

I. Please list all key datasets your agency maintains and briefly explain why the agency collects them and what the data is used for. Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any “high-value data” the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency posts those high-value datasets on publicly available websites as required by statute, and in what format.

The Board collects and maintains several high-value data sets which are posted to the Board website annually in PDF format from fiscal year 2013 to 2022. The Parole Guidelines Annual Report is statutorily mandated by Government Code 508.036. Other statistical reports provide information on the activities and productivity of the agency and the various departments. The purpose of these publications is to remain transparent and enhance public knowledge of the agency and its operations.

**Texas Board of Pardons and Paroles
Exhibit 3: Key Datasets**

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
N/A	Parole Guidelines Annual Report	Provides 10 years historical reporting of the voting as aligned to the parole guidelines.	The Board of Pardons and Paroles	Texas Board of Pardons and Paroles Publications Page	N
N/A	Statistical Activity Report	Provides 10 years historical reporting of agency statistical information	The Board of Pardons and Paroles	Texas Board of Pardons and Paroles Publications Page	N

Table 3 Exhibit 3 Key Datasets

III. History and Major Events

Provide a timeline of your agency's history and key events, including

- the date your agency was established;
- the original purpose and responsibilities of your agency; and
- major changes in responsibilities or statutory authority.

Also consider including the following information if beneficial to understanding your agency

- changes to your policymaking body's name or composition;
- significant changes in state/federal legislation, mandates, or funding;
- significant state/federal litigation that specifically affects your agency's operations; and
- key changes in your agency's organization (e.g., the major reorganization of the Health and Human Services Commission and the Department of State Health Services' divisions and program areas, or the Legislature moving the Prescription Monitoring Program from the Department of Public Safety to the Texas State Board of Pharmacy).

1929

The Board of Pardons and Paroles was created by The Texas Legislature. Three members are appointed by the governor with the power to recommend prisoners for parole and to advise on clemency matters.

1936

Texas Constitution, Article IV, Section 11 was amended creating a constitutional three-member Board of Pardons and Paroles.

1947

The Adult Probation and Parole Law was enacted by the Legislature. This law authorized the Board, with the approval of the governor, to release prisoners for parole or probation, except for those with a death sentence.

1983

Texas Constitution was amended, and the Board was increased to six members, appointed by the governor with advice and consent of the Senate. The governor's authority to release and revoke offenders was transferred to the Board.

1989

The Board was placed under the Texas Department of Criminal Justice (TDCJ) to consolidate criminal justice functions in state government.

1990

The Board becomes a separate agency from TDCJ with the primary role of discretionary release authority over offenders of the Correctional Institutions Division of TDCJ.

1995

HB 1433, enacted during the 74th Legislature, made mandatory supervision discretionary for offenders with an offense committed on or after September 1, 1996, by granting the Board authority to deny mandatory supervision release after analyses of good conduct time, rehabilitative potential, and community safety.

2006

The shift from legacy file voting to electronic file voting commenced.

2007

The Board in accordance with the rules and procedures of the Legislative Budget Board was directed to administer the Board's Legislative Appropriations Request (LAR). The LAR and budget structure would be managed separately from the TDCJ. This allows the Board to envision, plan and invest in the Board's organizational health.

2009

The 81st Legislative Session enacted legislation for The Board oversight of the Institutional Parole Division. This allows continuity and structure to efficiently facilitate the Board's duties.

2015

HB 1914, enacted during the 84th Legislative Session, allows the Board to set-off (deny) an offender parole for up to 10 years for certain offenses.

2017

The Victim Liaison Program was established using Victims of Crime Act (VOCA) grant funds. The program provides victims, the Board, and other stakeholders quality and consistent victim services.

2020

Covid-19 Pandemic required the increased utilization of technology to continue vital operations, to include video interactive communication platforms for interviews and hearings.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

The board members are the policymaking body for the Texas Board of Pardons and Paroles (Board). The Board consists of seven members appointed by the governor with the advice and consent of the Senate. Board members hold office for staggered six-year terms, must be representative of the general public, and must have resided in this state for the two years before appointment.

**Texas Board of Pardons and Paroles
Exhibit 4: Policymaking Body**

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
David Gutierrez (Chair)	6 years - 03/02/2021	Public Member	Gatesville
Elodia Brito	6 years – 02/21/2023	Public Member	Amarillo
Carmella Jones	6 years – 02/07/2019	Public Member	Huntsville
Brian Long	6 years – 02/21/2023	Public Member	Palestine
Marsha Moberley	6 years - 03/25/2022	Public Member	Angleton
Linda Molina	6 years - 03/02/2021	Public Member	San Antonio
Ed Robertson	6 years - 03/02/2021	Public Member	Austin

Table 4 Exhibit 4 Policymaking Body

B. Describe the primary role and responsibilities of your policymaking body.

The Board’s authority to perform the primary duties and responsibilities of the Board is located under Texas Government Code, Section 508.036 General Administrative Duties. The primary roles and responsibilities of the Board are to determine which offenders are to be released on parole or discretionary mandatory supervision, determine conditions of parole and mandatory supervision, determine revocation of parole and mandatory supervision, and recommend the resolution of clemency matters to the governor. Additionally, the Board adopts rules relating to the decision-making processes used by the Board and parole panels.

C. How is the chair selected?

The governor has the authority to designate one member of the Board as the presiding officer serving at the pleasure of the governor, reporting directly to the governor, and serving as the administrative head of the Board.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The Board is a constitutionally created agency and the only state agency that makes decisions in parole and mandatory supervision matters and makes recommendations to the governor concerning clemency matters.

E. In general, how often does your policymaking body meet? How many times did it meet in fiscal year 2021? In fiscal year 2022? Explain if the policymaking body met in-person or virtually during this time.

In general, the Board meets quarterly each calendar year. However, there are occasions when the Board may be required to meet more often or in a different month in the quarter as the need arises for the Board to make decisions concerning a particular matter, e.g., to review and consider a grant resolution for a grant application administered by the governor's office, review and consider the Board's LAR, etc.

In FY 2021 (Sept. 1, 2020 - Aug. 31, 2021) the Board convened five times in board meetings.

- 09/24/2020 - **Location:** 8610 Shoal Creek Blvd., Austin, TX (virtually)
Present: board members only
- 10/28/2020 - **Location:** 8610 Shoal Creek Blvd., Austin, TX (virtually)
Present: board members only
- 01/21/2021 - **Location:** 8610 Shoal Creek Blvd., Austin, TX (virtually)
Present: board members only
- 04/15/2021 - **Location:** Holiday Inn, 6000 Middle Fiskville Road, Austin, TX (in-person)
Present: board members only
- 07/15/2021 - **Location:** Holiday Inn, 6000 Middle Fiskville Road, Austin, TX (in-person)
Present: board members and parole commissioners

In FY 2022 (Sept. 1, 2021 - Aug. 31, 2022) the Board convened four times in board meetings.

- 10/21/2021 - **Location:** Holiday Inn, 6000 Middle Fiskville Road, Austin, TX (in-person)
Present: board members only
- 03/10/2022 - **Location:** Holiday Inn, 6000 Middle Fiskville Road, Austin, TX (in-person)
Present: board members only
- 05/19/2022 - **Location:** Holiday Inn, 6000 Middle Fiskville Road, Austin, TX (in-person)
Present: board members and parole commissioners
- 08/18/2022 - **Location:** 8610 Shoal Creek Blvd., Bldg. 7-W, Room 112, Austin, TX (in-person)
Present: board members only

F. Please list and describe all the training and training materials the members of the agency's policymaking body receive. How often do members receive this training or updated materials?

A board member receives comprehensive training prior to performing their constitutional and statutory duties and responsibilities as required by Texas Government Code, Section 508.0362. Each board member receives in-person class training as well as in-person one-on-one training related to voting parole and discretionary mandatory supervision cases. The training includes the statutorily required topics identified in Government Code Section 508.0362 which include: (1) the enabling legislation that created the board; (2) the programs operated by the board; (3) the role and functions of the board and parole commissioners; (4) the rules of the board; (5) the current budget for the board; (6) the results of the most recent formal audit of the board; (7) the requirements of the: (A) open meetings law, Chapter 551; (B) open records law, Chapter 552; and (C) administrative procedure law, Chapter 2001; (8) the requirements of the conflict of interest laws and other laws relating to public officials; and (9) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

A board member also receives a Board Resource Manual which includes the following sections and chapters: Section One Administration – Chapter One Board Information; Chapter Two Human Resource, Work and Travel; Chapter Three Ethics; Chapter Four Publications and Statistics; Section Two Resource Information – Chapter Five The Parole File; Chapter Six Voting; Chapter Seven TDCJ Rehabilitation Programs Division; Chapter Eight Parole Supervision; Chapter Nine Revocation Process; and Chapter Ten FORVUS/Mainframe Screens.

G. What information is regularly presented to your policymaking body to keep them informed about the agency’s operations and performance?

Annual and quarterly reports are regularly presented to the board to keep them informed of the agency’s performance. The Texas Department of Criminal Justice Executive Services provides a summary of the Board’s monthly Board actions.

H. How does your policymaking body obtain input from the public regarding issues under the agency’s jurisdiction? How is this input incorporated into the operations of your agency?

It is the policy of the Board to 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 [Texas Government Code Section 508.036(b)(4)]. Once a year at a regularly called board meeting, the Board will afford the public an opportunity to present comments that are not on the posted agenda. Board Policy BPP-POL.141.202 Public Comments and Public Presentations outlines the procedures to follow for persons not employed by or under contract with the Board who wish to have items placed on the Board’s posted agenda.

Any input received from the public may be reviewed and considered by the Board in a future board meeting and if appropriate, incorporated in a board rule or policy, or incorporated in the board’s directives, procedural manual, or handbook.

I. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. *See Exhibit 5 Example*. For advisory committees, please note the date of creation for the committee, as well as the abolishment date as required by Texas Government Code, Section 2110.008.

In addition, please attach a copy of any reports filed by your agency under Texas Government Code, Section 2110.007 regarding an assessment of your advisory committees as Attachment 28.

**Texas Board of Pardons and Paroles
Exhibit 5: Subcommittees and Advisory Committees**

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Rules Committee	Consists of seven members: one member from each board office; chair of the committee is a board member; one other board member; and five parole commissioners.	Reviews and makes recommendations to the board for adoption of rules relating to the decision-making processes used by the board and parole panels.	Texas Government Code, Section 508.036(b)(1)	<1990 No abolishment date set.
Parole Guidelines Committee	Consists of seven members: one member from each board office; chair of the committee is a parole commissioner; one board member; and five parole commissioners.	Reviews and makes recommendations to the board for the adoption of new offense severity rankings and approving recommendation to update or modify the parole guidelines based upon acceptable research methodology.	Texas Government Code, Section 508.144	1999 No abolishment date set.

Table 5 Exhibit 5 Subcommittees and Advisory Committees

V. Funding

- A. Provide a brief description of your agency’s funding.
- General Fund 1 for the Board with no significant collected revenue.
 - Criminal Justice Grant Funds.
- B. List all riders that significantly impact your agency’s budget.
- None
- C. Show your agency’s expenditures by strategy. *See Exhibit 6 Example*.

**Texas Board of Pardons and Paroles
Exhibit 6: Expenditures by Strategy — Fiscal Year 2022 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
D.1.1. Board of Pardons and Paroles	\$7,094,921	26.3%	N/A
D.1.2. Hearings and Revocations	\$6,887,468	25.5%	\$574,982
D.1.3. Institutional Parole Officers	\$12,989,125	48.2%	N/A
GRAND TOTAL:	\$26,971,514	100.0%	\$574,982

Table 6 Exhibit 6 Expenditures by Strategy

D. Show your agency’s sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines. See Exhibit 7 Example.

**Texas Board of Pardons and Paroles
Exhibit 7: Sources of Revenue — Fiscal Year 2022 (Actual)**

Source	Amount
Fund 1, General Revenue	\$26,971,341
Collected Revenue	\$173
TOTAL	\$26,971,514

Table 7 Exhibit 7 Sources of Revenue

E. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 8 Example.

N/A

Table 8 Exhibit 8 Federal Funds

F. If applicable, provide detailed information on fees collected by your agency. Please explain how much fee revenue is deposited/returned to the General Revenue Fund and why, if applicable. See Exhibit 9 Example.

**Texas Board of Pardons and Paroles
Exhibit 9: Fee Revenue — Fiscal Year 2022**

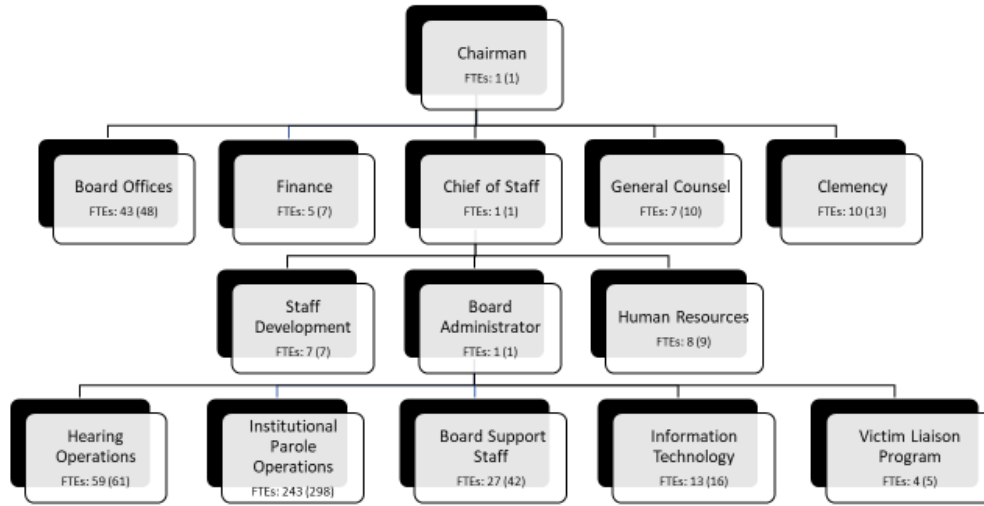
Fee Description/ Program/ Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum, if applicable	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Collected Revenue from copies of Offender Files requested.				2	\$173	General Revenue Fund

Table 9 Exhibit 9 Fee Revenue

VI. Organization

A. Provide an organizational chart that includes major programs and divisions and shows the number of FTEs in each program or division. Detail should include, if possible, division heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.

Texas Board of Pardons and Paroles
Organizational Structure



B. Fill in the chart below listing the agency’s headquarters and number of FTEs and, if applicable, field or regional offices. See Exhibit 10 Example.

Texas Board of Pardons and Paroles
Exhibit 10: FTEs by Location — Fiscal Year 2023

Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs FY 2023	Number of Actual FTEs (as of SER submission)
Board Office	Gatesville	12	10
Board Office	Austin	7	6
Board Office	Huntsville	6	6
Board Office	Amarillo	6	6
Board Office	Palestine	6	6
Board Office	San Antonio	6	6
Board Office	Angleton	6	6
General Counsel	Austin	10	8
Clemency	Austin	13	9

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Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs FY 2023	Number of Actual FTEs (as of SER submission)
Financial Operations	Huntsville	7	5
Human Resources	Austin	9	8
Board Operations Support Staff	Austin	44	31
Staff Development	Austin	7	12
Victim Liaison Program	Austin	5	5
Information Technology	Austin	16	16
Regional Hearing Office	Houston	9	8
Hearing Office	Dallas	8	8
Hearing Office	Paris	1	1
Hearing Office	Port Arthur	2	1
Hearing Office	Angleton	2	2
Hearing Office	Tyler	3	3
Hearing Office	Huntsville	4	4
Hearing Office	Waco	3	2
Regional Hearing Office	Austin	8	6
Hearing Office	Lubbock	1	0
Hearing Office	Abilene	1	1
Hearing Office	Amarillo	1	1
Hearing Office	El Paso	1	1
Hearing Office	Odessa	1	1
Hearing Office	San Angelo	1	1
Hearing Office	San Antonio	5	5
Hearing Office	Corpus Christi	3	5
Hearing Office	Harlingen	2	1
Hearing Office	Arlington	4	3
Hearing Office	Wichita Falls	1	1
Institutional Parole Office	Angleton	41	34
Institutional Parole Office	Beeville	37	30
Institutional Parole Office	Gatesville	46	35
Institutional Parole Office	Amarillo	26	15
Institutional Parole Office	Huntsville	78	63
Institutional Parole Office	Palestine	58	52
Institutional Parole Office	Arlington	12	9
		TOTAL: 519	TOTAL: 433

Table 10 Exhibit 10 FTEs by Location

C. What are your agency's FTE caps for fiscal years 2021-25?

592.9 FTEs (avg)

D. How many temporary or contract employees did your agency have in fiscal year 2022? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

N/A

E. List each of your agency's key programs or functions, along with expenditures and FTEs by program. See Exhibit 11 Example.

Texas Board of Pardons and Paroles
Exhibit 11: List of Program FTEs and Expenditures — Fiscal Year 2022

Program	Actual FTEs FY 2022	Budgeted FTEs FY 2023	Actual Expenditures FY 2022	Budgeted Expenditures FY 2023
Board Operations	83	95	\$6,364,278	\$5,380,408
General Counsel/Clemency	17	23	\$730,642	\$732,271
Institutional Parole Operations	243	298	\$12,989,125	\$15,652,987
Hearing Operations/Central Operations	86	103	\$6,887,468	\$8,038,939
TOTAL	429	519	\$26,971,514	\$29,804,605

Table 11 Exhibit 11 List of Program FTEs and Expenditures

VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste questions A through P as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Hearing Operations
Location/Division	Austin (+19 offices statewide)
Contact Name	Wadella B. Murphy, Director of Hearing Operations
Statutory Citation for the Program	Govt Code 508.041, 508.281, 508.2811, 508.282

B. What is the objective of this program or function? Describe the major activities performed under this program.

The primary objective is to determine if an offender has violated the terms of release; and if so, determine an appropriate sanction which may include the revocation of parole. Case law *Morrissey v. Brewer* set important precedent for the rights of individuals involved in parole revocation hearings providing due process for parolees prior to the revocation of parole.

Designated by the Board to act as a neutral and detached party, the hearing officer serves as the facilitator of the administrative hearing to gather information from all parties. They determine if the standard of evidence is met in allegations of parole violation and prepare a written report for review by the parole panel. Additionally, the hearing officer may determine if the appointment of counsel is required. Hearing types include preliminary, revocation, mitigation, erroneous release, out of state and sex offender condition hearings.

C. What information can you provide that shows the effectiveness and efficiency of this program or function? If applicable, reference but do not repeat any performance measures from Section II, Exhibit 2, and provide any other metrics of program effectiveness and efficiency. Also, please provide the calculation or methodology behind each statistic or performance measure.

Hearings and Waivers – Processed FY 2022

	Preliminary	Revocation	Preliminary & Revocation	Transmittals	Totals
Total Waivers Processed	3,427	10,754	96	N/A	14,277
Total Hearings Processed	6,745	10,748	N/A	N/A	17,493
Transmittals*	N/A	N/A	N/A	512	512
Total	10,172	21,502	96	512	32,282

* Cases transmitted to a parole panel for reconsideration subsequent to a decision resulting from a hearing or waiver.

Additional performance measures include the average processing time in days as referenced in Section II, Item H. Statistical information is provided to the agency by TDCJ – Executive Services which is queried from the Offender Information Management System (OIMS).

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In 2020, many facilities (county and state) were locked down to prevent the rampant spread of COVID-19. Though many county jails prohibited outside access to the facilities, that did not negate the statutory requirement for the Board to render decisions on parole revocation matters within specified timeframes. In response, and through partnerships with multiple stakeholders to include sheriffs and TDCJ Parole Division, the Board began conducting administrative hearings virtually using Zoom. Currently, 192 county facilities, 23 TDCJ facilities and 9 federal facilities utilize Zoom to conduct hearings. In FY 2022, 77.7% of all hearings were conducted virtually. Additional benefits from conducting hearings virtually have been experienced, such as reduced travel times to remote areas and a better utilization of state resources (employees are not geographically bound to conduct hearings). Through the improved efficiencies, the agency was able to reduce its footprint by reducing the number of hearing offices located throughout the state.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The mission of the Board is to perform its duties as imposed by Article IV, Section 11, of the Texas Constitution and Government Code section 508 Subchapter I, in part to determine if a released inmate is in violation of the imposed conditions and to vote whether to return the inmate to the prison population or impose a less severe sanction. Title 37, Part 5, Chapters 146, 147, and 148 of the Texas Administrative Code provide additional guidance regarding the processing of hearings. [click here for: [Board of Pardons and Paroles \(BPP\) Hearing Process Brochure \(texas.gov\)](#)]

Upon discovery by TDCJ Parole Division that the parolee has allegedly committed a new offense or technical parole violation, a warrant for arrest or a summons to appear for a hearing may be issued. Eligible offenders may elect to waive the preliminary or revocation hearing if so entitled. Those waivers are forwarded by TDCJ to a board analyst for review and presentation to the parole panel for disposition. The hearing process is initiated by the TDCJ Parole Division either by warrant or summons issuance and execution. Hearing Operations provides the hearing officers who conduct the preliminary and revocation hearings as designees for the Board as provided for

by statute. Hearing officers ensure offenders are afforded their due process rights; digitally record and upload copies of the hearing; hear offender, state, and witness testimony; take in exhibits; write reports and summaries; and make recommendations regarding the final dispositions of hearing matters. The hearing officers conduct hearings in person and via video in county jails, prison units, and federal facilities statewide.

Support staff working directly for Hearing Operations is responsible for scanning of exhibits, typing, and telephone calls for status of offenders in the hearing process. They also ensure the copying and the distribution of hearing reports electronically and via mail and audit the digital recordings of hearings.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. Please specify state funding sources (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General Fund 1 is the only funding source for the Board.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no other programs that provide services similar or identical to those provided by Hearing Operations.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Hearing Operations works with county jails, federal facilities, and TDCJ facilities to hold offenders on non-bondable warrants issued by the TDCJ Parole Division, pending the outcome of the revocation process.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**
Outside Counsel Agreement (OCA) for representation of certain offenders scheduled to appear at an administrative hearing or to pursue an appeal of a hearing.
- **the amount of those expenditures in fiscal year 2022;**
\$574,982
- **the number of contracts accounting for those expenditures;**
123 contacts

- **the award dates and funding source for those contracts**
September 1, 2021 – August 31, 2022
- **the method used to procure those contracts;**
The OCA packet is available on the agency website for attorneys to download and submit to the board administrator for processing. Each year, the agency sends an email inviting attorneys on the distribution list to complete the OCA packet.
- **top five contracts by dollar amount, including contractor and purpose;**
 1. Earnest A Scott, Attorney - \$28,840 – Outside Counsel
 2. Jaime Aldape, Attorney - \$12,906 – Outside Counsel
 3. Jackson F. Gorski, Attorney - \$10,788 – Outside Counsel
 4. Homer P Campbell, Attorney - \$10,189 – Outside Counsel
 5. Kandilyn K Ash, Attorney – \$10,142 – Outside Counsel
- **the methods used to ensure accountability for funding and performance; and**
Attorney statements are reviewed and processed by agency staff to ensure accountability and performance.
- **a short description of any current contracting problems.**
N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

Currently there is a shortage in correctional staff statewide for multiple agencies, causing scheduling issues with both in-person and virtual hearings. Many facilities have a designated number of time slots allotted for hearings and, due to staffing shortages are unable to accommodate any increase in hearings requested.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, piece of equipment, or other entity (e.g., a facility). For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **actions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

Name of Program or Function	Staff Development
Location/Division	Austin
Contact Name	Kelsey Stratton
Statutory Citation for the Program	Govt Code - 508.0362, 508.041, 508.042, 656.041-049

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Staff Development Department was created in October 2017. The department conducts trainings and operational reviews to ensure that staff administer the Board’s business in a consistent, efficient, and accurate manner in all operations and offices across the state.

C. What information can you provide that shows the effectiveness and efficiency of this program or function? If applicable, reference but do not repeat any performance measures from Section II, Exhibit 2, and provide any other metrics of program effectiveness and efficiency. Also, please provide the calculation or methodology behind each statistic or performance measure.

Training effectiveness is evaluated via the use of testing and surveys. Attendees are tested twice, once before attending training and once after completing training, and test scores are compared to assess improvement. After completing the training and testing, attendees are provided anonymous surveys in which they are asked to evaluate the training content, materials, and trainers. Operational review effectiveness is evaluated via the use of follow-up operational reviews. These are conducted several months after the original operational review and assess areas of deficiency found in the original review. Findings from the original and follow-up review are compared to assess improvement.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

Prior to 2020, all department trainings were conducted in-person. The COVID-19 pandemic necessitated a shift to online training and the department submitted a request for webinar software in March 2020. The department’s first virtual training was conducted in August 2020, and the department has since conducted over 50 live virtual trainings in total. The agency quickly embraced the cost-effectiveness and efficiency of online training, and in January 2023, the department began working with our sister agency, TDCJ, to share training resources and opportunities. Through this partnership, the department was introduced to on-demand interactive training modules. The agency embraced the enhanced opportunities these modules provide, and in June 2023, the department obtained software licenses to build these modules.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

This department develops and conducts trainings and operational reviews for the agency. These trainings and operational reviews are based on agency policies, directives, rules, procedures, and manuals. Trainings are currently conducted live, both in-person and virtually via Zoom webinar, and will soon be available on-demand via interactive online modules. Operational reviews are conducted both in-person and remotely, depending on the functions being assessed. The procedures utilized to conduct operational reviews include interviewing staff, observing staff complete job duties, and reviewing documents and databases.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. Please specify state funding sources (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

This department is funded by general revenue. The amount is included within the total reported for Administration.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2022;
- the number of contracts accounting for those expenditures;
- the award dates and funding source for those contracts
- the method used to procure those contracts;
- top five contracts by dollar amount, including contractor and purpose;

- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, piece of equipment, or other entity (e.g., a facility). For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- actions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

Name of Program or Function	Institutional Parole Operations
Location/Division	1022 Veterans Memorial Pkwy, Ste A, Huntsville, TX 77320
Contact Name	Clinton Gunnels, IPO Director
Statutory Citation for the Program	N/A

B. What is the objective of this program or function? Describe the major activities performed under this program.

The primary objective of Institutional Parole Operations (IPO) is to initiate the parole review process for offenders eligible for discretionary release from prison determined by a parole panel decision. Offenders become eligible for review when they have served a required percentage of their sentence according to the nature of offense, legislation, and offense date. Another type of release, discretionary mandatory supervision (DMS) is also determined by a parole panel for non-violent offenders whose offenses were committed on or after September 1, 1996. Offenders become eligible for DMS review once their actual time served plus good time equals their sentence length.

The function of the IPO is to review the names of parole or DMS eligible offenders appearing on computer-generated casepull listings to process and create a parole file for each offender. The file is forwarded and/or electronically transferred to the regional IPO office that covers the prison where the offender is located. When the file is assigned, a parole officer interviews the offender to create a parole case summary report that provides detailed and pertinent information about the offender's arrest history, periods of incarceration, classification and housing assignments, medical and psychological information, institutional behavior, and any self-reported problems and/or addictions. The parole case summaries are used by the Board when making release decisions and to impose conditions of release. In addition to these reports, the Board also relies on a parole guidelines score prepared by IPO staff that measures the offender's risk of re-offending. The IPO officers represent the Board on 104 prison units in 254 counties.

IPO officers also screen offenders for treatment program eligibility; respond to inquiries from offenders' families, the public, victims, and law enforcement agencies; and deliver status letters that explain the Board's decisions regarding the parole or discretionary mandatory review. They also assist with tasks associated with the physical release of offenders from custody when housed in county jails and federal facilities. Offenders released from TDCJ releasing sites are processed by TDCJ Reentry Division. The release certificate, release date, and coordination of release are the responsibility of the TDCJ Parole Division Review and Release Processing Section and the TDCJ Classification and Records office.

C. What information can you provide that shows the effectiveness and efficiency of this program or function? If applicable, reference but do not repeat any performance measures from Section II, Exhibit 2, and provide any other metrics of program effectiveness and efficiency. Also, please provide the calculation or methodology behind each statistic or performance measure.

There are two key performance indicators for Institutional Parole Operations:

- The number of parole reports prepared and submitted to the Board to facilitate the parole decision-making process. During FY 2022, there were 71,402 summaries completed with 72,354 submitted for a decision.

- The number of Parole-In-Absentia (PIA) reports prepared and submitted to the Board to facilitate the release decision-making process. During FY 2022, there were 572 PIA cases, as well as 181 federal cases prepared and submitted for a decision.

Additional statistics related to the IPO functions include:

- Releases: 107
- Offender Notifications (Status letters, Notice of Discretionary Mandatory Supervision): 76,832
- Sex Offender Risk Assessments (Static 99): 5,146
- Offender Re-contacts: 13,945
- Offender Requests + Other Telephone and Written Correspondence: 109,721

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

When the TDCJ was created in 1989 and designed to integrate all adult criminal justice agencies (probation, prisons, and parole) into one “umbrella agency”, Institutional Parole Operations was moved from the authority of the Board to the TDCJ Institutional Division. Institutional Parole Operations became the Transitional Planning Department and IPO officers became transitional case managers, whose focus was not only to provide a summary for parole decision-makers, but also to assist with the new agency’s mission to reintegrate offenders into society. A new type of case summary was created for several purposes - to classify and assign offenders upon arrival to prison (security-based); to document the offender’s proposed treatment and program participation plan to be accessed by educational and treatment staff in the prison setting as well as by parole supervision when the offender was released (continuum of care); and the last phase of the report was designed to be utilized by parole panels for release decisions (release and supervision conditions). The new Community Transition Case Summary was short-lived (approximately 1991 to 1994) due to departmental complaints that the report was too broad and ineffective and did not meet the specific needs of the user.

On September 1, 2009, the IPO was transferred back to the authority of the Board resulting from the 81st Legislature. This transfer revived the original intent of the IPO to meet the needs of the parole decision-makers and offenders eligible for parole and DMS.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The IPO primarily affects incarcerated offenders, offenders’ families, crime victims, and the public. Public safety is the overarching mission and within that context, the public is impacted by the IPO functions, although not the direct recipients of our services.

Offenders: To receive a review by the Board, offenders must be sentenced to the TDCJ Correctional Institutions Division (CID). Offenders who were sentenced to confinement in the TDCJ CID but serve their

sentences in a county jail, a facility in another state, or a federal facility, are also considered for PIA release. The review process begins only after the offender has served enough of their sentence by law to be eligible for release. During FY 2022, there were 71,402 case summaries completed for parole consideration and 753 case summaries completed for PIA.

Offenders eligible for review of DMS release (for offenses committed on or after September 1, 1996 must accrue enough calendar time and good time to qualify by law for release prior to completion of their entire sentence. DMS offenders, like parolees, are subject to review by the Board to determine whether an offender's accrued good time is an accurate reflection of the offender's potential for rehabilitation and whether the offender's release would endanger the public. During FY 2022, there were 13,478 cases completed for DMS review. Prior to DMS, certain offenders were released to mandatory supervision according to the statutory requirements without a parole panel vote.

The IPO staff also complete case summaries for clemency decisions on death penalty cases.

There were 9 case summaries prepared for offenders sentenced to death during FY 2022.

Victims: Victims and victims' family members contact IPO locations frequently regarding release review processing information and inquiries regarding offender status. IPO works with board victim liaisons and each Board office to ensure victims are kept fully aware of the offender's parole review process.

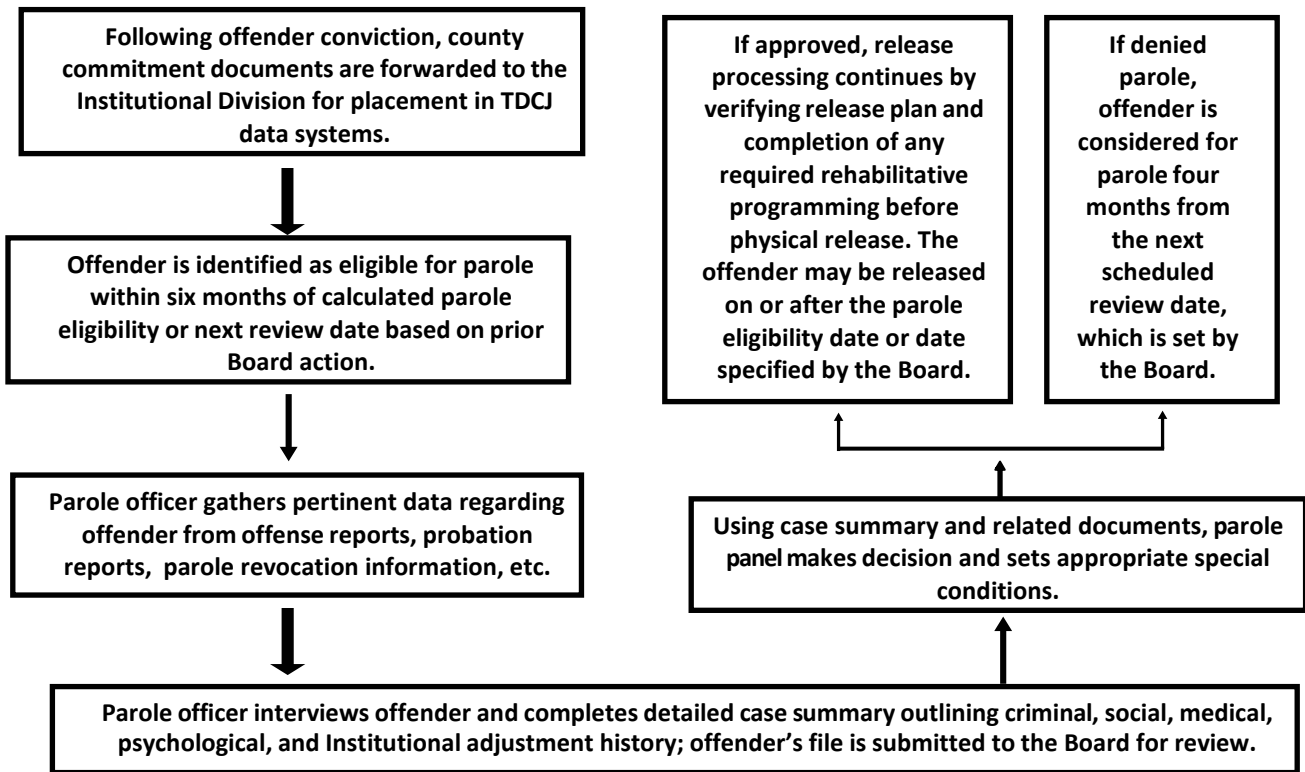
Offender Families: Offenders' family members and supporters contact IPO locations frequently regarding release review processing information and inquiries regarding offender status.

TDCJ: TDCJ prisons and parole supervision staff are dependent upon the Board to make release decisions on eligible offenders in a timely manner so that release-approved offenders are released expeditiously (also allowing counties to transfer in newly convicted inmates) and under the terms, rules, and conditions of supervision imposed by the Board. It also ensures the parole officers in the state's communities can supervise and monitor releasees effectively and efficiently to achieve public safety.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

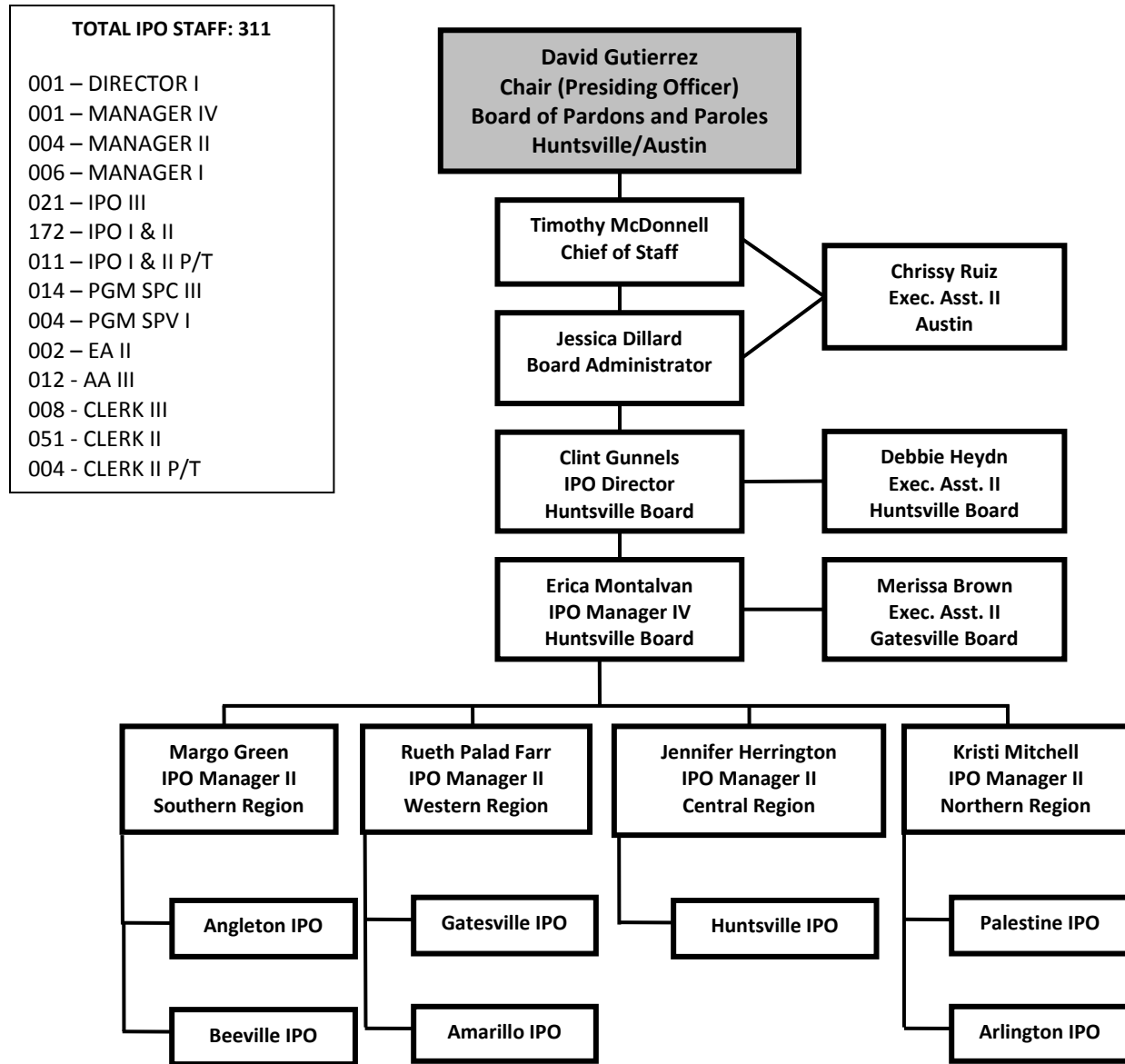
The Board's policies and directives apply to the IPO as well as the statutory requirements in Chapter 508 of the Texas Government Code. There are also administrative directives which give instructions to the IPO. A detailed Parole Case Summary Instruction Manual is primarily used by IPO officers for offender interviews and case summary report writing. Operations manuals with all policies and procedures are accessed electronically via the intranet and in hard copy format.

The following chart is a summary of the parole review process.



The source documents included in the parole file and used by the IPO to prepare the Parole Case Summary originate from the courts and are maintained by the TDCJ Classification and Records Department. The source documents include the judgment, sentence, offense reports, arrest history, victim impact statements, pre-sentence investigation, etc. Upon TDCJ entry, the offender receives an intake interview by TDCJ staff that comprises a battery of diagnostic assessments including IQ tests, medical and psychological screenings, and educational assessments. All these documents are also included in the offender’s classification file. When an offender becomes parole eligible, this file material is collected and copied or scanned for the creation of a parole file. The parole file is utilized by the IPO officer to interview the offender, compare, contrast, and consolidate all pertinent information to create the Parole Case Summary. The Parole Case Summary is the primary tool used to assist the Board when making their decision for parole. Information within the Parole Case Summary comes from the source documents provided by Classification and Records (official records) and offender testimony. The Parole Case Summary captures the following information: a condensed version for the offense report(s); summarization of the criminal history, to include all probations and prior incarcerations, as well as all arrests obtained from reviewing the offender’s DPS report; behavior while in county jail and the offender’s institutional adjustment while in TDCJ custody; victim information; restitution; detainers; program participation, completions, and any refusals; educational level and employment history prior to incarceration; physical and mental health evaluations, diagnoses, and treatment; in-depth substance abuse and/or alcohol problems with any previous treatment received; and release plans. The IPO officer also completes the parole guidelines risk assessment and Static 99 assessment for sex offenders, and screens offenders for eligibility for the In-Prison Therapeutic Community (IPTC) treatment program. Once the IPO officer completes all these tasks, the file is forwarded to the parole panel for a decision.

Texas Board of Pardons and Paroles Institutional Parole Offices.



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. Please specify state funding sources (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General Fund 1 is the only funding source for the Board.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The TDCJ and the Board have maintained a longstanding collaborative partnership to ensure offender information sharing for timely parole processing, program participation, and release of offenders. Electronic data and paper files are accessible by both agencies and if duplication or conflict of information is noted by one entity, the other is notified. Through a strong partnership between agencies, continuity of programming and services for offenders occurs in a timely manner.

The IPO officer works closely with the TDCJ as previously described, specifically in the areas of information sharing, release processing. IPO officers working on prison units have daily contact with unit-based TDCJ staff. The IPO officer's day-to-day functions depend on prison staff for safety and security, along with assistance in scheduling offender interviews, obtaining offender information, and occasional interpreter services. When offenders are released to the community, a coordination of effort occurs among multiple TDCJ departments and unit-based staff.

The local district court system initiates the pen packet containing all source material the TDCJ and the Board needs when an individual is sentenced to prison. Sometimes it is necessary to contact the district courts to clarify sentencing information or request additional information on an offender, but most information exchange occurs when an offender is transferred from the county jail to prison.

The IPO works with federal prisons when offenders are serving a federal sentence concurrently with a Texas prison sentence and the offender becomes parole eligible on the Texas conviction. Coordination with federal officials is necessary to initiate the parole review process, complete the parole case summary, and verify for the Board how long the offender will remain in federal custody. Other government entities may be contacted when information gathering or clarification is needed.

K. If contracted expenditures are made through this program please provide

N/A

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2022;
- the number of contracts accounting for those expenditures;
- the award dates and funding source for those contracts
- the method used to procure those contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

N/A

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, piece of equipment, or other entity (e.g., a facility). For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **actions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

Name of Program or Function	Victim Liaison Program
Location/Division	Austin Central Office, Gatesville Board Office, Huntsville Board Office, Amarillo Board Office
Contact Name	Libby Hamilton
Statutory Citation for the Program	Govt. Code 508.153

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Victim Liaison Program strives to improve victims’ and survivors’ experiences with the parole review process by (1) providing support throughout, (2) providing accompaniment services, and (3) training board staff regarding best practices in working with victims.

C. What information can you provide that shows the effectiveness and efficiency of this program or function? If applicable, reference but do not repeat any performance measures from Section II, Exhibit 2, and provide any other metrics of program effectiveness and efficiency. Also, please provide the calculation or methodology behind each statistic or performance measure.

Positive feedback is received daily from victims who have received support and accompaniment services from the program. In 2022 the Victim Liaison Program provided accompaniment to 342 victims, which is almost equivalent to the total number (345) of victims who received accompaniment services from years 2017-2020.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

When the program launched in February 2017 it consisted of two employees, and has since grown to six full time grant-funded employees. This has allowed us to consistently increase the number of survivors we assist by phone, email, Zoom, and in-person.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Victims register for notifications through TDCJ Victim Services. If the victim/survivor requests to speak with the Board before a parole decision is made, board victim liaisons provide the accompaniment. The Victim Liaison Program director receives a daily list of accompaniment requests and assigns them to program employees, based on which parole panels will be voting the case. The victim liaison in Gatesville

covers the Gatesville, Austin, and San Antonio Board offices. The Huntsville victim liaison covers the Huntsville, Palestine, and Angleton Board offices. Our Amarillo victim liaison covers Amarillo and Zoom interviews for all offices.

The parole review process takes several months and often causes anxiety, stress, and fear for victims. We are here to provide updates, explanations about the process, and assist with referrals for protective orders, Crime Victims Compensation, and counseling, in addition to accompaniment.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. Please specify state funding sources (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Victims of Crime Act (VOCA) Grant funds + Cash Match

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The TDCJ Victim Services Division provides notifications to victims in the post-conviction setting. However, they do not provide accompaniment and support services during the Board interview piece of the process.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The TDCJ Victim Services Division allows the Victim Liaison Program staff access to their confidential Integrated Victim Services System (IVSS) to ensure all services provided are documented and not duplicated. We have a close working relationship with that agency to ensure victims and survivors are supported post-conviction.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The program director, chairman, & chief of staff travel to district attorney’s offices around the state to provide information about the Board to educate on the implications of plea bargains, and attempt to close the gap between pre and post-conviction.

K. If contracted expenditures are made through this program please provide

N/A

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2022;
- the number of contracts accounting for those expenditures;
- the award dates and funding source for those contracts
- the method used to procure those contracts;
- top five contracts by dollar amount, including contractor and purpose;

- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

L. Provide information on any grants awarded by the program.

The Victim Liaison Support Grant (VOCA Grant #3922704) is currently paid through September 30, 2023. The application to continue funding is currently pending review in the Office of the Governor's Public Safety Office.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

The Victim Liaison Program has 6 full-time grant funded staff, but the goal is to one day have a victim liaison in each of the 7 Board offices, so that we may assist all victims who interact with the Board. Currently there are hundreds of victims each month who do not have the benefit of working with a victim liaison to prepare for parole review or their interview with the lead voter.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Prior to 2017, the Board did not have any employees dedicated to assisting victims. Victim issues were assigned to a designated board member, but accompaniment services were not provided. The Chairman has placed an emphasis on providing not only quality services to victims of crime, but also training to Board employees who interact with victims.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, piece of equipment, or other entity (e.g., a facility). For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **actions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

N/A

Name of Program or Function	Support Operations
Location/Division	Austin
Contact Name	Rachel Alderete, Director of Support Operations
Statutory Citation for the Program	N/A

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Board employs central administrative staff to support agency operations as well as promoting and ensuring compliance with applicable legislation. Specific areas of support operations include:

- **Board Support:** This section handles the agency call center and responds to central office and statewide phone calls; processes incoming mail to central office; coordinates all board meetings and workshops in compliance with the Open Meetings Act; assists and coordinates publishing of the Board annual report and guidelines report; replies to and places support/protest information into offender files; and assists in the records management coordination for the agency.
- **Analysts:** This section provides high level case analysis to parole panels; processes hearing and waiver packets and makes recommendations to voter panels; processes special review transmittals; processes Motion to Reopen (MTR) packets; and reviews and processes SISP cases for presentation to the SISP panel in matters involving revocation. This section also provides support by investigating and responding to complex inquiries from attorneys, the general public, and offenders regarding the Board decisions pertaining to release approvals/denials, special conditions, revocation matters, and special review requests.
- **Scheduling / Special Review:** The scheduling department is responsible for scheduling preliminary, revocation, erroneous release, out-of-state (OOS), and sex offender condition (SOC) hearings on offenders alleged to have violated the terms and conditions of their release. In the event an offender qualifies for state appointed counsel, an attorney is appointed from an approved list to represent the offender in the hearing. Attorney support staff review and process attorney vouchers for payment. The special review/statistics department receives, evaluates, and processes requests for special review. They also collect, maintain, and distribute statistical information on the Board's activities.
- **Ombudsman:** The ombudsman responds to complaints from the public about Board policies, procedures, or rules; processes open records requests; assists the public in obtaining information on parole votes, hearings, and other matters; and responds to inquiries

C. What information can you provide that shows the effectiveness and efficiency of this program or function? If applicable, reference but do not repeat any performance measures from Section II, Exhibit 2, and provide any other metrics of program effectiveness and efficiency. Also, please provide the calculation or methodology behind each statistic or performance measure.

In FY 2022, 16,582 hearings were scheduled and conducted. There were 2,678 state attorney appointments made to represent offenders in the revocation process and their payment vouchers were reviewed for accuracy and submitted for payment. Over 2,500 requests for special review were evaluated and a response provided to the requestor. Four board meetings were coordinated, posted, held and minutes prepared, approved and submitted. The ombudsman responded to approximately 6,500 inquiries from offender family members, offender, legislative offices, and the public. And, over 20,000 pieces of correspondence were received and processed and over 79,000 calls were received in the call center.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In September 2014, the Board implemented an agency Central Call Center (844#) in Austin. Prior to this time, the Board had been receiving phone calls and answering questions at all its offices across the state (board offices; hearing offices; and IPO offices). The implementation of the call center has provided consistent and timely information to victims, victim and offender families, attorneys, public law enforcement, and court officials in a highly effective and efficient way, freeing up valuable time for processing information for parole panel voting.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

N/A

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. Please specify state funding sources (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

This department is funded by general revenue. The amount is included within the total reported for Board Operations.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide N/A

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2022;
- the number of contracts accounting for those expenditures;
- the award dates and funding source for those contracts
- the method used to procure those contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, piece of equipment, or other entity (e.g., a facility). For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- actions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint and regulatory actions, including investigations and complaint resolutions. The data should cover the last five fiscal years and give a complete picture of the program’s regulatory activity, including comprehensive information from initiation of a complaint to resolution of a case. The purpose of the chart is to create uniformity across agencies under review to the extent possible, but you may make small adjustments to the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure. In addition, please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional scope, etc.

N/A

Name of Program or Function	Board Operations
Location/Division	Austin / Gatesville
Contact Name	David Gutiérrez, Chairman
Statutory Citation for the Program	Texas Constitution, Article 4, Executive Department, Section 11 Government Code, Title 4, Executive Branch, Subtitle G (Corrections), Chapter 508; Texas Administrative Code, Title 37: Public Safety and Corrections, Part 5: Texas Board of Pardons and Paroles.

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Board consists of seven public members appointed by the governor and confirmed by the Senate to staggered six-year terms. The governor designates a presiding officer. The presiding officer hires a board administrator to manage the day-to-day activities of the board, as well as 15 parole commissioners to serve on parole panels with board members and make decisions regarding offender parole/mandatory supervision approval or denial. The presiding officer assigns one board member and two parole commissioners to each of the six board offices who serve as the parole panel for a designated geographical area. The parole panel is charged with determining which offenders will be released on parole or discretionary mandatory supervision, under which specific conditions, and when the offender's release should be revoked for violation of the terms, rules, or conditions of their release. In addition to parole panels, board members develop Board policy, serve as the office administrator, recommend the resolution of clemency matters to the governor, and conduct parole reviews for certain violent offenders (Extraordinary Vote).

C. What information can you provide that shows the effectiveness and efficiency of this program or function? If applicable, reference but do not repeat any performance measures from Section II, Exhibit 2, and provide any other metrics of program effectiveness and efficiency. Also, please provide the calculation or methodology behind each statistic or performance measure.

Refer to Section II, Exhibit 2

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

Refer to Section III

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Board is responsible for making discretionary parole release determinations on offenders that have been determined eligible for parole. Offenders become eligible for parole consideration after they serve a portion of their sentence as required by statute. The amount of time required to be served varies based on the specific offense and the statute in effect at the time of conviction. Approximately six months prior to initial parole eligibility the offender is identified as eligible for review and a “casepull” occurs. The institutional parole officer (IPO) then gathers pertinent data regarding the offender, interviews the offender, and completes a case summary. Upon completion of the case summary, the entire offender file is sent to the parole panel for voting. If the file is a “paper” file, it is sent via truck-mail to the applicable board office for voting. In the event it is an electronic file in the Offender Information Management System (OIMS), it is sent to the voting panel electronically for voting. Upon a consensus decision being reached, the IPO notifies the offender, in writing, of the parole panel’s decision. (*Institutional Parole Operations is described later in this section.*)

If approved for release, the Board imposes general conditions for all offenders. Additionally, the Board may add special conditions for any offender. The most common special conditions include: sex offender requirements, intensive supervision, drug monitoring and/or treatment, educational programs, or psychological counseling. The Board may impose other conditions deemed appropriate for the offender and in the interest and safety of society.

The Board also renders decisions regarding revocation matters on offenders who have violated the terms, rules and conditions of their release. Upon arrest, an offender is offered the opportunity to have a preliminary and/or revocation hearing on the allegations. In the event a hearing is held, it is conducted by a hearing officer who is a designee of the Board. After the hearing, a report is sent to the parole panel for voting. The parole panel may make final disposition of the case by taking one of the following actions: (1) continue supervision with the same or modified rules or conditions; (2) place in an intermediate sanction facility (ISF) or substance abuse felony punishment facility (SAFP); or, (3) revoke the parole status and return the offender to the TDCJ CID. (*Hearing Operations is described later in this section.*)

The Board recommends the resolution of clemency matters to the governor. Clemency matters include full pardons, conditional pardons, pardons based on innocence, and commutations of sentence. In capital cases, the Board considers applications for commutation of sentence to life in prison and for a reprieve from execution. In FY 2010, the Board considered 686 cases for clemency. (*Clemency Section is described later in this section.*)

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. Please specify state funding sources (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The funding source for the Board is the General Fund 1. It is the only funding source for the Board and all its programs. Refer to section V. Funding.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no other programs that provide identical or similar services performed by the Board.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts. N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The Board and TDCJ have maintained a longstanding collaborative partnership to ensure offender information sharing. Additionally, the Board works closely with other stakeholders such as county jails, local and state and federal law enforcement, county district attorneys, legislators, and various advocacy organizations to better ensure public safety.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2022;
- the number of contracts accounting for those expenditures;
- the award dates and funding source for those contracts
- the method used to procure those contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

No

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, piece of equipment, or other entity (e.g., a facility). For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- actions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint and regulatory actions, including investigations and complaint resolutions. The data should cover the last five fiscal years and give a complete picture of the program’s regulatory activity, including comprehensive information from initiation of a complaint to resolution of a case. The purpose of the chart is to create uniformity across agencies under review to the extent possible, but you may make small adjustments to the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure. In addition, please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional scope, etc.

N/A

Name of Program or Function	Legal
Location/Division	209 West 5 th Street, Austin, Texas/Clemency
Contact Name	Bettie L. Wells
Statutory Citation for the Program	Texas Government Code Section 508.034(d)

B. What is the objective of this program or function? Describe the major activities performed under this program.

The general counsel has statutory obligations outlined in Texas Government Code Section 508.034(d), to notify the presiding officer that a potential ground for removal of a board member exists, and to notify the governor and the attorney general that a potential ground for removal of the presiding officer exists. The general counsel's office major activities are to provide legal advice to the board on questions of law, litigation, and policy matters in the areas of board parole and mandatory supervision release and revocation decisions. The general counsel's office provides legal advice in matters related to clemency, ethics, rulemaking under the Administrative Procedures Act, the Open Meetings Act and the Public Information Act, the legislature and any other law or policy affecting the board. The general counsel supervises assistant general counsels and administrative staff.

The general counsel's office is responsible for providing in-house legal advice to the presiding officer, board members, parole commissioners, and managers and assists the Office of the Attorney General (OAG) in defending the agency, board members, and employees in civil litigation matters as well as federal writs of habeas corpus proceedings. The general counsel's office is also responsible for providing technical support for the board's Parole Guidelines and Rules Committees which includes coordinating the processes assuring that the board meetings are in compliance with the Open Meetings Act; coordinating the publication of rules in the *Texas Register*; and coordinating the distribution of the board's rules, policies, and directives.

C. What information can you provide that shows the effectiveness and efficiency of this program or function? If applicable, reference but do not repeat any performance measures from Section II, Exhibit 2, and provide any other metrics of program effectiveness and efficiency. Also, please provide the calculation or methodology behind each statistic or performance measure.

The chart below identifies specific quantifiable activities performed by the general counsel's office for FY 2022.

Self-Evaluation Report

	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	TOTAL
MOTION TO REOPEN (MTR)													
Received	61	55	40	39	39	38	66	62	36	50	39	60	585
Ineligible	50	56	24	25	20	15	51	41	31	34	25	45	417
Sent to Board	3	19	9	18	18	26	19	11	5	37	13	17	195
MTR DECISION													
Grant	0	0	1	2	1	2	3	0	1	4	5	5	24
Deny	2	10	17	7	14	27	20	4	14	19	15	15	164
Reverse	1	0	0	0	0	0	0	0	0	1	0	0	2
WRITS													
Received	8	7	6	6	3	5	5	4	2	9	14	6	75
Open*	28	29	28	29	29	32	31	27	20	21	23	19	19
Closed	11	6	7	5	3	2	6	8	9	8	12	10	87
LITIGATION													
Received	1	0	0	0	2	0	0	0	1	1	0	1	6
Open*	11	10	9	8	9	9	7	6	7	8	7	7	7
Closed	3	1	1	1	1	0	2	1	0	0	1	1	12
EXPUNCTIONS													
Petition	7	4	3	0	0	1	0	0	1	1	1	4	22
Hearing	0	0	0	0	0	0	0	0	0	1	0	5	6
Order (grant/deny)	0	5	11	3	11	1	2	1	16	14	14	11	89
APPELLATE ORDERS													
Received	8	13	8	7	5	7	7	9	6	9	11	14	104
Responded	3	4	3	0	1	0	3	2	3	4	5	6	34
NCIC DISCREPANCIES													
Received	2	5	1	3	2	10	11	1	2	5	2	2	46
Processed	2	5	1	2	2	11	11	1	2	4	1	3	45

*Total will not reflect a true number since cases are carried over from month to month.

Other general counsel’s office activities include preparing legal opinions concerning matters related to parole and discretionary mandatory supervision release, imposition of special conditions, clemency eligibility, public information act requests, and any other general state agency business related matters to include the impact of new legislation.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The general counsel’s office is responsible for reviewing all appeals, Motion to Reopen Hearing (MTR), when a revocation hearing was held, and the offender’s parole or mandatory supervision was revoked. In addition to reviewing all MTRs after a revocation hearing, the general counsel’s office reviews all correspondence received related to the pre-revocation process whether a revocation hearing was held or not. In doing so, any errors or potential constitutional due process violations during the pre-revocation process can be discovered and appropriately addressed.

The general counsel’s office is responsible for proactively responding to state and federal writs of habeas corpus and civil litigation matters. The general counsel’s office monitors all orders and opinions rendered by the Court of Criminal Appeals and each Court of Appeals to

respond appropriately as ordered by the court and, if required, recommend revisions to the board's rules, policies, directives, or procedures. As it relates to civil litigation matters, the general counsel's office provides litigation support to the OAG and coordinates activity between the board and the OAG.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Board Directive 141.300, Board Policy-Making and Management Responsibilities ([BPP-DIR. 141.300](#)), provides the legal and management duties of the General Counsel as designated by the Presiding Officer. Board Directive 141.310 ([BPP-DIR. 141.310](#)), General Counsel's Office Policy, provides guidance and instructions to the board members, parole commissioners and agency staff concerning legal support and services provided by the general counsel's office.

Texas Administrative Code, Title 37, Part V, Chapter 141, Section 141.57 Petition for Adoption of Rule provides the duties and responsibilities of the general counsel as it specifically relates to petitions for adoption of a board rule. Texas Administrative Code, Title 37, Part V, Chapter 146, Section 146.10 Final Board Disposition and Board Directive 146.300, Motion to Reopen Hearings ([BPP-DIR. 146.300](#)) provides the duties and responsibilities of the general counsel as it relates to a motion to reopen a hearing and provides procedures to the staff to respond to a motion to reopen a hearing request submitted in response to a revocation decision after a revocation hearing.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. Please specify state funding sources (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General Fund 1, is the only funding source for the board, and there are no other programs that provide identical functions to general counsel's office.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The OAG is responsible for defending litigation, civil and habeas, where the presiding officer, board member or board employee is a named defendant or the issue relates to a parole panel or full board decision. The general counsel's office provides litigation support, e.g., preparing affidavits; drafting responses for discovery, interrogatories, request for production/admissions; coordinating meetings with witness for deposition and trial; and obtaining approval and processing payment for attorney fees and settlements.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2022;
- the number of contracts accounting for those expenditures;
- the award dates and funding source for those contracts
- the method used to procure those contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The general counsel participates in the statutorily required training program for new board members and parole commissioners by providing legal and ethics training. While the board member and parole commissioner participate in a structured on the job training program after the initial training program is complete, there is no statutory requirement for annual training for board members and parole commissioners.

There is, however, a statutory requirement for annual training for employees designated by the board to conduct hearings on issues and procedures relating to the revocation process. Since there have been several significant changes in the parole process in the past few years, most of which are as a result of litigation, it would be very beneficial to the board members and parole commissioners for the general counsel to present an annual training program on legal issues related to the parole process. This training would require all board members to be present but should not be considered a meeting under the Open Meetings Act since the information being presented would be considered attorney client privileged communication. (Reference OR2004- 3078 - information presented to the hearing officers, board designees, by the general counsel during annual training were deemed attorney client privileged communication.)

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, piece of equipment, or other entity (e.g., a facility). For each regulatory program, if applicable, describe

- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;
 - follow-up activities conducted when non-compliance is identified;
 - actions available to the agency to ensure compliance; and
 - procedures for handling consumer/public complaints against regulated entities.
- N/A

P. For each regulatory program, if applicable, provide detailed information on complaint and regulatory actions, including investigations and complaint resolutions. The data should cover the last five fiscal years and give a complete picture of the program's regulatory activity, including comprehensive information from initiation of a complaint to resolution of a case. The purpose of the chart is to create uniformity across agencies under review to the extent possible, but you may make small adjustments to the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure. In addition, please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional scope, etc.

N/A

Name of Program or Function	Executive Clemency
Location/Division	8610 Shoal Creek Blvd., Austin, Texas/Clemency
Contact Name	Bettie L. Wells
Statutory Citation for the Program	Texas Code of Criminal Procedure Chapter 48

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Texas Constitution authorizes the governor to grant clemency upon the written recommendation of a majority of the board after a conviction, except a conviction for treason. The primary objective of this function is for the board to review and make recommendations or decisions on all clemency applications received by the clemency section from persons convicted of a crime, state or federal, felony or misdemeanor.

There are two major clemency activities performed by the board. For inmates convicted of a capital offense and sentenced to death, the board considers applications for commutation of sentence to life in prison and a reprieve of a scheduled execution. The board may recommend or not recommend clemency and upon the recommendation of the majority of the board, the Governor may grant or deny clemency. If a majority of the board members make a written recommendation for clemency in a death penalty case, the governor may grant commutation or a reprieve. For these cases, all recommendations, grant or deny, are submitted to the Governor for his review and consideration.

For persons not convicted of a capital offense, the board considers application for full pardons, conditional pardons, pardons based on innocence, posthumous pardons, commutations of sentence, emergency medical and family medical reprieves, restoration of civil rights, restoration of driver’s license, and restoration of firearm rights.

The eligibility requirements for all clemency requests are detailed in Texas Administrative Code, Title 37, Part V, Chapter 143.

C. What information can you provide that shows the effectiveness and efficiency of this program or function? If applicable, reference but do not repeat any performance measures from Section II, Exhibit 2, and provide any other metrics of program effectiveness and efficiency. Also, please provide the calculation or methodology behind each statistic or performance measure.

Key performance measures include the number of clemency applications received, reviewed, and sent to the board. The table below reflects the number of clemency applications received and the number of cases sent to the board. The effectiveness and efficiency of the administrative function is the number of cases received and reviewed versus the number of cases sent to the board. A case will not be sent to the board until the application is complete, which is evident by receiving all appropriate required documents.

FY 2022 - Applications	Received	Sent to Board
Commutation of Sentence	132	1
Conditional Pardon	15	0
Emergency Medical Reprieve	59	3
Family Medical Reprieve	51	1
Full Pardon	225	59
Pardon for Innocence	20	0
Restoration of Civil Rights	1	0
Restoration of Driver's License	11	0
Restoration of Firearms Rights	134	2
TOTAL NON-CAPITAL CASE ACTIONS	637	66

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

Prior to the amendment of Section 11(b) of the Texas Constitution, the board was only authorized to recommend the governor grant clemency after a conviction. After the November 8, 2011 amendment to section 11(b) of the Texas Constitution and the amendment to Texas Code of Criminal Procedure Article 48, the board is now authorized to recommend that the governor grant a pardon after a successful completion of a term of deferred adjudication community supervision as well as a conviction. As a result, even though a deferred adjudication is not a conviction, the clemency section reviews and processes pardon application pursuant to Section 48.01(b) of the Texas Code of Criminal Procedure.

In 2020, the governor established a customized clemency application for survivors of human trafficking and domestic violence. The application includes a section, which affords the applicant an opportunity to provide a statement to the board about their human trafficking or domestic violence victimization. As mentioned in the governor's press release, the goal of the new clemency application process is to develop a stronger justice system, which promotes redemption, restoration, and transformation.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Board Directive BPP-DIR. 143.300, Clemency for Capital Cases ([BPP-DIR. 143.300](#)), provides guidance to voting members and staff about processing of clemency applications of offenders who receive a sentence of death. Board Directives BPP-DIR. 143.330 Full Pardon-Conviction ([DIR 143.330](#)); BPP-DIR. 143.340 Full Pardon-Deferred Adjudication ([DIR 143.340](#)); BPP-DIR. 143.350-Reprieves Family and Emergency Medical ([DIR 143.350](#)); and BPP-DIR. 143.370 Clemency-Human Trafficking-Domestic Violence ([BPP-DIR 143.370](#)) provide guidance to voting members and staff for processing non-capital case applications.

Clemency Function Activities

FY 2022 - Applications	Received	Sent to Board	Sent to the Governor
Non-Capital Cases	637	66	26
Capital Cases	6	4	0

The clemency function has a section designated to process clemency applications. The clemency section consists of eight staff members who respond to inquiries; mail clemency applications and instructions; review, analyze and research clemency requests; and prepare clemency files, which include the clemency application and other appropriate documents for consideration by the board.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. Please specify state funding sources (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

General Fund 1 is the only funding source for the board, and there are no other programs that provide identical functions to clemency.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

N/A

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

As a part of the clemency application research, the clemency section staff is required to access state and national crime information databases operated and maintained by the Texas Department of Public Safety and the Federal Bureau of Investigation. The clemency section staff

also obtains information from local law enforcement, county officials and the Texas Department of Criminal Justice. The following are examples of documents obtained from these entities: offense reports, court documents (judgment and sentence, order revoking probation, order adjudicating guilt, parole and probation adjustment information and physician statements.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2022;
- the number of contracts accounting for those expenditures;
- the award dates and funding source for those contracts
- the method used to procure those contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

In FY 2021, the board was awarded a Violence Against Women's Act grant through the Office of the Governor. The grant provided funding for salaries, direct operating expenses, training, and outside consultant.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, piece of equipment, or other entity (e.g., a facility). For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- actions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint and regulatory actions, including investigations and complaint resolutions. The data should cover the last five fiscal years and give a complete picture of the program’s regulatory activity, including comprehensive information from initiation of a complaint to resolution of a case. The purpose of the chart is to create uniformity across agencies under review to the extent possible, but you may make small adjustments to the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure. In addition, please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional scope, etc.

N/A

VIII. Statutory Authority and Recent Legislation

A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from fiscal years 2015-20, or earlier significant Attorney General opinions, that affect your agency's operations.

Texas Board of Pardons and Paroles Exhibit 13: Statutes / Attorney General Opinions

Statutes

Citation / Title	Authority / Impact on Agency
Texas Constitution Article IV, Section 11 Executive Department	Provides authority for the Board of Pardons and Paroles to recommend clemency to the Governor.
Texas Code of Criminal Procedure Chapter 48 Pardon and Parole	Provides statutory authority for the Board of Pardons and Paroles to recommend clemency to the Governor.
Texas Government Code Chapter 508 Parole and Mandatory Supervision	Enabling statutory provisions for the Board of Pardons and Paroles.
Texas Code of Criminal Procedure Article 42A Community Supervision	Provides authority for the judge of the court to impose conditions on a defendant placed on community supervision.
Texas Code of Criminal Procedure Chapter 55 Expunction of Criminal Records	Provides the authority for the Board of Pardons and Paroles to redact parole related and clemency records as ordered by the court.
Texas Code of Criminal Procedure Article 56A Rights of Crime Victims	Identifies the rights of the victim as it relates to the Board of Pardons and Paroles parole review process, and provides authority for the Board of Pardons and Paroles as it relates to the victim impact statement and victim assistance coordination.
Texas Code of Criminal Procedure Article 56A.001(a) Definitions	Provides the definition of a victim made reference to in Texas Government Code Section 508.191.
Texas Code of Criminal Procedure Article 56A.051(7)(C) General Rights	Entitles a victim, guardian of a victim, or close relative of a deceased victim to provide to the Board of Pardons and Paroles information to be considered by the Board before parole of any defendant.
Texas Code of Criminal Procedure Article 56A.051(12)(B) General Rights	Identifies the right of the victim to have the victim impact statement considered by the Board before a defendant is released on parole.
Texas Code of Criminal Procedure Article 56A.0531 Assertion of Rights	Authorizes the victim, guardian of victim, or close relative of deceased victim to assert the rights provided in Article 56A either orally or in writing.

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Citation / Title	Authority / Impact on Agency
Texas Code of Criminal Procedure Article 56A.151 Victim Impact Statement	Provides authority for the Board of Pardons and Paroles to participate in the development and update of the form to be used by law enforcement; and the development of the victim’s information booklet.
Texas Code of Criminal Procedure Article 56A.160 Survey Plan Regarding Statements	Provides authority for the Board of Pardons and Paroles along with other entities to develop a survey plan to maintain statistics on the numbers and types of persons who provide victim statements each year.
Texas Code of Criminal Procedure Article 56A.202 Victim Assistance Coordinator	Provides the authority for the Board of Pardons and Paroles to work closely with law enforcement agencies, prosecuting attorneys and the judiciary.
Texas Code of Criminal Procedure Article 62.008 General Immunity	Provides immunity from liability for an employee or officer of the Board of Pardons and Paroles.
Texas Code of Criminal Procedure Article 62.051 Registration and Verification Requirements; Related Notice	Provides authority for a parole panel to impose sex offender registration as a condition of parole or release to mandatory supervision.
Texas Code of Criminal Procedure Article 62.407 Effect of Order Granting Early Termination	Provides authority for a parole panel to modify the sex offender registration condition in accordance with the court’s order.
Texas Code of Criminal Procedure Article 62.408 Nonapplicability	Provides an exception to Article 62.407 for the condition of parole or release to mandatory supervision for those persons without a reportable conviction or adjudication.
Texas Government Code Section 413.017 Review of Use of Parole Guidelines	Provides authority for the Criminal Justice Policy Council to prepare an annual report on the use of the parole guidelines by the member of the Board of Pardons and paroles in making decision.
Texas Government Code Section 492.006 Board Meetings	Provides authority for the Presiding Officer of the Board of Pardons and Paroles or a designee to present to the TBCJ any item relating to the operation of the parole system as determine by the Presiding Officer.
Texas Government Code Section 492.0131 Parole Rules, Policies, Procedures	Provides authority for the Presiding Officer of the Board of Pardons and the Chair of the TBCJ to jointly review all rules, policies and procedures of TDCJ and the Board that relate to or affect the operation of the parole process.
Texas Government Code Chapter 499, Subchapter A Pre-Parole Transfer	Provides authority for a parole panel to establish a presumptive parole date to allow an offender to be transferred to a community residential facility.
Texas Government Code Chapter 499, Subchapter B Population Management	Provides authority for Board of Pardons and Paroles acting in parole panels to review and consider early release to intensive supervision parole eligible inmates who would not otherwise be eligible for parole.
Texas Government Code Section 501.057 Civil Commitment Before Parole	Requires the TDCJ to establish a system to identify mentally ill inmates who are nearing eligibility for release on parole and requires a psychiatrist to examine the inmate no later than the 30th day before the initial parole eligibility date.

Citation / Title	Authority / Impact on Agency
Texas Government Code Section 551.080 Board of Pardons and Paroles	Does not require the Board of Pardons and Paroles to conduct an open meeting to interview an inmate in TDCJ.
Texas Government Code Section 551.124 Board of Pardons and Paroles	Allows the Board of Pardons and Paroles to hold a hearing on clemency matters by telephone conference at the call of the Presiding Officer.
Texas Penal Code 12.31(a)(2) Punishment	Authorizes life without parole punishment for capital felony convictions for defendants 18 years of age or older previously eligible for parole.
Texas Penal Code 38.112 Tampering with Electronic Monitoring Device	Authorizes an offender on electronic monitoring pursuant to Texas Government Code Section 508.227 Electronic Monitoring for Certain Members of Criminal Street Gangs to be charged with a crime.
HB 1 88 th Legislature Rider 26 Postsecondary Education Programs	Provides authority for a parole panel to impose reimbursement for postsecondary education as a condition of parole.

Table 19 Exhibit 13 Statutes

Attorney General Opinions

Attorney General Opinion No.	Impact on Agency
Attorney General Opinion No. JM-494 May 19, 1986	Provides authority for the Board of Pardons and Paroles to delegate the authority to conduct revocation hearings to a neutral and detached hearing officer to make recommendations to the Board.
Attorney General Opinion No. GA-0754 January 7, 2010	Provides authority for the Board of Pardons and Paroles to recommend the Governor grant a full pardon for a deceased person.

Table 20 Exhibit 13 Attorney General Opinions

B. Provide a summary of significant legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass but were significant, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. See Exhibit 14 Examples.

**Texas Board of Pardons and Paroles
Exhibit 14: 88th Legislative Session**

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
HB 517	Johnson, Julie	Amends the definition of "close relative of a deceased victim" as it pertains to victim statements to a parole panel, allowing a close relative of a deceased victim to provide a statement to the parole panel regardless of whether the victim's death was related to the offense.

Bill Number	Author	Summary of Key Provisions
SB 374	Huffman	Extends the deadline for a parole panel to dispose of a charge that a person violated a condition of release if the person allegedly committed an offense after release and an indictment, information, or complaint for the offense has not been filed in court. Under such circumstances, the parole panel is required to dispose of charges before the 91 st day after the parole warrant is executed, rather than the 41 st day.
SB 409	Hinojosa	Authorizes a victim, guardian of a victim, or close relative of a deceased victim to assert the rights provided by Code of Criminal Procedure Chapter 56A either orally or in writing.
SB 1004	Huffman	Makes tampering with an electronic monitoring device a criminal offense for persons who are required to submit to electronic monitoring as a condition of house arrest, community supervision, parole, mandatory supervision, or release on bail. The offense is a state jail felony unless the offender is on SISP, in which case it is a third-degree felony. Allows a judge to order the sentence to run concurrently or consecutively, dependent on the offender's custody status.

Table 21 Exhibit 14 Legislation Enacted 88th Legislature

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 156*	Moody	Authorizes the Board to hold clemency hearings in a capital case via teleconference or videoconference not subject to the open meetings act. Allows the inmate and any person representing the inmate or the family of the victim to appear in-person or be present on the teleconference or videoconference. Allows the Board to deliberate privately but requires the Presiding Officer to publicly announce each voting member's decision at the conclusion of deliberations and for each member to provide their recommendation and reasons, if any, in writing. <i>The bill passed the House but did not advance in the Senate.</i>
HB 213*	Moody	Adjusts parole eligibility for those who committed an offense when they were younger than 18 and requires the Board, when making parole decisions, to assess the growth and maturity of the inmate and take into consideration the diminished culpability of juveniles, the hallmark features of youth, and the greater capacity of juveniles for change. <i>The bill was left pending in Senate committee.</i>
HB 305*	Johnson, Jarvis	Adjusts criteria for MRIS release to include offenders 65 years of age or older who do not pose a threat to public safety. <i>The bill was filed but never moved.</i>
HB 353*	Johnson, Jarvis	Requires the Board to provide inmates with specific actions to address factors that contributed to parole denial, to adjust how the parole guidelines account for an inmate's progress on their ITP, and to adjust the inmate's risk level based on that progress. <i>The bill did not pass the House after being reported out of committee.</i>
HB 489	Meza	Prohibits an individual from serving as an officer appointed by the governor if the individual made political contributions that exceed \$2,500 in a single year to the governor or a specific-purpose committee supporting or assisting the Governor. This includes political contributions the spouse or dependent child made in the individual's name with their consent. Requires the individual to make an attestation related to contributions to the governor and compensation to a registered lobbyist prior to taking office. <i>The bill was filed but never moved.</i>
HB 606	Shaheen	Requires law enforcement to execute, as soon as practicable, a warrant issued for a releasee on SISP with an alleged violation of a condition related to electronic monitoring. <i>The bill was reported out of committee but not voted by the House.</i>

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 966*	Allen	Requires the Board to publish on its website specific course details for each class or program they require an inmate to complete before releasing them on parole. <i>The bill was filed but never moved.</i>
HB 967	Allen	Requires TDCJ to develop and implement policies that require each facility to provide programs to female inmates not later than the 45 th day after the date the inmate arrives at the facility, and to ensure they have the same access to programs and education courses as male inmates. <i>The bill passed the House but did not advance in the Senate.</i>
HB 1064*	Sherman, Sr.	Adds certain offenses to the list of those requiring an extraordinary vote, defines good conduct time, and authorizes good conduct time to be considered when determining parole eligibility for certain offenses. <i>The bill was left pending in House committee.</i>
HB 1424*	Campos	Ensures the parole guidelines take into consideration the inmate's progress on their individual treatment plan and in any other programs, and requires the Board to identify any classes or programs the inmate needs to complete before their parole eligibility date. <i>The bill was filed but never moved.</i>
HB 1618*	Moody	Adds certain offenses to the list of those requiring an extraordinary vote, defines good conduct time, and authorizes good conduct time to be considered when determining parole eligibility for certain offenses. <i>The bill was left pending in House committee.</i>
HB 1736	Leach	Requires the Board to review the criminal convictions of inmates serving death sentences who were found guilty only as a party and identify appropriate offenders to recommend to the governor for clemency. <i>The bill passed the House but did not advance in the Senate.</i>
HB 1811	Hefner	Makes tampering with an electronic monitoring device a Class A misdemeanor for persons who are required to submit to electronic monitoring as a condition of release on parole or to mandatory supervision. <i>The bill was filed but never moved. The bill's similar companion, SB 1004 by Huffman, was enacted into law.</i>
HB 2030	Dutton	Adds an individual convicted of an offense under Texas law, other than an offense involving violence or the threat of violence, drugs, or firearms, to the list of those eligible for restoration of civil rights. Removes several application requirements, leaving only the requirements that the individual completed the sentence and that the conviction occurred three or more years before the date of application. <i>The bill was left pending in House committee.</i>
HB 2718*	Allen	Adds specific requirements for the composition of the Board regarding Board Members' educational degrees, professional licenses, family criminal history, employment history, ethnicity, and gender. <i>The bill was filed but never moved.</i>
HB 2805*	Leo-Wilson	Requires the Board to adopt rules requiring a parole panel to issue a subpoena to the Texas Education Agency for copies of disciplinary records of an offender. Requires the rules to state that the subpoena and information obtained are not to be disclosed to any person other than the Board and the parole panel. Requires the Board to consider the disciplinary records, relevant information available on the offender's social media accounts, and statements submitted pursuant to the notice published on TDCJ's website when making release decisions. <i>The bill was left pending in House committee.</i>

Self-Evaluation Report

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 2984	Herrero	Makes tampering with an electronic monitoring device a criminal offense for persons who are required to submit to electronic monitoring as a condition of house arrest, community supervision, parole, mandatory supervision, or release on bail. The offense is a state jail felony unless the offender is on SISF, in which case it is a third-degree felony. <i>The bill's identical companion, SB 1004 by Huffman, was considered in lieu of the bill and enacted into law.</i>
HB 3547	Anchia	Requires a parole panel to prohibit a releasee on electronic monitoring from visiting a hospital for a purpose other than to receive emergency medical care, unless the supervising parole officer approves the releasee's request to visit the hospital. <i>The bill was reported out of committee but not voted by the House.</i>
HB 3549	Anchia	Makes tampering with an electronic monitoring device a state jail felony for persons who are required to submit to electronic monitoring as a condition of release on parole or to mandatory supervision. Upon conviction, the releasee will be automatically revoked and the sentence will run consecutively. <i>The bill was left pending in House committee.</i>
HB 3595*	Jones, Jolanda	Modifies the list of offenses requiring an extraordinary vote and provides specific parole eligibility dates for certain offenders transferred from TJJD or a post-adjudication secure correctional facility and for offenders who committed their offense when younger than 25 years of age. <i>The bill was filed but never moved.</i>
HB 4247	Zwiener	Requires the Board to notify each person pardoned by the governor for a felony offense, in writing, that they may be eligible to register to vote. <i>The bill was filed but never moved.</i>
SB 211	Eckhardt	Prohibits requiring an extraordinary vote for inmates serving a determinate sentence resulting from a disposition by a juvenile court. <i>The bill was filed but never moved.</i>
SB 955*	Springer, et al.	Identifies factors for the parole panel to consider when making parole determinations for youthful offenders, to include the diminished culpability of youth, the hallmark features of youth, and the capacity of youth to change. Requires the Board to adopt a policy establishing factors for a parole panel to consider when reviewing youthful offenders, to include the inmate's age at the time of committing the offense and statements submitted by persons with knowledge of the inmate's growth and maturity. <i>This bill was filed but never moved.</i>
SB 1067*	Middleton	Requires the Board to adopt rules requiring a parole panel to issue a subpoena to the Texas Education Agency for copies of disciplinary records of an offender. Requires the rules to state that the subpoena and information obtained are not to be disclosed to any person other than the Board and the parole panel. Requires the Board to consider the disciplinary records, relevant information available on the offender's social media accounts, and statements submitted pursuant to the notice published on TDCJ's website when making release decisions. <i>The bill was filed but never moved.</i>
SB 1435	Hinojosa	Makes tampering with an electronic monitoring device a third-degree felony for persons who are required to submit to electronic monitoring as a condition of release on parole or to mandatory supervision. <i>The bill was filed but never moved.</i>
SB 1536	Parker	Amends the definition of "close relative of a deceased victim" as it pertains to victim statements to a parole panel, allowing a close relative of a deceased victim to provide a statement to the parole panel regardless of whether the victim's death was related to the offense. <i>The bill was filed but never moved. The bill's identical companion, HB 517 by Julie Johnson, was enacted into law.</i>

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
SB 2127	Hinojosa	Requires a parole panel to prohibit a releasee on electronic monitoring from visiting a hospital for a purpose other than to receive emergency medical care, unless the supervising parole officer approves the releasee's request to visit the hospital. <i>The bill was filed but never moved.</i>

Table 22 Exhibit 14 Legislation Not Passed 88th Legislature

IX. Major Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve your agency's operations and service delivery. Inclusion of an issue does not indicate support, or opposition, for the issue by the agency's board or staff. Instead, this section is intended to give the Sunset Commission a basic understanding of the issues so staff can collect more information during our extensive research on your agency. Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency's ability to get the job done?

Emphasis should be given to issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal, local, quasi-governmental, etc.) may be included, but the Sunset Commission has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions that can be enacted in state law.

For river authorities, Texas Government Code, Section 325.025 limits the scope of Sunset reviews to each authority's governance, management, operating structure, and compliance with legislative requirements. However, river authorities may provide information about major issues facing the authority even if they are outside this limited scope. Previously, this type of information has provided valuable context for understanding the authority's current situation and operations.

This section contains the following components: Major Issues List (Questions A-C) and Obstacles, Unnecessary Functions, and Opportunities (Questions D-F).

A. Brief Description of Issue

The Texas Board of Pardons and Paroles (BPP) has the statutory authority to review and make parole release decisions on those eligible for consideration. Statute specifies how much time an offender must serve before becoming eligible for parole consideration, which is dependent upon the offense committed. If an offender is denied parole, statute also specifies the amount of time that must be served before another parole consideration can occur. For most non-assaultive cases this timeframe is one year. For other offenses, the next period of review falls within a timeframe as determined by a parole panel. This timeframe can vary from 1 to 10 years dependent upon the offense. Offenses for which longer set-offs are allowed by statute typically involve violent acts such as Murder, Aggravated Assault, and Sex Offenses. Not all violent offenses such as Felony Assault or Intoxicated Manslaughter allow for a multi-year parole denial or set-off.

B. Discussion

Not having the statutory authority to set-off the parole next review for longer than one year for certain offenses has created concern and criticism from stakeholders. Pursuant to statutory requirements, victims have the ability to participate in the parole review process by submitting written information or appearing in person with the lead voter on a parole panel to share how the offense for which the offender was convicted has impacted their life. For many victims this is a traumatic experience. Numerous victims have indicated that having to “relive the offense” every year by appearing in front of a parole panel member is extremely difficult. Offenders and/or their families have also indicated displeasure by being reviewed by a parole panel to be continually denied parole every year.

C. Possible Solutions and Impact

HB 1914, which passed in the 84th Legislative Session, changed the frequency with which the BPP considered certain offenders for parole. This allowed a parole set-off that involved specified violent offenses for up to 10 years. In a similar manner, changing the statute to allow a parole denial for Assault and Intoxicated Manslaughter for a period of up to 5 years would reduce the frequency of a victim having to appear before a member of a parole panel, in those instances a parole panel determines a longer set-off is appropriate. The panel would still have the authority to approve for release or use a set-off of one year based upon the totality of information available.

D. What key obstacles impede your agency’s ability to achieve its objectives?

NONE

E. What, if any, agency or program functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?

NONE

F. Aside from additional staff or funding, what are your agency’s biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?

No additional at this time

X. Other Contacts

A. Fill in the following charts with updated information on people with an interest in your agency and be sure to include the most recent email address.

**Texas Board of Pardons and Paroles
Exhibit 15: Contacts**

Interest Groups

(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas Center for Justice & Equity/ Leah Pinney, Executive Director	6800 Westgate Blvd. Suite 132, Austin, TX 78745	512-441-8123	LPinney@TexasCJE.org
Alliance for Safety & Justice/ Tara Tucker	1624 Franklin Avenue, 11th Floor Oakland, CA 94612	510-836-4700	info@safeandjust.org
Texas Commission on Jail Standards/ Brandon Wood, Executive Director	P.O. Box 12985 Austin, Texas 78711-2985	512-463-5505	info@tcjs.state.tx.us
Sheriffs Association of Texas/ Steve Westbrook, Executive Director	1601 S. Interstate 35 Austin, TX 78741-2503	512-445-5888	www.sheriffstx.org
Texas Criminal Defense Lawyers Association/ Allen Place	6808 Hill Meadow Drive Austin, TX 78736	512-478-2514	info@tcdla.com
Texas District & County Attorneys Association/ Shannon Edmunds	505 W. 12 th Street, Suite 100 Austin, TX 78701	512-474-2436	Shannon.edmonds@tdcaa.com
Crime Stoppers/ Andy Kahan, Director of Victim Services & Advocacy	P.O. Box 541654 Houston, TX 77254	713/521-4600	info@crime-stoppers.org
Texas Inmate Families Association (TIFA)/ Sharon McKinney, Executive Director	P.O. Box 300220 Austin, TX 78703	512-371-0900	tifa@tifa.org
Lone Star Justice Alliance/ Elizabeth Henneke, CEO	3809 South 1 st St Austin, TX 78704	512-394-5791 (o) 512-810-8392 (c)	ehenneke@lsja.org

Table 23 Exhibit 15 Interest Groups

Interagency, State, or National Associations*(that serve as an information clearinghouse or regularly interact with your agency)*

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Association of Paroling Authorities International/ Ashley Koonce, Executive Director	PO Box 8841 Huntsville, TX 77340	877-318-APAI	koonce@apaintl.org
American Correctional Association/ James Gondles, Executive Director	206 N. Washington Street, Suite 200 Alexandria, VA 22314	703-224-0000	execoffice@aca.org
Texas Corrections Association/ Vanessa Farmer, Executive Director	Sam Houston State University George J. Beto Criminal Justice Center /Huntsville, TX 77341	936-294-1706	www.Txcorrections.org
American Probation & Parole Association/ Veronica Cunningham, Executive Director	701 E. 22 nd Street, Ste. 110 Lombard, IL 60148	859/244-8216	vcunningham@csg.org

Table 24 Exhibit 15 Interagency, State, and National Association

Liaisons at Other State Agencies*(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)*

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Governor's Office/ Policy Analyst/ Scott MacNaughton	P.O. Box 12428 Austin, Texas 78711	512-463-2000	scott.macnaughton@gov.texas.gov
Legislative Budget Board/ Analyst/ Cory Sharp	P.O. Box 12666, Capitol Station Austin, Texas 78711	512-463-1179	cory.sharp@lbb.texas.gov
Office of Attorney General/ Law Enforcement Defense Division/ Shanna Molinaire, Division Chief	300 W. 15th Street Austin, TX 78701	512-463-2100	shanna.molinaire@oag.texas.gov
Texas Board of Criminal Justice (TBCJ)/ Chairman/ Eric Nichols	209 W. 14 th Street, Suite 500 PO Box 13084 Austin, TX 78711-3084	512-475-3250	tbcj@tdcj.texas.gov
TBCJ-Internal Audit Division/ Director/ Chris Cirrito	P.O. Box 99 Huntsville, TX 77340	936-437-7700	christopher.cirrito@tdcj.texas.gov
Windham School District/ Superintendent/ Kristina Hartman	PO Box 40 804 Bldg. B FM 2821 West Huntsville, TX 77320	936-291-5303	www.wsdtx.org
Texas Department of Criminal Justice (TDCJ)/ Executive Director/ Bryan Collier	PO Box 99 Huntsville, TX 77342-0099	936-295-6371	bryan.collier@tdcj.texas.gov
TDCJ-TCOOMMI & Reentry & Reintegration Division/ Director/ April Zamora	4616 W. Howard Lane Austin, TX 78728	512-671-2134	tcoommi@tdcj.texas.gov rid@tdcj.texas.gov

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Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
TDCJ-Correctional Institutions Division/ Director/ Bobby Lumpkin	PO Box 99 Huntsville, TX 77342-0099	936-437-2173	bobby.lumpkin@tdcj.texas.gov
TDCJ-Parole Division/ Director/Rene Hinojosa	8610 Shoal Creek Blvd, Austin, TX 78757	512/406-5250	Rene.hinojosa@tdcj.texas.gov
TDCJ-Rehabilitation Programs Division/Director/Christopher Carter	PO Box 99 Huntsville, TX 77342-0099	936-437-7332	christopher.carter@tdcj.texas.gov
TDCJ-Research & Development Department/Director/Andy Barbee	P.O. Box 13084 Capital Station Austin, TX 78711-3084	512-463-7803	Director.research@tdcj.texas.gov
Texas Civil Commitment Office/ Executive Director/ Marsha McLane	4616 W. Howard Lane, Suite 350, Bldg.2 Austin, TX 78728	512-341-4421	tcco@tcco.texas.gov
Texas Department of Public Safety/ CJIS & TCIC Training	13730 Research Blvd. Austin, TX 78750	CJIS: 512-424-5686 TCIC: 512-424-2832	CJIS Email: security.committee@dps.texas.gov TCIC Email: Tcic.training@dps.texas.gov

Table 25 Exhibit 15 Liaisons at Other State Agencies

XI. Additional Information

A. Texas Government Code, Section 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. *See Exhibit 16 Example.*

Texas Board of Pardons and Paroles
Exhibit 16: Evaluation of Agency Reporting Requirements

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
Parole Guidelines and Recommended Approval Rates	508.1445	Due annually reflecting the fiscal year ending August 31.	Criminal Justice Legislative Oversight Committee; Lt. Governor; Speaker of the House; Presiding officers of all standing committees of the senate and house primarily responsible for criminal justice	A brief parole guidelines description; a comparison of the range of recommended parole approval rates to actual approval rates; a description of when approval rates do not meet recommended approval rates.	Yes, it reflects comparison of voter actions to researched and established voting approval rates; providing explanations for variation from best practices.
Board Activity Report	508.036(5)	Annually	Governor; Legislature	The report provides activity information to include release; use of the parole guidelines	Yes, it reflects release information and activity by all voters.

Table 26 Exhibit 16 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

B. Does the agency’s statute use “person-first respectful language” as required by Texas Government Code, Section 325.0123? Please explain and include any statutory provisions that prohibit these changes.

Person-first language to communication emphasizes the individuality and dignity of a person by placing the person before their disability or condition and is used in Agency communication and directives as required by statute (i.e. intellectual disability).

C. Please describe how your agency receives and investigates complaints about the agency and its operations.

In accordance with BPP-Directive 141.351 and the authority of Texas Government Code 508.035(d) and 508.054, the Board does not respond to individual parole determinations or clemency recommendations.

Complaints are received via fax, letter, phone, and email. Our website contains contact information for each of the methods mentioned.

Upon receipt of complaint, it is entered into a tracking database and an acknowledgement of receipt notification is returned to the sender via the same format to which the complaint was received.

- Legislative (or elected official) complaints receive acknowledgment within 5 business days.
- Public complaints receive acknowledgment within 10 business days.

The investigative process will be completed within 30 business days beginning with the date of complaint acknowledgement. The investigation by the Ombudsman’s office may include policy review, obtaining staff input and statements of events as well as legal clarity and advice.

Upon completion, a written response is provided to the complainant.

Fill in the following chart detailing information on complaints received about your agency and its operations. Do not include complaints received about people or entities you regulate.

**Texas Board of Pardons and Paroles
Exhibit 17: Complaints Against the Agency — Fiscal Years 2018-22**

	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022
Number of complaints received	N/A per retention Schedule	N/A per retention Schedule	6	4	7
Number of complaints resolved	Not retained	Not retained	2	2	1
Number of complaints dropped / found to be without merit	Not retained	Not retained	4	2	6
Number of complaints pending from prior years	Not retained	Not retained	0	0	0
Average time period for resolution of a complaint	Not retained	Not retained	6 days	4.5 days	13 days

Table 27 Exhibit 17 Complaints Against the Agency

E. Fill in the following charts detailing your agency’s Historically Underutilized Business (HUB) purchases. See Exhibit 18 Example. Sunset is required by law to review and report this information to the Legislature.

The Board uses the HUB Policy and Procedures devised by the Texas Department of Criminal Justice (TDCJ) Business and Finance Division, Contracts and Procurement Department. TDCJ Contracts and Procurement Department handle all procurement transactions, on behalf of the Board, adhering to purchasing guidelines set by the comptroller of public accounts.

F. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Section 2161.003; TAC Title 34, Part 1, Rule 20.286c)

The Board utilizes the HUB Policy and Procedures established by the TDCJ Business and Finance Division, Contracts and Procurement Department. All HUB subcontracting rules and procedures are followed and monitored by the TDCJ Contracts and Procurement Department. All purchases are processed by and through the TDCJ Business and Finance Division, Contracts and Procurement Department, who also employ a HUB coordinator.

G. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Section 2161.252; TAC Title 34, Part 1, Rule 20.285)

All HUB subcontracting rules and procedures are followed and monitored by the TDCJ Business and Finance Division -Contracts and Procurement Department.

H. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

- 1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Section 2161.062; TAC Title 34, Part 1, Rule 20.296)**

The TDCJ employs a HUB coordinator. Contact information will be provided within TDCJ’s report.

- 2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Section 2161.066; TAC Title 34, Part 1, Rule 20.29)**

All HUB rules and procedures are followed and monitored by the TDCJ Business and Finance Division -Contracts and Procurement Department. TDCJ does provide these forums.

- 3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Section 2161.065; TAC Title 34, Part 1, Rule 20.298)**

All purchase for the Board are processed by and through the TDCJ Business and Finance Division, Contracts and Procurement Department, who also employ a HUB coordinator.

I. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics. See Exhibit 19 Examples. Sunset is required by law to review and report this information to the Legislature. Please use only the categories provided below. For example, some agencies use the classification “paraprofessionals,” which is not tracked by the state civilian workforce. Please reclassify all employees within the appropriate categories below.

**Texas Board of Pardons and Paroles
Exhibit 19: Equal Employment Opportunity Statistics**

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2020	35	11.4%	8.5%	28.6%	24.7%	42.9%	41.7%
2021	36	11.1%	8.5%	25.0%	24.7%	50.0%	41.7%
2022	52	9.6%	8.5%	19.2%	24.7%	51.9%	41.7%

Table 31 Exhibit 19 EEO Statistics for Officials/Administration

2. Professional

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2020	314	17.2%	10.9%	18.2%	21.8%	70.1%	54.1%
2021	288	16.0%	10.9%	19.4%	21.8%	70.8%	54.1%
2022	271	18.1%	10.9%	22.5%	21.8%	72.7%	54.1%

Table 32 Exhibit 19 EEO Statistics for Professionals

3. Technical

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2020	5	0.0%	15.1%	20.0%	29.8%	40.0%	56.9%
2021	6	16.7%	15.1%	16.7%	29.8%	33.3%	56.9%
2022	5	0.0%	15.1%	0.0%	29.8%	60.0%	56.9%

Table 33 Exhibit 19 EEO Statistics for Technical

4. Administrative Support

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2020	93	12.9%	14.6%	23.7%	36.5%	84.9%	74.7%
2021	86	14.0%	14.6%	22.1%	36.5%	81.4%	74.7%
2022	53	11.3%	14.6%	17.0%	36.5%	77.4%	74.7%

Table 34 Exhibit 19 EEO Statistics for Administrative Support

5. Service / Maintenance

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2020	40	7.5%	13.3%	30.0%	53.0%	92.5%	54.0%
2021	43	11.6%	13.3%	34.9%	53.0%	90.7%	54.0%
2022	52	17.3%	13.3%	30.8%	53.0%	86.5%	54.0%

Table 35 Exhibit 19 EEO Statistics for Service and Maintenance

6. Skilled Craft

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2020	0	0.0%	11.5%	0.0%	52.3%	0.0%	14.0%
2021	0	0.0%	11.5%	0.0%	52.3%	0.0%	14.0%
2022	0	0.0%	11.5%	0.0%	52.3%	0.0%	14.0%

Table 36 Exhibit 19 EEO Statistics for Skilled Craft

J. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

Pursuant to the Board's resolution (BPP-RES. 21-04.01), the Board readopted the Texas Department of Criminal Justice's Personnel Policies. This includes their EEO policy. On January 3, 2023, the Board's Chief of Staff provided the latest letter to all Board employees regarding the agency's commitment to being an Equal Employment Opportunity organization.

XII. Agency Comments

The Board has no additional information at this time.