



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 141.351

Date: September 15, 2009

Page: Page 1 of 3

**Supersedes: BPP-DIR.08-03.04
Dated March 21, 2008**

BOARD DIRECTIVE

SUBJECT: RECORDS OF COMPLAINTS

PURPOSE: To provide procedures to respond to and maintain records of complaints received from the public.

AUTHORITY: §508.054, Texas Government Code

DISCUSSION: The person responsible for responding to and maintaining records of complaints shall be considered the Texas Board of Pardons and Paroles' (Board) Ombudsman. The Ombudsman shall respond to complaints from the public concerning Board policies, procedures, rules and other matters within the jurisdiction of the Board. The Ombudsman shall not respond to complaints concerning individual parole determinations or clemency recommendations.

DEFINITIONS: Ombudsman - the Board official appointed to respond to complaints from the public.

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

Clemency Recommendation - the Board's recommendation is their constitutional authority to make clemency recommendations to the Governor.

Public - all interested persons except Texas Board of Pardons and Paroles employees or offenders incarcerated by the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID).

Response - a written statement in response to a complaint; (1) acknowledges receipt of a complaint that provides preliminary information, if available, and indicates actions to be taken with an established time frame before a disposition is available; or (2) provides information on the disposition of the complaint. Information provided is limited by rules of confidentiality delineated by the Open Records Act.

Workdays - a workday means days consisting of any or all days, Monday through Friday.

I. PROCEDURE:

A. The Ombudsman shall:

1. Respond to complaints received from the public concerning matters related to Board policies, procedures, rules and any issues under the jurisdiction of the Board except parole determinations and clemency recommendations.
2. Notify other State agencies that the Board has a central Ombudsman Office where the agencies can refer public complaints about the Board.
3. Create uniform policies and procedures for the Board Ombudsman Office to be reviewed and approved by the Board Administrator.
4. Prepare a monthly statistical report of the complaints received and subsequent dispositions and shall distribute the report to the Presiding Officer, Board Administrator, Director of Administration, and other staff as may be identified.
5. Notify the Board Administrator and Director of Administration of any problematic, systemic trends.

II. Processing Complaints

- A. When a written or verbal complaint is received, the Ombudsman shall provide a written acknowledgement of receipt of the complaint. The acknowledgement shall advise the person the time frame in which to expect a response.
- B. The Ombudsman shall utilize the electronic database tracking system to maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.
- C. The Ombudsman shall investigate the complaint and, if necessary, request assistance from Board staff. Once the investigation is complete, the Ombudsman shall respond directly to the person submitting the complaint within the established time frame.
- D. If the Ombudsman is unable to respond to the complaint within the established time frame, the Ombudsman shall notify the person in writing and advise them when to expect a response.

III. Processing Time Frames

- A. Public – The Ombudsman shall respond to the complaint within ten working days of receipt. Written and verbal complaints shall receive a written response within the established time frames. The maximum time frame to respond is 30 workdays, unless an extension is authorized by the Clemency Director.
- B. Legislative or Elected State Officials - The Ombudsman shall respond in writing, unless otherwise requested, within three working days of receipt of the written or verbal complaint. If the response shall take longer than five working days, the Ombudsman must send written notification to the official advising them of the time frame in which to expect a disposition. The maximum time frame to respond is ten working days, unless an extension is authorized by the Board Administrator or Director of Administration due to the nature of the complaint.
- C. Complaints Related to Parole Determinations or Clemency Recommendations – The Ombudsman shall refer these complaints to the Board Administrator, notify the complainant of the action, and document this activity in the electronic database tracking system.

IV. Board Staff

- A. Board staff shall refer all complaints, other than parole determinations and clemency recommendations, to the Board’s Ombudsman.
- B. The Board staff shall forward written complaints to the Ombudsman. For verbal complaints, the Board staff shall obtain name, address, phone number and the nature of the complaint, forward this information to the Ombudsman via fax, and send the original to the Ombudsman via Truck/Interagency Mail.
- C. Board staff shall route all news media inquiries/complaints to the Presiding Officer (Chair).

SIGNED THIS, THE 15TH DAY OF SEPTEMBER, 2009.

RISSIE OWENS, PRESIDING OFFICER (CHAIR)

** Signature on file.*