

Sunset Public Hearing Questions for  
**Board of Parole**  
Created by Section 4-28-103, *Tennessee Code Annotated*  
(Sunset termination June 2018)

1. Provide a brief introduction to the Board of Parole, including information about its purpose, statutory duties and staff.

The Tennessee Board of Parole is the agency that includes the Parole Board and its support staff. The staff is managed by an Executive Director, who oversees the day-to-day operations of the agency. Support staff includes the Hearings Division, Board Operations Division, Victim Services Division, a Legal Division, a Communications Director, an Internal Auditor, and a Legislative Liaison. It also includes staff members who maintain business functions, such as the Fiscal Division, Human Resources Division, the Research, Policy, and Planning Division, and the Training Division. The Board has a total of eighty-three employees.

The Parole Board is an independent, seven-member Board whose members are appointed by the Governor for fixed six-year terms with staggered expiration dates. The Parole Board makes decisions on which eligible offenders will be granted parole and placed on community supervision for the remainder of their sentences. The Board also has the power to revoke parole for offenders who do not abide by the conditions of their supervision. In addition, the Board reviews applications for executive clemency and makes non-binding recommendations to the Governor.

Parole Board Members and Parole Hearings Officers conduct more than 16,000 hearings each year. Board Members conduct hearings for certain serious offenses. Parole Hearings Officers also conduct hearings and make non-binding recommendations to the Board. By statute, only Board Members can cast votes in parole cases.

2. Provide a list of current members of the Board and describe how membership complies with Section 40-28-103, *Tennessee Code Annotated*. Who appoints members? Are each of Tennessee's three grand divisions represented on the Board? Are there any vacancies on the Board? If so, what steps have been taken to fill the vacancies?

The members of the Board of Parole are appointed by the Governor. The seven current Board members are as follows:

Richard Montgomery, Sevierville  
Zane Duncan, Knoxville  
Gary Faulcon, Nashville  
Tim Gobble, Cleveland  
Gay Gregson, Jackson  
Roberta Nevil Kustoff, Memphis  
Barrett Rich, Somerville

All three grand divisions are represented on the Parole Board, and all seats on the Board are currently filled.

3. How many times did the Board meet in the last two years? How many members were present at each meeting?

Parole Board Members and Parole Hearings Officers conduct parole hearings in jails and prisons daily across the state. When not conducting hearings personally, Board Members have the added responsibility of reviewing all cases heard by Hearings Officers and casting votes in those cases.

In the past two fiscal years, the Parole Board met for administrative business meetings seven times.

**2015:**

September 23, 2015: Five Board Members were present, and one attended by video conference.

**2016:**

January 27, 2016: All seven Board Members were present.

June 29, 2016: All seven Board Members were present.

September 28, 2016: All seven Board Members were present

December 14 – 15, 2016: The Board Members met to conduct interviews for the General Counsel position. For the interviews, six Members were present and one attended by video.

**2017:**

January 25, 2017: All seven Board Members were present.

June 28, 2017: All seven Board Members were present.

The next administrative business meeting is scheduled for September 27, 2017.

The Board receives and processes approximately 375 Executive Clemency applications each year. During FY 15-16 and FY 16-17, the Board met to hold Executive Clemency hearings on the following dates:

September 27, 2016 – one hearing

September 28, 2016 – one hearing

September 29, 2016 – two hearings

June 27, 2017 – three hearings

4. What were the Board's revenues and expenditures for the last two fiscal years? Does the Board carry a fund balance? If expenditures exceeded revenues and the Board does not carry a fund balance, what was the source of the revenues for excess expenditures?

The Tennessee Board of Parole does not carry a fund balance; it is fully funded by State appropriations. F&A requested a reversion target of \$100,000 during the previous two fiscal years, and the Board of Parole was able to meet the target each year.

		<b>Budgeted</b>	<b>Actual</b>	<b>Variance</b>
<b>FY 15-16</b>	Personnel	\$6,120,800.00	\$5,945,255.93	\$175,544.07
	Operational	\$1,411,200.00	\$1,242,589.13	\$168,610.87
	<b>Total</b>	<b>\$7,532,000.00</b>	<b>\$7,187,845.06</b>	<b>\$344,154.94</b>

<b>FY 16-17</b> *	Personnel	\$6,013,000.00	\$5,758,511.52	\$254,488.48
	Operational	\$1,774,600.00	\$1,549,355.02	\$225,244.98
	<b>Total</b>	<b>\$7,787,600.00</b>	<b>\$7,307,866.54</b>	<b>\$479,733.46</b>

**\* As of July 25, 2017 - Year End Closure Not Final**

5. Does the Board have any policies in place to address potential conflicts of interest by Board Members, or other state employees who work with the Board in any capacity? If yes, please describe.

Board of Parole Administrative Policy #202.01, Code of Ethics (attached), addresses conflicts of interest for all agency staff and those who work with the Board. The policy statement reads:

“The Board has resolved to abide by and require Agency employees to abide by the highest standards of professional conduct. The written code of ethics contained herein prohibits employees from using their official positions to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest. Likewise any violation or appearance of violation or attempt to cause a violation of the public trust is prohibited.”

This policy includes procedures describing standards of conduct, detailed examples of conflicts of interest, mandates for compliance with references to related Tennessee laws, and training requirements for staff. The policy is sent electronically to all Agency staff on an annual basis. All Agency employees are required to sign an acknowledgement form after reviewing the policy. Additionally, every employee completes a conflict of interest form annually, in which each staff member certifies whether he/she is in compliance with the code of ethics policy or discloses if the employee believes a conflict of interest exists. Finally, the Board’s HR/Training division provides annual mandatory training on the Code of Ethics policy.

6. Please provide a current organization chart for the Board and explain the primary functions of each division within the Board including but not limited to the Parole Hearings Division, Victim Services Division, and Board Operations Division.

The Board of Parole's high level organizational chart is attached. The primary functions of each division within the Board of Parole are as follows:

Parole Hearings Division: This division is responsible for conducting various types of parole hearings and making non-binding decision recommendations to the Board.

Board Operations Division: This division is responsible for the preparation, scanning, and verification of paper and paperless files needed for parole hearings. The division also obtains various offender reports from other agencies, ensures that all notifications are made per statute, and requests and verifies receipt of psychological evaluations of offenders.

Victim Services Division: This division provides victims direct and indirect assistance, education, and support throughout the parole process. In addition, it fulfills the laws that protect victims' rights and addresses immediate public safety concerns.

Fiscal Division: This division handles all accounting, purchasing, contract management, records management, leasing, and asset management responsibilities for the Agency. The Fiscal Division is also responsible for managing the Agency budget.

Human Resources Division: This division is responsible for ensuring compliance in all HR aspects of the Agency, including time and attendance, payroll, Affirmative Action, performance management, employee relations, FMLA, Worker's Compensation, Employee Assistance Program, retirement, discipline, and complaints.

Training Division: This division provides employees with training to support and improve job performance. The division is responsible for ensuring Agency employees are in compliance with mandatory training requirements and promotes learning opportunities to staff.

Research, Policy, and Planning Division: This division provides information and data analysis to support the Board. This division responds to requests for information, coordinates the Board's strategic planning process, and develops and revises Agency policies and forms.

Legal Division: This division provides legal advice and support to the Board members and the Agency. Responsibilities include reviewing EEOC and THRC complaints, disciplinary matters and grievances under the TEAM Act; training Hearing Officers; reviewing Agency policies; reviewing fiscal notes; providing legal updates; monitoring compliance with current statutes, policies and court precedents; advising Board Members and Hearings Officers as legal issues arise in hearings; and working with the Attorney General's office regarding lawsuits to which the Board is a party.

Communications Division: This division is the Agency's primary media contact. The division is responsible for responding to external requests for information, managing Agency social media sites and a webmail account, assisting in the development of special events, and preparing the Agency's annual report.

Internal Audit Division: The Internal Auditor performs audits and reviews Agency operations to ensure compliance with State laws, policies, procedures, and guidelines.

Legislative Liaison: The Legislative Liaison attends legislative meetings, responds to requests for information from government officers and constituents, and monitors bills that may impact Agency operations.

7. What were the Board's major accomplishments during the last two fiscal years? Specifically address the powers and duties assigned to the board in statute, including but not limited to the following: hearings and investigations; records of prisoners; power to parole; records of parolees; hearings for parole violators; advice as to pardons, exonerations, and commutations.

The Board's accomplishments are attached in a separate document.

8. What reports does the Board prepare on its operations, activities and accomplishments and who receives the reports? Please include any reports listed in Section 40-28-107, *Tennessee Code Annotated*.

The Board of Parole prepares an annual report detailing the agency's operations, activities and accomplishments, as required by statute. The report is published online for the public, and copies are also distributed to all 14 state repositories and to each member of the General Assembly. The Human Resources Division creates an annual Title VI Implementation Plan Summary documenting the Agency's efforts to ensure compliance with Title VI of the Civil Rights Act of 1964. This annual report is submitted to the Tennessee Human Rights Commission. Published copies are provided to six Federal and State agencies, and are also published online on the Board of Parole's internet site.

9. Does the Board have the authority to promulgate rules? If not, is rulemaking authority needed? If rules have been promulgated, please cite the reference.

Pursuant to Tenn. Code Ann. § 40-28-104, the Board has the authority to promulgate rules. The reference citation for the Rules and Regulations of the Tennessee Board of Parole is Tenn. Comp. R. & Regs. 1100-01-01-.01, et. seq.

10. Should the Board be continued? To what extent and in what ways would the absence of the Board endanger the public health, safety or welfare?

The Board of Parole is vital for the safety of all Tennesseans and should be continued. Public safety is significantly enhanced by having an independent body, with no financial incentives, make decisions on whether offenders are a good risk to be released back into Tennessee communities. The mission of the Tennessee Board of Parole is to minimize public risk and to promote lawful behavior through the prudent, orderly release of adult offenders. The Parole Board provides a review process that allows appropriate offenders to be released to supervision in the community, where they can transition back into society. Parole release allows appropriate offenders an opportunity to return to their families, earn a living wage, pay restitution, and pay taxes. Keeping low risk offenders incarcerated when they can be safely supervised in the community is not a good use of taxpayer money. According to the latest figures available from TDOC, a prison bed costs \$76.82 a day, while the cost at a local jail is \$49.36. The cost for community supervision is less than \$5.00 per day. Without parole, Tennessee's taxpayers would no doubt have to build more prisons.

The Board of Parole's Board Operations Division, Research, Policy and Planning Division, and the Communications Office provide public information to offender families, the media, the General Assembly, and others who inquire.

The Board of Parole's Victim Services Division provides assistance to victims of crime so they can file victim impact statements, be notified of hearings involving the offenders in their cases, and appear during a parole hearing, if they wish. Thousands of Tennesseans use these services each year.

The Victim Services Division and the Communications Office also work to raise public awareness of issues involving victims of crime through events such as the annual Tennessee Season to Remember, a memorial service specifically for families and friends of homicide victims. The event will celebrate its 15<sup>th</sup> anniversary this year. Annual events commemorating National Crime Victims' Rights Week are also conducted to remind the public of the importance of the crime victim's voice in parole proceedings.

11. List all programs or activities that receive federal financial assistance Please include the amount of federal funding received by program/activity.

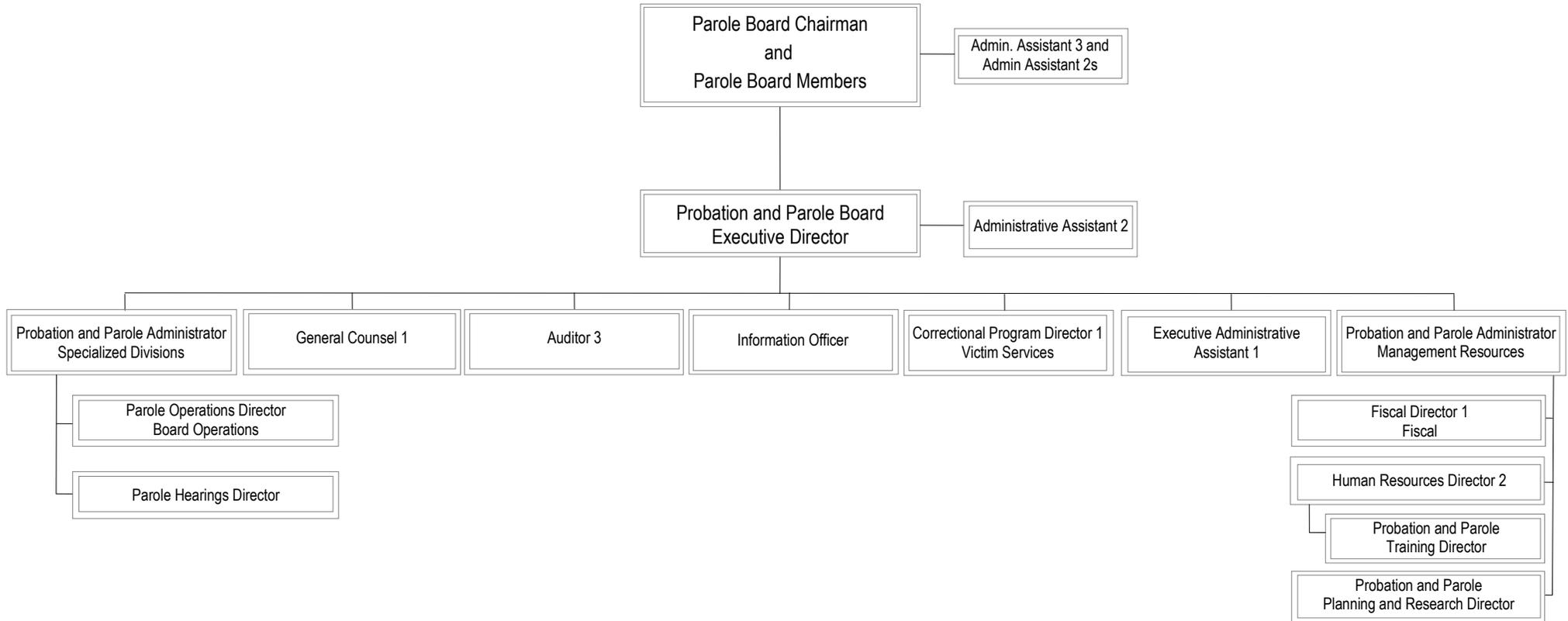
The Board of Parole does not receive federal financial assistance.

12. Please list all Board contracts and include information about the services provided and the amount of the contract.

The Board of Parole has no contracts with entities outside of state government. The Board does maintain an interagency agreement with the Department of Mental Health and Substance Abuse to provide psychological evaluations for the Board of Parole as requested by Board Members. The maximum amount of the agreement for FY17-18 is \$108,000.



STATE OF TENNESSEE  
**BOARD OF PAROLE**  
404 JAMES ROBERTSON PARKWAY, SUITE 1300  
NASHVILLE, TENNESSEE 37243-0850  
July 2017



### **Board of Parole Accomplishments: FY15-16 and FY16-17**

- The Parole Board and its staff of 24 Parole Hearings Officers conducted 32,630 parole hearings of various types (16,378 in FY15-16 and 16,252 in FY 16-17) during this time.
- The Agency continued to use web cam and video equipment to conduct parole hearings, thereby reducing staff travel time and associated expenses.
- The Victim Services Division received and processed 6,247 pieces of victim correspondence (4,437 in FY 15-16 and 1,810 in FY 16-17). The division also received 4,564 (2,079 in FY 15-16 and 2,485 in FY 16-17) victim-related phone calls.
- Victim Services staff in cooperation with local TDOC victim coordinators, attended parole hearings with 1,613 crime victims (611 in FY 15-16 and 1,002 in FY 16-17) Victim Services staff assisted crime victims by coordinating a total of 2,302 hearings held across the state via video conferencing.
- Nine-hundred-ninety-two new victims/family members (408 in FY 15-16 and 584 in FY 16-17) registered with the Board of Parole for hearing, decision and release notifications.
- Board of Parole staff planned and conducted 20 tree-planting events (10 each year) in communities across the state to raise public awareness of National Crime Victims' Rights Week. A total of 86 trees have been planted statewide since the Board first started conducting these events nine years ago.
- Board of Parole staff planned and conducted two annual *Tennessee Season to Remember* memorial events for friends and families of homicide victims. Several other state agencies are partners in this event, which will celebrate its 15<sup>th</sup> anniversary this year.
- Staff re-designed the agency's external website, making it more user-friendly for the public to use.
- Board of Parole Training Unit provided:
  - 3,777 hours of training for 91 employees in FY 15-16
  - 4,031 hours of training for 85 employees in FY 16-17
- The Board of Parole Information Systems Division designed, implemented, and successfully launched a state-of-the-art paperless parole hearing system, late FY 13-14. This system allows hearing documents to be reviewed and for recommendations and Board Member votes to be captured electronically.

During FY 16-17, the paperless system was enhanced to include revocation hearings. Enhancements to the paperless system resulted in savings in freight costs, staff time, and improved the time required to notify interested parties of parole decisions.

- During FY 16-17, 95.6% of all parole hearings were held in the paperless system, reducing freight by \$1,547.
- Prior to the implementation of the paperless parole system, the average time to finalize a parole hearing was 14.2 days. In FY 16-17, the average time to finalize a parole hearing was 11.3 days.
- The Board reduced the time required to notify offenders, victims, and interested parties of parole decisions. Prior to the implementation of the paperless parole system, 5.39 days were required to notify parties of decisions. In FY 16-17, notification was reduced to 1.34 days.



STATE OF TENNESSEE  
**BOARD OF PAROLE**

**ADMINISTRATIVE POLICIES  
AND PROCEDURES**

CODE OF ETHICS

SUBJECT:



INDEX #202.01  
PAGE 01 OF 04  
EFFECTIVE: 05-12-14  
SUPERSEDES:  
202.01(05-20-03)  
[T]703.24 (03-01-97)

APPROVED BY:

*Richard Montgomery*

I. **AUTHORITY:** TCA 40-28-104, 2-10-122 to 2-10-127, 8-50-506, 12-2-208, 12-2-412, 12-3-106, 12-4-101, 12-4-103, 3-6-304, 3-6-305, and Executive Order 20 issued August 31, 2012.

II. **RELATED ACA STANDARDS:** None.

III. **APPLICATION:** All Agency Staff, student interns and volunteers, and consultants or vendors who are under direct contract.

IV. **DEFINITIONS:**

- A. **Charity:** A gift for public benevolent purposes.
- B. **Conflict of interest:** A clash between the personal advantages or benefits and the official responsibilities of a person who occupies a position of trust.
- C. **Consulting services:** Advising or assisting a person or entity in influencing state legislative or administrative action including, but not limited to, services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the State.
- D. **Ethics:** The moral values and principles of conduct based on those values that govern the behavior of a group.
- E. **Gift:** Any payment, honorarium, subscription, loan advance, forbearance, rendering or deposit of money or services, unless consideration of equal or greater value is received.
- F. **Honorarium:** Money or anything of value given for making an appearance or speech, excluding reimbursement for attendant travel, meals and lodging, in one's capacity as a public official.
- G. **Offender:** Any probationer, inmate or parolee.

V. **POLICY:** *The Board has resolved to abide by and require Agency employees to abide by the highest standards of professional conduct. The written code of ethics contained herein prohibits employees from using their official positions to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest. Likewise any violation or appearance of violation or attempt to cause a violation of the public trust is prohibited.*

VI. **PROCEDURES:**

- A. Standards of Conduct.

1. This policy shall be interpreted and enforced to protect the public interest. It is intended that employees be prevented from unfairly benefiting from public employment. It is further intended that the public trust in the conduct of the Board and its employees be ensured by conduct being above reproach.
  - a. Any effort to influence a Board employee to violate the Board's ethical standards is prohibited and shall be reported by that employee to a supervisor.
  - b. Any conduct that would create a justifiable impression in the public mind that the public trust is being violated is prohibited.
2. Employees are prohibited from soliciting or using unauthorized persons in any capacity to assist an employee with his or her official duties. Nothing herein shall be construed as prohibiting duly authorized assistance from law enforcement agencies, other governmental agencies, Agency volunteers, or student interns (see Index #110.07).
3. Each employee shall avoid any action, whether or not specifically prohibited by statute, regulation, or Executive Order, which might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding government efficiency or economy, losing complete independence or impartiality, making a government decision outside of official channels, or affecting adversely the confidence of the public in the integrity of the government.
4. The acts cited in this policy as prohibited do not comprise an exhaustive or comprehensive listing, and shall not be construed as including all conduct or acts which may violate this policy.

**B. Conflicts of Interest.**

1. Employees are prohibited from engaging in any activity that, directly or indirectly, constitutes a conflict of interest. An employee who becomes aware of a real or possible conflict shall immediately eliminate or avoid the conflict. Any potential or suspected conflict should be immediately reported to a supervisor. An employee who has an appearance of a conflict of interest must eliminate what gives rise to the appearance. A conflict of interest or the appearance of a conflict of interest subjects the employee to disciplinary action. A list of guidelines to help determine what constitutes a conflict of interest follows:
  - No employee with an interest, financial or otherwise, in a given business entity shall participate in any decision or action by the Agency in relation to that business entity. That includes any business in which the employee's spouse, child, sibling or parent has an interest.
  - No employee shall receive any supplements to their Agency salary from any private source as compensation for official job duties.
  - No employee shall be employed by, serve on the governing or advisory board of, or act as a paid or unpaid consultant to any

entity which receives funds from, seeks to influence decisions of, or is regulated in any manner by the Board or Agency. The only exception is if such involvement has the full advance approval of the Board.

- TCA 2-10-126 requires all executive branch employees, both preferred service and executive service, who receive any form of compensation for consulting services, to disclose the details of any consulting arrangement to the State Registry of Election Finance. A form provided by the Registry must be completed and filed with the Registry within five days of entering any contract for consulting services. An intentional failure to file or a filing after 30 days is a Class C misdemeanor.
  - No employee shall act as attorney, agent, broker, representative or employee for any contractor, vendor, firm, person or corporation currently transacting business (or possessing a known potential for future business transactions) with the Agency. An employee shall not ask for or accept a gift from any current or potential contractor, vendor, firm, person, or corporation.
  - No employee shall represent any person who has interests adverse to the Agency or interests in conflict with the employee's official job duties. [Nothing herein shall be construed to prevent a state attorney from representing employees in litigation resulting from the employee's official action within the scope of official duties.]
  - No employee shall attempt to influence any person for a purpose prohibited by this policy.
  - No employee shall accept honoraria for activities performed in their capacity as a public official.
  - No employee shall ask for or accept a gift from any lobbyist, or from a person or company that employs a lobbyist, nor shall the employee's spouse, children under the age of 18 or other dependants do so.
2. An employee who has an unavoidable relationship with an offender (because they are an ex-spouse or relative or employed by the only available car wash, for example) shall inform the respective Manager or Director.
3. It shall be prohibited for any employee to engage in the following activities with current probationers, inmates or parolees, their families or their agents:
- a. Accepting gifts or favors or providing them gifts or favors, except as authorized in the official performance of duties (Charity for an offender in need of bus fare, used clothing or limited food is permissible, if the need is genuine and urgent. Care must be taken not to repeatedly or habitually give the offender transportation, used clothing, or food. Instead offenders should be taught to access community resources for help.)
  - b. Developing any degree of personal relationship beyond what is necessary for the normal conduct of Agency business.
  - c. Becoming emotionally, romantically or sexually involved.

- d. Selling or buying goods or services--there are only two exceptions:
  - 1. If the inmate goods or services are sold through a program approved by the Department of Correction, or
  - 2. If the offender is employed by a company that provides goods or services to the Agency employee and he or she does not have an option for avoiding contact.

**C. Mandates for Compliance.**

- 1. Employees shall fully comply with all Tennessee laws including:

CITATION	CONDUCT PROHIBITED TO STATE OFFICIALS OR EMPLOYEES
TCA 12-2-208	Cannot buy confiscated property
TCA 12-2-412(a)	May purchase surplus property only at public auction
TCA 12-3-106	Cannot accept gifts
TCA 12-4-101(a)(1)	Cannot be directly interested in state contracts in which he supervises or has a vote
TCA 12-4-101(b)	Cannot be indirectly interested in state contracts in which he supervises or has a vote unless he makes public disclosure
TCA 12-4-103	Cannot sell to the state
TCA 3-6-304	Lobbyist gifts prohibited, including those to family
TCA 3-6-305	Gift Exceptions
TCA Title 2 Chap 19	Certain political campaigning activities prohibited (Little Hatch Act)

- 2. Employees who have additional full or part-time employment must do so in compliance with Index #202.02.
- 3. Employees shall never dispense or use confidential information, which was obtained while performing official duties, except for the purpose of carrying out official tasks(See Index #106.10).
- 4. An employee found to be deliberately violating or carelessly failing to adhere to the standards and code set forth in this policy and or otherwise engaging in conduct unbecoming an employee of the Board, shall be subject to disciplinary procedures established in accordance with the rules of the TN Department of Human Resources (See Index # 205.01.) Employees are also liable for prosecution under any applicable state and federal statutes.

**D. Training Requirements.**

- 1. The Director of Training shall include this policy and an acknowledgement form about ethics in pre-service orientation (see Index #210.02) and in annual training (see Index #210.05).
- 2. Signed receipts shall be forwarded by training staff to the Human Resources division in Central Office and filed by Human Resources staff in the employee's personnel file. The Human Resources Director shall confirm that each Agency employee has this currently signed receipt in the respective personnel file.