

---

**TEXAS BOARD OF CRIMINAL JUSTICE**  
**Hilton Austin Hotel**  
**Austin, Texas**

**July 12 - 13, 2007**

---

Table of Contents for Summary

A. Recognitions.....	Page 1
B. Consent Items.....	Page 1
C. Report from the Presiding Officer, Texas Board of Pardons and Paroles (BPP).....	Page 2
D. Report from the Chairman, Judicial Advisory Council (JAC) .....	Page 2
E. Report from the Executive Director, Texas Department of Criminal Justice (TDCJ).....	Page 2
F. Report from the Chairman, Advisory Committee on Offenders With Medical or Mental Impairments (ACOOMMI) .....	Page 2
G. Approval of the Fiscal Year 2008 Annual Audit Plan.....	Page 2
H. Approval of Purchases and Contracts Over One (1) Million Dollars.....	Page 3
I. Approval of the Salary for the TDCJ Executive Director.....	Page 3
J. Approval of the TDCJ Fiscal Year 2008 Proposed Operating Budget .....	Page 3
K. Resolution Authorizing a Request for Financing with the Texas Public Finance Authority, Authorizing a Financing Agreement and Other Matters.....	Page 3
L. Annual Review and Approval of BP-14.67, “Purchasing and Contracting with Historically Underutilized Businesses”.....	Page 3
M. Approval of Proposed Amendments to Board Policies .....	Page 3
1. BP-03.91, “Uniform Offender Correspondence Rules”	
2. BP-03.77, “Offender Grievances”	
N. Annual Review and Approval of Amendments to Administrative Directives.....	Page 4
1. AD-03.82, “Management of Offender Grievances”	
2. AD-04.35, “Review of Offender Disciplinary Actions”	
O. Approval of Proposed Amendments to Board Rules, Title 37, TAC .....	Page 4
1. § 151.3, “Texas Board of Criminal Justice Operating Procedures” (37 TAC § 151.3)	
2. § 151.25, “Tobacco Policy” (37 TAC § 151.25)	
3. § 155.31, “Establishing Procedures for Resolving Contract Claims and Disputes” (37 TAC § 155.31)	
P. Approval of Facilities Division Projects.....	Page 5
1. Cleveland Unit – Replace Roof on Multiple Buildings	
2. Coffield Unit – Replace Roof on Multiple Buildings	
3. Goree Unit – Upgrade Emergency Door Release System	
4. McConnell Unit – Replace Roof on Multiple Buildings	
5. Scott Unit – Replace Main Building Roof	
6. Coffield Unit – Replace Water Distribution Lines	

**MINUTES OF THE  
TEXAS BOARD OF CRIMINAL JUSTICE**

**Meeting No. 132**

The Texas Board of Criminal Justice convened into regular session and adjourned into executive session on Thursday, July 12, 2007, and reconvened into regular session on Friday, July 13, 2007, at the Hilton Austin Hotel, Austin, Texas.

**Recognitions**

Chairman Crain yielded the floor to Brad Livingston, Executive Director of the Texas Department of Criminal Justice (TDCJ), for several recognitions.

Mr. Livingston recognized Bryan Collier as the recently appointed Deputy Executive Director. Mr. Collier thanked Mr. Livingston for giving him the opportunity to serve the Board and the Agency in this new capacity. Chairman Crain congratulated him on his promotion.

Mr. Livingston recognized Dr. Lannette Linthicum, Health Services Director, as the recipient of an American Corrections Association's (ACA) *Best in the Business Award*, which is dedicated to recognizing employees throughout the country who exhibit skills, leadership, dedication and have earned a reputation for their expertise. She was featured in the June 2007, issue of *Corrections Today*. Dr. Linthicum has a national reputation for delivering health care to offender populations. Mr. Livingston noted that this recognition by the ACA was a confirmation of the outstanding work that Dr. Linthicum does for the Agency every day. Dr. Linthicum thanked Mr. Livingston and the Board.

Mr. Livingston recognized Carol Blair Johnston, Director of the Human Resources Division, and presented her with a 25-Year State of Texas Service Award. He thanked Ms. Johnston for her high degree of excellence while serving the State of Texas. Ms. Johnston stated that it has been an honor to serve TDCJ employees who carry out the Agency's mission in helping individuals reenter Texas communities.

Mr. Livingston recognized Dee Wilson, Director of the Texas Correctional Office on Offenders with Medical and Mental Impairments, noting her outstanding work in the field of mental health issues within the criminal justice arena, and presented her with a 20-Year State of Texas Service Award.

Mr. Livingston recognized Celeste Byrne as the Director of the newly created Private Facilities and Contract Monitoring and Oversight Division. Ms. Byrne thanked Mr. Livingston and the Board for their confidence in her.

Chairman Crain recognized the TDCJ employees who achieved 25, 30 and 35 years of service with the State of Texas during the months of June and July, 2007. The Board, along with Mr. Livingston, expressed their deepest gratitude for the continued service of these employees who represent the commitment of the Agency's staff. To each of these employees, the Board offered congratulations and thanks for their unwavering loyalty and dedication to the citizens of Texas. As a symbol of appreciation, these individuals will receive a board certificate along with a personal letter of gratitude.

**Consent Items**

Chairman Crain inquired if there were any amendments or objections to the Consent Items as presented. There being none, the Consent Items were adopted as presented.

1. Hazardous Duty Pay Authorization Requests
2. Multiple Employments
3. Personal Property Donations
4. Payment to Attorneys of Indigent Offenders
5. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property
6. Approval of Amendments to the 129<sup>th</sup> TBCJ Meeting Minutes

7. Approval of the 131<sup>st</sup> TBCJ Meeting Minutes
8. Approval of Excused Absences

**Report from the Presiding Officer, Texas Board of Pardons and Paroles (BPP)**

Chairman Crain stated that Rissie Owens, Presiding Officer of the Texas BPP, had no report.

**Report from the Chairman, Judicial Advisory Council (JAC)**

Judge Gist, JAC Chairman, introduced the following JAC members: Judge Mary Anne Bramblett, Vice Chair (El Paso); Judge Lee Gabriel (Denton); Richard Anderson who has recently been appointed Federal Public Defender for the Northern District of Texas; and Dr. Mel Brown, retired Community Corrections Supervisor and Officer.

Judge Gist recognized Tom Plumlee as the recipient of the National Association of Probation Executive's Award for Outstanding Probation Executive of the Year. Mr. Plumlee is the Director of the Community Supervision and Corrections Department (CSCD) in Fort Worth.

Judge Gist advised the Board of substantive changes in the probation law passed by the Legislature that will enhance the ability to improve public safety by supervising and treating the people under community supervision. The limits for mandatory drug courts were lowered to counties that have a population of 250,000 or more. This legislation will increase the number of drug courts as well as make the drug courts more flexible to the needs in the counties. The law requires that second offense offenders for Driving While Intoxicated (DWI) convictions must go through a DWI drug court as part of the rehabilitative process.

Judge Gist noted that some progressive sanctions have become part of the law, such as allowing the Community Justice Assistance Division (CJAD) the ability to provide grants for successive supervision in a progressive sanction model. This law targets medium and high risk offenders. The law for state jail felony possession cases and certain property crimes assessed as a misdemeanor punishment was revised to require that offenders receive probation. Judge Gist stated that judges could now direct a defendant, whose state jail deferred adjudication probation sentence has been revoked, to the state jail system. Under a new law, an offender can receive credit for time served in a residential treatment facility if the offender completes the program. A funding formula for restitution fees is being developed to aid judges and probation departments in assisting offenders who are completing their programs on time. Judge Gist discussed early release review, noting that several discretionary factors could deny offenders this review, such as sex offenses, DWI offenses and 3G (aggravated or more violent) offenses. Probation departments are also now allowed to collect fines and fees by credit or debit card, which will streamline the collections system.

Chairman Crain thanked Judge Gist and the other members of the JAC for their continuing support. She also thanked Mr. Anderson for his service on the JAC and offered the Board's best wishes to him on his future endeavors.

**Report from the Executive Director, Texas Department of Criminal Justice (TDCJ)**

Chairman Crain stated that Mr. Livingston had no report at this time. Ms. Crain thanked Mr. Livingston and his staff for their hard work and dedication throughout the legislative session.

**Report from the Chairman, Advisory Committee on Offenders with Medical or Mental Impairments (ACOOMMI)**

Judy Briscoe, Chairman of ACOOMMI, did not have a report.

**Approval of the Fiscal Year 2008 Annual Audit Plan**

***APPROVED***

Raymond Pyeatt, Internal Audit Director, stated the Audit and Review Committee received a thorough briefing on the Fiscal Year (FY) 2008 Audit Plan on July 12, 2007 and asked for approval of the FY 2008 Annual Audit Plan.

**Approval of Purchases and Contracts Over One (1) Million Dollars**

**APPROVED**

Ron Steffa, Director for Contracts and Procurement, reviewed the purchases and contracts over one (1) million dollars which included increases to existing contracts, renewal of service contracts, a contract for temporary capacity, FY 2008 services and food contracts, an open market contract for vehicles, and contracts for the food requirements for FY 2008.

Chairman Crain stated that she would like the record to reflect the following disclosure: The Chairman's mother is employed by Dallas Metro Care Services, a mental health provider in Dallas County. Today the Board has been asked to approve a contract with the Texas Department of Health Services for case management and continuity of services for offenders in Dallas and Ellis counties. The Department of State Health Services may contract with Dallas Metro Care Services for services under this contract. Chairman Crain noted that as Chairman she does not vote on motions except to break a tie. Therefore, she stated she would not vote on whether this contract was approved. Chairman Crain further noted that in an abundance of caution, she wanted to disclose for the record this relationship and potential conflict.

**Approval of the Salary for the TDCJ Executive Director**

**APPROVED**

The Board voted unanimously to approve the salary of the Executive Director of the TDCJ, as provided by the 80<sup>th</sup> Legislature, in the amount of \$181,500.00, with an effective date of September 1, 2007.

**Approval of the TDCJ Fiscal Year 2008 Proposed Operating Budget**

**APPROVED**

Jerry McGinty, Budget Director, noted that each Board member had received individual briefings regarding the FY 2008 Proposed Operating Budget, and that the Business and Financial Operations Committee received a detailed briefing on the FY 2008 Operating Budget as well. He stated that the operating budget was \$2.8 billion, and by including the construction funds, the overall budget was \$2.872 billion. The budget is consistent with legislative appropriations, providing funding for more alternatives to incarceration. It also includes the approved state employee pay raise of 2%.

**Resolution Authorizing a Request for Financing with the Texas Public Finance Authority, Authorizing a Financing Agreement and Other Matters**

**APPROVED**

Mr. McGinty noted that when the Agency receives additional funds for general obligation bonds, a request for financing from the Texas Public Finance Authority is required. As part of this request, the Board has to approve a resolution authorizing the request for \$40 million for repair and rehabilitation of facilities in addition to \$10.4 million for repairs to the Hospital Galveston facility, which is consistent with decisions made by the legislature.

**Annual Review and Approval of BP-14.67, "Purchasing and Contracting with Historically Underutilized Businesses"**

**APPROVED**

Melinda Bozarth, General Counsel, reviewed Board Policy 14.67, "Purchasing and Contracting with Historically Underutilized Business." She explained that all state agencies have to adopt the rules promulgated by the Texas Building and Procurement Commission to govern the purchasing and contracting with historically underutilized businesses. Through this policy, the Board is complying with those rules. Ms. Bozarth recommended that one (1) change be made prior to approving the revised policy, which is the addition of Section 493.012, Texas Government Code to the authority section of the policy.

**Approval of Proposed Amendments to Board Policies**

**1. BP-03.91, "Uniform Offender Correspondence Rules"**

**APPROVED**

Ms. Bozarth noted the following substantive revisions: addition of a definition for legal correspondent, addition of the watch list, addition of a provision that allows an offender to meet with another offender regarding a legal matter,

addition of an exception regarding offenders who abuse the mail privileges, and an exception to the 24-hour rule of processing mail for offenders who are on the watch list.

Chairman Crain stated that one (1) speaker, Ms. Nancy Bailey, Texas Coalition to Abolish the Death Penalty, had requested to address this topic. Ms. Bailey addressed her comments to Section I.B.C.6 regarding funds for indigent offenders, which states that TDCJ can recoup funds from an offender's trust fund within a 60-day period from when an offender becomes indigent. She advised that money donated by certain groups, to include church groups, and certain individuals to an indigent offender's trust fund account would be taken away by TDCJ, which would have an adverse affect on offenders who receive very little money from the outside. She noted that this part of the policy would treat offenders unfairly because they were indigent.

**2. BP-03.77, "Offender Grievances"**

***APPROVED***

Ms. Bozarth explained that the policy concerning "Offender Grievances" has an added statement that directs the Board to approve all revisions to the Administrative Directives that manage offender grievances.

**Annual Review and Approval of Amendments to Administrative Directives**

**1. AD-03.82, "Management of Offender Grievances"**

***APPROVED***

Ms. Bozarth noted that Board Policy 01.01, "TBCJ Responsibilities" requires that the Board annually review this directive and approve any subsequent revisions. She noted the following substantive revisions: clarification made to Section VII.A.1 regarding grievances of sexual assault of an offender, addition of a note to Section VIII clarifying existing policy, clarification of Section VIII.A. regarding informal resolution of grievances and deletion of a provision that allows an offender to withdraw a grievance.

**2. AD-04.35, "Review of Offender Disciplinary Actions"**

***APPROVED***

Ms. Bozarth stated that in accordance with Board Policy 01.01, this Administrative Directive, along with any subsequent revisions, was before the Board for annual review. She noted substantive revisions to the directive were additions to Section IV.D. regarding court orders and Section VII. regarding disciplinary cases of offenders within the custody of the Parole Division.

**Approval of Proposed Amendments to Board Rules, Title 37, Texas Administrative Code (TAC)**

**1. §151.3, Texas Board of Criminal Justice Operating Procedures (37 TAC §151.3)**

***APPROVED***

Ms. Bozarth stated that the amendments for this rule, the majority of which were for clarification, were the result of a four (4)-year review. The following provisions were also recommended for inclusion under Section (c)13: the addition of the TDCJ Executive Director and the Chairman of the ACCOOMI as standing items for the Board's regular session meetings, which has been the Board's practice for several meetings; and a requirement for the Chairman of the Correctional Managed Health Care Committee to report at every regular session meeting of the Board, which was a recommendation of the Sunset Advisory Commission.

**2. §151.25, Tobacco Policy (37 TAC § 151.25)**

***APPROVED***

Ms. Bozarth noted that state law places the responsibility on the Board for adopting rules regulating the possession and use of tobacco products by employees of the Agency. The amendments to the rule simplify the process of designating smoking areas, setting a standard that would be applied for all administrative facilities and correctional facilities operated by the Agency. The designated area would be 15 feet from the entryway to the building or the facilities main entrance and preferably removed from the view of passing traffic.

**3. §155.31, Establishing Procedures for Resolving Contract Claims and Disputes  
(37 TAC §155.31)**

***APPROVED***

Ms. Bozarth noted the rule and subsequent amendments were the result of a four (4)-year review. Due to the complexity of the rule language, the recommend amendments are proposed for clarification, such as deleting the definition and references to the Chief Administrative Officer, which is obsolete, and the addition of the definition and references to the Executive Director, which fits current practice. Ms. Bozarth recommended that Section (m)3, which contains provisions that were repealed in the 79<sup>th</sup> Legislative Session, be removed and subsequent sections be renumbered correspondingly. All references throughout this rule referencing the recommended deleted sections will be updated before publication in the Texas Register.

**Approval of Facilities Division Projects**

**1. Cleveland Unit – Replace Roof on Multiple Buildings**

***APPROVED***

Frank Inmon, Director of the Facilities Division, noted that all six (6) projects presented to the Board for approval were briefed in detail before the Business and Financial Operations Committee. He requested the Board's approval for the replacement of the roof on multiple buildings at the Cleveland Unit for a total project cost of \$1,091,400.

**2. Coffield Unit – Replace Roof on Multiple Buildings**

***APPROVED***

Mr. Inmon requested the Board's approval for the replacement of the roof on multiple buildings at the Coffield Unit for a total project cost of \$2,679,600.

**3. Goree Unit – Upgrade Emergency Door Release System**

***APPROVED***

Mr. Inmon requested approval for an upgrade to the emergency door release system at the Goree Unit, for a total project cost of \$1,344,200.

**4. McConnell Unit – Replace Roof on Multiple Buildings**

***APPROVED***

Mr. Inmon requested approval to replace the roof on multiple buildings at the McConnell Unit for a total project cost of \$5,092,400.

**5. Scott Unit – Replace Main Building Roof**

***APPROVED***

Mr. Inmon noted that during the Business and Financial Operations Committee, Mr. Miller had inquired if the skylights in Building A were being removed for security reasons or for leakage problems. He advised the Board that the skylights were being removed to avoid leaks. Mr. Inmon requested approval to replace the main building roof at the Scott Unit for a total project cost of \$1,966,200.

**6. Coffield Unit – Replace Water Distribution Lines**

***APPROVED***

Mr. Inmon noted that during the Business and Financial Operations Committee, Mr. Miller had asked if Texas Correctional Industries (TCI) was providing work on this project. He advised the Board that TCI was not providing any work for this project. Mr. Inmon requested approval to increase the budget to replace the water distribution lines on the Coffield Unit by \$354,900. This results in a total project budget of \$3,677,700.

Chairman Crain thanked attendees for coming to the meeting and stated that the Board was scheduled to meet next on September 13-14, 2007, at the Austin Marriott South.

**Adjournment**

There being no further business, Chairman Crain adjourned the regular session of the 132<sup>nd</sup> meeting of the Board at 10:04 a.m.