
TEXAS BOARD OF CRIMINAL JUSTICE
Sheraton Austin Hotel
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May 20, 2008

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

Meeting No. 137

Chairman Oliver Bell convened the 137th Meeting of the Board on Tuesday, May 20, 2008, at 11:12 a.m.

13th Annual Governor's Criminal Justice Volunteer Service Awards Ceremony

Chairman Bell welcomed the honored guests for joining the Board for this important ceremony. He quoted the late Leo Buscaglia, renowned lecturer and author, 'Too often we underestimate the power of a touch, a smile, a kind word, a listening ear, an honest compliment, or the smallest act of caring, all of which have the potential to turn a life around.' He acknowledged that the individuals being recognized at this event represent the dedication and commitment of thousands of volunteers who are, on a daily basis, turning a life around. These volunteers make a difference in the lives of many Texans by unselfishly giving of themselves to help offenders, and their families, have a chance for a better life.

Chairman Bell recognized Christina Melton Crain, the immediate former Board Chairman, who was appointed to the Board in 2001 and served as its Chairman from February 2003 until April 2008. It was under Ms. Crain's oversight that the preparation for the 13th Annual Governor's Criminal Justice Volunteer Service Awards Ceremony began and the Board was honored that Ms. Crain was able to attend the meeting to see the event through to fruition. Chairman Bell personally thanked Ms. Crain for her attendance, noting that her support of the volunteers and their efforts to improve the lives of the offenders, and their families, has been immeasurable. Under Ms. Crain's encouragement and with the GO KIDS initiative, a number of new volunteer programs have been implemented within the Texas Department of Criminal Justice's (TDCJ or Agency) facilities, focusing on the importance of strengthening offender-family relationships.

Chairman Bell yielded the floor to Brad Livingston, Executive Director of the TDCJ. Mr. Livingston welcomed Governor Perry and distinguished guests. He said that it was an honor to recognize a very important group of individuals, who have made a personal commitment to both the criminal justice system and the offenders who are within that system. Those offenders are in significant need of the assistance provided by the volunteers. Many of these volunteers are here because they have one (1) thing in common, although their stories and inspirations may differ from each other, there is commitment to helping offenders turn their lives around. TDCJ staff members play a specific role in assisting in the rehabilitation and reintegration of offenders. The volunteers complement that process by providing a support system to a segment of society who quite frankly many would rather ignore. There are thousands of volunteers who volunteer specifically and directly in the TDCJ correctional facilities, offering messages of hope and encouragement to many offenders. There are also many individuals who provide volunteer services as offenders transition back into society. More volunteers help offenders and offenders' families, specifically their children. Mr. Livingston expressed his gratitude to Ms. Crain for her initiative in that regard. He acknowledged that he greatly admired the enthusiasm and selflessness demonstrated by the volunteers who partner with the TDCJ. The volunteers do not provide this service to obtain fame or celebrity; they are motivated by the desire to help others succeed. TDCJ is fortunate to have the volunteers being recognized in addition to the thousands of others who donate time, effort and energy every day within the criminal justice system. On behalf of TDCJ's 38,000 employees, Mr. Livingston thanked the volunteers for their efforts and for being partners with the Agency.

Chairman Bell requested that the audience place their cell phones on the silent or vibrate mode.

Chairman Bell stated it was his honor and privilege to introduce the keynote speaker, the Honorable Rick Perry, Governor of Texas. He noted Governor Perry's strong stand for the law enforcement community, empowering it with the resources necessary to protect the citizens of Texas and make its communities safer.

The following are highlights of Governor Perry's speech. Governor Perry expressed it was his honor to be in the presence of men and women like the volunteers attending the ceremony, noting he has always been impressed with how many people are willing to give back to Texas because they have realized how much they have been given. He thanked Chairman Bell, the members of the Board, Mr. Livingston and Carol Vance, former Board Chairman, for their outstanding service. He also expressed his appreciation to Ms. Crain for her hard work, dedication and commitment. Governor Perry recognized Ms. Crain's impact on the Agency, the offenders and the offenders' families as indelible. He noted that Ms. Crain's legacy will continue through the GO KIDS initiative, noting the assistance and gifts that traumatized children will receive is a reflection of her heart.

Governor Perry said that Texas is known as a law and order state with an unshakable sense of right and wrong. It has been a long hallmark of the state's unique character. As such, Texas supports its peace officers and advocates for appropriate penalties, insuring that the punishment fits the crime. Once an individual strays beyond the terms of the social contract he has with the citizens and is incarcerated, that individual's choice impacts his freedom, family, friends and community. Governor Perry emphasized there are over 150,000 individuals who have forfeited their freedom by taking actions that were harming, not only to their victims but to their families. To guard and guide these offenders, TDCJ employs approximately 23,000 correctional officers, which is roughly a six (6) to one (1) ratio. This ratio is manageable and within the bounds of the law, but it does not always allow for the time and energy for the human side of things. This is where the remarkable volunteer community comes into play. Approximately 13,000 approved volunteers tendered 500,000 volunteer hours. Volunteers help offenders improve their life skills and their level of education, as well as get a handle on substance abuse issues. Governor Perry stressed that these volunteers provide services that are essential to the reintegration into society. In a civilized society, the notion of punishment must go hand in hand with the concept of rehabilitation and reintegration. By complementing the harsh realities of consequences with the warmth of human compassion, volunteers have enabled offenders to envision a future that does not include repeat offenses. Instead, the compassion and approach provided by volunteers have conveyed a wide array of possibilities, making possible a rich and promising future of personal improvements and positive contributions to society.

Governor Perry stated that the ceremony honors the "best of the best." He noted that the award recipients are genuinely investing their lives by helping others, whose spirit of sacrifice is an inspiration for all. The contributions of volunteers to each individual radiates outward from their heart through their actions. Expressing his gratitude to the recipients, Governor Perry stated that Texans need to know what these individuals are doing to help offenders grow spiritually and make positive life style choices. He hoped that the actions of these volunteers will inspire other Texans to make a difference, noting that every hour that is invested in another person by a volunteer will make a huge difference. Governor Perry thanked the volunteers for assuming the risk of making a difference in the life of another. He praised them for reflecting the best values of compassion and human kindness and for being an inspiration to the state by their selfless service. Governor Perry extended his best wishes to the volunteers for God's richest blessings and through them, he will continue to bless the great State of Texas.

Chairman Bell thanked Governor Perry for his kind and moving words. He yielded the floor to Tom Mechler, Master of Ceremonies. Mr. Mechler stated that it was his privilege to serve as the Master of Ceremonies for the presentation of the awards. The individuals being recognized are the epitome of the caliber of volunteers who serve unselfishly to make a difference in the lives of those supervised by the criminal justice system. The following volunteers were recognized:

- J. Craig Brubaker, Chaplaincy Department Award
- John Vaughn, Correctional Institutions Division Award
- Robert Ronson, Private Facilities Contract Monitoring/Oversight Division Award
- Larry Green, Parole Division – "Nancy Hees" Award
- Sie Davis, Religious Service Award
- Jorge Santana, Religious Service Award
- James S. – Substance Abuse Treatment Program Award
- Brandon Willard, Victim Services Division "Pathfinder" Award
- Julie Gardner, Windham School District – "Judy Burd" Award
- John Morrison, Restorative Justice Award
- Freedom Ministries, Female Offender Program – "Susan Cranford" Award
- Christian Motorcycle Association, Most Innovative Program Award
- Be Free Jail and Prison Ministry, Community Service Award
- Achor Prison Ministry, Best Family Program Award
- Leonard Davis, Greatest Number of Hours Award
- Tom Lowe, Extensive Travel Award

C.F. Hazlewood, TDCJ Employee Volunteer Award

Lorie Wills, Criminal Justice Administrator Award

Mr. Mechler yielded the floor to Carol Vance, former Chairman of the TBCJ, who during his tenure from 1992 to 1999, was vital in the development of the volunteer program within TDCJ. Mr. Vance formed a task force on recidivism, initiated the Life CHANGES course for offenders and laid the path for a partnership between TDCJ and Prison Faith Ministries. Mr. Vance recognized the commitment of the volunteers, the Board, TDCJ executive staff and employees. He stated it was wonderful to see the volunteer efforts continue to grow and move forward. Mr. Vance presented Jim Buffington with the "Carol S. Vance" Volunteer of the Year Award for 2007.

Mr. Mechler reflected on his time as a prison ministry volunteer, noting that if through all the hours spent with offenders one (1) offender is changed then the hours were well spent. He expressed his appreciation for the dedication and hard work of the volunteers. Mr. Mechler requested a generous applause for the award recipients. Applause followed. Mr. Mechler yielded the floor to Chairman Bell.

Chairman Bell thanked Mr. Mechler, Mr. Vance, the award recipients and all other volunteers who were able to attend the awards ceremony, adding that the Board appreciated all the efforts of every volunteer.

At 12:00 p.m., Chairman Bell adjourned the 137th Meeting of the Board until 1:30 p.m., at which time the Board met in Executive Session. Chairman Bell reconvened into regular session at 2:34 p.m. .

Chairman Bell recognized Kyle Mitchell, Office of the Governor, and Susan Dow, Legislative Budget Board, and thanked them for interest in the Board's activities.

Chairman Bell stated that the Board is committed to providing the opportunity for public presentations on posted agenda items as provided in Board Rule 151.4, Public Presentations and Comments to the Texas Board of Criminal Justice. He reviewed the requirements for speaker registration. On posted agenda topics one (1) speaker registration card was received by Board staff prior to the required deadline. As the testimony was germane to an agenda item, it would be heard prior to the Board taking action on that topic. The presentation time is three (3) minutes per individual. Any documentation submitted by the presenter would be handled in accordance with guidelines set forth in Board Rule 151.4. Chairman Bell also reviewed the guidelines for conduct and decorum for the presenters addressing the Board.

Recognitions

Mr. Livingston recognized Melinda Bozarth, TDCJ General Counsel, for serving the State of Texas for the past 25 years and presented her with a 25-year Service Award.

Mr. Livingston recognized Jerry McGinty as the Chief Financial Officer. He voiced his confidence and pride in Mr. McGinty's abilities as a key executive staff member.

Chairman Bell thanked Ms. Bozarth for her advice and excellent counsel. He welcomed Mr. McGinty to his new position.

Nathaniel Quarterman, Director of the Correctional Institutions Division (CID) recognized Joni White as the Assistant Director for Classification and Records, Kelvin Scott as the CID Assistant Director for Transportation, and Brian Rodeen as the CID Region III Director. Chairman Bell congratulated each of these individuals on their promotions.

Chairman Bell recognized the TDCJ employees who have achieved 25, 30, 35 and 40 plus years of service with the State of Texas during the months of April and May 2008. 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.

Discussion, Consideration and Possible Action Regarding Consent Items

APPROVED

Chairman Bell asked if there were any comments or objections to the Consent Items as proposed. Seeing none, the Consent Items were adopted as posted.

1. Hazardous Duty Pay Authorization Requests
2. Multiple Employment Authorizations
3. Personal Property Donations
4. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property
5. 136th TBCJ Meeting Minutes
6. Excused Absences

Discussion, Consideration and Possible Action Regarding Personal Property Donations

APPROVED

1. Potatoes Donated from the San Antonio Food Bank
2. Computer Equipment Donated from Marcie Whisenhunt in care of the Texas A & M University

Chairman Bell asked if there were any comments. Eric Gambrell stated that as his firm currently represents both entities, he wished to abstain from the voting on the personal property donations from the San Antonio Food Bank and Texas A & M University to prevent any appearance of impropriety in these matters.

Election of Officers

Chairman Bell called for a motion and second for the election of officers to the Board. The Board unanimously voted to select Greg Coleman as Vice Chairman and Tom Mechler as Secretary of the Board.

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

Rissie Owens, Presiding Officer of the BPP, had no report

Report from the Chairman, Judicial Advisory Council (JAC)

Judge Larry Gist, Chairman of the JAC, reported that Judge John Cruzot was reappointed to the JAC by the Chief Justice of the Texas Supreme Court.

The Probation Advisory Council (PAC) has established the top five (5) priorities for the future. The first priority is a separate line item appropriation for health insurance for probation officers. The second priority is recruitment and retention methods for probation officers. The third priority is residential facility enhancement and repair. The fourth priority is to enhance basic supervision funding, which is the basis for probation. The fifth priority is a change to the distribution of funds that are provided to probation departments.

Judge Gist further reported that the JAC has been advised, that under the Interstate Compact for Adult Offender Supervision rules, there are two (2) major problems, one (1) of which is allowing probationers to travel to another state for temporary reasons. There is nothing in the Interstate Compact which allows this kind of travel, which can hold the Texas judge liable for any injury that a probationer might cause out of state in addition to the State of Texas being fined by the Interstate Compact. The second issue is that most misdemeanor offenders are not covered by the Interstate Compact. Second Offense Driving While Intoxicated (DWI) offenders are covered by the Interstate Compact; however, a First Offense DWI offender who is a resident of another state is not allowed to travel from Texas to his home state. Further, the State of Texas is held responsible if that First Offense DWI offender does harm back in his home state. The Texas Commissioner for Interstate Compact, Kathy Winkler, has written for an advisory opinion from the Compact Administrator. Judge Gist advised the Board that this could be a long process to establish a rule to address these issues.

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

Mr. Livingston had no report.

Report from the Chairman, Correctional Managed Health Care Committee (CMHCC)

Allen Hightower, Executive Director, CMHCC, provided an update on changes in trends, challenges in cost, and the health care delivery system. The following are highlights of Mr. Hightower's review of the Second Quarter of 2008.

- The average daily population served through the Second Quarter of 2008 was 151,671.
- While the overall growth is stable, the number of offenders 55 and older (55+) has steadily continued to increase. The offenders who are 55+ are a tremendous cost impact to the health care delivery system. Through the Second Quarter, the average of older offenders in the service population was 10,211. This figure represents an increase of 6.3% in the 55+ offender population over the last year.
- Age 55+ offenders had a documented encounter with medical staff more than three (3) times as often as those patients under 55 did. An examination of hospital admissions by age category found that through this quarter of the fiscal year, hospital costs received to date for charges incurred for offenders 55+ totaled approximately \$1,618 per offender. The same calculation for offenders under 55 is about \$265 per offender.
- In terms of hospitalization, the older offenders were utilizing the health care resources at a rate of more than four (4) times higher than the younger offenders. While comprising only 6.7% of the overall service population, offenders 55+ count for more than 30.6% of the hospital cost to date.
- The overall HIV population has remained relatively steady. HIV health care information and advice provided by TDCJ Health Care Services has filtered through the communities as well as prison populations, which has resulted in the stagnant level of the HIV population over the last few years.
- Two (2) mental case load measures have remained stable; the average number of psychiatric in-patients within the system is 1,956 through this quarter. The in-patient case load is limited by the number of in-patient beds within the system. Through this quarter, the average number of mental health outpatients was 20,125 representing 13.3% of the service population.
- Dialysis costs continue to be significant, averaging about \$22,000 per patient per year. Providing necessary dialysis treatment for 185 patients through this quarter cost \$2.1 million. An examination of dialysis costs found that, proportionately, older offenders are represented over three (3) times more often in the dialysis population than younger offenders.
- Drug costs totaled \$18.9 million. HIV treatment impacts the drug cost more than any other area. Through the quarter, costs for HIV antiretroviral medications were \$9 million. This represents 47.4% of the total drug costs of the program during this period. Expenses for psychiatric drugs are \$1.7 million, which is 9.1% of the overall drug costs. Another cost is the Hepatitis-C therapies, which is \$800,000 and represents 4.4% of the drug costs.

Mr. Hightower commented that the TDCJ and the CMHCC work in partnership to provide a constitutional level of health care for the offender population at the lowest possible price. He assured the Board that the CMHCC staff reviews and tests detailed transaction level data from both providers. The data is tested on a monthly basis to verify reasonableness, accuracy and compliance with policies, procedures and contractual requirements. In other words, if staff finds a charge back to the managed health care program that does not meet state law or does not comply with the Comptroller's definition of general revenue monies, the university partners make a reversal of charges to the program.

J. David Nelson inquired if the CMHCC had drafted or adopted an approach to address the greater needs and resulting costs for offenders who are 55 plus years. Mr. Hightower responded affirmatively, noting that the legislature can affect change in this area. The Texas Correctional Office on Offenders with Medical or Mental Impairments quantifies the offender's special medical needs request for parole, forwards it to the BPP to render a medical decision. Mr. Hightower noted that sometimes these requests were not granted based on the crime that the offender committed. He explained that the legislature has broadened the pool of incarcerated offenders who can be released for medical reasons. The CMHCC does have a plan for these offenders under the guidelines that are set forth in state law.

Terrell McCombs asked if the CMHCC has reviewed other states' best practices to see how they are handling the situation, recognizing that this is a problem in correctional institutions nationwide. Mr. Hightower stated that his office routinely reviews all the literature concerning health care or mental health care from national publications providing information about other states' health care systems in correctional settings. Pertinent materials are presented along with recommendations to the CMHCC, who in turn work on plausible actions to be presented to the legislature. Mr. Hightower stated that his office would do more of those kinds of recommendations.

Mr. Mechler said that he was very interested in Mr. McCombs' comments. He inquired if the CMHCC staff could provide the Board with a review of these materials and advise the Board in August if there are better ways to do it. Mr. Hightower related that the Texas CHMCC has been actively involved in assisting and sharing knowledge with other states, and he would brief the Board of the findings in August.

Chairman Bell noted that one (1) card for public testimony had been received from Rhonda Taylor. He reiterated that public testimony is limited to three (3) minutes.

Ms. Taylor stated that she was speaking before the Board to inform the Executive Director and the CMHCC that according to Texas legislators, both the BPP and the CMHCC are responsible for making offenders' parole determinations and coordinating offenders' health care services respectively. She alleged that Offender Kevin Gordon's intelligence quotient (IQ) was falsified upon his arrival to prison. Further allegations by Ms. Taylor included that the health care administration failed to provide for offenders who suffer from mental illness and to provide these offenders protection from fraud practices. According to the executive order from Governor Perry in 2004 to detect and fight fraud in government, the health care administrators failed to provide a contact person, a hotline, and rules and policies for reporting alleged fraud and illegal activities among their employees. The TDCJ and the BPP cannot insure public safety if their own departments are operating illegal practices. This has caused Ms. Taylor to look at TDCJ, the health care services and the BPP for corruption among officials for refusing to comply, obey, and fall under the legal authority and obligation to Texas mental health laws.

Chairman Bell thanked Ms. Taylor for her comments.

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

Ms. Judy Briscoe, Chairman of ACOOMMI, had no report.

Internal Audit Status Report for Fiscal Year 2007 and Fiscal Year 2008

Raymond Pyeatt, Director of the Internal Audit Division, presented the Internal Audit Status Report for Fiscal Year 2007 and Fiscal Year 2008. The following are highlights from his update:

FY 2007 Internal Audit Plan

- **0722 – Business and Finance Division, Anti-Fraud Coordination:** An exit conference is scheduled for Friday, May 23, 2008.

FY 2008 Internal Audit Plan

- **0801 – Correctional Institutions Division, Correctional Officer Training:** The proposed final report is nearing completion.
- **0802 – Information Technology Division, Offender Information Management System:** The audit cannot be completed until Phase III of the Reengineering Project is completed.
- **0803 – Information Technology Division, Corrections Tracking System
Community Justice Assistance Division, Community Supervision Tracking System:**
The audit is in fieldwork and remains on schedule.
- **0805 – Human Resources Division, Employee Grievance Procedures:** The draft report was released on May 7, 2008, with staff responses due on May 20, 2008.
- **0806 – Correctional Institutions Division, Warehouse/Armory:** The audit is scheduled to begin on the June 23, 2008, and will be extended until September 15, 2008.
- **0807 – Business and Finance Division, Parole Division, Supervision and Restitution Fee:**
The audit is to begin July 15, 2008, and will be extend until October 15, 2008.
- **0810 – Parole Division, Specialized Programs:** The draft report is being written.
- **0811 – Windham School District, Computer Services:** The audit remains in the control assessment phase of the audit.
- **0812 – Health Services Division, Office of Mental Health Monitoring and Liaison:** The proposed report is completed. An exit conference is scheduled for April 10, 2008 with the Executive Director.

- **0813 – Correctional Institutions Division, Office of Disciplinary Coordination, Counsel Substitute Program:** The draft report is anticipated to be released by June 30, 2008.
- **0814 – Correctional Institutions Division, Bench Warrants:** The audit was assigned on May 20, 2008.
- **0816 – Rehabilitation and Reentry Programs Division, Volunteer Services Program:** The draft report has been released with an exit conference with staff in the next few days.
- **0817 – Parole Division, Review and Release, Institutional Parole Offices:** The draft report was released on May 19, 2008.
- **0818 – Facilities Division, Environment Branch:** The audit should be completed in the next few weeks.
- **0820 – Parole Division, Sex Offender Registration:** The audit was assigned on April 25, 2008, and remains on schedule.
- **0822 – Executive and Administrative Services, Records Retention:** The draft report was released on May 19, 2008.
- **0824 – Administrative Review and Risk Management Division, Ombudsman Program:** The draft report was released on May 16, 2008. Two (2) exit conferences have been scheduled.

Discussion, Consideration and Possible Action Regarding Purchases and Contracts over One (1) Million Dollars

APPROVED

Mr. Jerry McGinty, Chief Financial Officer, reviewed the purchases and contracts over one (1) million dollars. Items 1-15 are food items for Fiscal Year (FY) 2008 that have mid-year price increases to the contracts. Item 16 is an increase of \$2 million to an existing FY 2008 contract for a modular panel system, due to an increase in orders. Items 17-18 are increases plus a 10% variance to the FY 2008 bulk fuel contract, which are based upon estimates from figures from the Department of Energy. Items 19-25 are FY 2009 contracts related to the Texas Correctional Industries operations. Items 26-29 are FY 2009 contracts related to the Agribusiness operations. Items 30-31 are FY 2009 renewal contracts for the halfway house residential service for parolees. Item 32 is a new FY 2009 halfway house service in Austin. Item 33 is the FY 2009 contract for food services for the Hamilton Unit. Item 34 is the FY 2009 contract for beef trim for offender consumption. Items 35-37 are one (1) year contracts for reflective specialty sheeting (manufacturing of license plates), and two (2) for computer services. Item 38 is the FY 2009 contract (with a 10% variance) for items to be sold in the commissary. Mr. McGinty noted that pages 34-35 of the agenda packet contained the FY 2009 food requirements for the Agency. He advised the Board that these prices are estimates for July and that the food purchase orders will be awarded at a later date. A 10% variance has been requested for all food items.

Mr. Mechler inquired about Item 33 and if the Hamilton Unit has a kitchen. Mr. McGinty responded that while there is a kitchen in the facility, there has been a food service vendor in place since 2004. The food service vendor has provided service that is comparable to TDCJ food service costs and operation. Mr. Mechler asked if the offenders participated in part of the food service operation. Mr. McGinty responded affirmatively.

Mr. McCombs commented that he hoped TDCJ was using the very best practices in the industry to buy wisely for the best value at the lowest price. He noted that there is currently tremendous commodity inflation, and advised staff to employ all necessary tactics to protect the Agency from price increases. Mr. McGinty assured the Board that he and his staff are doing as Mr. McCombs suggested.

Mr. McGinty reviewed Item 39, noting it was a FY 2009 contract specifically related to coffee/cappuccino for sale in the commissary operations. The contract also has a 10% variance.

Leopoldo Vasquez stated that he wished to abstain from the vote on the contract for coffee/cappuccino items, as his private sector businesses are heavily involved in the coffee business. Therefore, in an abundance of caution and to prevent even the slightest suggestion of impropriety, Mr. Vasquez abstained from the vote on this contract renewal.

Mr. McGinty reviewed items 40-42 which was a FY 2009 renewal contract for Scotch (3M) reflective sheeting for license plates, a FY 2009 renewal contract for 3M Specialty Sheeting for license plates and a FY 2009 contract for John Deere tractor parts.

Mr. Gambrell stated he wished to abstain from the vote on renewing the contracts with 3M and approving the contract with John Deere. He explained that his firm currently represents both companies and to prevent even the slightest suggestion of impropriety, he would abstain from the vote on the contracts with these entities.

Discussion, Consideration and Possible Action to Regarding Proposed Revisions to Board Policies

1. BP-02.43, “Equal Employment Opportunity”

APPROVED

Ms. Bozarth stated that in accordance with BP-01.01, “TBCJ Responsibilities” staff must submit personnel directives for the Board’s review and approval on an annual basis. In addition to slight modifications, Ms. Bozarth noted that the most significant revision was the last sentence in the policy statement, which addresses retaliation by TDCJ officials for an employee or applicant for opposing or reporting employment discrimination in any employment-related process.

2. BP-03.85, “Offender Visitation” and the “Offender Visitation Plan”

APPROVED

Ms. Bozarth referred to a handout which included the Board Policy 03.85, “Offender Visitation” and the “Offender Visitation Plan.” She noted that with regard to the board policy, only small formatting revisions were made. As the “Offender Visitation Plan” was discussed in detail at the Correctional Institutions Division (CID) Committee meeting earlier in the day no additional review was conducted. Ms. Bozarth noted that suggested revisions brought forth by Mr. Gambrell during the committee meeting were incorporated for Board approval.

Discussion, Consideration and Possible Action Regarding Adoption of Amendments to Board Rules

1. §152.51, Authorized Witnesses to the Execution of an Inmate Sentenced to Death (37 TAC §152.51)

APPROVED

Ms. Bozarth stated that the Board authorized the publication of the rule in the April 11, 2008, issue of the Texas Register. Thirty days have passed and no public comments were received. Ms. Bozarth noted however that Mr. Mechler made a comment that a spiritual advisor be allowed to accompany the victim’s close relatives to an execution. She noted that a similar provision is allowed for an offender. The suggestion was incorporated for Board approval.

2. §159.1, Substance Abuse Felony Punishment Facilities (SAFPF) Eligibility Criteria (37 TAC §159.1)

APPROVED

Ms. Bozarth stated that the Board authorized the publication of the rule in the April 11, 2008, issue of the Texas Register. Thirty days have passed and no comments were received. She requested that the rule be adopted.

Discussion, Consideration and Possible Action Regarding Readoption of Board Rule, §195.51, Sex Offender Supervision (37 TAC §195.51)

APPROVED

Ms. Bozarth stated that a notice of review was published in the March 21, 2008, issue of the Texas Register. Staff had reviewed the rule as required by law and recommended no changes. No comments were received during the 30 day public comment period.

Discussion, Consideration and Possible Action Regarding Proposed Amendments to Board Rules

1. §151.21, Weapons Policy (37 TAC §151.21)

APPROVED

Ms. Bozarth stated that most of the revisions were non-substantive but were added for clarity. In Section (c)(1), a sentence was added to clarify that a parole officer who was authorized to carry a firearm in the scope of their employment may carry a firearm in a state-owned vehicle under Occupation Code §1701.257 and, under Section (c)(2)(B), an insertion was added that stipulates “...parole and community supervision officers participating in the firearms training program pursuant to Occupation Code §1701.257...”

2. §151.73, Texas Board of Criminal Justice Vehicle Assignments (37 TAC §151.73)

APPROVED

Ms. Bozarth stated that sections (b) and (d) have been added to clarify existing state law.

3. §152.61, TDCJ Emergency Response to Non-Agent Private Prisons/Jails (37 TAC §152.61)

APPROVED

Ms. Bozarth stated a few revisions were recommended. The policy statement is the most significant of the changes and clarifies the Agency's ability to assist local law enforcement in the event of any escape.

Discussion, Consideration and Possible Action Regarding a Proposed Land Transaction for a Pipeline Easement on the Eastham Unit in Houston County, Lovelady, Texas

APPROVED

C.F. Hazlewood, Director of Agribusiness, Land and Minerals Department, noted that this item was presented earlier at the Business and Financial Operations Committee. The pipeline easement on the Eastham Unit in Houston County was requested by Autana Pipeline Partners L.P., which has agreed to pay \$305,921.90 for the easement with a ten (10) year term. He recommended that the Board approve the easement for the pipeline system including access roads and surface site to Autana Pipeline Partners L.P.

Discussion, Consideration and Possible Action Regarding Facilities Division Construction Project – Replace Heating, Ventilation and Air Conditioning (HVAC) in Multiple Locations at the Wynne Unit in Walker County, Huntsville, Texas

APPROVED

Frank Inmon, Director of the Facilities Division, noted that he had briefed the project to the Business and Financial Operations Committee. The project replaces HVAC in multiple locations at the Wynne Unit. He requested that the Board approve for a total project amount of \$1,308,400.

Chairman Bell thanked everyone for attending the meeting and announced that the next meeting of the Board would be August 13-14, 2008, at the Doubletree Hotel in Austin.

Adjournment

There being no further business, Chairman Bell adjourned the regular session of the 137th meeting of the Board at 3:47 p.m.