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**TEXAS BOARD OF CRIMINAL JUSTICE**  
**Crowne Plaza Hotel**  
**Austin, Texas**

**June 19, 2009**

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**TEXAS BOARD OF CRIMINAL JUSTICE  
SUMMARY OF JUNE 19, 2009, MEETING MINUTES**

**Meeting No. 143**

The Texas Board of Criminal Justice (TBCJ) convened in regular session on Friday, June 19, 2009, at 9:07 a.m. at the Crowne Plaza Austin in Austin Texas; adjourned at 10:45 a.m. into executive session; and finally adjourned at 11:27 a.m.

**Recognitions**

Chairman Bell recognized the Sixth Annual Texas Round-Up, a statewide fitness initiative to motivate and encourage Texans to become more active and make healthy choices part of their lifestyle. During this year's Governor's Challenge, over 10,000 Texas Department of Criminal Justice (TDCJ or agency) employees completed the physical activity program, which is the highest participating number thus far. As promised, Chairman Bell recognized the following units, divisions and offices with the highest percentage of participation and completion rates:

<i>Best Division Award</i>	Kim Vernon State Counsel for Offenders	91% participation and completion rate
<i>Best Unit Award</i>	Warden Swift Daniel Unit	99% participation and completion rate
<i>Outstanding Unit Achievement Award</i>	Warden Thomas Walker Sayle Unit	91% participation and completion rate
<i>Golden Achievement Award</i>	Anthony Picciello Orange District Parole Office	100% participation and completion rate
<i>Golden Achievement Award</i>	Linda Hammond Mt. Pleasant District Parole Office	100% participation and completion rate
<i>Golden Achievement Award</i>	Bruce Zeller Region V Office Correctional Institutions Division (CID)	100% participation and completion rate
<i>Golden Achievement Award</i>	Gilbert Campuzano Region VI Office CID	100% participation and completion rate

Chairman Bell recognized that this past May was Mental Health Month. The TDCJ recently initiated an effort to broaden the agency's focus on promoting positive mental health for staff and offenders. A new award, Promotion of Positive (POP) Mental Health Award was created to recognize an individual or group for their endeavors in the mental health area. Chairman Bell recognized the Texas Correctional Office for Offenders with Medical or Mental Impairments (TCOOMMI) as the first recipient of the POP Mental Health Award. Dee Wilson, Director of TCOOMMI, accepted the award.

Brad Livingston, the TDCJ Executive Director, recognized Nathaniel Quarterman, the Director of the CID, for his 25 years of outstanding service with the state. He then presented Mr. Quarterman with his service plaque.

Rodney Cooper, the Deputy Director of CID Prison and Jail Operations, presented the following American Correctional Association (ACA) accreditations:

**Initial Accreditation:**

- Warden Kenneth Negbenebor, Jester I, Jester III and Vance Units
- Warden Stacy Jackson, Cotulla Transfer Facility
- Warden Raymond Thompson, Coffield Unit
- Warden Octavious (Lisa) Black, Mountain View Unit
- Assistant Warden Richard Waldron, Carole Young Medical Facility

Reaccreditation:

Warden Reginald Goings, Gist State Jail  
Warden Richard Vogelgesang, Smith Unit  
Warden Stacy Jackson, Briscoe Unit  
Assistant Warden Tim Lester, Polunsky Unit  
Warden James Mooneyham, Cole State Jail  
Warden George Stephenson, Luther Unit  
Warden Richard Morris, LeBlanc Unit  
Warden Linda Carranza, Segovia Unit and Lopez State Jail  
Warden David Hudson, Telford Unit  
Warden James Jones, Terrell Unit  
Warden Richard Thomas, Sayle Substance Abuse Felony Punishment Facility

Chairman Bell recognized the TDCJ employees who have achieved 25, 30 and 35 or more years of service with the State of Texas during the months of April and May 2009. 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 stated that the proposed Consent Items were printed in the agenda packet.

1. *Hazardous Duty Pay Authorization Requests*
2. *Personal Property Donations (with the exceptions of items approved below)*
3. *Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property*
4. *May 24, 2007, Education Committee Meeting Minutes*
4. *142<sup>nd</sup> TBCJ Meeting Minutes*
5. *Excused Absences*

**Discussion, Consideration and Possible Action Regarding Personal Property Donations from the San Antonio Food Bank**

**APPROVED**

Chairman Bell called for a motion and a second to approve the personal property donations from the San Antonio Food Bank. Board Member, Eric Gambrell, abstained from the vote.

**Election of Officers**

**APPROVED**

Chairman Bell stated that due to the vacancies and rotation of its members, the board needed to fill the vice chairman and secretary positions. Motion was made naming Tom Mechler as vice chairman and Leopoldo Vasquez, III 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, had no report.

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

Mr. Livingston provided an update on the 81<sup>st</sup> Legislative Session. He praised the TDCJ staff for their diligent and tireless efforts during the session. The following are highlights of key legislative and funding decisions from the legislature:

- The funding for a pay increase package for correctional officers was top priority throughout the session. Beginning the session, the fiscal climate in Texas and throughout the nation was bleak. As the pay increase package moved through the session, the TDCJ frontline correctional and parole staff in addition to frontline

probation staff were the only state employees singled out for a targeted pay raise. The Texas Youth Commission's institutional staff also received a pay increase. The pay package includes a 3.5% pay raise in FY 2010 and a 3.5% pay raise in FY 2011. The staffing numbers have continued to improve; as of May 2009, the correctional officer vacancy number is below 1,300, which is the lowest it has been in a decade. Non-security TDCJ unit based staff will receive a similar pay raise.

- The continued funding for the Diversion Treatment Initiatives, which was originally funded in the previous legislature, was approved.
- \$70 million was received for the ongoing repair of the TDCJ facilities. An additional \$10 million was approved to renovate the Marlin Veterans Administration Hospital.
- The Office of Inspector General received \$3 million and 30 additional positions to enhance their efforts.
- The legislature approved the funding for 64 reentry transitional coordinators. These positions will be placed strategically throughout the state.
- Correctional Managed Health Care (CMHC) received approximately \$93 million in additional funding to enhance the medical delivery within the criminal justice system.
- The agency received supplemental appropriations to finish out FY 2009. The TDCJ also received \$10 million in additional funding for the purchase of correctional security equipment for those units that have problems with cell phones and other contraband.
- House Bill 2559 significantly impacts the retirement of TDCJ employees. While employee contributions increase, the bill insures the health and continuation of the Employee Retirement System of Texas (ERS). Additionally, most ERS changes apply to individuals hired on or after September 1, 2009.
- House Bill 2289 allows the TDCJ to implement the process of releasing offenders regionally. The six regional release sites have yet to be identified.
- House Bill 1914 abolishes the Private Sector Prison Industry Oversight Authority and moves many of those responsibilities to the TBCJ. Executive staff will provide the board with informational materials and updates.
- House Bill 1003 expands some of the victim notifications to include the notification of victims or witnesses when an offender/defendant within the community ceases to be electronically monitored.
- House Bill 1728 allows the Office of Inspector General to issue administrative subpoenas for phone records, which will expedite the investigative process concerning cell phones.
- House Bill 3228 authorizes the TDCJ Office of Inspector General to acquire electronic devices for detection and monitoring of cell phones. The bill authorizes the TDCJ to use cell phone jamming technology to the extent consistent with federal law.
- House Bill 1711 requires the TDCJ to establish a comprehensive reentry and reintegration plan for offenders released or discharged from a correctional facility. This legislation requires the creation of a Reentry Task Force.
- House Bill 1736 requires the TDCJ to develop a reentry and reintegration plan that would include life-skills, job and vocational training for a wrongfully imprisoned person following discharge for as long as the services are beneficial.
- House Bill 2161 requires the TDCJ, in cooperation with the Department of Public Safety (DPS) and related health services agencies, to provide most of the releasing offenders a personal identification certificate issued by DPS.
- There were several bills regarding land transfers from the TDCJ to a local unit of government. One bill allows the TDCJ to transfer the Dawson State Jail to the City of Dallas in exchange for a comparable facility. This transfer will only happen if all terms of the bill are met.

Mr. Livingston expressed his satisfaction with the appropriations and operational measures passed by the legislature, particularly regarding the salary increases for some of the key positions within the agency. He looked forward to implementing these new measures as approved and funded by the legislature. At the next board meeting, Mr. Livingston stated that he would update the board on the agency's efforts to implement new reentry measures.

#### **Report from the Executive Director, Correctional Managed Health Care Committee (CMHCC)**

David McNutt, Chief Financial Officer of the CMHCC, reviewed the population indicators through March 2009. The average daily population served was 150,601, a slight decrease from one year ago. All other population indicators remain as previously reported during the past several meetings. The overall health care costs totaled \$288.9 million. This amount is above overall revenues earned by the university providers by \$11,064,355 or 3.8%. The total cost per offender per day for all health care services statewide through March 2009 was \$9.01.

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

John Bradley, Chairman of ACOOMMI, had no report.

### **Report from the Chairman, TBCJ**

The following are highlights from Chairman Bell's report:

#### **1. Offender Telephone System**

The implementation of the offender telephone system continues to progress. By the end of May, 22 correctional units will have operational telephone systems. By June 30th, 18 unit telephone systems are expected to go on-line. The vendor's schedule continues to indicate the installations will be completed by September 30, 2009. The vendor continues the enrollment process of offenders' friends and family. The board and staff have not waived from their intent to have the premier phone system in the country in terms of technology, operations and security.

#### **2. Information/Intelligence Gathering Efforts**

The TDCJ continues its efforts to enhance information gathering and screening capabilities. The Office of Inspector General was recently authorized additional staff positions for enhanced information gathering and intelligence operations. The TDCJ continues to enhance its role in this area by working in coordination with the State Fusion Center and other local state and federal law enforcement agencies.

#### **3. Historically Underutilized Business (HUB) Vendor Identification/Utilization**

The mission of the agency's HUB Program is to promote and increase contracting opportunities with HUBs. Over the past three years, the agency's procurements are reflected in its expenditures with HUBs, which have grown from \$24 million in FY 2006 to \$46.1 million in FY 2008. However, this amount is only 5% of the \$1 billion of TDCJ's total expenditures for goods and services. The TDCJ remains committed to reaching out to HUBs to inform these vendors of procurement opportunities. The TDCJ is participating in the state's Mentor/Protégé Program, which matches a HUB vendor with a larger company in order to receive professional guidance and facilitate the HUB's growth and development. Currently, the agency has two active Mentor/Protégé agreements and four additional agreements are in progress.

Chairman Bell encouraged qualified HUB enterprises to enter the bidding process, make their companies known to the agency, and pursue business opportunities for which they are qualified to perform. He announced that the TDCJ is pleased to work with HUBs.

#### **4. Board Member Tour Initiative**

On May 29, 2009, the board achieved its goal to have each CID and privately operated prison facility visited by a member over the course of the past year. The board averaged 12-13 facility visits per month. Regarding the district and institutional parole offices, the board has visited 11, with a goal set to cover the remaining 54 offices within the year. Of the 122 county community corrections and supervision departments (CSCDs), 12 have been visited.

Chairman Bell thanked the board for their support and diligence in visiting these facilities. He also extended his thanks to TDCJ executive and facility staff.

#### **5. Key Legislative Items**

##### **a. Payraise**

The agency's top priority going into the 81<sup>st</sup> Legislative Session was a substantial, targeted pay increase for correctional and parole officers. Although the fiscal climate was somewhat bleak, the legislature partially funded the request for a targeted pay increase for not only these correctional and parole officers but for all unit-assigned staff, by providing an average pay increase of 3.5% for FY 2010 and a pay increase for 3.5% for 2011. By the end of the biennium, these positions will receive an average 7% increase to their current salary.

Correctional staffing levels for the agency continue to improve. Over the past 12 months, the number of correctional officer vacancies has decreased from 3,428 to 1,262.

**b. Security Equipment**

The legislature's approval of \$10 million for correctional security equipment will allow the TDCJ to make significant security enhancements, such as extensive contraband screening at entry points and comprehensive surveillance systems focused on the few units that are responsible for the vast majority of the contraband activity.

**c. Re-entry Programming**

The agency received funding for 64 new positions that will focus on offender reentry. It is the first time in the TDCJ's history that it will have specific staff that focus solely on helping offenders transition to the community. While the TDCJ already has many reentry components in place, the addition of the new positions will significantly enhance the agency's ability to focus on areas, such as identification documents, housing and employment preparation, family reunification, and coordination of services for the offender population.

Chairman Bell reviewed the standards for the new correctional officer uniforms that include a polo shirt and cargo uniform pants. He noted that the reason the board wore the uniform shirts during their meetings on June 18 was to show respect and support for the correctional staff on the frontend of the prison operations. Additionally, the board recognizes the frontline correctional staff for their important role in the agency and its mission.

**Internal Audit Status Report for Fiscal Year 2008 and Fiscal Year 2009**

Raymond Pyeatt, Director for the Internal Audit Division, provided a status update for FY 2008 and FY 2009 since the publication of the agenda packet. The following are highlights of Mr. Pyeatt's report:

FY 2008

- **0807 – Business and Finance Division, Parole Division, Supervision and Restitution Fees:** The draft report is undergoing review.

FY 2009

- **0901 – Correctional Institutions Division, Unit Entry Procedures:** The final report was issued on June 4, 2009.
- **0902 – Information Technology Division, Data Management, Database Management System/Data Dictionary:** The audit will be assigned on August 1, 2009. Staff are working on another audit, which influences the assignment of this audit.
- **0903 – Facilities Division, Maintenance:** The report is being written and should be completed in another week.
- **0904 – Victim Services Division, Victim Notification System/Victim Information and Notification Everyday:** The final report was issued on May 22, 2009.
- **0906 – Human Resources Division, Application Processing:** The final report was issued on June 16, 2009.
- **0907 – Business and Finance Division, Contracts and Procurement Department:** The final report was issued on June 9, 2009.
- **0908 – Health Services Division, Office of Mental Health Monitoring and Liaison:** The draft report was released on June 17, 2009, with an exit conference pending.
- **0909 – Texas Correctional Office on Offenders with Medical or Mental Impairments, Continuity of Care:** This audit is in fieldwork, with a draft report ready for review by the end of July 2009.
- **0910 – Parole Division, Case Tracking and Analysis:** The report should be completed in the next few weeks.
- **0911 – Correctional Institutions Division, Distribution of Offender Medication:** The audit was assigned on May 26, 2009. It is in control assessment and ahead of schedule.
- **0912 – Administrative Review and Risk Management Division, Operational Review:** The audit is in fieldwork. The report should be complete by the end of July 2009.
- **0913 – Manufacturing and Logistics Division, Texas Correctional Industries, Graphics Division:** Correction to the status report in the agenda book: The audit was assigned on May 20, 2009.
- **0914 – Office of the Inspector General, Records Section:** The audit is in the background phase.
- **0915 – Correctional Institutions Division, Offender Transportation:** The draft report was released on June 16, 2009, with an exit conference pending.

- **0916 – Business and Finance Division, Facility Based Budget Program:** The report has a new target date of July 31, 2009. This audit affects Audit 0918.
- **0918 – Information Technology Division, Information System Security:** The audit assignment date is August 1, 2009.
- **0919 – Parole Division, Client Supervision:** The proposed final report was sent for review to the TDCJ chief of staff.
- **0920 – Correctional Institutions Division, State Ready Section:** The final report was released on May 22, 2009.
- **0921 – Rehabilitation and Reentry Programs Division, Youthful Offender Program:** The audit is in control assessment and remains on schedule.
- **0922 – Information Technology Division, Offender Information Management System (OIMS):** Staff are waiting on full implementation of the final phase of the OIMS, which should occur sometime in September 2009. The audit can only occur after six months of full implementation. The assignment of the audit will not happen during this fiscal year. It will be evaluated for placement on the FY 2010 or FY 2011 Audit Plan.
- **0923 – Manufacturing and Logistics Division, Freight Transportation:** The draft report is being written. It should be released by the end of June 2009.
- **0924 – Correctional Institutions Division, Correctional Officer Retention:** At the request of the executive director, the audit has returned to fieldwork, so that staff may interview newly promoted sergeants in July.

**Discussion, Consideration and Possible Action Regarding Purchases and Contracts Over \$1 Million**

**APPROVED**

Jerry McGinty, Chief Financial Officer, introduced Sheila Gaskins and Billy Sanders, as the Director and the Deputy Director respectively of the Contracts and Procurement Department. He reviewed the purchases and contracts over \$1 million as provided in the agenda packet. Items 1-7 are increases to previously approved contracts. Item 3 is an increase to the FY 2008-09 Correctional Managed Health Care Contract based on supplemental funding received by the legislature. Item 5 (fish portions) provides for a 10% variance for the contract amount. Items 8-22 are FY 2010 contract renewals. Items 9-15 contracts are for manufacturing materials for use by Texas Correctional Industries (TCI). Item 16 (bulk fuel) provides for a 10% variance for the contracted amount. Mr. McGinty noted that most food, bulk fuel and utilities items will also carry a 10% or more variance to the contract amount. Items 23-24 related to commissary goods and required an approval of a 10% variance for the contract. Items 25-27 are FY 2010 contracts for use by TCI. Item 28 is the food service contract for Kegans State Jail. Items 29-30 are information technology contracts for programming services and local and wide-area network support service respectively. Items 31-37 are new contracts for the FY 2010 operations of the Substance Abuse Felony Punishment Facility (SAFPF)/In-Prison Therapeutic Community (IPTC) substance abuse treatment program. Items 38-43 are renewals to existing contracts for the biennium FY 2010-11 of halfway house facilities for placement of parolees lacking residential resources. Items 44-63 are renewals of existing contracts for the biennium 2010-11 for substance abuse treatment and aftercare for offenders released from the SAFPF/IPTC Program. Items 64-75 are renewals for existing contracts for the FY 2010-11 biennium for TCOOMMI programs. Item 76 is a renewal to an existing contract for telephone maintenance. Item 77 is for new contracts for electronic monitoring of specified parolees. Item 78 is a new contract for the continuation of natural gas to TDCJ facilities; it provides for a 25% variance to the contract amount. Item 79 is the food service contract for Hospital Galveston for FY 2010-11.

Mr. McGinty withdrew Item 80, the FY 2010-11 managed health care contract for offenders, from the board's consideration. He noted that the contract would be presented for approval as a separate action item at the August 2009 meeting of the board.

Mr. McGinty presented the FY 2010 food purchases, requesting that the Board approve a 10% variance for the not to exceed dollar amounts. For informational purposes, Mr. McGinty stated that the quantities and unit of measure have also been provided.

**Discussion, Consideration and Possible Action Regarding Proposed Revisions to Board Policy, BP-01.10, "Texas Board of Criminal Justice Recognition Program"**

**APPROVED**

Melinda Bozarth, TDCJ General Counsel, noted that the revisions throughout the policy codify current practice within the agency.

**Discussion, Consideration and Possible Action Regarding Proposed Amendments to Board Rule, §163.21, Administration (37 TAC §163.21)**

**APPROVED**

Ms. Bozarth stated that the substantive revision to the rule codifies existing law as revised by the 79<sup>th</sup> Legislative Session. This law separates the responsibilities of the judges and the directors of the community supervision and corrections

departments (CSCDs). The judges hire the CSCD directors, approve the budget, and approve the community justice plan. The CSCD directors are responsible for the actual management of the CSCD. Revisions throughout the remainder of the rule pertain to format.

**Discussion, Consideration and Possible Action Regarding Proposed Land Transactions**

**1. Request for Approval to Repair/Replace Roof on the Main Building at the Estelle Unit in Walker County, Huntsville, Texas**

***APPROVED***

The repair and replacement roof project at the Estelle Unit's main building requires the replacement of the roof, insulation, flashing, skylights, down spouts and drain systems. The project cost is \$3,545,700.

**2. Request for Approval to Replace Fire Alarm System at the Michael Unit in Anderson County, Tennessee Colony, Texas**

***APPROVED***

The replacement of the fire alarm system at the Michael Unit includes the fire alarm, the door control and the intercommunication systems throughout the unit. The project cost is \$2,034,100.

**3. Request for Approval to Resurface Concrete Floors in Packing Plant at the Michael Unit in Anderson County, Tennessee Colony, Texas**

***APPROVED***

The resurfacing of the concrete floors of the Packing Plant at the Michael Unit includes the removal and replacement of flooring materials and the removal and reinstallation of the kitchen equipment. The project cost is \$1,305,800.

**Discussion, Consideration and Possible Action Regarding The Transfer of a 221.72 Acre Tract of Land on the Wallace/Ware Units to Mitchell County**

***APPROVED***

C. F. Hazlewood, Director of the Agribusiness, Land and Minerals Department, stated that the transfer of the land on the Wallace/Ware Units to Mitchell County was discussed at the Business and Financial Operations Committee meeting on June 18, 2009. He recommended that the board approve the conveyance of the 221.72 acre tract of land on the Wallace/Ware Units to Mitchell County.

Chairman Bell thanked everyone who attended the meeting and reminded them that the next meeting of the board would be in Austin, August 20-21, 2009, at the Crowne Plaza Austin.

There being no further business for the regular session, Chairman Bell adjourned the board into executive session, which is closed to the public, at 10:45 a.m. Upon the conclusion of executive session, Chairman Bell adjourned the 143<sup>rd</sup> meeting of the Texas Board of Criminal Justice at 11:27 a.m.