
TEXAS BOARD OF CRIMINAL JUSTICE
Crowne Plaza Hotel
Austin, Texas

October 8, 2009

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**TEXAS BOARD OF CRIMINAL JUSTICE
SUMMARY OF OCTOBER 8, 2009, MEETING MINUTES**

Meeting No. 145

Tom Mechler, Vice Chairman, convened the 145th Meeting of the Texas Board of Criminal Justice (TBCJ) on Wednesday, October 7, 2009, at 2:15 p.m., noted that a quorum was present, and declared the meeting open in accordance with Texas Government Code, Chapter 551, the Open Meetings Act. The meeting was adjourned into executive session, and then reconvened on Thursday, October 8, 2009, at 9:33 a.m.

Recognitions

Brad Livingston, Executive Director, of the Texas Department of Criminal Justice (TDCJ), recognized Mike Bell as chief information officer.

Mr. Livingston recognized April Zamora as the director of the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI).

Dee Wilson, Director of the Reentry and Integration Division, recognized Gerald Garrett as the deputy director of that division.

Rick Thaler, Correctional Institutions Division (CID) Director, recognized Thomas Prasifka, as the deputy director of CID Support Operations.

Mr. Thaler recognized Paul Morales as the CID Region II director and Robert Eason as the Region IV director.

Ron Steffa, Deputy Chief Financial Officer, recognized Matthew (Matt) Demny as the director of the Agribusiness, Land, and Minerals Department.

Celeste Byrne, Director of the Private Facility Contract Monitoring/Oversight Division, recognized Lisa Howard as the deputy director of Program Monitoring.

John Moriarty, Inspector General, recognized Joseph Buttitta on his graduation from the Federal Bureau of Investigations (FBI) National Academy in Quantico, Virginia.

Mr. Mechler recognized the TDCJ employees who have achieved 25, 30, 35, and 40 or more years of service with the State of Texas during the months of August and September 2009. The TBCJ, along with Mr. Livingston, expressed their deepest gratitude for the continued service of these employees who represent the commitment of the TDCJ's staff. To each of these employees, the TBCJ 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 TBCJ certificate along with a personal letter of gratitude.

Discussion, Consideration and Possible Action Regarding Consent Items

APPROVED

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property**
- 4. 144th TBCJ Meeting Minutes**
- 5. Excused Absences**

Mr. Mechler asked if there were any objections or amendments to the proposed consent items as presented. Eric Gambrell advised the TBCJ that his firm does work for the San Antonio Food Bank and Walmart and as there were personal property donations from both entities up for approval, he must abstain from voting on the consent items. The consent items were approved as presented with Mr. Gambrell's abstention noted for the record.

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)

The Honorable Larry Gist, Chairman of the JAC, had no report.

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

Mr. Livingston had no report.

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

Allen Hightower, Executive Director of the CMHCC, reviewed the population indicators through July 2009. The average daily population served was 150,522, 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 \$476.1 million. This amount is above overall revenues earned by the university providers by \$38,254,825 or 8.7 percent. The total cost per offender per day for all health care services statewide through July 2009 was \$9.44.

Mr. Hightower reported that at the September 8, 2009, CMHCC meeting, the CMHCC adopted modifications to Policy B.14.11, "Human Immunodeficiency Virus (HIV) Infection," which reflected that actual practice in the discharge planning was after collaboration between the TDCJ Health Services Division and the TCOOMMI. TDCJ Health Services Division provided monitoring reports to the CMHCC on its meeting agenda, which have also been provided to the TBCJ. He noted that the CMHCC routinely posts complete agendas and a record of meeting minutes on its website (www.cmhcc.state.tx.us).

Mr. Hightower stated that at the last TBCJ meeting, Janice Harris Lord had requested that he report on some of the areas that the medical director may provide to the CMHCC, such as operational review audits or monitoring. He stated that the TDCJ medical director's report was included in the information packet to the TBCJ. Mr. Hightower advised the TBCJ members he would try to answer their questions. Ms. Lord stated that she appreciated the inclusion of the reports. She suggested that the TBCJ receive an abbreviated report from Dr. Linthicum, Director of Health Services Division, at another time.

Mr. Mechler asked if the TBCJ had any questions or comments. J. David Nelson inquired about the progress of the report required by the Supplemental Appropriations Bill by May 10, 2010, which addresses the lowering of health care costs or providing improved quality of health care given by the correctional managed health care partners. Mr. Hightower responded that Dr. James Griffin, Chairman of the CMHCC, has requested input from the health care partners. After Dr. Griffin's review of the requested documentation, the CMHCC will meet in early November to deliberate the issue and formulate a strategy regarding the report. After conferring with the author of the legislation, Mr. Hightower stated that the "or" that appears in the rider should actually be an "and" as far as the report is concerned. This means that the sentence should read, "...improve the quality of better health care and then consider the lowering of health care costs." The report should provide a clear picture of how to address any cost increases by using innovative ways to carry out the health care mission, which is providing the best medical care possible for less money. Mr. Nelson requested that during future reports Mr. Hightower include a progress summary on this important project.

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

Mr. John Bradley, Chairman of ACOOMMI, had no report.

Report from the Chairman, TBCJ

Due to the absence of Chairman Bell, there was no report.

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

Raymond Pyeatt, Director of the Internal Audit Division, provided the following update to the status report published in the agenda book:

FY 2008 Audit Plan

- **0807 – Business and Finance Division, Parole Division, Supervision and Restitution Fees:** An exit conference with the executive director was held on September 14, 2009. Revised responses are pending.

FY 2009 Audit Plan

- **0903 – Facilities Division, Maintenance:** After two exit conferences, staff responses to the draft report are pending.
- **0905 – Business and Finance Division, Business Administration, Correctional Institutions Division, Food Services:** The proposed final report has been forwarded to the chief of staff for review.
- **0909 – Texas Correctional Office on Offenders with Medical or Mental Impairments, Continuity of Care:** Internal audit senior staff are reviewing the draft report.
- **0910 – Parole Division, Case Tracking and Analysis:** The audit has moved back into fieldwork to answer questions regarding the draft report.
- **0911 – Correctional Institutions Division, Distribution of Offender Medication:** Internal audit senior staff are reviewing the draft report.
- **0912 – Administrative Review and Risk Management Division, Operational Review:** Internal audit senior staff are reviewing the draft report.
- **0913 – Manufacturing and Logistics Division, Texas Correctional Industries, Graphics Division:** The audit is in fieldwork.
- **0914 – Office of the Inspector General, Records Section:** The draft report was released on October 5, 2009. Staff responses are pending.
- **0917 - Windham School District, Employee Grievance:** The report is being written. Audit 0910 has the same lead auditor, which will slightly delay the release of the draft report.
- **0918 – Information Technology Division, Information System Security:** The audit is in control assessment and remains on schedule.
- **0921 – Rehabilitation and Reentry Programs Division, Youthful Offender Program:** The draft report was released on September 14, 2009. Staff responses have been received and the draft report is being revised.
- **0923 – Manufacturing and Logistics Division, Freight Transportation:** Staff responses to the draft report have been received. A discussion of these responses is ongoing at this time.
- **0924 – Correctional Institutions Division, Correctional Officer Retention:** The final report was released on August 3, 2009.
- **0925 – Texas Department of Criminal Justice, Internal Audit Division, Action Plan Tracking:** The proposed final report was released on September 23, 2009.

Mr. Pyeatt stated that the FY 2010 audits have been assigned on schedule and the updates would be in the December 2009 agenda book.

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

APPROVED

Mr. Steffa reviewed the purchases and contracts over \$1 million, which included the replacement of TDCJ personal computers and software, and the purchase of fleet vehicles to provide for TDCJ's transportation needs.

Discussion, Consideration, and Possible Action Regarding Repeal of Board Rule §159.3, Continuity of Care System for Offenders with Mental Impairments/Memorandum of Understanding (MOU)

APPROVED

Ms. Bozarth explained the purpose of the repeal of Board Rule §159.3, Continuity of Care System for Offenders with Mental Impairments/MOU, is to provide TDCJ flexibility in the negotiation process regarding the MOU with the Texas Department

of State Health Services, the Texas Department of Public Safety, and the 122 community supervision and corrections departments. The repeal of the rule would appear in the Texas Register for 30 days to receive public comment.

**Discussion, Consideration, and Possible Action Regarding
a Proposed Access Easement and Surface Lease of 431 Square Feet of Property
at the Houston Regional Parole Office to the City of Houston in Harris County**

APPROVED

Mr. Demny reviewed the proposed access easement and surface lease request by the City of Houston. He stated that the Business and Financial Operations Committee had received a detailed briefing of the proposed transaction, which would update and expand the City of Houston's radio system. The City of Houston agrees to pay on a monthly basis an amount totaling \$720 per year for this lease, which has a term of 10 years.

**Discussion, Consideration, and Possible Action Regarding
a Facilities Division Construction Project to Upgrade Electrical, Unit Wide
and Replace Heating, Ventilation and Air Conditioning (HVAC) in the Textile Mill
on the Huntsville Unit in Walker County, Huntsville, Texas**

APPROVED

Frank Inmon, Director of the Facilities Division, reviewed the upgrades to the transformer distribution equipment and wiring/grounding throughout the Huntsville Unit, which will address failing outdated equipment and code compliance issues. Additionally, the project includes the replacement of the heating, ventilation, and air conditioning (HVAC) equipment at the Textile Mill. Mr. Inmon noted that the Business and Financial Operations Committee received a detailed briefing on the project, which originally had been two projects. The selection of one contractor simplified and expedited the bid process. Mr. Inmon requested that the TBCJ approve the project for a total program cost of \$4,642,400.

Mr. Mechler noted that combining the two projects provided the state with a cost savings of approximately \$1.5 million.

Mr. Mechler thanked the audience for attending the meeting. He announced that the next meeting of the TBCJ would be December 10-11, 2009, at the Hilton Austin, in Austin, Texas. Mr. Mechler adjourned the 145th meeting of the TBCJ at 10:25 a.m.