

Texas Board of Criminal Justice
164th Meeting



Minutes

January 11, 2013
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

**Radisson Hotel – Austin Room
111 Cesar Chavez at Congress
Austin, Texas 78701**

**January 11, 2013
12:15 – 12:45 AM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session

A. Recognitions

B. Consideration of Approval of Consent Items

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property
4. 163rd TBCJ Meeting Minutes
5. Excused Absences

C. Report from the Executive Director, Texas Department of Criminal Justice (TDCJ) –
Update on 2013 Legislative Session

D. Report from the Chairman, TBCJ

1. Monitoring of Community Supervision
2. Parole Supervision
3. Chairman's Fitness Challenge

E. Internal Audit Status Report for Fiscal Years 2012 – 2013

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

G. Discussion, Consideration, and Possible Action Regarding Readoption of Community
Justice Assistance Division Standards, Board Rules Title 37 Texas Administrative Code

1. 163.3, Objectives
2. 163.31, Sanctions, Programs, and Services
3. 163.36, Mentally Impaired Offender Supervision

H. Discussion, Consideration, and Possible Action Regarding a Facilities Division Construction Cost Increase to a Kitchen Renovation Project at the Pack Unit in Grimes County, Navasota, Texas

Recess

The TBCJ may discuss and/or take action on any of the items posted on this meeting agenda. The TBCJ may also convene into Executive Session on any of these matters when attorney-client privilege is warranted.

MINUTES OF THE TEXAS BOARD OF CRIMINAL JUSTICE

Meeting No. 164

The Texas Board of Criminal Justice (TBCJ or board) convened in regular session on Friday, January 11, 2013, at 12:52 p.m. at the Radisson Hotel in Austin, Texas. The board adjourned at 1:35 p.m.

TBCJ MEMBERS PRESENT:

Oliver Bell, Chairman
Tom Mechler, Vice Chairman
Leopoldo (Leo) Vasquez, III, Secretary
Eric Gambrell
Judge Larry Gist
Janice Harris Lord
Terrell McCombs
J. David Nelson
Carmen Villanueva-Hiles

TEXAS DEPARTMENT OF CRIMINAL JUSTICE STAFF PRESENT:

Brad Livingston, Executive Director
Bryan Collier, Deputy Executive Director
Mike Bell
Rudolph Brothers
C.F. Hazlewood
Scott Hornung
Sharon Felfe Howell
Frank Inmon
Sherry Koenig
Dr. Lannette Linthicum
Susan McHenry
Oscar Mendoza
Ron Steffa
Rick Thaler
Bruce Toney
Carey Welebob
April Zamora

OTHERS PRESENT:

John Newton, Legislative Budget Board; Veronica Casanova, WSD Interim Superintendent; and members of the media.

Call to Order

Chairman Bell convened the regular session of the 164th meeting of the TBCJ on Friday, January 11, 2013, at 12:52 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*. He stated the board would be conducting business from the agenda posted in the Texas Register.

Chairman Bell recognized John Newton, Legislative Budget Board staff representative.

Chairman Bell stated that the TBCJ is committed to providing the opportunity for public presentations on topics posted on the meeting agenda in accordance with Board Rule 151.4, "Public Presentations and Comments to the Texas Board of Criminal Justice." He noted that since no speaker registration cards were received, there would be no public presentations.

Recognitions

Chairman Bell recognized Jackie Edwards on his retirement after 28 years of service to the state of Texas. He read a resolution of commendation highlighting Mr. Edwards's career and achievements while serving the state. Brad Livingston, Executive Director, Texas Department of Criminal Justice (TDCJ or agency), commented that Mr. Edward's strong leadership would be missed. Mr. Edwards thanked the board and Mr. Livingston for their generous comments. He stated that it had been an honor to serve the TDCJ. Mr. Edwards introduced his youngest daughter, Jada. Applause followed.

Mr. Livingston recognized C.F. Hazlewood, Director, Manufacturing and Logistics Division, on receiving his 30 year service award with the state of Texas. Chairman Bell and Mr. Livingston presented Mr. Hazlewood with his service award. Applause followed.

Bruce Toney, Inspector General, recognized Chris Stallings, Deputy Director, Office of Inspector General, who is retiring after 20 years of service on January 31, 2013. Mr. Stallings thanked the board and Mr. Livingston for the recognition, stating it was an honor to work for such a highly motivated professional organization. Chairman Bell and Mr. Livingston presented Mr. Stallings with his 20 year service award. Applause followed.

Mr. Livingston recognized Oscar Mendoza as the director of the Administrative Review and Risk Management Division. Mr. Mendoza stated it was an honor to move forward in his role as part of Mr. Livingston's senior management team.

April Zamora, Director, Reentry and Integration Division (RID), recognized B.J. Wagner as the RID's deputy director. Ms. Wagner expressed her gratitude for the opportunity to work for the agency in her expanded position. Chairman Bell welcomed Ms. Wagner, noting that the board has high expectations of newly promoted staff.

Chairman Bell recognized the TDCJ employees who have achieved 25, 30, and 35 plus years of service with the state of Texas during the months of November and December, 2012. The TBCJ,

along with Mr. Livingston, expressed their deepest gratitude for the continued service of these employees.

(Attachment A – Employee Names)

Consideration of Approval of Consent Items

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property**
- 4. 163rd TBCJ Meeting Minutes**
- 5. Excused Absences**

Chairman Bell asked if there were any amendments or objections to the consent items as presented. Seeing none, Chairman Bell stated the consent items stand approved as presented.

Report from the Executive Director, Texas Department of Criminal Justice (TDCJ) Update on 2013 Legislative Session

Mr. Livingston provided an update on the 83rd Legislative Session. To date, two major bills have not been filed, the Sunset Legislation Bill and the General Appropriations Bill. Mr. Livingston promised to keep the board apprised of legislation significant to the agency.

Mr. Livingston advised that fiscal restraint will continue throughout the session. He expressed his confidence that at the end of the session the TDCJ will have sufficient funding to allow the progress and momentum in criminal justice programs to continue.

Chairman Bell advised that staff should provide legislators, many of whom are new to the legislature, the most accurate and forthright answers possible should they or their staff call for information. Mr. Livingston assured the board that his senior staff was focused and ready to work with the legislators and their staff.

Report from the Chairman, TBCJ

- 1. Monitoring of Community Supervision**
- 2. Parole Supervision**
- 3. Chairman's Fitness Challenge**

Chairman Bell recognized the Community Justice Assistance Division (CJAD) and the local community supervision and corrections departments (CSCDs) for notable successes regarding the supervision of offenders in the community. He mentioned the recent *Report to the Governor*

and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds prepared by CJAD, and how it documented the expansion of supervision and treatment programs made possible by increased appropriations resulted in decreasing revocation to TDCJ, decreasing technical revocations, increasing early termination from community supervision, and increasing use of treatment services to reduce risk. Chairman Bell recognized the CSCDs for their achievements and applauded the legislature for its substantial investment in community corrections. Chairman Bell commended CJAD for their efforts to implement the state leadership's strategy of reducing caseloads, increasing the availability of substance abuse treatment options, promoting evidence-based progressive sanctions models, and providing community sentencing options.

Chairman Bell stated that at the last board meeting the Board of Pardons and Paroles (BPP) Presiding Officer Rissie Owens noted during her overview of the BPP Fiscal Year annual report the continued decline in revocations, especially technical revocations. He expressed his opinion that the continued decline in technical revocations is due both to the BPP and the Parole Division emphasizing the use of graduated sanctions as they address violations of supervision. Ms. Owens had advised that TDCJ's pre-release programs have influenced parole board members to approve release contingent upon successful completion of rehabilitation programming. Chairman Bell praised the BPP, the Parole Division, and the Rehabilitation Programs Division for effectively working together to benefit the offenders and the public.

Chairman Bell noted that the first quarter results of the fitness challenge were released last week. He commended the employees on their tremendous success. The challenge theme this year is "Our steps to 13 in 2013" with a goal to achieve 13 million points by the end of the fiscal year. During the first quarter participating employees accumulated over 15 million points. Chairman Bell thanked everyone for their great work and continued support of the initiative.

Internal Audit Status Report for Fiscal Years 2012 – 2013

Scott Hornung, Director for Internal Audit, provided the following revisions to the handout of the Internal Audit Status Report for the FY 2011 - 2013:

- **1122 – Rehabilitation Programs Division, Substance Abuse Treatment Programs:** The final report has been released.
- **1216 – Information Technology Division, Information System Security:** The draft report has been released.

Chairman Bell asked if there were any questions; there were none.

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

Ron Steffa, Deputy Chief Financial Officer, reviewed the contract over \$1 million which is an increase to the FY 13 contract for soybean meal in the amount of \$1,363,428 from the amount

previously approved at the June 2012 board meeting. The contract increase is due to an increase in the product's market price.

Chairman Bell asked if there were any questions. Seeing none, he called for a motion and a second.

Tom Mechler moved that the Texas Board of Criminal Justice approve the purchases and contracts over \$1 million, as presented.

Leo Vasquez seconded the motion which prevailed unanimously when called to a vote.

Discussion, Consideration, and Possible Action Regarding Readoption of Community Justice Assistance Division Standards, Board Rules Title 37 Texas Administrative Code

1. 163.3, Objectives

Sharon Felfe Howell, General Counsel, reviewed the proposed readoption of 163.3, Objectives, pursuant to the statute that rules be reviewed every four years. Being there were no proposed amendments to the rule, the rule was published in the November 2, 2012, issue of the Texas Register for public comment. The 30 day comment period has passed with no comments received. Ms. Howell recommended that the board move forward with the final adoption.

Chairman Bell asked if there were any questions or comments. Seeing none he called for a motion and a second.

Mr. Vasquez moved that the Texas Board of Criminal Justice readopt Community Justice Assistance Division Standards, Board Rule Title 37 Texas Administrative Code section 163.3 regarding Objectives, and that the chairman sign the order to this effect.

Terrell McCombs seconded the motion, which prevailed unanimously when called to a vote.

2. 163.31, Sanctions, Programs, and Services

Ms. Howell stated that 163.31, Sanctions, Programs, and Services, was being proposed for readoption pursuant to the statute that rules be reviewed every four years. Being there were no proposed amendments to the rule, the rule was published in the November 2, 2012, issue of the Texas Register for public comment. The 30 day comment period has passed with no comments received. Ms. Howell recommended that the board move forward with the final adoption.

Chairman Bell asked if there were any questions or comments. Seeing none he called for a motion and a second.

Judge Larry Gist moved that the Texas Board of Criminal Justice readopt Community Justice Assistance Division Standards, Board Rule Title 37 Texas Administrative Code section 163.31 regarding Sanctions, Programs, and Services, and that the chairman sign the order to this effect.

David Nelson seconded the motion, which prevailed unanimously when called to a vote.

3. 163.36, Mentally Impaired Offender Supervision

Ms. Howell noted that 163.36, Mentally Impaired Offender Supervision, was proposed for readoption pursuant to the statute that rules be reviewed every four years. Being there were no proposed amendments to the rule, the rule was published in the November 2, 2012, issue of the Texas Register for public comment. The 30 day comment period has passed with no comments received. Ms. Howell recommended that the board move forward with the final adoption.

Chairman Bell asked if there were any questions or comments. Seeing none he called for a motion and a second.

Mr. Nelson moved that the Texas Board of Criminal Justice readopt Community Justice Assistance Division Standards, Board Rule Title 37 Texas Administrative Code section 163.36 regarding Mentally Impaired Offender Supervision, and that the chairman sign the order to this effect.

Carmen Villanueva-Hiles seconded the motion which prevailed unanimously when called to a vote.

Discussion, Consideration, and Possible Action Regarding a Facilities Division Construction Cost Increase to a Kitchen Renovation Project at the Pack Unit in Grimes County, Navasota, Texas

Frank Inmon, Facilities Division Director, advised that earlier in the day the Business and Financial Operations Committee received a detailed briefing on the cost increase to the kitchen renovation project at the Pack Unit. He requested that the board approve the request for a program budget of \$6,118,600.

Mr. McCombs moved that the Texas Board of Criminal Justice approve a not to exceed budget of \$6,118,600 for kitchen renovations at the Pack Unit in Grimes County, Navasota, Texas, as presented.

Judge Gist seconded the motion, which prevailed unanimously when called to a vote.

For the record, Chairman Bell stated the executive session as posted in the Texas Register was cancelled.

Adjournment

There being no further business, Chairman Bell adjourned the 164th meeting of the Texas Board of Criminal Justice at 1:35 p.m.

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Vice Chairman

Secretary

*Signature on File

Note: Attachment to the minutes are available upon written request from the Office of Record, Executive Services.