

**Texas Board of Criminal Justice**  
***177th Meeting***



**Minutes**

**February 20, 2015**  
**Austin, Texas**

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**TEXAS BOARD OF CRIMINAL JUSTICE**

**Omni Hotel Downtown Austin – Lone Star Room  
700 San Jacinto Street  
Austin, Texas 78701**

**February 20, 2015  
1:15 – 1:45 PM**

**ORDER OF BUSINESS**

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*Call to Order*

*Convene Texas Board of Criminal Justice (TBCJ)*

I. Regular Session

A. Recognitions

B. Consideration of Approval of Consent Items (*Pages 1-6*)

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property
4. 176th TBCJ Meeting Minutes
5. Excused Absences

C. Election of Officers

D. Report from the Presiding Officer, Texas Board of Pardons and Paroles – Overview of the Texas Board of Pardons and Paroles Fiscal Year 2014 Annual Review

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

F. Report from the Chairman, TBCJ

G. Discussion, Consideration, and Possible Action Regarding Selection of the Director of the Internal Audit Division

H. Internal Audit Status Report for Fiscal Years 2014 – 2015

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

J. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to GR-106, Disciplinary Rules and Procedures for Offenders (*Pages 7-55*)

- K. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy BP-02.08, “Policy Statement of Internal Controls” (*Pages 56-62*)
- L. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rules Title 37 Texas Administrative Code (*Pages 63-69*)
  - 1. 159.15, GO KIDS Initiative
  - 2. 163.37, Reports and Records
- M. Discussion, Consideration, and Possible Action Regarding a Request for Pipeline Easements at the Clemens Unit in Brazoria County, Texas (*Pages 70-71*)

*Recess/Adjourn*

*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. 177

The Texas Board of Criminal Justice (TBCJ or board) convened in regular session on Friday, February 20, 2015, at 1:22 p.m. at the Omni Hotel Downtown, Austin, Texas. The board adjourned at 2:24 p.m.

**BOARD MEMBERS PRESENT:** Oliver Bell, Chairman  
Carmen Villanueva-Hiles  
Janice Harris Lord  
Terrell McCombs  
Larry Miles  
Thomas P. Wingate

**BOARD MEMBERS ABSENT:** Leopoldo (Leo) Vasquez, III, Secretary  
Eric Gambrell  
Judge Larry Gist

**TDCJ STAFF PRESENT:** Brad Livingston, Executive Director  
Bryan Collier, Deputy Executive Director  
Jeff Baldwin Sherry Koenig  
Mike Bell Bobby Lumpkin  
Rudolph Brothers Angie McCown  
Christopher Cirrito Jerry McGinty  
Jason Clark Madeline Ortiz  
Matt Demny Ron Steffa  
Marie Freeland William Stephens  
Patty Garcia Bruce Toney  
Sharon Howell Carey Welebob  
Frank Inmon April Zamora  
Stuart Jenkins

**OTHERS PRESENT:** The Honorable Judge Dale Spurgin, Jones County; and members of the media.

### **Convene Texas Board of Criminal Justice**

Chairman Oliver Bell convened the 177th meeting of the TBCJ on Friday, February 20, 2015, at 1:22 p.m. He noted that a quorum was present and declared the meeting open in accordance with Chapter 551, Texas Government Code, the *Open Meetings Act*. He stated that during the regular session, the board would conduct business from the agenda posted in the *Texas Register*.

Chairman Bell recognized The Honorable Judge Dale Spurgin, Jones County; and members of the media.

Chairman Bell stated 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. As no registration cards were received by board staff, no comments were heard.

### **Recognitions**

Chairman Bell recognized Scott Hornung upon his retirement from the position of Internal Audit Division Director, thanked him for 25 years of excellent service to the TDCJ, and presented him with a resolution of commendation. Brad Livingston, Texas Department of Criminal Justice (TDCJ) Executive Director, echoed commendations and appreciation, joined by Mr. Terrell McCombs, Judge Thomas Wingate, Ms. Carmen Villanueva-Hiles, and Ms. Janice Harris Lord. Mr. Hornung thanked the board and TDCJ staff for the honor of working with them.

Mr. Livingston recognized Angie McCown, Victim Services Division Director, as this year's recipient of the Joe Kegans Award for Victim Services in Probation and Parole, from the American Probation and Parole Association. He acknowledged her exemplary services to victims of crime, and commended her for a job well done. Ms. McCown thanked Mr. Livingston.

Madeline Ortiz, Rehabilitation Programs Division Director, introduced Marvin Dunbar as the new deputy director of the Rehabilitation Programs Division. She described his career and accomplishments with the TDCJ, and said he is an asset to the division. Mr. Dunbar thanked the board for the opportunity to serve.

Sharon Howell, General Counsel, introduced Kamilla Stokes as the new director of litigation support for the Office of General Counsel. She summarized Ms. Stokes' career, including experience in the attorney general's office, cited her expertise with medical cases, and stated she was pleased to have her serve in this capacity. Ms. Stokes thanked Ms. Howell and the board for the opportunity.

Stuart Jenkins, Parole Division Director, introduced Kimberli Campbell as the new director of parole region three, which encompasses Houston and the surrounding area. He described her career path and expressed his confidence in her success. Ms. Campbell thanked the board.

Jerry McGinty, Chief Financial Officer, recognized Ron Steffa, deputy director of the Business and Finance Division, for attaining 25 years of service to the TDCJ.

Mr. McGinty recognized Matt Demny, Agribusiness, Land and Minerals Director, and congratulated him for 30 years of service to the TDCJ.

Chairman Bell recognized the TDCJ employees who have attained 25, 30, and 35 plus years of service with the state of Texas during the months of December 2014 and January 2015. The TBCJ, along with Mr. Livingston, voiced their deepest gratitude for the dedicated 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. 176th TBCJ Meeting Minutes**
- 5. Excused Absences**

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

## **Election of Officers**

Chairman Bell explained the requirement for election of a vice-chairman and secretary, each odd numbered year, in accordance with Board Rule 151.3. He asked for a motion.

*Ms. Hiles moved that the board approve the nomination of Terrell McCombs as vice-chairman and that the board approve the nomination of Leo Vasquez as secretary of the Texas Board of Criminal Justice.*

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

## **Report from the Presiding Officer, Texas Board of Pardons and Paroles (BPP) – Overview of the Texas Board of Pardons and Paroles Fiscal Year 2014 Annual Review**

Rissie Owens, the presiding officer of the Texas BPP presented the FY 2014 annual review. She introduced the following BPP members: Board Administrator Timothy McDonnell; General Counsel Betty Wells; and Budget Director Kyle Britt. Chairman Bell commended the BPP for the low rate of technical violations. Judge Wingate inquired if the technical revocation percentages could be reported separately for those who committed a new felony, from those who committed a new misdemeanor. Ms. Owens assured him she would look into it and follow up with a response. Mr. McCombs asked why more offenders with a severe chronic illness were not granted a medical release. Ms. Owens explained that the BPP review for early release, according to statutory guidelines, must be limited to specified offense categories. Chairman Bell thanked Ms. Owens for her presentation.

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

### **Update on the 84th Legislative Session**

Mr. Livingston reported the 84th Legislative Session is more than 25% complete, with the committees chosen and discussions underway. He named the committees of primary interaction

with the TDCJ, and said he had already attended a House Appropriations Subcommittee hearing which began discussing the exceptional budget items presented to the Texas Board of Criminal Justice last August. Agency priorities continue to be: compensation for correctional officer and parole staff; pension fund stability for state employees; infrastructure; and treatment and diversion programs. Upcoming meetings pertaining to the TDCJ include a budget hearing with the Senate Finance Committee, and an overview meeting with the House Committee on Corrections. Mr. Livingston said that throughout the appropriations process there will be an opportunity to discuss and highlight the priority and exceptional items contained in the FY 2016-2017 Legislative Appropriations Request.

### **Condolences - January 14, 2015, Offender Transportation Vehicle Accident**

Mr. Livingston offered condolences to the family, friends, and co-workers of those involved in the tragic accident on January 14, 2015, when two officers and eight offenders were killed, and one officer and four offenders were seriously injured. Mr. Livingston wished a full recovery for all who were injured, and recognized the officers and all TDCJ staff for sacrifices made daily, in the line of duty, as they risk their safety to protect the public. He assured the board that correctional officers Davis and Garcia would be honored in the Fallen Officers Memorial Ceremony.

Chairman Bell expressed the board's deepest sympathies and condolences to the families of the correctional officers and offenders who died in the accident, and wished a speedy recovery for those who survived.

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

#### **Focus on Leadership**

Chairman Bell commented that, due to the legislative session, additional demands may be placed on staff. He acknowledged the exceptional performance of the TDCJ executive administration, in keeping abreast of legislative activities, and preparing for future operational, personnel, and fiscal needs. Mr. Livingston and the management team routinely examine areas of the agency such as security, health care, training, industry, agriculture, faith based programs, rehabilitation programs, probation programs, and parole programs. As an ongoing effort, leaders analyze cost, evaluate effectiveness, and review the structure for ways to improve. Chairman Bell commended them for their continued excellence.

### **Discussion, Consideration, and Possible Action Regarding the Selection of the Director of the Internal Audit Division**

Chairman Bell announced the selection of Christopher Cirrito, as the new director of the Internal Audit Division. He explained the board's selection process, the duties of the director, and highlighted Mr. Cirrito's career experience. Mr. Cirrito thanked the board for the opportunity.

*Mr. McCombs moved that the Texas Board of Criminal Justice approve the selection of Christopher Cirrito as the Director of the Internal Audit Division, to be effective February 1, 2015.*

*Pastor Miles seconded the motion, which prevailed unanimously when called to a vote.*

### **Internal Audit Status Report for Fiscal Years 2014 – 2015**

Mr. Cirrito reviewed the Internal Audit Status Report for Fiscal Years 2014 – 2015. He provided the following update:

- **1503 – Business and Finance Division, Agribusiness Land and Minerals Economist:** Status has moved from control assessment to field work.

Chairman Bell asked if there were questions. Seeing none, he thanked Mr. Cirrito for his presentation.

*(Attachment B – Texas Department of Criminal Justice Internal Audit Division Fiscal Years 2014-2015 Status Report as of 2/12/15)*

### **Discussion, Consideration, and Possible Action Regarding Proposed Amendments to GR-106, Disciplinary Rules and Procedures for Offenders**

Ms. Howell presented the proposed amendments to GR-106, Disciplinary Rules and Procedures for Offenders, stating most of the revisions involved grammar and formatting. She said the definition of sexual abuse was revised to conform to Prison Rape Elimination Act standards, and noted suspension of telephone privileges was placed under minor penalties as a discretionary option.

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

*Mr. McCombs moved that the Texas Board of Criminal Justice approve amendments to the Texas Department of Criminal Justice Disciplinary Rules and Procedures for Offenders, as presented.*

*Ms. Hiles seconded the motion which prevailed unanimously when called to a vote.*

### **Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy 02.08, Policy Statement of Internal Controls**

Ms. Howell presented the proposed revisions to Board Policy 02.08, Policy Statement of Internal Controls. Although sections were rearranged for grammar, formatting, and clarity, there were no substantive procedural revisions.

*Ms. Hiles moved that the Texas Board of Criminal Justice approve the revisions to Board Policy 02.08, Policy Statement of Internal Controls, as presented.*

*Judge Wingate seconded the motion which prevailed unanimously when called to a vote.*

### **Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rules Title 37 Texas Administrative Code**

#### **Section 159.15, GO KIDS**

Ms. Howell stated the board, at the October meeting, authorized publication of the amended Board Rule 159.15, GO KIDS, in the *Texas Register*. It was published October 31, 2014, and after 30 days, no public comments were received; therefore, Ms. Howell asked the board to adopt the amended rule.

*Ms. Lord moved that the Texas Board of Criminal Justice adopt Title 37 Texas Administrative Code section 159.15, GO KIDS, as published in the Texas Register, and that the chairman sign the order to this effect.*

*Mr. McCombs seconded the motion which prevailed unanimously when called to a vote.*

#### **Section 163.37, Reports and Records**

Ms. Howell stated the board, at the December meeting, authorized publication of the amended Board Rule 163.37, Reports and Records, in the *Texas Register*. The rule appeared in the December 26, 2014, issue. After 30 days, no public comments were received; therefore, Ms. Howell asked the board to adopt the amended rule.

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

*Judge Wingate moved that Texas Board of Criminal Justice adopt Title 37 Texas Administrative Code section 163.37, Reports and Records, as published in the Texas Register, and that the chairman sign the order to this effect.*

*Ms. Hiles seconded the motion which prevailed unanimously when called to a vote.*

Chairman Bell thanked Ms. Howell for her presentations.

**Discussion, Consideration, and Possible Action Regarding A Request for Pipeline Easements at the Clemens Unit in Brazoria County, Texas**

Mr. Demny presented the request from Phillips 66 Pipeline, LLC, for six easements, to install natural gas liquids pipelines at the Clemens Unit, in Brazoria County. For the combined easements, encompassing 11.15 acres of land, they agreed to pay \$750,117.00, with a 10 year term. Mr. Demny recommended the board approve the request.

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

*Pastor Miles moved that the Texas Board of Criminal Justice approve the request for pipeline easements at the Clemens Unit in Brazoria County, Texas, as presented.*

*Ms. Hiles seconded the motion which prevailed unanimously when called to a vote.*

Chairman Bell thanked Mr. Demny for his presentation.

Chairman Bell thanked everyone for attending, welcomed all the new leaders in the 84th Legislative Session, and announced the next meeting of the TBCJ would be Friday, April 17, 2015, at the Omni Hotel Downtown in Austin.

**Adjournment**

There being no further business for the regular session, Chairman Bell adjourned the 177th meeting of the Texas Board of Criminal Justice at 2:24 p.m.

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Chairman

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Secretary

*\* Signature on file*

*Referenced attachments are available upon request from Executive Services, the office of record.*