

Texas Board of Criminal Justice
178th Meeting



Minutes

April 17, 2015
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

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

**April 17, 2015
11:00 AM – 12:00 PM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session

20th Annual Governor's Criminal Justice Volunteer Service Awards Ceremony

Recess

TEXAS BOARD OF CRIMINAL JUSTICE

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

**April 17, 2015
1:15 – 1:45 PM**

ORDER OF BUSINESS

Call to Order

Reconvene Texas Board of Criminal Justice (TBCJ)

I. Regular Session

A. Recognitions

B. Consideration of Approval of Consent Items (*Pages 1-7*)

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property
4. 177th TBCJ Meeting Minutes
5. Excused Absences

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

D. Report from the Chairman, TBCJ

E. Internal Audit Status Report for Fiscal Years 2014-2015

F. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million (*Pages 8-9*)

G. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code Section 163.45, Distribution of Community Corrections Funding (*Pages 10-11*)

H. Public Comments

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. 178

The Texas Board of Criminal Justice (TBCJ or board) convened in regular session on Friday, April 17, 2015, at 11:00 a.m. at the Omni Hotel, Austin, Texas. The board recessed at 12:02 p.m., reconvened in regular session at 1:15 p.m., and adjourned at 1:55 p.m.

BOARD MEMBERS PRESENT: Oliver Bell, Chairman
Terrell McCombs, Vice Chairman
Leopoldo (Leo) Vasquez, III, Secretary
Eric Gambrell
Judge Larry Gist
Carmen Villanueva-Hiles
Janice Harris Lord
Thomas P. Wingate

BOARD MEMBERS ABSENT: Larry Miles

TDCJ STAFF PRESENT: Brad Livingston, Executive Director
Bryan Collier, Deputy Executive Director
Mike Bell Bobby Lumpkin
Rudolph Brothers Jerry McGinty
Christopher Cirrito Madeline Ortiz
Jason Clark Ron Steffa
Marie Freeland William Stephens
Patty Garcia Carey Welebob
Sharon Howell April Zamora
Sherry Koenig

OTHERS PRESENT: The Honorable Judge Dale Spurgin, Jones County; Dr. Clint Carpenter, Superintendent of Windham School District; and members of the media.

Convene Texas Board of Criminal Justice

Chairman Oliver Bell convened the 178th meeting of the TBCJ on Friday, April 17, 2015, at 11:00 a.m. He noted 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*.

20th Annual Governor's Criminal Justice Volunteer Service Awards Ceremony

Chairman Bell welcomed all honored guests joining the TBCJ for the 20th Annual Governor's Criminal Justice Volunteer Service Awards Ceremony. He thanked the volunteer's generosity and then recognized those present to receive an award, as well as the thousands they represent. He introduced a video greeting from Governor Greg Abbott, who was unable to attend. Governor Abbott welcomed the volunteers, and acknowledged the partnership of their mission with that of the TDCJ. Volunteers encourage public safety by positively influencing offenders' behavior, by empowering them in their transition from confinement to the workforce and community, and by aiding and comforting victims. Those being honored represent a combined influence of more than 20,000 TDCJ volunteers, who contributed a total of more than 400,000 hours of service last year. On behalf of the first lady, the TBCJ, and the state of Texas, Governor Abbot extended heartfelt gratitude and blessing to volunteers for making Texas stronger and safer, and making a difference in the lives of Texans.

Brad Livingston, Executive Director of the Texas Department of Criminal Justice (TDCJ or agency) welcomed the honored guests, and celebrated two decades of collaboration of volunteers and the TDCJ. He praised their passion, skills, experience, vision, leadership, and inspiration. Although backgrounds and life experiences vary, volunteers share a common willingness to give their time, the most valuable resource, and to engage those often overlooked. Their actions do not go unnoticed; their selfless contributions make a difference. Texas has one of the lowest recidivism rates in the country, approximately 21%. Mr. Livingston said this would not be possible without volunteers, and voiced the TDCJ's commitment to look for unique and creative ways to continue partnering with their efforts. He thanked them on behalf of the TDCJ and the state of Texas.

Chairman Bell introduced the keynote speaker, The Honorable Nathan L. Hecht, Chief Justice of the Supreme Court of Texas. Judge Hecht commended the volunteers for their wonderful service, and shared his personal experience of participating in a prison ministry. He conveyed the judiciary's concern regarding the way criminal defendants are treated in Texas. He highlighted the efforts of specialty courts in Texas, which have the option to consider a defendant for alternative sentencing, rather than automatic incarceration. He shared his passionate commitment to justice, one of our most fundamental values, and described the referral system designed to guarantee legal representation to the poor. He said a justice system that cannot be reached is not a justice system at all, and reported Texas lawyers donated two million hours, valued at approximately \$100 million, for legal services to those in need last year. He closed his remarks by acknowledging the greatness of the award recipients.

Chairman Bell thanked Judge Hecht for his remarks and presented him with a chairman's coin as a token of appreciation from the board.

Chairman Bell yielded the floor to Judge Thomas Wingate, Master of Ceremonies, for the awards ceremony. Judge Wingate greeted the audience and stated the individuals being recognized represent the high caliber of volunteers who make a difference in the lives of those they serve. Volunteers offer a wide range of assistance to offenders by providing programs which strengthen family relationships, improve life skills, and ensure successful reentry to the community. They also provide inspiration and assistance to TDCJ staff.

Judge Wingate also acknowledged the Rehabilitation Programs Division staff and the TBCJ office staff who worked collectively on this ceremony. The listed individuals and organizations were chosen to receive the following awards:

Maureen Whiteside, *Chaplaincy Department*
John T. Thornbury, *Correctional Institutions Division*
Military Veteran Peer Network, *Reentry and Integration Division*
Ruby M. Woodward, *Nancy Hees Award-Parole Division*
Jessie Mojica, *Private Facility Contract Monitoring/Oversight Division*
Chainbreaker Ministry, *Religious Service*
Terry Theall-Jones, *Religious Service*
Martha "Marti" Martin, *Sex Offender Rehabilitation Programs*
Shirley Miller, *Substance Abuse Treatment Program*
Jessica Middleton, *Pathfinder Award-Victim Services Division*
Charles M. Fisk, *Judy Burd Award-Windham School District*
William "Bill" Kleiber, *Restorative Justice*
Alice Smith-San Saba Offender Choir, *Susan Cranford Award-Female Offender Program*
The Winning Edge, *Most Innovative Program*
Hospitality House of Huntsville, *Community Service*
"Honor Thy Father," *Best Family Program*
LaDonna Bell, *Leonard Davis Award for Most Hours Served*
Antonio Morga, *Extensive Travel*
George Nelson, *TDCJ Employee Volunteer*
James Jones, *Criminal Justice Administrator*
Tom Owens, *Carol S. Vance Volunteer of the Year*

Judge Wingate yielded the floor to Carol Vance, former chairman of the TBCJ, to present Tom Owens with the *Carol S. Vance Volunteer of the Year Award for 2014*. Tom's brother, John Owens, accepted the award on his behalf.

Judge Wingate thanked Mr. Vance for his continued support, and commended the exceptional group of volunteers.

Chairman Bell thanked the volunteers and board staff, and mentioned all the board members are also volunteers. There being no further business at this time, Mr. Bell recessed the 178th meeting of the TBCJ. He advised the board would reconvene in regular session at 1:15 p.m.,

with the Business and Financial Operations Committee meeting scheduled for 1:00 pm. The time was 12:02 p.m.

(Attachment A – Program for 20th Annual Governor’s Criminal Justice Volunteer Service Awards)

MINUTES OF THE TEXAS BOARD OF CRIMINAL JUSTICE

Meeting No. 178

The Texas Board of Criminal Justice (TBCJ or board) reconvened in regular session on Friday, April 17, 2015, at 1:15 p.m. at the Omni Hotel Downtown, Austin, Texas.

BOARD MEMBERS PRESENT: Oliver Bell, Chairman
Terrell McCombs, Vice Chairman
Leopoldo (Leo) Vasquez, III, Secretary
Eric Gambrell
Judge Larry Gist
Carmen Villanueva-Hiles
Janice Harris Lord
Thomas P. Wingate

BOARD MEMBERS ABSENT: Larry Miles

TDCJ STAFF PRESENT: Brad Livingston, Executive Director
Bryan Collier, Deputy Executive Director
Mike Bell Sherry Koenig
Rudolph Brothers Bobby Lumpkin
Christopher Cirrito Jerry McGinty
Jason Clark Oscar Mendoza
Matt Demny Paul Morales
Marie Freeland Ron Steffa
Patty Garcia William Stephens
Sharon Howell Carey Welebob
Frank Inmon April Zamora
Stuart Jenkins

OTHERS PRESENT: The Honorable Judge Dale Spurgin, Jones County; Dr. Clint Carpenter, Superintendent of Windham School District; and members of the media.

Convene Texas Board of Criminal Justice

Chairman Oliver Bell reconvened the 178th meeting of the TBCJ on Friday, April 17, 2015, at 1:15 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 TBCJ. As two registration cards were received by board staff, Chairman Bell postponed further instructions until the public comment period listed later on the agenda.

Recognitions

Brad Livingston, Executive Director of the Texas Department of Criminal Justice (TDCJ or agency) recognized April Zamora, Reentry and Integration Division Director, for her 20 years of service to the state. He highlighted her career, through the Texas Youth Commission, the TDCJ, beginning with the Parole Division, and most recently, the Reentry and Integration Division. He commended her dedication and leadership in innovative programming.

Mr. Livingston recognized Bryan Collier for 30 years of excellent service to the TDCJ, cited his many positions, and attested Mr. Collier's wide experience enabled him to resolve complicated issues and therefore provide excellent support as the deputy director.

Chairman Bell echoed commendations of April Zamora and Bryan Collier, and voiced appreciation for Mr. Collier's remarkable ability to communicate and coordinate with staff throughout the agency.

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 February and March 2015. The TBCJ, along with Mr. Livingston, expressed 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. 177th TBCJ Meeting Minutes**
- 5. Excused Absences**

Chairman Bell noted the excused absences of Terrell McCombs and Thomas Wingate from the December 2014 TBCJ meeting due to personal business, and the excused absences of Leo Vasquez, Larry Gist, and Eric Gambrell from the February 2015 meeting, due to personal business. He asked if there were any amendments, objections, or abstentions to the proposed consent items. Seeing none, the consent items stand approved.

Report from the Executive Director

Update on the 84th Legislative Session

Mr. Livingston reported that both the House and Senate had taken action on their version of the appropriations bill. Mr. Livingston highlighted the approved budget items relating to TDCJ, such as infrastructure repairs, pay raises for correctional officers and parole staff, reentry and diversion program funding, and employee retirement packages. Final decisions for all the requested budget items must be made during the remaining 45 days of the session. He also mentioned that unlike the legislative session two years ago, the 84th Legislative Session did not include any Sunset legislation impacting the agency.

Chairman Bell asked if there were any questions, and mentioned that any members of the board traveling to Austin need only contact the executive office if they wish to attend any of the hearings or meetings during the remainder of the session. There were no questions.

Report from the Chairman, TBCJ

National Crime Victims' Rights Week April 19-25, 2015

Chairman Bell featured National Crime Victims' Rights Week, which, every April, promotes awareness of victims' rights, and compassion to those impacted by crime. This year's theme, "Engaging Communities, Empowering Victims," challenges the entire community to take a greater role of support by empowering victims to direct their own recovery. He said the board and agency have committed to assist victims throughout the criminal justice system, and not leave them at the crime scene. He recommended visiting the TDCJ website to obtain detailed information regarding community resources, networks, and further assistance throughout the year.

Chairman's Fitness Challenge

Chairman Bell reported the conclusion of the second quarter of the 2015 Chairman's Fitness Challenge and named the top three winning departments in each of the seven divisions. Chairman Bell announced the third quarter challenge, "Play Ball" from April 13th to May 24th, and encouraged staff to continue participating in the challenges and incorporating physical activity into their daily lifestyle.

Internal Audit Status Report for Fiscal Years 2014-2015

Christopher Cirrito, Internal Audit Division Director, presented the TDCJ Internal Audit Division Fiscal Years 2014-2015 Status Report, and provided the following updates.

- **1505 – Parole Division, Absconder Identification:** Status has moved from unassigned to background.
- **1507 – Rehabilitation Programs Division, DNA Collection:** Status has moved from control assessment to field work.
- **1510 – Information Technology Division, Video Conferencing:** Status has moved from unassigned to background.

- **1511 – Community Justice Assistance Division, Fiscal Management – CSCD Insurance:** Status has moved from unassigned to delayed, and will be assigned at a later date.
- **1515 – Rehabilitation Programs Division, Individual Treatment Plan:** Status has moved from unassigned, to assigned.

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 4/7/15)

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

Jerry McGinty, Chief Financial Officer, reviewed the 21 purchases and contracts over \$1 million. He commented April and June board meetings typically see longer lists as they include purchases for operations in the new fiscal year. The first two items, related to the FY2015 budget, allow response to a request from the Department of Motor Vehicles for additional license plates. He discussed the new purchases related to Texas Correctional Industries (TCI), primarily raw materials for products to be sold to the state and other agencies, such as traffic signs, license plates, modular panels, furniture, and cardboard boxes. Within the agency, agriculture and textile purchases provide offender food, sheets, and clothing. Mr. McGinty explained the items with a 10% variance allow for market fluctuations. Item #20 renews the contract for programming system support and database administration. The final item, a \$75 million contract for electricity services at various facilities, covers the 2017, 2018, and 2019 calendar years. The negotiation takes advantage of the deregulated market, similar to the earlier contract for 2014, 2015, and 2016.

Chairman Bell called for questions. Mr. McCombs asked if item #3, (John Deere tractor parts), was purchased locally, and whether out of state or national companies are eligible for contracts with the TDCJ. Mr. McGinty responded yes, the tractor parts were purchased in Texas due to the best discount price. The procurement process does include out of state bids; for example, a company from Mexico obtained a contract for canning. He explained when the state is the purchaser, the comptroller's office awards contracts on behalf of the TDCJ; however, as in the selection of John Deere tractor parts, the comptroller may defer to the expertise of the TDCJ for final award.

Mr. McCombs asked if multiple bids are typical. Mr. McGinty responded yes. Chairman Bell added the procurement practices reflect a healthy mix between the comptroller's office and the TDCJ.

Chairman Bell asked for further questions. Mr. Gambrell abstained from voting as his firm represents 3M and John Deere Tractors. Seeing no further questions, he called for a motion and second, noting the abstention of Mr. Gambrell.

Mr. McCombs noted the abstention of Mr. Gambrell, and moved that the Texas Board of Criminal Justice approve the purchases and contracts over \$1 million, as presented.

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

Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code Section 163.45, Distribution of Community Corrections Funding

Sharon Howell, General Counsel, presented the proposed amendment to Board Rule 163.45, Distribution of Community Corrections Funding, to spell out the acronym, “Texas Department of Criminal Justice.”

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

Judge Gist moved that the Texas Board of Criminal Justice approve amendments to Board Rule Title 37 Texas Administrative Code section 163.45, Distribution of Community Corrections Funding, as presented.

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

Chairman Bell thanked Ms. Howell for her presentation.

Public Comment Period

Chairman Bell presented the format for receiving public comments. The first speaker, Lanesia Wheeler, prefaced her comments with praise for the volunteer awards ceremony, stating it gave her hope that people care. Ms. Wheeler reported disrespectful treatment in visiting her husband who is incarcerated at the Michael Unit. She asked that TDCJ policies be enforced, and requested a phone number to report abuse of power and misconduct of staff, including the warden, who did not return her calls. Chairman Bell urged her to submit her documents to the board staff, in order to receive an official response, and suggested she may be able to speak to a staff member before leaving Austin, such as William Stephens, Correctional Institutions Division Director. Ms. Wheeler replied she had spoken with him before the meeting. Chairman Bell acknowledged the initiation of the process and wished her safe travels, and Ms. Wheeler thanked the board.

The second speaker, Frances Vaughn, said her husband, housed in administrative segregation at the Allred Unit, complained of severe pain, but was not moved to the infirmary for 24 hours, resulting in a ruptured appendix, gangrene, kidney failure, and pneumonia. After three weeks in a free world hospital, he was returned to the unit for a few days, then returned to the hospital. Ms. Vaughn complained of difficulty getting return calls or information about her husband’s health, and disrespectful, rude treatment by the warden and assistant warden. She sent emails to Dr. Lannette Linthicum, Robert Eason, and Jason Heaton, and they agreed to look into the

matter. Chairman Bell acknowledged the process had been initiated and Ms. Vaughn thanked the board.

Chairman Bell thanked everyone for attending, and announced the next meeting of the TBCJ would be Wednesday, June 10, 2015, at the Wyndham Garden Hotel in Austin.

Adjournment

There being no further business for the regular session, Chairman Bell adjourned the 178th meeting of the Texas Board of Criminal Justice at 1:55 p.m.

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Chairman

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Secretary

**Signature on file*

Note: Referenced attachments for approved minutes are available upon request from Executive Services, the Office of Record.