

Texas Board of Criminal Justice
191st Meeting



Minutes

April 6, 2017
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

DoubleTree Hotel – Phoenix Central, DeWitt Room
6505 North IH-35
Austin, Texas 78752

April 6, 2017
11:00 – 1:45 PM

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session – Phoenix Central

A. 22nd Annual Governor’s Criminal Justice Volunteer Service Awards Ceremony

Recess for Business and Financial Operations Committee Meeting

B. Recognitions

C. Consideration of Approval of Consent Items

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. 190th TBCJ Meeting Minutes
4. Excused Absences

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

E. Report from the Chairman, TBCJ

F. Internal Audit Status Report for Fiscal Years 2016 – 2017

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

H. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy BP-02.43, “Equal Employment Opportunity”

I. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Personnel Directives

1. PD-12, “Equal Employment Opportunity”
2. PD-13, “Sexual Harassment and Discourteous Conduct of a Sexual Nature”
3. PD-31, “Discrimination in the Workplace”

J. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to the TDCJ *Use of Force Plan*

- K. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rule Title 37 Texas Administrative Code Section 151.51, Custodial Officer Certification & Hazardous Duty Pay Eligibility Guidelines
- L. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code Section 195.81, Temporary Housing Assistance Program
- M. Discussion, Consideration, and Possible Action Regarding Proposed Land Transaction – Request to Amend Electrical Line Easements at the Eastham and Ferguson Units in Houston and Madison Counties, in Lovelady and Midway, Texas
- N. Public Comments

II. Executive Session – DeWitt Room

- A. The TBCJ may convene into Executive Session.
- B. Discussion of Personnel Matters Relating to the Executive Director, the Inspector General, the Director of the Internal Audit Division, the Director of the State Counsel for Offenders, and the Prison Rape Elimination Act Ombudsman (Closed in accordance with Section 551.074, Government Code).
- C. Discussion Regarding Deployment of Security Personnel, Devices, or Security Audits (Closed in accordance with Section 551.076, Government Code).
- D. Consultation with Legal Counsel Regarding Pending or Contemplated Litigation or Settlement Offers; to Receive Legal Advice on Items Posted on this Agenda; or Consultation on a Matter Where the TBCJ Seeks the Advice of its Attorney as Privileged Communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Closed in accordance with Section 551.071, Government Code).

Adjourn

The TBCJ may discuss and/or take action on any of the items posted on this meeting agenda.

**MINUTES OF THE
TEXAS BOARD OF CRIMINAL JUSTICE
Meeting No. 191**

The Texas Board of Criminal Justice (TBCJ) convened on Thursday, April 6, 2017, in regular session at 11:01 a.m. in the Phoenix Central room at the DoubleTree Hotel, Austin, Texas. The TBCJ recessed at 11:47 a.m., reconvened in regular session at 1:15 p.m., and adjourned at 2:14 p.m.

TBCJ MEMBERS PRESENT:

Hon. Dale Wainwright, Chairman
Terrell McCombs, Vice Chairman
Leopoldo (Leo) Vasquez, III, Secretary
Tom Fordyce
Judge Larry Gist
Derrellynn Perryman
Thomas P. Wingate

TBCJ MEMBERS ABSENT:

Eric Gambrell
Larry Miles

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE (TDCJ)
STAFF PRESENT:**

Bryan Collier, Executive Director
Oscar Mendoza, Deputy Executive Director
Mike Bell
Rudolph Brothers
Christopher Cirrito
Jason Clark
Lorie Davis
Marie Freeland
Patty Garcia
Cody Ginsel
Sharon Howell
Frank Inmon
Bobby Lumpkin
Jerry McGinty
Madeline Ortiz
Ron Steffa
Pam Thielke
Bruce Toney
April Zamora

OTHERS PRESENT:

Hon. Sharon Keller

Convene the Texas Board of Criminal Justice

Chairman Dale Wainwright convened the 191st meeting of the TBCJ on Thursday, April 6, 2017, at 11:01 a.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 TBCJ would be conducting business from the agenda posted in the *Texas Register*.

22nd Annual Governor's Criminal Justice Volunteer Service Awards Ceremony

Chairman Wainwright welcomed all honored guests joining the TBCJ for the 22nd Annual Governor's Criminal Justice Volunteer Service Awards Ceremony. He thanked all volunteers for selflessly giving to others and providing extraordinary services, making Texas a better and safer place for generations to come. A video greeting followed, from the Honorable Greg Abbott, Governor of Texas. He thanked the volunteers for their hard work and dedication. He stated volunteers are essential in assisting the TDCJ in accomplishing the critical mission of successful rehabilitation and reentry of offenders back into the community.

Vice Chairman Terrell McCombs echoed Governor Abbott's message, and commended TDCJ volunteers, on behalf of the TBCJ, for their selfless compassion and service to help offenders turn their lives around. He stated all of the thousands of volunteers are hometown heroes and acknowledged the significant impact they have on the state of Texas and providing public safety. He thanked them for their dedication, compassion, and service.

Chairman Wainwright introduced the keynote speaker, Sharon Keller, Presiding Judge of the Texas Court of Criminal Appeals. Judge Keller expressed the significance of volunteers giving their time to assist in the rehabilitative efforts of the TDCJ. She acknowledged the TDCJ for providing and supporting the framework for the volunteers. She spoke about how there are many volunteers that feed the hungry and clothe those that are in need, but there are not many that visit prisons and selflessly volunteer time to change the hearts and lives of those incarcerated. She stated the lives impacted by volunteers extends beyond the bars to the children, victims, and communities of offenders. She thanked them for spreading goodness and being an example for all of us.

Chairman Wainwright welcomed Tom Fordyce as the master of the ceremony. Mr. Fordyce announced awards to the following individuals and organizations:

Kay McHaney, *Chaplaincy Department*
Wayne Fillingim, *Correctional Institutions Division*
His Father's Heart, *Nancy Hees Award-Parole Division*
Anne Marie Ray, *Private Facility Contract Monitoring/Oversight Division*
Reentry First-Stop for Tarrant County, *Reentry and Integration Division*
Discipleship Unlimited, *Religious Service*
Standing in Faith Ministries, *Religious Service*
Michael D., *Substance Abuse Treatment Program*
Tiffany Ross, *Health Services Division*

Jacqueline Taylor, *Pathfinder Award-Victim Services Division*
Deb Olin Unferth, *Judy Burd Award-Windham School District*
Kairos of Texas, *Restorative Justice*
Life Restoration, *Susan Cranford Award-Female Offender Program*
Pure Life Ministries, *Most Innovative Program*
Southeast Texas Area (SETA) 67 Correctional Facilities Committee, *Community Service*
Girl Scouts Beyond Bars, *Best Family Program*
Thomas Riedmueller, *Leonard Davis Award for Most Hours Served*
Roger Daniel, *Extensive Travel*
Debbie Dunn, *TDCJ Employee Volunteer*
Jeffrey Catoe, *Criminal Justice Administrator*
John Sage, *Carol S. Vance Volunteer of the Year*

Chairman Wainwright and Mr. Collier presented the awards to each recipient.

Mr. Fordyce introduced Carol Vance, former TBCJ Chairman and strong advocate for volunteers in the TDCJ, who presented the last award. Mr. Vance commended the volunteers for their commitment and ministry.

Mr. Fordyce thanked Mr. Vance for his continued support and service to the betterment of the TDCJ. He called for one final round of applause for all the award recipients, and the thousands of dedicated volunteers throughout the TDCJ.

Chairman Wainwright expressed appreciation for all who attended, and for all volunteers and staff serving throughout the year. There being no further business, Chairman Wainwright recessed the 191st meeting of the TBCJ. He advised the TBCJ would reconvene in committee meetings and continue with regular business beginning at 1:15 p.m. The time was 11:47 a.m.

(Attachment A – Program for 22nd Annual Governor’s Criminal Justice Volunteer Service Awards)

Reconvene Texas Board of Criminal Justice

Chairman Wainwright reconvened the regular session of the 191st meeting of the TBCJ on Thursday, April 6, 2017, at 1:15 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*. He stated the TBCJ would be conducting business from the agenda posted in the *Texas Register*.

Chairman Wainwright stated that the TBCJ is committed to providing the opportunity for public presentations on posted agenda topics as well as public comments on issues within its jurisdiction as provided in accordance with Board Rule 151.4, "Public Presentations and Comments to the Texas Board of Criminal Justice." Speaker registration cards were received only for public comments.

Recognitions

Bryan Collier, TDCJ Executive Director, recognized Sharon Howell, General Counsel, for 30 years of service. He highlighted her career with the state of Texas and thanked her for her dedication.

Mr. Collier recognized Jerry McGinty, Chief Financial Officer, for 25 years of service to the TDCJ. He highlighted his career and thanked Mr. McGinty for his loyalty.

Chairman Wainwright stated Ms. Howell and Mr. McGinty represent the best and brightest that serve the state and make the TBCJ and TDCJ proud. He thanked them for their service.

Bruce Toney, Inspector General, recognized John West, General Counsel for OIG, for 45 years of service to the state of Texas. He highlighted his career and thanked him for his commitment.

Chairman Wainwright recognized the TDCJ employees who have dedicated 25, 30, 35, and 40 plus years of service to the state of Texas during the months of March and April 2017. During this time, 54 employees attained 25 years of service, 31 employees attained 30 years of service, 8 employees attained 35 years of service, 1 employee attained 40 years of service, and 1 employee attained 45 years of service. He stated these individuals represent the strong commitment of the TDCJ staff systemwide. On behalf of the TBCJ and Mr. Collier, he expressed deepest gratitude for the continued service of these employees.

(Attachment B – Employee Names)

Consideration of Approval of Consent Items

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. 190th TBCJ Meeting Minutes**
- 4. Excused Absences**

Chairman Wainwright asked if there were any amendments, abstentions, or objections to the proposed consent items. Hearing none, the consent items were approved.

Report from the Executive Director, Texas Department of Criminal Justice

Update on 85th Legislative Session

Mr. Collier presented an update on the 85th Legislative Session. He stated we are now past the mid-point in the 85th Legislative Session. Committee hearings are in full swing. When we submitted our Fiscal Year 2018-19 legislative appropriations request, we were required to reduce general revenue funding by 4% compared to current funding levels. In January 2017, when the house and senate budgets were introduced, both bills established funding for the majority of the Texas Department of Criminal Justice (TDCJ) operations at current levels, largely restoring the 4% reductions. During the past couple of months, the senate and house have considered our requests for exceptional items. Additionally, considering the offender population projections prepared by the Legislative Budget Board (LBB), both chambers have made funding decisions that require unit closures. The first facility identified for closure is the Ware Unit. The Ware Unit is a 916 bed male facility with 408 idled beds due to staffing issues. The majority of staff from the Ware Unit will be placed at the Wallace Unit, which is located on the same property. This will allow the Wallace Unit, with a capacity of 1,448 male offenders to be fully staffed and populated. There are 376 beds at Wallace that have been idled due to staffing challenges. Staff that cannot be offered positions at the Wallace Unit will be offered positions at other units in the area. The second facility identified for closure is the West Texas Intermediate Sanctions Facility (ISF). The 275 bed male facility, privately owned and operated in Brownfield, Texas, will close. The Rudd Facility will be repurposed into an ISF as a 612 bed male facility, in Brownfield, Texas, gaining 337 ISF beds. The third facility identified for closure is the Bridgeport Female Pre-Parole Transfer Facility, a privately owned and operated 200 bed female facility. The population will be absorbed into existing capacity. The fourth facility identified for closure is the Bartlett State Jail, a state owned but privately operated 1,049 bed male facility in Bartlett, Texas, with its population being absorbed into other agency units. TDCJ will work with the private vendors involved in the closures to recruit staff from those units to correctional officer vacancies where available. Although the budget and legislative process are still ongoing, it is fully anticipated the TDCJ's needs will be met.

Volunteer Appreciation

Mr. Collier stated the Governor's Criminal Justice Volunteer Service Awards ceremony held this morning is a special day that recognizes and honors the dedicated efforts of TDCJ volunteers. Their work is impactful and helps make Texas a safer state. He recognized another special group of volunteers; the members and Chairman of the Texas Board of Criminal Justice. These special volunteers are recognized for giving their time and expertise to leading one of the state's largest agencies, providing strong guidance and support to our staff, and providing support to the TDCJ Executive Director. Mr. Collier thanked them for all that they do.

National Correctional Officers and Employees Week

Mr. Collier announced that each year, the first full week in May, is recognized as National Correctional Officers and Employees Week. This week commemorates the contributions of those who serve as correctional officers and personnel who work in jails, prisons, and community corrections across the country. The TDCJ takes time during this week to recognize the efforts of these staff and to honor the memory of all correctional staff across the nation who have given their lives in the line of duty. This year Correctional Officer Mari Anne Johnson, who was murdered in July 2016, will be honored. During the week of May 7-13, all TDCJ units will hold memorial services and an agency memorial service will be held in Huntsville on Friday, May 5, 2017, beginning at 10:30 a.m. at the Prison Museum.

Report from the Chairman, TBCJ

National Crime Victims' Rights Week

Chairman Wainwright expressed appreciation of the volunteer services with the TDCJ. He stated the volunteers are a vital element to the success of the TDCJ's mission of providing public safety, promoting positive change in offender behavior, reintegrating offenders into society, and assisting victims of crime. His report focused on the assistance given to victims of crime. According to a recent survey conducted by the United States Bureau of Justice Statistics, more than five million individuals were victims of violent crime last year, and many more were victimized by property crimes. In commemoration of National Crime Victims' Rights Week, which this year occurs April 2-8, the TDCJ Victim Services Division, as well as other Victim Services organizations across the state of Texas, are hosting special events and programs to raise awareness about crime victims' issues and rights and introduce the community to the important resources and services available. This year's nationwide theme—Strength. Resilience. Justice.—emphasizes the importance of multidisciplinary responses and building the capacity of individuals, service providers, and communities to respond to crime and support the ongoing healing of victims and survivors. The theme also supports the United States Office for Victims of Violent Crimes and their Vision 21 Initiative to encourage research, address emerging issues, and build the capacity of victim service organizations by increasing the use of technology and training. On behalf of the TBCJ, he thanked Texas victim services professionals for their commitment to innovative practices and their steadfast support for all victims of violent crime.

Internal Audit Status Report for Fiscal Years 2016 - 2017

Christopher Cirrito, Director for the Internal Audit Division, provided the following updates to the handout of the March 27, 2017, Internal Audit Division Status Report for the Fiscal Years (FY) 2016 - 2017:

- **1602 - Correctional Institutions Division, Unit Supply:** Audit is complete.
- **1607 - Correctional Institutions Division, Offender Off-Unit Transports:** Audit is complete.

- **1609 - Administrative Review and Risk Management Division, Offender Grievance:** Audit will be complete tomorrow.
- **1710 - Correctional Institutions Division, Unit Entry and Search Procedures:** Audit has been assigned and is in background.
- **1711 - Victim Services Division, Victim Impact Statements:** Audit has been assigned and is in background.
- **1718.01 - Walk Through, Data Systems Identification:** Audit is complete.

Chairman Wainwright asked Mr. Cirrito to explain audit 1711, Victim Impact Statements, and what it concerns. Mr. Cirrito replied the statements come in to TDCJ from various avenues and the audit is to ensure the statements get to where they need to be.

Chairman Wainwright asked Mr. Cirrito to give a summary of audit 1718.01. Mr. Cirrito replied walk throughs allow the Internal Audit Division to update risk assessment. In this walk through, an IT auditor went to several divisions looking at the various information systems or information products used simply to increase their knowledge of things such as stand-alone databases.

Terrell McCombs stated audit 1713, Business and Finance Division eCommDirect, is unassigned, and asked Mr. Cirrito to explain what eCommDirect means. Mr. Cirrito explained it is the electronic system that allows offender family members to make deposits into offender trust fund in order for the offender to buy things in commissary.

Leo Vasquez asked Mr. Cirrito to summarize where things stand on the FY 2016 audits. Mr. Cirrito explained audit 1609 would be complete the following day. He also stated there is one remaining audit from FY 2016 that is in draft report and would be completed soon.

Chairman Wainwright asked if there were any other questions. There were none.

(Attachment C – Internal Audit Division Status Report, Fiscal Years 2016-2017)

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

Chairman Wainwright abstained from voting on the purchases and contracts over \$1 million due to his firm representing 3M included in this item. Mr. Terrell McCombs facilitated the handling of this matter.

Jerry McGinty, Chief Financial Officer, reviewed the purchases and contracts over \$1 million. He presented 16 purchase items for approval. Items 1 through 2 are increases to current contracts for additional raw materials for the manufacturing of license plates for the Department of Motor Vehicles. Items 3 through 4 are FY18 contracts for the manufacturing of license plates. Items 5 through 6 are FY18 contracts for the manufacturing of highway and traffic signs. Items 7 through 8 are FY18 contracts for other items manufactured within Texas Correctional Industries. Items 9 through 16 are FY18 contracts for agricultural operations.

Mr. McCombs stated we are buying a lot of ammonia nitrate and asked how it is secured. Mr. McGinty replied it is properly stored at approximately 10 different units across the state and added that this compound is not combustible or poisonous. Mr. McCombs asked for clarification that it is different from standard fertilizer. Mr. McGinty confirmed it is different.

Tom Wingate asked why the vendor is listed on some but not others. Mr. McGinty replied that most of these are ordered by the comptroller and they may not have made a final award.

Mr. McCombs asked if there were any questions or comments. Hearing none, he called for a motion and a second.

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

Derrelynn Perryman seconded the motion, which prevailed unanimously when called to a vote.

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy-02.43, “Equal Employment Opportunity”

Sharon Howell, TDCJ General Counsel, presented BP-02.43, “Equal Employment Opportunity,” proposed revisions. She stated revisions do not change any practice or procedure. The revisions place responsibilities in the appropriate roles and places. The details associated with state statutory requirements were removed and placed in Personnel Directive PD-12, “Equal Employment Opportunity,” administered by the executive director.

Tom Wingate stated changes were made from the word “shall” to “does.” He asked the reason. Ms. Howell stated it is more appropriate to make the change to sentences that are not a command.

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

Tom Wingate moved that the Texas Board of Criminal Justice approve the revisions to Board Policy BP-02.43, “Equal Employment Opportunity,” as presented.

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

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Personnel Directives

1. PD-12, “Equal Employment Opportunity”

Ms. Howell presented the proposed revisions to PD-12, “Equal Employment Opportunity.” She explained the executive director has issued the policy statement required of him by state law

outlining the practice of Equal Employment Opportunity. There are many additions, which do not change anything the TDCJ is doing, but instead collect into one place the objectives and responsibilities placed upon the TDCJ by state statute and federal law. Some of what was added came from BP-02.43. Some duties and procedures that require equal employment opportunity are found elsewhere, such as in PD-31, "Discrimination in the Workplace," which is the core written policy statement the agency has with regard to EEO.

Chairman Wainwright asked if there were questions. Hearing none, he called for a motion and a second.

Judge Larry Gist moved that the Texas Board of Criminal Justice approve the revisions to PD-12, "Equal Employment Opportunities," as presented.

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

2. PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature"

Ms. Howell presented the proposed revisions to PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature." She explained revisions include a definition for intern and remove references to Infopac, the mainframe system on which reports and policies were stored, as Infopac is no longer used for that purpose. The reports and policies that were there are available elsewhere. Interns have begun receiving more protection under federal law than previously and the addition of this definition ensures they receive protection under the policy. Additionally, the definition of discrimination is being revised among all of the personnel directives, for consistency to a single standard that collectively refers to the protected persons and protected class. Otherwise there are a number of adjustments to syntax, grammar, and language of a relatively minor nature.

Chairman Wainwright asked if there were questions. Hearing none, he called for a motion and a second.

Terrell McCombs moved that the Texas Board of Criminal Justice approve the revisions to PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature," as presented.

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

3. PD-31, "Discrimination in the Workplace"

Chairman Wainwright stated PD-31, "Discrimination in the Workplace," will be passed and taken up at a later time.

**Discussion, Consideration, and Possible Action Regarding
Proposed Revisions to the TDCJ Use of Force Plan**

Ms. Howell presented the proposed revisions to the *TDCJ Use of Force Plan*. She explained TDCJ has recently acquired a new restraint called stun cuffs for the limited purpose of transporting the highest risk offenders to and from court and for other limited reasons. They may only be used at the discretion of the CID director or her designee. The proposed revisions are solely to authorize the use of these restraints. The plan is otherwise being prepared for regular staffing and additional proposed revisions that will be presented at some point in the future.

Tom Wingate moved that the Texas Board of Criminal Justice approve the proposed revisions to the TDCJ Use of Force Plan, as presented.

Derrellynn Perryman seconded the motion, which prevailed unanimously when called to a vote.

**Discussion, Consideration, and Possible Action Regarding Adoption
of Amendments to Board Rule Title 37 Texas Administrative Code
Section 151.51 Custodial Officer Certification
& Hazardous Duty Pay Eligibility Guidelines**

Ms. Howell requested the adoption of amendments to Board Rule 151.51, “Custodial Officer Certification and Hazardous Duty Pay Eligibility Guidelines,” as proposed and authorized at the February 10, 2017, TBCJ meeting. She explained the amendments appeared in the February 24, 2017, issue of the *Texas Register*. Thirty days passed and no public comments were received. Ms. Howell asked the board to move forward with final adoption of the rule.

Chairman Wainwright asked if there were questions. Hearing none, he called for a motion and a second.

Tom Fordyce moved that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 151.51, regarding Custodial Officer Certification & Hazardous Duty Pay Eligibility Guidelines, as published in the Texas Register, and that the chairman sign the order to this effect.

Judge Gist 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 195.81, “Temporary Housing Assistance Program”**

Ms. Howell presented the proposed amendments to Board Rule 195.81, “Temporary Housing Assistance Program.” She explained the substantive changes to the rule have been made to account for current practice in evaluating an offender’s eligibility for temporary housing assistance, how a provider may apply to provide temporary housing for an offender, and to remove a requirement that an onsite manager be available 24/7. The rest of the changes are grammatical and formatting. Ms. Howell requested the TBCJ approve the amended rule for publication in the *Texas Register*.

Chairman Wainwright asked if there were questions. Hearing none, he called for a motion and a second.

Leo Vasquez moved that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendments to Board Rule Title 37 Texas Administrative Code section 195.81, regarding Temporary Housing Assistance Program, to receive public comment, as presented.

Tom Fordyce seconded the motion, which prevailed unanimously when called to a vote.

**Discussion, Consideration, and Possible Action Regarding Proposed Land
Transaction Request to Amend Electrical Line Easements at the
Eastham and Ferguson Units, Houston and Madison Counties,
in Lovelady and Midway, Texas**

Bobby Lumpkin, Director of the Manufacturing, Agribusiness, and Logistics Division, presented the request to amend electrical line easements at the Eastham and Ferguson Units, Houston and Madison Counties, Lovelady and Midway, Texas. He stated SEM Operating Company, LLC is requesting to amend existing electrical easements by adding a combined area of 5.21 acres of land being approximately 7,564.92 feet long by 30 feet wide for two electrical easement transmission lines to provide service to newly developed SEM well sites. SEM operating Company, LLC has agreed to pay \$10,420.00 for these easement amendments. All other terms and provisions of these easements will remain in full force and effect. Mr. Lumpkin recommended the TBCJ approve the request.

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

Derrelynn Perryman moved that the Texas Board of Criminal Justice approve the request to amend electrical line easements at the Eastham and Ferguson Units in Houston and Madison Counties, in Lovelady and Midway, Texas, as presented.

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

Public Comments

Chairman Wainwright stated that the TBCJ is committed to providing the opportunity for public comments in accordance with Board Rule 151.4, "Public Presentations and Comments to the Texas Board of Criminal Justice." He reviewed the requirements for speaker registration in accordance with the *Open Meetings Act*. There were three registration cards received prior to the established deadline for public comments within the jurisdiction of the TBCJ but not items posted on the agenda. The time limit set was three minutes per individual.

Rosalia Ovalle stated the purpose of her speaking is to advocate for her brother, offender Juan M. Ovalle TDCJ #890154. She spoke about a situation that took place in 2011 and presented TBCJ members with correspondence from a state representative sent to Deborah Booker, Ombudsman. Her brother was transferred to the Briscoe Unit so his parents could visit him more often and he could have better educational resources. He received two degrees while being incarcerated. She recalled a visit she had with her brother on July 16, during which he reported concerns for his safety. He told her, and the warden on site, that he had received threats by known gang members for being a snitch. He reported to the family that he was singled out by investigators due to having small lacerations on his hands. Her brother reported the lacerations were brought on because he was passing water to a neighbor inmate who had no access to water in the unit. She alleged these claims were never investigated by the TDCJ. She added her brother was cleared of any wrong doing by the stabbing victim, however, he was still labeled a snitch by other offenders at the unit, which put his safety at risk. She stated she met with a state representative who sent correspondence to Deborah Booker requesting safer housing. She followed up with the Ombudsman's Office and was told he would be transferred. She alleged when he was transferred to the McConnell Unit he was with other inmates from the Briscoe unit. At the McConnell Unit, he got into an altercation with his cellmate and the offender lost his life. She alleged this altercation could have been avoided if staff followed proper TDCJ procedures by notifying the transferring unit of the events that had taken place at the Briscoe Unit. Now his new charge and sentence has caused a tremendous hardship on her family and the family of the offender who lost his life. She asked they consider an early parole on his first charge so that he can begin his second term. She asked for answers because he is dying and she feels this could have all been avoided.

Chairman Wainwright expressed concern for Ms. Ovalle, since she was visibly upset. He stated offender families are important to the TBCJ. He stated for the record, the TBCJ members received a copy of the letter dated August 4, 2011, from Deborah Booker, assistant Ombudsman coordinator for TDCJ to Honorable Jose Menendez in the Texas House of Representatives. He thanked her for appearing and sharing comments with the TBCJ.

Ann Putnam stated her comments relate to concerns regarding inmates and facilities. She thanked the TBCJ for the privilege of appearing. She stated she was here on behalf of her husband, an offender incarcerated at the Lindsey State Jail facility. She expressed great appreciation for the outstanding warden, Ms. Brandon, at that facility. She stated Ms. Brandon

deserves commendation. She spoke about the excellent staff and how they make her visits to her husband very pleasant. She stated her husband is in a Faith-Based program, which she believes is the only program at that facility. They are required to get a GED but aside from that the Faith-Based program is the only other rehabilitative program. She expressed a need for additional programs that will help inmates assimilate back into society and reduce the high recidivism rate. She feels rehabilitative programs are greatly neglected and too much money is going into incarcerating these guys over and over again. She stated the other issue is a huge disparity between TDCJ and state jail inmates regarding the good time they are allowed to have. She stated the judge is in total control of state jail inmates, and if he chooses not to be part of the new diligence program, even if they complete the program with no problems and are on excellent behavior, state jail inmates are not given a chance for good time behavior. She feels it is a great disservice for judges to not participate.

Frances Vaughn was not present when called.

Chairman Wainwright thanked everyone for coming, and announced that the next meeting of the TBCJ will be Friday, June 30, 2017, at the DoubleTree Hotel in Austin.

Adjournment

There being no further business, Chairman Wainwright adjourned the 191st meeting of the Texas Board of Criminal Justice at 2:14 p.m.

Chairman *

Secretary

*Signature on File