

Texas Board of Criminal Justice
195th Meeting



Minutes

December 15, 2017
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

**Wyndham Garden Hotel
Lake Travis/Lake LBJ Room and Blanco Room
3401 South IH 35
Austin, Texas 78741**

**December 15, 2017
9:45 – 10:30 AM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session – Lake Travis/Lake LBJ Room

- A. Recognitions
- B. Consideration of Approval of Consent Items
 - 1. Hazardous Duty Pay Authorization Requests
 - 2. Personal Property Donations
 - 3. 194th TBCJ Meeting Minutes
 - 4. 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 2017 – 2018
- F. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million
- G. Discussion, Consideration, and Possible Action Regarding Review of Board Policy BP-03.81, “Rules Governing Offender Access to the Courts, Counsel, and Public Officials”
- H. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rules Title 37 Texas Administrative Code Section 163.42, Substantial Noncompliance
- I. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rule Title 37 Texas Administrative Code Section 151.3, Texas Board of Criminal Justice Operating Procedures

- J. Discussion, Consideration, and Possible Action Regarding Proposed Land Transactions
 - 1. Request to Renew a Pipeline Easement at the Smith Unit in Dawson County, Lamesa, Texas
 - 2. Request to Amend a Pipeline Easement at the Darrington Unit in Brazoria County, Rosharon, Texas

Reconvene TBCJ

II. Executive Session – Blanco 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. Discussion regarding security assessments or deployments relating to information resources technology, confidential network security information, or the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices (Closed in accordance with Section 551.089, Government Code).
- E. 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. 195**

The Texas Board of Criminal Justice (TBCJ) convened on Friday, December 15, 2017, in regular session at 9:56 a.m. in the Lake Travis/Lake LBJ Room at the Wyndham Garden Hotel, Austin, Texas. The TBCJ recessed from regular session at 10:53 a.m., reconvened in executive session in the Blanco Room at 11:03 p.m., and adjourned at 1:07 p.m.

TBCJ MEMBERS PRESENT:

Hon. Dale Wainwright, Chairman
Terrell McCombs, Vice-Chairman
Eric Gambrell, Secretary
E.F. "Mano" DeAyala
Tom Fordyce
Larry Miles
Patrick O'Daniel
Derrellynn Perryman
Thomas P. Wingate

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

Bryan Collier, Executive Director
Oscar Mendoza, Deputy Executive Director

Jeff Baldwin	Frank Inmon
Rudolph Brothers	Bobby Lumpkin
Christopher Cirrito	Angie McCown
Jason Clark	Melvin Neely
Marie Freeland	Kelvin Scott
Patty Garcia	Ron Steffa
Cody Ginsel	Pam Thielke
Carey Green	Bruce Toney
Rene Hinojosa	April Zamora
Sharon Howell	

OTHERS PRESENT:

Honorable Judge Dale Spurgin, Jones County; Kelsey Vela, Legislative Budget Board; Preston Streufert, Governor Abbott's office; and Janis Reinken, House Corrections Committee Clerk, Representative James White's office.

Convene the Texas Board of Criminal Justice

Chairman Dale Wainwright convened the 195th meeting of the TBCJ on Friday, December 15, 2017, at 9:56 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*.

Chairman Wainwright stated that the TBCJ is committed to providing the opportunity for public presentations on posted agenda topics in accordance with Board Rule 151.4, "Public Presentations and Comments to the Texas Board of Criminal Justice." No speaker registration cards were received for public presentations prior to the deadline.

Recognitions

Oscar Mendoza, TDCJ Deputy Executive Director, recognized the extraordinary efforts from TDCJ staff of all levels during the events of Hurricane Harvey. Dedicated employees from every corner of the state and every division converged to safely evacuate almost 6,000 offenders from five units and close to 1,000 parolees and probationers from halfway houses and treatment centers. TDCJ staff members worked around the clock in several command centers to facilitate the delivery of water, cots, mattresses, sandbags, and other vital resources to the affected areas, even as their own homes were being flooded.

Chairman Wainwright recognized the brave men and women who played a pivotal role in keeping our offenders and the public safe during Hurricane Harvey. He commended all these individuals and those they represent, along with division directors and deputies, for unselfish contributions made by the dedicated men and women of this agency. On behalf of the TBCJ and Mr. Collier, he expressed sincere appreciation to all employees for a job well done with the highest of professional standards.

Derrelynn Perryman expressed the deepest gratitude for these men and women, calling them heroes.

Bryan Collier, TDCJ Executive Director, introduced Jason Clark as the new Deputy Chief of Staff, and highlighted his career. He stated Mr. Clark has a strong agency knowledge base and routinely assists division directors and others with communication and media issues.

Mr. Collier introduced Melvin Neely as the new Information Technology Division Director, and highlighted his career. He stated with a strong operational oversight experience, combined with creativity and proven leadership, Mr. Neely will serve the agency well.

Mr. Collier introduced Rene Hinojosa as the new Rehabilitation Programs Division Director, and highlighted his career. He stated Mr. Hinojosa has a diverse background and strong leadership abilities, which will serve him well in this new position.

Kelvin Scott, Administrative Review and Risk Management (ARRM) Division Director, introduced Christopher Carter as the new Deputy Director of the ARRM Division, and

highlighted his career and education. He introduced Frances Gattis, also, as the new Deputy Director of the ARRM Division, and highlighted her career and education. Mr. Scott introduced Shannon Kersh as the new Ombudsman, and highlighted her career and education.

April Zamora, Reentry and Integration Division Director, introduced Stephen Fox as the new Reentry and Integration Deputy Division Director, and highlighted his career and education.

Pam Thielke, Parole Division Director, introduced Troy Johnson as the new Region IV Director for the Parole Division, and highlighted his career and education.

Chairman Wainwright recognized the TDCJ employees who have dedicated 25, 30, and 35 years of service to the state of Texas during the months of November and December 2017. During this time, 73 employees attained 25 years of service, 27 employees attained 30 years of service, and 13 employees attained 35 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 A – Employee Names)

Consideration of Approval of Consent Items

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. 194th TBCJ Meeting Minutes**
- 4. Excused Absences**

Chairman Wainwright stated there are excused absences for E.F. “Mano” DeAyala and Eric Gambrell from the October meeting due to personal business. He asked if there were any amendments, abstentions, or objections to the proposed consent items. Board Member Eric Gambrell abstained from taking action due to his firm representing multiple entities listed on the personal property donations list. Chairman Wainwright acknowledged the abstention and, hearing no further questions, the consent items were approved.

Report from the Executive Director, Texas Department of Criminal Justice

50-State Summit on Public Safety

Mr. Collier discussed the 50-State Summit on Public Safety held in Washington, D.C. on November 13-14, 2017. The event was sponsored by the Association of State Correctional Administrators and the Council of State Governments, and included teams from each of the 50 states. The Texas team was composed of Mr. Collier, Chairman James White, who serves as the Chairman of the House Corrections Committee, Dennis Wilson, Sheriff of Limestone County, and Sonja Gains, who serves as the Associate Commissioner for Mental Health Coordination for the Texas Health and Human Services Commission. The summit focused on the intersections of law enforcement, mental health and corrections, and highlighted several states that have experienced positive outcomes in a wide variety of criminal justice reforms. Prior to the meeting, a book containing both national and state specific data was given to each team. Texas reflects very well in nearly every category of the report. Speakers at the summit included Kentucky Governor Matt Bevin, Deputy Attorney General Rod Rosenstein, and panel presentations from several states, to include Texas that reflected on successes in the areas of criminal justice and reform. The Texas team represented our state well and returned with plans to work on a variety of targeted strategies that would impact probation revocations, mental health services, and help to improve the criminal justice system in Texas.

Holiday Wishes

Mr. Collier extended his gratitude to everyone for their assistance in helping the TDCJ meet the challenges faced throughout the year. He recapped 2017: four prisons were closed while at the same time creating more beds targeting elderly offenders and diversion needs; the TDCJ became fully PREA compliant; another class of seminary field ministers graduated; 31 new pretrial programs in adult probation were added; a new Conroe District Parole office was opened; and we survived Hurricane Harvey. He thanked everyone for a great year, and thanked the TBCJ for

their time and support. Mr. Collier asked all to remember staff that will be on duty ensuring public safety during the holiday season.

Report from the Chairman, TBCJ

Volunteer and Faith-Based Organization Activities

Chairman Wainwright stated TDCJ staff will be providing the TBCJ with the annual update regarding the activities of volunteer and faith-based organizations in the TDCJ during the past fiscal year. The update focuses on programs serving offenders incarcerated, as well as active offenders on parole and probation supervision. The published report provides another public opportunity to recognize the contributions of the dedicated volunteers. Numerous organizations and more than 25,000 volunteers graciously spend their time helping those in need. Although there are many outstanding programs, the “Day with Dad” program is noteworthy. This program focuses on special events at facilities throughout the year where children can come in and spend an entire day with their father. Leading up to the event, offenders in the program meet with volunteer mentors who provide them with real-world tools they can utilize to be successful dads when released. A similar program for incarcerated mothers, Girls Embracing Mothers (GEM) is an innovative program happening at the Woodman State Jail. These two programs are just a sample of the outstanding work happening each day in TDCJ facilities across the state. The TBCJ is proud of volunteers and organizations who provide the TDCJ offender population with a vital public service. On behalf of the TBCJ and TDCJ, he thanked all volunteers.

Holiday Message to Employees

Chairman Wainwright expressed gratitude for the men and women who serve the state as employees of the TDCJ and commended them on a year that has been challenging and successful in almost equal measures. As Texas weathered the recent hurricane season, the TDCJ staff remained singularly focused on security and safety. While thousands of offenders were relocated, all staff and offenders were kept safe from harm. First responders knew their roles and performed them admirably. Additionally, the last twelve months were of historical significance as five TDCJ facilities were closed. This multi-faceted process of closing units and relocating offenders was an operational and logistical challenge requiring collaboration among multiple divisions. Once again, TDCJ employees were well-prepared and successfully met the challenge. Chairman Wainwright wished all TDCJ employees a Merry Christmas, happy holidays, and a happy New Year on behalf of the TBCJ.

Internal Audit Status Report for Fiscal Years 2017 - 2018

Christopher Cirrito, Director for the Internal Audit Division, provided the following updates to the handout of the December 4, 2017, Internal Audit Division Status Report for the Fiscal Years (FY) 2017 - 2018:

- **1712 – Human Resource Division, Correctional Officer Application Processing:** Audit is now a draft report.

- **1714 – Information Technology Division Office of Incident Management, Continuity of Operations Planning:** Audit is now in report writing.
- **1715 – Parole Division, Absconder Identification Follow up:** Audit is now a draft report.
- **1716 – Facilities Division, Unit Maintenance:** Audit is in report writing.
- **1801 – Business and Finance Division Windham School District, Public Funds Investment:** Audit is in field work.
- **1806 – Business and Finance Division, Capital Assets Follow up;** Audit was assigned but is now deferred for future consideration due to the state auditor’s office announcing intent to audit this area.

Patrick O’Daniel stated change of this nature saves on state resources, and is not unusual.

(Attachment B – Internal Audit Division Status Report, Fiscal Years 2017-2018)

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

Ron Steffa, Deputy Chief Financial Officer, reviewed the purchases and contracts over \$1 million. He stated there are two purchases on the list for approval. Item 1 is an increase for residential and outpatient treatment services in Brenham, Bryan, Caldwell, and Huntsville. Item 2 is an increase for outpatient services in Clarksville, Longview, Texarkana, and Tyler.

Chairman Wainwright asked if the increases bring the amount to the sums that are listed. Mr. Steffa affirmed.

Chairman Wainwright asked for any questions, comments, or abstentions.

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

E.F. “Mano” DeAyala seconded the motion, which prevailed unanimously when called to a vote.

**Discussion, Consideration, and Possible Action Regarding Review
of Board Policy BP-03.81, “Rules Governing Offender Access
to the Courts, Counsel, and Public Officials”**

Sharon Howell, TDCJ General Counsel, presented BP-03.81, “Rules Governing Offender Access to the Courts, Counsel, and Public Officials.” She stated the changes to the policy are not substantive and do not consist of any significant change in practice.

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 BP-03.81, Rules Governing Offender Access to the Courts, Counsel, and Public Officials as presented.

Larry Miles 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 163.42, “Substantial Noncompliance”**

Ms. Howell presented the proposed amendments to Board Rule 163.42, “Substantial Noncompliance.” She explained the revisions include removing reference to the *Texas Open Meeting Act* because the requirements to finalize community supervision and corrections department budget are dictated by the local government code. 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.

E.F. “Mano” DeAyala 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 163.42, regarding Substantial Noncompliance, to receive public comment, as presented.

Derrelynn 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 151.3, “Texas Board of Criminal Justice Operating Procedures”**

Ms. Howell requested the adoption of amendments to Board Rule 151.3, “Texas Board of Criminal Justice Operating Procedures,” as proposed and authorized at the October 19, 2017, TBCJ meeting. She explained the amendments appeared in the November 3, 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 151.3, regarding Texas Board of Criminal Justice Operating Procedures, as published in the Texas Register, and that the chairman sign the order to this effect.

E.F. "Mano" DeAyala seconded the motion, which prevailed unanimously when called to a vote.

Discussion, Consideration, and Possible Action **Regarding Proposed Land Transactions**

1. Request to Renew a Pipeline Easement at the Smith Unit in Dawson County, Lamesa, Texas

Bobby Lumpkin, Director of the Manufacturing, Agribusiness and Logistics Division, presented the request to renew a pipeline easement at the Smith Unit in Lamesa. He stated Fasken Oil and Ranch, Ltd. is requesting to renew a pipeline easement consisting of an area of approximately .29 acre of land being 423.1 feet long by 30 feet wide containing one three-inch pipeline used to transport crude oil from off-site production wells to a tank battery located on the Smith Unit. The original easement was executed in January 2008. Fasken Oil and Ranch, Ltd. has agreed to pay \$1,216.00 for the easement with another ten-year term. Mr. Lumpkin recommended the TBCJ approve the request.

Chairman Wainwright asked if there were any questions or comments. Eric Gambrell abstained from taking action due to his firm representing the applicant. Chairman Wainwright acknowledged the abstention and called for a motion and a second.

Terrell McCombs moved that the Texas Board of Criminal Justice approve the request to renew a pipeline easement at the Smith Unit in Dawson County, in Lamesa, Texas, as presented.

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

2. Request to Amend a Pipeline Easement at the Darrington Unit in Brazoria County, Rosharon, Texas

Mr. Lumpkin presented the request to amend a pipeline easement at the Darrington Unit in Brazoria County. He stated Brazosport Water Authority is requesting to amend an existing pipeline easement by adding 0.073 acre of land being approximately 107.2 feet long by 30 feet wide, to avoid an agency stock pond located in the path of the existing easement. All other terms and provisions of the easement 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.

Patrick O'Daniel moved that the Texas Board of Criminal Justice approve the request to amend a pipeline easement at the Darrington Unit in Brazoria County, in Rosharon, Texas, as presented.

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

Chairman Wainwright thanked everyone for coming, and announced that the next meeting of the TBCJ will be Friday, February 23, 2017, at the Wyndham Garden Hotel in Austin.

Adjournment

There being no further business, Chairman Wainwright recessed the 195th meeting of the Texas Board of Criminal Justice at 10:53 a.m. Chairman Wainwright stated the board would reconvene in the Blanco Room to conduct executive session.

Chairman*

Secretary*

*Signature on File