

Texas Board of Criminal Justice
198th Meeting



Minutes

April 20, 2018
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

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

**April 20, 2018
11:00 AM – 3:00 PM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session – Lake Travis/Lake LBJ Room

- A. 23rd Annual Governor’s Criminal Justice Volunteer Service Awards Ceremony

Recess

Reconvene TBCJ

II. Executive Session – San Gabriel 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).

Recess

Reconvene TBCJ – Regular Session

- B. Recognitions
- C. Consideration of Approval of Consent Items
 - 1. Hazardous Duty Pay Authorization Requests
 - 2. Personal Property Donations
 - 3. 196th 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 2017 – 2018
- G. Discussion, Consideration, and Possible Action Regarding the Selection of the Inspector General
- H. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million
- I. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rule Title 37 Texas Administrative Code Chapter 152 Correctional Institutions Division
 - 1. Subchapter A, Mission and Admissions
 - 2. Subchapter B, Correctional Capacity
- J. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rule Title 37 Texas Administrative Code Section 163.25, Strategic Plan
- K. Discussion, Consideration, and Possible Action Regarding Proposed Land Transaction – Request for Gas Pipeline Easement at the Stiles Unit in Jefferson County, Beaumont, Texas
- L. Public Comments

Adjourn

**MINUTES OF THE
TEXAS BOARD OF CRIMINAL JUSTICE
Meeting No. 198**

The Texas Board of Criminal Justice (TBCJ) convened on Friday, April 20, 2018, in regular session at 11:02 a.m. in the Lake Travis/Lake LBJ Room at the Wyndham Garden Hotel, Austin, Texas. The TBCJ recessed at 11:59 p.m., reconvened in regular session at 2:05 p.m., and adjourned at 3:05 p.m.

TBCJ MEMBERS PRESENT:

Hon. Dale Wainwright, Chairman
Terrell McCombs, Vice Chairman
E.F. 'Mano' DeAyala
Tom Fordyce
Larry Miles
Patrick O'Daniel
Derrelynn Perryman
Thomas P. Wingate

TBCJ MEMBERS ABSENT:

Eric Gambrell

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

| | |
|--|------------------------|
| Bryan Collier, Executive Director | |
| Oscar Mendoza, Deputy Executive Director | |
| Rudolph Brothers | Sherry Koenig |
| Christopher Cirrito | Dr. Lannette Linthicum |
| Jason Clark | Bobby Lumpkin |
| Lorie Davis | Angie McCown |
| Marie Freeland | Kelvin Scott |
| Patty Garcia | Ron Steffa |
| Cody Ginsel | Bruce Toney |
| Rene Hinojosa | April Zamora |
| Sharon Howell | |

OTHERS PRESENT:

Hon. Jimmy Blacklock, Representative Tan Parker,
former TBCJ Chairman Carol Vance.

Convene the Texas Board of Criminal Justice

Chairman Dale Wainwright convened the 198th meeting of the TBCJ on Friday, April 20, 2018, at 11:02 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*.

23rd Annual Governor's Criminal Justice Volunteer Service Awards Ceremony

Chairman Wainwright welcomed all honored guests joining the TBCJ for the 23rd 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 commitment. 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.

Board Member Tom Wingate echoed Governor Abbott's message, and commended TDCJ volunteers, on behalf of the TBCJ, for their generosity and dedication to making tomorrow better than today. He stated all of the thousands of volunteers are community heroes and acknowledged the significant impact they have on the state of Texas and providing public safety. He thanked them for their compassion, kindness, and service.

Chairman Wainwright introduced the keynote speaker, Jimmy Blacklock, Texas Supreme Court Justice. Judge Blacklock expressed gratitude to all the volunteers for their vital role in helping the TDCJ achieve its mission. He stated, besides being essential to the mission of the TDCJ, the work the volunteers do is a blessing to the lives of the people they serve and is part of a collective effort to create a safe and just society allowing Texans to live peacefully and responsibly together in freedom. He acknowledged the selfless work the volunteers do is sometimes thankless but is noble and good work that has a positive impact on broken lives. He thanked them on behalf of the Texas Supreme Court and entire judiciary system of the state of Texas.

Chairman Wainwright welcomed Board Member Derrellynn Perryman as the master of the ceremony. Ms. Perryman announced awards to the following individuals and organizations:

Royce D. Clay, *Chaplaincy Department*
Tom Foran, *Correctional Institutions Division*
James Johnson, *Nancy Hees Award-Parole Division*
Reginald & Doris Johnson, *Private Facility Contract Monitoring/Oversight Division*
CrossWalk Center, *Reentry and Integration Division*
Henry "Creg" Istre, *Religious Service*
Michael Mitchell, *Religious Service*
Garry L., *Substance Abuse Treatment Program*
Patricia Crocker, *Health Services Division*

Andria Brannon, *Pathfinder Award-Victim Services Division*
Debra Taylor, *Judy Burd Award-Windham School District*
NewLife Behavior Ministries, *Restorative Justice*
Disciples 4 Christ Outreach, *Susan Cranford Award-Female Offender Program*
Veterans Helping Veterans, *Most Innovative Program*
Trinity Fellowship Church, *Community Service*
Loved Ones of Prisoners, *Best Family Program*
Thomas Crouch, *Leonard Davis Award for Most Hours Served*
Glenn Smith, *Extensive Travel*
Arnold Ortiz, *TDCJ Employee Volunteer*
Troy Simpson, *Criminal Justice Administrator*
Bill Glass Behind the Walls, *Carol S. Vance Volunteer of the Year*

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

Ms. Perryman introduced Carol Vance, former TBCJ Chairman and strong advocate for volunteers in the TDCJ, who presented the last award which is named in his honor. Mr. Vance commended the volunteers for their commitment and ministry.

Ms. Perryman thanked Mr. Vance for his continued support and service to the betterment of the TDCJ. She 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, Justice Blacklock for taking time to be the keynote speaker, and for all volunteers and staff serving throughout the year. There being no further business, Chairman Wainwright recessed the 198th meeting of the TBCJ. He advised the TBCJ would reconvene in committee meetings at 1:15 p.m. and continue with regular session at 2:00 p.m. The time was 11:59 a.m.

(Attachment A – Program for 23rd Annual Governor’s Criminal Justice Volunteer Service Awards)

**MINUTES OF THE
TEXAS BOARD OF CRIMINAL JUSTICE
Meeting No. 198**

The TBCJ reconvened in regular session at 2:05 p.m. in the Lake Travis/Lake LBJ Room at the Wyndham Garden Hotel, Austin, Texas, and adjourned at 3:05 p.m.

TBCJ MEMBERS PRESENT: Hon. Dale Wainwright, Chairman
Terrell McCombs, Vice Chairman
E.F. 'Mano' DeAyala
Tom Fordyce
Larry Miles
Patrick O'Daniel
Derrelynn Perryman
Thomas P. Wingate

TBCJ MEMBERS ABSENT: Eric Gambrell

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

Bryan Collier, Executive Director
Oscar Mendoza, Deputy Executive Director
Jeff Baldwin
Rudolph Brothers
Christopher Cirrito
Jason Clark
Lorie Davis
Marie Freeland
Patty Garcia
Cody Ginsel
Rene Hinojosa
Sharon Howell
Frank Inmon
Sherry Koenig
Dr. Lannette Linthicum
Bobby Lumpkin
Angie McCown
Kelvin Scott
Ron Steffa
Bruce Toney
April Zamora

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

Reconvene Texas Board of Criminal Justice

Chairman Wainwright reconvened the regular session of the 198th meeting of the TBCJ on Thursday, April 20, 2018, at 2:05 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." One speaker registration card was received for public comment prior to the deadline and would be heard later in the meeting.

Recognitions

Terrell McCombs recognized former Board Member Mary Bacon, who recently passed away. He stated Judge Bacon was an ardent supporter of women and focused on employment and education for female offenders. Mr. McCombs asked for a moment of silence in remembrance of Mary Bacon's life and service to the state of Texas.

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 2018. During this time, 50 employees attained 25 years of service, 22 employees attained 30 years of service, 15 employees attained 35 years of service, and 2 employees attained 40 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 his 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. 196th 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

National Correctional Officers and Employees Week

Bryan Collier, TDCJ Executive Director, announced that National Correctional Officers and Employees Week will be observed May 6 - 12, 2018. This week recognizes the contributions of those who serve as correctional officers and personnel that work in jails, prisons, and community corrections across the country. This year the TDCJ will be honoring the life of Shana Tedder, Correctional Officer, who passed away on June 9, 2017, as a result of medical complications following a use of force incident. During this week, all TDCJ units will hold memorial services and an agency memorial service will be held in Huntsville on Friday, May 11, 2018, beginning at 10:30 a.m. at the Prison Museum. Mr. Collier cordially invited all to attend any service held that week.

National Crime Victims' Rights Week

Mr. Collier stated April 8 - 14, 2018, was designated as National Crime Victims' Rights Week. This year's theme was "Expand the Circle-Reach All Victims," which focused on the importance of inclusion in victim services. The theme addressed how the crime victims field can better ensure that every crime victim has access to services and support by professionals, organizations, and communities working together to reach all victims. The TDCJ Victim Services Division has worked hard to expand that circle in many ways. One initiative that has been well-received within the agency is a victim services training facilitated by the Regional Victim Service Coordinators which is provided at the regional level for correctional staff. The purpose of the training is to help correctional staff appreciate how the work they do in supervising offenders has a direct impact on the victims harmed by those offenders. Each day the TDCJ Victim Services Division works tirelessly to ensure victims are aware of their rights and understand how to exercise their rights. They also collaborate with victim services agencies across the state to expand their circle of reach so that all victims have access to services and support. This year marks the 20th anniversary of the TDCJ Victim Services Division. Mr. Collier thanked Angie McCown and her staff for their dedicated efforts to assist crime victims in Texas and for performing such a vital function contributing to the mission of the agency.

Police Chief Leadership Series

Mr. Collier mentioned that the Sam Houston State University Law Enforcement Management Institute of Texas recently hosted a Texas Major Police Chief's Leadership Series meeting in San Antonio, Texas, on April 5, 2018. The theme for the meeting was "Enhancing Public Safety through Corrections and Law Enforcement Partnerships." Presenters for the meeting included the Texas Juvenile Justice Department, the Board of Pardons and Paroles, the Texas Department of Criminal Justice, and the Office of the Inspector General. The training provided a full day of opportunity for the TDCJ to interact with the Chiefs of Police of Dallas, Houston, Austin, San Antonio, and several other cities. The TDCJ provided a comprehensive overview of the system

and exchanged ideas on areas of mutual interest. Mr. Collier thanked Bruce Toney, Lorie Davis, Pam Thielke, and Carey Green for their participation in the training, which proved to be very valuable.

Report from the Chairman, TBCJ

Governor's Criminal Justice Volunteer Service Awards

Chairman Wainwright stated the 23rd annual Governor's Criminal Justice Volunteer Service Awards ceremony was held earlier in the day to recognize some of the selfless servants who volunteer within the TDCJ. More than 23,000 individuals volunteered almost 396,000 hours of service in 2017. These volunteers exemplify an American idea that we can change things, make things better, and solve problems when we work together. The TDCJ and the TBCJ are committed to forging lasting partnerships and working together for the greater good of the state of Texas. He thanked all volunteers on behalf of the TBCJ and the TDCJ employees.

National Correctional Officers and Employees Week

Chairman Wainwright reiterated Mr. Collier's report on the National Correctional Officers and Employees Week by stating on May 11, 2018, the TDCJ will honor those employees who paid the ultimate sacrifice while serving the state of Texas. The ceremony will be held at the prison museum and is open to the public. He encouraged everyone to attend and thank a TDCJ employee for their service.

Memorial Day – Veterans – Recruiting

Chairman Wainwright spoke about Memorial Day coming up next month. Memorial Day is a time for Americans to stand up to remember those in the armed services who laid down their lives in service to our nation and say thank you. It is a brave and selfless act for a person to commit to military service. He asked any and all veterans in the room to stand to be recognized and applauded. Chairman Wainwright announced the TDCJ is actively working to recruit veterans. Currently, 14% of the TDCJ's workforce is made up of veterans. Efforts are being made to increase that number. Recruiters within the Human Resources Division are canvassing Texas and attending job fairs at military bases throughout the United States. In 2017, the TDCJ hired more than 1,200 veterans as correctional officers. Thus far in 2018, 807 veterans have applied for correctional officer positions. The application process for veterans has been streamlined, phone interviews are being conducted for service members stationed out of state, and the TDCJ added a veteran's liaison to assist former members of the military with applications and answering questions about employment.

He stated the TDCJ is not only focusing on recruiting and hiring veterans but is also focusing on the rehabilitation of veterans within the offender population. There are more than 10,000 inmates with past military service incarcerated in the TDCJ. Specialized programs to help address the specific needs of those who served our country have been implemented. An agreement with the Texas Veterans Commission, and the TDCJ Reentry and Integration Division helped open the

first ever Veterans Reentry Dorm at the Travis County State Jail to house offenders who have been identified with a service record and wish to participate in the program. It is designed to mimic the squadron structure familiar to veterans. Participation in the six-month program is completely voluntary and requires offenders to first take responsibility for the crimes that brought them to prison. As a veteran offender transitions from incarceration to communities, the TDCJ works to help eligible offenders file pension reinstatement claims, as well as veteran benefit applications. More than 400 veterans were served in 2017. Another program impacting lives of veterans and offenders is Patriot Paws. The program provides highly-trained dogs, cared for and trained by female offenders, at no cost to injured veterans. Chairman Wainwright expressed gratitude for organizations and volunteers who see a need for veterans and step up to make a difference.

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 April 05, 2018, Internal Audit Division Status Report for the Fiscal Years (FY) 2017 - 2018:

- **1803 - Correctional Institutions Division, Food Services Follow up:** Audit is a draft report.
- **1812 - Executive Administrative Services, Information Technology Division, Correctional Institutions Division, Community Justice Assistance Division, Criminal Justice Information System Follow up:** Audit is in fieldwork.

Terrell McCombs inquired about the Internal Audit Division staffing vacancies. Mr. Cirrito stated there are two auditor vacancies posted currently and hopes to fill those within the next couple of weeks.

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

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

Discussion, Consideration, and Possible Action Regarding the Selection of the Inspector General

Chairman Wainwright stated at the December board meeting Mr. Bruce Toney announced plans to retire in June. As outlined in board policy, the TBCJ appoints an inspector general who reports directly to the board. The inspector general is a licensed peace officer with extensive experience in training. The Office of the Inspector General (OIG) plays a vital role in protecting the citizens of Texas, TDCJ staff and volunteers, and offenders. The OIG is required to treat everyone with equality and fairness while monitoring compliance with laws, agency policies, and regulations in order to make recommendations for appropriate action to the TBCJ. Additionally, the OIG participates with other crime and fugitive federal task forces. A committee was formed to search for a new inspector general and consisted of Chairman Wainwright, Eric Gambrell, Tom Fordyce, and Larry Miles. The position posted and the committee selected a number of qualified candidates to interview. Interviews were held on March 21, 2018, and on April 6, 2018, the

committee presented a recommendation to the TBCJ in executive session. Chairman Wainwright asked if there are any questions or comments. Hearing none, he called for a motion and a second.

Tom Fordyce moved that the Texas Board of Criminal Justice approve the selection of Cris Love as the Inspector General to be effective June 1, 2018.

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

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.

Ron Steffa, Deputy Chief Financial Officer, reviewed the purchases and contracts over \$1 million. He presented 16 purchase items for approval. Item 1 is an increase to a current contract for additional electronic monitoring services due to an increase usage in services. Item 2 is a renewal of \$2.5 million for John Deere tractor parts used for maintenance and repair of the tractor fleet for FY19. Items 3 through 5 are used to produce meat products for offender consumption for FY19. Item 6 is cans and lids used for canning of Agribusiness-produced vegetables for offender consumption for FY19. Item 7 is a replacement contract for ammonia nitrate for FY19. Item 8 is the soybean meal replacement contract for FY19. Item 9 is cattle feed for FY19. Items 10 through 14 are used in Texas Correctional Industries manufacturing; metal aluminum coils, reflective specialty sheeting, cloth blend greige sheeting, micro-prismatic reflective sheeting, and aluminum sign blanks. Item 15 is a replacement contract for an interagency agreement with the Texas Health and Human Services Commission for medication reimbursement for Texas Correctional Office on Offenders with Medical or Mental Impairments services provided for offenders' post-release. Item 16 is a replacement contract for the State Jail Substance Abuse program at Lychner State Jail.

Patrick O'Daniel abstained from taking action due to his firm representing three of the companies listed.

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

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

*Tom Wingate seconded the motion, which prevailed when called to a vote.
Chairman Wainwright stated for the record both he and Patrick O'Daniel abstained from voting on this item.*

**Discussion, Consideration, and Possible Action Regarding Adoption of
Amendments to Board Rule Title 37 Texas Administrative Code
Chapter 152 Correctional Institutions Division**

1. Subchapter A, Mission and Admissions

Sharon Howell, TDCJ General Counsel, requested the adoption of amendments to Board Rule Title 37 Texas Administrative Code Chapter 152 Correctional Institutions Division Subchapter A, "Mission and Admissions," as proposed and authorized at the February 23, 2018, TBCJ meeting. She explained the amendments appeared in the March 9, 2018, 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 any questions or comments. Hearing none, he called for a motion and a second.

Larry Miles moved that the Texas Board of Criminal Justice adopt Board Rule Title 37 Texas Administrative Code Chapter 152 Correctional Institutions Division Subchapter A, Mission and Admissions, as published in the Texas Register, and that the chairman sign the order to this effect.

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

2. Subchapter B, Correctional Capacity

Ms. Howell requested the adoption of amendments to Board Rule Title 37 Texas Administrative Code Chapter 152 Correctional Institutions Division Subchapter B, "Correctional Capacity," as proposed and authorized at the February 23, 2018, TBCJ meeting. She explained the amendments appeared in the March 9, 2018, issue of the *Texas Register*. TBCJ also placed notices in offender housing areas at the affected units, so the offenders in those units had an opportunity to comment. 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 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 adopt Board Rule Title 37 Texas Administrative Code Chapter 152 Correctional Institutions Division Subchapter B, Correctional Capacity, as published in the Texas Register, and that the chairman sign the order to this effect.

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 163.25 Strategic Plan**

Ms. Howell requested the adoption of amendments to Board Rule 163.25, "Strategic Plan," as proposed and authorized at the February 23, 2018, TBCJ meeting. She explained the amendments appeared in the March 9, 2018, 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.

E.F. 'Mano' DeAyala moved that the Texas Board of Criminal Justice adopt Board Rule Title 37 Texas Administrative Code Section 163.25, regarding Strategic Plan, as published in the Texas Register, and that the chairman sign the order to this effect.

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

**Discussion, Consideration, and Possible Action Regarding Proposed Land
Transaction Request for Gas Pipeline Easement at the
Stiles Unit, Jefferson County, in Beaumont, Texas**

Bobby Lumpkin, Director of the Manufacturing, Agribusiness and Logistics Division, presented the request for gas pipeline easement at the Stiles Unit, Jefferson County, Beaumont, Texas. He stated Enterprise TE Products Pipeline Company, LLC is requesting an easement consisting of an area of approximately 4.25 acres of land being 6,174.82 feet long by 30 feet wide for installation of one natural gas liquids pipeline and an area of approximately .065 acre being 141.12 feet long by 20 feet wide to serve as an ingress/egress right-of-way. This request includes temporary workspace totaling 11.86 acres for use during pipeline construction and installation. Enterprise TE Products Pipeline Company, LLC has agreed to pay \$355,955.00 for the easement with a ten-year term. Mr. Lumpkin recommended the TBCJ approve the request.

Patrick O'Daniel abstained from taking action on this item.

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 request for a gas pipeline easement at the Stiles Unit in Jefferson County, in Beaumont, Texas, as presented.

Larry Miles seconded the motion, which prevailed when called to a vote.

Chairman Wainwright stated for the record Patrick O'Daniel abstained from voting on this item.

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 was one registration card received prior to the established deadline for public comment within the jurisdiction of the TBCJ but not items posted on the agenda. The time limit set was five minutes per individual.

David O'Neal stated he is speaking on behalf of the Texas Criminal Defense Lawyers Association (TCDLA). He stated the TCDLA submitted a letter to the TBCJ to enlist support for efforts to create an independent State Council for Offenders (SCFO) office. Mr. O'Neal served as the director of trial services at SCFO and resigned in 2000 due to ethical reasons. He claimed the SCFO organizational structure remains unchanged, as does the problems associated with it. He claimed SCFO is the only office in the country under such an arrangement. He stated the TCDLA and the state bar committee issued a review pointing out the many ethical problems stemming from the SCFO organizational structure. In 2000 and 2014, TCDLA passed resolutions calling for an independent SCFO established pursuant to the American bar association's 10 principles of a public defense system. The state bar committee findings include: 83.9% believe SCFO policy and rules hamper them in the zealous representation of clients; 70% of SCFO attorneys noted in the review did not believe they had sufficient discretion to adequately represent their clients; only 23.3% believed the ability, training, and experience of SCFO attorneys match the complexity of the cases; 93.3% strongly believe that SCFO does not receive equal resources and pay compared to prosecutors; and 81.7% believe they are not adequately funded to effectively represent their clients. He stated the TCDLA hopes to resolve the problem through legislation, modeling the structure after the Special Prosecution Office. Mr. O'Neal thanked the TBCJ members for the opportunity to speak.

Chairman Wainwright confirmed the report has been provided to all members of the TBCJ. He asked if the state bar of Texas or its board take the same position. Mr. O'Neal replied the review was authorized for publication, however, the state bar has not taken a position as they believe they are not in a position to take a stand on another state agency.

Chairman Wainwright asked if the main concern about the independence of SCFO is that the funding comes through the TDCJ. Mr. O'Neal stated that is part of the problem, however, the 10 principles delineated in the review found problems in all 10 areas.

Chairman Wainwright asked if Mr. O'Neal understands that SCFO reports directly to the TBCJ, and not to the TDCJ. Mr. O'Neal replied yes the problem is with the day-to-day contact with TDCJ personnel.

Chairman Wainwright commented that the federal public defender's office is funded by the federal government and asked how that was different. Mr. O'Neal replied it is different because

there is no organization in the country that is integrated into any criminal justice system as is SCFO. He provided the special prosecution office as an example of organizational independence. Chairman thanked Mr. O'Neal for his presentation and asked if there were any other questions or comments.

Chairman Wainwright thanked everyone for coming, and announced that the next meeting of the TBCJ will be Friday, June 29, 2018, at the Wyndham Garden Hotel in Austin.

Adjournment

There being no further business, Chairman Wainwright adjourned the 198th meeting of the Texas Board of Criminal Justice at 3:05 p.m.

Chairman*

Secretary*

*Signature on File