

Texas Board of Criminal Justice
204th Meeting



Minutes

April 5, 2019
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

**DoubleTree Hotel
Phoenix North Ballroom and Robertson Room
6505 North IH 35
Austin, Texas 78752**

**April 5, 2019
11:00 AM – 3:00 PM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session – Phoenix North Ballroom

- A. 24th Annual Governor’s Criminal Justice Volunteer Service Awards Ceremony

Recess

Reconvene TBCJ

II. Executive Session – Robertson 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 or to hear a complaint or charge against an employee (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

I. (continued) Regular Session – Phoenix North Ballroom

B. Recognitions

C. Consideration of Approval of Consent Items

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. 203rd TBCJ Meeting Minutes
4. Excused Absences

D. Report from the Chair, Judicial Advisory Committee (JAC) – Overview of the January 9-10, 2019, JAC Meeting

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

F. Report from the Chairman, TBCJ

G. Internal Audit Status Report for Fiscal Years 2018 – 2019

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

I. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code Section 163.33, Community Supervision Officers

J. Discussion, Consideration, and Possible Action Regarding Proposed Land Transactions

1. Request to Renew a Gas Pipeline Easement at the Clemens and Scott Units in Brazoria County, Texas
2. Request for Electrical/Communications Transmission Easement at the Goree Unit in Walker County, Huntsville, Texas
3. Request to Renew a Pipeline Easement at the Smith Unit in Dawson County, Lamesa, Texas
4. Request to Renew a Surface Lease at the Rudd Unit in Terry County, Brownfield, Texas

K. Discussion, Consideration, and Possible Action Regarding a Facilities Division Construction Project - Request to Resurface Perimeter Road at the Terrell Unit in Brazoria County, Rosharon, Texas

L. Public Comments

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. 204**

The Texas Board of Criminal Justice (TBCJ) convened on Friday, April 5, 2019, in regular session at 11:07 a.m. in the Phoenix North Ballroom at the DoubleTree Hotel, Austin, Texas. The TBCJ recessed at 12:27 p.m., reconvened in regular session at 2:30 p.m., and adjourned at 3:45 p.m.

TBCJ MEMBERS PRESENT:

Hon. Dale Wainwright, Chairman
Terrell McCombs, Vice Chairman
E.F. "Mano" DeAyala
Tom Fordyce
Larry Miles
Patrick O'Daniel
Derrellynn Perryman
Hon. 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
Jason Clark Bobby Lumpkin
Lorie Davis Angie McCown
Jeremy Desel Jerry McGinty
Patty Garcia Melvin Neely
Cody Ginsel Kelvin Scott
Carey Green Ron Steffa
Rene Hinojosa Malika Te
Sharon Howell Pam Thielke
Sherry Koenig David Yebra
Dr. Lannette Linthicum April Zamora

TBCJ STAFF PRESENT:

Christopher Cirrito
Marie Freeland
Cris Love
Giustina Persich
Lynne Sharp

OTHERS PRESENT:

Representative James White and former TBCJ Chairman
Carol Vance.

Convene the Texas Board of Criminal Justice

Chairman Dale Wainwright convened the 204th meeting of the TBCJ on Friday, April 5, 2019, at 11:07 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*.

24th Annual Governor's Criminal Justice Volunteer Service Awards Ceremony

Chairman Wainwright welcomed all honored guests joining the TBCJ for the 24th 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.

Bryan Collier, TDCJ Executive Director, commended TDCJ volunteers for making an impact. He stated volunteerism is seen as a responsibility instead of a choice. During 2018, over 21,000 volunteers gave more than 399,000 hours of time to help change the lives of offenders and help the TDCJ meet the mission of keeping Texas safe. Mr. Collier stated volunteers make a big difference and thanked all volunteers for their service.

Chairman Wainwright introduced the keynote speaker, Representative James White, Chairman of the Corrections Committee of the Texas House. Chairman White expressed gratitude to all the volunteers, including correctional officers, for their vital role in helping the TDCJ achieve its mission. He stated the legislature has taken notice of the high standard of work done by the volunteers and they accept the challenge of meeting the work that has been done. He stated the legislature will continue to work with the TDCJ, the WSD, and volunteers to provide the tools necessary to maintain the positive impact on the lives of offenders. Noting that the Department can continue to improve, Chairman White also stated that TDCJ is doing the best job accomplishing its mission that he is aware of. He thanked them on behalf of the state of Texas.

Chairman Wainwright welcomed Board Member E.F. "Mano" DeAyala as the master of ceremonies. Mr. DeAyala announced awards to the following individuals and organizations:

Greg Swann, *Chaplaincy Department*
Brenda Martin, *Correctional Institutions Division*
Bishop Cooper, *Nancy Hees Award-Parole Division*
Daniel Slape, *Private Facility Contract Monitoring/Oversight Division*
Armatus Reintegration Program, *Reentry and Integration Division*
David Gunter, *Religious Service*
Jubilee Prison Ministry, *Religious Service*
Rickie H., *Substance Abuse Treatment Program*
WINGS Ministries, *Health Services Division*

Jim Buffington, *Pathfinder Award-Victim Services Division*
Alvis Golightly, *Judy Burd Award-Windham School District*
Clutch Francis, *Restorative Justice*
Kim Jackson, *Susan Cranford Award-Female Offender Program*
Bright and Beautiful Therapy Dogs, *Most Innovative Program*
Covenant With Christ International, *Community Service*
Retired and Senior Volunteer Program, *Best Family Program*
Andrew Iwe, *Leonard Davis Award for Most Hours Served*
Randy Upham, *Extensive Travel*
Derek Washington, *TDCJ Employee Volunteer*
Maricia Jackson, *Criminal Justice Administrator*
Stephen Harris, *Judge Carroll Wilburn, Jr. Award*
Kenneth Hartfield, *Carol S. Vance Volunteer of the Year*

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

Mr. DeAyala introduced Judge Bramlett, who presented the first ever Judge Carroll Wilburn, Jr. award. Judge Bramlett expressed gratitude for the opportunity to present the award and thanked the volunteers for their hard work.

Mr. DeAyala 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.

Mr. DeAyala 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, Chairman James White 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 204th meeting of the TBCJ. The time was 12:27 p.m.

(Attachment A – Program for 24th Annual Governor’s Criminal Justice Volunteer Service Awards)

**MINUTES OF THE
TEXAS BOARD OF CRIMINAL JUSTICE
Meeting No. 204**

The TBCJ reconvened in regular session at 2:30 p.m. in the Phoenix North Ballroom at the DoubleTree Hotel, Austin, Texas, and adjourned at 3:45 p.m.

TBCJ MEMBERS PRESENT:

Hon. Dale Wainwright, Chairman
Terrell McCombs, Vice Chairman
E.F. "Mano" DeAyala
Tom Fordyce
Larry Miles
Patrick O'Daniel
Derrellynn Perryman
Hon. 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	
Jason Clark	Dr. Lannette Linthicum
Lorie Davis	Bobby Lumpkin
Jeremy Desel	Angie McCown
Patty Garcia	Jerry McGinty
Cody Ginsel	Melvin Neely
Carey Green	Kelvin Scott
Rene Hinojosa	Ron Steffa
Sharon Howell	Malika Te
Frank Inmon	Pam Thielke
Sherry Koenig	David Yebra
	April Zamora

TBCJ STAFF PRESENT:

Christopher Cirrito
Marie Freeland
Cris Love
Giustina Persich
Lynne Sharp

Reconvene Texas Board of Criminal Justice

Chairman Wainwright reconvened the regular session of the 204th meeting of the TBCJ on Friday, April 5, 2019, at 2:30 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." Nine speaker registration cards were received for public comment prior to the deadline and would be heard later in the meeting.

Recognitions

Bryan Collier, TDCJ Executive Director, recognized Rene Hinojosa, Rehabilitation Programs Division Director, for 25 years of service with the Texas Department of Criminal Justice. He highlighted his career and thanked him for his dedication.

Mr. Collier recognized Pam Thielke, Parole Division Director, for 30 years of service with the state of Texas. He highlighted her career and thanked her for her commitment.

David Yebra, Training and Leader Development Division Director, introduced Charlene Trentham as one of the new Deputy Directors, and highlighted her education and career.

Mr. Yebra introduced Matthew Ade as one of the new Deputy Directors, and highlighted his education and career.

Pam Thielke, Parole Division Director, introduced Amanda Lowe as the new Region V Director, and highlighted her education and career.

Lorie Davis, Correctional Institutions Division Director, introduced Gene Monroe as the new Region VI Director, and highlighted his education and career.

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 2019. During this time, 127 employees attained 25 years of service, 25 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 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. 203rd TBCJ Meeting Minutes**
- 4. Excused Absences**

Chairman Wainwright stated he was abstaining from taking action on the personal property donations. He stated there is an excused absence for Tom Fordyce and Patrick O'Daniel from the February 8, 2019, meeting due to personal business. Pastor Miles abstained from taking action due to his church, Trinity Fellowship Church, donating items for consideration. Chairman Wainwright acknowledged the abstention and, hearing no further questions, the consent items were approved.

Report from the Chair, Judicial Advisory Committee (JAC) - Overview of the January 9-10, 2019, JAC Meeting

Chairman Wainwright stated this agenda item will be rescheduled.

Report from the Executive Director, Texas Department of Criminal Justice

Update on the 86th Legislative Session

Mr. Collier stated the 86th Legislative Session is past the mid-point now and hearings are in full swing. Most of the work thus far has focused on the agency budget requests. The House passed their version of the budget last week and the Senate passed their budget this week. The next steps will include a conference committee of the House and Senate, which will work out the differences and propose a final budget. There were over 7,000 bills filed this session and the agency is tracking over 1,300 bills that, if passed, will have an impact on the agency. Many TDCJ staff have testified at legislative hearings and represented the agency very well. Although the budget and legislative process is still ongoing, it is fully anticipated that the needs of the agency will be met and the agency is committed to working closely with legislative leadership until the final gavel.

Female Offender Programs

Mr. Collier stated that over the past year the agency has been working to improve and enhance program opportunities for the female offender population. This includes expanding the female cognitive prerelease program at the Marlin Unit and Halbert Unit; expanding the Roadway to

Freedom program at the Plane Unit; creating the Reentry Pathway Dorm at the Woodman Unit; and creating the Female Policy Advisory Committee to assist in developing best practices and programming for the female population. A plan to develop a Female Reentry Center at the Mountain View Unit is in the works as well. This program is a partnership between the Correctional Institutions Division, the Rehabilitation Programs Division, the Reentry and Integration Division, and the Windham School District. It will serve female offenders who are within 12 weeks of their release date. During the 12 weeks, they will be assigned to the reentry center and will work with TDCJ and WSD staff and volunteers on gender responsive trauma informed programming, career readiness and employment preparation, and a variety of other programs or services focused on helping them to be successful upon release.

National Correctional Officers/Employees Week

Mr. Collier stated May 5-11, 2019, 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. Within the TDCJ, the efforts of these staff are recognized and the memory of all correctional staff across the nation who have given their lives in the line of duty are honored. During this week, all of the TDCJ units will hold memorial services and an agency fallen officer memorial service will be held in Huntsville on Friday, May 10, 2019. All are cordially invited to attend any of the services as we honor correctional staff.

Report from the Chairman, TBCJ

Governor's Criminal Justice Volunteer Service Awards

Chairman Wainwright stated the 24th 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 21,000 individuals volunteered more than 399,000 hours of service in 2018. 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 TDCJ employees.

National Crime Victims' Rights Week

Chairman Wainwright stated the mission of the TDCJ is to provide public safety, promote change in offender behavior, reintegrate offenders into society, and assist victims of crime. April 7-13, 2019, is National Crime Victims' Rights Week. It recognizes the crime victim advocates, allied professionals, and selfless volunteers who have courageously worked toward a future of inclusive and accessible resources and services. The theme for this year is "Honoring Our Past. Creating Hope for the Future." The victims' rights movement was started by individuals and

groups who worked tirelessly to establish victims' rights in our laws and to improve the way the criminal justice system responds to victims and their needs.

In 1979, the Texas Crime Victims' Compensation Act was passed creating a fund to compensate victims for certain expenses related to the crime. In 1982, President Reagan established the President's Task Force on Victims of Crime, cementing a path for progress in the victims' rights movement. In 1985, Crime Victims' Rights became part of Texas law. Four years later, Texas voters approved a constitutional amendment adding the victims' bill of rights to the state constitution. Over the ensuing years, laws were passed in Texas that strengthened victims' rights, strengthened the Crime Victims Compensation Fund, and required criminal justice agencies to make changes to afford victims their rights, make sure they were able to exercise those rights, have their voices heard, and have their needs met in order to be able to recover and be restored in the aftermath of violent crime. In 1998, the TDCJ established the Victim Services Division. The TDCJ provides victims of crime with support throughout the time of the offender's incarceration and beyond. The TDCJ Victim Services Division is dedicated to providing direct and personal service to victims and their families throughout Texas, as well as assisting those outside the state of Texas to the best of our ability. The goal is to assure victims that they are not left behind at the crime scene and can be involved in all parts of the criminal justice system.

Internal Audit Status Report for Fiscal Years 2018 - 2019

Christopher Cirrito, Director for the Internal Audit Division, provided the following updates to the handout of the March 25, 2019, Internal Audit Division Status Report for the Fiscal Years (FY) 2018 - 2019:

- **1906 - Business and Finance Division, Procurement Cards:** Audit is a draft report.
- **1911 - Information Technology Division, Resource Application Control Facility:** Audit is in control assessment.

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

(Attachment C – Internal Audit Division Status Report, Fiscal Years 2018-2019)

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.

Jerry McGinty, TDCJ Chief Financial Officer, reviewed the purchases and contracts over \$1 million. He presented 37 purchase items for approval. Items 1 and 2 are increases to a current contract for additional services and needs. Item 3 is a renewal for modular furniture for FY20. Items 4 through 11 are renewals for agricultural commodity items for FY20. Items 12 through 15 are renewals for the manufacturing of license plates and highway signs for FY20. Item 16 is a renewal for the manufacturing of offender sheets, pillowcases, and clothing for FY20. Item 17 is

a three-year procurement for electricity to various units. Items 18 through 25 are renewals for residential reentry centers for FY20. Item 26 is a renewal for operation and management of the East Texas Treatment Facility for FY20-21. Item 27 is a renewal for the cognitive intervention program at the Baten Intermediate Sanction Facility for FY20-21. Items 28 through 30 are renewals for operations at the state jails for FY20-21. Items 31 through 37 are renewals for operations at the seven private correctional centers.

Tom Wingate asked how the rate for the renewal of item 26 compares to the prior year. Mr. McGinty replied that the difference is approximately 2%, which was allowed from the original contract.

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

Chairman Wainwright abstained from taking action and asked if there were any other 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.

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

**Discussion, Consideration, and Possible Action Regarding Proposed
Amendments to Board Rules Title 37 Texas Administrative Code Section
163.33, Community Supervision Officers**

Sharon Howell, TDCJ General Counsel, presented the proposed amendments to Board Rule 163.33, "Community Supervision Officers." She stated this rule is being reviewed pursuant to the state law requirement that rules be reviewed every four years. The proposed changes include an extensive reorganization, however, do not change any practice or requirement. 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 163.33, regarding Community Supervision Officers, 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 Transactions

1. Request to Renew a Gas Pipeline Easement at the Clemens and Scott Units in Brazoria County, Texas

Bobby Lumpkin, Director of the Manufacturing, Agribusiness and Logistics Division, presented the request to renew a gas pipeline easement at the Clemens and Scott Units, in Brazoria County, Texas. He stated South Tex 66 Pipeline Co. is requesting to renew an easement consisting of an area of approximately 17.44 acres of land being 25,258 feet long by 30 feet wide for one ethylene gas pipeline, to include a valve site and electrical service line. This easement was first granted in May 1989. South Tex 66 Pipeline Co. has agreed to pay \$1,148,055 for the easement with another 10-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 to renew a gas pipeline easement at the Clemens and Scott Units in Brazoria County, Texas, as presented.

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

2. Request for an Electrical/Communications Transmission Easement at the Goree Unit in Walker County, Huntsville, Texas

Mr. Lumpkin presented the request for an electrical/communications transmission easement at the Goree Unit, in Walker County, Huntsville, Texas. He stated Entergy Texas, Inc. is requesting an easement consisting of approximately 19.632 acres being 6,841.528 feet long by 125 feet wide for electrical transmission and communications facilities on one line of structure. Entergy Texas, Inc. has agreed to pay \$318,000 for this easement with a 30-year term. Terms include indemnification language. 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.

Larry Miles moved that the Texas Board of Criminal Justice approve the request for an electrical/communications transmission easement at the Goree Unit in Walker County, in Huntsville, Texas, as presented.

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

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

Mr. Lumpkin presented the request to renew a pipeline easement at the Smith Unit, in Dawson County, Lamesa, Texas. He stated Faskin Oil and Ranch, LTD is requesting to renew an easement consisting of approximately 4.85 acres being 6,287.70 feet long by 30 feet wide for one water/salt water pipeline; and pad site, 150 feet long by 150 feet wide, for an injection facility. This easement was first granted in April 2009. Faskin Oil and Ranch, LTD has agreed to pay \$24,250 for this easement with another 10-year term. Terms include indemnification language. 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 renew a pipeline easement at the Smith Unit in Dawson County, in Lamesa, Texas, as presented.

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

4. Request to Renew a Surface Lease at the Rudd Unit in Terry County, Brownfield, Texas

Mr. Lumpkin presented the request to renew a surface lease at the Rudd Unit, in Terry County, Brownfield, Texas. He stated SBA Structures, LLC is requesting to renew a surface lease consisting of approximately 4.46 acres of land that serves as the site of a communication tower. This lease was first granted in April 1999. SBA Structures, LLC has agreed to pay an annual rent of \$1,350 with scheduled increases of 3% each five-year period throughout a lease term of 20 years. 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.

Derrelynn Perryman moved that the Texas Board of Criminal Justice approve the request to renew a surface lease at the Rudd Unit in Terry County, in Brownfield, Texas, as presented.

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

**Discussion, Consideration, and Possible Action Regarding Facilities Division
Construction Project – Request to Resurface Perimeter Road at
the Terrell Unit in Brazoria County, Rosharon, Texas**

Frank Inmon, Director of the Facilities Division, presented a new project for consideration requesting board approval to resurface a perimeter road at the Terrell Unit located in Brazoria County, Rosharon, Texas. The work will consist of replacing 5,920 linear feet of perimeter road to include a new subgrade limestone base and asphalt top. Additionally, more than 4,500 square feet of concrete drive apron at the back gate will be replaced. One bid was received for this project. If approved, the work will be performed by Allbrite Constructors of Texas, Inc., with a total cost of \$3,134,868.

Tom Fordyce moved that the Texas Board of Criminal Justice approve the request to resurface the perimeter road at the Terrell Unit located in Brazoria County, Rosharon, Texas, as presented.

Larry Miles 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 nine registration cards 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 four minutes per representative for each topic.

Yancy Valdarez spoke on behalf of herself and Maria Reyes regarding death row conditions. Ms. Valdarez thanked the board for the opportunity and stated it was difficult to stand before the board. Her husband is on death row and she worries every day about his mental health. She stated living in solitary confinement every day for decades eventually takes a toll on the mind. She requested that the board look into the matter because her husband does not cause problems inside the prison and sometimes is not even allowed the one hour outside his cell. Sometimes he is required to stay in there 24 hours a day. She requested they come up with a program to minimize the mental distress of offenders on death row, especially for those that do not cause problems. She stated the 8th Amendment of the United States Constitution prohibits cruel and unusual punishment. In her opinion, solitary confinement is punishment upon punishment because the punishment is death. Solitary confinement is punishment for offenders who are problematic. She stated that Maria Reyes, as a mother, wants the board to know it is important to have communication with her son and requests that the board allow her son and other death row offenders to be able to call home, at least for birthdays and holidays.

Chairman Wainwright thanked her for having the courage to bring her concerns before the TBCJ and stated he understands it is not easy to get up there and speak. He thanked Ms. Reyes for coordinating her concerns with Ms. Valdarez.

Deda Perez Meyer was not present when called.

Frances Vaughn stated there have been many reports of mysterious deaths of offenders in the news. She attributed the offender upon offender murders to gang activity since it appears that one race is killing another race. She stated her husband is currently incarcerated at Darrington and is an ex gang member. She stated he made a stupid decision and thought he would purchase a cell phone inside the prison for \$400 through the gangs, however, the deal went south. She claimed he has been threatened by gang members and the TDCJ is aware of it. An offender protection investigation was conducted and included staff witness statements alleging they heard members of the bloods threatening to “smash” him. He is still waiting to be moved for protection. She fears he will become a member of the mysterious offender death club. She expressed disappointment about TDCJ’s response to remove clergy from the death chambers. She stated that it seems inhumane and harsh for them to not have a spiritual advisor. She also stated if they look on Facebook they would be dismayed by the comments posted by TDCJ staff members who are openly hateful about the offenders in their custody and they clearly hate their jobs. She stated this is a horrible combination and should be addressed.

Chairman Wainwright asked for clarification and if she was familiar with the TDCJ’s policy on offenders access to clergy on the days before and the day of execution. She said she had second-hand knowledge because of a coworker whose husband was executed. He thanked her for her comments.

Gloria Rubek stated her friend who is housed at the Polunsky Unit has diabetes and is not receiving adequate treatment. She stated she was diabetic and very familiar with it. She fears he will lose his eyesight, a kidney, a toe, or a leg. She claimed he doesn’t get enough of his medication and should be hospitalized immediately until it gets under control. She also stated there is no diabetic food tray option available and asked why. She requested he receive adequate treatment.

Chairman Wainwright thanked her for her comments.

Tanya Sedekey alleged offender Robert Robertson died from environmental hyperthermia at the Michael Unit, which means he died of heat stroke. She claimed the result of the Pack prison lawsuit in which the facility cannot exceed 88 degrees is not good enough. She requested the TDCJ to require quantifiable measurements of temperature conditions in all units as we enter the hottest months of the year. She stated adequate temperature control is essential for the health and well-being of offenders.

Chairman Wainwright thanked her for exercising her right to share her comments in a public forum.

Terry Bean spoke on behalf of herself, Maricela Valdarez, and Darin Gross. She stated she is the sister of Jeffrey Wood who is on death row and who is factually innocent of murder but was

convicted under the law of parties. She expressed there were two issues to address. She referenced the Bill of Rights and stated it guarantees certain rights to individuals, including those who are or have been incarcerated. She stated her concern was with the decision to prohibit clergy from being in the death chamber at the time of execution. She stated many religious leaders focus on caring for the dying individual's mental and spiritual state, centered around keeping the person calm and comforted. As a family member of a man who has awaited execution for 23 years, she said this decision is causing her family much grief and asked the board to put themselves in her position. She stated Ms. Valdarez and Mr. Gross expressed to her that death row should be allowed the same benefit of making collect phone calls as the general population offenders. She stated death row is not supposed to be a punitive status, such as segregation due to bad behavior and repetitive case history. She stated death row is not allowed to make phone calls simply due to the label of the death sentence. She claimed death row offenders at the female unit are allowed to choose work or not choose work, however, the men don't get to choose. If a female inmate chooses not to work, then she is placed in the death row segregation area. She requested the board consider a pilot program for women on death row to allow telephone privileges for offenders with good behavior and follow the same criteria for all offenders. She thanked them for their time.

Chairman Wainwright thanked her for speaking and bringing the concerns of the others before the board. He assured their comments have been recorded and they will receive a written response.

Chairman Wainwright thanked everyone for coming, and announced that the next meeting of the TBCJ will be Friday, June 21, 2019, at the Crowne Plaza Hotel in Austin.

Adjournment

There being no further business, Chairman Wainwright adjourned the 204th meeting of the Texas Board of Criminal Justice at 3:45 p.m.


Chairman


Secretary