

Texas Board of Criminal Justice
205th Meeting



Minutes

June 21, 2019
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

**Crowne Plaza Hotel – Salons E-H
6121 North IH 35
Austin, Texas 78752**

**June 21, 2019
10:45 – 11:45 AM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session – Salons E-H

A. Recognitions

B. Consideration of Approval of Consent Items

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. 204th 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 2018-2019

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

G. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code Section 151.25, TDCJ Tobacco Policy

H. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rule Title 37 Texas Administrative Code Section 163.33, Community Supervision Staff

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

1. Request for Gas Pipeline Easement at the Clemens Unit in Brazoria County, Brazoria, Texas
2. Request for Electrical Transmission Easement at the Dominguez State Jail in Bexar County, San Antonio, Texas

- J. Discussion, Consideration, and Possible Action Regarding a Facilities Division Construction Project - Request to Install Air Conditioning at the Pack Unit in Grimes County, Navasota, Texas

Adjourn

II. Executive Session

- 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).

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. 205**

The Texas Board of Criminal Justice (TBCJ) convened on Friday, June 21, 2019, in regular session at 10:49 a.m. in Salons E-H, Lone Star III at the Crowne Plaza Hotel, Austin, Texas, and adjourned at 11:42 a.m.

TBCJ MEMBERS PRESENT:

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

TBCJ MEMBERS ABSENT:

Terrell McCombs, Vice Chairman

**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
Patty Garcia	Jerry McGinty
Cody Ginsel	Melvin Neely
Carey Green	Kelvin Scott
Rene Hinojosa	Ron Steffa
Sharon Howell	Malika Te
Sherry Koenig	Pam Thielke

TBCJ STAFF PRESENT:

Christopher Cirrito
Marie Freeland
Cris Love
Giustina Persich
Lynne Sharp

OTHERS PRESENT:

Honorable Judge Dale Spurgin, Jones County, and David Gutierrez, Board of Pardons and Paroles Presiding Officer

Convene the Texas Board of Criminal Justice

Chairman Dale Wainwright convened the 205th meeting of the TBCJ on Friday, June 21, 2019, at 10:49 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 comment prior to the deadline.

Recognitions

Bryan Collier, TDCJ Executive Director, recognized Oscar Mendoza, TDCJ Deputy Director, for 40 years of service with the Texas Department of Criminal Justice. He highlighted his career and thanked him for his dedication.

Dr. Lannette Linthicum, Health Services Division Director, introduced Chris Black-Edwards as the new Deputy Director, and highlighted her education and career.

Chris Cirrito, Internal Audit Division Director, introduced Kevin Campbell as the new Deputy 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 May and June 2019. During this time, 121 employees attained 25 years of service, 23 employees attained 30 years of service, 15 employees attained 35 years of service, five employees attained 40 years of service, and one employee attained 50 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. 204th TBCJ Meeting Minutes**

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 the 86th Legislative Session

Mr. Collier stated the 86th Legislative Session adjourned on May 27, 2019. The process began last August with the approval of the legislative appropriations request. A variety of issues related to the budget and proposed legislation were worked on throughout session. Overall, it was successful; the budget was favorable and there were no pieces of legislation that significantly impacted TDCJ operations. Within the Legislative Appropriations Request, we sought an additional \$725 million in funding for fundamental functions of the agency. While we did not get everything we asked for, we did get funding for a number of agency priorities. Ten out of the 11 items on our exceptional items were substantially funded. \$84 million was provided for targeted salary increases for correctional officers, correctional laundry and food service managers, ranking correctional officers, and parole officers. \$54 million in funding was allotted for major repairs and renovations to our correctional facilities. Although this funding is much lower than our needs over the next biennium, we are diligently working on a plan to address those needs. The legislature previously appropriated funds for comprehensive security surveillance systems on 14 maximum-security facilities. These systems have significantly improved safety and security. This session, \$13 million was requested for an additional four facilities. However, \$26 million was received for installation of these surveillance systems at the eight remaining maximum-security facilities. The legislature allotted \$24 million to replace the agency's aging mainframe computer system. An additional \$160 million was received to maintain offender health care services. The agency received \$5.3 million for an academic and vocational pilot program for state jail felons and an additional \$2 million to expand college vocational training programs. An additional \$8.4 million was appropriated to expand sheltered housing beds at the Stiles Unit. The legislature provided an additional \$4 million for pretrial diversion programs. Rural areas will see an expansion of mental health services for probationers and parolees thanks to an additional \$4.8 million in funding. We received \$1 million for a reentry services pilot program in Houston and Dallas. We also received substantial supplemental funding: \$38.6 million as repayment for funds transferred for hurricane relief, \$30 million to cover increases in correctional officer overtime, and \$190 million for medical shortfalls with our medical partners. Mr. Collier thanked Jason Clark, Chief of Staff; Malika Te, Director for Governmental Affairs; Oscar Mendoza, Deputy Executive Director; Jerry McGinty, CFO; Ron Steffa, Deputy CFO; Sherry Koenig, Budget Director; Britteny Skains, Executive Director Assistant; Cherie Miller, Deputy Executive Director Assistant; Gina Sweetin, CFO Executive Assistant; Tina Rodriguez, Executive Administration Assistant; and Lance Coleman, Office of the Inspector General Regional Manager.

National Pretrial, Probation, and Parole Supervision Week

Mr. Collier stated that July 21-27, 2019, is designated as National Pretrial, Probation, and Parole Supervision week. During this week, we celebrate the work done by Community Supervision Officers in Texas and across the United States. In Texas, there are over 5,000 Community

Supervision Officers between Probation and Parole. Each of these dedicated officers help make our communities safer through their supervision of offenders. Their work has a direct impact on improving public safety. Their efforts in helping offenders make positive changes is something we are proud to celebrate.

Report from the Chairman, Texas Board of Criminal Justice

Recognition of Internal Audit and the TDCJ Core Values

Chairman Wainwright stated the Internal Audit team was recently recognized by Texas legislative leadership. Senate Resolution 698 proposed by Senator Charles Perry and signed by Lieutenant Governor Dan Patrick marked May as International Internal Audit month. The recognition for Chris Cirrito and his team was well deserved. Internal auditors provide critical feedback as the department progresses. They ensure the department stays on course by voicing recommendations for corrective action when needed. He expressed having the honor of witnessing some of the finest professionals make a good organization even better.

Chairman Wainwright applauded the agency for its accomplishments and the commitment of its 36,000 employees. And he cautioned that once goals have been accomplished, there can be a tendency to let complacency set in and this must be avoided. To prevent complacency, the TDCJ must constantly upgrade standards and clearly define what is and is not acceptable. A few years ago, the TDCJ developed a set of core values to encapsulate the standards that are expected from each employee. Perseverance is the ability to exercise moral and physical strength to accomplish difficult tasks. Integrity is doing what is morally right at all times, even when no one is looking. Courage is the mental and moral ability to overcome fear, make a decision, and take action. Commitment is the determination to put one's duty before oneself. These are the values that set us apart. Excellence is our standard. He challenged all to keep striving, keep improving, and keep moving the ball forward.

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 June 10, 2019, Internal Audit Division Status Report for the Fiscal Years (FY) 2018 - 2019:

- **1912 – Rehabilitation Programs Division, *Rehabilitation Tier Tracking and Placement:*** Audit is in background.
- **1915 – Administrative Review and Risk Management Division, *Action Plan Follow-up and Tracking:*** Audit is in background.
- **1917 – Internal Audit Division, *Parole Division Billing:*** Audit is in walk-through.

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

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

Chairman Wainwright abstained from voting on items #17 and #42 on the purchases and contracts over \$1 million.

Jerry McGinty, TDCJ Chief Financial Officer, reviewed the purchases and contracts over \$1 million. He presented 57 purchase items, striking items 46 and 57. Items 1 and 2 are increases to current contracts for correctional health care services. Item 3 is a renewal for medical services with Huntsville Memorial Hospital. Items 4 through 14 are increases for design professional services. Item 15 is for commissary items. Item 16 is a renewal for the bulk fuel for FY20. Item 17 is a continuation of cell phone services. Item 18 is a renewal for natural gas. Item 19 is for food items. Items 20 through 31 are renewals for substance abuse services. Items 32 through 52 are renewals for treatment services. Items 53 through 56 are renewals for state jail substance abuse programs.

Patrick O’Daniel abstained from taking action due to his firm representing several of the companies listed. Eric Gambrell abstained from taking action due to his firm representing multiple entities listed, as well as his wife’s involvement with the Salvation Army.

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

E.F. “Mano” DeAyala moved that the Texas Board of Criminal Justice approve the purchases and contracts over \$1 million, as presented.

Larry Miles 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
151.25, Texas Department of Criminal Justice Tobacco Policy

Sharon Howell, TDCJ General Counsel, presented the proposed amendments to Board Rule 151.25, “TDCJ Tobacco Policy,” She stated this rule is being reviewed pursuant to the state law requirement that rules be reviewed every four years. The proposed changes add language to include vapor products, interns, and volunteers. The proposed changes also include a rearrangement of the language, however, do not change any practice or requirements. 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.

Thomas Wingate 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 151.25, regarding TDCJ Tobacco Policy, 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
163.33, Community Supervision Staff**

Ms. Howell requested the adoption of amendments to Board Rule 163.33, “Community Supervision Staff,” as proposed and authorized at the April 2019 TBCJ meeting. She explained the amendments appeared in the April 19, 2019, 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 163.33, regarding Community Supervision Staff, 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 for a Gas Pipeline Easement at the Clemens Unit in Brazoria County, Brazoria, Texas

Bobby Lumpkin, Director of the Manufacturing, Agribusiness and Logistics Division, presented the request for a gas pipeline easement at the Clemens Unit, in Brazoria County, Brazoria, Texas. He stated Phillips 66 Pipeline, LLC is requesting an easement consisting of an area of approximately 0.17 acres of land being 231.51 feet long by 30 feet wide for one natural gas liquids pipeline. Phillips 66 Pipeline, LLC has agreed to pay \$12,922 for the easement with a 10-year term. Terms include indemnification language, the most-favored nation clause, and additional insurance in the amount of \$3,000,000 per occurrence. 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 to renew a gas pipeline easement at the Clemens Unit in Brazoria County, Brazoria, Texas, as presented.

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

2. Request for an Electrical Transmission Easement at the Dominguez State Jail in Bexar County, San Antonio, Texas

Mr. Lumpkin presented the request for an electrical transmission easement at the Dominguez State Jail, in Bexar County, San Antonio, Texas. He stated CPS Energy is requesting an easement consisting of approximately 1.683 acres being 1,200.18 feet long by 60 feet wide for electrical transmission facilities on one line of structure. CPS Energy has agreed to pay \$43,554 for this easement with a 10-year term. Terms include indemnification language, the most-favored nation clause, and additional insurance in the amount of \$3,000,000 per occurrence. 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 for an electrical transmission easement at the Dominguez State Jail in Bexar County, in San Antonio, Texas, as presented.

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

Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Project – Request to Install Air Conditioning at the Pack Unit in Grimes County, Navasota, Texas

Frank Inmon, Director of the Facilities Division, presented a new project for consideration requesting board approval to install permanent air conditioning at the Pack Unit located in Grimes County, Navasota, Texas. The work will consist of installing 22 air conditioning units in offender housing, modifying the electrical system, and installing new emergency generators. If approved, the work will be performed by TDCJ facility maintenance with a total cost of \$3,978,858.

Eric Gambrell moved that the Texas Board of Criminal Justice approve the request to install air conditioning at the Pack Unit located in Grimes County, Navasota, Texas, as presented.

Thomas Wingate 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 Wednesday, August 21, 2019, at the Omni Hotel at Southpark.

Adjournment

There being no further business, Chairman Wainwright adjourned the 205th meeting of the Texas Board of Criminal Justice at 11:42 a.m.


Chairman


Secretary