

Texas Board of Criminal Justice
208th Meeting



Minutes

December 12, 2019
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

**Crowne Plaza Austin
Salon E-H and Lone Star III
6121 North IH-35
Austin, Texas 78752**

**December 12, 2019
10:45 AM – 11:45 AM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

- I. Regular Session – Salon E-H
 - A. Recognitions
 - B. Consideration of Approval of Consent Items
 1. Hazardous Duty Pay Authorization Requests
 2. Personal Property Donations
 3. 207th TBCJ Meeting Minutes
 - C. Election of Officers
 - 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 2019-2020
 - G. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million
 - H. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code Section 161.21, Role of the Judicial Advisory Council
 - I. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rules Title 37 Texas Administrative Code
 1. 163.31, Sanctions, Programs, and Services
 2. 163.41, Medical and Psychological Information

- J. Discussion, Consideration, and Possible Action Regarding Proposed Land Transactions
 - 1. Request for Gas Pipeline Easement at the Ramsey Unit in Brazoria County, Rosharon, Texas
 - 2. Request for Gas Pipeline Easement at the Stiles Unit in Jefferson County, Beaumont, Texas
 - 3. Request for Facilities Site Easement at the Halbert Unit in Burnet County, Burnet, Texas
 - 4. Request to Renew Water Pipeline Easement at the Ellis Unit in Walker County, Huntsville, Texas

- K. Discussion, Consideration, and Possible Action Regarding Proposed Facilities Division Construction Project to Replace Locking System at the Lindsey Unit in Jack County, Jacksboro, Texas

- L. Discussion, Consideration, and Possible Action Regarding Proposed Renaming of a TDCJ Facility

Recess

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

II. Executive Session – Lone Star III

- A. The TBCJ may convene into Executive Session.
- B. Discussion of personnel matters relating to the Board of Criminal Justice, 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).

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. 208**

The Texas Board of Criminal Justice (TBCJ) convened on Thursday, December 12, 2019, in regular session at 10:48 a.m. in Salons E-H at the Crowne Plaza Hotel, Austin, Texas, recessed at 11:42 p.m., reconvened in Executive Session at 1:10 p.m., and adjourned at 1:42 p.m.

TBCJ MEMBERS PRESENT:

Hon. Dale Wainwright, Chairman
Derrelynn Perryman, Vice-Chairman
Tom Fordyce, Secretary
Larry Miles
E.F. “Mano” DeAyala
Patrick O’Daniel
Judge Molly Francis
Judge Faith Johnson

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE STAFF
ABSENT:**

Hon. Sichan Siv

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE STAFF
PRESENT:**

Bryan Collier, Executive Director
Oscar Mendoza, Deputy Executive Director
Jason Clark, Chief of Staff Bobby Lumpkin
Erik Brown Angie McCown
Lorie Davis Jerry McGinty
Jeremy Desel Melvin Neely
Patty Garcia Kelvin Scott
Cody Ginsel Ron Steffa
Carey Green Malika Te
Rene Hinojosa Pam Thielke
Frank Inmon David Yebra
Sherry Koenig April Zamora

TBCJ STAFF PRESENT:

Chris Cirrito
Jill Durst
Cris Love
Giustina Persich
Lynne Sharp

OTHERS PRESENT:

Allegra Hill, Policy Advisor with the Office of Texas Governor Greg Abbott; Roel Benavides, Committee Clerk for the House Corrections Committee; Katelyn Caldwell, Representative Jarvis Johnson’s office; Hon. Dale Spurgin,

Jones County; David Gutierrez, Board of Pardon and Paroles Chair.

Convene the Texas Board of Criminal Justice

Chairman Dale Wainwright convened the 208th meeting of the Texas Board of Criminal Justice (TBCJ) on Thursday, December 12, 2019, at 10:48 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 as provided in accordance with Board Rule 151.4, “Public Presentations and Comments to the Texas Board of Criminal Justice.” No speaker registration card was received for public comments prior to the deadline.

Recognitions

Chairman Wainwright introduced Judge Molly Francis, Judge Faith Johnson, and Hon. Sichan Siv as new board members appointed by Governor Greg Abbott and highlighted their backgrounds.

Bryan Collier, Texas Department of Criminal Justice (TDCJ) Executive Director, recognized Kelvin Scott, Administrative Review and Risk Management Division Director, for his outstanding leadership and commitment to the Texas Department of Criminal Justice and wished him the best in his retirement.

Mr. Collier recognized Sherry Koenig, Budget Director, for her dedication and perseverance in serving the Texas Department of Criminal Justice and wished her the best in her retirement.

Pamela Thielke, Parole Division Director, introduced Mona Pena as the new Manager IV - Houston Region Director, and highlighted her education and career.

Chairman Wainwright recognized the TDCJ employees who have dedicated 25, 30, 35, and 40 years of service to the state of Texas during the months of November and December 2019. During this time, 92 employees attained 25 years of service, 40 employees attained 30 years of service, 16 employees attained 35 years of service, and two 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 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. 207th TBCJ Meeting Minutes

Chairman Wainwright abstained from taking action on the personal property donations, and asked if there were any other amendments, abstentions, or objections to the proposed consent items. Hearing none, the consent items were approved.

Election of Officers

Chairman Wainwright stated in accordance with Board Rule 151.3 the Texas Board of Criminal Justice shall elect a Vice-Chairman and Secretary each odd numbered year or when those positions become vacant. The Vice-Chairman shall preside over meetings in the Chairman's absence. The Chairman and/or Secretary execute necessary documents.

Chairman Wainwright asked for nominations for Vice-Chairman and Secretary of the Board.

Patrick O'Daniel nominated Derrelynn Perryman as the Vice-Chairman and Tom Fordyce as the Secretary.

Judge Faith Johnson seconded the nomination, which unanimously passed when called to a vote.

Report from the Executive Director, Texas Department of Criminal Justice

Discussion of Correctional Officer Staffing

Mr. Collier stated correctional officer staffing remains the number one agency priority. Throughout this year, the agency has seen correctional officer vacancies grow to historically high rates. In step with this trend, TDCJ increased recruiting and retention strategies to new levels and is evaluating staffing needs to help identify areas that can be more efficient. The agency is examining the potential use of technology to replace the need for a staff post which could allow for more available staffing inside facilities. The hope is to find cost effective technologies that can also ensure the same level of public safety. Mr. Collier stated that correctional officer staffing will remain the agency's number one priority.

Overview of the STRIVE Reentry Program

Mr. Collier discussed the STRIVE Reentry program. STRIVE stands for Strength Through Restoration, Independence, Vision, and Empowerment. The first graduation was held on November 22, 2019. Mr. Collier thanked Derrelynn Perryman, TBCJ member, and State Representative Carl Sherman for being present and speaking at the graduation. A total of 28 women graduated, all of whom had jobs waiting for them, and, through the efforts of the Windham School District, also had multiple training certifications. Many of the women had family members attend the graduation ceremony; and each of the graduates expressed a new level of confidence and determination as they prepare for reentry. The second STRIVE class was

also in attendance and began the program the last week of November 2019. The third class starts in December.

Mr. Collier thanked the Correctional Institutions Division, Manufacturing, Agribusiness and Logistics Division, Rehabilitation Programs Division, Reentry and Integration Division, the Parole Division, and the Windham School District for their collective efforts to make the program a success. The program was created with no additional state resources and is a great example of what the agency can accomplish with a will, creativity, and hard work.

Holiday Message

Mr. Collier expressed gratitude to the TBCJ and the staff of the TDCJ for an exceptional year. He stated there had been many challenges throughout the year that were handled in ways that allowed the agency to continue to make progress. The agency had a very successful legislative session and left the 86th legislative session with much to do to implement lawmakers' decisions. Some of those decisions included replacing TDCJ's aging mainframe computer system, installing comprehensive video surveillance on eight maximum security units, implementing pay increases for correctional and parole officers, and increasing vocational college programs. The offender populations in prisons and state jails have declined by 2.6% throughout the year.

Mr. Collier expressed his deepest appreciation to TDCJ employees and the TBCJ for all the hard work and support over this past year. He wished everyone a Merry Christmas and Happy New Year and asked that we not forget the thousands of employees that will be on duty Christmas and New Year's Day protecting the public.

Report from the Chairman, TBCJ

Neal Unit Beef Processing Plant Tour and Agribusiness Overview

Chairman Wainwright stated that outside of the criminal justice system, few give much thought to what it takes to efficiently run an effective correctional facility. Each unit is like a small city, in terms of its size and the complexity of operations, housing a few hundred to more than 4,000 offenders and agency staff. Each requires the basics of a city: security; medical care; water; sewer; electricity; and food. The latter is a monumental task that takes significant resources and coordination to provide nutritious meals to 142,000 offenders. The TDCJ has one of the largest agricultural operations in the state of Texas, which directly impacts the offender population. Approximately 40% of everything on an offender's plate is grown, raised, or processed by the department, for instance, the meat on offenders' plates. On any given day, the department has more than 17,000 head of cattle roaming pastures across the state. The TDCJ does not slaughter the animals, but instead sells them on the open market. Less costly beef trim is bought and is then sent to the Neal Unit Beef Plant in Amarillo, where the crew of 21 employees and 140 offenders produce 14 million pounds of product annually. The entire process is impressive, from receiving raw materials, grinding, mixing, and cooking, to packaging. The beef plant saves taxpayers more than \$24 million in cost avoidance each year.

The beef plant is just one of the many operations under the purview of the Agribusiness, Land and Minerals program. There are 13 farms that involve 24 units across the state. This includes two meat processing plants, a canning operation, and a harvest equipment repair facility. From the ground, the department grows fields and edible crops. Field crops include grain, hay, and cotton. Grain and hay are used to feed agency livestock. Two feed mills produce over five million pounds of feed each month. The cotton is transferred to Texas Correctional Industries textile mills for use in the production of offender clothing and bedding. Approximately 86 million pounds of grain, hay, and cotton are harvested annually from over 31,000 acres of farmland. Edible crops are harvested and delivered fresh to unit kitchens, where they are used for meal preparation or to the agency canning plant for processing and preservation. The crops include 31 varieties of fruits and vegetables. Last year, they produced over 11 million pounds. Cattle are not the only livestock raised by the department. There are approximately 1,200 horses, 18,000 swine, and 239,000 laying hens on state property.

Holiday Message to Employees

Chairman Wainwright stated Christmas is fast approaching and there is a lot to be thankful for. Family and friends are at the top of that list. On behalf of the TBCJ, he thanked all the men and women who serve the state of Texas and stated they should be proud of their accomplishments from over the years. This agency has transformed in many ways. The focus has shifted from confinement punishment to rehabilitation and education. The staff's devotion to fulfilling the agency's mission has led to many new and innovative programs and many success stories. He stated the work of each employee is important to the agency and contributes to making the state of Texas a safer and better place to live. Chairman Wainwright wished everyone a very merry Christmas and happy and safe new year.

Internal Audit Status Report for Fiscal Years 2019 - 2020

Chris Cirrito, Internal Audit Division Director, provided the following updates to the handout of the December 3, 2019, Internal Audit Division Status Report for Fiscal Years (FY) 2019 - 2020:

- **2005 – Human Resources Division, *Employee Clearances*:** Audit is in control assessment.
- **2008 – Executive Administrative Services, *Social Media Governance*:** Audit is in background.

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

(Attachment B – Internal Audit Division Status Report, Fiscal Years 2019-2020)

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

Mr. McGinty reviewed the purchases and contracts over \$1 million. He presented four purchase items for consideration. All are contracts for transitional treatment centers for aftercare for offenders who have completed Substance Abuse Felony Punishment Facility (SAFPF)/In-Prison Therapeutic Community (IPTC) Programs.

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

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

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

**Discussion, Consideration, and Possible Action Regarding Proposed
Amendments to Board Rules Title 37 Texas Administrative Code
Section 161.21, Role of the Judicial Advisory Council**

Erik Brown, TDCJ General Counsel – Director of Legal Affairs, presented the proposed amendments to Board Rule 161.21, “Role of the Judicial Advisory Council.” He stated this rule is being reviewed pursuant to the state law requirement that rules be reviewed every four years. The proposed changes include clarification of an existing practice of the judicial advisory council, along with revisions of grammar and style. Mr. Brown 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.

Patrick O’Daniel 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 161.21, regarding Role of the Judicial Advisory Council, to receive public comment, as presented.

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

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

1. Request for Gas Pipeline Easements at the Ramsey Unit, in Brazoria County, Rosharon, Texas

Bobby Lumpkin, Director of Manufacturing, Agribusiness and Logistics, stated that the four requests he is presenting include indemnification language, the most-favored nation clause, and additional insurance in the minimum amount of \$2,000,000. He presented the request for gas pipeline easements at the Ramsey Unit, in Brazoria County, Rosharon, Texas, and stated that Baymark Pipeline, LLC and South Texas NGL Pipelines, LLC are requesting gas pipeline easements consisting of an area of approximately 9.76 acres of land being 14,176.3 feet long by 30 feet wide for two natural gas liquids pipelines, each being 859.17 rods in length totaling 1,718.34 rods. Baymark Pipeline, LLC and South Texas NGL Pipelines, LLC have each agreed to pay \$657,897.00 or a total of \$1,315,794.00 for these easements, both with a 10-year term. Mr. Lumpkin recommended the TBCJ approve the request.

Chairman Wainwright and 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 gas pipeline easements at the Ramsey Unit in Brazoria County, Rosharon, Texas, as presented.

Judge Faith Johnson seconded the motion, which unanimously passed when called to a vote.

2. Request for Gas Pipeline Easements at the Stiles Unit, in Jefferson County, Beaumont, Texas

Mr. Lumpkin presented the request for gas pipeline easements at the Stiles Unit, in Jefferson County, Beaumont, Texas, and stated that Lone Star NGL Pipeline, LP and Sunoco Pipeline, LP, subsidiaries of Energy Transfer Corporation, are requesting easements consisting of an area of approximately 4.57 acres of land being 6,638.3 feet long by 30 feet wide for one propane gas pipeline and one crude oil pipeline being 400.69 and 402.32 rods in length respectively, totaling 803.01 rods. Lone Star NGL Pipeline, LP and Sunoco Pipeline, LP, have individually agreed to pay \$400,690 and \$402,320 or a total of \$803,010 for the easements, both with a 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.

Derrellynn Perryman moved that the Texas Board of Criminal Justice approve the request for gas pipeline easements at the Stiles Unit in Jefferson County, Beaumont, Texas, as presented.

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

3. Request for a Facilities Site Easement at the Halbert Unit, in Burnet County, Burnet, Texas

Mr. Lumpkin presented the request for a facilities site easement at the Halbert Unit, in Burnet County, Burnet, Texas, and stated that Atmos Energy Corporation is requesting an easement consisting of an area of 0.59 acre of land for use as a site for aboveground and underground pipelines and related appurtenances, to include site access. Atmos Energy Corporation has agreed to pay \$5,000 for the easement with a 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.

Judge Molly Francis moved that the Texas Board of Criminal Justice approve the request for a facilities site easement at the Halbert Unit in Burnet County, Burnet, Texas, as presented.

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

4. Request to Renew a Water Pipeline Easement at the Ellis Unit, in Walker County, Huntsville, Texas

Mr. Lumpkin presented the request to renew a water pipeline easement at the Ellis Unit, in Walker County, Huntsville, Texas, and stated Riverside Water Supply Corporation is requesting to renew an easement consisting of an area of 3.614 acres of land being 10,495.06 feet long by 15 feet wide for one water pipeline. Riverside Water Supply Corporation has agreed to pay \$24,368 for the easement with a 30-year term. Mr. Lumpkin recommended the TBCJ approve the request.

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

Judge Faith Johnson moved that the Texas Board of Criminal Justice approve the request to renew a water pipeline easement at the Ellis Unit in Walker County, Huntsville, Texas, as presented.

Judge Molly Francis seconded the motion, which unanimously passed when called to a vote.

Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Project to Replace Locking System at the Lindsey Unit in Jack County, Jacksboro, Texas

Frank Inmon, Director of the Facilities Division, presented a new project for board consideration, requesting board approval to replace the locking system at the Lindsey Unit located in Jack County, Jacksboro, Texas. The work will consist of replacing 70 electromechanical door locks along with the audio and video system associated with the door operation. A new electrical panel and door control equipment will be installed. The conduit wire and fiber optic system will be repaired and replaced as needed. One bid was received and negotiated for this project in August 2019. If approved, the work will be performed by Montgomery Technology Systems, LLC with a total budget of \$1,188,300.

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.

E.F. "Mano" DeAyala moved that the Texas Board of Criminal Justice approve the request to replace the locking system at the Lindsey Unit located in Jack County, Jacksboro, Texas, as presented.

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

Discussion, Consideration, and Possible Action
Regarding Proposed Renaming of a TDCJ Facility

Chairman Wainwright stated the previous chairman of the TBCJ, Oliver J. Bell, served well on the board for more than a decade. He stated it was an honor to propose the renaming of a TDCJ facility in honor of Mr. Bell.

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

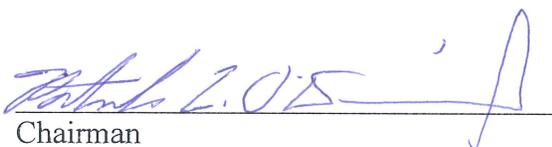
Larry Miles moved that the Texas Board of Criminal Justice approve the recommendation to rename the Cleveland Correctional Center in Cleveland, Texas, the Oliver J. Bell Unit.

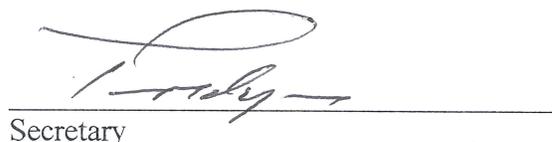
Derrelynn Perryman seconded the motion, which unanimously passed when called to a vote.

Chairman Wainwright thanked everyone for coming and announced that the next meeting of the TBCJ will be Tuesday, February 25, 2020, at the DoubleTree Hotel.

Adjournment

There being no further business, Chairman Wainwright recessed the 208th meeting of the Texas Board of Criminal Justice at 11:42 p.m.


Chairman


Secretary