Texas Board of Criminal Justice

194th Meeting

Minutes

October 19, 2017
Austin, Texas
TEXAS BOARD OF CRIMINAL JUSTICE

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

October 19, 2017
10:00 – 11:30 AM

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session – Lake Travis/Lake LBJ Room
   A. Recognitions
   
   B. Consideration of Approval of Consent Items
      1. Hazardous Duty Pay Authorization Requests
      2. Personal Property Donations
      3. 193rd TBCJ Meeting Minutes
      4. Excused Absences
   
   C. Report from the Executive Director, Texas Department of Criminal Justice (TDCJ)
   
   D. Report from the Chairman, TBCJ
   
   E. Internal Audit Status Report for Fiscal Years 2017 – 2018
   
   F. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over $1 Million
   
   G. Discussion, Consideration, and Possible Action Regarding Annual Review of Board Policy BP-14.01, “Texas Department of Criminal Justice Investment Policy,” and Resolution Adopting the Investment Policy
   
   
   I. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policies
      1. BP-01.01, “TBCJ Responsibilities”
      2. BP-14.02, “Internal Audit Division Policy Statement”
J. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code Section 151.3, TBCJ Operating Procedures

Reconvene Texas Board of Criminal Justice (TBCJ)

II. Executive Session – Blanco Room

A. The TBCJ may convene into Executive Session.

B. Discussion of personnel matters relating to the Executive Director, the Inspector General, the Director of the Internal Audit Division, the Director of the State Counsel for Offenders, and the Prison Rape Elimination Act Ombudsman (Closed in accordance with Section 551.074, Government Code).

C. Discussion regarding deployment of security personnel, devices, or security audits (Closed in accordance with Section 551.076, Government Code).

D. Discussion regarding security assessments or deployments relating to information resources technology, confidential network security information, or the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices (Closed in accordance with Section 551.089, Government Code).

E. Consultation with legal counsel regarding pending or contemplated litigation or settlement offers; to receive legal advice on items posted on this agenda; or consultation on a matter where the TBCJ seeks the advice of its attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Closed in accordance with Section 551.071, Government Code).

Adjourn

The TBCJ may discuss and/or take action on any of the items posted on this meeting agenda.
The Texas Board of Criminal Justice (TBCJ) convened on Friday, October 19, 2017, in regular session at 10:09 a.m. in the Lake Travis/Lake LBJ Room at the Wyndham Garden Hotel, Austin, Texas. The TBCJ recessed from regular session at 10:55 a.m., reconvened in executive session in the Blanco Room at 11:13 p.m., and adjourned at 11:55 p.m.

TBCJ MEMBERS PRESENT: Hon. Dale Wainwright, Chairman
Terrell McCombs, Vice-Chairman
Tom Fordyce
Larry Miles
Patrick O’Daniel
Derrelynn Perryman
Thomas P. Wingate

TBCJ MEMBERS ABSENT: Eric Gambrell, Secretary
E.F. “Mano” DeAyala

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
Sharon Howell
Frank Inmon
Sherry Koenig
Bobby Lumpkin
Angie McCown
Jerry McGinty
Kelvin Scott
Ron Steffa
Bruce Toney

OTHERS PRESENT: Honorable Judge Dale Spurgin, Jones County; Kelsey Vela, Legislative Budget Board; and Janis Reinkin, House Corrections Committee Clerk, Representative James White’s office.
Convene the Texas Board of Criminal Justice

Chairman Dale Wainwright convened the 194th meeting of the TBCJ on Thursday, October 19, 2017, at 10:09 a.m., noted that a quorum was present, and declared the meeting open in accordance with Texas Government Code Chapter 551, the Open Meetings Act. He stated the TBCJ would be conducting business from the agenda posted in the Texas Register.

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

Recognitions

Lorie Davis, Correctional Institutions Division (CID) Director, presented Miguel Martinez as the new Region IV director, and highlighted his career. Next, she presented David Blackwell as the new Region V director, and highlighted his career.

Bryan Collier, TDCJ Executive Director, recognized Angie McCown, Victim Services Director, for 20 years of service. He highlighted her career with the state of Texas and thanked her for her dedication.

Bobby Lumpkin, Director of the Manufacturing, Agribusiness and Logistics Division, presented Ron Hudson as the new Deputy Director for the Manufacturing, Agribusiness and Logistics Division, and highlighted his career.

Chairman Wainwright recognized the TDCJ employees who have dedicated 25, 30, 35, 40, and 45 years of service to the state of Texas during the months of September and October 2017. During this time, 98 employees attained 25 years of service, 31 employees attained 30 years of service, 14 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. 193rd TBCJ Meeting Minutes
4. Excused Absences

Chairman Wainwright abstained from taking action due to his firm representing Nature Sweet listed on the personal property donations list. Hearing no further abstentions or questions, the consent items were approved.

Report from the Executive Director,
Texas Department of Criminal Justice

TDCJ Activities Related to Hurricane Harvey

Mr. Collier discussed the TDCJ activities as Hurricane Harvey developed. He stated the TDCJ command center operated 24 hours a day and staged resources, such as buses and staff, near impacted areas. Preparations were made to increase fuel, food, and water supplies to units in the affected areas as well. TDCJ evacuated community treatment centers in Corpus Christi and Victoria, as well as high risk parolees who did not have other residential options. All operational areas were closely monitored to ensure all needs were met. There were daily conference calls with the State Operations Center and State Hydrologist to help forecast possible flooding near many TDCJ facilities, which led to the evacuation of the Ramsey, Stringfellow, Terrell, Jester I, and Vance Units. Halfway houses and treatment centers in the Houston and Beaumont areas were evacuated as well. Overall, 6,700 offenders were evacuated. When the city of Beaumont lost water service for several days, TDCJ provided water tankers with portable water and a robust supply of bottled water at facilities in the area. Many TDCJ employees went above and beyond by staying on units for the duration of the storm to ensure adequate staff was on site. The warden of the Kegans Intermediate Sanction Facility (ISF) waded through water for approximately six miles to make it back to the unit. An employee hotline was created to assist employees with questions and needs. Information gathered from the hotline helped identify employees in need of assistance. Care packages, gift cards, and other items were collected from several divisions to help those employees with their respective needs. Updates were provided frequently via social media. Evacuated offenders have been returned to their facilities and repairs to damaged buildings and infrastructures are in progress. Mr. Collier thanked all staff for the phenomenal job ensuring public safety at all times.

Report from the Chairman, TBCJ

Department’s Response to Hurricane Harvey

Chairman Wainwright discussed the prudent and attentive response by the TDCJ leadership team during Hurricane Harvey. During this catastrophic natural disaster, the TDCJ relocated offenders, provided drinking water and other necessities to affected units, continued effective
monitoring of offenders on street supervision, and provided assistance to meet the needs of staff. One example of an exemplary response noted was Warden Richard Babcock at the Kegans ISF who ended up stuck and unable to drive through the flood waters. He gathered supplies and walked through the flood waters for three and a half hours, approximately six miles, until he made it back to the facility. This is just one instance of perseverance pushing through difficult circumstances demonstrated by many TDCJ employees during the storm. He thanked Mr. Collier and the entire TDCJ leadership team for an excellent job remaining focused on security and safety.

**Public Awareness – Corrections Today (PACT) Conference**

Chairman Wainwright discussed the Public Awareness – Corrections Today (PACT) Conference that the TDCJ will be hosting on October 21, 2017, at the George J. Beto Criminal Justice Center at Sam Houston State University. Guest speakers include: Executive Director Bryan Collier, Deputy Executive Director Oscar Mendoza, Board of Pardons and Parole Chairman David Gutierrez, and several division directors. The purpose of the conference is to inform the public about TDCJ operations, answer questions, and provide material for community leaders, jail and prison ministries, and criminal justice volunteers.

**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 October 9, 2017, Internal Audit Division Status Report for the Fiscal Years (FY) 2017 - 2018:

- **1709 – Board of Pardons and Paroles, Hearings**: Audit is complete.
- **1710 – Correctional Institutions Division, Unit Entry and Search Procedures**: Audit is now a draft report.
- **1711 – Victim Services Division, Victim Impact Statements**: Audit is complete.
- **1713 – Business and Finance Division, eCommDirect**: Audit is in report writing.
- **1714 – Information Technology Division Office of Incident Management, Continuity of Operations Planning**: Audit is in field work.

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

**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 due to his firm representing Canon Financial Services included in this item. Mr. Terrell McCombs facilitated the handling of this matter.

Jerry McGinty, Chief Financial Officer, reviewed the purchases and contracts over $1 million. He stated there is one purchase on the list for approval. Item 1 is an increase for utilization to an existing contract for the lease of copier equipment for FY15-20.
Mr. McCombs asked for any questions, comments, or abstentions.

*Patrick O’Daniel moved that the Texas Board of Criminal Justice approve the purchases and contracts over $1 million, as presented.*

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

**Discussion, Consideration, and Possible Action Regarding Annual Review of Board Policy BP-14.01, “Texas Department of Criminal Justice Investment Policy,” and Resolution Adopting the Investment Policy**

Mr. McGinty presented BP-14.01, “Texas Department of Criminal Justice Investment Policy,” and resolution to adopt, in accordance with Chapter 2256 of the Public Funds Investment Act which requires the agency to have a board policy regarding investments, and also requires an annual review. He stated the changes to the policy clarified “non-authorized investments” in accordance with legislation recently passed.

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 resolution adopting the investment policy as presented, and that the Chairman sign the resolution adopting the policy.*

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

**Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Personnel Directive PD-72, “Employee Salary Administration”**

Sharon Howell, TDCJ General Counsel, presented proposed revisions to PD-72, “Employee Salary Administration.” She explained the primary change is the inclusion of the Parole Division career ladder for parole officers. Previously, the Parole Division had their own policy, which has now been rescinded. It was placed into this personnel directive to have all salary administration in one place. Additionally, the reference to “unit pay differential” was removed. Initially, it was a legislative incentive to give more money to personnel working on units. Instead of calculating the 3% differential, it is currently part of the base pay. The rest of the changes are conforming changes to current practice.

Chairman Wainwright asked if there were 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 revisions to Personnel Directive PD-72, “Employee Salary Administration,” as presented.

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

**Discussion, Consideration, and Possible Action**

**Regarding Proposed Revisions to Board Policies**

1. **BP-01.01, “Texas Board of Criminal Justice Responsibilities”**

Sharon Howell, TDCJ General Counsel, presented proposed revisions to BP-01.01, “Texas Board of Criminal Justice Responsibilities.” She stated statutory revisions by the 85th legislative session require purchasing only United States (U.S.) iron and steel products. An exemption will require board approval. The remaining revisions are to citations.

Mr. McCombs asked for clarification. Ms. Howell explained the 85th legislative session passed a bill requiring state agencies to purchase U.S. iron and steel products for structural projects. She further explained that if an exemption is needed, the board will have to make findings prior to purchasing these products outside the U.S.

Mr. McCombs asked if there is a price or cost ratio that must be met when choosing a project. Ms. Howell replied no and stated the requirement to purchase U.S. iron and steel products does not apply if the cost of the U.S. iron or steel will increase the total cost of the project by more than 20%.

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

Derrelynn Perrymann moved that the Texas Board of Criminal Justice approve the revisions to Board Policy BP-01.01, “Texas Board of Criminal Justice Responsibilities,” as presented.

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

2. **BP-14.02, “Internal Audit Division Policy Statement”**

Ms. Howell presented proposed revisions to BP-14.02, “Internal Audit Division Policy Statement.” She stated revisions include extensive reorganization of the policy; however, the reorganization does not change existing procedures or operations.

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 revisions to Board Policy BP-14.02, “Internal Audit Division Policy Statement,” as presented.

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

**Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code Section 151.3, “Texas Board of Criminal Justice Operating Procedures”**

Ms. Howell presented the proposed amendments to Board Rule 151.3, “Texas Board of Criminal Justice Operating Procedures.” She explained the revisions to the rule are necessary to conform to HB 3047 from the 85th Legislative Session, which requires a governing body that convenes in open meetings via video conferencing to consider a member absent from the meeting if the connection is interrupted or disconnected. This could potentially affect the TBCJ’s ability to have a quorum; however, since the board does not ordinarily meet via teleconferencing it does not directly affect the TBCJ members. The purpose of the proposed amendments is to ensure staying current with the law. 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.

Larry Miles 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 151.3, regarding Texas Board of Criminal Justice Operating Procedures, to receive public comment, as presented.

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

Chairman Wainwright thanked everyone for coming, and announced that the next meeting of the TBCJ will be Friday, December 15, 2017, at the Wyndham Garden Hotel in Austin.

**Adjournment**

There being no further business, Chairman Wainwright recessed the 194th meeting of the Texas Board of Criminal Justice at 10:55 a.m. Chairman Wainwright stated the board would reconvene in the Blanco Room to conduct executive session at 11:00 a.m. 

Chairman* 

Secretary* 

*Signature on file 

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