Texas Board of Criminal Justice
216th Meeting

Minutes

April 16, 2021
Austin, Texas
TEXAS BOARD OF CRIMINAL JUSTICE

Via Zoom Video Conference

April 16, 2021
9:15 – 10:15 AM

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ) Meeting

I. Regular Session

A. Recognitions

B. Consideration of Approval of Consent Items
   1. Hazardous Duty Pay Authorization Requests
   2. Personal Property Donations
   3. 215th TBCJ Meeting Minutes

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

D. Report from the Chairman, TBCJ

E. Report from the Presiding Officer, Judicial Advisory Council

F. Internal Audit Status Report for Fiscal Years 2020-2021

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

H. Discussion, Consideration, and Possible Action Regarding Proposed Land Transactions
   1. Request for Sale of Jester I Unit, Fort Bend County, Richmond, Texas
   2. Request for Renewal of Electrical Easement at the Dalhart Unit in Hartley County, Dalhart, Texas
   3. Request for Renewal of Oxygen Pipeline Easement at the Darrington Unit in Brazoria County, Rosharon, Texas

I. Public Comments

Recess
II. Executive Session

A. The TBCJ may convene into Executive Session.

B. Discussion of personnel matters relating to the Board of Criminal Justice, the Executive Director, the Inspector General, the Director of the Internal Audit Division, the Director of the State Counsel for Offenders, the Director of the Office of the Ombudsman, 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.
Chairman Patrick O’Daniel convened the 216th meeting of the Texas Board of Criminal Justice (TBCJ) on Friday, April 16, 2021, at 9:39 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 O’Daniel stated that the TBCJ is committed to providing the opportunity for public presentations on posted agenda topics and public comments on issues within its jurisdiction 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.

Derrelynn Perryman stated every year millions of Americans are affected by crime. Many will need ongoing care and resources. The mission of the TDCJ is to provide public safety, promote
positive change in offender behavior, reintegrate offenders into society, and assist victims of crime. April 18 – 24, 2021, is National Crime Victims’ Rights Week. It is a time to celebrate the progress achieved, raise awareness of victims’ rights and services, and stand with our neighbors, friends, and colleagues whose lives have been affected by crime. The TDCJ Victim Services Division reaches out, listens, and supports Texas crime victims as they press forward on a path of recovery. They are committed to continuing to support victims by earning and building their trust, and by engaging the community in response efforts. This National Crime Victims’ Rights Week, we encourage all to show victims of crime that they are not alone and can call TDCJ Victim Services at 800-848-4284 or visit the website for help and referral to resources throughout Texas.

**Recognitions**

Bobby Lumpkin, Texas Department of Criminal Justice (TDCJ) Correctional Institutions Division (CID) Director, introduced Joel Gauna as the new CID Region IV Director, and highlighted his background.

Chairman O’Daniel introduced Brian Patrick as the new Ombudsman Director, and highlighted his background.

Chairman O’Daniel recognized the TDCJ employees who have dedicated 25, 30, 35, and 40 years of service to the state of Texas during the months of March and April 2021. During this time, 56 employees attained 25 years of service, 20 employees attained 30 years of service, 10 employees attained 35 years of service, and four 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 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. 215th TBCJ Meeting Minutes

Chairman O’Daniel 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**

**Legislative Update**

Bryan Collier, TDCJ Executive Director, stated the 87th legislative session has now passed the midpoint with only six more weeks to go. Both the House and Senate have been working their budget bills respectively, with the senate budget bill being passed by the senate last week. The House will vote on their budget bill in the next week. In both bills, the TDCJ has received
favorable funding and we are excited to see what happens when the conference committee completes their negotiations and a final budget is presented to both the House and Senate. House and Senate committees have been hearing bills over the past several weeks and many of our staff have provided testimony and feedback on the impact of potential legislation. The agency is currently tracking 1,883 bills, and committees will continue to hear bills for the next several weeks. Although we still have some distance to go, the session has been favorable to the TDCJ and we remain optimistic. Mr. Collier stated he will provide an update on our progress as session continues.

**Correctional Officer Staffing**

Mr. Collier stated correctional officer staffing continues to be the agency’s top priority and the recruiting and retention initiatives are making progress. Following a retooling of the correctional officer hiring process, the application processing times have been reduced from 21 to 10 days, with many applicants being processed within three or less business days. Talent Acquisition Advisors are now expected to maintain involvement with all new applicants during their first 90 days of unit assignment to support retention efforts. We will also offer accelerated academies between the spring and summer college semesters for part-time officers recruited from colleges. The nomination process for the Executive Director’s Retention Task Force has occurred and the assessment and evaluation process has begun. Mr. Mendoza has been meeting with nominees and has focused discussions on the retention mission and the adoption of a problem-solving mindset necessary to retain staff. Nominees will be notified of their appointment to the task force on April 23, 2021.

**COVID-19 Response**

Mr. Collier stated we continue to see a significant decline in the overall inmate and employee COVID-19 cases, with inmate cases now in the low 200s and employee positives under 400 cases. The sample testing models are continuing to test all units every three weeks, with weekly testing still occurring on the five units with the highest concentration of geriatric inmates. We initiated inmate visitation on March 15th and have successfully facilitated more than 23,000 visits. On May 1st, we will begin increasing the number of visitors to two, allowing one of the visitors to be a child 13 years of age or older. Visitors will continue to be tested for the COVID-19 virus prior to their visit and will be required to wear a mask. Mr. Collier thanked Mr. Lumpkin and Ms. Dunbar for their work to help return the units to visitation.

Mr. Collier stated sadly, since the last meeting, we lost five staff members to COVID-19: Stacy Crosby, engineering specialist for the Facilities Division, passed away on March 6, 2021; Tracey Adams, correctional officer at the Stiles Unit, passed away on March 6, 2021; Sara Keenom, administrative assistant at the Terrell Unit, passed away on March 28, 2021; Luis Hernandez, correctional officer at the Duncan Unit, passed away on March 31, 2021; and Jimmy Garcia, correctional officer at the Bill Clements Unit, passed away on April 15, 2021. Each of these employees lost their battle with COVID-19; however, they will never be forgotten for their bravery and commitment to public safety and for the ultimate sacrifice they each paid. We continue to pray for their families and co-workers who still mourn each of these losses and we will honor each of them in our fallen officer service. Additionally, we lost three inmates since the last meeting due to complications from COVID-19. We offer our prayers to their families during this time. Mr. Collier publicly thanked all agency and partner employees and stated each of them
Chairman O’Daniel stated Texas has made great strides battling COVID-19. The light at the end of the tunnel is finally getting brighter, but this pandemic is not yet over. Sadly, individuals are still succumbing to this deadly virus. He stated these individuals may be gone but are not forgotten because their memories live on.

Stacy Crosby was a loving husband, father, and grandfather who loved spending time with his family when he was not working at the TDCJ. With over 35 years of service to the agency, Stacy was an engineering specialist who was assigned to the Facilities Division in Huntsville. He began his TDCJ career as a correctional officer in March 1985, but transitioned to a maintenance supervisor in 1997. He retired in August 2014, but the lure of the agency called him back in
February 2015. “He was a dedicated family man, friend, and co-worker,” said Facilities Division Director Cody Ginsel. “He was also a faithful Christian who was always ready to share his faith. He will always be remembered for being a role model and inspiration to others,” Ginsel added. When not at work, Stacy spent time fishing on one of the area lakes, firing one of the guns in his firearms collection at the local shooting range, or doing woodwork. One of his prized pieces was a toy box that he made for his grandson, Layne. He cherished spending time with his wife, Andrea, his daughter, Ashley, and son, Joshua. Stacy Crosby, age 57, died of the coronavirus on March 6, 2021.

After completing her training at the TDCJ academy, Tracey Adams was ready to tackle a new career as a correctional officer at the Stiles Unit in Beaumont. It was going to be difficult, but it was a challenge that she took on with a full head of steam. Tracey had only been on the job for two months as a correctional officer cadet, but she was already diving into assignments with gusto. “She told us she wanted to be the best officer she could be,” said TDCJ Training and Leader Development Division Director David Yebra. “She was very determined and driven to succeed,” he added. Outside the agency, her family was her number one priority. She grew up with five siblings and she had three children of her own. She was looking forward to becoming a grandmother, too. Tracey had a big heart. She loved helping others in their time of need. But most of all, she just enjoyed being with her family and surrounding herself with all the love they have for each other. One of their favorite pastimes was watching Dallas Cowboys games on the television. Tracey Adams, age 45, died from the coronavirus on March 6, 2021.

Although Sara Keenom had only been with the TDCJ for just a little more than three years, she was already proving herself to be an integral part of the agency as an administrative assistant in the countroom at the Terrell Unit in Rosharon. Sara began her TDCJ career in January 2018 at the nearby Stringfellow Unit. A year and a half later, she was promoted and took a position at the Terrell Unit. She proved that she could thrive under pressure and could rise to any challenge that was presented. When the Chief of Classification had to take a leave of absence, Sara temporarily took on those duties, where she continued to surpass expectations while supporting the daily operations of the Terrell Unit. “She always had a friendly face and a willingness to ensure others were successful in their daily operations,” said Warden Michael Bates at the Terrell Unit. “There was no task too big or too small for her to help and she frequently worked beyond her regular hours to ensure everything was done before she left for the day,” he added. Sara loved her TDCJ family, but it was her own family that she put first. She was a loving wife to Daniel and mother to Austin. She spoke passionately about how much she loved her family and how much joy they brought to her. She also loved traveling with her family and friends and often spoke about upcoming trips with them. Sara Keenom, age 44, died from the coronavirus on March 29, 2021.

Luis Hernandez was always willing to help others, no matter whether they were on or off the job. It was just one of his many traits that endeared him to the staff at the Duncan Unit in Diboll where he was well-respected and loved working for the TDCJ. Officer Hernandez was a 12-year employee of the TDCJ. He began his agency career at the Gib Lewis Unit in Woodville in February 2009 and later transferred to the Duncan Unit. He took great pride in his job and set an example for his co-workers daily as someone who came to work with a positive attitude and a great sense of humor. He was also a devoted family man who loved them very much. He often spoke of his wife, Maritza, and his children, Isaac, Luis, and Emily with great fondness. Just talking about them and what they were doing with their lives would instantly bring a smile to his face. When he was not at work, Luis enjoyed watching football games on the television, and his
favorite team was the Houston Texans. He also spent many hours remodeling his childhood home, which he and his wife were living in. Luis Hernandez, age 58, died from the coronavirus on March 31, 2021.

Jimmy Garcia was not shy; he was just reserved with his words. But when he spoke, you knew he meant business. A loyal employee of the TDCJ, Jimmy began his correctional career almost five years ago at the Neal Unit and later began working at the Clements Unit in Amarillo. He could always be counted on to accomplish any task that he was assigned. He was also willing to lend a hand to a fellow officer when they needed assistance with anything, either on or off the job. Jimmy enjoyed being a TDCJ officer, but he also reveled in his “down time” away from the unit. That’s when he would really get his hands dirty by working on cars or doing carpentry around his house or for his family and friends. He loved being outdoors and going fishing on area lakes. But his greatest pride was in being a servant to his country as a 15-year veteran of the United States Marine Corps. Jimmy Garcia, age 56, died from the coronavirus on April 15, 2021.

Chairman O’Daniel asked that everyone keep these families in prayer as they deal with the loss of their loved ones. He asked to also remember the families of the TDCJ inmates who have also lost a loved one. In Matthew chapter 25, Jesus makes a special mention of prisoners and noted that visiting them is visiting Him. Jesus has a special love for inmates and neither He nor we shall forget their losses. To beat this virus, we must continue to be vigilant and use all of the tools that are available to us, including the vaccine. The agency is making great strides in giving individuals the option to be inoculated. Thus far, more than 20,000 doses have been administered by our medical partners. Each day, as tens of thousands of doses arrive in the Lone Star State, we move closer to returning to normal life. Ultimately, getting vaccinated is a personal choice. Chairman O’Daniel stated Mr. Collier and himself have rolled up their sleeves and received the vaccine. He did the research, believes it is safe, and wants to protect himself and his family.

Winter Storm Uri

Chairman O’Daniel thanked the TDCJ staff for their extraordinary efforts during the devastating winter storm in February. This was an experience we will not soon forget. A wave of arctic cold air sent the state into a deep freeze, some experiencing temperatures in the single digits. The TDCJ was monitoring the weather event and had stocked up on food, water, and fuel before its arrival. Dealing with storms is nothing new for this agency, but winter storm Uri was different. As we all know, it crippled the state’s power system. This curveball required staff from all divisions to step up, and they did just that.

Chairman O’Daniel stated Michael Odirihi was preparing to head to his shift at the Goree Unit in Huntsville as the storm dumped several inches of snow. When he got into his vehicle the ice-covered roads made it impossible to get out of his neighborhood. Calling in was not an option for Michael. He knew people were counting on him to be at work, so he put on an extra pair of socks, laced up his shoes, and set off. Through thick snow and icy streets, the dedicated officer walked and walked. Six miles later, Michael entered the front gates of the prison. His supervisors asked why he walked all that way. Correctional officer Odirihi’s response was simple and direct, “Because I knew you and the inmates needed me.” During the storm, 25 facilities experienced power issues and 33 experienced water issues. It is fair to say that without the exceptional work of the Facilities Division employees, the situation could have been much worse. These dedicated individuals stayed onsite, many through the duration of the storm, to troubleshoot issues as they
arose. Take for instance Miles Dahl. By day, Miles is a heavy haul truck driver in Region VI. When the storm hit, his expertise in diesel mechanics became invaluable. For nearly three days straight and with little to no sleep, Miles worked non-stop to get generators running again. He knew that frozen fuel lines were most likely the culprit. In all, he was able to repair five generators and get the bulk fuel station in Gatesville operational again, all during artic conditions. Miles is truly an employee that goes above and beyond to get the job done. This is also true for Mike Weber. Just up the road in Marlin at the Hobby Unit, Mike is a maintenance supervisor, an electrician by trade. As the lights flickered and ultimately went dark, Mike went to work. Warden Cozby was quick to credit him for his ingenuity, calling him jack of all trades. When something quit working, he was there to fix it. This played out over and over again. The TDCJ veteran went on to work 48 hours straight to ensure equipment and electrical demand were being met for the successful operation of the facility. As winter storm Uri continued its barrage of difficult impediments, Mike steadied the course and remained unwavering of his duties. These are just a few examples of the dedication shown by the employees of the TDCJ. Chairman O’Daniel stated the TBCJ is incredibly grateful to those that braved the elements and kept our facilities operating and the inmates safe.

Report from the Presiding Officer, Judicial Advisory Council

Judge Rebecca Palomo presented on behalf of Judge Rose Guerra Reyna, Judicial Advisory Council (JAC) chair, and stated three new members have been appointed to the JAC. Chief Justice Nathan Hect, Texas Supreme Court, appointed Honorable Alma Trejo, County Criminal Court 1 in El Paso, and Derrick M. Cohen from Austin. Additionally, presiding judge Sharon Keller, Criminal Court of Appeals, appointed Paul Johnson, Denton County District Attorney. The JAC welcomes them and looks forward to working with them. As the 87th legislature continues to work, the JAC has monitored bills as they progress through committees. Proposed legislation seeking to improve the criminal justice system is a common theme; however, there are unintended consequences for local probation departments related to one of their major funding sources, probation supervision collection. Some legislation reduces a probation department’s ability to collect supervision fees from defendants they supervise. This is not necessarily a bad thing; however, as an unintended consequence, probation department budgets could potentially suffer significant losses. This makes it difficult for the probation directors to supervise probationers in their respective communities, provide critical treatment services, monitor court conditions, or simply pay their staff. No one should oppose legislation simply because of revenue. The probation system has evolved in such a way that the departments are dependent on collection for basic budgetary needs. Therefore, the JAC maintains concerns about how the system is funded for probation departments. The JAC requests a review of the funding mechanisms for the probation departments when session ends. One common goal is to maintain keeping the system in balance. The JAC stands ready to assist the TBCJ in any way possible. The next JAC meeting will be held virtually on April 22, 2021. Judge Palomo encouraged the TBCJ and TDCJ to reach out to any member of the JAC for questions and discussions.

Internal Audit Status Report for Fiscal Years 2020 - 2021

Chris Cirrito, Internal Audit Division Director, presented three updates to the handout of the April 5, 2021, Internal Audit Division Status Report for Fiscal Years (FY) 2020 – 2021:
Discussion, Consideration, and Possible Action
Regarding Purchases and Contracts over $1 Million

Chairman O’Daniel abstained from taking action on this agenda item due to his firm representing several entities listed.

Ron Steffa, Chief Financial Officer, reviewed the purchases and contracts over $1 million, which had 18 items for consideration. Item 1 is an increase to a FY 2020-2021 contract with Sunrise IT Solutions Group. It’s for cabling used to install the comprehensive video surveillance system. He requested item 2 be removed from consideration at this time. Item 3 is a renewal of an existing contract for modular panels that the Texas Correctional Industries use in the manufacturing of modular office components and systems for resale. Item 4 is a renewal of an existing contract for John Deere tractor parts used to provide maintenance and repair of TDCJ farm equipment. Item 5 is a contract renewal for white twill fabric used in the production of inmate clothing. Item 6 is a replacement contract for isolated soy protein for processing of beef and pork products for inmate consumption. Items 7 and 8 are FY22 contracts awarded by the comptroller for beef and pork trimmings to produce meat products at the Neal and Michael Units for inmate consumption. Item 9 is for cans and lids, that are used at the Terrell Unit for canning of vegetables for inmate consumption. Item 10 is an FY22 contract for ammonium nitrate to fertilize field and vegetable crops to maximize production. Item 11 is also an FY22 contract for soybean meal used to produce feed for the agency’s livestock. Item 12 is for cattle feed. Items 13 and 14 are FY22 contracts for reflective specialty sheeting and metal aluminum coils used in the manufacturing of license plates. Items 15 and 16 are for micro prismatic reflective sheeting and aluminum sign blanks for the manufacturing of highway signs. Item 17 is cloth blend greige sheeting for the manufacturing of inmate sheets, pillowcases, and clothing. Item 18 is the renewal of an existing contract for residential reentry services in Edinburg.

Sichan Siv asked, regarding item 5, where Atlantic Textiles Company is located. Mr. Steffa stated he does not have that information on hand but will provide it to him later.

Judge Molly Francis asked about what is done with the beef and pork trimmings. Mr. Steffa stated it is used in the meat packing plant for the production of products for inmate consumption such as beef patties, bologna, and sausage. She asked where the products come from. Mr. Steffa stated the agency raises cattle and sells the cattle, and then the proceeds are used to purchase the beef trim. Current deliveries are coming from the Amarillo area near the Neal Unit. He stated the pork trim product information would be provided to the TBCJ members at a later time.

Chairman O’Daniel asked for any other questions, comments, or abstentions. Hearing none, he called for a motion and a second.
Derrelynn Perryman moved that the Texas Board of Criminal Justice approve the purchases and contracts over $1 million, excluding item 2, as presented.

Dr. Rodney Burrow seconded the motion, which unanimously passed when called to a vote.

**Discussion, Consideration, and Possible Action**

**Regarding Proposed Land Transaction**

**Request for Sale of the Jester I Unit, in Fort Bend County, Richmond, Texas**

Billy Hirsch, Director of the Manufacturing, Agribusiness and Logistics Division, presented the request for the sale of the Jester I Unit, in Fort Bend County, Richmond, Texas. Mr. Collier first reported that the Jester I Unit was projected to close in the summer of 2020 and stated that the unit and surrounding acreage was being reviewed by the General Land Office for a possible sale. He reported the Jester I Unit was closed last summer and that the unit has been determined to be surplus to the agency’s current and projected needs and is subject to sale. As authorized by § 496.0021, Government Code, the TBCJ may sell state-owned real property under the TBCJ’s management and control. Under this provision, the General Land Office shall negotiate and close a transaction on behalf of the TBCJ using procedures set forth in Section 31.158(c) of the Natural Resources Code. Revenue received from the sale of this property shall be deposited into the Capital Trust Fund as directed by TDCJ Rider 51 in the General Appropriations Act. It is approximately 631 acres. The property is valued at $39,900.80 per acre for a total of $25,201,026.80. Mr. Hirsch recommended the TBCJ approve the request.

Sichan Siv moved that the Texas Board of Criminal Justice approve the request for the sale of the Jester I Unit in Fort Bend County, Richmond, Texas, as presented.

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

**Request for Renewal of Electrical Easement at the Dalhart Unit, in Hartley County, Dalhart, Texas**

Chairman O’Daniel abstained from taking action on this agenda item.

Mr. Hirsch presented the request for renewal of an electrical easement at the Dalhart Unit, in Hartley County, Dalhart, Texas, and stated that Xcel Energy is requesting the renewal of the easement consisting of an area approximately 1.66 acres of land being 898.72 feet long by 90 feet wide for an electrical transmission line. Xcel Energy has agreed to pay $4,033.80 for this easement renewal with a ten-year term. This is the first renewal. The original easement was granted in April 2011. He stated the request includes indemnification language as the grantee’s responsibility, the most-favored nation clause, and additional insurance in the amount of at least $3,000,000. Mr. Hirsch recommended the TBCJ approve the request.

Judge Faith Johnson moved that the Texas Board of Criminal Justice approve the request for renewal of electrical easement at the Dalhart Unit in Hartley County, Dalhart, Texas, as presented.
Chairman O’Daniel abstained from taking action on this agenda item.

Mr. Hirsch presented the request for renewal of an oxygen pipeline easement at the Darrington Unit, in Brazoria County, Rosharon, Texas, and stated that HSC Pipeline Partnership, LLC is requesting the renewal of the easement consisting of an area approximately 18.94 acres of land being 1,665.98 rods or 27,488.67 feet long by 30 feet wide to transport oxygen. HSC Pipeline Partnership, LLC has agreed to pay $215,227.91 for this easement renewal with a ten-year term. This is the first renewal. The original easement was granted in June 2011. He stated the request includes indemnification language as the grantee’s responsibility, the most-favored nation clause, and additional insurance in the amount of at least $3,000,000. Mr. Hirsch recommended the TBCJ approve the request.

Eric Nichols moved that the Texas Board of Criminal Justice approve the request for renewal of oxygen pipeline easement at the Darrington Unit in Brazoria County, Rosharon, Texas, as presented.

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

Chairman O’Daniel thanked everyone for attending the meeting and announced that the next meeting of the Texas Board of Criminal Justice will be Friday, June 25, 2021, via video conference.

Adjournment

There being no further business, Chairman O’Daniel adjourned the 216th meeting of the Texas Board of Criminal Justice at 10:50 a.m.

[Signatures]

Chairman

Secretary