

**Texas Board of Criminal Justice
231st Meeting**



Minutes

**October 13, 2023
Austin, Texas**

TEXAS BOARD OF CRIMINAL JUSTICE

**Cambria Hotel Austin Uptown
13205 Burnet Road
Austin, Texas 78727**

**October 13, 2023
9:45 AM – 2:00 PM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ) Meeting

I. Regular Session – Uptown Ballroom

- A. Recognitions
- B. Consideration of Approval of Consent Items
 - 1. Hazardous Duty Pay Authorization Requests
 - 2. Personal Property Donations
 - 3. 230th TBCJ Meeting Minutes
 - 4. Excused Absences
- C. Election of Officers
- D. Report from the Executive Director, Texas Department of Criminal Justice (TDCJ)
- E. Report from the Chairman, TBCJ
- F. Report from the Presiding Officer, Judicial Advisory Council
- G. Internal Audit Status Report
- H. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million
- I. Discussion, Consideration, and Possible Action Regarding the Annual Review of Board Policy BP-14.01 (rev. 20), “Investment Policy,” and Resolution Adopting the Investment Policy
- J. Discussion, Consideration, and Possible Action Regarding Adoption of New Board Rule Title 37 Texas Administrative Code Section 151.54, “Employee Training and Education – Tuition Reimbursement”
- K. Discussion, Consideration, and Possible Action Regarding Adoption of Amendment to Board Rule Title 37 Texas Administrative Code Section 152.3, “Admissions”

- L. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy BP -11.76 (rev. 9), “Benefit Policy”
- M. Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Projects
 - 1. Request to Contract for Design Services to Install HVAC – A&C Dorms, Beto Unit, Anderson County, Tennessee Colony, Texas
 - 2. Request to Contract for Design Services for Structural Repairs to Inmate Housing, J1 – J4 Dorms, Lynaugh Unit, Pecos County, Fort Stockton, Texas

Recess Texas Board of Criminal Justice Meeting

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

II. Executive Session – The Scofield Room

- 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 Independent 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 Texas Board of Criminal Justice Meeting

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. 231**

The Texas Board of Criminal Justice convened on Friday, October 13, 2023, in regular session at 10:17 a.m. at the Cambria Hotel Austin Uptown in Austin, Texas, recessed at 12:03 p.m., reconvened in executive session at 12:13 p.m., and adjourned at 2:26 p.m.

TBCJ MEMBERS PRESENT: Eric J.R. Nichols, Chairman
Hon. Faith Johnson, Vice Chairman
Hon. Molly Francis
Ambassador Sichan Siv
Nate Sprinkle
Bill Welch
Sydney Zuiker

TBCJ MEMBER ABSENT: Rodney Burrow, M.D., Secretary

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE STAFF
PRESENT:** Bryan Collier, Executive Director
Oscar Mendoza, Deputy Executive Director
Andrew Barbee Bobby Lumpkin
Kate Blifford Ron Steffa
Chris Carter David Sweetin
Jason Clark Rebecca Waltz
Jennifer Gonzales Kristen Worman
Carey Green David Yebra
Rene Hinojosa April Zamora
Ron Hudson

TBCJ STAFF PRESENT: Chris Cirrito Wyvonne Martin
Jill Durst Cassandra McGilbra
Cris Love Brian Patrick

OTHERS PRESENT: Scott McNaughton, Policy Advisor, Office of the Governor
David Gutierrez, Board of Pardons and Parole
Tejas Bommakanti, Sunset Advisory Commission Staff
Will Bucknall, Sunset Advisory Commission Staff
Erick Fajardo, Sunset Advisory Commission Staff
Sarah Gruen, Sunset Advisory Commission Staff
Jamie Kim, Sunset Advisory Commission Staff
Darren McDivitt, Sunset Advisory Commission Staff
Sadie Smeck, Sunset Advisory Commission Staff
Katherina Wierschke, Sunset Advisory Commission Staff

Convene the Texas Board of Criminal Justice

Chairman Eric J.R. Nichols convened the 231st meeting of the Texas Board of Criminal Justice (TBCJ or board) on Friday, October 13, 2023, at 10:17 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 Nichols recognized the public officials and staff representatives in attendance to include David Gutierrez, chairman of the Board of Pardons and Parole, and Scott McNaughton, policy advisor for Governor Abbott. Mr. Nichols welcomed the Sunset Advisory Commission staff including Darren McDivitt, Erick Fajardo, Jamie Kim, Katherina Wierschke, Sadie Smeck, Sarah Gruen, Tejas Bommakanti, and Will Bucknall.

Chairman Nichols 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 registration cards were received for public comment prior to the deadline, so the board will not hear public presentations on posted agenda topics today.

Recognitions

Chairman Nichols acknowledged the passing of dear friend and colleague Derrellynn Perryman and described her as a kind and caring person with a true heart for service. For 21 years, Derrellynn was the Victim Services Coordinator at the Arlington Police Department and later became the Victim Advocate Director at the Tarrant County District Attorney's Office before her retirement. One of her life's passions, as part of her service to others, was the support of crime victims. She carried that passion forward while serving on the board. After joining the board in 2015, Derrellynn served as Vice-Chairman, Secretary, and Chair of the Victim Services Committee. She was also a member of the board's Health Care, Human Resources, and Rehabilitation and Reentry Programs committees. Derrellynn was also keen on building up the next generation of advocates. She worked as an adjunct professor of social work at the University of Texas in Arlington and Texas Christian University, teaching and training the next generation of social workers to go out and make this world a better place. Mr. Nichols stated he could spend a long time discussing all of the achievements Derrellynn achieved and received during her career and her time with the board because it is truly a long and impressive list. He shared the poem, "To Laugh Often and Much," by Ralph Waldo Emerson, that was important to Derrellynn and was read at her memorial service held in her hometown of Fort Worth. He stated this poem encapsulates how Derrellynn viewed success. By all measures, Derrellynn lived a successful life and left the world a better place. Mr. Nichols expressed that the TBCJ will never forget her and have been praying for her family and many friends during this time of loss. He then asked for a moment of silence to honor Derrellynn.

Mr. Nichols explained that they were wearing purple ribbons in honor of Derrellynn and in recognition of a cause that she always held dear, support of victims of domestic violence. This month of October is Domestic Violence Awareness month. Domestic Violence has affected and continues to affect communities across Texas. Such violence results from a pattern of physical, sexual, and/or psychological abuse. Some of the many costs to victims and to children of victims include increased incidents of depression, acute and chronic health and mental health conditions, developmental issues, and aggressive or delinquent behavior. In 2022, 216 Texans were killed by intimate partners in 64 counties in Texas. This is truly a statewide issue, as 14 others were injured, 28 others were killed, and 217 adults and minor children lost a parent. Sometimes, there is a stereotyped narrative around domestic violence, but this issue, much like any other, cannot and

should not be stereotyped. Each incident of domestic violence impacts one or more individual human beings. 179 of those murdered were women and 37 were men. This represents the second highest number of intimate partner homicides in the last decade. The mission of the Texas Department of Criminal Justice that the board supports includes as a core element of protection and support of crime victims. The Texas criminal justice system plays a significant role in addressing domestic violence by, among other things, holding domestic violence offenders accountable for their actions, enhancing victim safety, disrupting the cycle of violence resulting in intervention opportunities for victims and offenders, breaking the generational cycle and learned effect of domestic violence on children, and sending an important message that there will be real consequences for committing acts of domestic violence. Thus, during this month, they not only recognize victims of domestic violence, but they see and hear them. Mr. Nichols stated the men and women of the TDCJ will continue to work with and support the victims.

Chairman Nichols welcomed new board member, retired Air Force Brigadier General Bill Welch. Mr. Welch has held a variety of senior leadership positions in the security and law enforcement fields and had a long, successful career in the United States Air Force. As a sign of his humility, he prefers to be called Mr. Welch instead of his rank. He is a founder and past chief executive officer of Aptronik, Inc., an Austin-based, advanced robotics company. Additionally, Mr. Welch has held leadership positions in numerous business and civic organizations and has served as an elected member of Barton Springs Edwards Aquifer Conservation District and as the board vice president. He received a degree in criminal justice from the Community College of the Air Force, a Bachelor of Arts in communications from Boston University, and a Master of Science in technology commercialization from the University of Texas in Austin. Mr. Welch has jumped right in to provide valuable service to the board and to the women and men of the TDCJ and the Windham School District (WSD). Mr. Welch expressed that it was an honor to serve the state in this capacity and to have served the country in the military and the community.

Executive Director Bryan Collier recognized the Czech Republic delegates from the Czech Republic Prison Service who have been touring facilities in the TDCJ. Last year, Mr. Collier, along with Kristina Hartman, April Zamora, Andy Barbee, Dave Glazier, and Doug Dretke from Sam Houston State University, had the opportunity to visit the Czech Republic to tour their facilities. Mr. Collier stated they learned much from the visit and hoped that the delegates learned as much from their visit to Texas. Mr. Collier described an amazing event that occurred this week with the WSD culinary class from the Travis State Jail. They connected via the internet through Zoom with a similar culinary arts class in the Czech Republic to create dishes from their home state.

Andrew Barbee, Director of Research and Development, expressed his delight at recognizing the Czech Republic delegates in attendance. He stated this had been a special experience and has been about the relationships that have been built. The TDCJ has had a long-standing relationship with Sam Houston State University and the Correctional Management Institute of Texas (CMIT). Thanks to that relationship, they can now point to a relationship with the Czech Republic and their prison services. He stated this relationship is about learning. Their previous visit allowed them to learn new affirmations and practices from the Czech Republic. Mr. Barbee introduced Doug Dretke, an alum of the TDCJ who started with the Texas Department of Corrections, retired as the director of the Correctional Institutions Division, and has taken on the leadership role at the CMIT.

Doug Dretke, Executive Director of the CMIT, greeted the board and expressed the CMIT's honor at being able to serve in this special role to facilitate the interaction of correctional colleagues across the globe to share best practices, to learn and see different approaches to solutions to addressing similar challenges, or affirm the solutions chosen to address them. This has been done

with a sharp focus on improving outcomes toward a safer community within the different countries. Mr. Dretke emphasized the importance of travel with a quote from St. Augustine. Visiting different correctional systems provides an incredible opportunity to learn, to observe, to affirm, and to challenge themselves as they interact with colleagues and friends who have opened their doors and welcomed them into their country to provide them with experiences that will remain in their hearts forever. Their goal has been to provide that same experience to the delegates. Mr. Dretke stated that he felt strongly that Executive Director Collier and his incredible, passionate, dedicated, and committed leadership team, the men and women of the TDCJ, have provided an incredible and invaluable experience for the delegates. The delegates have experienced some truly inspirational programs such as a STRIVE graduation, educational and vocational programs, treatment and industry programs, and reentry and reintegration initiatives that are taking place in the TDCJ, highlighting the important work and accomplishments. They even heard from a number of student ambassadors, life coaches, and field ministers. Mr. Dretke recognized Director General of the Czech Republic Prison Services, Major General Simon Michailidis; Deputy Director General for Economy and Logistics, Jaroslav Myšička; Warden and Regional Director, Colonel Ladislav Blahník; Warden, Colonel Zbyšek Trepeš; Director of Prison Vocational School, Josef Polcer; Head of External Relations Unit, Major Jiří Kawan; and the Director of the Director General's Office (Chief of Staff), Colonel Tomáš Olšar.

Director General Michailidis greeted the board and expressed his gratitude for the opportunity to see solutions for the same problems they face in their country's prisons. He stated the Czech prison system has returned to a developmental modern humanity system after a long period of time. He discussed how they have been working hard for thirty-three years and are happy that they can now stand as an equal to the TDCJ's developed system for correctional facilities and expressed how they have something to offer but are happy to also learn. Mr. Michailidis identified a few areas which could be mutually beneficial to the TDCJ, such as security technology, communication technology, and educational programming. He spoke on their amazement at the way the students of the educational programs were able to present themselves in public. Other areas he identified were the canine units and specialized canine units. Another area he identified was post-release employment and the connection of education leading to the release from prison and post-penitentiary care related to counseling and successful reentry. He stated he could continue to name other areas that they could work on but it is important to say there is one condition for successful collaboration—an open and friendly personal relationship between representatives. Mr. Michailidis concluded with an expression of gratitude and his hope to continue collaborating on a personal and professional level.

Chairman Nichols thanked Mr. Michailidis for his comments and stated that none of them have all the ideas to make their systems better. It is only through the free exchange of information among professionals that they can make all of their systems better. Mr. Nichols expressed his appreciation for their efforts in building that bridge. Mr. Collier read a greetings letter from Governor Abbott to the Czech Republic delegates. Ambassador Siv shared a personal anecdote from his visit to Prague and commended the Czech government on their handling of the historic flood that occurred during that time.

Executive Director Bryan Collier recognized Carey Green, Director of the Criminal Justice Assistance Division (CJAD), for 35 years of service to the state. She began her career in 1988 with the Department of Health and Human Services working at the Austin State Hospital as a service assistant. She later moved to the Texas Board of Pardons and Paroles as a parole officer. She then moved into the training field as a staff development specialist. Her diverse experience and

knowledge assisted in expanding her career. In 2000, she moved to the CJAD as a program specialist. In 2004, she promoted to CJAD deputy director and, in 2009, she was selected as the division director for CJAD. She has played a key role in promoting evidence-based programming in community corrections. She led the agency initiative to develop and implement the Texas Risk Assessment System, providing the first systemwide risk assessment system in Texas. She has worked on many statewide initiatives associated with the implementation of diversion funds and grants for community supervision and played a key role in leading their efforts this past session to increase funding for community supervision. Her job is like no other division director, as she must successfully collaborate with 122 local probation departments and numerous outside entities to help her division achieve success. She expertly navigates those waters and continues to be an outstanding leader for adult probation and the TDCJ. Ms. Green expressed her honor and stated she has more passion and excitement than ever before for the current direction of the agency and her field.

Parole Division Director Rene Hinojosa recognized Nadia Washington as the new Region V Director. Ms. Washington began her career over 18 years ago as a parole officer and has held many leadership positions with the Parole Division. She earned her bachelor's degree in social work from Grambling State University and has consistently shown her dedication and commitment to the agency and its mission. Her field experience in operations and her integrity will serve her well. Ms. Washington expressed her gratitude for the opportunity.

Mr. Hinojosa recognized Walter Holmes as the new Region II Director. Mr. Holmes started his career over 18 years ago with the last 13 years in the TDCJ. He has held many different positions within the agency including institutional parole officer, unit supervisor, and the director of the Parole Officer Training Academy. He earned a bachelor's degree from Barton College in North Carolina. His great work ethic and his positive outlook have helped him grow within the agency, and his leadership and ability to train teams to be successful will serve him well. Mr. Holmes expressed his honor at serving the agency and his excitement for the opportunity.

Correctional Institutions Division (CID) Director Bobby Lumpkin recognized Daniel Dickerson as the new Region I Director. Mr. Dickerson began his career with the agency at the Polunsky Unit in 1997. He has over 25 years of experience with the agency and has served in every correctional rank up to senior warden. During his tenure, he has impacted the agency with his correctional knowledge, his camaraderie, his innovativeness, and his genuine empathy for others. He has been a catalyst for change, especially during his time as senior warden at the Polunsky Unit. His courage, integrity, and tenacity will continue to be an asset to the CID and the agency. Mr. Dickerson expressed his gratitude for the opportunity and stated he is a product of his environment, especially because of his wife and family. He is grateful to be a part of the agency at the present time, especially with the agency's vision of not just incarcerating people but transforming their lives.

Chairman Nichols recognized the TDCJ employees who have dedicated 25, 30, 35, 40, and 45 years of service to the state of Texas. He stated these individuals represent the strong commitment of this agency's staff systemwide. On behalf of the TBCJ and Mr. Collier, he expressed deepest gratitude for the continued service of these employees. During the months of September and October 2023, 79 employees attained 25 years of service, 28 employees attained 30 years of service, 13 employees attained 35 years of service, seven employees attained 40 years of service, and one employee attained 45 years of service. The chairman stated he would like to individually recognize the employees that have attained over 40 years of service for their dedication and service.

Chairman Nichols recognized Correctional Officer Phillip M. Brooks and outlined his career that began in 1982 as a Correctional Officer at the Coffield Unit.

Chairman Nichols recognized Correctional Officer Kenneth Lewis and outlined his career that began in 1983 as a Correctional Officer at the Stringfellow Unit and the Ferguson Unit.

Chairman Nichols recognized Correctional Officer Stephen W. Lindeman and outlined his career that began in 1983 at the Beto Unit.

Chairman Nichols recognized Correctional Officer Sammy K. Doolittle Jr. and outlined his career that began in 1983 at the Skyview Unit formerly known as the Rusk Unit.

Chairman Nichols recognized Correctional Officer Jose L. Aguirre and outlined his career that began in 1984 at the Ellis Unit.

Chairman Nichols recognized Correctional Officer Rodrigo Rodriguez and outlined his career that began in 1979 at the Central Unit, which is now closed.

Chairman Nichols recognized Correctional Officer Kelley Gilstrap and outlined his career that began in 1983 at the Hospital Galveston Unit.

Chairman Nichols recognized Inventory Coordinator Mildred (Joyce) Drewry and outlined her career that began in 1976 at the original administration building across from the Huntsville Unit as a purchasing clerk.

Chairman Nichols congratulated each employee and thanked them for their unwavering loyalty and dedication to the citizens of Texas. He stated that the names of these individuals would be submitted for inclusion in the official board meeting minutes. As a symbol of appreciation, these employees will receive a board certificate along with a personal letter of gratitude.

(Attachment A – Employee Names)

Consideration of Approval of Consent Items

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. 230th TBCJ Meeting Minutes**
- 4. Excused Absences**

Chairman Nichols asked if there were any amendments, abstentions, or objections to the proposed consent items. Hearing none, the consent items were approved.

Election of Officers

Chairman Nichols stated, due to the untimely and heartbreaking loss of Derrellynn Perryman, they need to elect a board member to serve as Secretary. As board officers, the Chairman and/or Secretary shall execute any necessary documents. The board is committed to calling on the talents

of each board member in contributing servant leadership to this mission. This election will fill the vacancy of the Secretary.

Chairman Nichols asked for a nomination for the Secretary of the Board.

Judge Faith Johnson nominated Dr. Rodney Burrow as the Secretary of the Texas Board of Criminal Justice.

Chairman Nichols called for a motion and a second.

Judge Molly Francis moved that the Texas Board of Criminal Justice approve the nomination of Dr. Rodney Burrow as the Secretary of the Texas Board of Criminal Justice.

Ms. Sydney Zuiker seconded the motion, which unanimously passed when called to a vote.

Report from the Executive Director, Texas Department of Criminal Justice

Executive Director Bryan Collier provided a report on three separate topics.

Agency Staffing

Correctional Officer staffing continues to be the agency's top priority and, during the month of August and September, the agency hired over 1,300 correctional officers, and anticipate a little over 600 correctional officer hires for the month of October. Of those hired, 134 were veterans and the agency participated in 11 hiring events targeting military veterans. The agency also successfully transitioned the formerly privately operated Bell, Diboll and Estes units to the agency's operations which included the hiring of 252 staff. The agency is making good progress with staffing challenges in other areas of the agency such as Parole, Reentry and Integration, Rehabilitation Programs, Business and Finance, and Facilities. Many of the salary adjustments made through position consolidations went into effect on September 1st, and the agency is seeing an increased number of applicants and hires with the higher salaries now offered. Mr. Collier stated that Tina Clark, Director of Information Technology, advised him that their vacancy rate is down to 10%.

Citizens' Academy

A new initiative began just last week—the TDCJ Citizens' Academy. The Citizens' Academy offers community members a unique opportunity to gain an exclusive, behind-the-scenes look at one of the largest correctional systems in the country. There are 11 participants in the program, including aspiring criminal justice practitioners, members of advocacy groups, local citizens, and family members of those incarcerated. The goal of the Citizens' Academy is to foster meaningful partnerships with the citizens of Huntsville and surrounding counties, providing participants with a comprehensive understanding of the various functions of the TDCJ.

The program features special presentations and tours by leadership from different agency departments. Participants will learn about life-changing programming offered by the Rehabilitation Programs Division, workforce skills taught by the Manufacturing, Agribusiness and Logistics Division, and resources offered by the Reentry and Integration Division, to name a few.

The Academy consists of six sessions, held on Thursday evenings from 5-8 p.m., at various TDCJ sites in Huntsville. The program will commence with a formal graduation ceremony on November 9, 2023, at the Prison Museum. This is one of the initiatives that the Chief of Staff's Office has begun to help improve the agency's communication with the public.

Systemwide Lockdown

Mr. Collier recognized the significant efforts of agency staff over the past month with the systemwide lockdown. The lockdown allowed the agency to conduct a comprehensive search of its secure facilities which in turn helps the agency have a safe environment for staff and inmates. Many divisions, as well as the Windham School District, Internal Audit, and the Office of the Inspector General, assisted the CID during this lockdown period. Mr. Collier commended these staff for their help and recognized the staff of the CID for their hard work and diligence in conducting these searches.

Report from the Chairman, TBCJ

Recognitions

Chairman Nichols recognized seven outstanding employees who have set themselves apart from the rest. He highlighted the careers and contributions of the following employees:

- Correctional Officer Arthur Gonzalez for taking pride in his assignments and his commitment to the agency;
- Correctional Officer Ronald Randall for ensuring that the safety, sanitation, and security of the facility is up to agency standards and for his dependability;
- Correctional Officer Ronette Lenhart for her positivity, willingness to help, and dedication to the agency;
- Correctional Officer Herminia Franco for her eagerness to help others and her professionalism;
- District Parole Office Unit Supervisor Kimberly Mach for her teamwork, her willingness to take on extra work, and her positive and encouraging attitude;
- Human Services Specialist Aaron Sharp for his valuable insight and his positive attitude; and
- Management Analyst Valeria Lopez for her empathy for others and ability to communicate.

Chairman Nichols thanked the outstanding group of employees for the work they do for the agency.

Report from the Presiding Officer, Judiciary Advisory Council

Chairman Nichols stated, due to the unexpected absence of the designee for the Judiciary Advisory Council, there will not be a report from the Judiciary Advisory Council. He stated the board passes this item.

Internal Audit Status Report

Chris Cirrito, Internal Audit Director, presented updates to the Internal Audit Status Report:

- **2301 – Corrections Information Technology System Consultation:** Project is a draft report.
- **2306 – Structural Integrity of Secure Facilities:** Project is complete.
- **2312-03 – Inmate Tablet Walkthrough:** Project is a draft memo.
- **2313 – Action Plan Follow-up and Tracking:** Project is complete.
- **2313-1404 – Data Management - Offender Information Management System:** Project is in report writing.
- **2313-1805 – Hazardous Materials:** Project is a draft report.

Chairman Nichols asked if Internal Audit continues to receive the cooperation they need to complete these items. Mr. Cirrito stated he does. Mr. Nichols asked if there were any additional questions or comments. Hearing none, he thanked Mr. Cirrito for the status report.

(Attachment B – Internal Audit Division Status Report)

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

Chairman Nichols abstained from taking action on this agenda item due to his firm representing entities listed.

Ron Steffa, Chief Financial Officer, reviewed the contracts over \$1 million. Mr. Steffa stated there will be five items brought for the board's consideration and approval. The first item is an increase to the FY 2022-2023 contract for sex offender treatment services due to an increase in clients and services. Item two is an increase to the FY 2022-2023 contract for the operation and maintenance of the Diboll Correctional Center. This is an increase from the previously approved amount due to an increase in staffing. Item three is a FY 2024 Department of Information Resources contract for cloud-based analytics technology that will be used in conjunction with the monitoring of the offender telephone system. Item four is a FY 2024 contract for wastewater samplers and analysis services at 73 units. Item five is a FY 2024 contract for the rental of tractors used in agricultural operations systemwide.

Chairman Nichols asked if there were any 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 purchases and contracts over \$1 million as presented.

Mr. Bill Welch seconded the motion, which unanimously passed when called to a vote.

Discussion, Consideration, and Possible Action
Regarding the Annual Review of Board Policy BP-14.01 (rev. 20), “Investment Policy,” and Resolution Adopting the Investment Policy

Mr. Steffa presented BP-14.01 (rev. 20), “Investment Policy,” and resolution to adopt, in accordance with the *Public Funds Investment Act*, Chapter 2256, Texas Government Code (Act), which requires the agency to have a board policy regarding investments and requires an annual review. He stated the policy was reviewed and a definition and provisions for joint accounts were added to the policy consistent with SB 1226 of the 88th legislative session. The signature authority was updated as well as grammatical and formatting updates.

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

Ambassador Sichan Siv moved that the Texas Board of Criminal Justice approve the Annual Review of Board Policy, BP-14.01 (rev. 20), “Investment Policy,” and Resolution Adopting the Investment Policy, as presented, and that the Chairman sign the Resolution Adopting the Investment Policy.

Ms. Sydney Zuiker seconded the motion, which unanimously passed when called to a vote.

Discussion, Consideration, and Possible Action Regarding
Adoption of New Board Rule Title 37 Texas Administrative Code Section 151.54, “Employee Training and Education – Tuition Reimbursement”

General Counsel Kristen Worman requested the adoption of new Board Rule 151.54, “Employee Training and Education – Tuition Reimbursement” which will authorize the TDCJ to adopt policies and criteria related to training and education for agency employees and would also allow for tuition reimbursement as permitted by the Texas Government Code. No public comments were received.

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

Ms. Sydney Zuiker moved that the Texas Board of Criminal Justice adopt the new Board Rule Title 37 Texas Administrative Code Section 151.54, “Employee Training and Education – Tuition Reimbursement,” as published in the Texas Register, and that the Chairman sign the order to this effect.

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

Discussion, Consideration, and Possible Action Regarding
Adoption of Amendment to Board Rule Title 37 Texas Administrative Code
Section 152.3, “Admissions”

Ms. Worman requested the adoption of amendments to Board Rule 152.3, “Admissions.” The amendments would conform this rule to legislation from the 88th legislative session, HB 2620, relating to the confinement in county jail of a person pending transfer to the TDCJ and to compensation to a county for certain costs of confinement. The board did receive public comments.

There were joint comments submitted by the Texas Conference of Urban Counties (CUC) and the Texas County Judges and Commissioners Association (CJCAT) and from Tarrant County. General comments from CUC and CJCAT agreed with the public benefit of the proposed rule. Tarrant County also agreed with much of the proposed language. The commenters argued that the proposed language did not address the TDCJ’s obligation to reimburse a county after the 45-day period of holding a state-ready inmate. The CUC and CJCAT proposed adding language regarding the TDCJ’s obligation to reimburse the counties and the rate of reimbursement. Tarrant County commented that the proposed language does not address the TDCJ’s requirement to reimburse counties who hold inmates beyond 45 days.

The proposed rule was not modified as requested by CUC, CJCAT, and Tarrant County because the proposed rule language mirrors the statutory language. Additional language was needed to clarify the obligation to reimburse counties for each day over 45 days that an inmate is held in a county facility and to identify the correct rate of reimbursement. The proposed rule was modified accordingly.

Additionally, the CUC and CJCAT commented that the proposed language should be clarified to require the Classification and Records Office (CRO) to identify the specific corrective actions required by the county. Tarrant County also requested that similar clarifying language be added to the proposed rule. The proposed rule language was modified to clarify that the CRO will identify the errors requiring correction as suggested.

Lastly, the CUC and CJCAT assert that the proposed rule does not contain a timeline or description of the process to be followed by a county when seeking reimbursement from the TDCJ. Tarrant County also claims that the proposed language does not include a process for counties to request reimbursement from the TDCJ.

The proposed rule language was not modified as requested because such language is included in the TDCJ policy for reimbursements to counties. However, the proposed rule language was modified to clarify the process to be used when a county seeks reimbursement from the TDCJ and the timeline for obtaining such reimbursement. Chairman Nichols asked for confirmation that the language of the rule is in no way inconsistent with the counties’ position with respect to their right to reimbursement under the specified circumstances. Ms. Worman stated that is correct. Mr. Nichols asked if there were any additional questions or comments. Hearing none, he called for a motion and a second.

Pastor Nate Sprinkle moved that the Texas Board of Criminal Justice adopt the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 152.3, “Admissions,” as published in the Texas Register, and that the chairman sign the order to this effect.

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

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy BP-11.76 (rev. 9), “Benefit Policy”

Ms. Worman presented Board Policy BP-11.76, “Benefit Policy,” with a summary of revisions to include revisions to the title, an updated authority section, the replacement of “offender” with “inmate” throughout, and revisions to the policy statement to clarify that the policy establishes guidelines authorizing both the award and prohibition of certain benefits. Section VI was revised to reflect that the TDCJ now offers employee tuition reimbursement for eligible employees, and additional updates were made for formatting and grammar.

Chairman Nichols 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 proposed revisions to Board Policy BP-11.76 (rev. 9), “Benefit Policy,” as presented.

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

Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Projects

Request to Contract for Design Services to Install HVAC – A, B, C, & D Dorms, Beto Unit, Anderson County, Tennessee Colony, Texas

Facilities Director Ron Hudson presented a new project for consideration and approval to contract for design services to install HVAC in A, B, C, and D dorms at the Beto Unit which was briefed at the Business and Finance Operations Committee meeting. The total estimated program cost is \$1,182,200.

Chairman Nichols asked if these were going to be funds that were appropriated for the current biennium. Mr. Hudson stated that this was part of the \$85.7 million that was appropriated for air conditioning.

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

Ambassador Sichan Siv moved that the Texas Board of Criminal Justice approve the request to contract for design services to install HVAC in A, B, C, and D dorms at the Beto Unit, Anderson County, Tennessee Colony, Texas, as presented.

Mr. Bill Welch seconded the motion, which unanimously passed when called to a vote.

Request to Contract for Design Services for Structural Repairs to Inmate Housing, J1-J4 Dorms, Lynaugh Unit, Pecos County, Fort Stockton, Texas

Mr. Hudson presented a new project for consideration and approval to contract for design services for structural repairs to inmate housing J1-J4 dorms at the Lynaugh Unit which was briefed at the Business and Finance Operations Committee meeting. The total estimated program cost is \$1,618,700.

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

Ms. Sydney Zuiker moved that the Texas Board of Criminal Justice approve the request to contract design services for structural repairs to inmate housing, J1-J4 dorms at the Lynaugh Unit, Pecos County, Fort Stockton, Texas, as presented.

Pastor Nate Sprinkle seconded the motion, which unanimously passed when called to a vote.

Chairman Nichols thanked everyone for attending the meeting and announced that the next meeting of the Texas Board of Criminal Justice will be Friday, December 15, 2023, in Huntsville, Texas. Chairman Nichols recessed the 231st meeting of the Texas Board of Criminal Justice at 12:03 p.m.

Executive Session

The meeting reconvened into Executive Session at 12:13 p.m.

Adjournment

There being no further business following the Executive Session, Chairman Nichols adjourned the 231st meeting of the Texas Board of Criminal Justice at 2:26 p.m.

Chairman*

Secretary*

* Signature on File