

**Texas Board of Criminal Justice
232nd Meeting**



Minutes

**December 15, 2023
Huntsville, Texas**

TEXAS BOARD OF CRIMINAL JUSTICE

**Texas Prison Museum
491 Highway 75 N
Huntsville, Texas 77320**

**December 15, 2023
9:30 AM – 1:30 PM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ) Meeting

I. Regular Session – Texas Prison Museum

- A. Consideration of Approval of Consent Items (*Pages 1-17*)
 - 1. Hazardous Duty Pay Authorization Requests
 - 2. Personal Property Donations
 - 3. 231st TBCJ Meeting Minutes
 - 4. Excused Absences

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

- C. Report from the Chairman, TBCJ

- D. Internal Audit Status Report

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

- F. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million (*Page 18*)

- G. Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Projects (*Pages 19-24*)
 - 1. Request to Replace Chiller Systems #1, #2, and #3, Multiple Locations, Clements Unit, Potter County, Amarillo, Texas
 - 2. Request to Construct Water Treatment Plant, Ferguson Unit, Madison County, Midway, Texas
 - 3. Request to Replace Clarifier at Wastewater Treatment Plant, Michael Unit, Anderson County, Tennessee Colony, Texas

- H. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rules Title 37 Texas Administrative Code Sections (*Pages 25-51*)
 - 1. 151.4, “Public Presentations and Comments to the Texas Board of Criminal Justice”
 - 2. 151.6, “Petition for the Adoption of a Rule”

3. 151.25, "Tobacco and Vapor Products"
 4. 151.71, "Marking of Texas Department of Criminal Justice Vehicles"
 5. 152.51, "Authorized Witnesses to the Execution of an Offender Sentenced to Death"
 6. 159.15, "GO KIDS Initiative"
- I. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policies (*Pages 52-75*)
1. BP-01.08 (rev. 2), "Independent Ombudsman Policy Statement"
 2. BP-03.91 (rev. 7), "Uniform Inmate Correspondence Rules"
- J. Virtual Court Pilot Program
- K. Recognitions

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 – H.E.A.R.T.S. Veterans Museum

- 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. 232**

The Texas Board of Criminal Justice convened on Friday, December 15, 2023, in regular session at 9:57 a.m. at the Texas Prison Museum in Huntsville, Texas, recessed at 12:33 p.m., reconvened in executive session at 1:00 p.m., and adjourned at 2:15 p.m.

TBCJ MEMBERS PRESENT:

Eric J.R. Nichols, Chairman
Hon. Faith Johnson, Vice Chairman
Rodney Burrow, M.D., Secretary
Hon. Molly Francis
Ambassador Sichan Siv
Nate Sprinkle
Bill Welch
Sydney Zuiker

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

Bryan Collier, Executive Director
Oscar Mendoza, Deputy Executive Director
Andrew Barbee Bobby Lumpkin
Kate Blifford Mary McCaffity
Chris Carter Ron Steffa
Jason Clark David Sweetin
Tina Clark Rebecca Waltz
Marvin Dunbar Kristen Worman
Rene Hinojosa David Yebra
Ron Hudson April Zamora

TBCJ STAFF PRESENT:

Chris Cirrito Wyvonne Martin
Jill Durst Cassandra McGilbra
Cris Love Brian Patrick

Convene the Texas Board of Criminal Justice

Chairman Eric J.R. Nichols convened the 232nd meeting of the Texas Board of Criminal Justice (TBCJ or board) on Friday, December 15, 2023, at 9:57 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 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." Six registration cards were received for public comment prior to the deadline and would be heard later in the meeting on posted agenda topics. The time limit set was three minutes per individual for each topic, and he reviewed the requirements for speaker registration in accordance with the *Open Meetings Act*.

Executive Director Bryan Collier reflected on the loss of Officer Jovian Motley. On November 13, 2023, the agency lost a valued member in the line of duty. Wainwright Unit Correctional Officer Jovian Motley was killed as he and other team members attempted to extract a noncompliant inmate from a cell at the unit. Jovian was only 27 years old and had worked for the agency a little over one year. He was a remarkable young man and the type of employee that everyone strives to be. His courage and commitment serve as a testament for everyone. Mr. Collier expressed the agency's heartbreak at the loss of a man and a team member taken much too early.

Chairman Nichols added that many of Officer Motley's coworkers, members of TDCJ management, and members of the board were honored to be able to attend his memorial service. He expressed the TDCJ and Windham School District's deepest sympathies have been, and continue to be, with Officer Motley's family, friends, and coworkers at the Wainwright Unit. Officer Motley's sacrifice to others is a solemn reminder of the bravery exhibited every day by the men and women in law enforcement, corrections, and throughout the TDCJ. Officer Motley will never be forgotten, and the board, along with the TDCJ, will ensure that there will be a permanent memorial to recognize Officer Motley and his sacrifice. Chairman Nichols called for a moment of silence in memory and in honor of Officer Jovian Motley.

Consideration of Approval of Consent Items

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. 231st 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.

Report from the Executive Director, Texas Department of Criminal Justice

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

Agency Staffing

Mr. Collier stated the majority of divisions have experienced improvements in staffing over the past year due to the consolidation of identified positions, which helped the agency to improve the salary levels of more critical positions. Correctional and Parole Officer staffing remain a significant challenge, and the agency continues to focus on improving recruiting while also focusing on retention in those areas. There have been modest improvements in correctional officer retention over the past year.

During the past 90 days, a new correctional officer survey was launched, and Andrew Barbee, Director of Research and Development, is compiling the results of the first round which will be utilized to help identify ways the agency can improve retention. Mr. Collier explained that this is an anonymous survey that can be completed by personal phone to a third-party vendor who will provide those results to the agency. Those results will be shared with the board when available.

The results will also be shared on the agency's social media page to help encourage participation in the officer survey. Mr. Barbee has indicated that the initial response rate for the survey has been very good.

With the board's recent approval of Board Rule 151.54, related to tuition reimbursement, the agency was able to award 27 employees with tuition assistance for the spring 2024 college semester, initiating the first time that the agency has been able to help employees further their education.

Reflection of 2023

Mr. Collier offered a reflection of the past year. He stated 2023 will be remembered as a year of significant successes, yet also a year of many challenges. The agency had many significant accomplishments, such as the completion of the tablet rollout and a very successful legislative session that provided some level of funding in every area requested. These items collectively will take the agency years ahead in a very short timeframe and will have a lasting impact for many years to come.

In 2023, the agency expanded peer programming at several locations, and began the initial phases of incentive housing areas at several facilities. The agency has improved security protocols by moving to an electronic mail format for inmates and the remaining steps to screen all incoming legal mail, books, and pamphlets are being implemented. The agency made strides in community supervision by testing new and potentially more effective supervision methods in the community and continued to work on releasee employment opportunities.

2023 also brought many challenges with increased inmate violence in the agency's facilities, much of which was linked to an increase in narcotics being smuggled into facilities through the paper mail process. Through the hard work of staff during the statewide lockdown, the agency identified and eliminated many forms of dangerous contraband and have seen a decrease in negative behavior since the completion of the lockdown.

Near the end of this year, the agency faced the tragic loss of Wainwright Officer Jovian Motley, and continues to mourn with his family, friends, and coworkers over the loss.

Looking ahead into 2024, the agency must continue to focus on strengthening the system by successfully implementing the many improvements that were funded by the Texas legislature. Agency leadership also continues to work through the Sunset Review process and looks forward to those recommendations for the agency later next year. 2024 will be a year with big challenges yet many of those challenges will lead to a better agency for staff, inmates, and Texans overall.

Holiday Message

Lastly, Mr. Collier addressed the board and asked to please keep the agency's staff and families in the board's thoughts and prayers and remember that, as many enjoy time with family and friends this holiday season, there are thousands of TDCJ men and women who are hard at work. The meaning of Christmas and the message of hope and opportunity is what allows the agency to look forward to 2024 with confidence that the future is bright. Mr. Collier thanked the board for their support and assistance to the agency over the past year and wished the board a very Merry Christmas and a Happy New Year.

Chairman Nichols thanked him for his report and asked for more information on the peer support programs, such as the life coaches, peer supporters, and field ministers at the Ferguson Unit. Mr.

Collier discussed the field minister program which started back in 2010-11 but was not the first peer education program. The agency had peer educators conducting health services education to inmates for many years. The field minister program opened new doors for the agency, and the life coach program began through the Rehabilitation and Programs Division (RPD) where inmates are trained at the Wynne Unit to learn cognitive behavior techniques and other aspects. Those inmates return to the unit to provide support services and classes to the inmate population at that unit. Those life coaches conduct a multitude of classes on cognitive behavioral techniques. An early goal was to offer cognitive behavioral techniques to everyone that comes into the system, which, as research shows, is a significant benefit to those who understand and grasp the cognitive behavioral program and can change an inmate's behavior while in prison rather than waiting for release. RPD staff are also implementing recovery housing for inmates in the system who may have been using narcotics and are allowed to participate in treatment programs with those peer educators as well. The agency now has peer educators that are sitting with hospice patients and is considering peer educators sitting with inmates on observation due to suicidal ideations. The beginning of peer education started in Health Services with HIV education but moved to the field ministers and then the life coaches, and the life coach program is expanding quickly.

Chairman Nichols also asked for further information related to incentive housing. Mr. Collier explained that incentive housing is a concept where a facility would offer housing that has different benefits for the population that resides in that housing. Everyone in that housing would agree to meet a different level of behavior to live in that housing and would live as a community, much like faith-based dorms. Incentives may include the ability to paint the area, change the furniture in the dayroom, and improved mattresses for those areas. He stated this is an effort to offer another environment as a positive incentive for inmates to strive to qualify for that type of housing. During the lockdown, Mr. Collier was able to visit several facilities where wardens had initiated this process. Mr. Collier stated that ideally it is best for the idea to come from the unit, and the agency will provide the resources necessary to help the units operate incentive housing. The Clements, Murray, and Stiles units are among the first facilities with this type of housing and in early 2024 more will be added. This does not only apply to minimum custody inmates but also for close custody inmates who have a disciplinary background, so that they can go to another area with a greater chance of changing their behavior.

Chairman Nichols asked about the members of the inmate population who qualify for the incentive housing and if those inmates take ownership or investment in that area. Mr. Collier responded that the inmates not only take ownership in the cosmetics of the area but also in the activities for that area. He stated this means agreeing to live in these areas with no contraband or other issues inside the institution, which sets an example for the rest of the facility. Mr. Nichols shared his experience visiting one of the incentive housing areas and remarked on how the inmates who lived there were truly engaged with the housing area.

Judge Johnson asked how much the changes that have been made have reduced the amount of drugs that are introduced into the units. Mr. Collier stated the agency does not have the data or percentages to show right now but stated that mail was an easy, relatively inexpensive way to introduce drugs into the facility, so moving to electronic mail dealt with that issue. The next step would be to cover books, pamphlets, and legal mail which have also been used to introduce drugs. He stated the changes may not have eliminated the introduction of drugs but have made it more difficult to do so. He discussed how eliminating one avenue of introduction would cause another avenue to be used more often. Judge Johnson asked if the agency is thinking forward to figure out what other avenues may be used to introduce drugs. Mr. Collier discussed the

agency's test sites for anti-drone activity and how the use of body cameras will help protect the environment inside facilities. He also mentioned the use of millimeter wave scanning technology which will be used at the maximum-security facilities and the agency's efforts to reduce contraband cellphones by working with the phone vendor.

Judge Johnson commended Mr. Collier on the agency's tuition reimbursement efforts for staff. Mr. Collier expressed his appreciation for the board's support and Chief Financial Officer Ron Steffa and his team for their efforts as well. He stated this is one of the many ways to become the top-rated employer by 2030.

Ms. Zuiker discussed the Stiles Unit movie night event for G5 inmates and asked for elaboration related to programs for change and growth of G5 inmates. Mr. Collier explained that G5 custody classification is the lowest custody in general population, a very close custody status, and reported that many wardens have created opportunities for those inmates to change their behavior with incentives, such as movie nights and rehabilitative programming. Mr. Collier emphasized the importance of the wardens taking ownership at the local level to initiate these incentives and programs. Ms. Zuiker expressed her appreciation for Mr. Collier and Mr. Lumpkin empowering the wardens to do so.

Report from the Chairman, TBCJ

Recognitions

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

- Correctional Officer Tony R. Garrett Sr., of the Holliday Unit, for being dependable and maintaining a positive attitude;
- Correctional Officer Rhett Knappen for being valuable in his role as the Self-harm Prevention Officer at the Estelle Unit;
- Correctional Officer Murlene Benson for her hard work, perseverance, and sacrifice to improve team spirit and morale at the Ellis Unit;
- Correctional Officer Mueche Esiaka, of the Ferguson Unit, for her exemplary professionalism, dedication, and leadership qualities;
- Parole Officer Brett Junod for his selflessness and his exceptional ability to be a team player at the Huntsville District Parole Office;
- Industrial Specialist Roland Lewis for being a proactive employee who maintains a positive attitude at the Manufacturing, Agribusiness and Logistics Division Wynne License Plate Factory; and
- Program Specialist Tracie Sible for her contributions as a peer support member for staff and her dedication to teamwork in the Victim Services Division.

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

Holiday Message

With the holidays just around the corner, Chairman Nichols, on behalf of the entire board, expressed his gratitude for the men and women who serve the state as employees of the Texas

Department of Criminal Justice. He encouraged all staff to take pride in their accomplishments over the past year and to enjoy the holidays with their families as they prepare to continue to make the valued efforts that the state needs from them in 2024 and beyond. He expressed that the agency and the board contribute to a team that carries out the missions of the agency, to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime. He expressed appreciation for the individual contributions made by agency staff to missions throughout the agency and the state. He stated the agency's work ultimately helps make Texas a safer and better place to live. On behalf of the Governor, the board, and the citizens of this great state, he thanked agency staff for their dedication and performance. He stated the board wishes all TDCJ employees and families happy and restful holidays, a very Merry Christmas, and a Happy New Year.

Internal Audit Status Report

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

- **2302 – Parole Division Workforce Culture:** Project has moved into fieldwork.
- **2312-02 – Records Management Walkthrough:** Project is complete.
- **2312-03 – Inmate Tablet Walkthrough:** Project is complete.
- **2403 – Commissary Operations – Supply Chain:** Project has moved into the reporting phase.
- **2412-01 – Peer Support Inmates Walkthrough:** Project has moved into the reporting phase.
- **2411-01 – State Ready and Intake:** During the last legislative session, the legislature enacted changes to the agency's intake process, particularly to the timing of bringing convicted individuals into the system. Mr. Lumpkin has requested an audit of this process.

Chairman Nichols asked if there were any questions or comments. Hearing none, he thanked Mr. Cirrito for the status report.

(Attachment A – Internal Audit Division Status Report)

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

Chairman Nichols proposed renaming the Mountain View Unit to the Patrick L. O'Daniel Unit, in recognition of the former chairman of the Texas Board of Criminal Justice. He recognized the public service and dedication exhibited by Mr. O'Daniel's career; accomplishments made by the TDCJ during Mr. O'Daniel's tenure on the board; and the many initiatives he championed and influenced for the betterment of the agency.

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 recommendation to rename the Mountain View Unit in Coryell County, Gatesville, Texas, to the Patrick L. O'Daniel Unit.

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

(Attachment B – Resolution)

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 purchases and contracts over \$1 million. Mr. Steffa stated there will be seven items brought for the board's consideration and approval. Item one is a FY 2024 purchase for the replacement of vehicles for agency transportation needs, which includes cars, trucks, vans, and semitrucks. Item two is a FY 2024-2025 purchase for upgrades to the current agency radio system and communication infrastructure which will replace radios and repeaters and will provide two mobile towers. These upgrades will increase the effectiveness of communication by providing fully digital radios with interoperability and increased coverage. Item three is a FY 2024-2025 purchase for the replacement of personal computers and laptops. With these replacements, the agency will return to an approximately six-year replacement cycle. Items four, five, and six are increases to FY 2024-2025 contracts, due to increased per diem rates, for the operation and management of the Bradshaw State Jail, Lindsey State Jail, and the Willacy State Jail, which are all operated by the Management and Training Corporation. Item seven is an increase to a FY 2024-2025 Texas Correctional Office on Offenders with Medical or Mental Impairments contract, due to market adjustments. This contract is with Hill Country Mental Health and Developmental Disabilities Centers for case management and continuity of care services.

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

Dr. Rodney Burrow moved that the Texas Board of Criminal Justice approve the purchases and contracts over \$1 million 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 Projects

Request to Replace Chiller Systems #1, #2, and #3, Multiple Locations, Clements Unit, Potter County, Amarillo, Texas

Ron Hudson, Facilities Division Director, presented a new project for consideration to replace chiller systems 1, 2, and 3 at multiple locations at the Clements Unit as briefed during the Business and Financial Operations Committee Meeting. The total estimated program cost is \$4,719,900.

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 request to replace chiller systems #1, #2, and #3 at multiple locations at the Clements Unit in Potter County, Amarillo, Texas as presented.

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

Request to Construct Water Treatment Plant, Ferguson Unit, Madison County, Midway, Texas

Mr. Hudson presented a new project for consideration to construct a water treatment plant at the Ferguson Unit as briefed during the Business and Financial Operations Committee Meeting. The estimated program cost is \$16,811,600.

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 request to construct a water treatment plant at the Ferguson Unit in Madison County, Midway, Texas, as presented.

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

Request to Replace Clarifier at Wastewater Treatment Plant, Michael Unit, Anderson County, Tennessee Colony, Texas

Mr. Hudson presented a new project for consideration to replace the clarifier at the wastewater treatment plant at the Michael Unit as briefed during the Business and Financial Operations Committee Meeting. The estimated program cost is \$2,456,100.

Chairman Nichols asked if the operation of the wastewater treatment plant would provide any vocational opportunities for the inmate population. Mr. Hudson confirmed and stated eleven inmates were recently trained as a result of the agency partnering with the Texas Commission on

Environmental Quality to obtain certificates that will allow the inmates to apply for a license upon release.

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

Sydney Zuiker moved that the Texas Board of Criminal Justice approve the request to replace clarifier at wastewater treatment plant at the Michael Unit in Anderson County, Tennessee Colony, Texas, as presented.

Bill Welch 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 Sections

151.4, “Public Presentations and Comments to the Texas Board of Criminal Justice”

General Counsel Kristen Worman presented Board Rule 151.4, “Public Presentations and Comments to the Texas Board of Criminal Justice,” with a summary of revisions including changing “offender” to “inmate” throughout the rule and adding additional contact options for persons requesting accommodations when attending a board meeting. Two registration cards were received for public comment.

Gloria Rubac discussed her inability to hear the speaker due to hearing loss. She asked that proposals be distributed in advance of the meeting, so the public could make a comment. Chairman Nichols repeated the revisions proposed and thanked her for her comments.

Ward Larkin commented that he was disappointed that he could not receive the proposed revisions ahead of the meeting, so he would know if he needed to prepare a public comment or not. He asked if he was allowed to comment on the rule in its entirety or if he was to focus on the proposed revisions. Mr. Nichols stated he should focus on the revisions proposed. Mr. Larkin expressed his support for the proposed revisions. Mr. Nichols expressed his appreciation for Mr. Larkin’s participation.

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

Pastor Nate Sprinkle 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 151.4, “Public Presentations and Comments to the Texas Board of Criminal Justice,” to receive public comment as presented.

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

151.6, “Petition for the Adoption of a Rule”

Ms. Worman presented Board Rule 151.6, “Petition for the Adoption of a Rule,” with a summary of revisions including that an economic impact statement will also include the projection of the impact of the rule on rural communities.

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

Mr. Bill Welch 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 151.6, “Petition for the Adoption of a Rule,” to receive public comment as presented.

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

151.25, “Tobacco and Vapor Products”

Ms. Worman presented Board Rule 151.25, “Tobacco and Vapor Products,” with a summary of revisions which included changing “offender” to “inmate” throughout the rule.

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 for publication in the Texas Register the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 151.25, “Tobacco and Vapor Products,” to receive public comment as presented.

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

151.71, “Marking of Texas Department of Criminal Justice Vehicles”

Ms. Worman presented Board Rule 151.71, “Marking of Texas Department of Criminal Justice Vehicles,” with a summary of revisions including changing “offender” to “inmate” as appropriate in the rule and adding an additional exemption to include vehicles used primarily for administrative purposes and assigned to TDCJ officials holding administrative positions, as determined by the executive director, for which confidentiality is necessary to prevent undue risk of danger or injury to TDCJ officials operating those vehicles or damage to the vehicle.

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

Dr. Rodney Burrow 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 151.71, “Marking of Texas Department of Criminal Justice Vehicles,” to receive public comment as presented.

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

152.51, “Authorized Witnesses to the Execution of an Inmate Sentenced to Death”

Ms. Worman presented Board Rule 152.51, “Authorized Witnesses to the Execution of an Inmate Sentenced to Death,” with a summary of revisions including changing “offender” to “inmate” and “Public Information Office” to “Communications Department” throughout the rule; specifying victims scheduled to attend; removing requirement for witnesses to be on the approved inmate’s visitor list; requiring an inmate to submit a request in writing to the death row unit warden to have a TDCJ chaplain or the inmate’s spiritual advisor present inside the execution chamber within 30 days of being notified of an execution date and must explain in writing what actions the inmate requests the spiritual advisor to perform; requiring the spiritual advisor to have an established ongoing spiritual relationship with the inmate demonstrated by regular communications or in-person visits prior to the inmate’s scheduled execution date or is currently employed as a TDCJ chaplain; requiring the inmate to submit a request in writing through the death row unit warden to the CID director to change the previously designated witnesses; and removing language that specified the spiritual advisor for the inmate shall be a bona fide pastor or comparable official; such as a minister, priest, or rabbi, of the condemned inmate’s elected religion. Revisions also included adding language to reflect the current practice of the Victim Services Division notifying the CID director of witness and support persons’ names and relationships to the victim if they plan to attend.

Chairman Nichols asked if the proposed revisions complied with the applicable legal standards. Ms. Worman confirmed. Two registration cards were received for public comment.

Gloria Rubac discussed her inability to hear the speaker. She asked how long the ongoing spiritual relationship must be and asked why the proposed revisions cannot be distributed in advance of the meeting. She spoke about Ivan Cantu’s execution date in February and expressed hope that his spiritual advisor was not a problem. Mr. Nichols stated they would follow-up with accommodations for individuals who could not hear the meeting and thanked her for her comments.

Ward Larkin commented that he agreed with the revision removing the requirement for witnesses to be on the inmate’s approved visitor list as he referenced Texas Code of Criminal Procedure chapter 43 §20. He claimed that the requirement for an ongoing relationship between the spiritual advisor and the condemned inmate does not comply with the law. Mr. Nichols thanked him for his comments.

Chairman Nichols asked if there were any questions or comments. Mr. Welch asked for clarification on the action being taken today. Ms. Worman clarified that these proposed amendments would be published in the Texas Register for public comment before adoption by the board. Judge Francis asked if the proposed revisions expanded the timeframe that an inmate has to make a request for a witness to be present. Ms. Worman confirmed. Mr. Nichols asked if there were any additional 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 for publication in the Texas Register the proposed amendments to Board Rule Title 37 Texas

Administrative Code Section 152.51, "Authorized Witnesses to the Execution of an Inmate Sentenced to Death," to receive public comment as presented.

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

159.15, "GO KIDS Initiative"

Ms. Worman presented Board Rule 159.15, "GO KIDS Initiative," with a summary of revisions which included changing "offender" to "inmate" where applicable.

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

Sydney Zuiker 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 159.15, "GO KIDS Initiative," to receive public comment as presented.

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

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policies

BP-01.08 (rev. 2), "Independent Ombudsman Policy Statement"

General Counsel Kristen Worman presented Board Policy BP-01.08, "Independent Ombudsman Policy Statement," with a summary of revisions that included revising the definition of "complaint" to specify that complaints are concerns that provide specific factual allegations that, when taken as true, rise above mere speculation and updating the signature authority.

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

Pastor Nate Sprinkle moved that the Texas Board of Criminal Justice approve the proposed revisions to Board Policy BP-01.08 (rev. 2), "Independent Ombudsman Policy Statement," as presented.

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

BP-03.91 (rev. 7), "Uniform Inmate Correspondence Rules"

Ms. Worman presented Board Policy BP-03.91, "Uniform Inmate Correspondence Rules," with a summary of revisions that included revising definitions for "General Correspondence," "General Correspondent," "Legal Correspondent," and "Special Correspondent"; adding definitions for "Business Correspondence" and "Business Correspondent"; replacing the term defendant with inmate in section I.B.3.c; revising the title in section I.D to specify General Correspondence; revising language in section I.D.1 to specify all General Correspondence that

does not require an inmate's signature and is addressed to inmates and received by TDCJ facilities will be returned to sender as refused and adding language that states TDCJ facilities will accept the following items addressed to inmates via regular and certified U.S. mail; removing language concerning certified mail from General Correspondents; adding guidelines for documents requiring an inmate's signature; removing language concerning requirements for the return address for Special, Legal, Media, or General Correspondence; adding guidelines for inmate surveys; adding language to include Business Correspondence guidelines in section IV; and revising language to state that if the inmate's request for disposition is not made within 90 days after the initial denial date or the Director's Review Committee appeal decision date, the item will be destroyed.

Two registration cards were received for public comment.

Gloria Rubac commented that she sent her son a birthday card on the last week of August which he did not receive until November 30th. She expressed her discontent with SECURUS and claimed that it was expensive and taking too long to deliver the mail. Mr. Nichols thanked her for comments.

Ward Larkin expressed his confusion with the term "language" used during the presentation of summary of revisions and asked if he was still able to send certified mail directly to an inmate. He claimed that the men on death row do not have attorneys anymore, so they have asked him to provide them with court records which are not received in a timely manner through SECURUS. He sent them via certified mail but claimed they were returned as undeliverable, so he would like to know if the rules have changed. Mr. Nichols thanked him for his comments and informed him to follow-up with the board staff to help him with issues concerning mail being delivered.

Chairman Nichols asked if there were any questions or comments. Mr. Bill Welch asked for clarification on the action being taken today, and asked if the policy would be enacted if approved. Ms. Worman confirmed. Mr. Nichols asked if there were any additional questions or comments. Hearing none, he called for a motion and a second.

Bill Welch moved that the Texas Board of Criminal Justice approve the proposed revisions to Board Policy BP-03.91 (rev. 7), "Uniform Inmate Correspondence Rules," as presented.

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

Virtual Court Pilot Program

Judge Molly Francis, Chair of the Legal Committee, presented information regarding the Virtual Court Pilot Program that enables judges to handle criminal felony offenses online instead of transporting inmates to be present in court. She introduced Marvin Dunbar, Administrative Review and Risk Management Division Director, who discussed the successful launch of the program. Mr. Dunbar stated this program is in Dallas County and allows for virtual court for inmates who are served with a bench warrant. Once fully implemented, this program will save counties across the state time, money, and resources due to eliminating the need to transport inmates for court proceedings. This will also decrease the workload of the facility's staff, by

reducing requirements related to deploying staff and resources necessary for transports related to court purposes.

Mr. Dunbar explained that the county courts would submit a signed court order via the designated email address at least 24 hours prior to the scheduled court proceeding. The Access to Courts Virtual Court Coordinator would accept and confirm all requests upon receipt and coordinate with the inmate's unit of assignment to ensure compliance with the Judge's court orders. Upon notification of the court order, the unit law librarian would coordinate with security staff to ensure that inmate is made available and provide an appropriate space and resources prior to the court proceeding. Mr. Dunbar thanked Judge Francis for her work in the Dallas County area to initiate this program. Judge Francis discussed her experience with the virtual court proceedings and the efforts to improve the signal in rural areas. She commented on the convenience of the program for judges and inmates and expressed her enthusiasm for the future of this program. Mr. Dunbar showed a news video of the first virtual court proceeding. Chairman Nichols thanked Judge Francis for her leadership and stated that this program may be expanded to other counties and include family law proceedings in the future.

Recognitions

Chairman Nichols recognized Ambassador Sichan Siv for an important milestone in his service as a board member. He said to call Ambassador Siv a well-traveled man would be an understatement. From his days as a budding flight attendant to his escape from captivity under the Khmer Rouge regime in Cambodia, he has zigzagged the globe throughout his life and professional career, which included past service as the United States Ambassador to the United Nations. When Ambassador Siv was appointed to the board in 2019, Chairman Nichols stated no one should have been surprised by his desire to get on the road to see the operations that he was helping to oversee. Mr. Nichols stated one thing about Ambassador Siv is that he believes everyone is a constant learner, and seeing is understanding. He is also motivated to serve others. He set a goal to visit every TDCJ correctional facility in this great state which was no easy task. His first tour was of the Kyle Unit in February of 2020 then the Dominguez State Jail in San Antonio. Shortly after that, the COVID pandemic swept the state, temporarily pausing his tours across the state for obvious reasons. In July of 2021, he was back at it. His visits were memorable for staff and inmates alike. Mr. Nichols presented photos of Ambassador Siv's interactions with staff and the men and women housed in those facilities. On November 30, 2023, Ambassador Siv visited the last TDCJ facility remaining on his list, the Baten Unit in Pampa. In his roughly three years of service on the board, he has toured one hundred different TDCJ facilities. Mr. Nichols stated that the board understood this was hardly the end of his board service, as he is already in the process of repeating and following up on his visits. Mr. Nichols concluded by thanking Ambassador Siv for his service to the board and presented him with a special gift. Ambassador Siv thanked the leadership in Huntsville and their staff for helping him achieve this milestone. He shared his vision of the TDCJ being the best criminal justice system of the country and thanked everyone for the recognition of his service. Mr. Collier thanked him for his travels and stated this was the first time a board member has visited every facility in the state.

Executive Director Bryan Collier recognized Mary McCaffity as the new Human Resources Division Director. He outlined her career which started in 2013 as a supervisor for the Texas Crime Victim Clearinghouse. He commended her for playing a key role in implementing the

integrated victim notification system, the development of the agency's employee support services and impact teams, and for serving in the Self-Harm Pilot Project. He highlighted her educational experience and stated she is a widely respected agency leader. Ms. McCaffity expressed excitement for the opportunity to continue to serve the employees of the TDCJ. Ms. Zuiker congratulated her and expressed her excitement at working with her in the future.

Parole Division Director Rene Hinojosa recognized Irvin Rick Washington as the new Warrant Section Director for the Parole Division. He described the responsibilities of Mr. Washington's new role and outlined his career which began over 17 years ago as a Parole Officer. He highlighted his educational experience and shared his experience meeting Mr. Washington for the first time. Mr. Hinojosa commended him for being knowledgeable about his staff and his position. Mr. Washington thanked the board and his leadership for the opportunity.

Correctional Institutions Division Director Bobby Lumpkin recognized David Driskell as the new Laundry, Food Service, and Supply Department Director. He outlined his career which began with the TDCJ in 1988 where he advanced to the supervisory position of Captain before leaving for the private sector. Mr. Lumpkin commended him on his exceptional experience and his extensive knowledge. He stated that Mr. Driskell's unwavering dedication would continue to serve him in his new role. Mr. Driskell thanked the board for the opportunity and expressed his excitement at rejoining the agency.

Actions of Valor

Chairman Nichols recognized a remarkable group of men and women who demonstrated extraordinary bravery, selflessness, and an unwavering dedication to protecting their fellow officers and staff, as well as inmates in TDCJ custody. These Actions of Valor recipients have gone above and beyond to exemplify the agency's values of integrity, courage, perseverance, and commitment. Their actions have made a significant impact within their respective units and contributed to the overall safety and well-being of their communities.

CID Director Bobby Lumpkin and Warden Kelly Strong recognized the following staff for their swift actions during the fire at the historic Huntsville Unit:

- Captain Salvador Villanueva
- Sergeant Taylor Matin
- Sergeant Shamus Shinette
- Sergeant Patrick Van Dyke
- Correctional Officer Adeyemi Fatoki
- Correctional Officer Renata Jacob
- Correctional Officer Ruth Karanja
- Correctional Officer Julia Logan
- Correctional Officer Jennifer Navejas
- Correctional Officer Rebecca Obangi
- Correctional Officer Tyler Woten

Mr. Lumpkin and Deputy Division Director Eric Guerrero recognized Lieutenant Robert Bauer Jr. for his swift and effective response to an attempted escape by an inmate.

Mr. Lumpkin and Assistant Warden Christopher Garcia recognized the following staff from the Wynne Unit for their immediate response during a significant staff assault:

- Lieutenant Steven Fischer
- Correctional Officer Kennedy Onyoni
- Sergeant Mark Cole
- Jevon Gilbert

Mr. Lumpkin and Regional Director Elbert Holmes recognized the following staff for their swift actions to de-escalate a hostage situation at the McConnell Unit:

- Assistant Warden Candice Flannel
- Major Kelvin Masters
- Captain Aaron Cavazos
- Correctional Officer Erlouse Francis

Chairman Nichols expressed his and the board's gratitude for the courage and selflessness of the recipients. He stated their efforts have truly made a direct impact on the lives and safety of others, and their dedication to excellence and the safety of all citizens in the state of Texas is an inspiration.

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 November and December 2023, 50 employees attained 25 years of service, 22 employees attained 30 years of service, six employees attained 35 years of service, three employees attained 40 years of service, one employee attained 45 years of service, and one employee attained 50 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 Commissary Manager Carlos A. Gutierrez and outlined his career that began in 1982 as a Correctional Officer at the Jester Unit.

Chairman Nichols recognized Correctional Officer Enrique Cantu and outlined his career that began in 1983 as a Correctional Officer at the Ramsey Unit.

Chairman Nichols recognized Correctional Officer Ronald Williams and outlined his career that began in 1991 at the Skyview/Hodge Complex.

Chairman Nichols recognized Correctional Officer Gene Hernandez Jr. and outlined his career that began in 1978 at the Ramsey Unit.

Chairman Nichols recognized Correctional Officer Robert McGowan and outlined his career that began in 1973 at the Wynne Unit.

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 C – Employee Names)

Chairman Nichols thanked everyone for attending the meeting and announced that the next meeting of the Texas Board of Criminal Justice will be Friday, February 9, 2023, in Austin, Texas. Chairman Nichols recessed the 232nd meeting of the Texas Board of Criminal Justice at 12:33 p.m.

Executive Session

The meeting reconvened into Executive Session at 1:00 p.m.

Adjournment

There being no further business following the Executive Session, Chairman Nichols adjourned the 232nd meeting of the Texas Board of Criminal Justice at 2:15 p.m.

Chairman*

Secretary*

* Signature on File