

**Texas Board of Criminal Justice
233rd Meeting**



Minutes

**February 9, 2024
Huntsville, Texas**

TEXAS BOARD OF CRIMINAL JUSTICE

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

**February 9, 2024
9:45 AM – 1:30 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. 232nd TBCJ Meeting Minutes
- C. Report from the Executive Director, Texas Department of Criminal Justice (TDCJ)
- D. Report from the Chairman, TBCJ
- E. Report from the Presiding Officer, Judicial Advisory Council
- F. Report from the Agricultural Advisory Committee
- G. Internal Audit Status Report
- H. Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Projects
 - 1. Request to Install Monitored Pulse Fence Detection System – Perimeter, Hughes Unit, Coryell County, Gatesville, Texas
 - 2. Request to Install HVAC System Efficiency Upgrades to 12 Building – Inmate Housing, Michael Unit, Anderson County, Tennessee Colony, Texas
 - 3. Request to Install Monitored Pulse Fence Detection System – Perimeter, Stiles Unit, Jefferson County, Beaumont, Texas
- I. Discussion, Consideration, and Possible Action Regarding Proposed Land Transactions
 - 1. Request for New Gas Pipeline Easement and Valve Site Easement, Gist and Stiles Units, Jefferson County, Beaumont, Texas
 - 2. Request for Renewal of a Gas Pipeline Easement, Gist and Stiles Units, Jefferson County, Beaumont, Texas
 - 3. Request for New Water Line Easement, Boyd Unit, Freestone County, Teague, Texas

4. Request for New Gas Pipeline Easement, Gist and Stiles Units, Jefferson County, Beaumont, Texas
- J. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rules Title 37 Texas Administrative Code Sections
1. 151.8, “Advisory Committees”
 2. 151.73, “Texas Department of Criminal Justice Vehicle Assignments”
 3. 156.1, “Investigations of Allegations of Abuse, Neglect, or Exploitation of an Elderly or Disabled Offender”
 4. 163.34, “Carrying of Weapons”
 5. 163.43, “Funding and Financial Management”
- K. Discussion, Consideration, and Possible Action Regarding Proposed Repeal of Title 37 Texas Administrative Code Sections
1. 163.45, “Distribution of Community Corrections Funding”
 2. 163.46, “Allocation Formula for Community Corrections Program”
- L. Discussion, Consideration, and Possible Action Regarding Proposed Adoption of Amendments to Board Rule Title 37 Texas Administrative Code Sections
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”
- M. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy BP – 07.03 (rev.4), “GO KIDS (Giving Offenders’ Kids Incentive and Direction to Succeed)”

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 – ATX Board 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. 233**

The Texas Board of Criminal Justice convened on Friday, February 9, 2024, in regular session at 10:57 a.m. at the Cambria Hotel in Austin, Texas, recessed at 1:48 p.m., reconvened in executive session at 2:05 p.m., and adjourned at 3:45 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
Chris Carter Mary McCaffity
Jason Clark Angie McCown
Tina Clark Ron Steffa
Carey Green David Sweetin
Rene Hinojosa Kristen Worman
Bill Lewis April Zamora
Ron Hudson

TBCJ STAFF PRESENT:

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

OTHERS PRESENT:

Katie Fallon Brown, Legislative Budget Board
David Gutierrez, Board of Pardons and Parole
Darren McDivitt, Sunset Advisory Commission Staff
Shakira Pumphrey, Policy Advisor, Texas House of Representatives
Corey Sharp, Legislative Budget Board Analyst
Mike Ward, Senate Criminal Justice Committee

Convene the Texas Board of Criminal Justice

Chairman Eric J.R. Nichols convened the 233rd meeting of the Texas Board of Criminal Justice (TBCJ or board) on Friday, February 9, 2024, at 10:57 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 recognized the family of Officer Jovian Motley who were in attendance and asked for a moment of silence and reflection in honor of Officer Motley's sacrifice.

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*.

Consideration of Approval of Consent Items

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. 232nd TBCJ Meeting Minutes**

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

Recognitions

Executive Director Bryan Collier recognized Parole Division Director Rene Hinojosa for 30 years of service with the TDCJ. Mr. Collier highlighted his career which started as an Institutional Parole Officer in 1994 at the Lockhart Work Program now known as the Cole Unit. Chairman Nichols expressed his appreciation for Mr. Hinojosa's service. Mr. Hinojosa expressed gratitude for his journey to his current position and his appreciation for his staff, the agency, and his family. Judge Francis also shared her appreciation for Mr. Hinojosa and his staff.

Mr. Collier recognized Jeremy Bryant for his recent promotion to Director of Recruiting. He highlighted Mr. Bryant's career which started in 1999 as a Correctional Officer at the Ferguson Unit. Mr. Collier stated that Mr. Bryant's strong work ethic along with his deep understanding of the correctional operations will serve him well in his new role. Mr. Bryant expressed appreciation for the opportunity to tackle one of the agency's most difficult missions.

Mr. Collier recognized Manufacturing, Agribusiness and Logistics Division Director Bill Lewis for his recent promotion. He highlighted Mr. Lewis's career which began in 1984 as a Correctional Officer at the Ferguson Unit. He stated Mr. Lewis is a strong and proven leader who is focused on ensuring the operational areas within his division are efficient, secure, and progressive. His ability to quickly gain rapport with staff across the agency has gained him significant respect. He helped modernize the manufacturing process while keeping a sharp eye on the agency's transportation security protocols and the long-range goal of enhancing inmate job training opportunities. Mr. Lewis expressed excitement for the opportunity. Chairman Nichols expressed his appreciation for the effort to modernize the division's operations.

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 January and February 2024, 57 employees attained 25 years of service, 29 employees attained 30 years of service, three employees attained 35 years of service, two employees attained 40 years of service, and two employees 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 Farm Manager Marvin L. Carter and outlined his career that began in 1982 as a Correctional Officer at the Ellis Unit.

Chairman Nichols recognized Inventory Store Specialist Jeffrey R. Gibbs and outlined his career that began in 1983 as a Correctional Officer at the Byrd Unit.

Chairman Nichols recognized Wynne Graphics Plant staff member Richard P. Fassett and outlined his career that began in 1978 as a Correctional Officer at the Wynne Unit.

Chairman Nichols recognized Correctional Officer Jimmie R. Pace and outlined his career that began in 1978 as a Correctional Officer at the H.H. Coffield 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 A – Employee Names)

Report from the Executive Director, **Texas Department of Criminal Justice**

Executive Director Bryan Collier provided an update on steps the agency has taken following the tragic death of Correctional Officer Jovian Motley at the Wainwright Unit on November 13th, 2023. The Office of the Inspector General and the Special Prosecution Unit began their investigation of the homicide immediately and have continued to work diligently through the criminal investigation. The agency has modified protocols to ensure that when a cell extraction team is required a duty warden is onsite to direct the process. The agency is also adding additional tools at facilities to help reduce the need for extraction teams. Nineteen units, to include the Wainwright Unit, have received tasers that can be checked out by a supervisor when necessary.

The agency continues to roll out the issuance and training for tasers to all facilities. The agency's senior leadership has been directed to conduct a thorough review of the *Behavioral Intervention Plan*, training, and related policies that involve de-escalation and necessary use of force to include cell extraction techniques. The goal of this review is to identify improvements in policy, training, and additional tools which could be utilized to lessen the need for physical force.

The agency has also initiated enhanced training for supervisory staff to improve de-escalation of incidents. He stated as the agency continues the in-depth review of this incident, it remains committed to improve processes and response to these incidents. The agency is committed to never forget the sacrifice made by Jovian Motley. His name will be permanently etched into the Texas Peace Officer's Memorial wall at the Texas State Capitol in Austin this spring and he will also be

honored at the nation's capital at the National Peace Officers' Memorial service in May. The agency will also be working on a recognition of Officer Motley that can be on display at the Wainwright unit to forever honor his sacrifice.

Report from the Chairman, TBCJ

Recognitions

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

- Correctional Officer Lyndia Johnson, of the Coffield Unit, for her efforts as the Self-harm Prevention Officer and her work with veteran inmates;
- Correctional Officer Jason Cooley for his positive attitude and willingness to help others at the Estes Unit;
- Correctional Officer Jennifer Brooks for her dedication, dependability, and work ethic at the Hutchins State Jail;
- Correctional Officer Christopher Gwin, of the Boyd Unit, for his work as a Patriot Paws Officer and his professionalism;
- Parole Officer Ron Wilson, from the Dallas II Parole Office, for his knowledge and experience along with his connection to the community;
- Health Specialist Chantel Lavigne, from the Rehabilitation Programs Division, for her work as a Coordinator of the Our Roadway to Freedom Program; and
- Program Supervisor Iva Hallmark, from the Commissary and Trust Fund Department, for her exceptional leadership and professionalism along with her ability to mentor and motivate her team.

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

Report from the Presiding Officer, Judicial Advisory Council

Judge Rebecca Palomo presented an update on behalf of the Judicial Advisory Council (JAC). She offered a summary of events during the last year. On September 25-27th, the Correctional Management Institute of Texas in collaboration with the TDCJ Community Justice Assistance Division (CJAD) hosted the 51st annual Chiefs Leadership Conference in Galveston. In addition, the JAC's quarterly meeting was held during that week. During this meeting, TDCJ Correctional Institutions Division Director Bobby Lumpkin presented information related to the TDCJ's implementation of unit lockdowns and the progress made during that process. She stated this was valuable and informative to the JAC. On November 7-9th, the 2023 Chiefs Summit for Community Supervision and Corrections Departments (CSCD) was held in Round Rock. Discussion topics included employee wellness, the Sunset Committee process, and the recommendations in peer support. On January 25, 2024, the JAC held its quarterly meeting in Austin and were provided with information related to the Sunset Commission on the monitoring of community supervision diversion funds and the Texas Administrative Code review process.

Chairman Nichols thanked the JAC for their great work and stated it is a mission-critical responsibility to ensure that CJAD and the system are supported.

Report from the Agricultural Advisory Committee

Bill Lewis, Manufacturing, Agribusiness and Logistics (MAL) Division Director presented the Agricultural Advisory Committee (AAC) report and gave an overview of the members involved. He stated the committee meets quarterly and briefs the board semiannually. On March 29, 2023, the AAC held a quarterly meeting at the TDCJ Career Center and discussed strategies for recruiting employees in the agricultural field. The AAC toured the Goree Unit Equine Center where all of the equine breeding for the agency occurs. The agency has approximately 916 horses on hand and breed approximately 100 with approximately 85 babies born every year. The AAC discussed matters related to equine breeding, such as artificial insemination, natural coverage, and research with Texas A&M University.

On June 15, 2023, the AAC toured the Michael Unit Pork Processing Plant (MIPP) and held executive session at the Coffield Unit where they also toured the Coffield Unit Agriculture Operations. On average, the MIPP processes 8 million pounds of pork and 18-30,000 swine each year. The Coffield Unit Agriculture Operations is the largest TDCJ agricultural operation with over 20,000 acres. On October 4, 2023, the AAC held executive session in Kingsville and toured the King Ranch Agriculture Operations. On January 29, 2024, the AAC toured the Texas A&M University Veterinarian Clinics and Equine Research Center, toured the Buffalo Ranch Embryo Transfer Beef Cattle Operations, and held executive session at the Buffalo Ranch. Mr. Lewis explained the process of embryo transfer in cattle to produce better genetics in the beef cattle herd.

Mr. Lewis presented the recommendations of the AAC over the last year. He discussed the acquisition of 102 lease/rental tractors to replace an aging fleet and the updated mechanized equipment for field crops, livestock, and edible crops enterprise production. In cannery equipment, the acquisition of a continuous rotary pressure sterilizer is expected to increase production from 330,000 cases of vegetables to 600,000 cases annually. The cotton gin press at the Ramsey Unit was replaced to make the cotton gin operational which will eliminate transportation and contract ginning of harvested cotton in coastal areas. Mr. Lewis discussed inmate job skills training and stated a review of job apprenticeships and job skills training in the agriculture field was conducted and stated a discussion with Texas A&M University relating to certifications in the agriculture industry was in progress. Mr. Lewis discussed the livestock enterprise reviews including the initiation of embryo transfer breeding procedure for the beef cattle herd at the Buffalo Ranch and the equine breeding and genetics in today's industry. He stated the agency has entered into a contract with the U.S. Wildlife Services in conjunction with Texas AgriLife concerning the management of varmints to reduce livestock and crop losses. Mr. Lewis concluded the recommendations with a discussion on employee recruitment and the review of industry-related job markets to attract marketable employees with agriculture related knowledge and experience.

Chairman Nichols asked for a discussion on the horse sale conducted on September 2, 2023. Mr. Lewis stated the agency sold 49 horses for approximately \$330,000. The horses are bred at the Goree Unit and sent to the Wynne Unit until they are two years old and can receive training at the Goree Unit. He stated the horses are studied for genetics and composure in order to breed a higher quality horse. Mr. Nichols stated he was impressed with the level of coordination between the agency and Texas A&M University, such as the agency providing some of the herd for a study conducted by the university to research two ailments that affect the horse population.

Judge Johnson asked what percentage of what the agency produces is sold outside of the agency. Mr. Lewis responded that the only revenue sources are the beef cattle and the horses with the occasional surplus of grain or corn being sold. The agency's main focus is providing product for the inmates which accounts for approximately 40%. Mr. Collier asked for a discussion on the events that occurred in Fort Worth recently. Mr. Lewis stated the agency showed two pens of heifers in a competition against 54 pens of heifers in Fort Worth and won the Grand Champion. Cattle were sold for \$4,400 per head.

Internal Audit Status Report

Chris Cirrito, Internal Audit Director, discussed the changes to the Internal Audit Status Report with the intention of providing more information and benefit to the board and more transparency to the public. He then presented updates to the Internal Audit Status Report for Fiscal Year (FY) 2023:

- **2303 – Parole Division Culture:** Project is in fieldwork. This project involves working with Executive Director Bryan Collier and Parole Division Director Rene Hinojosa to conduct a consultation to look into parole division culture.
- **2307 – OIG Criminal Case Disposition:** Project is complete.
- **2309 – Investigation of Sexual Assault Allegations:** Project is a draft report and is awaiting management responses.
- **2313 – Follow Up on Data Management:** Offender Information Management System is a draft report. This includes working with the Parole Division on management reports that require a type of programming.

Mr. Cirrito continued with updates to the Internal Audit Status Report for FY 2024:

- One consultation is ongoing ,which is where the Internal Audit (IA) provides advice. This is the Corrections Information Technology Tracking System consultation with the Information Technology Division.
- Nine full scope projects:
 - One is complete.
 - One is in reporting.
 - Four have been assigned and are ongoing.
 - Three have not yet been assigned.
- **2411 – Emerging Risks:** *Classification and Records State Ready* is pending resolution of mainframe conversion issues.
- **2412 – Walkthroughs:** *Peer Support Inmates* is a draft memo. Walkthroughs are conducted for the IA to learn and understand a particular subject.
- **2413 – Follow Up and Action Plan Taking:** *Pre-release Placement Investigations* is ongoing and *Rehabilitation Tier Tracking and Placement* is ongoing.

Mr. Cirrito discussed current initiatives regarding the Institute of Internal Auditors updated standards that require a difference in the way the IA demonstrates those standards:

- Revisions to Board Policy 14.02, “Internal Audit Division Policy Statement”
- Changes to the IA Status Report

- Developing a *Resource Plan* which will come before the board for approval and is a combination of the ability of the IA Office and the risks within the agency along with an overall opinion on how well the IA can complete audits.
- Updating the *Audit Manual*.

Mr. Cirrito continued with discussions on embracing technology, such as implementing appropriate and controlled Artificial Intelligence uses. He stated this would be done in a slow and measured manner. The IA staff met with the State Auditor's Office who have embraced Artificial Intelligence. He provided an example of an inventory audit conducted of beef cattle where the IA attempted to identify an acceptable level of shrinkage which took an extensive amount of time. The Artificial Intelligence resource took four seconds to provide the correct answer and could be used in future audits to increase efficiency. He stated the auditing management software is now cloud-hosted and will free up valuable Information Technology resources. This software was determined to be compliant with Criminal Justice Information Systems rules and FedRAMP compliant.

Mr. Cirrito continued with updates on staffing and stated the IA has two vacancies currently. He stated that seven IA staff have less than three years of Internal Audit experience, and the IA is working with the TDCJ to resolve issues and create a path forward. He stated his experience with executive leadership in the TDCJ has been exemplary and cooperative.

Mr. Cirrito discussed the different involvements with other organizations within the industry:

- **American Correctional Association:** Mr. Cirrito is the Ethics Committee Chairman and Deputy Chief Audit Executive Renee Russell serves on the Wellness Committee. Attorney Cheryl Forman serves on the Legal Committee.
- **American Parole and Probation Association (APPA):** Recently, APPA Executive Director Veronica Cunningham requested help from the IA and CJAD Director Carey Green with a series of workshops and webinars on the future of community corrections.
- **International Corrections and Prisons Association**
- **Association of Paroling Authorities International**
- **State Agency Internal Audit Forum**
- **Federal Bureau of Prisons (FBP):** The IA is working on consultations to revamp the FBP's audit functions. Mr. Cirrito will be meeting with the FBP Director to tour some of the facilities and will spend some time at the Telford Unit.
- **Institute of Internal Auditors**
- **Sam Houston State University – United States Department of State:** The IA has been involved with the Correctional Management Institute of Texas where correctional executives from other countries visit.
- **Women in Corrections**

Mr. Cirrito stated he will present a comprehensive overview of the new standards at the next board meeting and concluded his presentation.

Judge Johnson asked for more information on Women in Corrections. Mr. Cirrito stated that Ms. Russell has been involved on the committee that discusses the unique issues that female administrators deal with in corrections. Judge Johnson asked how competitive the salaries for the IA's auditors are in comparison with others. Mr. Cirrito stated this is a dynamic issue that changes

often, and he is currently working with Mr. Collier regarding this issue. He stated government auditing and private sector auditing do not compare.

Chairman Nichols asked if there were any 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 Facilities Division Construction Projects**

Request to Install Monitored Pulse Fence Detection System – Perimeter, Hughes Unit, Coryell County, Gatesville, Texas

Ron Hudson, Facilities Division Director, presented a new project for consideration to install monitored pulse fence detection system for the perimeter at the Hughes Unit as briefed during the Business and Financial Operations Committee Meeting. The estimated total program cost is \$5,463,700.

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 request to install monitored pulse fence detection system, perimeters, at the Hughes Unit, Coryell County, Gatesville, Texas, as presented.

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

Request to Install HVAC System Efficiency Upgrades to 12 Building – Inmate Housing, Michael Unit, Anderson County, Tennessee Colony, Texas

Mr. Hudson presented a new project for consideration to install HVAC system efficiency upgrades to 12 building inmate housing at the Michael Unit as briefed during the Business and Financial Operations Committee Meeting. The estimated total program cost is \$6,559,500.

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 install HVAC system efficiency upgrades to 12 building inmate housing at the Michael Unit, Anderson County, Tennessee Colony, Texas, as presented.

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

Request to Install Monitored Pulse Fence Detection System – Perimeter, Stiles Unit, Jefferson County, Beaumont, Texas

Mr. Hudson presented a new project for consideration to install monitored pulse fence detection system for the perimeter at the Stiles Unit as briefed during the Business and Financial Operations Committee Meeting. The estimated total program cost is \$5,423,700.

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 install monitored pulse fence detection system, perimeters, at the Stiles Unit, Jefferson County, Beaumont, Texas, as presented.

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

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

Request for New Gas Pipeline Easement and Valve Site Easement, Gist and Stiles Units, Jefferson County, Beaumont, Texas

Bill Lewis, Manufacturing, Agribusiness and Logistics Director, presented the request of Air Liquide Large Industries U.S. LP for a new gas pipeline easement and valve site easement at the Gist and Stiles Units. This will include installing one twelve-inch (12") industrial gas pipeline, which includes an area of approximately 2.3 acres or 3,337.22 feet long by 30 feet wide, along with an easement request for a 0.0367-acre valve site. This is the first easement for Air Liquide Large Industries U.S. LP.

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 request for a new gas pipeline easement and valve site easement at the Gist and Stiles Units, Jefferson County, Beaumont, Texas, as presented.

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

Request for Renewal of a Gas Pipeline Easement, Gist and Stiles Units, Jefferson County, Beaumont, Texas

Mr. Lewis presented the request of Air Liquide Large Industries U.S. LP for the renewal of a gas pipeline easement at the Gist and Stiles Units for one twenty-inch (20") gas pipeline, which includes an area of approximately 4.22 acres of land to transport industrial gases. Air Liquide Large Industries U.S. LP has agreed to pay \$556,605.00 for the renewal of this easement for a ten-year term.

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 request for renewal of a gas pipeline easement at the Gist and Stiles Units, Jefferson County, Beaumont, Texas, as presented.

Ambassador Sichan Siv seconded the motion, which unanimously passed when called to a vote.

Request for New Water Line Easement, Boyd Unit, Freestone County, Teague, Texas

Mr. Lewis presented the request of the City of Fairfield for a water line easement at the Boyd Unit, which includes an area of approximately 1.17 acres of land, or 3,406.35 feet long by 15 feet wide. This request includes three temporary workspaces totaling approximately 2.17 acres to be used during the pipeline construction and installation. The City of Fairfield is seeking a permanent easement and has offered no compensation for this project as it benefits the TDCJ.

Chairman Nichols asked if there were any 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 request for a new water line easement at the Boyd Unit, Freestone County, Teague, Texas, as presented.

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

Request for New Gas Pipeline Easement, Gist and Stiles Units, Jefferson County, Beaumont, Texas

Mr. Lewis presented the request of Low Carbon Logistics CCS Transport LLC for a new pipeline easement, which includes an area of approximately 5.553 acres of land, or 4,834.40 feet long by 50 feet wide, to transport carbon dioxide gases. This request includes six temporary workspaces totaling 11.809 acres for use during the pipeline construction and installation. Low Carbon Logistics CCS Transport LLC has agreed to pay \$732,475.00 for the pipeline easement and temporary workspaces. The easement will have a term of ten years.

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 for a new gas pipeline easement at the Gist and Stiles Units, Jefferson County, Beaumont, Texas, as presented.

Dr. Rodney Burrow 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

151.8, “Advisory Committees”

General Counsel Kristen Worman presented Board Rule 151.8, “Advisory Committees,” with a summary of revisions that amends sections (b) and (c) to continue the existence of the Judicial Advisory Committee and the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments to September 1, 2035, and includes grammatical and formatting updates.

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 151.8, “Advisory Committees,” to receive public comment as presented.

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

151.73, “Texas Department of Criminal Justice Vehicle Assignments”

Ms. Worman presented Board Rule 151.73, “Texas Department of Criminal Justice Vehicle Assignments,” with a summary of revisions that removes redundant language from section (b) stating TDCJ vehicles shall not be used to transport employee pets.

Judge Francis clarified the approval process for board rules which allows for public comment on board rules before the final approval, as every board rule is published in the *Texas Register* for 30 days for public comment before the final approval and adoption. Ms. Worman confirmed.

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 for publication in the Texas Register the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 151.73, “Texas Department of Criminal Justice Vehicle Assignments,” to receive public comment as presented.

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

156.1, “Investigations of Allegations of Abuse, Neglect, or Exploitation of an Elderly or Disabled Offender”

Ms. Worman presented Board Rule 156.1, “Investigations of Allegations of Abuse, Neglect, or Exploitation of an Elderly or Disabled Offender,” with a summary of revisions which included changing “offender” to “inmate” throughout the rule, revising “allegations” to “complaints” in the

title and text to require the TDCJ to investigate all complaints of abuse, neglect, or exploitation of an elderly or disabled inmate received from the Texas Department of Family and Protective Services in accordance with listed directives, and updating the titles for the referenced directives.

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 for publication in the Texas Register the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 156.1, "Investigations of Allegations of Abuse, Neglect, or Exploitation of an Elderly or Disabled Offender," to receive public comment as presented.

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

163.34, "Carrying of Weapons"

Ms. Worman presented Board Rule 163.34, "Carrying of Weapons," with a summary of revisions including replacing "Texas Commission on Law Enforcement Officer Standards and Education" with "Texas Commission on Law Enforcement" throughout the rule, replacing "firearm" with "handgun" and "weapon" with "equipment" where appropriate, reorganizing section (d)(2) for clarity, removing language in section (f) requiring Community Supervision Corrections Departments (CSCD) to submit written policies and procedures for carrying less than lethal equipment to the TDCJ CJAD director for review, removing a reference to the TDCJ CJAD Weapons Procedures Guidebook, revising section (l)(1) to clarify that CSCDs shall report certain incidents to the division director of the TDCJ CJAD within 24 hours of the incident and incorporating language from section (l)(3) requiring the TDCJ CJAD division director to notify the TDCJ Emergency Action Center of those incidents, and grammatical and formatting updates.

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 163.34, "Carrying of Weapons," to receive public comment as presented.

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

163.43, "Funding and Financial Management"

Ms. Worman presented Board Rule 163.43, "Funding and Financial Management," with a summary of revisions including reorganization, reformatting, and editing for clarity; adding language to include grant funding, revising and renumbering to clarify the requirements needed for CSCDs to qualify for state aid and grant funding, including removing the requirement for a CSCD to have a community justice council that serves the jurisdiction, clarifying that a CSCD must have a "strategic plan in accordance with Texas Gov't Code §509.007, and removing redundant language concerning the *Open Meetings Act*; and adding language to incorporate BR-163.45 and BR-163.46 which are being proposed for repeal later in the meeting.

Chairman Nichols asked if the proposed revisions complied with the applicable legal standards. Ms. Worman confirmed.

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 163.43, "Funding and Financial Management," to receive public comment as presented.

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

Discussion, Consideration, and Possible Action Regarding Proposed Repeal of Title 37 Texas Administrative Code Sections

163.45, "Distribution of Community Corrections Funding"

General Counsel Kristen Worman presented Board Rule 163.45, "Distribution of Community Corrections Funding," for repeal due to language being incorporated into BR-163.43, presented earlier in the meeting.

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

Bill Welch moved that the Texas Board of Criminal Justice approve for publication in the Texas Register the proposed repeal of Board Rule Title 37 Texas Administrative Code Section 163.45, "Distribution of Community Corrections Funding," to receive public comment as presented.

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

163.46, "Allocation Formula for Community Corrections Program"

Ms. Worman presented Board Rule 163.46, "Allocation Formula for Community Corrections Program," for repeal due to language being incorporated into BR-163.43, presented earlier in the meeting.

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 repeal of Board Rule Title 37 Texas Administrative Code Section 163.46, "Allocation Formula for Community Corrections Program," to receive public comment as presented.

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

**Discussion, Consideration, and Possible Action Regarding
Proposed Adoption of 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 requested the adoption of amendments to Board Rule 151.4, “Public Presentations and Comments to the Texas Board of Criminal Justice.” The amendments include changing “offender” to “inmate” throughout the rule and adding additional contact options for persons requesting accommodations when attending a board meeting.

The board received comments from Ward Larkin on §151.4(d)(1). This section requires that twice a year, at the second and fourth regular called meetings of the board, an opportunity shall be provided for public comment on issues that are not part of the TBCJ’s posted agenda but are within the board’s jurisdiction. The proposed amendments recommended no change to this section. Mr. Larkin requests the board to modify this section to allow an opportunity for public comment on issues that are not part of the TBCJ's posted agenda but are within the board's jurisdiction at every regular called board meeting.

TBCJ declines to modify the proposed rule as requested by Mr. Larkin as the proposed rule is consistent with statutory language, which requires that the board provide the public with a reasonable opportunity to speak on any issue under the jurisdiction of the board.

Chairman Nichols asked for clarification that the two meetings held in April and August allow for public comment on non-posted agenda items. Ms. Worman confirmed. Mr. Nichols asked for verification that the adoption of these amendments will not alter that schedule. Ms. Worman confirmed.

Chairman Nichols stated five registration cards were received for public comment on this agenda item.

Tammica Motley commented about the need for body-worn cameras for correctional officers entering the cells and expressed her happiness in how many believers were in the room. She read a bible passage about justice and stated it had been 88 days since the loss of her son, Officer Jovian Motley. She asked why a lieutenant would send her son into a cell that was pitch black and claimed this was due to a personal issue between the inmate and the lieutenant. She asked to know who performed CPR and for the video of it. She asked why the unit did not get her son to the hospital and why was life flight cancelled. She asked if there was a policy that says to send staff into a cell without a light. She expressed that what happened to her son was preventable. She asked why no one is on administrative leave while the incident is being investigated. She provided examples of other serious incidents where she claims staff were immediately reprimanded. She said she wanted answers and claimed other correctional officers are overworked. She claimed her son worked a double shift on the night he died. She expressed her belief that this will happen to another family if there is no change. She stated she believes prisons should have medical on site at all times. She claimed the closest EMS to the Wainwright Unit is 30 minutes away. She claimed Executive

Director Bryan Collier and Deputy Executive Director Oscar Mendoza should be held accountable. She claimed assaults, escapes, contraband, and employee turnover have risen under their leadership. She shared how much her son loved his job.

Chairman Nichols thanked Mrs. Motley for her comments and stated that, as the criminal investigation continues, the board will continue to ask for answers. He expressed his appreciation for her and her family for their bravery and steadfast commitment.

Sherica Camp commented that the system is not set up based on God as it claims to be. She spoke on the loss of Officer Jovian Motley and how he should be honored. She expressed her frustration with how the family was recognized and given an opportunity to speak. She spoke about her family and how they will not be going anywhere and will only grow stronger together. She questioned the competency of executive leadership. Chairman Nichols thanked her for her comments.

Loraine Stidham shared her personal experience with Officer Jovian Motley. She commented on the length of time since his death and asked why there are no answers. She questioned why money is not spent on better training and more staff. She spoke about her health issues and that this would not keep her from trying to get answers. Chairman Nichols thanked her for coming.

Laquieta DuBose expressed her frustration with the length of time that has passed since Officer Jovian Motley's death without answers being provided. She claimed the actions of the OIG and executive leadership does not align with their words. She claimed that charges were filed, but they do not know against who. She questioned if the cell is still being investigated and how long should it take for an investigation to be complete. Chairman Nichols thanked her for her comments.

LaShadia West asked for justice for Officer Jovian Motley. She claimed that the TDCJ has failed to give the Motley family answers. She questioned why the other staff involved are still on duty. She questioned why a team was sent into a cell without a light. She claimed the Motley family was not notified of Officer Motley's death in a timely manner and claimed they received an anonymous call. Chairman Nichols thanked her for coming. He stated this incident is being handled by the Special Prosecution Unit who review instances of conduct that occur in the prison system and will bring the appropriate charges when necessary. He stated this investigation is ongoing and the board will continue to ask for justice for this tragedy. Judge Johnson reiterated that the board does not want the Motley family to go away.

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

Judge Johnson moved that the Texas Board of Criminal Justice adopt 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," as published in the Texas Register, and that the Chairman sign the order to this effect.

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 requested the adoption of amendments to Board Rule 151.6, "Petition for the Adoption of a Rule." These amendments ensure that an economic impact statement will also include the projection of the impact of the rule on rural communities, which mirrors language in Gov't Code §2006.002, *Adoption of Rules with Adverse Economic Effect*.

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 adopt the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 151.6, "Petition for the Adoption of a Rule," 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.

151.25, "Tobacco and Vapor Products"

Ms. Worman requested the adoption of amendments to Board Rule 151.25, "Tobacco and Vapor Products." The amendments include revising "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.

Ambassador Sichan Siv moved that the Texas Board of Criminal Justice adopt the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 151.25, "Tobacco and Vapor Products," as published in the Texas Register, and that the Chairman sign the order to this effect.

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 requested the adoption of amendments to Board Rule 151.71, "Marking of Texas Department of Criminal Justice Vehicles." The amendments revise "offender" to "inmate" and provide 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 adopt the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 151.71, "Marking of Texas Department of Criminal Justice Vehicles," as published in the Texas Register, and that the Chairman sign the order to this effect.

Ambassador Sichan Siv seconded the motion, which unanimously passed when called to a vote.

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

Ms. Worman requested the adoption of amendments to Board Rule 152.51, “Authorized Witnesses to the Execution of an Inmate Sentenced to Death.” The amendments replace “offender” to “inmate” and “Public Information Office” to “Communications Department” throughout the rule; specify victims scheduled to attend in section (b)(2); remove requirement for witnesses to be on the approved inmate’s visitor list; require 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; require 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; require 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 remove 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. The amendments also revise 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. Additional grammatical and formatting updates were made.

The board received comments from Ward Larkin who asserts that the proposed amendments are not within the TBCJ’s authority to adopt.

Regarding §152.51(b)(4), Mr. Larkin argues that Texas law does not require any clergy to be licensed or certified, and that the amendment violates the U.S. Constitution.

Proposed §152.51(b)(4) states that the spiritual advisor shall be a licensed or certified pastor or comparable official, such as a minister, priest, or rabbi, of the victim’s or close relatives’ religion.

TBCJ declines to modify the proposed rule because the proposed amendment replaces the terminology “bona fide” pastor or comparable official, to use more commonly understood language of “licensed or certified.” This generic terminology merely recognizes that some religious organizations grant a license or certificate of their religious officials. There is no change to the intent of the rule as a result of the proposed amendment.

Regarding §152.51(c)(1)(D), Mr. Larkin argues that the requirement of an established ongoing spiritual relationship is vague, unenforceable, and violates the Establishment Clause.

Proposed §152.51(c)(1)(D) adds new language requiring that the spiritual advisor must be currently employed as a TDCJ chaplain or have an established ongoing spiritual relationship with the inmate as shown by regular communications or in-person visits with the inmate prior to the inmate’s scheduled execution date.

The TBCJ declines to modify the proposed amendment because this requirement allows an inmate to exercise his religious rights by having the inmate’s chosen spiritual advisor attend the inmate’s execution. The proposed language also specifies that an inmate may demonstrate an ongoing spiritual relationship with the inmate’s spiritual advisor through regular communications or in-

person visits. For these reasons, the requirement is not vague or unenforceable, and no Establishment Clause violation occurs.

Chairman Nichols asked if the proposed revisions complied with the applicable legal standards. Ms. Worman confirmed. One registration card was received for public comment.

Nikki A. Keyser spoke on the loss of Officer Jovian Motley. She also spoke on the spiritual advisor and referenced the story of Jesus on the cross who remembered the criminals on the cross next to him. She expressed her belief that an ongoing relationship was not necessary for an inmate to ask for a spiritual advisor. She also called for accountability from executive leadership regarding Officer Motley's death. She asked for public accountability over Officer Motley's death. Chairman Nichols thanked her for coming.

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 adopt 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," 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.

159.15, "GO KIDS Initiative"

Ms. Worman requested the adoption of amendments to Board Rule 159.15, "GO KIDS Initiative." The amendments revise "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.

Bill Welch moved that the Texas Board of Criminal Justice adopt the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 159.15, "GO KIDS Initiative," as published in the Texas Register, and that the Chairman sign the order to this effect.

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

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy BP – 07.03 (rev. 4), "GO KIDS (Giving Offenders' Kids Incentive and Direction to Succeed)"

General Counsel Kristen Worman presented Board Policy BP-07.03, "GO KIDS (Giving Offenders' Kids Incentive and Direction to Succeed)," with a summary of revisions that included revising language to clarify the responsibilities of the GO KIDS divisional liaison, updating the signature authority, and grammatical and formatting updates.

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 proposed revisions to Board Policy BP-07.03 (rev. 4), "GO KIDS (Giving Offenders' Kids Incentive and Direction to Succeed)," 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, April 26, 2024, in Austin, Texas. Chairman Nichols recessed the 233rd meeting of the Texas Board of Criminal Justice at 1:48 p.m.

Executive Session

The meeting reconvened into Executive Session at 2:05 p.m.

Adjournment

There being no further business following the Executive Session, Chairman Nichols adjourned the 233rd meeting of the Texas Board of Criminal Justice at 3:45 p.m.

Chairman*

Secretary*

* Signature on File