

## Office of Violent Sex Offender Management



Christy Jack, Chair  
Board Members  
Roberto "Robert" Dominguez  
Kathryn "Katie" McClure  
Marsha McLane, Executive Director

Friday, June 12, 2015, at 10:00 a.m.  
8407 Wall Street, Room S402  
Austin, Texas 78754

### MINUTES

#### Board Members Present

Christy Jack, Chair  
Kathryn "Katie" McClure

#### OVSOM Staff

Marsha McLane  
David Flores  
Jessica Marsh  
Janet Latham  
Cathy Drake  
Laura Arce

#### Office of the Governor

Libby Camp Elliot

#### Office of the Attorney General

Johnathan Stone  
Rebekah Cummins  
Jennifer Hopgood  
David Gonzalez

#### Texas Department of Criminal Justice

Geri Engman

#### Special Prosecution Unit

Erin Faseler  
Laura Yosko

#### Public Members Present

Mike Ward  
Irene Rubio

#### Convene the Board of the Office of Violent Sex Offender Management

Chair, Christy Jack, convened the meeting at 10:03 a.m., and noted that Chief Robert Dominguez was not present.

#### Executive Director's Report Regarding Program Operations

Ms. Marsha McLane – Executive Director thanked the OVSOM staff for their dedication, efforts, and attention to detail during the Legislative Session. Ms. McLane discussed the changes that will take effect when SB 746 is signed by the Governor including: the change of the agency's name to the Texas Civil Commitment Office (TCCO), an increase to five board members, and an elimination of the criminal penalty for treatment and supervision rule violations. Civil commitment trials will be moved to the county of the SVP's last sex offense conviction with the District Attorney's Office (DAO) trying the case. The DAO can request the Special Prosecution Unit's (SPU) assistance. Additionally, SPU will remain involved in any case they've already filed. In order to implement the SB 746 changes for clients, OVSOM staff drafted waiver forms for SVPs. OVSOM staff is meeting on weekly basis to discuss and review the implementation of S.B. 746. OVSOM will be hiring new staff to assist in the transition; the Operation Specialist position was posted and interviews were conducted. Finally, two senior staff of the Wisconsin Sand Ridge Secure Treatment Center will travel to Austin to act as consultants with OVSOM staff from June 29, 2015 to July 1, 2015.

McLane reported to the Board a total of 368 SVPs, 193 in the community and 175 in custody. OVSOM staff is working to develop a tiered program to transition a person from a total confinement facility to less restrictive facilities and eventually release based on the SVP's behavior and progress in treatment. OVSOM staff will only permit SVPs to be moved to a less restrictive alternative if it is in the best interest of the SVP and conditions can be imposed to adequately protect the community. OVSOM staff will also return a SVP to a more secure facility if the SVP has regressed and the transfer is necessary to further treatment or protect the community.

Since the last board meeting, OVSOM staff has conducted training for case managers regarding documentation and responding to critical situations. Additionally, OVSOM staff has continued to procure necessary services: a request for proposals for a civil commitment center was issued on June 4, 2015 and proposals are due back on July 17, 2015; an open enrollment was issued for polygraph vendors and two contracts have been awarded; finally OVSOM staff is working on a biennial examiner open enrollment. OVSOM staff visited the East Texas Multi-Use Facility in Henderson, Texas to discuss securing 12 beds for an emergency placement.

Ms. McLane is reviewing the salaries and classifications of staff to ensure parity of incomes in comparison with other state agencies. Ms. McLane provided to the Board a detailed copy of the OVSOM Corrective Action Plan for Contracts. Finally, on May 20, 2015, Ms. Jack testified in front of the Senate Nominations Committee and OVSOM Board Members' nominations were confirmed.

#### **Chair's report from Presiding Officer**

Ms. Jack sincerely thanked all OVSOM staff for their effort and dedication to S.B. 746. She felt well prepared for hearings and was able to answer every question properly.

#### **Budget Manager's Report Regarding OVSOM Budget and Finances**

David Flores, Budget Manager, presented information regarding the status of the OVSOM budget and of the Legislative Appropriations Request submitted on OVSOM's behalf.

#### **Multidisciplinary Team Report**

Ms. Geri Engman – Texas Department of Criminal Justice provided a report regarding the multidisciplinary team and screening process for offenders incarcerated in TDCJ that may meet the criteria for civil commitment. Ms. Engman stated that to date, 56,068 offenders were screened for possible presentation to the multidisciplinary team; 9,472 were presented to the multidisciplinary team; 1,852 were referred for a behavioral abnormality assessment; and 1,250 were referred to the Special Prosecutions Unit for possible civil commitment.

#### **Special Prosecutions Unit Report**

Erin Faseler – Special Prosecutions Unit (SPU) provided a presentation regarding the process for civil commitment of sexually violent predators and discussed the screening criteria used by SPU, the trial process, and the manner in which SB 746 may impact SPU. Ms. Faseler discussed the process for maintaining contact with offenders released from TDCJ prior to their civil commitment trial and confirmed that SPU is in routine contact with such individuals and their local registering authorities.

#### **Discussion, Consideration, and Possible Action Regarding Excused Absences**

Ms. Jack excused the absence of Chief Robert Dominguez.

#### **Discussion, Consideration, and Possible Action Regarding Meeting Minutes**

Motion made by Ms. Jack to accept April 24, 2015, meeting minutes; seconded and passed.

#### **Discussion, Consideration, and Possible Action Regarding Future Meeting Dates**

Future meeting set on July 24, 2015, to begin at 10:00 a.m.

#### **Report from the Attorney General's Office Regarding Pending Litigation and Executive Session for Personnel Matters Related to the Executive Director**

The Board convened in closed session from 12:10 p.m. until 1:32 p.m. under the authority of Texas Government Code, Section 551.071(a) to hear a report from the Office of the Attorney General regarding pending litigation.

The Board took a break from 1:32 p.m. until 1:40 p.m. and then convened in closed session from 1:40 p.m. until 2:25 p.m. under the authority of Texas Government Code 551.074(a) to discuss personnel matters related to the duties and classification of the Executive Director.

The Board reconvened in open session at 2:25 p.m., with no action taken during closed session.

**Discussion, Consideration, and Possible Action Regarding Personnel Matters Considered in Executive Session**

Ms. McClure moved to increase the Executive Director's annual salary to \$136,852. The motion was seconded by Ms. Jack. The motion passed by a vote of two ayes and zero nays. Ms. Jack directed that a two-page document titled Updated ED Salary Analysis be included in the minutes of the meeting.

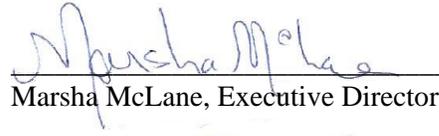
**Public**

Ms. Rubio made no comment but confirmed that she had addressed her concerns with Ms. McLane privately.

**Meeting Adjourned at 2:30 p.m.**

  
Christy Jack, Chair

7-24-2015  
Date

  
Marsha McLane, Executive Director

7-24-2015  
Date