

Texas Civil Commitment Office



Christy Jack, Chair
Board Members:
Kathryn "Katie" McClure, Vice Chair
Jose Aliseda
Roberto "Robert" Dominguez
Rona Stratton Gouyton
Marsha McLane, Executive Director

Thursday, May 25, 2023, at 10:00 a.m.

MINUTES

Board Members Present

Christy Jack, Chair
Jose Aliseda

Katie McClure
Robert Dominguez

Rona Stratton Gouyton

TCCO Staff

Marsha McLane
Jessica Marsh
Hayley Glisson

Robert Crimalis
Brittney Winters

Kara Gougler
Janet Latham

Governor's Office

Tamela Griffin

Senator Whitmire's Office

Mike Ward

Management and Training Corporation

Jennifer Brown and Gilbert Campuzano

Convene the Board of the Texas Civil Commitment Office (TCCO)

Board Chair, Christy Jack convened the meeting at 10:00 a.m. Roll was taken and it was noted that a quorum was present.

Board Chair Report

Board Chair, Christy Jack stated she did not have a formal report.

Executive Director's Report Concerning Program Operations and the Routine Functioning of the TCCO

Executive Director Marsha McLane began by announcing Board Chair Christy Jack and Board Member Robert Dominguez had both been reappointed and confirmed to the Board, and congratulated both.

Ms. McLane stated she wanted to thank Cathy Drake for stepping up the last month and taking on a major responsibility when we did not have a Chief Financial Officer. She mentioned TCCO has hired our new Chief Financial Officer, Robert Crimalis, and our new Attorney, Hayley Glisson.

Ms. McLane stated it's been a busy several months, the legislative session started in January. Ms. McLane noted TCCO testified in several committees such as the Appropriations Committee, the Corrections Committee, at Joint Budget Hearing Committee, and the Senate Finance Committee. TCCO was concerned with two bills this session,

and both bills had incredible support. A Republican chair carried Senate Bill 1179 and the Democratic Chair of Corrections carried Senate Bill 1180; both bills were passed, Senate Bill 1180 has already been signed by the Governor, and Senate Bill 1179 is on the Governor's desk. Ms. McLane stated these bills will do a lot of good things, and Jessica Marsh will discuss later in the meeting.

Ms. McLane briefly mentioned we are in the middle of an audit, and the report should be out sometime in the middle of June.

Ms. McLane discussed the federal grant, stating we hired our grant coordinator, who has a teaching background. Ms. McLane stated Janet Latham will provide an update on the grant.

Ms. McLane stated Kara Gougler will provide a presentation on our case management program, we have some unique situations at the facility involving family involvement, and we are working through this with the best interest of the clients.

Ms. McLane stated we spent a lot of time this session meeting with different house and senate members, and giving them a background on the Texas Civil Commitment Office. A lot of people are under the impression that we are a Criminal Justice Agency, but we are a Health and Human Service Agency, which is why our budget is out of Article Two. Robert Crisalis will give an update on our expenditures, but our final budget hasn't been finalized. TCCO requested about \$9.6 million dollars of exceptional items, and right now it looks like we're getting at least \$7.4 million dollars, the biggest chunk we didn't get was health care, we asked for 4.2 million and were given 2.1 million. If we don't get more money toward healthcare then we have an obvious problem. Ms. McLane mentioned she testified that in TCCO's budget last year was \$770,000.00, and we expended \$2.6 million, which was all paid. The vendor pays and then we reimburse the vendor. Ms. Jack added our medical is paid out once the vendor provides the documentation, which is a key issue that we have dealt with. Ms. McLane stated this was a major issue, and the vendor has to tie every penny of healthcare costs back to the clients. We report the expenditures for health care to the Legislative Budget Board every quarter, so it's monitored very closely.

Ms. McLane was excited to announce that since our last board meeting three of the clients have gotten off Civil Commitment, and are all doing great. Ms. Jack inquired on what counties the clients are in, and Ms. McLane stated two of the clients are in McLennan County and one is in Travis County. Ms. Jack inquired on facilitating the clients coming back to the facility to discuss what they've learned and their experiences, and Ms. McLane responded there is a zoom meeting scheduled with one of the clients, and the major issue in getting the clients back to the facility is they are working and don't want to miss any work. Ms. McLane stated a big thing we try to instill in every client is responsibility; very few understand what this really means and it's great to watch these clients not take a second off work, because they are so responsible.

Ms. McLane closed by stating we have the Texas Civil Commitment Center joining the meeting via Lifesize, and they will be introducing two new staff members. Ms. McLane stated the clinical therapists and the case managers are working so closely together, which is very impressive to see.

Ms. Jack stated on behalf of the board, she wants to thank Ms. McLane and her staff for doing a phenomenal job with the legislative session, stating it's been a very trying time, especially working with the state auditor's office at the same time.

Chief Financial Officer's Report Regarding FY 2023 Budget and Expenditures and update regarding FY 2024/2025 Legislative Appropriations Request

Chief Financial Officer Robert Crisalis began by introducing himself, and stating today makes his official third week on the job. Mr. Crisalis stated the organizational budget report encompasses cumulative budget expenditures through April 30th. As of April 30th, there is a remaining encumbered amount of \$8,388,287.00. We have expended \$10,144,099.00 and have a remaining budget of \$2,305,909.00, which accounts for a remaining budget of 11%.

Mr. Crimalis stated there were some deviations on what was previously reported, attributed to accruals not being reduced, or accruals being counted as an expense and the encumbrances not being reduced.

Ms. Jack inquired on how Mr. Crimalis was able to reconcile the deviations? Mr. Crimalis stated he did a comparison of every expenditure. Mr. Crimalis added the current deviation is \$243,444.00, and his assumption is the accruals that were included, were not discounted or taken off the encumbrance's balances.

Mr. Crimalis discussed the biggest unforeseeable expense, medical costs. Payments have been made, and once the fifth payment is processed, we will exceed the allocation that was given by \$119,546.87, although we still have a sizeable amount of money in our account, this is a huge cost, and if this amount should duplicate itself and it's done in past years, we will be in a bind.

Ms. McLane added our average client population age is 58, and a lot of clients come to us very sick from the Texas Department of Criminal Justice (TDCJ). We project future costs using medical costs from previous years, but we can't begin to figure out what the costs will truly be. Mr. Crimalis stated it's very hard to project, and the delayed billing factor is unpredictable. Ms. McLane mentioned we have the ability to move our budget between line items, but if we get a large bill, we will have to ask for a supplemental.

Ms. Jack asked if a few individuals drive the medical costs, and if MTC is going to the hospitals and trying to negotiate some type of discount. Ms. McLane stated yes, last year it was five individuals adding up to the \$2.6 million dollars, and TCCO has gone to the hospitals to try and negotiate, but the hospitals are not interested at all. MTC has an ongoing negotiation with the administrator of the hospital in Littlefield to get the 340B pricing on prescriptions.

Presentation from TCCO staff regarding Legislative Update

Deputy Director Jessica Marsh gave a brief legislative update. Ms. Marsh stated as Ms. McLane mentioned there were two main bills that we were following this session, one is Senate Bill 1179 and the other is Senate Bill 1180. Senate Bill 1179 was authored by Senator Perry and has been passed by both the House and the Senate and is currently pending the Governor's signature. The changes this bill makes can be broken down in several broad categories: safety and security issues, administrative issues, legal issues, and mental health issues.

Ms. Marsh discussed the safety and security provisions in the bill which included updates to several statutes for criminal penalties and operational safety issues inside the Texas Civil Commitment Center. The changes included amendments to the requirements related to mechanical and chemical restraints, amendment to unlawful restraint provisions to specifically include a civilly committed client, clarification to the assault statute for cases in which a client assaults a staff member or contractor, an enhanced penalty for public indecency offenses committed by a sexually violent predator client, and clarification to provisions regarding possession of alcohol in a civil commitment facility. The bill also adds two new offenses. The first is the possession of an unauthorized cell phone or cell phone components in a civil commitment facility or the provision of such a cell phone or components to a client in a civil commitment facility. The second is a new third-degree felony offense for any staff member, volunteer, or contractor, who takes advantage of the supervisory relationship with a client to engage in an improper sexual relationship with a client.

The administrative provisions addressed in the bill include a variety of topics to include the creation of a Family Liaison position, delegation for procurements as an agency administratively attached to HHSC, limitation of liability for first responders who are asked to perform a welfare check on a client at the facility, to align sex offender registration statute with practice, to allow sex offender treatment providers in the community to share information with TCCO regarding a client's treatment, to provide a rulemaking exemption for internal procedures related to a sexually violent predator, and to provide a public information act exception for information related to a client. The

sex offender registration provisions in Chapter 62 of the code of criminal procedure are also updated to clarify the registration process and align the statute with the practice.

Several legal issues are also addressed by the bill. Chapter 411 of the Government Code is amended to provide that the Department of Public Safety has primary jurisdiction to investigate a felony offense perpetrated by civilly committed clients. Mr. Aliseda asked who handles the criminal prosecution, and Ms. Marsh stated the local district attorney. Currently, if a civilly committed client commits a civil commitment violation such as removing GPS equipment, contacting a victim, or refusing to reside where instructed, those offenses could be prosecuted in the county where they occurred, or in the commitment court that still retains jurisdiction. Article 13.315 of the Code of Criminal Procedure is amended by this bill to provide that any felony offense committed by a sexually violent predator may be prosecuted in the county in which the offense occurred or in the client's commitment court. Ms. Jack inquired as to whether anyone has done this, and Ms. Marsh stated currently they have all been local. The bill adds a chapter to the Civil Practice and Remedies Code to add provisions regarding litigation filed by civilly committed clients to provide limitations on frivolous lawsuits. In working with the local county, they reported that in 2021, 100% of cases filed by civilly committed clients in that county were dismissed as frivolous, and in 2022 all but one case was dismissed as frivolous. This chapter clarifies the screening process that the courts can utilize and requires the clients to utilize the onsite grievance procedures to address their issue onsite to the best of their ability.

The bill also makes several amendments to Chapter 841 of the Health and Safety Code. The bill clarifies the language regarding the qualifying offense of burglary of a habitation with intent to commit a sexual offense. The bill specifies that the Special Prosecutions Unit may provide legal, technical and financial assistance to any proceeding under Chapter 841. The bill clarifies when a hearing is required following a tier movement and provides a burden of proof to be utilized in cases in which a client has filed a petition to move between programming tiers. The bill also clarifies the burden of proof to be utilized to determine whether a hearing is necessary for a biennial review. Finally, the bill clarifies the burden of proof to be utilized to determine whether a hearing is necessary for a petition for release and to provide timelines regarding when such petitions may be filed.

The category of changes that the bill addresses relate to mental health procedures. Currently if a client is on the mental health caseload at the facility and decides they no longer want to take their medication and receive mental health services, there is not much they can do onsite at the facility. They can encourage the client to engage in mental health treatment, but if the client becomes destabilized, the only real option is to transfer the client to a state hospital to get started back on the medication and get re-stabilized. When the client goes to a state hospital this is an interruption in sex offender treatment, and also takes up a bed at the state hospital. This bill will now allow for a court order for the administration of psychotropic medications at the civil commitment center, and will provide due process protections for the client.

Presentation from TCCO staff regarding Reentry Reboot Grant Program Overview

Janet Latham began by stating the Texas Civil Commitment Office received a \$250,000.00 grant from the US Department of Justice, and TCCO will match \$250,000.00. Ms. Latham discussed the types of in-kind services that will be utilized for the match, such as classroom space, staff salaries for staff who are going to work closely with the grant, and the community partner.

Ms. Latham discussed grant highlights, stating the grant will focus on reentry and technology, the grant is intended to provide up to date hands-on technology training and soft skills training. Ms. Latham stated a lot of the clients have never worked on a computer, used Excel or Word, have never used a chip credit card, or even swiped a credit card, so this will help them get hands-on training. Ms. Latham stated the community partner, Goodwill, will provide computer-based and soft skill services, such as basic to advanced computer training, seminars on work ethic, dress for success, and job seeking strategies.

This is a 3-year grant intending to serve 150 clients, starting with a cohort of 15. Ms. Latham stated the reentry coordinator has a great background and has hit the ground running. Ms. Latham stated the implementation plan was approved by our technical advisor, and has been sent out to the BJA (Bureau of Justice Assistance); once approved by the BJA we will be able to begin purchasing equipment.

Ms. Latham stated there is an application process to find out where the clients are, because not every client will do the same thing, some will focus on soft skills and others on computer skills. There will be progress reports prepared monthly by the reentry coordinator, and the outcome will be tracked.

Ms. McLane added the computer training is the very beginning, they will learn basic skills. Ms. Latham stated this will help with other skills such as prioritizing their time; the clients are still working on the sex offender treatment, they have to show up for class on time and participate, and they are going to record mock interviews.

Ms. Latham stated in the near future there will be a meeting with the clients to notify them and begin the application process, but the clients have heard a little about the grant and are very excited, staff is very excited as well. Ms. Jack asked how will the criteria be determined, and if Goodwill can donate clothing for these men to wear to interview. Ms. Latham stated the criteria is still being developed, but will be solidified by the time the applications start coming in, and she will follow up with Goodwill about clothing donation.

Role of a Case Manager

Director of Case Management Services, Kara Gougler, began by stating she oversees all of the case managers throughout the state of Texas, both in the facility and in the community. Community case managers typically supervise tier five clients and clients who are in special placements such as nursing homes, state hospitals, and state schools. Ms. Jack inquired on how it's decided which community the clients go to. Ms. Gougler stated the case managers do their best to place the client in their last county of conviction, but there is a requirement to place clients where there are resources available. Ms. Gougler stated case managers coordinate with multiple agencies regarding treatment and supervision, such as TDCJ, local law enforcement, and local LMHAs (local mental health authority).

Ms. Gougler stated the number one priority of a case manager is community safety, both in the facility and out of the facility. The case managers monitor compliance, including facility rules and TCCO rules. The case managers ensure clients are doing what they are supposed to be doing, and address any noncompliance. Ms. Gougler stated if a client is required to go to do something and they don't do it, the case manager will address the issue.

Ms. Gougler discussed 24/7 response, stating both the community case managers and the facility case managers are responsive 24/7, a lot of which is associated with GPS monitoring. The case managers in the community do home visits at 2 or 3 o'clock in the morning, holidays, weekends, anywhere from 2-4 times a week. In the facility the case managers partner really well with the facility staff, who do a lot of the hands on portion, but there is still an on call case manager that is responsive 24/7, if needed.

Ms. Gougler described office visits in the facility, which are a minimum of one time per month, but they see the clients far more often than that. Home visits are done in the community, and include a 100% search of the home to include closets, sheds, under the bed, and if they live with someone that person is subject to the same search. Ms. Gougler stated it varies how many times a community case manager will see a client, but during the initial 90 days, there is a minimum of four visits per week, at different times of the day.

Review and approval of friends and family members as collateral contacts is a joint role that the case managers do with the therapists, in the community and in the facility. Clients will request loved ones, friends, family, someone they have known their whole life, and mentors as collateral contacts. The case managers will do a complete review of the file and ensure this is not a victim, ensure it's not a codefendant, will ask the client questions such as how do you know this person, how did they meet, the case manager will then staff with the treatment provider that oversees that client and the treatment provider and case manager will come to a decision about whether or not they believe

this person is a pro-social support for the client. Ms. Gougler stated there has been some issues because not everyone is a pro-social individual, and there have been some instances where friends or family have assisted with rule violations, helped the client by bringing in a cell phone, aided a relationship, and have aided in law violations that have resulted in felony charges for the clients. Ms. Gougler stated a lot of this is new, so we are still working through the process. Pro-social support decreases the risk to reoffend, so we want pro-social support, but if it's not healthy to start with, we have to come up with a plan to get it to a healthy relationship. Ms. Gougler stated once a collateral is either approved or denied, it's not set in stone forever, a collateral can be removed at any time if there is concern, and if someone is denied and is willing to do what they need to do, they can be approved at a later date. Ms. Gougler stated almost everything a case manager is doing is something that has been decided with the treatment team during a treatment team meeting.

Ms. Gougler stated all clients in the community are monitored 24/7, the case managers are going to the clients' job to talk to the supervisor and make sure all is well, and are doing surveillance at the doctor's office, grocery store, etc.

Ms. Gougler discussed additional roles for the case managers, such as developing resources; including referrals for programs and services, community employment opportunities and community housing. Both community and facility case managers providing support such as advocating for the clients, motivating change, providing assistance in daily living, and encouraging pro-social behavior.

Mr. Dominguez asked how many case managers are in the facility and in the community, to which Ms. Gougler stated there are 11 full time case managers in the facility, 2 full time case managers in the community, and 1 part time case manager in the community, as well as someone in Austin that plays the role. Ms. Gougler stated she is fully staffed, but the community can always change based on where a client is placed.

Texas Civil Commitment Center updates concerning staff, introductions to Clinical Director and Assistant Facility Administrator and Building and Facility Expansion

Ms. McLane took a moment to introduce the new Clinical Director, Mirta Sandoval, and new Assistant Facility Administrator, Angelena Johnson. Ms. Sandoval stated she has been doing sex offender treatment for about eight and a half years and her background also includes mental health, domestic violence and substance abuse. She was a federal officer and served in the U.S Air force. Ms. Johnson stated her background includes working with contracts, writing policies, involvement with ACA, and prior military.

MTC Regional Facility Administrator Jennifer Brown began by thanking Ms. Sandoval and Ms. Johnson for the wonderful job they have done in a short time. Ms. Brown stated the facility is short two therapists, but have extended offers for both positions. The facility is short one academic advisor, but an offer has been made, and they are going to be interviewing for the lead therapist position.

Ms. Brown stated MTC is providing twenty five tablets for tier three and above clients, and the clients will have the opportunity to check out or purchase the tablets. The tablets will potentially have communication forms, grievances, sick calls, life skills information, and education information. Ms. Brown stated MTC will work with TCCO to decide what exactly will be on the tablets. Ms. McLane inquired on when the tablets will be ready for the clients, and Ms. Brown stated she is hoping in the next month MTC and TCCO can decide what will be on the tablets, and they will be ready immediately after.

Ms. Brown discussed the progress that has been made in the facility expansion, including pictures. Ms. McLane inquired on when the building will be done, and Ms. Brown responding saying the middle of June. Ms. Jack asked if the classrooms be done mid-June, and when will ground be broken for the dorms, and Ms. Brown stated the classrooms will be done mid-June, and ground was supposed to be broken in March of 2023, so she is not sure when ground will actually be broken, but the approximate completion date is May 27th, 2024.

Ms. Jack expressed concern over the multiple dates that have been given in regard to when the dorms would be finished, as this has been an ongoing issue for many years. Ms. Jack questioned if the classroom building could be converted to a room with dorms and beds. MTC Director of Corrections, Gilbert Campuzano, stated this building is dedicated specifically for educational purposes, and other buildings are being used for temporary housing, including eight additional beds. Ms. Jack inquired on how it was decided the classrooms would be built before additional dormitories, Mr. Campuzano stated that was an MTC leadership decision based on contractual designs. Ms. Jack asked again if the educational building could be temporarily converted for beds, Mr. Campuzano responded yes, temporarily. Mr. Dominguez added the date ground is finally broken is a very important day, and the board would like to attend the ground breaking. Ms. McClure asked if sprinkler systems were installed in the classroom buildings, Mr. Campuzano confirmed they were installed. Ms. Jack closed by stating even though there is enough beds for the current clients, there is no way to know how many clients will be civilly committed each year.

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. Jack noted that all Board Members were present at the last meeting.

Discussion, Consideration, and Possible Action Regarding February 16, 2023 Meeting Minutes

After determining that all Board Members present had reviewed the minutes from the previous meeting, Board Chair Christy Jack asked for a motion to adopt the February 16, 2023 meeting minutes; the motion was made, seconded, voted on and passed without opposition.

Discussion, Consideration, and Possible Action Regarding Future Meeting Dates

The next meeting of the TCCO Board was tentatively scheduled for August 25 at 10:00 a.m. at the Texas Civil Commitment Office in Austin.

Public Comment

There were seven members of the public who wishes to address the Board.

Irene Rubio began by stating her husband has had an ongoing medical issue. Ms. Rubio has notified numerous people about this issue, but nothing has been done. She stated her husband is in a lot of pain, and has trouble standing and sitting. Ms. Rubio stated medical issues need to be priority at the facility, and she has gone weeks without getting a response from her husband's case manager. Ms. Rubio discussed a recent death at the facility, adding this frightens her. Ms. Rubio stated her husband's VA (Veteran Affairs) appointment has been cancelled.

Jennifer Williams mentioned clients getting their GED, stating she was told there were zero clients taking their GED or in line to take their GED. Ms. Williams stated in April of 2023 a client at the facility died, this client had a history of seizures and was forced to utilize a top bunk. Ms. Williams questioned if the board knows what is going on at the facility, or if they only believe what they are being told. Ms. Williams stated this past week another client died at the facility while in solitary confinement, and last year a client died after seeking medical attention twice, and being turned away twice. Ms. Williams stated the mortality rate at the facility is astronomical, and it takes months to receive medical care. Ms. Williams stated six clients are being housed in a storage closet with no running water, and encouraged the board members to do their due diligence and stop believing what is told to them.

Donald Shamlin began by questioning if any of the board members have been to the facility. Mr. Shamlin stated because he has a lawyer, his son has been demoted from tier level. Mr. Shamlin questioned how many clients have been released from the facility, and if the board is doing their job.

Detrick Gunter began by discussing how hard it is to get in front of the board and discuss these issues. Ms. Gunter stated these clients never requested services, they were civilly committed, so they are not clients, they are prisoners. Ms. Gunter stated TCCO should not be asking for money for medical, because some of these clients have free

benefits through the VA. Ms. Gunter requested to see the curriculum, and how long does it take for someone to finish the program. Ms. Gunter stated there are state laws governing sex offenders, and this is just a money grab.

Nicole Roberson began by discussing bills 1179 and 1180, stating these do nothing but take away civil rights and increase punishment for the residents. Ms. Roberson questioned if the board members know what's going on at the facility, or if they just don't care. Ms. Roberson stated she has not heard anything about the treatment progress, stating the success rate is not good. Ms. Roberson stated the main issue is the program was created for rehabilitation and treatment, but all it does is cause public panic. Ms. Roberson closed by stating if the clients were at home with their families this would not be an issue, and the board needs to come up with an effective outpatient treatment program.

Lonnell Hanks stated she has spent time on the phone with the VA, who confirmed veterans in the facility are eligible for VA services. Ms. Hanks stated her son has had the same medical issue for numerous years, and if he was allowed to go to the VA it would benefit him and TCCO. Ms. Hanks stated she did not hear anything mentioned about emotional support, and questioned who provides this for the clients. Ms. Hanks stated medication dosages have to be altered and readjusted, and the clients should not be punished for having negative reactions to medication when they aren't given the opportunity to adjust their dosage.

Mandi Brady began by stating she disagrees with tier four clients being offered the grant classes first, stating there are intelligent men in all tiers, including her husband who is a tier two. Ms. Brady stated her husband doesn't need to learn how to use a SIM card, he needs training that will help him get a job. Ms. Brady stated her husband's case manager, April Lambert, has been doing a great job. Ms. Brady stated she wanted to thank everyone for working with her, and stated when you have family that is willing to work with you, please work with them. Ms. Brady stated she wants her husband to be put in an accelerated program, because the goal should be getting him home.

Meeting Adjourned at 12:00 p.m.

SIGNATURE ON FILE

Christy Jack, Chair

SIGNATURE ON FILE

Marsha McLane, Executive Director

Date

Date