

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, February 6, 2020, at 10:00 a.m.
4616 West Howard Lane
Building 2, Suite 350
Austin, Texas 78728

MINUTES

Board Members Present

Christy Jack, Chair
Jose Aliseda

Robert Dominguez

Rona Stratton Gouyton

TCCO Staff

Marsha McLane
Mike Necker

Stanley Muli

Jessica Marsh

House Corrections Committee

Roel Benavides

Office of the Attorney General

Adam Fellows

Special Prosecutions Unit

Jack Choate

Erin Faseler

Texas Department of Criminal Justice

Rene Hinojosa

Jacquelyn Shair

Management and Training Corporation

Michael Bell

John Cochran

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, gave no formal report.

Executive Director's report concerning program operations and the routine functioning of the TCCO

TCCO Executive Director, Marsha McLane began by giving an update on changes in staffing that have occurred since the last Board Meeting. General Counsel, Jessica Marsh has promoted to Director of Program Operations. TCCO is currently in the interview process to hire a new General Counsel. At the facility in Littlefield, John Cochran became the Facility Administrator and they have hired an Assistant Facility Administrator, Wayne Schmoker. There will be a new Clinical Director starting at the facility in March.

The number of Civil Commitment clients has surpassed 500 as there are currently 504 people on civil commitment in Texas, and over 100 of those still in prison. There are 357 clients at the facility in Littlefield,

3 in nursing homes and 5 living in the community, with the remainder in State hospitals or state schools. The total also includes 9 deceased clients because they remain on the caseload count until a death certificate is received and they can be officially removed.

The safety media equipment called Safe Signal that was presented during the last Board Meeting is still being looked at. There was a change in commissioners at DFPS, which slowed the process somewhat but TCCO is still working with them to try to piggyback on their contract for the product for about \$180 per year as opposed to TCCO having their own contract which would cost approximately \$6000 per year.

TCCO is also currently trying out body cameras for the community Case Managers and the one being looked at includes live streaming as well as recording, which sets it apart from many other models that only offer the ability to record. This would allow the Case Manager's supervisor to view the home visit as it is happening. TCCO will be looking into getting a grant from the Governor's office to pay for this equipment as well as for staff training in how to use the equipment

Several TCCO staff members attended the Sex Offender Civil Commitment Programs Network (SOCCPN) conference recently and Jessica Marsh has been elected to that organization's governing board. This will allow her to be involved in the planning and development of the next conference which is going to be in San Antonio and, because of its proximity to Austin, TCCO will send as many staff as possible to attend.

TCCO continues to work closely with TDCJ to ensure that the sex offender treatment program at TDCJ is more closely aligned with TCCO's civil commitment program so the clients can be more prepared when they leave TDCJ and enter the TCCO program and so their time and effort in the TDCJ program will be more beneficial to their treatment success while possibly shortening the amount of time they remain in the program. The addition of the new Clinical Director at the facility will help facilitate this process; however, TCCO is in communication with TDCJ when a client gets out of prison and is lacking something treatment related or has issues related to the transition from the TDCJ program to the TCCO program so that TDCJ is aware and can address the problem for future clients.

The report on the penetration test conducted by the Texas Department of Information Resources (DIR) to check network security at TCCO has almost been finalized and, while there were some areas of concern, there were no red-flag issues. DIR is currently finishing the final report which should be submitted to TCCO fairly soon.

When the new Facility Administrator started in December, Ms. McLane asked that MTC conduct audits of training and security, utilizing some of their corporate staff and staff from their other facilities, to ensure the program is not lacking in any area and, if so, to get it corrected as quickly as possible to ensure the Texas program is as good as it can possibly be.

TCCO is currently working with HHSC on the mental health contract at the facility in Littlefield to ensure that necessary mental health care is provided to TCCO clients, including during hours beyond 8 to 5 Monday thru Friday, including weekends and holidays. The mental health care provided at the facility still has some issues needing attention; however, it has turned around and is headed in the right direction.

Representatives from Veteran's Affairs and Social Security visited the facility and spoke with the clients regarding benefits and how to, once they leave the facility, get reinstated any benefits that have been suspended due to the client residing at the Civil Commitment Center. It was noted that all the clients who are 65 years old or older are eligible for Medicare; however, they will not receive benefits until they move out of the facility and back into the community. The VA does offer some education benefits for which civilly committed individuals living at the facility are still eligible, so TCCO is looking into some of the colleges in the Lubbock area offering some classes to the TCCO clients.

Currently TCCO has 71 policies that they have developed specific to TCCO, along with numerous HHSC policies that TCCO follows where applicable. Since the last Board meeting, 4 new policies have been written and 22 have been updated. TCCO is making a list of legislative issues and/or changes to be addressed in the next legislative session; if any Board Member has suggestions on issues that should be addressed with the

legislature, please get them to TCCO, so that they can be addressed at the beginning of the session rather than midway through it.

One of TCCO's biggest concerns is the fact that since Texas Tech took over the medical care at the facility, a move that was expected to cut down the number of clients needing to go into the community for medical care with the addition of an on-site Nurse Practitioner, the amount of emergency room visits for the clients has actually more than doubled. TCCO has MTC looking into this issue as this is an expense that cannot be covered by the amount of funding TCCO was allocated for off-site medical care and anything over that amount will fall upon the indigent healthcare system for Lamb County.

TCCO is currently in the process of testing out smart phones to be given to clients. During the SOCCPN Conference, TCCO staff discovered that most other states are allowing their civil commitment clients who are approved to have cell phones to use smart phones. TCCO envisions letting Tier 4 and Advanced Group Environment (AGE) clients, those clients who are closest to returning to the community, utilize smart phones so that they can learn how to use them and understand their guidelines for the use of smart phones prior to their release from the facility. Additionally, TCCO will have the capability to monitor how the phones are being used and make sure it is appropriate.

Presentation from the Special Prosecutions Unit concerning the civil commitment process and updates since the 2015 changes to Chapter 841 of the Health & Safety Code

Erin Faseler, Civil Commitment Chief for the SPU and Jack Choate, Executive Director for the SPU introduced themselves and Ms. Faseler began a comparison of the civil commitment process prior to the passage of Senate Bill 746 in 2015 with the process after the passage of this bill. Prior to SB 746, all civil commitment cases were referred to the SPU who had full discretion regarding which cases would be included in the 50 per year they were budgeted to take to trial. At that time the cases were all tried in Montgomery County, Texas. Now the cases are all referred to District Attorneys in the counties of conviction who have many more reasons than the SPU to consider when deciding whether or not to bring a case to trial.

This creates an issue regarding the necessity for the SPU to train judges in the process and importance of trying civil commitment cases and ensuring they are tried as expeditiously as possible because the cases have to be tried within 270 days and prior to the offender's discharge. SPU also helps answer questions and is in constant contact with the various counties to help them understand the intricacies of the civil commitment process.

Additionally, SB 746 requires new and better training requirements for those who attend the multi-disciplinary team meeting and recommend which cases should be referred for evaluation to determine whether or not they have a behavior abnormality, and ensuring they meet the requirements for civil commitment, has brought the number of referrals from TDCJ down from 151 for the highest year prior to implementation of SB 746 to 48 this year.

Presentation from the Texas Department of Criminal Justice (TDCJ) Rehabilitation Programs Division concerning TDCJ's sex offender treatment programming

TDCJ-RPD Director, Rene Hinojosa and Deputy Director of Treatment, Jacquelyn Shair introduced themselves and gave an overview of TDCJ's Sex Offender Treatment Program. Every month they receive a download that shows all offenders with a sexual offense who are within 24 months of discharge of their sentence or release from Parole. They then review the cases from that download to select all the offenders who meet the criteria for civil commitment whose cases are then referred to the multidisciplinary team for review and recommendation. If they are recommended for civil commitment and subsequently found to have a behavior abnormality and then civilly committed, they are moved to the top priority of the list of offenders to receive sex offender treatment and then receive treatment for the remainder of their time at TDCJ, while being prepared for the sex offender treatment program that TCCO provides. TDCJ also collaborates with TCCO to help ensure that these offenders are as prepared as possible to get out of prison and go into the TCCO program and have also met with TCCO to ensure that the two programs are following the same guidelines and principles of treatment to better prepare the offender for success when they become a client in the TCCO program.

Presentation from Management and Training Corporation regarding the bed space plan for the Texas Civil Commitment Center

Facility Administrator, John Cochran, began by following up on Ms. McLane's mention of the recently hired Clinical Director for the facility, Dr. Sean Casey, and providing some background information on Dr. Casey, noting that, along with having a PhD, he has more than 25 years of experience working with sex offenders. Dr. Casey also worked at Monarch Assessment and Treatment Center in Salt Lake City, Utah, which is the PPG company utilized by TCCO.

Mr. Cochran then gave an update on the expansion project in the works at the facility. Phase One of the project includes three buildings that will be brought into the secure perimeter at the facility which would be used to house Tier Four and AGE clients. The two buildings used for Tier Four clients consist of five double occupancy bedrooms, along with a common living area, kitchen and laundry facilities. The third building would be for the AGE clients. It would consist of six efficiency apartments that include their own kitchenette with a stovetop and refrigerator; and there is also be a shared common area with a living area, full kitchen and laundry facility. MTC is in the process of purchasing these buildings now. The building for AGE clients had to be special ordered but the order was placed earlier this week.

Phase Two of the project includes a support building which would be utilized for classroom/office space for treatment providers and allow each of them to have their own classroom to conduct groups and utilize as their office space. It will also include a breakroom for the therapists and restrooms for staff and clients and a few additional offices. MTC hopes to have this phase completed by November, if not before.

Phase Three of the project will be a building that will house approximately 112 clients in dormitory style double-occupancy rooms with open day room areas. The plan is to utilize this building to house Tier Three clients. MTC also hopes to have this phase completed by November.

Budget Director's report regarding FY 2020 Budget/Expenditures and Offsite Healthcare Costs

TCCO Chief Financial Officer, Stanley Muli, started by noting that TCCO's budget for the current Fiscal year has increased by \$15,000 for the year since it was approved in August due to the money that TCCO has collected in cost recovery fees from the clients. There has been some variance between the encumbrance and the actual billed amount, which can be expected because the encumbrance is an estimated amount.

Mr. Muli then gave a report on off-site healthcare costs, which are currently \$516,000 and have already exceeded the \$414,368 that was allocated by the legislature for this purpose across the whole biennium. Mr. Muli further reported on the average spending per client for off-site medical care. It was reiterated that these are amounts prior to the rates being negotiated by the vendor; however, it was also noted that Texas Tech claims that these are the negotiated rates, which is why TCCO has asked MTC to investigate why the amounts are so much higher than in the past under the previous vendor.

Report regarding potential, contemplated, and pending litigation

The Board went into Executive session at 11:42 a.m. to take up this agenda item and all members of the public were asked to leave. The Board reconvened in regular session at 12:07 p.m. with no formal action taken by the Board.

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. Jack noted that Vice Chair, Katie McClure was absent from the last Board Meeting on October 11, 2019 and that she had already excused the absence.

Discussion, consideration, and possible action regarding October 11, 2019 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 October 11, 2019 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 Thursday, April 2, 2020 at 10:00 a.m. at the Texas Civil Commitment Center in Littlefield, Texas, with a backup date of April 17, 2020

Public Comment

There was no member of the public requesting to address the Board.

Meeting Adjourned at 12:12 p.m.

SIGNATURE ON FILE

Christy Jack, Chair

Date

SIGNATURE ON FILE

Marsha McLane, Executive Director

Date