

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, October 21, 2021, 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
Gregg Cox

Stanley Muli
Mike Necker

Jessica Marsh

Management and Training Corporation

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. Ms. Jack went on to note that she and Board Member Jose Aliseda were physically present at the meeting, while Board Members Katie McClure, Robert Dominguez and Rona Stratton Gouyton were present via videoconference.

Board Chair report

Board Chair, Christy Jack noted that she had no formal report for this meeting.

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

TCCO Executive Director, Marsha McLane began by noting that a TCCO client was released from civil commitment last week. He had been at the facility in Littlefield but was released to Tier 5 to live in the community. The client committed some rule violations and was returned to the facility for further treatment. He was then successfully re-released to Tier 5 about two-and-a-half years ago, did very well in treatment, maintained and excelled at employment, bought a house and, recently, went before a judge and was completely released from civil commitment.

TCCO has a staff member dedicated to working on reentry for TCCO clients, including locating housing and employment. Employment does not seem to be much of an issue; however, attaining housing is one of TCCO's biggest challenges and their reentry coordinator may have found and will follow up on some possible leads on places for TCCO Tier 5 clients to reside in the community.

Two TCCO staff members attended the NARSOL or National Association for Rational Sex Offender Laws conference. This is an organization made up mostly of families of sex offenders and sex offenders themselves who are dedicated to changing the laws regarding sex offenders. The reason TCCO staff attended was because it was noted that housing for sex offenders and the Texas Civil Commitment Center in Littlefield were both agenda items for the conference. TCCO gained no new information from the conference and it, in fact, clarified that TCCO is currently doing everything they can to obtain new housing for sex offenders.

TCCO received \$14,250.00 in Federal funding for COVID-19 related expenses. This is the amount that TCCO spent related to COVID-19 and requested in reimbursement from the Federal government. MTC at the TCCC

spent approximately \$1.6 million on COVID-19 related expenses and TCCO's CFO worked with MTC's Finance Manager and HHSC's COVID-19 Coordinator to try to help get them reimbursed for their COVID-19 related expenses but, since TCCO did not spend the money, it is up to MTC to request the Federal funding for reimbursement, which they have not yet done at this point.

Flu shots were offered at the TCCC and 283 of 397 TCCO clients and 16 MTC staff members received the vaccination. TCCO and MTC have been working on getting the Moderna booster at the facility; however, it cannot be given until six months after one is fully vaccinated, and the clients at the facility received their second vaccine in May of 2021 so they will not be eligible to receive a booster until next month. As soon as TCCO receives word that the vaccinations will be received, the information will be posted on the website in an effort to keep families of the clients informed.

TCCO continues to do an ongoing review of policies, procedures and practices and their relevance to the TCCO program in an effort to ensure best practices are in place and make the program as successful as possible. After a training was held for TCCO case managers, there were several issues in the program that were brought to TCCO's attention from different sources such as clients in the community and contractors providing services to TCCO. These issues were brought to MTC's attention and their plan of action is to create a committee made up of MTC Corporate staff from other parts of the country, staff from the facility and TCCO staff to review the issues and ensure that they are addressed and that the program continues to be the best that it can be.

Another issue TCCO is reviewing is the procedure for violations at the facility. This includes reinstating the mentorship program and utilizing input from the mentors, who are the most advanced in their treatment at the facility, to try to connect the disciplinary part of the program with the clients and help resolve issues before formal treatment sanctions are considered.

There are currently 56 clients enrolled in GED classes at the facility. Although none of them have received a GED yet, they are all passing tests and progressing in the classes. It is a requirement that all clients under 60 participate if they do not already have a GED or high school diploma.

Chief Financial Officer's report regarding FY 2022 Budget/Expenditures

TCCO CFO, Stanley Muli, noted that the Fiscal Year 2022 budget began on September 1, 2021. The budget was a total of \$19,272,107.00 and funding for all known 2022 TCCO contracts has been encumbered, meaning the funds have been obligated for these contracts for the year. The FY 2022 budget will be tight due to the fact that TCCO was required by the State to reduce the budget by 5 percent. Additionally, TCCO received \$14,250.00 in Federal funding from the American Rescue plan specifically for COVID-19 related expenses.

Audit Committee Chair update regarding FY 2022 Audit Plan

TCCO Audit Committee Chair, Robert Dominguez stated that the Audit Plan created by TCCO Internal Auditor, Patrick Flaherty, will focus on TCCO financial procedures such as payment processing, expenditures, invoice processing, documentation and authorization as well as capital assets, and 200 hours have been allocated toward this audit.

Mr. Dominguez also noted the deficiencies found in the FY 2021 Internal Audit of treatment including individual and group treatment. Throughout the year, MTC has incurred over \$1 million in penalties due to treatment deficiencies. It is imperative to TCCO, the TCCO audit committee and the entire Board that these deficiencies be addressed and corrected by MTC.

Board Chair Christy Jack asked for a motion to approve and adopt the FY 2022 TCCO Internal Audit Plan. A motion was made, seconded, voted on and passed without opposition.

Discussion, consideration and possible action regarding final approval of a proposed amendment of Texas Administrative Code, Title 37, Public Safety and Corrections, Part 16, Texas Civil Commitment Office, Chapter 810, Section 810.122 – Definitions

TCCO General Counsel, Gregg Cox, noted that, at the previous Board Meeting, the Board voted to move forward with the posting for public comment of a proposed change to the Texas Administrative Code, Title

37, Public Safety and Corrections, Part 16, Texas Civil Commitment Office, Chapter 810, Section 810.122 – Definitions as it defines income for the purposes of cost recovery. The proposed change was posted in the Texas Register on September 17, 2022 and the 30-day period for public comment has ended with no public comment received. Mr. Cox stated that, since no public comment was received and there are no members of the public present at this meeting to comment, the Board can move forward with voting on the adoption of the change.

Ms. Jack asked for a motion to adopt the proposed change. The motion was seconded, voted on and passed without opposition.

Discussion, consideration and possible action regarding approval for publication of a proposed amendment of Texas Administrative Code, Title 37, Public Safety and Corrections, Part 16, Texas Civil Commitment Office, Chapter 810, Section 810.156 – Sexually Violent Predators Required to Submit to Global Positioning Satellite (GPS) Tracking

Mr. Cox explained that this is a proposed amendment that will need to be posted for public review and comment. The current code requires that TCCO clients in the two most restrictive tiers of the program, Tier 1 and Tier 2, submit to GPS tracking, which means a significant number of clients are being required to wear GPS monitors while inside a secure facility. The proposed change to the code will allow TCCO to divide Tier 2 of the program into Tier 2 and Tier 2-I so that those clients who have been in Tier 2 more than six months and who have not had disciplinary issues will not be required to wear GPS monitors. The code will be changed to note that Tier 1 and Tier 2-I are the two most restrictive tiers.

Ms. Jack asked for a motion to approve publication of the proposed change for public comment. The motion was seconded, voted on and passed without opposition.

Report from the Texas Civil Commitment Center regarding expansion plans

During his presentation MTC Facility Administrator, John Cochran, stated that the Request for Bids would be out by November 1, 2021 and a contractor should be chosen by December 1, 2021 with plans for construction to begin in January 2022. He also stated that this was in regard to the treatment building that includes 12 classrooms, PPG labs, office space and interview rooms. He said he anticipated that construction on the new housing building would begin directly after it begins on the treatment building and he anticipates that construction on both buildings would be happening simultaneously.

Mr. Cochran further assured the Board that, although the process is progressing slower than he or TCCO would like, the architecture and engineering teams are working on the project as evidenced by their daily communication and questions regarding the project.

General Counsel’s update regarding new and pending litigation

The Board went into executive session at 10:45 a.m. to cover this agenda item. The Board reconvened in open session at 11:15 a.m. with no formal action taken by the Board during the executive session.

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 August 20, 2021 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 August 20, 2021 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 February 4, 2022 at 10:00 a.m. at the Texas Civil Commitment Office in Austin.

Public Comment

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

Meeting Adjourned at 11:18 a.m.

SIGNATURE ON FILE

Christy Jack, Chair

Date

SIGNATURE ON FILE

Marsha McLane, Executive Director

Date