

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

Friday, April 7, 2017, at 10:00 a.m.
4616 West Howard Lane
Building 2, Suite 350
Austin, Texas 78728

MINUTES

Board Members Present

Christy Jack, Chair
Kathryn "Katie" McClure

Jose Aliseda
Rona Stratton Gouyton

Roberto "Robert" Dominguez

TCCO Staff

Marsha McLane
David Flores

Jessica Marsh
Mike Necker

Cathy Drake

Convene the Board of the Texas Civil Commitment Office

Board Chair, Christy Jack, convened the meeting at 10:05 a.m., roll was taken and it was noted that a quorum was present.

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

TCCO Executive Director, Marsha McLane began by noting that all the TCCO Board Members had been confirmed to be on the board with the vote conducted on April 6, 2017. She also recognized Board Member, Robert Dominguez for his appearance before the Senate Nominations Committee.

TCCO, along with all State Agencies in Texas, is currently under a hiring freeze. Ms. McLane requested a waiver for the hiring of Case Managers because they are necessary for public safety. The waiver was at first denied and Ms. McLane reiterated the necessity to be able to hire Case Managers should vacancies occur. She was told that the issue will be revisited when a vacancy actually occurs, on a case by case basis.

TCCO currently has no administrative support staff other than the Executive Assistant and Ms. McLane intends to request that the agency be allowed to fill at least one of those positions. Additionally, there is a Case Manager vacancy in Littlefield which is currently being covered by overtime worked by existing staff. Ms. McLane will present this information and request a waiver to fill this position.

There are currently 257 residents at the Littlefield facility. One issue TCCO is facing is receiving more civil commitment clients than expected through last minute Parole releases and trials resulting in civil commitment. If this trend continues it will mean budgetary issues for TCCO because funding is based upon predicted populations.

Another recent issue TCCO faced was the number of civil commitment clients at Lamb County jail. At one point there were 4 TCCO clients at this small jail which is about 10 percent of their capacity. In order to ensure that this does not become a financial hardship to the county, it may be necessary to enter into a

contract whereby TCCO pays a per diem to the county when it becomes necessary for them to house a TCCO client for an extended period of time.

TCCO is currently looking at how to ensure that the State of Texas reaps the most benefit from civil commitment clients participating in TDCJ sex offender treatment programs prior to their release from prison and how it affects the total length of time they are in treatment as well as their success in TCCO's program. From program inception to March 1, 2017, there have been 51 clients released from TDCJ who participated in a sex offender treatment program in prison. Based upon treatment team evaluations, of those 51, one client was released directly to Tier 3 in the TCCO program, four clients went directly into Tier 2 and 46 clients were released to Tier 1. Eleven of the 46 have since moved up to Tier 2 and the average length of time it took them to do so, which is usually 12 to 18 months, was 30 weeks.

TCCO will also be focusing on a risk/needs assessment tool that can be utilized to assess the clients for their appropriateness to move up in Tiers and exactly which factors will be ultimately assessed to move the client up in tier level.

In her legislative update Ms. McLane stated that TCCO received approximately half what they requested in funding from the House Appropriations Committee and slightly more than half of what was requested from the Senate Finance Committee. An overview of TCCO was presented to the Corrections Committee to familiarize the many new members with TCCO.

TCCO currently has three bills that have been filed and are pending vote. Senate Bill 613 is a clarification of the law requiring HHSC to provide in-patient mental health treatment to the severely mentally ill clients at the facility who lack the capacity to participate effectively in the treatment program. Senate Bill 1575 makes assault on staff a felony rather than the current misdemeanor. Senate Bill 1576 deals with withholding personal information for the TCCO staff members and TCCO Board Members from public information. Additionally, it would do away with releasing on PR Bonds those clients from the Facility who are arrested. This bill also allows the use of chemical and physical restraints, only when necessary, at the Texas Civil Commitment Center and changes the requirement for ID card renewals from every year to every six years for clients who are residents of the facility. Sex offender registration is currently required monthly and this bill would change that requirement to yearly for clients while residing at the facility.

Other elements of Senate Bill 1576 of concern to TCCO include the ability for TCCO to make the decision whether or not clients in upper Tiers are required to wear GPS monitors while at the facility, confidentiality in monitoring and security procedures at the facility, allowing SVPs to be released to counties other than their county of last conviction in cases where those counties do not have adequate resources for the client to continue TCCO's treatment program, the ability to conduct hearings via teleconference, and criminalizing the act of bring drugs, alcohol or weapons into the facility. Additionally, the bill would allow the Special Prosecutions Unit to assist counties in conducting trials or to conduct them for the counties.

TCCO is currently in contract negotiations with Correct Care Recovery Solutions and TCCO is prepared to publish an RFP should it become necessary.

Board Chair's report and update concerning current operations and the functioning of the TCCO Board

Board Chair, Christy Jack, indicated that she did not have an independent report at this time; however, she did recognize Board Member, Robert Dominguez for his outstanding testimony before the Senate Nominations Committee.

Budget Director's report regarding FY 2017 Budget/Expenditures and FY 2018/2019 appropriations

TCCO Budget Director, David Flores, began by noting that there will likely be about \$1.8 million left in the \$16.1 million budget by the end of the year due to the caseloads not being as high as projected as well as position vacancies and the hiring freeze. Mr. Flores noted that the agency is in good shape from the budget standpoint.

TCCO requested \$29.9 million in appropriations from the legislature for FY 2018 and 2019 for baseline funding and an additional \$8.3 million for three exceptional items that include caseload growth, off-site

healthcare, and a supportive living unit. The legislature approved about half of the budget requested, including \$3.9 million for the exceptional items.

Finance Committee Chair’s update regarding budget, expenditures and appropriations

Finance Committee Chair, Katie McClure stated that during the committee meeting the major items discussed were the budget for next year and contract negotiations with Correct Care Recovery Solutions which are ongoing. The goal is to have the negotiations completed and a plan in place, contingent upon the approval of a budget, by April 17, 2017. She further added that everything else that was discussed at the meeting had been covered in the Budget Director’s report.

Deputy Director’s report regarding Texas Civil Commitment Center Compliance Reviews and Grievances

TCCO Deputy Director, Cathy Drake began by stating that there had been 20 formal compliance reviews conducted since the inception of the contract with Correct Care Recovery Solutions, 16 of which have been closed. Of the four reviews pending closure, TCCO has recently received the Contractor’s response on two of them and two reports have just been sent to the Contractor. Treatment reviews are conducted quarterly and reviews on areas such as Grievance, Disciplinary, Staffing, Training and Health Services are conducted every six months. Ms. Drake also noted that, since the inception of the Contract, TCCO has collected \$188,000 from the Contractor for noncompliance issues.

There were 73 client grievances filed by residents of the facility in Fiscal Year 2016 and there have been 75 filed to date this fiscal year. There are about six residents at the facility who are responsible for filing a majority of those grievances.

Executive Session for report regarding potential, contemplated, and pending litigation

The Board went into Executive Session at 11:34 a.m. and all members of the public were asked to leave the meeting. The open session reconvened at 11:45 a.m. with no formal action taken by the Board during the closed session.

Discussion, consideration and possible action regarding approval of the following proposed changes to Texas Administrative Code Title 37 Public Safety and Corrections Part 16 Texas Civil Commitment Office, Chapter 810 for posting in the Texas Register

TCCO General Counsel, Jessica Marsh, began by reviewing the proposed changes to each section with the Board Members. The following amendments were discussed:

Section 810.122 Definitions – Proposed amendment

Section 810.153 Tiered Treatment and Supervision Program – Proposed amendment

Section 810.273 Cost of Housing, Treatment, and Tracking Services – Proposed amendment

All of the proposed amendments were approved by the board without opposition and Ms. Marsh stated that she would post the amendments to the Texas Register as required by the Texas Administrative Procedure Act.

Discussion, consideration, and possible action regarding approval of the Executive Director’s Position Description

TCCO researched several Executive Director position descriptions from other State agencies and utilized them as the basis for the TCCO Executive Director’s position description. The Board voted to approve the proposed position description without opposition.

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. Jack noted that all Board Members were present at the previous meeting; therefore, there were no absences to excuse.

Discussion, Consideration, and Possible Action Regarding January 13, 2017 Meeting Minutes

Board Chair Christy Jack asked if all board members had a chance to review the minutes from the January 13, 2017 meeting. A motion was made by Board Member, Jose Aliseda, to adopt the January 13, 2017 meeting minutes; the motion was seconded and passed without opposition.

Discussion, Consideration, and Possible Action Regarding Future Meeting Dates

The next meeting of the TCCO Board was tentatively scheduled for June 28, 2017 at 10:00 a.m.

Public Comment

There were no members of the public present who wished to address the Board.

Meeting Adjourned at 11:56 a.m.

Signatures on File

Christy Jack, Chair

Marsha McLane, Executive Director

Date

Date