

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, August 20, 2021, at 10:00 a.m.

VIA VIDEOCONFERENCE MINUTES

Board Members Present

Christy Jack, Chair
Jose Aliseda

Katie McClure
Robert Dominguez

Rona Stratton Gouyton

TCCO Staff

Marsha McLane
Mike Necker

Stanley Muli
Gregg Cox

Jessica Marsh

Senate Criminal Justice Committee

Mike Ward

Management and Training Corporation

John Cochran

Wayne Schmoker

TCCO Client

Ronald Mitchell

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 this meeting was being held via webinar to comply with the Governor's order to minimize in-person contact, and members of the public have the ability to join the meeting via telephone or video.

Board Chair report, including an overview of the last seven years

Board Chair, Christy Jack, gave an overview of the TCCO from 2014 to the present, noting that she has served on the TCCO Board for almost ten years and was appointed Board Chair in 2014, the same year Marsha McLane took over as Executive Director. Since then the TCCO caseload has grown by approximately 145 percent, from 174 to 426 civilly committed sexually violent predators and is projected to reach 507 by Fiscal Year 2023.

The Board was previously made up of three members, each serving two-year terms. The Board is now made up of five members, who each serve six-year staggered terms. This not only allows for increased different perspectives and areas of expertise, but also allows board members to participate in robust discussions and, with the staggering of longer terms, provides stability and continuity.

TCCO is one of the few programs whose budget has continued to grow significantly over the years. In 2014, TCCO's operating budget was just over \$6 million and the current budget is over \$19 million. The budget is projected to reach over \$20 million by Fiscal Year 2023.

The civil commitment rules have also changed. In 2014, there were 110 rules, violation of which could result in criminal prosecution; now there are four such rules. This allows technical rule violations to be dealt with as a part of treatment, rather than resulting in a return to incarceration and break in the treatment process.

Prior to the overhaul of the civil commitment program, clients were housed in halfway houses throughout the state. Now the program is a tiered program where clients are housed in one facility as they progress through the first four tiers of the program and are allowed to live in the community for the fifth and final tier. Prior to the opening of the Texas Civil Commitment Center on September 1, 2015 in Littlefield, Texas, TCCO faced a housing crisis but with the implementation of the center, the clients can all be housed in a secure facility together which increases both the continuity of care the clients receive as well as public safety.

In the beginning TCCO employed two case managers at the TCCC in Littlefield. Today there are 11 case managers, one administrative assistant and one unit supervisor. In 2019, TCCO worked together with the administration at the TCCC and sex offender treatment experts to redesign the treatment curriculum which is now tailored specifically to the TCCC. The overhaul of the curriculum did not require clients to redo work or start over in treatment.

TCCO also worked with TDCJ to develop a continuity of care program for clients who will be releasing from prison to the TCCO program so that the sex offender treatment they receive in prison will be more in line with the treatment they will receive at the TCCC, allowing them to be further along in the treatment process when they arrive at the TCCC. Additionally, each client participates in a continuity of care phone call prior to their release from prison during which the client, the TDCJ treatment provider, TCCO staff and staff at the TCCC can all discuss the treatment the client has received and will receive at the TCCC. This eases the stress of the transfer because the whole team is able know where the client stands in treatment and the client will know what can be expected after transfer to the TCCC.

Prior to 2014, refusal to participate in treatment would have resulted in a return of the client to prison; however, now, refusal is dealt with as a treatment issue and extra effort can be made by staff to reengage the client in treatment, resulting in the Texas civil commitment program having highest overall participation rate in the country at 98.5 percent. Texas also operates the most cost-effective civil commitment program in the country. The cost of the Texas program is approximately \$45,000 per client per year. Other programs throughout the country operate at costs between approximately \$150,000 to over \$200,000 per client per year.

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

TCCO Executive Director, Marsha McLane began by noting the difficulty TCCO has trying to place individual clients as they move from Tier Four at the facility to Tier Five in the community. Because of these difficulties, the TCCO has created a reentry coordinator position, whose purpose will be to continuously look for possible housing for clients in the community and work with the resources in the community to find housing for the clients as well as get them access to other services and resources, including employment, they may need to successfully transition from living at the facility to living on their own in the community.

Staff training will be held next week at the TCCO Austin office for all case management and operations staff in areas such as polygraph and penile plethysmograph (PPG) test result interpretation, grooming behavior and denial in sex offenders and overall treatment of sex offenders. The training will be provided by experts in each field.

Body cameras have been deployed and are now in use by TCCO staff, and they were used extensively in the transfer of the three clients who phased from Tier Four to Tier Five this week.

Most TCCO employees are receiving new laptop computers because it is time for them to be replaced in accordance with State guidelines. TCCO has had a new firewall installed, which was installed as a result of the security review conducted by DIR last year.

As of September 1, 2021, TCCO will enter into a new contract with CSS, the case management software company that is currently used, who were awarded the new contract after the completed RFP process. This will further enhance the system that TCCO currently utilizes.

The Texas Board of Criminal Justice Chairman and one member of that Board reached out to TCCO and requested a meeting to learn more about who TCCO is and what we do. Since they are the Board providing

oversight of the State Counsel for Offenders, which represents many of the clients in the TCCO program, the Chair was able to foster and encourage a beneficial relationship between TCCO and the SCFO.

TCCO continues to focus on reviewing, amending and enhancing their policies and procedures, focusing on ensuring that those policies created while building the agency's infrastructure are still current, still applicable to the program in existence today and still considered best practices. As part of this process, TCCO made changes to the cost recovery policy which requires that clients pay 33 percent of their gross income to help recover some of what the State pays for their treatment and GPS monitoring. To help the clients save more toward their eventual release to the community, that amount was reduced to 25 percent. TCCO and MTC have also reduced the number of clients who are required to be on GPS monitoring, as long as they have completed six months in Tier Two and have had no disciplinary incidents. Additionally, TCCO and MTC have negotiated with service providers to get client cell phone costs from 21 cents per minute to 10 cents per minute, and MTC has issued a Request for Proposals for a commissary contract to help reduce commissary costs for the clients.

Currently, there are no cases of COVID-19 among the clients at the TCCC; however, there are two vendor staff members and one TCCO staff member who currently have COVID-19 and are under quarantine. All but three clients at the facility, have been vaccinated, 55 out of 117 vendor staff, eight of 13 TCCO staff at the facility, 15 of 17 TCCO Austin staff and both TCCO field staff members have been vaccinated against COVID-19.

Chief Financial Officer's report regarding FY 2021 Budget/Expenditures including discussion, consideration and possible action regarding approval of the Fiscal Year 2022 Budget

TCCO Chief Financial Officer, Stanley Muli, began by noting that the FY 2021 budget has increased from about \$19.7 million to about \$21.27 million. The increase is due to the fact that the unused \$1.2 million portion of the FY 2020 budget was rolled forward to the FY 2021 budget. Additionally, \$241,491.00 of the budget increase is directly related to the cost recovery fees collected by the agency. Also, the agency was directed by the State to identify a 5 percent reduction in the operating budget but has not yet been directed to return those funds to the State, which means they are still a part of the budget. These funds, totaling \$1.86 million and any remaining funds from the FY 2021 budget, projected to be roughly \$1.3 million, will be returned to the State treasury at that time. The reason for the remaining funds in the budget is due partly to a reduction in travel expenses due to COVID-19 and partly due to lower than projected SVP caseload counts as well as a reduction in the cost per day per client.

The legislature appropriated \$19,270,107.00 for TCCO's FY 2022 budget and \$20,831,734.00 for the FY2023 budget, as well as an increase for hiring two additional full time employees, which can be utilized as field staff in areas throughout the State where Tier Five clients can be released to the community. The salaries and wages for these two positions have also been incorporated into the budget. The structural breakdown for the budget will reflect very similarly to the structural breakdown for the FY 2021 budget.

A motion was made for the approval and adoption of the FY 2022 budget. The motion was seconded, voted on and passed without opposition.

Report from the Texas Civil Commitment Center regarding the purchase of the facility and expansion plans, and a presentation of treatment perspective from a TCCC Tier IV client

MTC Facility Administrator, John Cochran, started by noting that MTC has purchased the facility in Littlefield and, now that they own it, they can proceed with plans for expansion as the population continues to grow and the facility is approaching maximum capacity. The expansion plans include items of high, medium and low priority.

High priority items include housing for 96 clients made up of four housing units with 12 double occupancy rooms each, a treatment building consisting of 12 classrooms, six interview rooms, two PPG labs and staff offices. Items considered medium priority are Tier Four housing for 64 clients, Advanced Group Environment, or AGE, housing for 18 clients which would include individual rooms with kitchenettes so the clients can plan and prepare their own meals since they are the clients closest to moving to Tier Five and living independently in the community, additional housing for 96 clients made up of four housing units with 12 double occupancy rooms each and a support building consisting of a kitchen, dining/community room, maintenance area and a

storeroom. The lowest priority items include an additional parking lot, a training building with one to two classrooms for staff development and housing for 96 more clients like those mentioned above.

In addition to the items above, the current visitation area would be expanded, a visitation office for attorneys visiting with their clients would be added, existing classrooms would be converted into office space and the existing kitchen would be repurposed and possibly used for additional housing.

Current TCCO client Ronald Mitchell addressed the Board noting that it is a very exciting time at the TCCC because three clients have just advanced to Tier Five in treatment and now live independently in the community, which gives the remaining residents at the facility a sense that they can look forward to advancing to that point in their own treatment and set their goals in order to do so.

Mr.

Mitchell further went on to note that there is a need for the civil commitment program, stating that he would not be the man he is today without this program and all he has learned there. He believes that applying what he learned in treatment has transformed his life and taught him how to think critically and look at things differently than he did previously. He now understands that he has a choice in how his life turns out and he expressed his gratitude for the treatment he received. He added that he hopes the mentoring program at the facility will be reinstated because he feels that those who are more advanced in the treatment process are a valuable tool for those in the beginning stages of their treatment and can provide help and support, with real life experience, to make them more successful in their treatment.

General Counsel's update regarding new and pending litigation

The Board went into executive session at 11:23 a.m. to cover this agenda item. The Board reconvened in open session at 11:44 a.m. with no formal action taken by the Board during the executive session

Discussion, consideration and possible action regarding approval of a proposed change to 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 this section of the Administrative Code is in regard to definitions and has to be amended to remain aligned with the changes that TCCO has made to their cost recovery policy, including the definition of income as it relates to TCCO's cost recovery and how it aligns with the IRS definition of income. TCCO is seeking Board approval to post the changes to this code for public review and comment as required by the code.

A motion was made to approve the public posting of the proposed change to the Administrative code, the motion was seconded, voted on and passed without opposition.

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. Jack noted that she has already excused Board Member Jose Aliseda's absence from the last meeting and that all other Board Members were present at that meeting.

Discussion, consideration, and possible action regarding May 21, 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 May 21, 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 October 22, 2021 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 11:54 a.m.

SIGNATURE ON FILE

Christy Jack, Chair

Date

SIGNATURE ON FILE

Marsha McLane, Executive Director

Date