

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, October 27, 2017, at 1:00 p.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
Scott Hornung
(via teleconference)

David Flores
Mike Necker

Jessica Marsh

Office of the Governor

Preston Streufert

Convene the Board of the Texas Civil Commitment Office

Board Chair, Christy Jack, convened the meeting at 1:00 p.m., roll was taken and it was noted that a quorum was present.

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

Board Chair, Christy Jack, began by noting that, due to modification of the law, TCCO Board Members will now have six year terms. The terms must be staggered, so a random drawing was conducted to decide which Board Member’s term would expire in 2019, which two will expire in 2021 and which two will expire in 2023. The results of the drawing were that Board Member, Jose Aliseda’s term will expire in 2019; the terms of Katie McClure and Rona Stratton Gouyton will expire in 2021; and the terms of Christy Jack and Robert Dominguez will expire in 2023.

Report from Correct Care Recovery Solutions/Texas Civil Commitment Center administration regarding treatment programming and tier movement at the Texas Civil Commitment Center

Facility Administrator, Brian Thomas began by introducing himself and giving a brief description of his background and experience. Clinical Director, Ed Towns, then introduced himself and also gave a brief description of his background and experience.

According to Mr. Towns, the program at the facility is based on four tiers. The first tier is introductory, dealing with cognitive thinking errors and behaviors that led to the client being civilly committed to the program, and helping them recognize how they have affected the lives of people around them as well as their victims and the victims’ loved ones. Tier Two is where the client begins writing about the choices and behaviors they talked about in Tier One in order to connect how their thinking errors and other life experiences affected their thoughts and behaviors. Tier Three is where the client learns how to develop what they have learned and put it into practice in their own lives as well as how to empathize with those their

behaviors have affected. Finally, Tier Four is concentrated on preparing the client for movement to Tier Five, in which the client will be living independently in the community.

With regard to the continuity of care between the TCCO program and the program at TDCJ, it was noted by TCCO Executive Director, Marsha McLane that, of the 87 civilly committed clients who have been released from prison to the treatment facility since it opened, one was released into Tier 3, six were released to Tier 2 and 80 were released to Tier 1 but 19 of them have promoted to Tier 2. Additionally, the average time it takes them to be promoted is 8 months rather than the 18 month average of those who have not previously participated in a program.

Per Ms. McLane, the program is also addressing client participation by providing rewards or privileges for actively participating in the program, doing what is expected and progressing through the program tiers as expected. Additionally, there are sanctions for non-participation which include loss of privileges such as the ability to have and receive more property, to move about the facility freely, and the ability participate in the vocational program and hold a paying job at the facility. Clients are made fully aware of the consequences for not participating and they receive a monthly progress report from the treatment provider as well as their TCCO Case Manager so they know how they are progressing and whether or not they are on target with the goals of their tier level.

Presentation from Ezio Leite regarding the treatment of sex offenders and the use of penile plethysmographs in the supervision and treatment of sex offenders

Sex offender treatment provider, Ezio Leite began by introducing himself and providing a brief description of his professional experience. He stated that the way to understand TCCO's clients is through understanding their history and through assessment. Because of the qualifying offenses they have committed that led them to be civilly committed, they offer a greater risk to reoffend than other sex offenders and, because of this, they need special attention which leads them to be placed into the civil commitment program.

The risk to recidivate can be determined by two factors, the client's deviant sexual interests as well as the anti-sociality of the client. Deviant sexual arousal can be measured by the penile plethysmograph (PPG) which measures the clients sexual response to different sexual scenarios by measuring the penile response as well as the body's other responses such as pulse and breathing. The use of assessment tools can help measure the personality issues or mental health issues that the client may have. Since the program is a cognitive behavioral program, mental health issues can be problematic when it comes to treatment of these clients because if there are cognitive deficiencies or mental challenges, the client's ability to effectively participate in the program is diminished. The PPG can help identify the types of deviant sexual arousal the client may have. If deviant sexual arousal is identified, the client's treatment plan can be made more specific to modifying his deviant attractions and behaviors.

The goal of the treatment provider is to teach the sex offender how to manage his deviant impulses and manage his behavior in such a way that he is not inclined to reoffend. The provider's burden is magnified by the fact that the sex offender also has to be taught about what a healthy relationship looks like and how to develop one that is not based solely on sex rather on mutual love and respect.

Internal Auditor presentation of FY 2017 Internal Audit Report

TCCO Internal Auditor, Scott Hornung, went through the findings of his audit, the objectives of which were to look at the reliability of the information in the Corrections Software Solutions (CSS) database used by TCCO for case tracking and to look at the compliance of the TCCO Case Managers with their job duties.

Recognition of Staff Retirement

TCCO Executive Director, Marsha McLane, presented retired Deputy Director, Cathy Drake with a service award and gave a brief account of Ms. Drake's work experience and thanked her for her service and for the fact that she had been an asset to TCCO and was instrumental in the reform of the agency as well as in the management of the clients prior to and during the transport of those clients and the opening of the Texas Civil Commitment Center.

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

Ms. McLane began by stating that TCCO and Correct Care entered into a new contract for the management and operation of the Texas Civil Commitment Center in Littlefield, and did so without increasing the per diem rate paid to the Contractor by TCCO. Additionally, the new contract has more performance measures included which ties a fiscal sanction to issues of noncompliance in order to recover funds if the Contractor is not suitably performing their contractual obligations.

TCCO finally has a signed Memorandum of Understanding with HHSC regarding TCCO’s administrative attachment to that agency and outlining which duties each of the agencies is expected to perform. Ms. McLane praised HHSC Executive Commissioner, Charles Smith for his accessibility and responsiveness to TCCO’s needs and issues.

TCCO is currently actively looking for community housing for clients who can be moved to Tier Five and live independently in the community. TCCO case management staff is currently actively looking for this type of housing and TCCO has sent letters to potential housing vendors informing them of the need.

TCCO has an open enrollment for and is actively trying to recruit substance abuse treatment providers throughout the state for clients with substance abuse issues. Letters have been sent by TCCO to every licensed substance abuse treatment provider in the state of Texas letting them know about the open enrollment and that treatment services are needed for TCCO clients.

Since the last Board Meeting, TCCO conducted a family meeting for those families of TCCO clients who are either at the facility or who will be released from prison to the facility within six months. The purpose of the meeting was to answer questions about the program or just give more information about how the program works to those who wanted it. There were about twice as many family members at this meeting than the first one TCCO conducted and those in attendance offered lively feedback and participation in the meeting.

Ms. McLane looked at several TCCO positions to ensure that TCCO remains competitive with other State Agencies as far as the types and levels of positions employed. Six of TCCO’s positions were reclassified to higher ranking positions.

There are currently 149 sex offenders in prison that have been civilly committed and will come to the TCCO program after their release. There are 294 clients who are under TCCO supervision, which includes 274 at the facility in Littlefield, four in Fort Worth, three in Austin, one in Houston, four in county jails and eight in state hospitals or state schools. There are 18 civil commitment trials currently scheduled between now and April 2018.

Budget Director’s report regarding FY 2017 Budget/Expenditures and FY 2018 Budget/Expenditures

TCCO Budget Director, David Flores, began by noting that the usual detailed reports are not available at this time due to the transition of HHSC from one financial system to another. He stated that he hopes this process will be complete soon so that by the next Board Meeting there will be the usual type of reports that he presents during the Board Meetings. He also stated that, at the end of the Fiscal year, TCCO’s total expenditures will be about \$14.4 million, with about \$11.3 million or just over 78% of the budget going to Correct Care. This will leave about \$1.7 million remaining in the budget which will be returned to the State because it will be the end of the biennium.

The Fiscal Year 2018 budget for the agency will be about \$16.9 million and \$12,561,000 will go to the Correct Care contract. There was \$561,000 received for client healthcare and any of this money is left at the end of year will be carried forward to be used for client healthcare the next Fiscal Year.

Discussion, consideration, and possible action regarding the withdrawal of the following proposed amendments to Texas Administrative Code Title 37 Public Safety and Corrections Part 16 Texas Civil Commitment Office, Chapter 810 as posted in the April 28, 2017 issue of the Texas Register

- a. Section 810.122 Definitions
- b. Section 810.153 Tiered Treatment and Supervision Program

c. Section 810.273 Cost of Housing, Treatment, and Tracking Services

TCCO General Counsel, Jessica Marsh explained that, at the April 28, 2017 Board Meeting, these amendments were approved for posting in the Texas Register and, following that posting, there was significant legislation passed that would require further changes to these administrative rules. In an effort to incorporate all the changes and have only one set of rules outstanding at a time, it was proposed that these amendments be withdrawn and new amendments that include the legislative changes be proposed. A motion was made to withdraw the amendments; the motion was seconded, and passed without opposition.

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

- a. Section 810.122 Definitions – Proposed Amendment
- b. Section 810.153 Tiered Treatment and Supervision Program – Proposed Amendment
- c. Section 810.154 Emergency Detention Orders – Proposed Adoption
- d. Section 810.155 Mechanical and Chemical Restraints – Proposed Adoption
- e. Section 810.156 Sexually Violent Predators Subject to Global Positioning Satellite Monitoring – Proposed Adoption
- f. Section 810.273 Cost of Housing, Treatment, and Tracking Services – Proposed Amendment

After Ms. Marsh briefly reviewed and explained each of these amendments to the board, after each discussion, a motion was made to approve the proposed changes to each section of the Administrative Code, each of these motions was seconded and each passed without opposition. Each of the proposed changes will be posted on the Texas Register for public comment.

Executive Session for report regarding potential, contemplated, and pending litigation and personnel matters related to the evaluation and classification of the Executive Director

The Board went into Executive Session at 3:17 p.m. and all members of the public were asked to leave the meeting. The open session reconvened at 3:33 p.m. with no formal action taken by the Board during the closed session.

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 June 28, 2017 Meeting Minutes

Board Chair Christy Jack asked if all board members had a chance to review the minutes from the June 28, 2017 meeting. A motion was made to adopt the June 28, 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 February 2, 2018 at 1:00 p.m.

Public Comment

There was one member of the public present who wished to address the Board. Attorney William Marshall, who represents several clients at the Littlefield facility and advises others that he does not represent, asked the Board to comment as to why the clients have not been allowed to meet with the press and why members of the press who wish to visit the facility are not allowed to. Mr. Marshall was reminded that this opportunity is actually for members of the public to address the Board and not for the Board to answer questions. He was further reminded that the Board cannot comment on items that are not on the agenda. He was given another opportunity to address the board and which time he declined stating that the only other comment he had was also a question.

Meeting Adjourned at 3:38 p.m.

Signatures on File

Christy Jack, Chair

Date

Marsha McLane, Executive Director

Date