



**Texas Juvenile Justice Department
Board Meeting
11209 Metric Blvd. Bldg H, Suite A
Austin, Texas 78758
Friday, January 29, 2015, 9:00 a.m.**

BOARD MEMBERS PRESENT:

The Honorable John Brieden III
The Honorable Becky Gregory
The Honorable Jimmy Smith
Jane Anderson King
The Honorable Laura Parker
Calvin Stephens

BOARD MEMBERS ABSENT:

Riley Shaw
Scott Matthew
MaryLou Mendoza
Dr. Rene Olvera
The Honorable Carol Bush
Scott W. Fisher

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Chelsea Buchholtz, Chief of Staff
Jill Mata, General Counsel
Elaine Mays, Chief Information Officer
Carolyn Beck, Governmental Relations Specialist
Dr. Tushar Desai, Medical Director
Luther Taliaferro, Sr. Director, Education Services
Rebecca Walters, Director, Youth Placement and Program Development
Lisa Capers, Sr. Director, Training and Organizational Development
Jim Hurley, Communications Director
Roland Luna, Chief Inspector General
Eleazar Garcia, Chief Auditor
Mike Meyer, Chief Financial Officer
Royce Myers, Human Resources Director
Jeannette Cantu, Executive Assistant

OTHER GUESTS PRESENT:

Kathryn Gray, TJJD
Ashley Kintzer, TJJD
Ken Ming, TJJD
Kaci Singer, TJJD
Jim Southwell, TJJD
Nancy Slott, TJJD
Debbi, McDaid, TJJD
Edeska Barnes, Jr., First Judicial District
Mathew Segura, TJJD
Jeannette Lepe, TJJD
Lucy Rodriguez, TJJD
Susan Humphrey, Bell County
Suzie Blansit, TJJD
Paul Bartaush, TJJD
Jason Ray, C. Jones
Stephanie Melot, TJJD
John Bowman, TJJD
Karen Kennedy, TJJD
Connie Simon, TJJD
Steve Roman, TJJD
Seth Christensen, Gov. Office
Charles Kelm, TJJD
David Tumlinson, Cameron County
David Sanchez, Cameron County
Jason Porter, TJJD
Vivian Cohn, TJJD
Karen Lashbrook, TJJD
Xavier Casares, TJJD
Estela P. Medina, Travis County
Rachel Carrera, LLB
Angela Mitchell, TJJD
Brian Haynes, TJJD

June Wilson, TJJJ
Leslie Carsey, TJJJ
Sheri Short, Navarro College
Thomas Adamski, TJJJ
Steven Vargas, TJJJ
Debbie Unruh, OIO
Christi Mallette, TJJJ

Kevin DuBose, TJJJ
Tammy Holland, TJJJ
Priscilla Johnson, Navarro College
Luis Hernandez, TJJJ
Kyle Dufour, TJJJ
Jamyen R. Hall, TJJJ

Call to Order

Presiding Chairman, The Honorable John Brieden called the meeting to order at 9:01 a.m.

Prayer

Board member Jane King opened the meeting with a prayer.

Pledge

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

Discussion, consideration, and possible approval regarding excused absences

Mr. Shaw moved to excuse the absences of Board Chairman Scott W. Fisher, Judge Carol Bush and Dr. Olvera. Mr. Stephens seconded. The motion passed.

Public Comments

There were no public comments.

Discussion, consideration, and possible approval regarding the November 13, 2015 Board meeting minutes

Ms. King moved to approve the November 13, 2015 Board meeting minutes. Commissioner Smith seconded. The motion passed.

Report from the Chairman

There was no report provided.

Discussion, consideration and possible approval regarding the discipline of certified officers – cases conducted by the State Office of Administrative Hearings (SOAH) – (Action)

- a. **Curtis Jones; 14-28453-140231; 28453 (Brown)**
- b. **Reginald Mangeni; 15-28092-140353; 28092 (Harris)**

Judge Brieden recessed at 9:07 a.m. to view a video in association with the case involving Curtis Jones. Mr. Jones' Attorney, Jason Ray, accompanied the Board to view the video. The Board reconvened at 9:18 a.m.

Kaci Singer, Staff Attorney, presented the case on Curtis Jones. Ms. Singer walked the Board through the process of the case and then presented the facts of the case. She said staff are here today asking that the Board make a final decision in this matter. The Board was provided for review a copy of the Amended Proposal for Decision received from the State Office of Administrative Hearings (SOAH) and a draft of a proposed Order Adopting Amended Proposal for Decision. If the proposed resolution is adopted as presented, Mr. Jones' certification will be suspended for one year.

Judge Brieden stated that Attorney Jason Ray and his client are not asking for a change in the finding of facts. They are requesting a change in the final disposition.

Riley Shaw asked whether there was bodily injury. Ms. Singer confirmed there was not. Mr. Shaw asked to confirm that the hold placed on the youth was released in about six seconds. Ms. Singer said that seemed about right. He also asked to confirm that the youth stated that he was not harmed. Ms. Singer said that was the youth's testimony. Mr. Calvin Stephens stated that had the officer not intervened, there could have been much more violent circumstances. Judge Becky Gregory stated that the record of finding showed that the officer did not place a "chokehold" on the youth. Ms. Singer said that is correct, and perhaps a different terminology should have been used by staff to describe the technique. Mr. Stephens asked if the officer would have been reprimanded if he had not intervened. Ms. Singer said yes, potentially. She said that they are not taking issue with fact that he intervened, it was with the manner in which he intervened. Judge Brieden discussed the matrix used for determining dispositions. Ms. Singer confirmed that revocation was the aggravating factor for his non-cooperation. Ms. Marylou Mendoza asked if all the officers are trained in approved techniques and did he violate the technique. Ms. Singer said yes to both. Judge Gregory asked about the approved technique in which Mr. Jones testified about. Ms. Singer stated that Mr. Jones testified about the Wraparound technique, however,

the method he testified about doesn't match up with the actual Wraparound technique. The Wraparound technique is also not an approved agency technique. Ms. Singer demonstrated the Wraparound technique versus the technique in which Mr. Jones described.

Jason Ray, Attorney for Curtis Jones, stated that Mr. Jones was unable to attend the board meeting because of last minute car trouble.. Mr. Jones is accepting of the findings of facts and conclusions of law, with exception of the sanctions. He's a 14 year veteran of the field, previously working in Florida, having transferred to the Oaks facility. He was told the Wraparound technique was an approved technique in Florida and at the Oaks. Mr. Jones stopped a fight between an amateur boxer and a youth who had already been fighting with him three times that day. Mr. Jones has accepted what he did was not okay. The youth told the investigator and testified for Mr. Jones at the hearing that Mr. Jones didn't do anything wrong, that he was the one out of line. He said he was never choked. Mr. Ray said the range of discipline for this offense is everything from a reprimand to probation or suspension, or a combination thereof. Mr. Jones didn't think that he didn't cooperate with the investigation. Judge Parker stated that her concern is that if something is done, whether right or wrong, it needs to be investigated. Mr. Ray said he truly believes that he never thought his decision not to speak to the investigator would be held against him. Mr. Scott Matthew said he found the video to be overly aggressive. With these youth having had been in three fights already that day, these officers should have been more aware of what was going on and ready to intervene. Commissioner Jimmy Smith said when things like this happen the first thing is to defuse the situation. He said he would hate to see a good officer suspended when he prevented something that could have been far worse. Mr. Stephens expressed concern with the use of "chokehold" and "reckless."

Mr. Ray stated that his presence at the board meeting was because Mr. Jones cares enough to take it this far.

Ms. King agreed that this was reckless and could have caused harm. She is concerned that he did not cooperate with the investigation. She believes there was a training issue. She moved for a 30-day active suspension followed by two year probated suspension. Mr. Stephens moved for an amended motion; a 30-day active suspension followed by a one year probated suspension. Ms. Mendoza seconded the amended motion. The vote was taken on the amendment. Judge Brieden and Ms. King voted no. The motion passed. The vote was then taken on the amended motion. The motion passed.

Ms. King moved to adopt the Findings and Facts and Conclusions of Law. Mr. Shaw seconded. The motion passed.

Kyle Dufour, Staff Attorney, presented the case on Reginald Mangeni. This case proceeded to the State Office of Administrative Hearings. Mr. Mangeni was given proper notice and did not appear. The judge issued a default proposal for decision to revoke his certification. Staff recommend approval of the default order.

Mr. Matthew moved to approve the default order. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers – agreed orders (Action)

- a. **Brianna Casey; 15-28181-150299; 28181 (Hood)**
- b. **Robert Maldonado; 15-12510-150115; 12510 (Bexar)**

Kaci Singer, Staff Attorney, presented the agreed order case for Brianna Casey. Ms. King moved to approve the agreed order. Mr. Stephens seconded. The motion passed.

Judge Parker abstained from the Robert Maldonado case.

Kyle Dufour, Staff Attorney, presented the agreed order case for Robert Maldonado. Ms. King moved to approve the agreed order. Ms. Mendoza seconded. The motion passed.

Ratification of proposed agency mission statement, core beliefs and vision (Action)

David Reilly, Executive Director, stated that the senior staff held an executive leadership retreat to establish the agency mission statement, core beliefs and vision and are now asking the Board's approval.

Commissioner Smith moved to approve the agency mission statement, core beliefs and vision. Mr. Matthew seconded. The motion passed.

Report from the Executive Director

David Reilly, Executive Director, presented his report providing updates on the agency's work on Regionalization and SB 1630, the agency's Management Action Plan (MAP), Tattoo removal at Giddings, the agency's Treatment Effectiveness Report issued in December, new data on recidivism numbers, and population increases. Special acknowledgments were given to Gainesville, Giddings, York House and Ayres House for successfully becoming PREA compliant after recent audits. In addition, both Denton and Dallas Counties were recently audited by TJJ staff and also reached full compliance.

Discussion and consideration regarding the agency report card

Mr. Reilly, Executive Director, presented a draft of the new agency report card. It shows how the agency will report a balanced view of data. He asked the Board to review the report card and contact him directly with comments and feedback. Staff intended to utilize this reporting mechanism starting at the next Board meeting.

Cameron County Juvenile Probation Department presentation

David Tumlinson, Deputy Director for Cameron County Juvenile Probation Department, provided an overview of the department and David Sanchez, Facility Administrator, provided a presentation of the Bootcamp.

Presiding Chairman Judge Brieden called for a 5 minute recess.

Report from the Advisory Council

There was no report provided.

Report from the Inspector General

Roland Luna, Chief Inspector General, presented his report providing an update to the Board on summary indicators for first quarter FY15 in comparison to first quarter FY16 including: Incident Reporting Center, Security Intelligence, Disposition Tracking, Criminal Investigations submitted to Prosecution, fugitive Apprehension and Recovery, Use of Force Monitoring and Contraband, Detection, and Interception.

Report from the Administrative Investigations Division

Kevin DuBose, Director of Administrative Investigations Division, presented his report providing an update to the Board on summary comparison for the time period of September 1, 2015 – November 30, 2015 for the County Investigations and State Investigations Unit.

Legislative update

Carolyn Beck, Governmental Relations Specialist, presented her legislative implementation update. Regarding SB 1630 on Regionalization, the Board was already provided an update by Mr. Reilly, so she didn't repeat that one. She provided an update on legislation involving multi-agency workgroups or advisory councils and juvenile justice legislation.

Judge Brieden asked if there is anything in the Interim that the agency is actively involved with. Ms. Beck said there is not.

Report from the Trust Committee

Commissioner Jimmy Smith, Chair of the Trust Committee, reported that Kathryn Gray provided an update on staff activities on the Trust since the last meeting.

Report from the Finance and Audit Committee

Calvin Stephens, Chair of the Finance and Audit Committee, reported that the committee did meet yesterday and the items they discussed are also on the Board agenda for Action.

Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00.

(Action)

Kenneth Ming, Director of Business Operations and Contracts, corrected a typographical error listed in the Board packet referencing Rite of Passage as Non-Secure Residential Contract when in fact it is a Secure Residential Contract. That correction will be made on the Resolution.

Staff is seeking approval to negotiate and award a construction contract to Secure Control Systems for fence detection systems at the Ron Jackson, Evins, and McLennan facilities. Staff is also seeking approval to negotiate a contract with K-Air Corporation for three mechanical, electrical and plumbing

projects at the Evins facility. In addition, staff would also like to negotiate and award a residential contract to Rite of Passage for Secure Residential Services in Grandbury, Texas.

Mr. Matthew moved to approve the resolution. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions, repeals, and rule review for 37 TAC §380.9901 – 380.9911, relating to Youth Records (Action)

Kathryn Gray, Staff Attorney, presented these rule revisions and repeals for final adoption. The rules were published for public comments in the Texas Register. The comment period has ended, no comments were received. However, staff has made minor grammatical corrections. Staff is seeking approval to adopt these rule revisions and repeals.

Ms. King moved to adopt the rule revisions and repeals. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §380.9931 and §380.9933, relating to Youth Funds (Action)

Mike Meyer, Chief Financial Officer, presented these rule reviews for final adoption. The rules were published for public comments in the Texas Register. The comment period ended, no comments were received. There was one small technical correction. Staff is seeking approval to adopt these rules.

Mr. Shaw moved to adopt the rules. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and a rule review notice for 37 TAC §385.9975, relating to State Inscription, in the *Texas Register* for a 30-day public comment period (Action)

Mike Meyer, Chief Financial Officer, presented these rule revisions. Staff is seeking approval to post these rules to the Texas Register for a 30-day public comment period. These rules are related to the types of vehicles that are exempt for the requirement of state inscription. There is a typographical error on the rule review itself; vehicle needs to be made plural and should be vehicles in two locations. That change will be made before the posting.

Ms. Mendoza moved to approve to publish these rules for a 30-day public comment period. Mr. Stephens seconded. The motion passed.

Discussion, consideration, and possible approval of the McFadden Ranch Audit (Action)

Eleazar Garcia, Chief Internal Auditor, presented the audit which is part of the facility audits required by Texas Human Resources Code Section 203.013. The scope of the audit included required treatment, youth supervision, youth medication, data reliability, and petty cash reconciliation. It was found during the audit that the petty cash fund balanced and is reconciled monthly, the Treatment Group Manager supported that youth receive their Alcohol and Other Drugs (AOD) Treatment documentation indicated proper supervision of youth on both suicide and run alerts, and required staffing ratios are maintained. Controls in the following areas could be strengthened: Training on the proper handling of contraband, monitoring of employee training records, establishing and implementing a documentation process could ensure that Program Services in Correctional Care System (CCS) includes youth participation in community service, establishing monitoring activities over data entries in the CCS could ensure AOD sessions are entered, and improve their process to ensure compliance with completion of the University of Texas Medical ranch's Medication Error Reports. Management concurs with the findings.

Mr. Stephens moved to approve the audit. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval of the TAC 202 Audit (Action)

Eleazar Garcia, Chief Internal Auditor, presented the audit. The agency does not fully comply with the requirements of the TAC 202. The agency is submitting a monthly report of related incidents to the Department of Information Resources. The agency utilizes an email filtering application to block or quarantine mail that may contain spam, viruses or other malicious software. The agency requires employee, volunteers, contractors, and interns who handle confidential and sensitive information to sign an agreement informing them of their principal obligations concerning the use of information resources. User password management is being addressed to enhance security controls. Management concurs with the findings.

Mr. Stephens moved to approve the audit. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval of the Human Resources Audit (Action)

Eleazar Garcia, Chief Internal Auditor, presented the audit. The objective of this audit was to determine whether the controls over Human Resources processes are operating effectively and efficiently. Ron Jackson and Giddings have processes in place to contribute to timely hiring. Performance evaluations for the tested Education position in secure facilities were 100% in compliance. Giddings performance evaluations have the highest rate of compliance across the agency. Personnel files are maintained with all required documentation. Implementing a process to periodically evaluate and assess the hiring process would promote efficiencies and the agency's ability to identify stop gaps. Monitoring the completion of performance evaluations could improve timeliness. Enhancing communications and developing training for the procurement process could prevent unauthorized purchases. Improvement can be made to ensure files and sensitive information are consistently organized and appropriately secured. Periodic review of required regulatory labor and employee notices/posters could ensure all posters are prominently displayed on agency premises. Management concurs with the findings.

Judge Gregory asked if the best practices are shared amongst the facilities. Mr. Garcia said that is what he would hope. Mr. Stephens moved to approve the audit. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval of the Endowment Funds Audit (Action)

Eleazar Garcia, Chief Internal Auditor, presented the audit. The objectives are to determine whether the agency investment policy complies with the Public funds Investment Act (PFIA) and to determine whether management has implemented effective controls over the trust fund activities. The agency meets the investment policy requirement promulgated by PFIA. The agency is investing with judgment and care in compliance with PFIA. Revenues were received and recorded in appropriate accounts. Establishing controls over agency reporting and completion of investment training could improve operations and ensure compliance with Government Code 2256.007 of PFIA. Implementing a monitoring process to ensure timely receipt of lease payments could improve operations. The accounting policy should be updated to reflect current practices for appointing the investment officer. Verification of two prior audit recommendations for the #14-3 Endowment Trust Funds Audit reflects additional work is needed to complete corrective actions. Management concurs with the findings.

Mr. Stephens moved to approve the audit. Ms. Mendoza seconded. The motion passed.

Report on the External Quality Assurance Review of TJJJ Office of Internal Audit

Eleazar Garcia, Chief Internal Auditor, reported the Internal Audit department received the highest of 3 possible ratings. He introduced and recognized his audit staff.

Report from the Safety & Security Committee

Judge Laura Parker, Safety and Security Committee Chairwoman, reported that the committee met yesterday, however, did not have a quorum so did not hear any of the items requiring action before the Board today.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §380.9951 and §380.9955, relating to Juvenile Correctional Officers (Action)

Tom Adamski, Director of State Operated Facilities, presented the rules requesting final adoption by the Board. 380.9951 ensures juvenile correctional officers (JCOs) employed by TJJJ complete all required training before assuming responsibility for sole supervision of youth. 380.9955 establishes requirements for scheduling station requirements for JCOs employed by TJJJ.

Judge Parker moved to approve for final adoption. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and a rule review notice for 37 TAC §385.8135, relating to Rights of Victims, §385.8145, relating to Volunteers and Volunteer Council, §385.8183, relating to Advocacy and Support Group Access, and §385.9959, relating to Transportation of Youth, in the Texas Register for a 30-day public comment period (Action)

Tom Adamski, Director of State Operated Facilities, presented a summary of key revisions for these rule review changes. He requested Board approval to publish the proposed revisions and a rule review notice in the Texas Register for a 30-day public comment period.

Ms. Mendoza moved to approve for posting for a 30-day public comment period. Mr. Stephens seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §380.9703, relating to Possession of Weapons on Agency Premises (Action)

This item was removed from the agenda.

Discussion, consideration, and possible approval to publish proposed revisions and a rule review notice for 37 TAC §385.8117, relating to Private Real Property Rights Affected by Governmental Action, and §385.8134, relating to Notice of Youth Confessions of Child Abuse, in the *Texas Register* for a 30-day public comment period (Action)

Kathryn Gray, Staff Attorney, presented a summary of key revisions for the rule review changes to rule 385.8117. She requested Board approval to publish the proposed revisions and rule review notice in the Texas Register for a 30-day public comment period.

Kaci Singer, Staff Attorney, presented a summary of key revisions for the rule review changes to rule 385.8134. She requested Board approval to publish the proposed revisions and rule review notice in the Texas Register for a 30-day public comment period.

Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC §§380.8559, 380.8565, and 380.8569, relating to sentenced offenders, in the Texas Register for a 30-day public comment period (Action)

Rebecca Walters, Director of Youth Placement and Program Development, presented a summary of key revisions for these rule review changes. She requested Board approval to publish the proposed revisions and rule review notice in the Texas Register for a 30-day public comment period.

Judge Parker moved to approve for posting for a 30-day public comment period. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC §380.9197, relating to HIV/AIDS, in the Texas Register for a 30-day public comment period (Action)

Dr. Tushar Desai, Medical Director, presented a summary of key revisions for this rule review change. He requested Board approval to publish the proposed revisions and rule review notice in the Texas Register for a 30-day public comment period.

Judge Parker moved to approve for posting for a 30-day public comment period. Mr. Matthew seconded. The motion passed

Report from the Programs Committee

Mr. Shaw reported the Programs Committee did not hold a meeting.

Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC §380.8707, relating to Furloughs, and §380.9161, relating to Youth Employment and Work, in the Texas Register for a 30-day public comment period (Action)

Rebecca Walters, Director of Youth Placement and Program Development, presented a summary of key revisions for these rule review changes. She requested Board approval to publish the proposed revisions and rule review notice in the Texas Register for a 30-day public comment period.

Ms. Mendoza moved to approve for posting for a 30-day public comment period. Commissioner Smith seconded. The motion passed.

Closed Session – Executive Session

- a) **§551.071 Consultation with attorney (see footnote)**
- b) **§551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)**
- c) **§551.074 Discussion regarding personnel matters**

The Board recessed the open session and entered a closed session at 11:56 a.m.

Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed executive session, if applicable (Action)

The Board reconvened in open session at 12:12 p.m. No action was taken.

Adjourn

Judge Brieden adjourned the board meeting at 12:12 p.m.