



**Texas Juvenile Justice Department
Board Meeting**

11209 Metric Blvd., Building H – Lone Star Conference Room

Austin, Texas 78757

Friday, August 22, 2014 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman

Dr. Rene Olvera

The Honorable Jimmy Smith

The Honorable Carol Bush

Scott Matthew

The Honorable Laura Parker

Jane Anderson King

Melissa Weiss

The Honorable Becky Gregory

Calvin Stephens

Joseph Brown

BOARD MEMBERS ABSENT:

The Honorable John Brieden III

MaryLou Mendoza

EXECUTIVE STAFF PRESENT:

David Reilly, Interim Executive Director

Roland Luna, Chief Inspector General

Jim Hurley, Communications Director

Elaine Mays, Chief Information & Technology Officer

Eleazar Garcia, Chief Auditor

Lisa Capers, Senior Director of Administration & Training

Teresa Stroud, Senior Director of State Programs & Facilities

James Williams, Senior Director of Probation & Community Services

Chelsea Buchholtz, General Counsel

Royce Myers, Human Resource Director

Mike Meyer, Chief Financial Officer

Dr. Rajendra Parikh, Medical Director

Jeannette M. Cantu, Executive Assistant

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OTHER GUESTS PRESENT:

Paul Bartush, TJJJ

Jerome Williams, TJJJ

Nancy Voss, TJJJ

Katheryn Mattingly, TJJJ

Kit Dean, TJJJ

Judy Davis, TJJJ

Kati Kieffer, TJJJ

Kimbla Newsom, TJJJ

Kevin DuBose, TJJJ

Rod Venner, TJJJ

Art Hinojosa, TJJJ

Diane Goodwin, TJJJ

Sarah McCleary, TJJJ

Kevin Niemeyer, LBB

Alex Stewart, TJJJ

Justin Adams, TJJJ

April Jameson, TJJJ

Susan Humphrey, Bell Co.

Mel Brown, Mel Brown & Assoc.

Kaci Sorht, TJJJ

William Shaw, TJJJ

Mark Luera, TJJJ

Conrad Jones, TJJJ

Tina Farrell, TJJJ

Dotty Luera, TJJJ

Kenneth Ming, TJJJ

Barbara Arteaga, TJJJ

Linda Brooke, Tarrant Co.

Tammy Holland, TJJJ

Lauren Rose, Texans Care

Kim Wood, TJJJ

Steve Roman, TJJJ

Fred Meinke, TJJJ

Sheri Short, Navarro College

Luther Taliaferro, TJJJ

Ashley Kintzer, TJJJ

Estela Medina, Travis Co.

Connie Simon, TJJJ

Karol Davidson, TJJJ

Mark Fortress, TJJJ

John Isle, TJJJ

Karen Kennedy, TJJJ

Jarome Finley, TJJJ

Katrena Plummer, TJJJ

Lesly Jacobs, TJJJ

Christina Corpus-Ybarra, TJJJ

Marybel Sanchez, TJJJ

Viveca Martinez, Gov's. Office

Call to Order

Chairman Fisher called the meeting to order at 9:03 a.m.

Prayer

Chaplain Tony Shaw opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Public Comments

There were no public comments.

Discussion, consideration, and possible approval regarding excused absences

Chairman Fisher acknowledged the absences of Ms. MaryLou Mendoza, Judge John Brieden and Judge Becky Gregory. Ms. King moved to excuse the absences. Ms. Weiss seconded. The motion passed. *The record will note Ms. Gregory later arrived at 9:17 a.m.*

Discussion, consideration, and possible approval regarding the May 30, 2014 Board meeting minutes

Mr. Brown moved to approve the minutes. Commissioner Smith seconded. The motion passed.

President's Volunteer Service Lifetime Achievement Awards

Chairman Fisher announced The President's Volunteer Service Award is our country's premier volunteer awards program – a way to thank and honor Americans who, by their demonstrated commitment and example, inspire others to engage in volunteer service. The most prestigious level of the President's Awards is the Call to Service Award recognizing a lifetime achievement of giving more than 4,000 hours of service to an organization. This is a monumental achievement and this year two TJJD volunteers are being recognized:

Nancy Voss, Gainesville State School – 4,569 hours in service. Nancy has been a volunteer for TJJD since 1999. She currently serves as the president of the Gainesville Student Support Council. She also mentors youth, teaches life skills groups, co-leads a grief support group, and is an Epiphany Ministries volunteer at Gainesville. Nancy has sustained her mentoring relationships by visiting youth in halfway houses after they leave Gainesville. Nancy is a passionate, dedicated volunteer who proudly partners with TJJD in changing the lives of youth.

Ernie Black, McFadden Ranch – 4,004 hours of service. Ernie began volunteering at McFadden Ranch in 2005. Ernie has led Bible study groups, served as the president of the McFadden Community Advisory Council, assisted youth in getting tattoos removed, transported parents of youth to and from facilities, provided academic achievement awards to youth, and ensured every young man leaving McFadden Ranch has the necessary documentation for employment. Ernie follows the progress of youth after they leave McFadden Ranch. When he learned that one of his former youth was having trouble getting to work during the week his family's car was in the shop, he traveled 45 minutes one-way to pick the youth up and get him to work by 6:00 am each morning. Ernie quickly realized youth leaving TJJJ facilities need a driver's license. He began facilitating the online driver's education course for McFadden youth. Ernie truly makes a difference in the lives of McFadden youth.

On behalf of the Board and employees of the Texas Juvenile Justice Department, Chairman Fisher conveyed sincere thanks and appreciation for their outstanding service. A presentation of the awards and photographs were taken with the volunteers, staff and board members.

Closed Session – Executive Session

- a) **§551.071 consultation with legal counsel (see footnote)**
- b) **§551.074 discussion of personnel matters relating to possible selection of Executive Director**

Chairman Fisher recessed for closed session at 9:17 a.m.

Reconvened in open session, discussion, consideration, and possible approval regarding matters deliberated in closed Executive Session, if applicable

Chairman Fisher reconvened in open session at 9:52 a.m.

Chairman Fisher stated the Board would address the selection of an Executive Director based on input from our Executive Director Search Committee and discussions from the full Board. Judge Laura Parker moved to appoint David Reilly as the Executive Director of the Texas Juvenile Justice Department effective October 1, 2014, continuing as interim director in the meantime with the current arrangement with Bexar County. The Board further resolved to set Mr. Reilly's annual salary of \$177,194 which is the

maximum allowable. Ms. Weiss seconded. Chairman Fisher asked to let the record note the vote unanimously passed. Chairman Fisher stated he was absolutely thrilled and it was noteworthy to give him an applause. He expressed his deep concern for the morale of the agency when we entered into the transition period when Mike Griffiths departed. David Reilly brings strong leadership and credibility to bring out the good stories and good work of the agency. He will communicate this agency's good story well and the Board looks forward to his leadership of this agency.

David Reilly stated that he was honored to have the opportunity to lead the agency. He recognized that the agency is complex and intricate and employs some very committed staff. He will advocate before the legislature and other stakeholders for the opportunity for the agency to stabilize and focus on our mission. A few ideas include maintaining a funding balance between the front end and subsequent stages of agency interventions all the way through parole services. He will advocate for a different method of funding, a sufficient number of front line position in our facilities to provide for a higher level of health and safety, reduce turnover, and contribute to a more stable staffing profile. He will work with staff to increase opportunities to keep youth close to home, especially for the younger youth and those with mental health needs. He would like to establish a new focus on aftercare, in both probation and parole, to more effectively reduce recidivism. He would like to maintain and build upon partnerships with probation departments across the state to address the issues of providing services to less populated areas of the state. He will look at operational efficiencies to ensure the agency is operating as efficiently and effectively as possible.

Report from the Interim Executive Director

David Reilly, Interim Executive Director, acknowledged the hard work of Mike Meyer, Chief Financial Officer, and the Finance team in working with the Legislative Appropriation Request (LAR), the budget for 2015, year-end tasks, and the CAPPs conversion. He also acknowledged the work of Lisa Capers who has worked diligently on focusing the agency's position relating to PREA. On the state side, the agency is well underway with compliance with successful recent inspections by the Office of the Independent Ombudsman (OIO) at Ron Jackson, Evins, McFadden Ranch, Tamayo House, and Brownwood Halfway House. On the county side, standards are being written to mirror the PREA requirements, which this agency will monitor toward. Another major project to be undertaken soon is an agency wide salary project. Ms. Unruh of the OIO office joined Mr. Reilly in providing testimony to the House Select Committee on Child Protection regarding reporting alleged mistreatment and complaints. TJJDD will invite

and encourage legislators to visit our facilities, announced or unannounced, and interact with front-line staff. Mr. Reilly visited Giddings last week and was impressed by their vocational program. Family day held at the Evins facility last month yielded 520 family members on campus and was quite successful. Chairman Fisher asked that the Board members be given advance notice so that they may attend or observe upcoming events; Mr. Reilly agreed to do so.

Report from the Advisory Council

Estela Medina, Chief Juvenile Probation Officer for Travis County and Chair of the Advisory Council on Juvenile Services, congratulated Mr. Reilly on his appointment as Executive Director and extended continued support on behalf of the Advisory Council. The Advisory Council has reviewed the LAR and the exceptional items request which the Board will be reviewing later today. The council recognizes there are some very significant recommendations, especially in the area of juvenile probation and community based services, regarding funding for training, expansion of programs that have been demonstrated effective and the opportunity for additional funding in the area of prevention, and some diversion dollars in smaller and medium sized counties. The Advisory Council also supports after care opportunities such as the ones Mr. Reilly has mentioned. The Advisory Council will support and work with TJJ staff regarding the upcoming salary study survey. Regarding PREA, the Advisory Council has reviewed documents and provided feedback, and supports the commitment. If there is a statewide conference of training opportunities then the council will be happy to assist and participate. The standards subcommittee continued to meet and their work continues in the areas of disciplinary seclusion standards and de-escalation techniques. A funding subcommittee has been asked to work on looking at the impacts of potentially raising the age of jurisdiction in the juvenile justice system. The Board thanked Ms. Medina, Chief Vance, and the other members of the committee.

Report from the Inspector General

Roland Luna, Inspector General, provided his report showing the summary indicators in Fiscal Year 2014 through June, along with the comparable data from FY 2013 through June. There were roughly ten percent more reports filed this fiscal year; the average number of investigative days and average number of days for intake decision were reduced. They continue to work with the IT department to enhance existing applications and identify, track, and disseminate information on gang-related activity. His department is finalizing a criminal justice grant that was received several months ago. Communication and coordination continues with State Programs, the Office of Independent

Ombudsman, PREA coordinator, with Training and Administration during the PREA audits; that communication and coordination has been well received. The department will soon host their third conference regarding Texas Violent Gang Task Force in San Marcos.

Report from the Administrative Investigations Division

Kevin DuBose, Director of Administrative Investigations Division, provided summary comparisons for the fiscal year through June for both 2014 and 2013. Regardless of how the complaint comes in (IRC, fax, or email reporting), each case needs to be assessed and properly assigned. On the county side, 12% more complaints were received Year to Date in 2014 than in 2013. The increase on the state side is even higher but many of these are policy violations, not abuse or neglect. A person should be hired soon at Ron Jackson which will be helpful. The increase in the number of policy violations was not necessarily a reflection of the state facilities but more likely an increased awareness of reporting. Initial reports are prioritized upon assessment. Priority level one is assigned to a potential abuse case, a death, or serious physical abuse. This investigation needs to begin within 24 hours. Level two priorities require the investigation be initiated within five days.

Report from the Finance and Audit Committee

Calvin Stephens reported the committee met yesterday and discussed the Legislative Appropriations Request and heard reports from Internal Audit.

Discussion, consideration, and possible approval regarding the 2016-2017 Legislative Appropriations Request

Mr. Mike Meyer updated the Board on the LAR. TJJ's submission due date was August 18, 2014; however the agency did not receive approval of its budget structure and base reconciliation until August 5, and did not receive approval of its performance measures definitions until yesterday. Due to these factors the due date has passed without consequence. A semi-final LAR has been provided and is submitted for Board approval under a board resolution that empowers staff to make the following changes prior to submission: updating performance measure information; adding organizational chart and job description information; non-substantive technical corrections; and re-assembling, paginating, and adding a table of contents.

Key information in the summary packet provided included:

- The administrator's statement from Mr. Reilly.
- A discussion of the baseline request. Each budgetary goal was kept whole with regards to its share of available general revenue but within in each goal funding by budget strategy was maintained or adjusted.
- Summary of the baseline budget request for all funds. This was patterned after the 2015 budget.
- Summary of baseline budget request for general revenue
- Exceptional items for the 2016-2017 biennium
- Summary of rider revision requests
- LAR 10% Reduction Proposal

All documents have been updated based on much work by staff, Board and Committee feedback.

Mr. Stephens moved to approve the Texas Juvenile Justice Department operating budget for 2015. Ms. King seconded. The motion passed. Mr. Stephens moved for approval of the Legislative Appropriations Request for the 2016-2017 biennium. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2015 budgets

Mr. Meyer presented the 2015 budgets which were close to the 2014 budgets with some adjustments related to liability insurance and miscellaneous expenses. They are within available revenue and balances. The Board had no questions. Judge Bush moved to approve the John C. Wende and Parrie Haynes trust fund 2015 budget. Ms. Weiss seconded. The motion passed.

Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust funds investment policy and strategy

Mr. Meyer reported that the proposed annual investment strategy for 2015 mirrors the 2014 practice; there are no recommended changes from current practice. However Mr. Meyer suggested the Board may want to consider the formation of a special committee to consider whether a change to a less restrictive investment policy and strategy is advisable beginning in FY 2016. Ms. King moved to approve the 2015 trust funds investment policy and strategy. Mr. Brown seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Gang Intervention Audit

Eleazar Garcia, Chief Internal Auditor, presented the draft report regarding the Gang Intervention Audit. This report along with the objectives was previously shared with the Finance and Audit Committee. Overall, the agency can strengthen and formalize processes to better address and track gang activity. While the agency is currently rolling out a gang intervention program to be implemented at all facilities, processes should be strengthened to utilize gang intelligence to help prevent gang activity at facilities and ensure adherence to various statutes. While there are elements of project development in place, utilization of the agency's Project Management team could facilitate implementation of the agency's New Freedom Gang Intervention Program. Providing Parole Officers with Gang Awareness training will provide additional background information and tools to prepare parole officers to interact with gang affiliated youth and families. By formalizing the Security Intelligence Officer position with documented expectations and providing the Intelligence Officers with specialized training, facilities will be able to address and help prevent gang activity as well as improve documentation and the consistency of the data maintained within the agency's Security Intelligence System. By regularly maintaining and ensuring the reliability of data within the Security Intelligence System, the agency can share up to date and relevant information with other agencies as required by the Code of Criminal Procedure. Management concurred with our findings of this audit. Ms. King moved to approve the audit as presented. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Community Relations Audit

Mr. Garcia presented the draft report regarding the Community Relations Audit. This report along with the objectives was previously shared with the Finance and Audit Committee. Chairman Fisher noted that these councils are independent councils and operate at our facilities and collect cash. Because one employee is assigned to work with the council, the agency provides guidelines for them to operate within. This is the first time an audit has been done in this area. Overall, Financial controls can be strengthened to ensure safeguarding and reporting of fiduciary funds. Receipting of cash donations through use of a standardized receipt would strengthen controls and promote accountability of donated funds, periodic reconciliations of donated and disbursed funds should be performed, and use of fiduciary bonds will provide a form of security for the funds.

Chairman Fisher asked Tammy Holland, Community Relations Manager, to approach and she confirmed there are currently 14 Community Relations Councils. The average raised is \$6,000-\$10,000 per council. Tammy acknowledged that this audit was long overdue and highlighted some areas that we will be working on with each of the councils. Mr. Garcia stated the audit showed there was more cash in the bank accounts than the councils reflected in the Volunteer Tracker system. Management concurred with our finding of this audit. Mr. Stephens moved to approve the audit as presented. Judge Parker seconded. The motion passed.

Report from the Safety & Security Committee

Joe Brown reported the committee received various reports on the agenda. The majority of the time was spent in closed session receiving a report from the OIG regarding agency planning for emergency situations. We are encouraged by the level of planning that has gone into this planning in advance.

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

- a. **Steve Reid, Certification # 27001, Nueces County**
- b. **Michael Chambers, Certification #27189, Hays County**
- c. **Pledge Cannon, Certification #19187, Dallas County**
- d. **William Hernandez, Certification #26715, Bexar County**
- e. **Jesus Hernandez, Certification #22548, El Paso County**
- f. **Jose Jimenez, Certification # 27665, Webb County**
- g. **Randy Rodriguez, Certification #22917, Hays County**

Chelsea Buchholtz, General Counsel, reported that all notices were properly given. Staff recommends approval of the discipline as recommended. Judge Parker abstained from item d, involving Bexar County.

Judge Bush moved to approve items a, b, c, e, f and g. Mr. Brown seconded. The motion passed. Mr. Brown moved to approve item d. Judge Parker abstained. Mr. Matthew seconded. The motion passed.

Chairman Fisher called for a 10 minute recess.

Report from the Programs Committee

Dr. Olvera reported the majority of the committee meeting was focused on rule reviews that will go before the full Board. Amy Lopez gave a great presentation on Project Based Learning (PBL). Dr. Parikh gave a presentation on injuries; noting the majority is of the self-injurious behavior. There has been a drop since 2012 which is a reflection of the work of by Teresa Stroud and her treatment staff in that area.

Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.9161, relating to Youth Employment and Work

Connie Simon, Manager of Workforce Development & Education Reentry Programs, reported there were no public comments received during the public comment period. However, the staff has recommended adding a reference to the statutes that allow TJJJ to operate a PIECP and to specify that youth who participate in the Prison Industry Enhancement Certification Program (PIECP) must be paid no less than the federal minimum wage. This requirement is currently found in another TJJJ rule (380.9163) that will be proposed for repeal. The staff now requests the Board's approval to adopt the final rule as proposed, with the additional revisions. Judge Parker moved to adopt the final rule as proposed, with the additional revisions. Ms. Weiss seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.8723 (renumbered as §380.8583), relating to Subsidized Living Support Program, and final adoption of the repeal of 37 TAC §380.8721, relating to Independent Living Preparation, and 37 TAC §380.9109, relating to Youth Personal Property: Independent Living

Teresa Stroud, Senior Director of State Programs and Facilities, reported at its March 2014 meeting, the Board approved the posting of proposed revisions to these rules and proposed repeals. The comment period has ended and TJJJ did not receive any comments on the proposal. The staff has not recommended any additional changes and now requests the Board's approval to adopt the final rule and repeals as proposed. Commissioner Smith moved to adopt the final rule and repeals as proposed. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§380.9103 - 380.9107 and §§380.9115 – 380.9121, relating to Basic Services, and §§380.9187 – 380.9190, relating to Suicide Prevention, in the Texas Register for a 30-day public comment period

Ms. Stroud, reported as part of the agency's rule review process, the State Programs and Facilities Division has completed its review of assigned rules. Staff recommends making no changes to §380.9121 and revise all other assigned rules according to the table summarizing the contents and proposed changes for rules assigned to the State Programs and Facilities Division provided in the Board materials. Dr. Olvera had a concern that the rule regarding Suicide Alerts didn't explicitly state that during the four hour timeframe prior to assessment that the youth are in fact under constant observation. Ms. Buchholtz confirmed that if the Board approves, we can publish the rule for public comment as is, then clarify the language prior to final adoption of the rule. Dr. Olvera moved to approve to publish the proposed revisions and rule review. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval to publish new 37 TAC §385.9981, relating to Sick Leave Pool Administration, in the Texas Register for a 30-day public comment period

Royce Myers, Director of Human Services, presented this new rule, relating to Sick Leave Pool Administration. The agency already has an internal policy (PRS.28.08) that addresses the sick leave pool. However, Texas Government Code §661.002 requires the governing body of a state agency to adopt a rule relation to the operation of the agency sick leave pool and appoint the agency's sick leave pool administrator. The staff requests approval to submit the proposed rule to the Texas Register for a 30-day public comment period. Judge Bush moved to approve to publish the new rule for a 30-day public comment period. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§380.9125 - 380.9163, relating to Education Programs and Youth Employment/Work, in the Texas Register for a 30-day public comment period

Amy Lopez, Senior Director of Education Services, reported as part of the agency's rule review process, the Education Division has completed its review of the assigned rules. As a result of this review, the staff recommends the repeal of §380.9143 and §380.9163, make no revisions to §380.9161 and revise all other assigned rules. Staff requests the Board's approval to publish these proposed rule revisions/repeals and a rule review notice in the Texas Register for a 30-day comment period. Mr.

Matthew moved to approve to publish for a 30-day public comment period. Ms. Weiss seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.9113, §§380.9175 – 380.9186, and §§380.9191 – 380.9198, relating to Health Care Services, in the *Texas Register* for a 30-day public comment period

Dr. Rajendra Parikh, Medical Director, presented proposed revisions for these rule reviews relating to Health Care Services. Board members expressed discomfort with the rule 380.9195 regarding pregnancy and abortion that requires TJJJ to pay for all services related to a requested abortion if pregnancy results from an incident or sexual abuse or sexual assault in any lockup or juvenile facility. Chairman Fisher said rule 380.9195 will need to be looked into further and reviewed for consideration at the next Board meeting. Mr. Matthew moved to approve to publish the remaining rules under review for a 30-day public comment period. Ms. King seconded. The motion passed.

Chairman Fisher recessed the open session.

Closed Session – Executive Session

- a) **§551.071 consultation with legal counsel (see footnote)**

Chairman Fisher reconvened in open session stating no action was taken during the closed session. He adjourned the meeting at 12:05 p.m.