

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 25th, 2024, at 10:00 a.m.

MINUTES

Board Members Present

Christy Jack, Chair
Jose Aliseda

Katie McClure
Rona Stratton Gouyton

Robert Dominguez

TCCO Staff

Marsha McLane
Jessica Marsh
Hayley Glisson

Brittney Winters
Robert McFarland

Governor's Office

Tamela Griffin

Senator Perry's Office

Rob Callan

Senator Flores' Office

Mike Ward
Andrew Gonzales

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.

Board Chair Report

Board Chair, Christy Jack stated she did not have a formal report and noted this is a public meeting and the public is welcome. Ms. Jack asked that everyone turn off their phones. Ms. Jack asked that everyone observe the rules of decorum; while someone is speaking there will be no disruptions or distractions and no public outbursts. Ms. Jack stated if there are any issues you will be asked to leave and if any assistance is needed we have plenty of people to provide that assistance.

Executive Director's Report Concerning Program Operations and the Routine Functioning of the TCCO

Marsha McLane, Executive Director began by stating that two TCCO staff members, Jessica Marsh and Kara Gougler, have been elected as President and Secretary of the SOCCPN (Sex Offender Civil Commitment Programs Network). SOCCPN is a national professional organization that is involved with

all twenty-one Civil Commitment programs, many of whom have the same issues we are having. Ms. Marsh and Ms. Gougler will hold their positions for two years.

Ms. McLane stated that the forklift class started this week with ten clients, which is something we have been trying to accomplish for years. The clients in the class will get their forklift certification, which will make getting jobs much easier. MTC certified a proctor for the physical portion of the class and the rest will be done online. Ms. McLane noted the forklift class is a part of the grant program. The program is moving along, with the second group of clients currently in the middle of the basic computer class and then the third group will begin.

Ms. McLane discussed the Budget Hearing with the Governor's Office and LBB (Legislative Budget Board), stating that the LAR (Legislative Appropriations Request) was presented. Ms. McLane discussed the August family meeting, stating that the family meeting takes place each year and provides an overview of the program and noting that attendance is always very low. Ms. Jack asked how many family members attended and Ms. McLane stated there were eight family members there representing four clients. Ms. McLane noted that although attendance is historically low, we will continue to have a family meeting each year.

Ms. McLane mentioned the agency Biennial report is due on December 1st. Ms. McLane stated over the last three months the District Attorney in Littlefield has volunteered to provide training with TCCO staff, MTC staff, and parole staff on the criminal justice system in Littlefield. The District Attorney asked to meet on a quarterly basis. Ms. McLane stated the Littlefield Sheriff's Office hired a new investigator. Ms. Jack asked Ms. McLane to let the Board know when the next meeting is with the District Attorney so the Board can attend if they are able to, and Ms. McLane stated the next meeting is scheduled for next week on LifeSize.

Ms. McLane introduced Robert MacFarland, TCCO's Budget Manager, stating Mr. MacFarland has worked at several state agencies. Ms. McLane stated Mr. MacFarland will be discussing the budget, and mentioned that out of the twenty-one programs in the United States, the TCCO program is the least expensive by far. Ms. Jack asked if that includes other states with only outpatient treatment and Ms. McLane stated the cost is divided up on the two different sides, outpatient and inpatient.

Budget Manager's Report Concerning FY 2024 Budget and Expenditures and Healthcare Costs; FY 2025 Budget and Expenditures and Healthcare Costs; FY 2026/2027 Legislative Appropriations Request; Budget Managers Report Concerning an Updated Case Manager Career Ladder

Robert MacFarland, Budget Manager provided an overview of the FY 2024 budget, stating in FY 2024 the budget was short and \$3,181,067 was transferred from FY 2025 to FY 2024 to cover the deficit. Mr. MacFarland stated that with cost recovery fees and staff vacancies there is a \$24,745 projected deficit after the transfer. However, the deficit is expected to be covered by monthly sanctions on the August 2024 bill. Mr. MacFarland stated FY 2024 offsite medical is a significant contributor in the need to transfer the \$3,181,067.

Mr. MacFarland stated \$1,851,685 was appropriated for offsite medical and \$2,205,365 has been spent through June. There were significant medical events in FY 2024, which remain unbilled, but are anticipated to be \$1.7 million for the remainder of FY 2024, and the FY 2025 transfer into FY 2024 is expected to cover this deficit.

Mr. MacFarland discussed the FY 2025 budget, stating even before transferring the \$3,181,067 from FY 2025 to FY 2024 there was a projected deficit for client services and medical. TCCO has a supplemental funding request for \$7,380,403 to cover the \$3,181,067 transfer to FY 2024 and the projected shortfall in FY 2025.

Two exceptional items were added to the LAR; replacing two vehicles for \$60,144 and upgrading Microsoft 2016 to an updated version for \$43,002. Mr. MacFarland stated the contract rate adjustment was updated from a 4% increase in FY 2026/2027 to a 4% increase in FY 2026 and a 3% increase in FY 2027.

Mr. MacFarland discussed the case manager career ladder, stating that TCCO is required by statute to utilize a career ladder for case managers. The Legislature gave all state employees a 5% pay increase effective 09/01/2024, therefore the case manager career ladder needed to be updated to align with the increase. Ms. Jack stated section 420A.009 of the Government Code requires the Board to adopt a salary career ladder for the case managers. The career ladder is based on classifications and years of service with TCCO. Ms. Jack motioned to adopt the proposed case manager career ladder as presented. The motion was seconded, voted on and passed without opposition.

Internal Audit Updates concerning Report from Audit Committee Chair regarding FY 2024 Internal Audit Plan and proposed FY 2025 Internal Audit Plan

Patrick Flaherty, Internal Auditor, discussed the FY 2024 Internal Audit Plan, which reviewed client balances. Mr. Flaherty said the audit was good but there are a few things to note, such as there was not a reconciliation between the cash bank balance and the summary total of the client balances. Mr. Flaherty stated the payroll into the accounts was without exception, as well as the authorizations of expenditures. Mr. Flaherty stated there is approximately \$300,000 in the account each month with no interest income, and this is a missed opportunity to help support the clients.

Ms. McLane stated the account does not accrue interest but accrues fees and there is a better way for MTC to bank, and Mr. Flaherty agreed.

Mr. Dominguez stated as the subcommittee has already met with staff and they will realign to ensure the client balances are checked either monthly or quarterly, and is happy to report the audit was a good report. Mr. Dominguez discussed the FY 2025 Internal Audit Plan, stating staff looked at auditable activities and identified forty-four areas. After looking at those forty-four activities, staff came up with a percentage of the different activities that as a Board and as an Agency we do on a daily basis. Based on the percentages staff identified, two activities that will be looked at during the FY 2025 Internal Audit are the TCCO physical security of electronic devices and security breaches. Mr. Dominguez stated that every type of computer system and each type of management practice will be looked at. Mr. Dominguez discussed the importance of keeping control of the data to ensure there are no data breaches.

Ms. McLane added the reason those particular areas are being audited is because the other forty-two items have already been covered by State Audits and Internal Audits we have done in the past.

Board Chair Christy Jack asked for a motion to adopt the FY 2025 Internal Audit Plan as proposed and in the event the Internal Auditor wishes to deviate from this plan, the Internal Auditor shall consult with the Executive Director, the Audit Committee Chair, and Board Chair providing information regarding the work to be performed for approval by the Board Chair. If approved, the deviation shall be documented as required by the Texas Internal Auditing Act and presented to the Board at its next scheduled meeting. The motion was made, seconded, voted on and passed without opposition.

Presentation Regarding Collaboration between TCCO and TDCJ Parole for Dually Supervised Clients

Rene Hinojosa, Parole Division Director, discussed the role parole plays in supervising parole clients within the facility. Mr. Hinojosa stated the Parole Division's mission is to help people who are on parole be successful in the community. The field Parole Officers provide referrals and services to parole clients so they can be successful citizens and reintegrate into the community. Mr. Hinojosa stated that the Parole Division is divided into two groups, field operations and central operations. The field operations'

responsibility is the direct supervision of the parole clients and with two hundred and fifty-four counties in the state of Texas, there is a large area to cover. The parole clients meet with their Parole Officers either monthly or quarterly and officers provide services needed to be successful on parole. Central operations is the support system for the field and within that support system there are programs and services such as substance abuse treatment, sex offender treatment, and anger management. The central operations facilitates and provides policy for the field in those areas and handles electronic monitoring similar to what is used in the TCCC. Another area of central operations is the warrant section, which issues warrants for those who are not following the rules of their parole stipulations.

Currently there are about 75,000 parole clients across the state of Texas. There are 67 offices in the state, and about 1,100 Parole Officers, although there should be between 1,400 and 1,500 Parole Officers. The state is divided into five geographic regions, Littlefield falls into region five. There are close to 6,500 registered sex offenders currently on parole, although this number changes every day. Ninety-five of those are civilly committed residents at the TCCC. Mr. Hinojosa stated that parole's role is to ensure the clients follow not only the parole supervision rules, but also work hand in hand with TCCO and MTC staff to ensure they are following the TCCC rules as well. Mr. Hinojosa stated parole also coordinates with the TCCO staff addressing any violations that occur.

Mr. Aliseda asked if a parole client commits an offense in the TCCC is a Motion to Revoke their parole filed and is the client removed from the facility. Mr. Hinojosa stated parole uses the graduated sanctions approach, and depending on what the violation is, it may lead to a recommendation for revocation. Mr. Hinojosa stated until the client is in custody, they will remain at the TCCC. Ms. McLane stated the clients only go into custody if the Sheriff is willing to pick them up. Ms. McLane stated there are currently two parole clients in the Lamb County jail and both revocation hearings were held via Zoom.

Ms. McLane stated we work very well with parole, noting how responsive they are with any issues. Last year the Parole Board wanted every TCCO sex offender on parole to be on a GPS monitor, which is something they have always done. Ms. McLane stated TCCO staff met with parole and it was agreed that just because you are on parole and a sex offender, you won't necessarily have to be on the GPS monitor. Instead, it is only if you haven't met certain criteria.

Ms. McClure asked if someone is violating parole if they not are participating in the Civil Commitment program, and Mr. Hinojosa confirmed. Ms. Jack asked if parole waits for the courts to adjudicate before making a decision regarding parole, and Mr. Hinojosa stated this is dependent on the Parole Board. They can continue with the revocation process pending adjudication of the charges or they can proceed with the revocation hearing immediately.

Presentation on Sex Offender Treatment Program from TCCO Staff and Lead Sex Offender Treatment Provider at the TCCC

Janet Latham, Sex Offender Program Specialist discussed the family meeting held in October, stating flyers were posted at the facility a month in advance, information was put on the TCCO website, and letters were sent to clients who are still in prison so they had the opportunity to inform their loved ones of the meeting. Ms. Latham stated there were eight attendees for four clients and the presentation included an explanation of the in-prison sex offender treatment program, an overview of the tiered program, an overview of the sex offender treatment program, the role of positive family and collateral contacts and pro social support, the role of a case manager, and an attorney presentation. Ms. Latham stated that there was good participation from the attendees. Ms. Jack asked if doing the meeting online was considered and Ms. McLane stated our system can't accommodate that. Ms. Latham added there was a planning meeting to go over the curriculum at the TCCC, stating she does not foresee a major overhaul but the meeting was to plan any incorporations to the curriculum. Ms. McLane noted the rule breaking behavior at the facility is on the rise and if anything

is added to the curriculum that no one will have to start over in tier, that this will just be added to what they are doing.

Travis Pittock, Lead Clinical Therapist, discussed healthy collateral contacts and the goal of a collateral contact, which is to be a part of the treatment team through supporting the client towards healing and becoming a productive member of society. Kara Gougler, Director of Case Management Services, discussed the process to become a collateral contact, starting with the client requesting the collateral. The case manager will then interview the collateral to ensure they are not a victim of a crime or a codefendant. The case manager will then do a file review and meet with the treatment provider to determine if this person can be pro-socially acceptable for the client. Ms. Jack asked for an example of someone who is not pro-social, and Ms. Gougler stated it would be someone who doesn't believe the client offended, someone who aided or abetted the client during their law violations, or someone who is not supportive of the treatment team.

Mr. Pittock provided examples of a healthy collateral with the first being support. Mr. Pittock stated supporting the client and the treatment team will ultimately lead to no more victims and to producing healthy members of society. Ms. Gougler stated loved ones don't always agree with the decisions that are being made, and there has been an uptick in disrespect from loved ones. Mr. Pittock stated another example of a healthy collateral would be accountability. A healthy collateral needs to hold the client accountable through rules and procedures, treatment goals and objectives, and reporting violations. Accountability is key. Ms. Gougler stated ultimately the clients were civilly committed in a court of law and the ultimate goal is to keep the public safe and help the client become the best person they can be. Mr. Pittock stated the last part of a healthy collateral is relationships, which includes healthy attachments, communication, vulnerability, and empathy. Mr. Pittock stated when a client has empathy the risk of offending decreases dramatically.

Mr. Pittock provided information on research he found including that healthy collaterals speed recovery and healing and lead to greater resilience, contact with supportive family and friends reduces the risk of recidivism among those who have committed violent offenses, and healthy collateral helps in achieving the goal of no more victims. Unhealthy social support is a major predictor of relapse, where the risk of reoffending goes dramatically up, especially in those with sexual offenses. Mr. Pittock stated collaterals that act contrary to the goals and concepts of a treatment program lead to a higher risk of recidivism. Previous relationships in the family predict future expectation. This is why it is key as we go into the plan that we work with families to develop healthy relationships.

Mr. Pittock discussed unhealthy collaterals, which are collaterals that encourage parallel offending, that do not practice accountability for the client and who violate the rules and policies set forth by TCCO. Ms. Gougler stated there are collaterals who encourage rule breaking behavior and violence toward staff. Mr. Pittock stated that throughout the country there are instances where staff members have entered into inappropriate relationships with clients and then want to maintain collateral contact. This cannot be allowed because they've encouraged and participated in deviancy and encouraged reoffending, including sexual reoffending.

Mr. Pittock provided an example of a plan, stating the treatment team meets with the collateral to assess the collateral contact and a plan is then formulated for the collateral. The collateral will meet with an outside LSOTP to discuss properly supporting an SVP. The collateral will sign a release for the treatment team to consult with the LSOTP and the collateral will write a plan of support for the client detailing how they will recognize the client's red flags and how they will hold the client accountable. The collateral will attend a specified number of virtual family sessions with the client's treatment provider. The client and the collateral will review TCCO policies and will sign and acknowledge their agreement to adhere to them. Upon completion of the plan, the treatment team will discuss any issues that need to be addressed and the approval

status of the collateral contact. While not being a chaperone, the collateral will take chaperone training. This does not guarantee the collateral will be a chaperone, but this ensures we have done everything we can to assist that collateral in being the best collateral support possible. Ms. Gougler stated this is not a new process.

Ms. Stratton-Gouyton asked is there is more negative or positive family support and Ms. Gougler stated there is about five or six clients and their loved ones who demonstrate negative family support. Ms. Jack asked what resources are available for a collateral that has never had a healthy relationship and Mr. Pittock stated this can be addressed during the family session and there are numerous resources that can be provided. Ms. McClure asked who is financial responsible for the collaterals treatment sessions and Mr. Pittock stated the collateral would be responsible. Mr. Pittock stated it's always important to remember the goal. The goal and ethical responsibility of the therapist is to do no harm and in treatment this includes maintaining healthy collaterals to ensure the progress of the client. For accountability of the client, policy adherence by the client and the collateral ensures the safety of the community and the client. Mr. Pittock stated the golden rule remains the same, no more victims.

Texas Civil Commitment Center Updates Concerning Facility Expansion, Staffing, and Medical Department Reorganization

David Bowers, Facility Administrator, discussed the progress that has been made on the facility expansion, including pictures. Mr. Bowers was happy to say the first of the three dorms opened this week and the first twelve clients moved in. Mr. Bowers stated the moves are happening in small groups, in case there are any catastrophic issues. Mr. Bowers stated the clients are very happy with the new dorm.

Jennifer Brown stated she is delighted to be where we are today. It took a long time and she truly appreciates Mr. Bowers for overseeing it and getting the job done. Ms. Brown provided an overview of the medical restructure. Previously in the corporate model there was an Operations Director, a Clinical Director of Compliance, a Medical Director, and a Senior Director. The new corporate model has a Vice President over medical, a Medical Director, a Clinical Director, a Director of Health Services Administration, a Director of Continuous Quality Improvement, and two Directors of Behavioral Health, which is very important for mental health needs.

Ms. Brown stated some of the benefits of the restructure are better communications and ensuring the clients are receiving their medications on time. Ms. Brown stated the Facility Administrator will now oversee not just operations in the treatment portion, but the medical portion as well. Ms. Brown stated they are reviewing pharmacy costs, including currently having an RFP (Request for Proposal) out to get new pricing and reviewing consultants and provider agreements.

Executive Session Pursuant to Section 551.076 of the Government Code to Discuss Security Personnel, Devices, or Security Audits

The Board went into executive session at 11:30 a.m. to cover this agenda item. The Board reconvened in open session at 12:37 p.m. with no formal action taken by the Board during the executive session.

Staff Attorney's Report Regarding Potential, Contemplated, and Pending Litigation

The Board went into executive session at 11:30 a.m. to cover this agenda item. The Board reconvened in open session at 12:37 p.m. with no formal action taken by the Board during the executive session.

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. Jack excused Mr. Dominguez from the last meeting.

Discussion, Consideration, and Possible Action Regarding July 19th 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 July 19th 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 February 28th, 2025 at 10:00 a.m. at the Texas Civil Commitment Office in Austin.

Meeting Adjourned at 12:40 p.m.

Christy Jack, Chair

Marsha McLane, Executive Director