

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Location: Oklahoma State Capitol
2300 North Lincoln, Room 104
Oklahoma, Oklahoma

Date/Time: Thursday, April 15, 2010 – 1:00 p.m.

1. OPENING AND ROLL CALL

Vice Chairman Logan of the Oklahoma Board of Corrections called the April 15, 2010, meeting to order at 1:05 p.m. and welcomed those in attendance.

The clerk was asked to call roll. Members present at roll call reflected a quorum was present.

David Henneke	Ted Logan	Matthew McBee
Linda Neal	Robert Rainey	

Absent: Earnest Ware

2. OLD BUSINESS

None

3. APPROVAL OF MARCH 12, 2010, BOARD MEETING MINUTES

Vice Chairman Logan sought a motion for approval of the March 12, 2010, Board meeting minutes. Mr. Henneke made the motion with a second by Ms. Neal. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; and Mr. Ware, absent.

4. DIRECTOR'S COMMENTS

Director Jones provided the following update/comments:

- CWCCC held their first 100 Hour Transition Re-Entry Program Graduation. Their will be a grand opening for this rebuilt facility in late May.
- Ilinda Jackson is developing the implementation of Impact of Crime classes for offenders participating in the Second Chance Act grant program. Victim Services Unit will offer classes weekly starting this month providing offenders with the opportunity as they work toward release to work through the impact that crime has had on victims, the community, themselves and families.
- At the March meeting of the Governor's Transformation Advisory Board, a live demonstration of a telecom interview between an offender in MBCC and her reentry team staff in the DOC/DMHSAS Reentry Program was held and was very well received.
- On March 1, the Faith and Character Community Program began its third class year at OSR with 104 offender program participants and its second class year at DCCC with 69 offender program participants. We also still have the program at MBCC.
- The Helping Women Recover (HWR) program located at Eddie Warrior Correctional Center passed the Correctional Program Checklist (CPC) evaluation. The CPC is a process evaluation tool used to determine how closely a program adheres to best practice methodology in delivering programmatic services. The HWR program will be added to policy as an approved substance abuse program. Completers of this program will receive 70 achievement credits and a (-1) security point. HWR represents the first gender-specific substance abuse program in ODOC and in the nation.

- The Department of Corrections' Education Unit was recently recognized at a statewide meeting for outstanding accomplishments in GED Testing. DOC Education Unit's pass rate was the top in the state, which helped to bring the state pass rate up to 70%.
- BJCC hosted a luncheon for its Advisory Board to discuss the transfer of the RID program from WSKCC to BJCC, the renovation of the multi-purpose building to house approximately 85 additional offenders for the Regimented Treatment Program, and the remodeling of the Career Tech building to house minimum security.
- EWCC "Play Day" was held on March 17-18, 2010. Approximately 200 children from the Tulsa and Oklahoma City areas attended and spent the day on the yard with their mothers. Face painting, clowns, and pizza were made available to offenders and their children.
- Construction staff continues to work on projects at MBCC, MACC, and are preparing to begin a remodeling project at BJCC. Asbestos abatement staff are working at JCCC and JBCC. Expansion of the National Guard Armory is almost completed, which will be the new work center in Mangum. Healdton Community Work Center expansion is almost completed as well.
- Staff members from the State Office of Personnel Management, the Oklahoma Employment Security Commission, and management staff from DOC's Benefit's Unit conducted Outplacement Assistance and Employment Counseling for employees recently affected by the RIF.
- The department is in the process of soliciting bids for possible consideration of privatizing our canteen operations. This is an effort to explore cost savings and revenue enhancements. In compliance with The Privatization of State Functions Act ...employees currently working in our canteens are being sent letters giving them the opportunity to submit other ideas and cost saving measures on canteen operations. Even if we do privatize no current employees assigned to canteen will lose their employment with the department as we have enough critical vacancies in similar pay bands that all can be reassigned.
- DOC has a budget reduction response Senate and House Joint Committee meeting next Friday to discuss our responsivity to budget cuts. We have been asked to respond to various budget reduction scenarios from 8.5% to in excess of 16%. These proposed cuts would be off of the new base after this year's reductions and our supplemental would not be annualized. To put this in perspective, 8.5% is roughly \$40 million and 16.5% is roughly \$77 million.
- We are currently down to 72.8 % of authorized CO's equaling 782 vacancies and 78.6 % of probation and parole officers.
- Thanks go to Chairman Ware, Mr. Logan and Ms. Neal for touring the EWCC and the entire board for their voluntary service to the agency.

5. REMARKS-LEGISLATIVE GUESTS

Representative Jason Nelson addressed the board, thanking them for coming to the capitol and apologized that more legislators were not in attendance. Having worked for Governor Keating, one of the issues he'd handled for years was law enforcement agencies and corrections. Oklahoma is in a budget situation that is unprecedented in the history of the state and he commended agency staff for continuing to serve. He serves on the funding committee for law enforcement but is not a chief decision maker. It surprises him how people don't understand the gravity of the budget situation. He understands that staffing levels being so low creates a dangerous situation and he hears what we are saying. They are trying to protect law enforcement and corrections funding to the extent they can due to the danger and risk to public safety.

6. BUDGET UPDATE

Chief of Departmental Services Greg Sawyer provided the following budget update. The packet contains the expenditure trending analysis as of the end of March 2010. The agency is trending a deficit of \$5.5M

for this fiscal year, which is down from last month's report. Payroll is carrying a surplus of \$2.8M. Contract beds are running a deficit of \$5.4M, while Medical is showing a deficit of \$2.9M.

Mr. McBee asked what the amount of the agency's new base was. Mr. Sawyer reported that we were originally appropriated \$503M for this fiscal year. Our new base is \$469M.

Mr. Rainey shared his belief that it is irresponsible of the legislature to expand criminal conduct in Oklahoma and lower the budget base every year. He stated that he has spoken to Senator Coffee personally about eliminating Oklahoma as the last remaining state in the union that requires the Governor to review every pardon and parole application, which would save millions of dollars over the next decade; but Coffee refuses to consider it, suggesting that it is threatening public safety.

7. POPULATION REPORT

Chief of Operational Services Ken Klingler provided the Population update as of April 5, 2010. Total System Inmate Population = 25,773; Total Incarcerated Population = 24,731; DOC Facility Population = 18,219; Private Prison Population = 4,702; Total System Population = 54,256; County Jails with Contracts = 508; County Jail Backup = 1,503; Halfway House Population = 1,302; Probation = 24,843; and Parole = 3,640. Our growth for this year is 731 as of today.

Mr. Henneke asked how many beds are available today. Mr. Klingler reported that maximum and medium security have 172 beds, which includes medical, mental health, and SHU; minimum security has 9 beds; and community corrections has 59 for a total of 240 beds. There are 1,503 offenders in county jails that have J&S's.

Mr. McBee asked how long it would take to fill a 1,500 bed prison. Mr. Klingler said it would take 3 weeks. Mr. Klingler said he has to go by the state statute on the 72 hour rule. There are 77 counties in the state with 68 currently having active jails we receive offenders from on a daily basis. Once he certifies they are over capacity, we have to take them. When we get to 99% we will be gridlocked.

Mr. Logan asked where we would put another 700 inmates if that's what we received next year. Director said that the MGT audit reported that one of the main reasons for growth is people are staying longer due to sentencing enhancements, aging population, life without parole, and 85% crimes. The audit has proven to be true in reference to projections in growth. Part of it is new receptions but it's also fewer people leaving. At this point he doesn't have an answer if we grow another 700 net. Certainly there is private prison space sitting vacant. The Watonga facility will soon be closing and he does not know if it is available for purchase or what the per diem rate would be. There is a cash flow issue and you can't expand capacity while you are cutting the budget.

Director said that we are ensuring we stay well staffed in medical and mental health services. The main reason the Bureau of Justice would step in is if we were showing indifference. He doesn't think there is a big concern today for federal intervention but if we continue to have net growth and we don't get legislative changes that says "may" instead of "shall" on receiving inmates from county jails, then most definitely we would be in violation of several federal guidelines and certainly and fire marshal guidelines.

Mr. McBee asked how the county jails were doing on capacity and how likely would it be that any county jail would invoke the 72 hour rule. Mr. Klingler responded that they don't invoke unless they absolutely have to and he is not aware of anyone in crisis at this time.

Mr. Rainey noted that everyone on the board has talked to legislators and will continue to talk to them. Every legislative reform initiative that DOC recommended that would do nothing to hurt public safety and do everything to minimize the population coming in has been met with criminalizing more conduct in

Oklahoma. Those who forget the past are condemned to repeat it. We've had one of the worst prison riots in the history here in Oklahoma. If we don't get help from the legislature we are headed toward having federal court oversight again. We invited legislature to be here today and one representative showed up.

Mr. McBee thanked Representative Nelson for coming but added the following: It's April, we're full and it's nice outside. We have prisons that do not have air conditioning and what are we going to do when it's 110 degrees and the director has to triple cell people.

Mr. Henneke noted that Garfield county had invoked the 72 hour rule a couple times since they opened the new jail and asked what level of credits offenders receive setting in the county jail. Mr. Klingler responded, level 2 credits. Mr. Henneke asked how we deal with these inmates on a civil rights issue, not being treated equally or fairly as an inmate in the system. Mike Oakley responded that he would not be able to discuss a particular case but that he didn't think an inmate had the right to be at any particular location but we do have a responsibility to respond and not be indifferent. Mr. Henneke asked if we could put minimum security inmates into medium security beds. Mr. Klingler said we can but that it is not good practice utilizing a high dollar bed for a lower risk offender.

8. APPROVAL OF CAPACITY CHANGE

• Bill Johnson Correctional Center

Mr. Klingler requested the board approve an increase at BJCC due to moving the RID unit from WKCC to BJCC. The increase would be from 444 to 566 for a total increase of 122. We are doing this by adding bunk beds.

Vice Chairman Logan sought a motion to approve the capacity change. Mr. Henneke made the motion with a second by Mr. McBee. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; and Mr. Ware, absent.

9. LEGISLATIVE UPDATE

Neville Massie provided the following legislative update.

There are 80 bills on our monitoring list which is included in your packet. Our three agency initiatives are still active. HB3342 dealing with the offender canteen system and HB3379 addressing offender judicial review lawsuits and prohibition of awarding attorney fees and costs in lawsuits against DOC for enforcement of Sex Offender Registry provisions were heard on the Senate floor on April 13, 2010 and both passed. HB3378 which addresses OCI and Ag Services purchasing is on the Senate floor calendar.

Other bills of interest:

- HB2363 provides for a statewide VOBO. The benefit package is what we provided in our agency VOBO but it includes additional restrictions; the agency must reduce its FTE number by the # of VOBO's for 3 years and the employee may not seek unemployment benefits. Oklahoma Employment Securities Commission has advised they received a ruling that you may not restrict these employees from unemployment benefits. Additional work is needed on this bill. A companion bill sets aside approximately \$22 million for payment of these VOBO's.
- HB3385 allows for a special leave program for agencies that have a furlough plan and provides for specialized 1 ½ of AL who are willing to work on a furlough.
- HB2998, the diversion and reentry program for female offenders is still active and pending hearing on the Senate floor. Neal McCaleb had a piece in the Daily Oklahoman and the Tulsa World yesterday supporting this bill in his position as 2010 chairman of the Oklahoma Academy.
- HJR1080, the resolution moving the Pardon and Parole Board to the DOC failed in the Senate Appropriations committee.

- SB1597 which limits the terms of state boards remains active, awaiting a hearing in the House.
- HB2746 is still active and would eliminate revocation of driver's license for drug related offenses if the crime did not involve use of a motor vehicle.
- SB2070 is also still active and addresses occupational licenses and felony convictions.
- Several subcommittees in each House have had agency presentations this week on the impact of additional cuts of 10-20% for FY 2011. Our chairs have tentatively scheduled DOC for April 23 for a Joint Senate and House presentation.
- The next deadline is April 22 for bills to be heard in the opposite chamber, which is the last deadline until May 28 when they adjourn.

10. APPROVAL OF BOARD RESOLUTIONS

- **2009 CO of the Year – Sgt Theresa Tipton, EWCC**
- **2009 COS of the Year – Cpt. Virgil Young, OSP**
- **Public Service Recognition Week (May 2-8)**

Personnel Administrator Greg Thomas requested to waive the reading of two resolutions for CO/COS. Both these officers will be recognized in a ceremony on May 5 on the Capitol floor.

Vice Chairman Logan sought a motion to approve CO and COS resolutions. Mr. Rainey made the motion with a second by Mr. Henneke. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; and Mr. Ware, absent.

Mr. Henneke requested that even though the reading of the resolutions were waived, that they be placed in the minutes.

2009 CO of the Year Resolution

WHEREAS, correctional officers are trained professionals who unselfishly provide humane conditions of confinement while ensuring security of the state's correctional institutions and contributing to the rehabilitation of offenders, and

WHEREAS, the Oklahoma Department of Corrections is extremely fortunate to have correctional officers who are conscientious, dedicated, and committed to performing their duties in a professional manner; and

WHEREAS, each year one correctional officer is selected as the outstanding officer for her facility as well as her division; and

WHEREAS, the Oklahoma Department of Corrections conducts a comprehensive interview process and selects an Agency Correctional Officer of the Year who exemplifies high standards and serves as a role model for others to follow in fulfilling the agency's mission of "Protecting the Public, the Employee and the Offender":

BE IT THEREFORE RESOLVED, that the Oklahoma Board of Corrections does hereby announce and proclaim to all, its recognition of **THERESA TIPTON**, Eddie Warrior Correctional Center, as the 2009 Agency Correctional Officer of the Year.

ADOPTED this 15th day of April 2010.

2009 COS of the Year Resolution

WHEREAS, correctional officers are trained professionals who unselfishly provide humane conditions of confinement while ensuring security of the state's correctional institutions and contributing to the rehabilitation of offenders, and

WHEREAS, the Oklahoma Department of Corrections is extremely fortunate to have correctional officers who are conscientious, dedicated, and committed to performing their duties in a professional manner; and

WHEREAS, each year one correctional officer is selected as the outstanding officer for his facility as well as his division; and

WHEREAS, the Oklahoma Department of Corrections conducts a comprehensive interview process and selects an Agency Correctional Officer of the Year who exemplifies high standards and serves as a role model for others to follow in fulfilling the agency's mission of "Protecting the Public, the Employee and the Offender":

BE IT THEREFORE RESOLVED, that the Oklahoma Board of Corrections does hereby announce and proclaim to all, its recognition of **VIRGIL W. YOUNG**, Oklahoma State Penitentiary as the 2009 Agency Correctional Officer Supervisor of the Year.

ADOPTED this 15th day of April, 2010.

Mr. Thomas read the following resolution for the board's approval on Public Service Recognition.

WHEREAS, May 2-8, 2010, is **Public Service Recognition Week**; and

WHEREAS, the Oklahoma Department of Corrections has over 4,400 employees who dedicate themselves to providing countless hours of essential services to the citizens of the state of Oklahoma; and

WHEREAS, these employees provide these services with the highest degree of professionalism, proficiency, honor, and dedication and are committed to fulfilling the Department of Corrections mission of "Protecting the Public, the Employees, and the Offenders," 24 hours a day, 365 days a year; and

WHEREAS, this dedication and commitment to serve and the value of the services provided is worthy of the highest form of recognition and commendation:

BE IT THEREFORE RESOLVED, that the Oklahoma Board of Corrections does hereby announce and proclaim to all, its recognition of the employees of the Oklahoma Department of Corrections for the essential services they perform on a daily basis.

ADOPTED this 15th day of April 2010.

Vice Chairman Logan sought a motion to approve the Public Recognition resolution. Mr. Henneke made the motion with a second by Mr. Rainey. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; and Mr. Ware, absent.

11. APPROVAL OF BOARD RESOLUTIONS

- **National Volunteer Appreciation Week (April 18-24)**
- **National Teacher Appreciation Week (May 3-7)**
- **National Nurses Appreciation Week (May 6-12)**

Deputy Director of Treatment and Rehabilitative Services Kenny Holloway read the resolutions below for Volunteer Appreciation Week, Teacher Appreciation Week, and Nurses Appreciation Week.

There are individuals who donate their time to provide support and assistance to the agency. These individuals facilitate small work groups to improve parenting skills, finances, faith based programs, provide transportation and supervision so that offenders can attend the funeral of a loved one. They provide services that are critical and without them our tasks would be more difficult. Last month they donated 10,400 hours of service to the agency. The agency volunteer of the year this year was Barbara Green. Ms. Green served for 25 years at MBCC and passed away September 26, 2009.

National Volunteer Appreciation Week Resolution

WHERE AS, millions of volunteers work in their communities across our nation and throughout our state utilizing their time and their talents daily to make difference in the lives of others; and

WHERE AS, the Oklahoma Department of Corrections is privileged to have thousands of men and women who tirelessly give of themselves to provide much needed programmatic and occupational services in facilities, districts and units across the great state of Oklahoma; and

WHERE AS, these volunteers are dedicated to serving as positive role models for the offender population, leading offenders toward pro-social behavior while incarcerated, supporting offenders in reentry, and providing much needed resources that assist the Oklahoma Department of Corrections in fulfilling its mission in a professional manner; and

WHERE AS, April 18-25, 2010 is National Volunteer Week and a most appropriate time to recognize these volunteers for demonstrating, on a daily basis, the true spirit of giving;

BE IT THEREFORE RESOLVED that the Oklahoma Board of Corrections does hereby announce and proclaim to all its recognition and sincere appreciation of Oklahoma Department of Corrections volunteers and the invaluable services they provide.

ADOPTED this 15th day of April 2010.

Mr. Holloway also recognized Becky Baxter Crowell, Chair of the Oklahoma Corrections Advisory Council on Volunteer Services and Programs and acknowledged his appreciation for all the work she does.

The DOC under the umbrella of the Lake Side High School provides literacy, adult basic education, and GED preparation to our offender population. In 2009, the average grade level of offenders coming in for women was 6th grade, 2nd month; for men it was 5th grade, 9th month. Of the offenders received 4,576 reported they did not graduate from high school nor did they have their GED. Between 2005 and 2009, 5,211 offenders obtained the GED while incarcerated. In January there were 890 offenders in literacy classes, 856 in adult basic education, and 844 in GED classes. They also offer college courses and they had 629 offenders who enrolled in those courses. The offenders pay for those college courses themselves either through personal finances or grants. Educational staff consists of 71 full-time and 17 part-time instructors. Over 1,790 offenders are actively involved in educational programs. This year's educator of the year is Ida Doyle. She started out as a CO for 18 months before transferring in to the education unit.

National Teacher Appreciation Week

WHEREAS, the Department of Corrections employs 71 certified teachers and administrators across the state who work diligently to ensure that the educational needs of offenders are served; and

WHEREAS, these professional staff are called upon to provide educational services to a population with more concentrated special needs in a challenging population who have, for the most part, been unsuccessful in the public school setting; and

WHEREAS, the education staff must meet and maintain rigorous standards to remain accredited through three entities: State Department of Education, North Central Association Commission on Accreditation and School Improvement, and the American Correctional Association; and

WHEREAS, the knowledge and skills provided to offenders through the services of the correctional education unit consistently prove to be one of the main deterrents against offenders recidivating back into the system; and

WHEREAS, the provision of education by the teachers in corrections proves to be a cost savings to the State of Oklahoma each year through reduction in incarceration services; and

WHEREAS, National Teachers' Week will be celebrated from May 2-8, 2010, with May 4 known as National Teachers' Day, a day in which to "Thank a Teacher":

THEREFORE, BE IT RESOLVED, that we, the Oklahoma Board of Corrections, request that all Oklahomans join us in honoring the professionalism, commitment, and compassion of the education staff of the Oklahoma Department of Corrections.

BE IT FURTHER RESOLVED, that we, the Oklahoma Board of Corrections, affirm our appreciation for the accomplishments and efforts of our certified education staff to improve the academic achievements, job employability, and lives of the offenders under their care.

ADOPTED this 15th day of April 2010.

The Medical Services Unit provided medical care to over 18,000 offenders on a daily basis. During March medical staff responded to over 8,200 sick calls. They coordinated over 8,300 medical appointments in our local clinic. The back bone of the medical unit is the nursing staff, of which there are 85; 59 registered nurses, 15 patient care assistants, and 5 advanced nurse

practitioners. They have primary contact with the offender who is in need of medical care. Not only are they called upon to tend the sick and injured, but they are also called to serve the disadvantaged of our society. The nurse of the year is Darlene Lawrence from DCCC. Also in the audience is Alicia Poth, a registered nurse from HMCC.

National Nurses Appreciation Week Resolution

WHEREAS, the Department of Corrections employs 173 professional nurses across the state who work diligently, 365 days per year to provide nursing services to our offenders; and

WHEREAS, these dedicated staff are called on to provide nursing care to an underserved and challenging population, and respond to that vocation unselfishly; and

WHEREAS, the quality services provided by nurses continue to be a critical component of the Oklahoma Department of Corrections health care delivery system both now and in the future; and

WHEREAS, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing. This year's theme "***Caring Today for a Healthier Tomorrow***" is in celebration of the importance of nurses in the lives of all U.S. citizens:

THEREFORE, BE IT RESOLVED, that we, the Oklahoma Board of Corrections, request that all Oklahomans join us in honoring the strength, commitment, and compassion of the nursing staff of the Oklahoma Department of Corrections, and

BE IT FURTHER RESOLVED, that we, the Oklahoma Board of Corrections, affirm our appreciation for the accomplishments and efforts of our professional nursing staff to improve the lives and health of the offenders under their care.

ADOPTED this 15TH day of April 2010.

Vice Chairman Logan sought a motion to approve all three resolutions. Mr. Henneke made the motion with a second by Mr. Rainey. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; and Mr. Ware, absent.

12. OUTSTANDING ACHIEVEMENT PRESENTATION

- **Stormy Wilson**

Mr. McBee presented the outstanding achievement award to Stormy Wilson, in appreciation and recognition of his achievement as the longest tenured District Supervisor, serving a total of 20 years in this capacity and also for superior performance in running his unit to its fullest potential. His professionalism, loyalty and commitment throughout his 32 year career with corrections are commendable. Stormy Wilson received applause as he came forth to accept his award. Mr. Wilson thanked the board and for the opportunity to serve DOC. He looks forward to retirement and spending time with grandkids and teaching criminal justice courses. Director offered his personal appreciation for Mr. Wilson's service and wished him the best in his endeavors.

13. APPROVAL OF BOARD POLICIES

- **P-020100, Management of DOC Information**
- **P-040100, Security Standards for the ODOC**
- **P-010300, Mission and Organization of the ODOC**

Director Jones advised the above listed Board policies were up for annual review due to American Correctional Association Accreditation requirements. The policies were reviewed during a conference call with the Board's Executive Committee. There were no significant changes and he recommended approval of all three policies.

Mr. Henneke requested an amendment to the policy regarding security standards by adding an "f" under item I, to include that we are also in charge of the inventory control of pharmaceutical drugs and medications.

Vice Chairman Logan sought a motion to approve all three policies, with the amendment as proposed by Mr. Henneke. Mr. Henneke made the motion with a second by Mr. Rainey. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; and Mr. Ware, absent.

14. PROGRAM UPDATES

- Offender Programs

Programs Administrator Clint Castleberry provided an update on offender programs.

Your packet contains a handout that briefly provides updates on programs we have suffered reductions in or eliminations of. They are broken out by gender and also by funding source. Most of our treatment programs were funded by either DOC funds or competitive grants. Ten slots have been lost, of the 186 for substance abuse for females. That was due to reductions the Department of Mental Health had to make in their budget that impacts some of our programming. We have lost the Joseph Harp Correctional Center treatment program and the Davis Correctional Facility treatment program, which eliminates all medium security or higher substance abuse treatment for offenders in our system. The total loss is 305 male substance abuse treatment beds at all security levels. We have eliminated all institutional sex offender treatment. Those treatment staff were offered buy out packages and were lost in the first round of the RIF. Career Tech has moved some of their programs and staffing around either through closures or expansions. It reflects a loss of 91 beds but an expansion of 48; equaling a loss of 42 Career Tech slots in the system. We are down 21 teachers in Educational Services from last year. If certain types of teachers are lost it will impact accreditation, which can impact funding not only to DOC but also to the state. Students who are in class more than 12 hours are counted as the state's total of students in class, which impacts the State Department of Education's funding; in which we receive a percentage.

Mr. Henneke said he'd had several calls regarding the loss of the sex offender programs and is concerned about it. He asked if there was any feasibility of bringing back or reinstating any of these programs. Mr. Castleberry responded that it is difficult to find people who have the credentials and know how to work with that type of treatment and those type of people that want to work in a correctional environment. One of the continuous problems with that program was staffing levels and the small number of completions. Community Corrections has also lost their community based contracts for probationers. We have worked with Community Corrections to make application for grant funds through the SMART office that may allow us to institute some level of treatment for probationers again, but that is contingent on being successful allocating those funds.

Mr. Rainey asked the director if he could see a cause and effect relationship due to the loss of the educational and treatment programs. The director said the simple answer is yes; everything we do is evidence based and certainly the more you improve your education the likelihood of recidivism is

reduced. The same holds true with sex offender or drug treatment. The board has had presentations by Jim Austin and other experts talking about the paradox in Oklahoma that we have one of the nation's lowest recidivism rates. It is extremely low for female offenders. The board has been advised by Dr. Austin too that it's not necessarily a good thing. Oklahoma incarcerates a lot of people that wouldn't have recidivated anyway.

Mr. Castleberry also added that for the majority of these programs which have operated off an evidence based basis upon successful completion there is the awarding of achievement credits or for certain sentence types such as those that are balance suspended upon completion were able to get those folks out under supervision. As we continue to decrease the number of available program slots we will see a continual back up of those types of sentences that we have historically prioritized as well as being able to provide any type of population relief from those who are short on time where those achievement credits could send them home or out on supervision.

Mr. Henneke asked what we are doing with those that have a balanced suspended. Mr. Castleberry said for those who are sex offenders there has been information sent to the Administrative Office of the Courts advising them of the elimination of those programs. Mr. Holloway and Mr. Oakley are composing a letter that will go out to each of those individual offenders who are past a 365 day judicial review where the courts could modify the sentence. Mr. Holloway reported there are about 82 offenders that had balance suspended upon completion of sex offender programming. Mr. Oakley will provide notification back to the courts that we are not able to meet the request of sex offender treatment. Each year we discharge an average of 550 sex offenders. In FY 08, 12 completed sex offender treatment. Last year 13 completed. We lost 300 treatment beds for drug and alcohol treatment. Sixty percent of our offenders with an identified need for drug and alcohol treatment discharge every year because we can't get those folks in. We've had to balance where we need to put our resources. Unfortunately this is one of the difficult decisions we've had to make. Our Mental Health unit is working to reformat our phase one sex offender treatment into a psych educational model that aims toward getting the offender thinking about their behavior and get them acclimated to what community based sex offender treatment will be. We do have lots of valuable community partners that will provide sex offender treatment.

Mr. Castleberry provided the Pardon and Parole Board an update last month regarding stipulations on programs no longer available. He continued that the letter that went to the Administrative Office of the Courts also went to the DAC. Mr. Henneke expressed his doubt that the DA's in his county were aware of this situation and suggested it would be beneficial to send the letter to all DA's.

Mr. Rainey asked if the courts were receptive and compliant with the lack of the existence of these programs and eliminating stipulations. Mr. Holloway gave the example of a judge in Grant County who made note in his sentencing of a sex offender that he was aware the DOC treatment program was no longer available and that this offender would be responsible for obtaining treatment once he discharges his 2 year sentence. Mr. Castleberry said information was also sent to the Assessment and Reception Center so any individuals that receive sentences with stipulations are identified so DOC can communicate with the courts to let them know that we no longer have the means to satisfy certain programmatic stipulations.

Vice Chairman Logan recognized Senator Connie Johnson and asked her to come forward to address the Board. Senator Johnson indicated she had nothing good to report. There are no thoughts about reviewing how we incarcerate non violent offenders as a way of saving money. It is a perspective they have push since the beginning of the session but it has fallen on deaf ears. She shared the proposal they put out early on, which was referred to the Senate Subcommittee on Public Health and Safety chaired by Senator Sykes. None of them got a hearing. The concepts weren't even considered. At that point they pulled together like minded legislators and had a few conversations about criminal justice reform, with a long range view of establishing a criminal justice reform caucus. This will change at this the end of this

session. A lot of people will be going out of office who will not be coming back so there will be a new flock of people to educate. Hopefully they will have received a mandate by the voters to do some things differently. We are committed to continuing this battle of criminal justice reform. She plans to meet with Rex Duncan which is where the expungement bill was held up. Representative Steele's bill HB 2998 is very positive and would create a diversion program for women offenders to be housed with their children. This is a challenge grant from Kaiser Foundation which started out at \$500,000 and now it's \$750,000 and she understands conversations are going on with the Inasmuch Foundation to challenge them to match that. That challenge grant is before the state in terms of \$500,000 appropriation, which would end up being \$1.25 M. It's a step in the right direction. She is glad to be a torch bearer for the concepts.

Mr. Henneke thanked her for being an advocate of the board, offenders, and the agency. It is frustrating when it doesn't seem that leadership cares about our situation. Senator Johnson regrets that the attitudes are so stringent now as to be closed to any viable options. Mr. Henneke noted that the board has been critical of the legislature but asked that Senator Johnson understand the board was not directing that at her. She has done many things to help DOC.

15. COMMITTEE REPORTS

The following committee reports were provided.

- Budget – Chair David Henneke, Members Jerry Smith and Robert Rainey (**No report**).
- Female Offender – Chair Ted Logan, Members Linda Neal and Jerry Smith (**No report**).
- Legislative – Chair David Henneke, Members Robert Rainey and Matthew McBee (**Mr. Henneke reported none of the board's bills got heard so there was nothing to report**).
- Population/Private Prisons – Chair Matthew McBee, Members Linda Neal and Jerry Smith (**No report**).
- Public Affairs/State Boards Interface – Chair Robert Rainey, Members Linda Neal and Matthew McBee (**Mr. Rainey didn't have a report but did say they had lunch today with officials from OPEA**).
- Executive – Chair Earnest Ware, Members Ted Logan and David Henneke (**Mr. Logan reported the committee met and minutes are contained in the BOC packets**).

16. NEW BUSINESS (“ANY MATTER NOT KNOWN ABOUT OR WHICH COULD NOT HAVE BEEN REASONABLY FORSEEN PRIOR TO THE TIME OF POSTING.” 25 O.S. § 311)

Mr. McBee reported with regret that Senator Smith had resigned from the BOC. With the loss of Senator Smith, DOC has lost their greatest ally in the legislature. Health issues have kept him from being able to travel and attend meetings and meet with legislators to let them know our issues and how serious they are. He had access that nobody else on the board has. He will be missed by the board and wish him the very best of health.

17. ANNOUNCEMENTS

None

18. ADJOURNMENT

Vice Chairman Logan sought a motion to adjourn. Mr. Henneke made the motion with a second by Mr. Rainey. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; and Mr. Ware, absent.

Meeting adjourned at 2:40 pm.

I hereby certify that these minutes were duly approved by the Board on this 14th day of May, 2010, in which a quorum was present and voting.

Approved by:

Secretary of the Board

Date: May 14, 2010

Submitted by: _____
Minutes Clerk