

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Location: Department of Corrections
North Conference Room
Oklahoma City, Oklahoma
Date/Time: Thursday, July 10, 2008 – 1:00 p.m.

1. OPENING AND ROLL CALL

Chairman Earnest Ware of the Oklahoma Board of Corrections called the July 10, 2008, 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
Robert Rainey	Jerry Smith	Earnest Ware

Absent: Ernest Godlove

2. APPROVAL OF JUNE 13, 2008, BOARD MEETING MINUTES

Chairman Ware sought a motion for approval of the June 13, 2008, Board meeting minutes. Mr. Logan made the motion with a second by Mr. Henneke. Results of roll call: Mr. Godlove, absent; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, yes.

3. OLD BUSINESS

None

4. DIRECTOR'S COMMENTS

Director recognized Tulsa World reporter Angel Riggs for attending and covering the Board meetings over the past. Ms. Riggs is retiring to go into the academic world and director wanted to wish her the best. He also recognized district supervisors and probation and parole officers who were in the audience because of the upcoming National Probation and Parole Officer's Week. Director provided the following update.

- Oklahoma is hosting the Southern Legislative Conference. Director along with other staff members will be presenting to legislators from the southern states on correctional issues.
- On July 7, 2008, the department received notice of a 2009 award of \$370,710 under the Department of Education, Office of Vocational and Adult Education Grants to states for Workforce and Community Transition Training for Incarcerated Youth Offenders.
- The Suicide Prevention Process Action Team met at Joseph Harp Correctional Center (JHCC). Members presented data gathered thus far to the team. Team members also had the opportunity to tour JHCC. The next meeting will be held at Mabel Bassett Correctional Center. Members will continue to present their findings and, using this information, will begin to develop action items/recommendations.
- The John Lilley Correctional Center SAT program began assessing offenders for the program on June 30, 2008.

- Staff was hired for the expansion of the Faith and Character Community Program at Dick Conner Correctional Center (DCCC). The selection process for offender participants is near completion and some program participants have begun moving onto the unit.
- The security work crew at Howard McLeod Correctional Center harvested 58,750 pounds of onions, 4,700 pounds of potatoes, 2,975 pounds of squash and 1,400 pounds of corn, for a total cost savings of \$98,002.83.
- JHCC held the Prisoners Run Against Child Abuse on May 24. Participant offenders raised \$3,068 for McClain/Grady County Youth and Family Center in Purcell and Center for Children and Family in Norman.
- JHCC also raised \$500 to send children to the J.H. Bowman III Annual Youth Retreat. DCCC raised over \$600.00, along with grocery donations from a community store. Hillside Community Corrections Center donated over \$800. Donations are still coming. Director expressed his appreciation for everyone's support.
- On June 20, 2008, the NABVETS granted its first chapter in a women's facility to Mabel Bassett Correctional Center. Ted Logan, Clint Johnson, and Reverend James Greenwood presented the chapter to Warden Newton-Embry and offender Nicole Cooks, Chapter President.
- Oklahoma State Penitentiary held its first execution since the Supreme Court made their ruling; the execution was conducted on June 17 without incident. The next scheduled execution is scheduled for July 22.
- Oklahoma State Reformatory had its first graduation of the Faith and Character Community Program on June 12. Sixty offenders graduated from the program. The facility also hosted the 16th Annual CARE Golf Classic on June 13, at Coffee Creek Golf Course in Edmond.
- The Agri-Services unit is preparing for the recently-approved goat operation. Fencing and pens are constructed and are ready for the first herd of 35 female goats. Agri-Services will work closely with Langston University as they move forward with this project.
- Vermont and Colorado returned their inmates to their sending states, leaving the number of vacant beds at North Correctional Facility as of July 1, 2008, at 624.

5. BUDGET UPDATE

Chief Financial Officer Jim Harris provided the following budget update. FY 2008 ended on June 30. The trending report in the Board packets was based upon end of May expenditure trends. The department will finish the fiscal year with sufficient resources to pay claims due this year. Actual close out of this fiscal year will not be until November 15. Right now it is too early to tell what resources we will carry over to FY 2009. The 2009 Budget Work Program (BWP) will be filed with the Office of State Finance next week. It will be a balanced BWP and will not identify a supplemental funding need. The BWP is around \$565,117,694, of which 503M is appropriated resources. This represents a reduction of approximately 7.8M less than our FY 2008 ending BWP and about 9.1M less in appropriated resources from last year. The FY 2009 budget supports an 81% authorized funded level of 4,774.6 FTE. This is a budgeted FTE reduction of 59 FTE compared to last year. We'll have 1,120 authorized but unfunded positions. Correctional Officer Incentive Bonus is part of the BWP. FY 2009 cost of this program was budgeted at 1.3 M. The department's 17 prisons will receive a 5% increase to offset higher energy and food costs. This was funded by reallocation of division level resources that were used last year to address infrastructure needs.

Contact beds are funded at last year's cost of 116.9M. No per diem increase or bed contract cost growth is anticipated.

Medical Services received a 1.3M increase for county jail medical cost increases, identified in HB 3336. Outside medical care budget was reduced by 1M, in anticipation of additional savings associated with the 2007 legislation that changed outside medical care billing in SB523.

The director's contingency budget was reduced 1M thereby reducing his ability to fund unbudgeted emergency department needs. FY 2009 will be a tight year. Monitoring expenditure trending in all areas will be extremely important. As the year progresses Mr. Harris will keep the Board posted on the trends.

Mr. Henneke inquired about the reasoning for budgeting 59 less FTE. Mr. Harris responded that it was a decision made with director's concurrence as a way to fund the operating needs that we have. This budget is less than what we ended the year with in total dollars and less than what we ended the year with in appropriated dollars. We had to come up with some savings because costs are increasing and the ability to reduce operating budgets is very limited. It represents about where we ended the fiscal year with in field staff. We are not cutting staff nor do we anticipate that at this time. Last year we were trending a payroll surplus all year because we weren't filling positions at the level budgeted. This year we are starting the fiscal year slightly above our actual budgeted levels. If we have any shortfall this year, our ability to look towards payroll to help meet that need will not be there.

6. POPULATION UPDATE

In Ken Klingler's absence, Executive Assistant Neville Massie provided the Population update as of July 7, 2008. Total System Inmate Population = 25,138; Total Incarcerated Population = 24,315; DOC Facility Population = 17,847; Private Prison Population = 4,498; Total System Population = 56,189; County Jails with Contracts = 694; County Jail Backup = 1,323; Halfway House Population = 1,276; Probation = 27,303; and Parole = 3,748. Paroles for the week of July 3 were 104 which significantly impacted the declining numbers throughout the system.

Mr. McBee commented that although the population numbers are down, the county jail back up more than makes up for that decline.

7. APPROVAL OF FACILITY CAPACITY CHANGE

- **Clara Waters Community Corrections Center**
- **Lawton Community Corrections Center**

Ms. Massie requested approval for two separate capacity changes. The first request is for Clara Waters Community Corrections Center (CWCCC), which has been closed for several years due to a tornado. They are requesting to begin phasing in beds while construction continues. This initial request is for 80 beds, which is a single housing unit and the number represents the construction crew as well as food service. The second request is for the Lawton Community Corrections Center and they are requesting an increase in their capacity from 107 to 115. The facility has moved its administration staff into an onsite trailer and is in the process of converting the administrative area into housing. This initial increase of 8 is the construction crew. When they are finished with the construction, the facility will be requesting an additional increase, which will bring their total to about 50 more than its existing capacity.

Mr. Henneke asked what the maximum capacity of CWCCC will be and when construction is expected to be finished. Director replied the capacity would be 292 once completed. As each housing unit gets completed they will continue to increase population. It is expected the facility will be at total capacity by mid to late fall.

Chairman Ware entertained a motion to approve the capacity changes for both facilities. Mr. Henneke made the motion followed with a second by Mr. Rainey. Results of roll call: Mr. Godlove, absent; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, yes.

8. ENDORSEMENT OF OKLAHOMA CORRECTIONAL EMPLOYEES MEMORIAL FOUNDATION (OCEMF)

Chairman Ware noted that this item was placed on the agenda so the Board could formally endorse the project. He pointed out a poster on display depicting what the memorial would look like and indicated there was a presentation made at the last meeting. Mr. Rainey asked if they were endorsing the Foundation or the Foundation's proposed memorial or both. Director Jones said in the discussion at the last meeting, the Board wanted at that time to endorse the project and Foundation and it was requested by the Board that it be put on the next agenda to formally vote on.

Chairman Ware entertained a motion to endorse the Foundation and the memorial project. Mr. Henneke made the motion followed with a second by Mr. Rainey. Results of roll call: Mr. Godlove, absent Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, yes.

9. APPROVAL OF RESOLUTION

- **2007 Probation & Parole Officer of the Year – Nicole Haws, Southwest District Community Corrections**

Deputy Director Reginald Hines requested to read the following resolution honoring 2007 Agency Probation and Parole Officer of the Year, Nicole Haws. Before reading the resolution, Mr. Hines introduced the following officers who had been selected at the district level as their Probation and Parole Officers of the Year: Julie Free, Tulsa County District, Michael Jones, Southeast District Community Corrections; Eric McAffrey, Northeast District Community Corrections; Sheri Johnson, Northwest District Community Corrections; and Micheal Fenner, Central District.

WHEREAS, the Oklahoma Department of Corrections is privileged to have a group of men and women who are trained professionals and who serve valiantly to ensure supervision and accountability of probation and parole offenders in communities across the state of Oklahoma; and

WHEREAS, the Oklahoma Department of Corrections is fortunate to have nearly 300 probation and parole officers who are dedicated and committed to carrying out the agency's mission in a professional manner; and

WHEREAS, each year one probation and parole officer is selected as the outstanding officer for his or her district; and

WHEREAS, the district officers are interviewed and the Oklahoma Department of Corrections selects an Agency Probation and Parole Officer of the Year who exemplifies the highest standards of professionalism in "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 NICOLE S. HAWS, Probation and Parole Officer III, Southwest District Community Corrections, as the 2007 Agency Probation and Parole Officer of the Year.

ADOPTED this 13th day of July 2008.

Ms. Haws approached the podium and thanked the Board for the honor and said it is a privilege to represent this agency and she looked forward to a very long career with the department.

Chairman Ware sought a motion to approve the resolution for the Agency 2007 Probation and Parole Officer of the Year. Mr. Henneke made the motion followed with a second by Mr. Smith. Results of roll call: Mr. Godlove, absent; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, yes.

10. CONFIRMATION/APPROVAL OF APPOINTMENT

- **Leroy Young, District Supervisor,
Clara Waters Community Corrections Center (CWCCC)**

Mr. Hines presented Leroy Young for confirmation as district supervisor for the North District. Mr. Young started his career in 1974 as probation and parole officer. He has also held positions as assistant district supervisor, district supervisor, deputy director, superintendent, warden, and is presently serving as administrative coordinator at OCI.

Chairman Ware entertained a motion to approve the appointment of Leroy Young as CWCCC's District Supervisor. Mr. Henneke made the motion followed with a second by Mr. Logan. Results of roll call: Mr. Godlove, absent; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, yes.

Mr. Young thanked the Board and Mr. Hines for the opportunity to be of service to the department. He loves the agency and will do a good job. He was presented with a confirmation certificate.

11. APPROVAL OF CONTRACTS FOR CORRECTIONAL SERVICES

- **GEO Group, Inc. – Revisions to Five Year Contract**
-Lawton Correctional Facility, Lawton, OK
- **Corrections Corporation of America – One Year Contract
Renewal of Existing Contract**
-Cimarron Correctional Facility, Cushing, OK
-Davis Correctional Facility, Holdenville, OK

General Counsel Mike Oakley reported that revisions for the GEO contract, which was approved last month, consisted of simply typographical errors/statutory citation corrections and asked for the Board's approval of the revisions. Mr. McBee stated that this had been reviewed by the Private Prison Committee and they were in agreement to approve.

Mr. Rainey asked if the recommendations by the MGT auditors on private prisons had been considered. Mr. Oakley assured him they had been. The GEO contract no longer has the termination for convenience clause; there was a simplification in the liquidated damages section; and a clarification in the purchase clause. Director Jones stated that the legislative requirements that the MGT audit recommended on the way that we change our contracting, etc. were not enacted by the legislators, so those recommendations of the MGT audit were not enacted, but the agency did the things it could do.

Chairman Ware sought a motion for approval of the revisions to the GEO contract. Mr. McBee made the motion with a second by Mr. Henneke. Results of roll call: Mr. Godlove, absent; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, yes.

Mr. Oakley presented the Corrections Corporation of America contract for a one year renewal, the final year of the contract. It was extended at last month's meeting for 30 days. The terms will remain the same this next year, although there was an addition of \$65 for maximum security beds if the department chooses to occupy them.

Chairman Ware sought a motion for approval to renew the CCA contract for the last year of their contract. Mr. Henneke made the motion with a second by Mr. McBee. Results of roll call: Mr. Godlove, absent; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, yes.

12. PROGRAM UPDATE

Debbie Burchfield, Clinical Coordinator of the Female Offender Mental Health Services unit provided the following update. She described the process females go through from assessment to discharge. Initial screenings are administered at Mable Bassett A&R to include mental health history, treatment history, medical issues, etc. IQ tests are administered as a general measure of their level of function, and certain individuals are identified with a need for further assessment and are interviewed by the clinician. Each offender is assessed a mental health level. There are 5 levels of mental health classification. Mental Health (MH) A through D represents approximately 73.4% of the female population who has a history and/or is currently receiving mental health services. The handout provides the levels of mental health and the number of offenders classified in these levels at each facility. MH-A is one who has had mental health treatment in the past. MH-B are those who have a current mental health prognosis and are receiving medication and services. MH-C1 are those with a several diagnosis and may be placed in special housing. MH-C2 are those with cognitive impairments, mildly retarded, or some dementia, etc. and need special housing. MH-D require 24 hour medical monitoring due to suicide watch or because they are a danger to themselves or others. When an offender arrives they are given an intake interview. If they have mental health history they are assigned to groups and seen by a psychiatric provider as needed. The last page of the handout lists services they provide. Their priority is crisis prevention. They have a social services specialist at MBCC whose primary function is to do discharge planning for mental health offenders. They also work in cooperation with the Department of Mental Health and Substance Abuse Services in finding appropriate housing, and follow up medical and mental health care for discharging offenders. During the offender's incarceration and discharge planning they try to address offender needs unique to females.

Chairman Ware asked what the highest level of classification would be to be eligible for halfway house. She indicated that a MH-B2 or MH-C, which is not in the handout, require individual approval from the mental health clinician to go to lower security. Mr. Henneke asked if it would be possible to recommend medical parole for those with a MH-C2 or MH-D level. She was not aware of a medical parole being done on anyone for mental health reasons. Mr. Henneke expressed that DOC was not the proper place to house these women and that there wasn't much we could do for these ladies except keep them from hurting themselves or others. Dr. Burchfield said her personal goal was to send people out better off than when they came in. Chairman Ware asked what we do with MH-D level offenders who flat time. Dr. Burchfield clarified that MH-D offender don't normally stay that way for long and go back to MH-C2 once they have gotten off of level D. Chairman Ware posed the same question with a MH-C2 offender. Dr. Burchfield said they work with them on placement and try to find appropriate services for them, which is difficult. This is an area of need. Many of our female offenders have already been in the mental health system. Mr. Logan asked Dr. Burchfield if she was satisfied with their success rate. She said they do a good job but there is always room for improvement and more needs exist than what they can fill. Director Jones asked if MH-B includes the whole gambit of psychotropic medications and antidepressants, etc. The answer was yes; almost 50% of all our females incarcerated are on psychotropic medications.

13. COMMITTEE REPORTS

Before asking about committee reports, Chairman Ware presented a plaque to Mr. Henneke recognizing his commitment and service as former Chairman of the BOC.

The following committee reports were provided:

Budget – Robert Rainey: No report.

Female Offender – Ted Logan: No report.

Legislative – Earnest Ware: Ms. Massie reported the House announced their interim studies but the Senate had not yet announced theirs. Recidivism of Inmates Task Force and Prisoner Education have both been approved and assigned to the Judiciary Committee. Studies on CareerTech, Drop Out and Youthful Offenders and Impact/Cost Implications of State Employee Turnover have not been scheduled but normally are conducted in the Fall.

Population/Private Prison – Matthew McBee: No report.

Public Affairs/State Boards Interface – Ernest Godlove: Did not meet.

Executive – David Henneke: Met via conference call and had nothing to add.

14. ANNOUNCEMENT OF NEW COMMITTEE ASSIGNMENTS

Chairman Ware announced the following committee assignments effective July 1 – June 30:

Executive Committee – *Ware, Logan and Henneke

Budget Committee – *Smith, Rainey and Godlove

Legislative Committee – *McBee, Ware and Smith

Population/Private Prison Committee – *Henneke, Godlove and Rainey

Public Affairs/State Boards Interface Committee – *Rainey, McBee and Godlove

Female Offender Committee – *Logan, McBee and Smith

*Denotes the chair of the committee.

15. A. CONSIDERATION OF MOTION TO ADJOURN TO EXECUTIVE SESSION PURSUANT TO “TITLE 25, 307.B” FOR THE FOLLOWING REASONS:

- 1) Discussion of employment, hiring, appointment, promotion, salary, demotion, discipline or resignation of any individual salaried public officer or employee.*
- 2) Confidential communication between a public body and its attorney concerning a pending investigation, or an action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public.*

B. Adjourn to Executive Session

C. Return from Executive Session

D. Announcement by the Chair as to the necessity of any Board action, if necessary, as a result of the Executive Session.

E. Vote, if necessary.

General Counsel Mike Oakley stated it was the advice of Counsel to adjourn to Executive Session.

Chairman Ware called for a motion to adjourn. Mr. McBee made the motion, seconded by Mr. Smith. Results of roll call: Mr. Godlove, absent; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, yes. The Board entered Executive Session at 2:05 p.m.

The Board returned from Executive Session at 3:20 p.m. Chairman Ware called for a motion to return from Executive Session. Mr. Henneke made the motion followed by a second from Mr. Logan. Results of roll call: Mr. Godlove, absent; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, yes.

Chairman Ware reported that there was nothing to vote on as a result of what took place during Executive Session.

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)

None

17. ANNOUNCEMENTS

None

18. ADJOURNMENT

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

Meeting adjourned at 3:25 pm.

I hereby certify that these minutes were duly approved by the Board on this 12th day of September, 2008, in which a quorum was present and voting.

Approved by:

Secretary of the Board

Date: September 12, 2008

Submitted by: _____
Minutes Clerk