

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Location: Autry Technology Center
(Northwest District Community Corrections Host)
1201 West Willow
Enid, Oklahoma
Date/Time: Friday, June 18, 2010 – 1:00 p.m.

1. OPENING AND ROLL CALL

Chairman Ware of the Oklahoma Board of Corrections called the June 18, 2010, meeting to order at 1:04 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	Linda Neal
Robert Rainey	Earnest Ware	Gerald Wright

Absent: Matthew McBee

2. WELCOME/REMARKS

District Supervisor Mike Carr expressed his thanks to the Autry Technology Center staff for the use of the facility.

District Supervisor Carr also recognized Karen Martin, Director of Student Services for her work with the Woodring Airport Offender Welding Program. Ms. Martin was also recognized as an active member of the NWDC Advisory Committee. Ms. Martin welcomed the BOC members and Director Jones.

District Supervisor Carr stated that the Autry Technology Center is rated #2 in the State of Oklahoma. Tulsa is #1 and Oklahoma City is #3 in the state.

District Supervisor Carr introduced additional members of the NWDC Advisory Committee.

Mr. Allan McCobb, Executive Director United Way, Retired, commented on the efforts being made by the Enid community to support Community Corrections' goals.

District Supervisor Carr introduced other Advisory Board Members present to include:

Melissa McGamm, Department of Human Services
Sandy Howard, Our Daily Bread
Rebecca Livesay, Director, Associated Therapeutic Services (ATP)

District Supervisor Carr went on to recognize Ms. Livesay for her work on writing two grants which target a partnership with the Hope Outreach Faith Farm and the expansion of programming at the Woodring Airport Welding Program.

District Supervisor Carr discussed cost saving measures to include the following:

- Mangum Community Work Center relocation and capacity increase from 51 to 93 beds. The Mangum CWC stand alone kitchen will come on board in a few weeks.

- El Reno sub office relocation is complete. The new office is located on the grounds of Union City Community Corrections Center.
- Reduced food cost at Hollis Community Work Center by 50%.
- NWDCC continues to expand numbers of work release beds... total 240 + in the district.
- Plans are in place to combine lease space for District Office and Enid Probation & Parole sub office.
- Expansion of facility gardens/produce.

District Supervisor Carr closed by commenting on the following district programs.

Elk City CWC – RSAT

Enid CCC – DUI Treatment Program

Union City CCC – Transition Program

3. OLD BUSINESS

None

4. APPROVAL OF MAY 14, 2010, BOARD MEETING MINUTES

Chairman Ware sought a motion for approval of the May 14, 2010, Board meeting minutes. Mr. Henneke made the motion with a second by Mr. Rainey. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, absent; Ms. Neal, yes; Mr. Rainey, yes; Mr. Ware, yes; and Mr. Wright, yes.

5. DIRECTOR'S COMMENTS

Director Jones provided the following update/comments:

- He expressed his appreciation to Mr. Carr for his hospitality and dedication to the agency.
- Office renovation was completed in May at the new training academy next door at the Department of Public Safety. Accolades go to Jerry Mayfield and Reginald Hines for providing the staff and inmates to renovate that facility. Director encouraged board members to drop by. The first 4-week cadet class started on May 17.
- Joseph Harp Correctional Center's CERT members participated in the opening ceremonies for the Special Olympics Summer Games on May 12.
- In May the Howard McLeod Correctional Center garden crew harvested 1,550 pounds of carrots, 750 pounds of cabbage, 12,865 pounds of greens and 19,190 pounds of turnips. The majority of the produce was given to other facilities and the balance was used in the HMCC food service.
- The Dick Conner Correctional Center PIE program began constructing oilfield skids, storm shelter doors, and storm shelter ladders. The customer has advised they will order 65 additional skids during the upcoming fiscal year.
- A notice was received from the District Attorneys Council that the DOC was awarded a \$275,000 renewal for 2010 for the 2009 Recovery Act JAG Grant.
- The 2009 DOC Yearbook was completed and will be posted on our website. This is a way to preserve our history.
- The Intelligence unit has currently validated 1,537 offenders as being associated with various security threat groups. The unit was asked and performed DOC Gang training for the First Judicial District. Law enforcement in attendance was from Cimarron, Texas, Beaver and Harper Counties. The Intelligence Unit will complete a presentation at the Warden's meeting in June and is scheduled to conduct a class at the United States Deputy Warden's Association in August.

- Oklahoma is one of five states to participate in the National Governor's Association Center for Best Practices Cross Governmental Sentencing and Corrections, June 24-25, Annapolis, Maryland. The team including Director Jones consists of: Representative Kris Steele, Speaker Pro Tempore; Senator Patrick Anderson, chair of the Senate Judiciary Committee; Trent Baggett, Acting Director of District Attorneys Training Council; Arlene Johnson, Vice Presiding Judge of the Oklahoma Court of Criminal Appeals; Oklahoma County District Judge Tammy Bass-LeSure; and Dr. Michael Connelly.
- Per state statute (Title 74 (O.S. 74 § 85.7 (4)), Director approved an emergency for Joseph Harp Correctional Center when they suffered a power outage during a storm, which required the use of the facility's main backup generator. The generator dates back to the 1970's and serves as the main backup unit supplying power to the entire facility. The generator failed and became inoperable. The approximate cost to fix the generator was \$60,000. It was determined it was in the best interest of the state to purchase a new one. DOC is doing all of the installations. We are also in the process of having to replace another generator at JHCC at a cost of \$76,000; all due to storms which occurred in May.
- We had over \$600,000 in damages in the Oklahoma City area from the May 16 hail storm that included damage to vehicles, roofs, and heat/air units.
- Director reviewed a PowerPoint presentation explaining what the 2011 budget will look like and why we are running out of options.

6. APPROVAL OF RESOLUTION OF CONDOLENCE

- **Family of Charles Henry Ivery, former Council Member,
Mabel Bassett Correctional Center**

Warden Newton-Embry addressed the board to request approval of a resolution of condolence to the family of Charles Henry Ivery. Mr. Ivery was on the Citizens Advisory Board and a volunteer at Mabel Bassett. In 2007 he and his wife founded the Exodus Foundation in OKC and through that provided housing, transportation, referrals, medical assistance, etc. to discharging offenders. Mr. Ivery was incarcerated in his earlier years but he learned through that experience and changed his life and felt that by giving others a second chance that he could provide opportunities for other offenders to change. He spent time in the Oval Office with President Gerald Ford and was very proud of that. Mrs. Ivery had conveyed to Warden Embry that he was very passionate about what he did. Because of Mr. Ivery's efforts to MBCC and countless other offenders across the state she requested approval of the resolution.

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

Mr. Henneke asked if the resolution was going to be presented to the family. Warden Embry indicated that his wife had moved back to Illinois but they spoke last night and said she was sorry she couldn't be here but did appreciate the board's condolences.

Director mentioned that Mr. Ivery had spoken to the board on more than one occasion. He was dedicated to providing transitional living.

7. 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 May 2010. The agency has a \$300,000 surplus for this fiscal year, which is a difference of \$5.6M compared to April. DOC is showing

a surplus of \$2.8M in payroll. Contract beds are running a deficit of \$2.6M, while Medical is showing a surplus of \$106,085.

8. POPULATION REPORT

Chief of Operational Services Ken Klingler provided the Population update as of June 1, 2010. Total System Inmate Population = 25,846; Total Incarcerated Population = 24,769; DOC Facility Population = 18,211; Private Prison Population = 4,704; Total System Population = 53,754; County Jails with Contracts = 506; County Jail Backup = 1,476; Halfway House Population = 1,348; Probation = 24,346; and Parole = 3,562.

Mr. Henneke asked how many beds are currently available. Mr. Klinger responded that DOC was currently over on minimum beds.

9. LEGISLATIVE UPDATE

Neville Massie provided the following legislative update.

A copy of monitored bills has been provided in the board's packets.

- HB 2746 eliminates the provision that individuals convicted of Delivering of CDS have their driver's license revoked even if the offense did not involve a motor vehicle. This becomes effective November 1, 2010.
- HB 2363 provides for a VOBO for state employees with benefits identical to our earlier agency VOBO; 18 months health insurance, \$5,000 payment and next full longevity check. Unlike our previous VOBO, the number of agency FTE must be reduced by the number accepting the VOBO for 3 years rather than 1 year. Approximately \$22 million has been placed in OSF to reimburse agencies for these payments. Agencies however must pay the annual leave for these retiring employees and do not get this reimbursed. We have submitted 116 requests for reimbursement to OSF.
- HB 2998 is effective November 1, 2010, and implements pilot programs for diversion and reentry for non violent offenders who are primary care givers for minor children. These programs shall consist of private donations and state funds. This is the bill supported by the Kaiser Foundation which currently funds the Women in Recovery Diversion Program in Tulsa.
- Several bills impacting sex offenders have also been signed into law. HB 2934 requires sex offender registrants to provide email information and directs DOC to release this upon request of an Internet entity. This is effective November 1, 2010.
- HB 2968 directs sex offender registrants to provide mapable address and zip code. It also expands the exclusionary boundaries for residence to include 2000 foot radius if property or campsite used by an organization whose primary purpose is working with children. Effective November 1, 2010.
- SB 2064 expands the zone of safety for sex offenders around schools, child care centers, playgrounds and parks from 300 to 500 feet. It also requires a sex offender to inform a school or child care center of the times he shall be at the facility for an event, etc. effective April 19, 2010.
- SB 1580 delays the agency contribution increase to OPERS. Current contribution is 15.5% of monthly compensation. It was scheduled to increase to 16.5% on July 1, 2010, this bill delays the increase to July 1, 2011. This is an approximate savings of \$1.8 million for DOC. Effective September 1, 2010.
- SB 2231 requires sex offenders to provide a physical address, not a Post Office Box. This is also effective November 1, 2010.
- HB 3052 provides for two holidays for Christmas for state employees.

- SB2259 requires that the department post on its website a report on the number of offenders released each year by facility and how many are on work release and how many are exiting with less than 180 days at a HWH.

The Governor also vetoed the following bills that impact our agency.

- HB 2266 includes language about execution drugs, removes reference to named drugs. It allows DOC the flexibility to substitute a newer age drug for an older drug. It also protects the confidentiality of the identity of persons participating in the execution process.
- HB 2370 limits the number of authorized FTE for agencies; for DOC the new authorized number is 5528.6, a reduction of 366 from our previous authorized maximum. Our current filled FTE total is 4362.6.
- SB 2052 is a comprehensive bill that merges OSEEGIB and EBC, creating the OK Health and Wellness Board with two divisions, Health Choice Benefits Division and Employee Benefits Division. It specifies the board choose 1 HMO to provide coverage to state employees. Employees hired after November 1, 2010, are not authorized to receive excess benefit allowance as income; it must be placed in a HSA or FSA.

Our initial 6 agency initiatives were originally placed in two bills. All of these were placed in a single conference committee substitute bill during the last week of session. This bill failed to be heard on the last day of session and will have to be resubmitted next session.

The House deadline for requesting interim studies was June 4, 2010, with approval due June 25, 2010. Eighty requests were submitted with several related to DOC:

- 10-015 Allowing DOC inmates to appear at certain hearings in district court via video (Representative Sherrer)
- 10-049 Children of Incarcerated Parents in Oklahoma (Representatives McDaniel & Shumate)
- 10-077 Drug use, prisons & rehab (Representative Ownbey)
- 10-108 Study the costs and needs of providing legal staffing for state agencies (Representative McCullough)

The Senate normally has fewer interim studies requested and this information should be available in late July.

Mr. Henneke thanked Ms. Massie and the Director for their efforts at the Capitol. This has been the most frustrating session he has seen. Ms. Massie said that each session is a challenge but that despite the lack of success, she feels good about the relationships she has made.

Mr. Ware inquired about the estimated cost of the Interim studies. Ms. Massie said they are paid per diem, but she's not ever heard of a figure. Director said in the 5 years he's been in office, we've had 9 interim studies, a million dollar audit and a ½ million A&E study. He does not know what the individual House and Senate cost would be.

10. PROGRAMS OVERVIEW

- **Northwest District Community Corrections (NWDCC)**

Assistant District Supervisor John Lipsey presented the following NWDCC program overview.

Enid CCC was established in 1973 and is a 99 count adult male facility. They are the host facility for 5 community work centers and Bridgeway Halfway House. Current count including all their facilities is 566. The Enid facility has 7 PPWP programs and 2 DOT crews. In January 2010, they received their 4th consecutive 100% for mandatory and non mandatory ACA standards in accreditation. They are currently operating with the following programs: GED and ABE, Thinking of a Change, Welding program with Autry Vo-Tech. Since partnering with the Autry Technology Center in 2007, 57 offenders have graduated the welding program. He provide the eligibility criteria for the program and noted the program consists of 600 hours of construction and application and upon completion the offender has obtained his 3rd, 4th, and 6th G welding certificates. Enid also has the DUI program. It is a partnership with a private provider, funded through the Department of Mental Health. In February 2010, programs were notified they would take a cut to get through the fiscal year. They went from running 4-5 classes to 1-2 classes. There are currently 60 offenders on a waiting list to attend the DUI program. Since November 2007, 253 offenders have graduated from the DUI program. Of those, 210 have left community residential and 86 of those were in the Electronic Monitoring Program (EMP). Sixteen have returned to the system. Twelve of the 16 were EMP technical violations and 4 were new felonies. Mr. Lipsey thanked his staff and gave them credit for the successful programs they offer.

Mr. Wright asked what the new felonies were for of those returning to prison. Mr. Lipsey said 3 of the 4 were alcohol related; most likely DUI, but he didn't have the crime information on him. The 12 technical violations covered a wide range, anywhere from alcohol consumption to not being able to maintain a residence.

Mr. Wright asked how much time they had to serve when they go back in for a technical violation. Mr. Lipsey said they are eligible for EMP at 2200 days. Depending on the violation and how many days they had remaining, it would vary. Director interjected that when we talk about EMP, they are still inmates and when they get technical violations, they fall back under policies that relate to a misconduct and based upon the gravity of that misconduct, they could lose their level or stay in community corrections, but not at home under that device. They don't get any additional time but may lose some credits or may get some graduated sanctions. DUI offenders are the most difficult to deal with as far as recidivism rate. Nine times out of ten they come back on DUI's.

11. PROGRAM UPDATE

- **Victim Services**

Victim Services Coordinator Ilinda Jackson provided the following Victim Services Update.

Handouts were provided. She drew attention toward the piece on Impact Awareness of Offender Programs. They have introduced a program called Listen and Learn Victim Impact for offenders at Oklahoma City Community Corrections Center and is piloted with the Second Chance Act for offenders who are at high risk who are preparing for reentry. It creates awareness and gives the offender an opportunity to work through the process and begin to recognize the needs of victims. They have found in working with these offenders that they are able to recognize and become more aware of how people's lives have been changed by the crimes they have committed. Victims are able to come and interact with offenders and provide information on how crimes impacted them. The Offender really gets to see how a person has been hurt and/or changed. The offenders have to fill out a contract before entering in the program that they will participate and complete the program. They also take a pre-test and post-test and that information is currently being collected so we can review the impact. They are currently teaching the 2nd class. The materials are offered through the office of Victim of Crimes (a national organization) and are free of charge. It is available via internet.

Mr. Henneke asked how offenders are made aware of the class. Ms. Jackson responded that at the facility where the program is offered it is part of a transitional program so they are automatically signed up for it.

The goal is that the program would be provided within other facilities where it would be an optional program. Director said this program was started at the Oklahoma City CCC because it was part of the program development for our grant through the Second Chance Act. It is mandatory for that group because they are high risk and were awarded the grant. The intentions are to spread it through other areas of the state and every facility have one staff member trained to teach the program. It would be voluntary for other facilities.

Ms. Neal asked if progress of offenders can be tracked after they are released. Director replied that we do so much with offenders that it would be hard to identify which program kept them from returning. For this type of program you would almost have to do follow up interviews years down the road to see if they have committed further crimes.

Mr. Rainey asked if the Department of Justice was requiring feedback/accountability for supplying the materials. Ms. Jackson did not believe so. It was her understanding that they had already done the research prior to it becoming widespread.

Ms. Neal asked how long this program had been available. Ms. Jackson said about 90 days.

Ms. Neal asked how a victim would find out about this program. Ms. Jackson indicated that Victim Witness Coordinators, within the DA's office contact her when they have a victim wanting to participate.

12. APPROVAL OF BOARD POLICIES

- **P-150500, Five Year, System-wide Capital Improvement Program**

Director Jones advised the above listed Board policy was up for annual review due to American Correctional Association Accreditation requirements. The policy was reviewed during a conference call with the Board's Executive Committee. It replaces the title of associate director of Administrative Services with deputy director of Administrative Services. Also the long range capital planning commission had the following change that was incorporated into this policy. "The Commission has defined capital projects as any one time project with a cost of at least \$25,000." They have also changed their website, which is noted in the board policy statement. Director recommended approval with the noted changes.

Chairman Ware sought a motion to approve P-150500. Mr. Henneke made the motion with a second by Ms. Neal. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, Absent; Ms. Neal, yes; Mr. Rainey, yes; Mr. Ware, yes; and Mr. Wright, yes.

13. COMMITTEE REPORTS

The following committee reports were provided.

- Budget – Chair David Henneke and Member Robert Rainey (**No report**).
- Female Offender – Chair Ted Logan and Member Linda Neal – (**Mr. Logan reported an update was in board packets for their review**).
- Legislative – Chair David Henneke, Members Robert Rainey and Matthew McBee (**No report**).
- Population/Private Prisons – Chair Matthew McBee and Member Linda Neal (**No report**).
- Public Affairs/State Boards Interface – Chair Robert Rainey, Members Linda Neal and Matthew McBee (**No report**).
- Executive – Chair Earnest Ware, Members Ted Logan and David Henneke (**Mr. Ware reported the committee met and minutes are contained in the BOC packets**).

14. ELECTION OF OFFICERS

Mr. Henneke made the motion to have Mr. Logan serve as Chairman, Mr. McBee serve as Vice-Chair, and Ms. Neal serve as Secretary. Mr. Rainey seconded the motion. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, absent; Ms. Neal, yes; Mr. Rainey, yes; Mr. Ware, yes; and Mr. Wright, yes.

15. 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

16. ANNOUNCEMENTS

Chairman Ware announced the next meeting had been rescheduled to August 11, at Eddie Warrior CC.

17. ADJOURNMENT

Chairman Ware 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, absent; Ms. Neal, yes; Mr. Rainey, yes; Mr. Ware, yes; and Mr. Wright, yes.

Meeting adjourned at 2:41pm.

I hereby certify that these minutes were duly approved by the Board on this 11th day of August, 2010, in which a quorum was present and voting.

Approved by:

Secretary of the Board

Date: August 11, 2010

Submitted by: _____
Minutes Clerk