

## **OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES**

Location: Oklahoma State Capitol

2300 North Lincoln, Room 104

Oklahoma City, Oklahoma

Date/Time: Thursday, March 12, 2009 – 1:30 p.m.

### **1. OPENING AND ROLL CALL**

Chairman Ware of the Oklahoma Board of Corrections called the March 12, 2009, meeting to order at 1:32 p.m. and welcomed those in attendance.

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

Ernest Godlove	David Henneke	Ted Logan
Robert Rainey	Earnest Ware	

Absent: Matthew McBee and Jerry Smith

### **2. APPROVAL OF FEBRUARY 12, 2009, BOARD MEETING MINUTES**

Chairman Ware sought a motion for approval of the February 12, 2009, Board meeting minutes. Mr. Henneke made the motion with a second by Mr. Logan. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, absent; Mr. Smith, absent; Mr. Rainey, absent at time of vote; and Mr. Ware, yes.

### **3. OLD BUSINESS**

None

### **4. DIRECTOR'S COMMENTS**

Director Jones provided the following update/comments:

- Director Jones and Board members had lunch with the Oklahoma Sheriff's Association. Because DOC is running an overall deficit in contract beds and the net growth was not as high as anticipated, additional minimum beds were available at state facilities, making it possible to move county jail inmates back into state facilities. It was important to meet with the Sheriff's Association and the sheriff's that had been affected by that revenue.
- This last week he and Associate Director Ed Evans met with the Durant Company, which is the architectural and engineering firm contracted by the Legislative Service Bureau. They looked at 17 institutions and some community facilities. Their report is due back to the legislative leadership the 2<sup>nd</sup> week in April. He is pleased with the performance and feedback from Durant.
- The agency is experiencing a hiring freeze with the exception of CO's that must be maintained at mandatory posts. When the recession started taking effect in Oklahoma, DOC had no problem recruiting and retaining employees. Its turnover rate has dropped in to single digits and the number of retirees has dropped considerably in the last 6 months. DOC is getting close to its 81% funded level.
- As required by statute, Director Jones announced as official record, that he approved an emergency repair of the sewage lagoon at JEHCC on February 27<sup>th</sup>. A grinding machine that is part of the sludge processing system for the sewer at the facility quit working due to grinding gears and cutter blades being worn out. The grinder is needed to prevent sewage from backing up and overflowing onto the property and into a surrounding creek. The cost was \$6,670.00, plus \$850.00 for freight.

- Programs Unit staff continue to work on numerous grant applications. Education staff is working on a Department of Libraries grant application. Several staff are assisting with the development of a grant proposal under the Second Chance Act. Additional grants are being examined to provide technical assistance and training related to the management of sex offenders in the community.
- Work continues on the refurbishment of the old pool annex at JLCC. Once construction is complete, additional counselors will be contracted to increase substance abuse services to male offenders.
- Lawton CCC has increased its capacity to 157.
- Howard McLeod Correctional Center security work crew planted 95 crates of onion plants and distributed onion plants and seed potatoes to other facilities. The facility garden has been expanded to approximately 92 acres this year.
- HMCC currently has 49 offenders participating in Career Tech, with 12 participating in the heavy equipment operators program, nine participating in the machine technology program, and 28 participating in the welding program. There are currently 71 full time education students, 21 part time students, 14 life skills participants, and nine college students.
- The Joseph Harp Correctional Center CERT members helped coordinate and participated in the first annual Polar Plunge held at Oklahoma University in Norman. Approximately \$14,000 was raised at the Special Olympics fundraiser.
- The new Offender Banking System was successfully initiated at female offender facilities in February 2009.
- Notification was received that Oklahoma was one of two states selected to participate in the Family Justice Initiative entitled, "Reentry is Relational: Sustaining Tools that Engage Family/Social Networks for Improved Reentry Outcomes."
- Channel 9 News interviewed Warden Newton-Embry regarding the University of Central Oklahoma beginning a four-year college program for offenders at Mabel Bassett Correctional Center. Largely through the efforts of MBCC College Teacher Lowell Doss and the University of Central Oklahoma, the Oklahoma State Regents for Higher Education granted the university an exception to the requirement that correspondence students attend 30 hours of graduate work on-campus. The University of Central Oklahoma is the first in-state school to offer a four-year degree program for Oklahoma offenders in facilities.
- Fourteen offenders from Turley Residential Center graduated from the Tulsa Technology Center-Welding Program. The welding program was developed through a partnership between the Girl Scouts Beyond Bars-Project Reconnect, George Kaiser Family Foundation, Department of Corrections, and the Tulsa Technology Center. Recently the director has had other discussions with the Kaiser Foundation and they are willing to fund other preventive projects and other projects in the Tulsa/Muskogee area with our female offenders.
- OCI implemented a recycling project one year ago. During this time, 350 tons of paper and cardboard have been recycled, which generated \$38,500 in revenue to OCI.
- OCI completed their first sale of the new "GREEN" modular panel office product. This product is constructed using recycled materials.
- The Wilburton Training Academy graduated 51 Correctional Officer Cadets on February 12, 2009.

## **5. REMARKS - LEGISLATIVE GUESTS**

Chairman Ware noted that the legislature was currently in session so if anyone arrived later in the meeting they would be given the opportunity to speak.

## **6. BRIEF RECESS**

No recess was taken.

## **7. LEGISLATIVE UPDATE**

Neville Massie provided the following legislative update:

The initial number of bills filed was 2640. As of last Friday, it was down to 1238 bills. With this being the deadline for bills to be heard in the house of origin, that number will go down again next week.

An updated tracking report for DOC initiatives is in the Board packets. HB 1773, which included additional requirements on private prison vendors, failed to be heard in the House and is now dormant. HB 1781 is on the House calendar today and has not yet been heard. All of the other initiatives have passed the house of origin and advanced to the opposite chamber.

Ms. Massie provided a crime bill list; approximately 18-20 of these create new crimes or enhance punishment for existing crimes. The Senate and House each passed a bill increasing the penalty for possession of a cell phone in prison from a misdemeanor to a felony – SB 702 makes Kidnapping an 85% crime and increases penalty for 3<sup>rd</sup> degree Kidnapping to 5-life. SB 530 adds Assault and Battery on a Peace Officer to 85% crimes unless the defendant is mentally ill. SB 1141 directs the Department of Corrections to create and maintain a Domestic Violence Registry.

Other bills of interest include:

- HB 1032, the Government Modernization Act which requires posting on the OSF website all government P-card transactions, also directs OSF to have agencies by July 1, 2010, use a centralized web based payroll system with biweekly employee payroll. It also requires all agencies to use the DCS Trip Optimizer System in computing the best method and cost for state employee vehicle travel.
- HB 1676 & SB 647 both address transfer of OCJRC to OSBI, using the same language introduced in bills last session.
- SB 980 creates the Oklahoma Information Services Act, creating the Office of Information Services and a Chief Information Officer appointed by the Governor, responsible for implementing an IT strategy for the state.
- SB 789 creates a misdemeanor for knowingly making a false statement in the course of an internal agency investigation, punishable by up to one year in county jail and a maximum fine of \$500.
- HB 2175 addresses convictions for bribery, forgery, corruption, perjury or other crime related to the duties of offices of elected state, county, municipal elected officials and employees must forfeit retirement benefits.
- SB 646 creates the Accountability, Innovation and Privatization Act to conduct performance audit, feasibility of privatizing governmental assets and investigation of waste. It also creates Office of Accountability within Legislative Services Bureau.
- SB 833 requires agencies develop energy conservation plan and designate a person to implement the plan. It requires  $\frac{3}{4}$  of any reduced expenditures be kept by agency and  $\frac{1}{4}$  to be deposited in General Revenue Fund.

## **8. POPULATION UPDATE**

Chief of Operational Services Ken Klingler provided the Population update as of March 2, 2009. Total System Inmate Population = 25,235; Total Incarcerated Population = 24,407; DOC Facility Population = 18,101; Private Prison Population = 4,377; Total System Population = 55,974; County Jails with Contracts = 611; County Jail Backup = 1,209; Halfway House Population = 1,318; Probation = 26,893; and Parole = 3,846.

## **9. APPROVAL OF CAPACITY CHANGE**

- **Clara Waters Community Corrections Center**
- **Hillside Community Corrections Center**

Mr. Klingler requested approval to increase CWCCC by 16, bringing it to 176 and to decrease count at Hillside by 1, bringing it to 249.

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

### **Representative Gus Blackwell arrived at the BOC meeting and was given the floor.**

Representative Blackwell's remarks revolved around cell phones and DOC's budget. They have a bill to make cell phone possession inside a prison facility a felony. He hopes to pursue that all the way to state law. He is aware of DOC policies that have been put into effect to outlaw cell phones on property. He has also spoken to the director about communication needed for the unit managers since they are situated on the yard by themselves with no means of communication.

Leadership is leaning more in the direction of funding DOC by individual facility as opposed to one big lump sum. Blackwell feels that appropriations to individual prisons would help leadership get a better picture of how each facility is functioning far as managing the inmates, cost of food, warden's performance, etc. As the economy continues to take a nose dive many of those staff who left for higher paying jobs in the oil and gas industry are finding that the security of a state job is looking more appealing. Blackwell thinks DOC will be able to fill positions easier because of this, and he applauds the work of DOC.

Mr. Henneke asked who would be responsible for overseeing the process that will check the accountability, budget issues, etc., of each facility. Blackwell said this process would be handled by DOC and the information gathered will be used by the leadership as an evaluation tool to see if there are inefficiencies.

Mr. Rainey expressed the agency's willingness to provide any information the legislature needs with respect to management or accountabilities at each facility, just as DOC cooperated with the performance management audit by MGT that the legislature mandated, that concluded Oklahoma DOC is one of the most cost effective DOC's in the nation. Blackwell agrees Oklahoma DOC is good; however, it is difficult to understand a budget the size of DOC's. It is easier to compare budgets from each facility to get an apples to apples comparison than to look at the budget as a whole. This would also help the leadership compare public prisons to private prisons. Blackwell said the purpose is not to say DOC could do something better; it would just make it easier for people to assimilate the vast amount of information that must be digested to begin to comprehend the DOC system.

## **10. BUDGET UPDATE**

Chief of Departmental Services Greg Sawyer provided the following budget update.

The Trending Report contained in the Board packets is for the end of the month of January. The agency has a deficit of \$4.3 million for this fiscal year. This is slightly less than last month's report. DOC is closing in on 81% FTE, making the payroll deficit smaller. DOC continues to run \$1.8 million deficit in contract beds. Medical continues to run a \$1.7 million deficit. Mr. Sawyer indicated that there has been a 60 day down time due to the change over from vendor claims processor Harrington to EDS. Hopefully that will mean the medical figure is high and influence by the down time.

## **11. APPROVAL OF BOARD POLICIES**

- P-050100, Emergency Plans for ODOC
- P-020100, Management of the ODOC Information

Director Jones advised the above listed policies were up for annual review due to American Correctional Association requirements. There were only a few minor word changes and name changes for chair and vice chair. They were reviewed with the Executive Committee.

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

## **12. FEMALE OFFENDER MANAGEMENT UPDATE**

Female Offender Operations Deputy Director Dr. Laura Pitman provided the following update.

Board packets contain a copy of the Female Offender Management Annual Report for FY 08. Copies of the report will be distributed to the legislature as well as other internal and external stakeholder groups.

Dr. Pitman directed their attention to the following pages:

- Page 7 illustrates how Oklahoma compares to surrounding states with respect to incarceration rate.
- Page 8 presents a color-coded map showing the incarceration rates by county. The chart is based on the population of offenders within Oklahoma institutions.
- Page 33 shows a breakdown of the number of female offender receptions by county for FY 08.

Mr. Henneke asked what the ratio of female paroles vs. male paroles was. Dr. Pitman did not know but will get that information for him.

On February 2, 2009, the Division of Female Offender Operations assumed oversight of Mabel Bassett Correctional Center, Hillside and Kate Barnard Community Corrections Centers, Center Point in Tulsa, Oklahoma Halfway House and Turley Residential Center. To reflect the changes in District Supervisor Ruby Cooper's scope of responsibility, a request was submitted and approved by Director Jones to change the name of Oklahoma County Community Corrections/Residential Services South to Female Offender Community Corrections and Residential Services.

Oversight of Eddie Warrior Correctional Center has been delayed until the warden's position is announced and selected. She, along with Associate Director Ed Evans and Deputy Director Bobby Boone met with Eddie Warrior department heads to update them on the division and address concerns staff had about the eventual closure of the facility.

A meeting has been scheduled at Altus Community Work Center next week in anticipation of assuming oversight of that facility later in the spring.

Dr. Pitman cautioned the Board about the optimism of how quickly we'll be able to turn things around to where Oklahoma is not number 1 in terms of incarceration rate for females. She anticipates in 5 years we may be 3<sup>rd</sup> or 4<sup>th</sup> in the nation but it will take more time to achieve the national average.

A divisional business plan is being developed for CY 09. The plan will outline specific action steps that will be completed toward achievement of divisional goals.

They have requested assistance from the Evaluation and Analysis Unit for a number of major projects related to female offenders.

- The first project will examine female offender flow through the system and by looking at the lengths of stay of female offenders from facility to facility. This will assist in determining whether our policies should be changed in order to maintain our capacities at community, improve the flow within the system with respect to access to programs and/or improve the effectiveness of reentry planning.
- The second project will be looking at offender misconducts in preparation for looking at custody assessment. Misconducts are the outcome measure typically used to determine institutional adjustment. They'll look at this to determine whether there needs to be any adjustments prior to using it as a measure for institutional adjustment.

The Division of Female Offender Operations looks forward to meeting with the Female Offender Management Group before the end of the month to discuss what can be done to influence outside stakeholders.

Oklahoma has been selected as one of two states (New Mexico is the other) to participate in the Family Justice Initiative entitled, "Reentry is Relational: Sustaining Tools that Engage Family/Social Networks for Improved Reentry Outcomes." It will improve our case management process in advance of reentry. Staff from the Division of Female Offender Operations, Mabel Bassett Correctional Center and Central District Community Corrections will be joining valued community stakeholders as members of a diagonal work group responsible for working with Family Justice. The Evaluation and Analysis Unit will be involved as a member of this group and will be assisting with implementation of data gathering, methodology and measurement of outcomes.

Mr. Henneke asked what the feasibility was of having Oklahoma State University or Oklahoma University provide video classes like UCO and NOC. Dr. Pitman thought that would be a great avenue and will look at expanding operations in terms of offering college degrees.

Director Jones asked Dr. Pitman what she intended to do with that information depicted on the map of Oklahoma that shows the incarceration rate per county and how it compares to the national average per capita. She said the first step is to get the information disseminated and begin looking at diversionary efforts for the red and orange counties.

Mr. Godlove noted the breakdown on page 8, went from 150% to 300%, and wondered if we would learn anything if it were broken down into smaller increments. He voiced concern about Oklahoma, Tulsa and Comanche counties as it relates to the western counties in red that have very few people. He asked if Comanche County was doing reasonably well with regard to services to divert people on the front end or if they are at the upper end of 300%. Dr. Pitman will be able to provide that information on a county by county basis in terms of how far above the national average they are. Mr. Godlove also requested to see a dollar amount on each of the red and orange counties identifying how much it's costing Oklahoma above the national average. Dr. Pitman will search for a way to collect and provide this information. She recently requested the Evaluation and Analysis Unit to profile admissions of our system last year of specific counties so they can look more specifically at what their needs/characteristics are and what services are available in their area that we aren't taking full advantage of.

Mr. Henneke suggested this report be provided to every DA, judge, DAC, etc. They need to know how they stand in relation to other counties. Director Jones said we are in the process of getting the report on the website and sending it to legislators. In the next 12 months we'll be going to judicial conferences, DAC, and also the Bar Association to give them documentation of what's occurring and possible options when looking at plea bargains.

Mr. Rainey asked Dr. Pitman to share what the quick wins will be as it relates to external stakeholders. Dr. Pitman shared that working internally with individuals in our own agency that are already working with external stakeholder is our first quick win. She is attending meetings of stakeholders around the state and providing them the most comprehensive document we've had with respect to female offenders. Individuals within the Female Offender Management group have reached out to judges and other stakeholders who will also be taking this information out to other stakeholders.

Mr. Ware suggested this would be excellent information to be shared in schools so that we can deter people from coming into the system. Dr. Pitman agreed that early intervention or prevention is the ultimate answer to reducing the incarceration rate; however, her first concern is going to be diversion from our system.

### **Senator Constance Johnson arrived and addressed the Board.**

Senator Johnson reported success on getting SB 1142 on expungement passed out of the Senate. It is expected to have a very quick death in the House; however, they will be working with advocacy groups to express their concerns about this bill. Close to ½ million people in Oklahoma have felonies in their background who continue to serve a life sentence after release from incarceration when it comes to employment, housing and education. Senator Johnson said she needed skilled attorneys to come to the table and identify language that would be acceptable. She is working with David Stockwell, an attorney from Norman, but welcomes others who would want to help. Mr. Henneke and Mr. Rainey applauded her efforts on the expungement bill and offered assistance. Senator Johnson was happy to accept their offer and will contact them when another meeting is scheduled.

Another bill she was able to get heard was one on domestic violence where people who have been convicted of domestic violence will be placed on a registry. She is hopeful this will address the statistic that Oklahoma is number 4 in the nation based on spousal violence. They also filled the JR 42 which would have taken the Governor out of the parole process. They found there was considerable opposition to that by the Senate leadership so the likelihood of that happening is very slim.

## **13. COMMITTEE REPORTS**

The following committee reports were provided.

- Budget – Chair Jerry Smith, Members Robert Rainey and Ernest Godlove **(no report)**
- Female Offender – Chair Ted Logan, Members Matthew McBee and Jerry Smith **(no report)**
- Legislative – Chair Matthew McBee, Members Earnest Ware and Jerry Smith **(no report)**
- Population/Private Prisons – Chair David Henneke, Members Ernest Godlove and Robert Rainey **(no report)**
- Public Affairs/State Boards Interface – Chair Robert Rainey, Members Matthew McBee and Ernest Godlove **(Mr. Rainey reported the Board met today with the Oklahoma Sheriffs Association members. It was a very productive meeting. He has circulated objective action plan #3 to the Executive Committee for review and approval.)**
- Executive – Chair Earnest Ware, Members Ted Logan and David Henneke **(Chairman Ware reported their committee met and minutes are in the packets.)**

## **14. 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. (Director’s evaluation)*
- 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 advised the Board of the need to adjourn to Executive Session.

Chairman Ware called for a motion to adjourn to Executive Session. Mr. Henneke made the motion, seconded by Mr. Logan. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, absent; Mr. Smith, absent; Mr. Rainey, yes; and Mr. Ware, yes. The Board entered Executive Session at 2:39 p.m.

The Board returned from Executive Session at 3:21 p.m. Chairman Ware called for a motion to return from Executive Session. Mr. Godlove made the motion followed by a second from Mr. Henneke. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, absent; Mr. Smith, absent; 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.

**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**

None

**17. ADJOURNMENT**

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

Meeting adjourned at 3:21 pm.

I hereby certify that these minutes were duly approved by the Board on this 16<sup>th</sup> day of April, 2009, in which a quorum was present and voting.

Approved by:

\_\_\_\_\_  
Secretary of the Board

Date: April 16, 2009

Submitted by: \_\_\_\_\_  
Minutes Clerk