

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Location: Oklahoma Department of Corrections

3400 Martin Luther King

Oklahoma, Oklahoma

Date/Time: Friday, March 12, 2010 – 2:00 p.m.

1. OPENING AND ROLL CALL

Chairman Ware of the Oklahoma Board of Corrections called the March 12, 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

Earnest Ware

Absent: Jerry Smith

Chairman Ware welcomed Dr. Curtis of the Department of Education and the Oklahoma Correctional Professionals to the BOC meeting and noted that the Board had enjoyed lunch with them before the meeting.

2. OLD BUSINESS

None

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

Chairman Ware sought a motion for approval of the February 12, 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, yes; Ms. Neal, yes; Mr. Rainey, yes; Mr. Smith, absent; and Mr. Ware, yes.

4. DIRECTOR'S COMMENTS

Director Jones provided the following update/comments:

- On February 22, 2010, production of the movie "*Heaven's Rain*" began at OSP. This is a film on former Senator Brooks Douglas in relation to his family's disaster many years ago. They are getting close to rapping up filming at OSP. Mr. Rainey indicated that his daughter, Amanda Rainey, is the assistant to the director of that movie.
- The Division of Female Offender Operations, in partnership with the NIC provided a four-day training session February 22-25 for staff entitled, "Operational Practices in the Management of Women's Prisons." The course was taught by seven subject matter experts from across the nation and was attended by DOC staff from female offender facilities.
- Planning continued for the Oklahoma Solutions Initiative Summit, hosted by the Oklahoma Commission on the Status of Women, Oklahoma Women's Coalition, and DOC. The summit is scheduled April 30, 2010, at the Oklahoma National Guard Training Institute in OKC and will focus on the development of a broad plan to implement strategies for lowering the incarceration rate of women in Oklahoma to under the national average by 2020.

- All offenders were transferred from Talawanda Heights (OSP minimum security) during the month of February. Employees that worked at that unit are now either employed at OSP or JBCC.
- Diamondback Correctional Facility notified their staff on March 2 that their last day of operation would be May 6, 2010. Arizona terminated or did not renew their contract with CCA and CCA was unable to find another jurisdiction to house. No announcements have been made at the Great Plains Correctional Facility that also houses Arizona offenders.
- Due to budgetary constraints, CareerTech programs were eliminated at OSR, MACC and BJCC. Several programmatic components from these facilities will shift to other existing minimum-security program sites. The JHCC substance abuse treatment program ceased operation February 19th. Programs staff are working with Mental Health Services staff to offer substance abuse programming to the medium-security, balance-suspended offenders in effort to satisfy sentencing requirements.
- Clint Castleberry, Programs Administrator, presented information to the Pardon and Parole Board in an effort to advise them of programs that have been discontinued.
- There was some media attention regarding the letter sent to the Administrator of the Courts advising of programs that were no longer available at DOC and that the RID unit would be moved to BJCC.
- Educational services at eight (8) Community Correction Centers and three (3) Community Corrections Work Centers have now been implemented. Several students have already taken the GED test, and additional students are continually being added as space allows. We have eleven (11) temporary teachers who are being paid through a grant awarded by the Oklahoma Department of Education, Office of Adult Education.
- Programs staff met with BJCC and WSKCC staff to assist in the move of the RID delayed sentencing program from WSKCC to BJCC. Spacing, grant requirements, supplies and other logistical concerns were discussed. BJCC is one of the units that CareerTech closed down but the good news is that we can use that building for bed space. BJCC will be expanded by 328 inmates, that includes the CareerTech building, expansion of existing housing units, and programs building.
- Bob Mann facilitated a meeting with Bradley Beesley and James Payne (director and producer of “Sweethearts of the Prison Rodeo”) and representatives from ODMHSAS, DOC and community mental health advocates to discuss a proposed documentary that would highlight the experiences of offenders with serious mental illness as they reenter society.
- DOC had received it’s supplemental of \$7.2M and are continuing to respond to budget reductions to finish FY 2010. The supplemental was used to offset furloughs. We continue to trend a deficit related to net offender growth. We are currently looking at what we might have to cut in 2011. If our cut is 5% that would equal to \$23.4M from the new lower based created with all the cuts from 2010. If our cut is 7% that would equal \$32.8M, again off the lower base. A cut of 5% would mean the agency would have to consider consolidating facilities or closing facilities and implementing additional reductions in force and furloughs for 2011.
- Neville Massie will present a legislative update later in the meeting but it appears that any external assistance we might have received through legislation is now dead for this session.

Mr. McBee asked if the Governor received the memo on not placing stipulations for substance abuse treatment since there were no programs for it. Director indicated that through the Pardon and Parole update and conversations with staff at the capitol, that information is there.

5. 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 February 2010. The agency is trending a deficit of \$6.1M for this fiscal year, which is roughly \$400,000 more than in January. DOC is showing a surplus of \$2.2M in payroll. Contract beds are running a deficit of \$6.2M, while Medical is showing a deficit of \$2.1M.

Mr. Henneke asked if the amount of money the director advised that we may have to deduct for 2011 would put us at about \$425-440M. Mr. Sawyer said it would be closer to \$450-455M if it turns out to be a 7% cut. Mr. Henneke commented that we can't keep functioning with less money and more inmates. Director said we have no statutory authority to control our net growth so even though we have been responsive to the mandated cuts we still have the difficult challenge of responding to offender net growth and all the collateral expenses. Mr. Henneke suggested perhaps we could hope for any supplemental for 2011. Unfortunately that is the problem DOC has been in now for 12 years. The state of Oklahoma continues to balance the budget off the DOC employees.

Mr. Rainey shared his disappointed that there does not appear to be any significant legislative reform on the horizon that will address the Board's suggested initiatives that would've had significant budget reform in terms of inmate intake. This situation of being forced to do more with less is getting worse and there will be a breaking point. It is very alarming and frustrating for the Board.

6. POPULATION REPORT

Chief of Operational Services Ken Klingler provided the Population update as of March 1, 2010. Total System Inmate Population = 25,542; Total Incarcerated Population = 24,527; DOC Facility Population = 18,059; Private Prison Population = 4,721; Total System Population = 54,401; County Jails with Contracts = 489; County Jail Backup = 1,567; Halfway House Population = 1,258; Probation = 25,184; and Parole = 3,675.

Mr. Henneke asked what was expected in the next 120 days as far as inmates coming into the system. Historically dockets are cleared during March-May for the summer months. Mr. Klingler expects a large influx in the next few months, but they will stack up in the county jails.

7. LEGISLATIVE UPDATE

Neville Massie provided the following legislative update.

Yesterday was the deadline for bills to be heard in the house of origin so the number of active bills has been reduced. They are currently monitoring a little over 100 bills.

She addressed the agency initiatives first. HB 1887, the Community Sentencing bill carried over from last session was not heard in the Senate and is now dead. The remaining initiatives are contained in 3 bills, all of which advanced. HB 3342 deals with the Canteen System exemption from the State Use Act. HB 3378 addresses OCI and Ag-Services purchasing. The title has been stricken on this bill as it will become a DOC omnibus bill with additional language added as it moves through the process. HB 3379 contains the language on service for offender judicial review lawsuits and prohibition of the award of attorney fees and costs in lawsuits against DOC for enforcement of Sex Offender Registry provisions.

The BOC Legislative Committee sent a letter to all legislators with a list of proposed changes that would impact the criminal justice system. Fourteen senate bills were filed that addressed these recommendations. Ten failed to be heard in senate committees, three passed in committee, two of them failed on the senate floor and one passed the senate and moved to the house. The only remaining bill from the original 14 was SB 2292 creating a Drug Offender Sentencing Task Force to make recommendations on classification of drug offenses.

Other bills of interest that we will continue to monitor are as follows.

- HB 2746 would eliminate revocation of driver's license for drug related offenses if the crime did not involve use of a motor vehicle.
- HB 2998 and SB 2219 contain similar language addressing diversion and reentry programs for female offenders. This is the proposal where George Kaiser Family Foundation has pledged \$500,000 if the state matches that donation.
- HJR 1080 proposes a constitutional amendment placing the Pardon and Parole Board under the Department of Corrections. It passed the house and is moving to the senate and would involve a state question if it advances through the process.
- SB 1597 limits service on state boards and commissions. Those serving on November 1, 2010, could continue to serve until expiration of current term. If a member has not served 12 years he/she may be reappointed up to 12 years.
- SB 2070 addresses occupational licenses and felony convictions. It addresses whether the felony relates to the ability to perform duties of the occupation and provides an appeal process when license applications are denied. This language is similar to bills we have pursued unsuccessfully in the past as agency initiatives.
- SB 2200 provides for expungement of arrest and criminal records for non-violent felony convictions after 10 years have passed since expiration of sentence.
- SB 2301 provides a \$75 annual fee for Sex Offender Registration. It also requires use of GPS on offenders convicted of more serious sex offenses upon discharge from DOC custody, certain offenses for ten years and others fifteen years. Title is stricken on this bill and staff are working on fiscal impact.
- SB 2224 creates a private prison certificate of need. This is modeled after some language in place for nursing homes where it requires demonstration of a need for additional beds and would give the director authority to issue certificates. Authored by Senator Myers, it has passed the senate and is now moving to the house.

The next deadline is April 1 for reporting of house bills from senate committees, followed by an April 8 deadline for reporting senate bills from house committees.

Mr. Henneke said the BOC had come up with some great ideas for sentencing reform. Our Governor and legislators continue to do the same thing. We cannot continue to have the same mentality with our corrections system unless it can be funded properly. The BOC proposed sound ideas to help our legislature in trying to address the problem. Ten of their 14 bills didn't even get heard, three passed, two of those later failed and the one that survived is another task force. The Board tried to be creative on these recommendations/bills and even met with staff from the Governor's office and helped them come up with ideas to help the state and the system as a whole. Mr. Henneke expressed his appreciation to Neville Massie for her help and felt she had done an excellent job to convey to the capitol the board's thoughts. Unfortunately, it continues to fall on deaf ears.

Mr. Rainey said these ideas were evidence based, best practices that have been adopted throughout this country with significant success and to see them fail so quickly is frustrating. We were all naive to think we would see better productivity out of our legislature. He doesn't think it's a failure of this Board or the DOC management team. The fat has been cut and our programs, staff, inmates and the public are suffering. He just hopes we avoid someone being hurt. He wanted to be on record as saying if this should happen that it is nobody's fault but the legislature. It's a failure of legislative leadership and it's shameful.

Mr. Henneke noted we are authorized almost 5900 FTE but are down to almost 4600. If the capitol requires us to cut another \$30M we will have to cut correctional officers. Director has mentioned this at the last several Board meetings. This is dangerous and we are putting our staff in harms way. Someone at the capitol has got to understand the plight of the DOC or someone will die.

8. APPROVAL OF BOARD POLICIES

- **P-120100, Management of State Funds and Assets**
- **P-130100, DOC Annual Inspections and Monitoring**

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. P-120100 contains several changes due to changing of limits on requests for emergencies to \$35,000; changes due to legislation from last year; and the implementation of Offender Banking. There was an ACA standard change on P-130100 but other than that there were no significant changes.

Chairman Ware sought a motion to approve both policies, P-120100 and P-130100. Mr. Rainey made the motion with a second by Mr. Logan. Results of roll call: Mr. Henneke, yes; Mr. Logan, yes; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; Mr. Smith, absent; and Mr. Ware, yes.

9. PROGRAM UPDATES

- **Second Chance Act**
- **Female Offender Diversion Program**

Programs Administrator Clint Castleberry provided an update on the Second Chance Act.

DOC was one of 15 entities awarded grant funds in December. Our proposal was to develop a transitional service for male offenders which will be located at the Oklahoma City Community Corrections Center. It will allow us to transition offenders through groupings of programs to meet specific needs for the individuals of a period of 12-18 months. It will include services offered both at the facility as well as in the community.

The grant allows us to hire staff members in security, medical, and program providers to offer services to the offenders and working with our partner agencies through the Executive Reentry Committee to develop MOUs and other agreements to follow these individuals once they are back in the community to continue providing services such as assisting CareerTech, job placement mentoring, housing, etc. The budget also allows for purchase of needed program supplies such as curriculum, security cameras for monitoring, and vehicles for transporting to community, and allows for flex funds to address individual needs of the offenders as it pertains to removing barriers to reentry (i.e. clothing, temporary housing, etc.).

Mr. Henneke asked how much the grant was and how many inmates it will serve. Mr. Castleberry said it was \$1.5M when you factor in the match. The grant was written to serve up to 200 offenders during the grant period. The first 9 offenders are already on site. The Executive Review Committee met yesterday and 15 more offenders were selected. Program providers have been hired and this month they are going through training on programmatic services, which will begin April 1.

Director asked how many staff the grant provides for. Mr. Castleberry said the grant specified a total of 7 CO's, however at least 1 or 2 of those would be in-kind match. Three program providers are grant funded and medical staff is grant funded.

Courtney Woodard, Coordinator of the Female Diversion Program, provided the following update.

In FY 09 DOC was awarded a Bureau of Justice grant through the District Attorneys Council of \$350,000 to implement and support the Female Diversion Program. Through collaboration with the Oklahoma Department of Mental Health and Substance Abuse Services we are able to help provide mental health services, substance abuse treatment, and other supportive services to the females assigned to this program. Supportive services include housing assistance, emergency food, child care assistance, etc. Through partnership with ODMHSAS, the services are provided by Northcare in Oklahoma City and Family and Children in Tulsa. The courts are permitted to sentence a woman directly to the program and also request an assessment if they are unsure the offender is a suitable candidate. The assessment along with the recommended supervision plan will include program readiness and assessment of addressing the offender's willingness to change utilizing the Stage of Change model. There are 2 tracks, probation and delayed sentencing. Women going to the probation track will have assessment tools completed or reviewed within two days of orientation to the program. Referrals to treatment will be made within one day of need identification. For the first three months of the program, they will have weekly contact with their probation officer, one of which will be a home visit. After the initial 90 days of supervision, contacts may be reduced to twice per month with one contact being a home visit. The supervising officer can increase contacts if necessary. The delayed sentence track includes the same assessment and referral protocol. However, officers will have weekly contact with the defendant while they are in the program, with two required home visits per month. GPS or SCRAM monitoring is also an additional supervision component that the judge or probation officer can require as part of the supervision plan to increase offender accountability. The officers are required to meet bimonthly with designated staff of Northcare and Family and Children to ensure treatment goals are met and to identify any areas that may be a concern for both treatment provider and probation officer. Today there are four officers assigned; two in OKC and two in Tulsa, with 55 women in the program, and two potential court referrals here in Oklahoma County. The program does not have a start and end date. It is for as long as it is needed.

Mr. Logan asked if an evaluation was built into this program. Ms. Woodard is still working on the evaluation process but they are collecting data using the COMMIT system to tabulate and keep the data.

Mr. Henneke asked if the judge has to sentence the offender to the program like a drug court and what happens if they fail the program. Ms. Woodward responded that they are sentenced to probation so they will have a normal sentence and if they fail they go back to court.

To make a clarification, director noted these are women that under normal circumstances without the program would be going to prison.

Mr. McBee asked what type females were being accepted into this program. He felt that they should not be 1st time felonies, but rather someone on a suspended sentence, probation, or 3rd / 4th time sentence who had already unsuccessfully completed a deferred sentence or already been on a suspended sentence and failed. Ms. Woodard said they were looking at 1st and 2nd time offenders; many on suspended sentences. Kenny Holloway interjected that what they are looking for on the 1st time offender are those the judges are sentencing to an in custody delayed sentence; where they are actually taking up a prison bed and staying up to 12 months for program completion. What they felt like was missing from the judges option was a secure program where the offender could not go to prison but receive supervision and programs in the community and not take up a prison bed and disrupt family ties and employment. This is a great option to the courts and the probation and parole districts.

10. 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 (**No report**).
- Population/Private Prisons – Chair Matthew McBee, Members Linda Neal and Jerry Smith (**Mr. McBee stated we have too many inmates and we need more paroles approved faster**).
- 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**).

11. 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

12. ANNOUNCEMENTS

Mr. Henneke noted that our next meeting is at the capitol. Traditionally we go there to get some attendance from some of our representatives. We may be wasting our breath talking about it. He would like to invite legislators again like we have in the past to the next meeting.

13. 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, yes; Ms. Neal, yes; Mr. Rainey, yes; Mr. Smith, absent; and Mr. Ware, yes.

Meeting adjourned at 2:55 pm.

I hereby certify that these minutes were duly approved by the Board on this 15th day of April, 2010, in which a quorum was present and voting.

Approved by:

Secretary of the Board

Date: April 15, 2010

Submitted by: _____
Minutes Clerk