

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Location: Biltmore Hotel

Allegheny Room

Oklahoma City, Oklahoma

Date/Time: Wednesday, October 8, 2008 – 1:00 p.m.

1. OPENING AND ROLL CALL

Vice Chairman Ted Logan of the Oklahoma Board of Corrections called the October 8, 2008, meeting to order at 1:07 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	Ted Logan	Matthew McBee (arrived at the time of executive session)
Robert Rainey	Jerry Smith	

Absent: Earnest Ware and David Henneke

2. APPROVAL OF SEPTEMBER 12, 2008, BOARD MEETING MINUTES

Vice Chairman Logan sought a motion for approval of the September 12, 2008, Board meeting minutes. Mr. Smith made the motion with a second by Mr. Rainey. Results of roll call: Mr. Godlove, yes; Mr. Henneke, absent; Mr. Logan, yes; Mr. McBee, absent; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, absent.

3. OLD BUSINESS

None

4. DIRECTOR'S COMMENTS

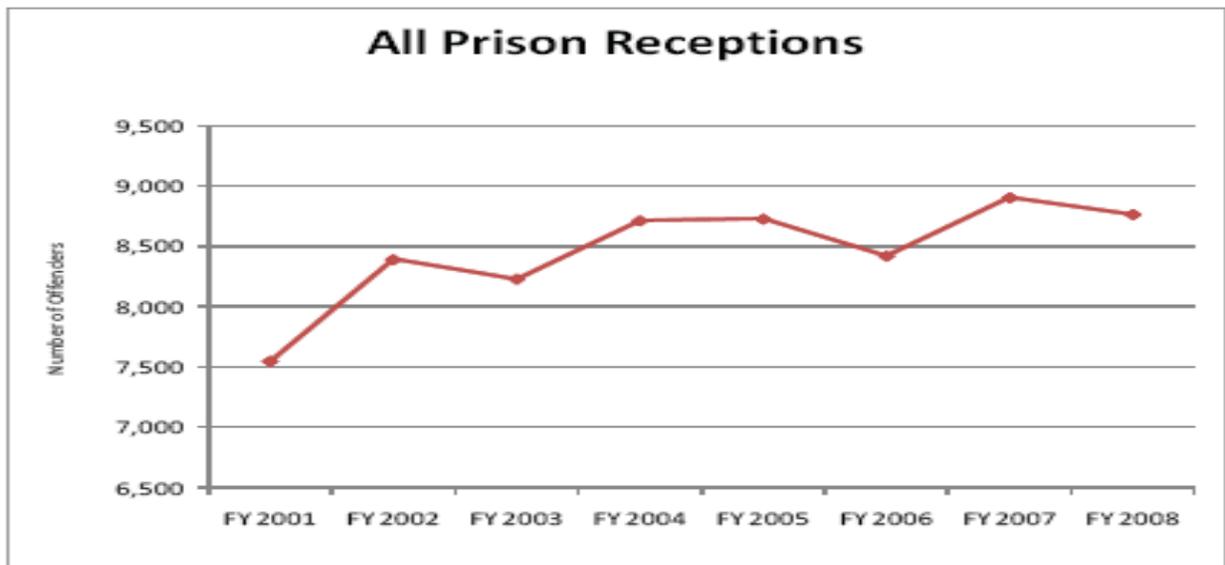
Director Jones thanked the Oklahoma Correctional Association for hosting the BOC meeting and for allowing them to be part of their conference. Director provided the following comments:

- As a result of the failure of the heating and air conditioning unit that services Central Control, holding cells, and offender visiting areas at James Crabtree Correctional Center, an emergency declaration was made by the Director pursuant to Title 61 § 130. In accordance with the reporting requirements Title 61 § 130, written notification of the emergency declaration and a statement of the reasons were provided to the BOC in a letter from the Director dated September 22, 2008. The statute also requires that these actions be recorded in the official minutes of the Board meeting. This information is being provided to ensure DOC compliance with the process required by Title 61 for an emergency declaration of this type.
- A documentary film crew from Global Studio, Reno, Nevada interviewed 13 offenders (seven from MBCC and six from WKCC) about their history of methamphetamine use. The interviews will be part of a documentary for the statewide campaign, "Crystal Darkness Oklahoma," co-chaired by First Lady Kim Henry and Wes Lane, President of the Burbridge Foundation. This documentary will air on January 13, 2009, on local television stations.

- The Ray Little Golf Tournament was held on September 19, 2008, with twelve teams participating. The tournament was successful in raising monies for the Ray Little Scholarship Fund.
- Oklahoma Correctional Industries has been part of the Wildlife Expo for the last few years. A project for 250 custom-designed auditorium seats for Buffalo Public Schools was completed. Sales at the September Wildlife Expo increased from \$2,900 last year to over \$20,000 this year.
- Agri-Services is in the process of updating the availability to do a quick freeze operation of vegetable products that DOC raises in their gardens. This will allow fresh produce 12 months out of the year.
- Director reported to the Board that DOC had either made recommendations and/or completed the recommendations of the MGT audit DOC was responsible for. He reminded the Board that some of the recommendations involved the Criminal Justice Resource Center, Drug Court, etc. Three audit recommendations that remain require legislative action and those are: Architecture and Engineering study, Information Technology study, and funding that would be required for a step down facility from maximum security to a low maximum type facility.

Director Jones provided charts for the Board and outlined interesting points that happened over the last fiscal year and showed a comparison over the last seven years.

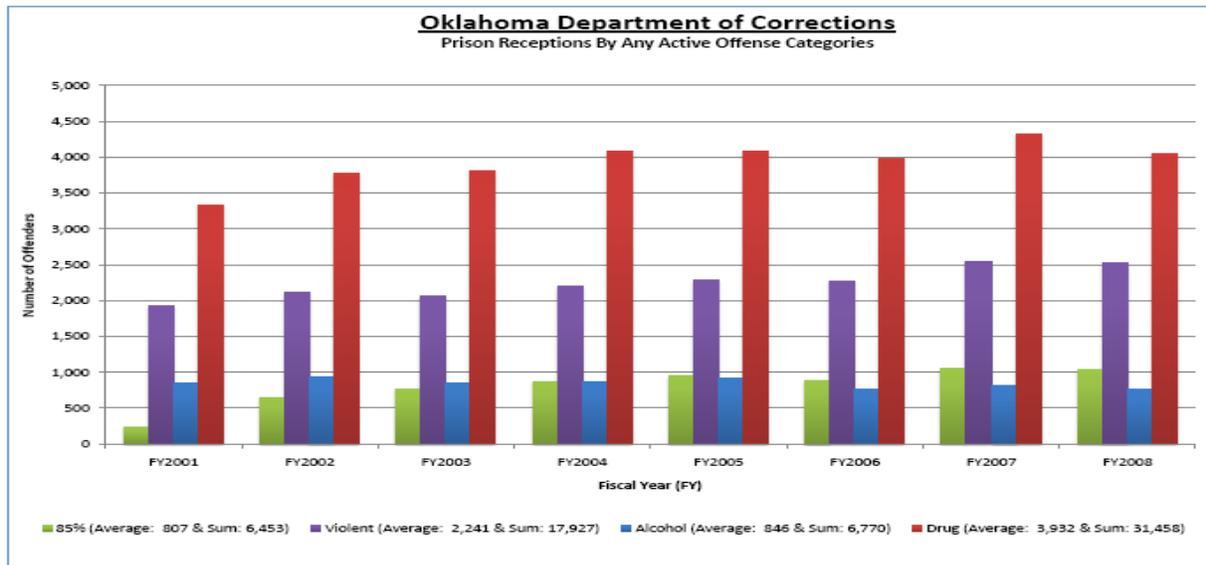
Chart 1:



Data Source: Dr. Mike Connolly

FY 08 Prison Receptions - Receptions were slightly down – 139 from last fiscal year. But overall, the prison system had a net increase of 219. The average backup in county jails has declined. DOC continues to grow but slower than what was expected. It is believed that longer sentences and 85% crimes are reasons behind the increase.

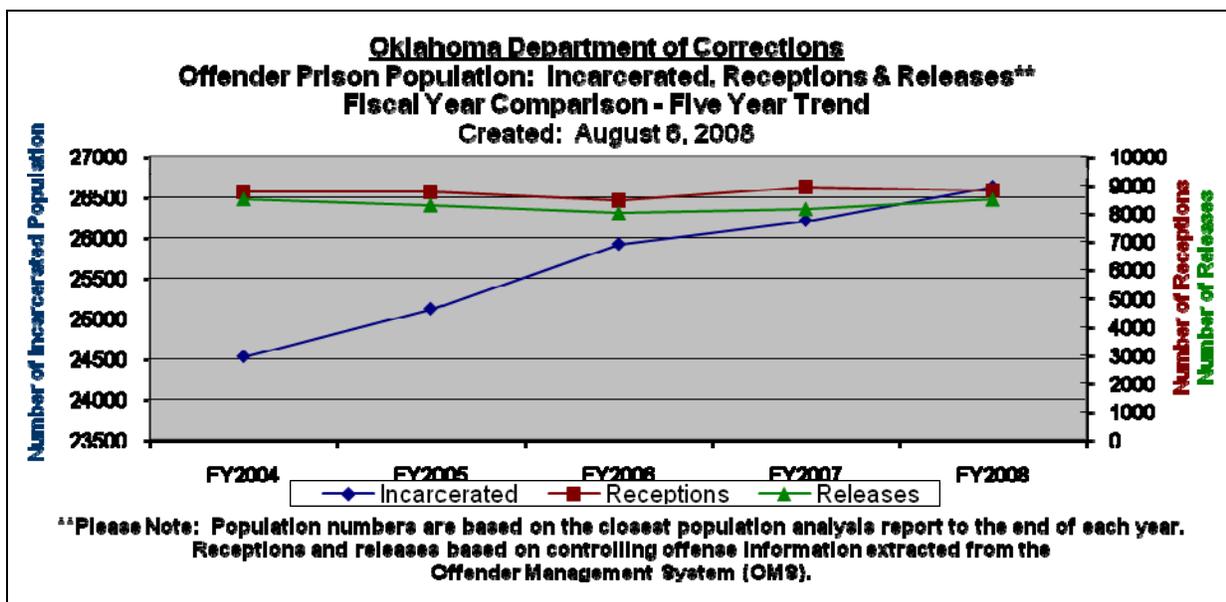
Chart 2:



This looks at FY 08 receptions by certain large crime categories over the last seven years ending FY 08.

- Green = 85% – Steady increase on receptions until last year with a small decline (15 offenders). However, overall a 17% increase in total prison population – not to be confused with reception numbers. If current trends continue 85% crimes will be 34% of the total population in the next five years.
- Purple = Violent – stayed almost the same – includes LWOP/Death Penalty
- Blue = Alcohol – decline of 56 compared to previous FY
- Red = Drug – decline of 265 compared to previous FY

Chart 3:



- Blue Line = Incarcerated numbers
- Red Line = Receptions
- Green = Releases

Receptions are down; releases are slightly up; and net growth continues because of sentence enhancements and 85% crimes staying longer.

Other Data:

- Based upon the last five years of growth, the at-facility female population growth will be 11% by 2013, if current trends continue.
- Since FY 2005, Hispanic offenders have increased by 45%.
- Offenders over 50 years of age have increase 26% since FY 2005 and are projected to increase another 48% in the next five years. This will take us from a current 2900 to 5400. Offenders over 50 are more costly medical wise.

5. POPULATION UPDATE

Chief of Operational Services Ken Klingler provided the Population update as of October 6, 2008. Total System Inmate Population = 25,343; Total Incarcerated Population = 24,436; DOC Facility Population = 17,819; Private Prison Population = 4,574; Total System Population = 56,719; County Jails with Contracts = 683; County Jail Backup = 1,232; Halfway House Population = 1,360; Probation = 27,526; and Parole = 3,850. Currently DOC's net growth stands at 228.

6. APPROVAL OF FACILITY CAPACITY CHANGE

- Oklahoma State Penitentiary

Mr. Klingler request Board consideration to change the capacity of I Unit at OSP from 115 to 71, as of today, October 8, 2008.

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

7. BUDGET UPDATE

Chief of Departmental Services Greg Sawyer provided the following budget update as of August 2008. If things continue as they are, DOC will be looking at a 9M dollar deficit at the end of the fiscal year. Director Jones noted on the trending report that there is good news and bad news. The good news is the agency is able to hire additional employees. We are currently trending 82.5% of our employee work force and were funded at 81%. A majority of the deficit is in that category. The bad news is incentive programs to retain officers. This area will be watched very closely.

8. APPROVAL OF FY 2010 BUDGET REQUEST

Mr. Sawyer provided the FY 2010 budget request for Board approval.

Priority A – Identifies employee compensation and staffing. The theme is, “The Year of the Employee.” It includes performance pay for CO's; 5% performance raises for all state employees as allowed by statute; raising CO's to midpoint; establishing master sergeant; shift differential; expansion at Lawton; additional 20 PPO's; and increasing benefits for employees. The agency has been successful in hiring

staff so we are above the 81% budgeted for this year and would like to get additional funding to get the FTE funding level up to 84%.

Priority B – Identifies infrastructure improvements such as warehouse and kitchen at JDCC; new water treatment plant at JEHCC; and a series of roof repairs throughout the system.

Priority C – Identifies security improvements needed throughout the system such as stun fences; ballistic vests; lock repairs; fire and safety systems; cameras, etc.

Priority D – Identifies operating equipment needed throughout the system. Requesting vehicle replacements over 150,000 miles, which represents slightly under 24% of our fleet; Community Corrections has list of various equipment they need; Construction and Asbestos Unit is needing replacement equipment for items that are no longer functioning; and Agri Services is in the same situation.

Priority E – Identifies population growth. Some growth is anticipated next year. Director Jones said DOC is renovating the old kitchen at JLCC and hopes to have it open in a couple months. It will provide bed expansion, as will the construction at JCCC, which is coming on line later next year. These projects are being built with existing inmate labor and existing funds but per diem is not funded. The LCCC expansion is taking office space and converting it into bed space. The costs associated with the 6.1 M for growth projections was derived by taking our current growth in this fiscal year and counting on the current trend to continue at 2.5-3%.

Priority F – Identifies mandatory costs; items the agency has no control over. In legislation adopted last session, HB 3336 changed the date county jail backup payments start from the date the J&S is certified to the actual date of sentencing. We are also responsible for county jail backup medical costs. Director Jones said the county jail backup medical was funded during the last session but we underestimated how much that would be. Other elements in this category are: Inflation items; rent increases; operating increases in medical services; utility costs; and fuel.

Priority G – Identifies expansion of reintegration and treatment programs in community corrections and substance abuse programs at facilities.

The last page of the summary is a separate category for new construction. All listed expansion projects were on last year's budget request, with the exception of the last two items.

Mr. Rainey asked which items in the summary were recommended by the MGT auditors. Director Jones reported that 85% of our budget was directly related to the MGT recommendations. Getting up to contiguous state average on salaries, the need for additional officers for Drug Court and Mental Health Court, warehouse space, infrastructure items, roof repairs, security equipment, vehicle replacement, and new construction of OSP are just some of the items recommended by the audit. The auditors requested an A&E study be completed. What DOC did not include, which was in the MGT audit, was a step down facility from maximum security. This is something the agency felt it could withhold until the A&E study was complete.

Mr. Godlove asked if he understood correctly in that we were asking for an additional 88M over what we asked for last year. Director Jones' responded that was for operating only; not including new construction. He said last year the agency separated out a bond issue for new construction but did not separate it out as a bond issue this year. DOC's actually appropriations request for operating expenses is 591M. New construction was separated out so it would not be confused with operational needs. He pointed out that although some things that could obviously be dissected out, there are others that are

mandatory. Of the 88M, 8.1M is the agency's additional mandated contribution to the retirement and health care system and 3.3M at JEHCC, not specifically mentioned in the audit, is a mandatory item. If the agency doesn't upgrade its construction and asbestos abatement equipment, those crews will shut down.

Mr. Godlove asked if the audit provided any justification for asking for 318M for the new construction. Director Jones said the audit did not specify an exact amount, but that MGT had recommended a follow up A&E study. Mr. Rainey asked what the status was on the study. Director said the language had been submitted to leadership for review and is in preparation for going out for bid or direct contract. Once a contractor is identified and awarded, it should be take 3-6 months to complete the study.

Director Jones said once the BOC approves the budget, it will be filed with the Office of State Finance and after the elections DOC will be presenting this budget plus supporting documentation to legislative committees at the capitol. Mr. Godlove suggested that a cover letter be submitted from the Board endorsing this budget to suggest to the leadership that much of the increase was brought about by the audit recommendations they proposed this agency comply with. Director Jones will visit with Chairman Ware and get something drafted.

Vice Chairman Logan sought a motion for approval of the FY 2010 budget request. Mr. Godlove made the motion followed with a second by Mr. Rainey. Results of roll call: Mr. Godlove, yes; Mr. Henneke, absent; Mr. Logan, yes; Mr. McBee, absent; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, absent.

9. CONFIRMATION/APPROVAL OF APPOINTMENTS

- **Marty Sirmons, Warden, Oklahoma State Reformatory**
- **Eric Franklin, Warden, Lexington Assessment and Reception Center**
- **Randy Workman, Warden, Oklahoma State Penitentiary**
- **Bruce Howard, Warden, Howard McLeod Correctional Center**
- **Haskell Higgins, Warden, Jim E. Hamilton Correctional Center**

Deputy Director Bobby Boone requested approval to move five wardens to different facilities. He presented each warden along with a brief history of their careers with the agency. With the Board's approval these moves would be effective in December.

1. Warden Workman from LARC to OSP. He started his career at MACC. At HMCC he worked in several different capacities. In 2000, he was appointed warden at DCCC. In 2004, he became the warden at LARC.
2. Warden Sirmons from OSP to OSR. He started his career in 1981 at OSR. In 1989, he was promoted to deputy warden at DCCC. In 1997, he assumed warden duties at HMCC. In 2004, he became warden at DCCC and in 2006, went to OSR as warden.
3. Warden Franklin from OSR to LARC. He started his career in 1984 at MBCC. He's been a warden at JCCC, JDCC, EWCC, and most recently since 2006 was warden at OSR.
4. Warden Higgins from HMCC to JEHCC. He started his career in 1989 at JEHCC. He became head of the training academy at Wilburton and in 2004, was appointed warden at HMCC.
5. Warden Howard from JEHCC to HMCC. He started his career in 1978 at MACC. He served as case manager, records officer, procedures officer and was promoted to deputy warden at MACC in 1989. In August 2002, he promoted to warden at JEHCC.

Vice Chairman Logan sought a motion for approval of all warden appointments. Mr. Smith made the motion followed with a second by Mr. Rainey. Results of roll call: Mr. Godlove, yes; Mr. Henneke, absent; Mr. Logan, yes; Mr. McBee, absent; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, absent.

The wardens were provided certificates by Vice Chairman Logan and received applause from the audience.

10. APPROVAL OF 2009 LEGISLATIVE INITIATIVES

Executive Assistant Neville Massie indicated a folder was in the Board packet with 10 DOC initiatives. Some have multiple parts and some will be familiar as they were initiatives from last year. She provided a brief explanation of each initiative as follows:

1. Eliminate requirement that employees utilized in operation of facility canteens be state employees.
2. Amend statute to allow staff at facilities to eat a meal at no cost.
3. Clarify notification process directing the department to complete reports for Judicial Reviews of sentences.
4. Amend Community Sentencing Act: Expand eligibility criteria to include high LSI score and eliminate automatic exclusion of 85% offenses. These were recommendations by the MGT audit.
5. Amend inmate lawsuit language to restrict offender from asking District Court to vacate or modify its decision. Directs that appeal of the decision of the District Court shall be direct to the appropriate Appellate Court.
6. Enact legislation to provide process for offenders to seek or maintain occupational licensure.
7. Amend Sex Offender Registration Act to remove prohibition against registered sex offenders residing together.
8. Amend Title 74, Section 590 adding a penalty to a business organization that hires a state officer or employee who exercised discretionary or decision making authority in awarding a privatization contract to that business organization.
9. A. Require private prison contractors to provide construction plans and staffing patterns to the DOC for approval prior to commencement of construction on existing and new proposed facilities.
B. Establish penalty clause for private prison operator's failure to comply with ODOC inmate security classification.
C. Amend private prison statute to allow DOC director to fine private prisons we do not contract with for failure to follow monitoring requirements (current statute only allows director to seek an injunction to cease operations).
10. Repeal statute that allows North Fork Correctional Facility in Sayre to house inmates not allowed in other private facilities (sex offenders, escapees, riot history).

The deadline for bill requests is December 12th. These initiatives were reviewed by the Legislative Committee. There were two minor changes recommended by the committee. Those changes were noted and inserted in the Board packets. The change on initiative #5 was to reference Title 12. The change to initiative #9C was to say rather than the director having the ability to fine the entity for failing to comply, he would make a recommendation to this Board, who would have the authority to fine the private prison for failing to comply. Director added for clarification, that this was only on those private prison contractors that we currently do not have a contract with, (i.e. those with out of state inmates that do not comply with the statute). Senator Smith confirmed this was the recommendation from the Legislative Committee.

Chairman Ware sought a motion for approval of the 2009 legislative initiatives. Mr. Godlove made the motion followed with a second by Mr. Rainey. Results of roll call: Mr. Godlove, yes; Mr. Henneke, absent; Mr. Logan, yes; Mr. McBee, absent; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, absent.

11. APPROVAL OF BOARD POLICIES

- **P-030100, Provisions of Services/Offender Rights and Responsibilities**
- **P-090100, Provisions of Programs**
- **P-010700, Victim Justice Advisory Council**

Director Jones said all three of the listed policies were reviewed by the Executive Committee. They are each annual reviews with no significant wording changes and requested approval from the Board.

Vice Chairman Logan sought a motion for approval of all three Board policies. Mr. Smith made the motion followed with a second by Mr. Rainey. Results of roll call: Mr. Godlove, yes; Mr. Henneke, absent; Mr. Logan, yes; Mr. McBee, absent; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, absent.

12. PROGRAM UPDATE

- New Life Behavior

Agency Chaplain Leo Brown shared information about the New Life Behavior program. It is a faith based comprehensive program to assist individuals with behavior and improvement. There are 11 courses, ranging from a sense of self, family, addressing parenting matters, what is true freedom, marriage skills, Christian woman, developing attitudes and behaviors, Christians against substance abuse, seeker series, and prisoners of Christ. In Oklahoma this program was first introduced at HMCC at 1988 and DCCC in 1989. DOC now has 91 volunteers that provide this program in 26 correctional facilities at all security levels. In FY 08, 1,562 offenders participated in the program and 411 offenders graduated from at least one of these courses. It is a national program functioning in over 40 states. Handouts were provided.

DCCC Volunteer Bud Tibbles was present and provided the following message. He has worked at DCCC for 20 years as a full time volunteer in programs and assistant chaplain. Currently they are conducting seven classes each week at DCCC. In the next two weeks, they'll be starting up three more in the faith based unit. He shared stories of the success of three former offenders. Mr. Tibbles introduced another volunteer, Bill Hamrick, who goes to Tulsa County each week and who has been helping at DCCC. Mr. Hamrick reported he was in his 3rd year of teaching New Life Behavior classes. In addition to DCCC and David L. Moss, he teaches a total of eight classes each week and also has correspondence students. Currently there are 285 students in 14 facilities across the state who are taking New Life Behavior by correspondence.

Vice Chairman Logan commended Chaplain Brown and the volunteers for their work on this program.

13. COMMITTEE REPORTS

The following committee reports were provided.

Budget – Jerry Smith said their committee had a teleconference on Monday in which they reviewed the budget request approved today by the Board.

Female Offender – Ted Logan – no report.

Legislative – Matthew McBee was absent – no report.

Population/Private Prisons – David Henneke was absent – no report.

Public Affairs/State Boards Interface – Robert Rainey urged the Board to read Pam Ramsey's notes from their committee meeting held October 7th.

Executive – Earnest Ware was absent – no report.

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.

Vice Chairman Logan called for a motion to adjourn to Executive Session. Mr. Godlove made the motion, seconded by Mr. Rainey. Results of roll call: Mr. Godlove, yes; Mr. Henneke, absent; Mr. Logan, yes; Mr. McBee, absent; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, absent. The Board entered Executive Session at 2:25 p.m.

The Board returned from Executive Session at 3:25 p.m. Vice Chairman Logan called for a motion to return from Executive Session. Mr. Rainey made the motion followed by a second from Mr. Godlove. Results of roll call: Mr. Godlove, yes; Mr. Henneke, absent; Mr. Logan, yes; Mr. McBee, yes; Mr. Smith, yes; Mr. Rainey, yes; and Mr. Ware, absent.

Vice Chairman Logan 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

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

Meeting adjourned at 3:28 pm.

I hereby certify that these minutes were duly approved by the Board on this 22nd day of January, 2009, in which a quorum was present and voting.

Approved by:

Secretary of the Board

Date: January 22, 2009

Submitted by: _____
Minutes Clerk