

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Location: William S. Key Correctional Center
One William Key Blvd.
Fort Supply, Oklahoma

Date/Time: Friday, September 18, 2009 – 10:30 a.m.

1. OPENING AND ROLL CALL

Chairman Ware of the Oklahoma Board of Corrections called the September 18, 2009, meeting to order at 10:35 a.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 Matthew McBee Linda Neal Robert Rainey
Earnest Ware

Absent: Ted Logan and Jerry Smith

2. WELCOME/REMARKS

Deputy Warden Monday welcomed the BOC to the William S. Key Correctional Center. Warden Vaughn was unable to be in attendance due to his father passing but was honored and pleased that WSKCC was hosting the BOC meeting.

Deputy Monday provided the following information about the facility. WSKCC has 4 units currently housing 1,037 offenders who are managed by 67 security staff, 57 support staff, and 38 health services, Agri-Services, Career Tech, education, computer services, training, and CTU employees also assigned to this facility. The Regimented Inmate Discipline program currently has 135 offenders participating. The RID program, which originated in Oklahoma was designed like a military style boot camp and has been the pattern for several programs across the nation. The Key to Life program currently has 174 participants. This program is a 9 month drug and alcohol abuse program. WSKCC received 100% scores on their mandatory and non-mandatory standards during the most recent American Correctional Association audit conducted in June, 2009.

Chairman Ware expressed his appreciation for the tour he was given and was glad to have the opportunity to see some of the programs and how they operate.

3. OLD BUSINESS

None

4. APPROVAL OF JULY 10, 2009, BOARD MEETING MINUTES

Chairman Ware sought a motion for approval of the July 10, 2009, Board meeting minutes. Mr. Henneke made the motion with a second by Mr. Rainey. Results of roll call: Mr. Henneke, yes; Mr. Logan, absent; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; Mr. Smith, absent; and Mr. Ware, yes.

5. DIRECTOR'S COMMENTS

Director Jones provided the following update/comments:

- The agency was notified that it was awarded a \$750,000 grant under the Second Chance Act. Part of that grant requires DOC to retool the Oklahoma City Community Corrections Center and make it an exit facility.
- Joyce Jackson has started up the 2nd Leadership Academy. It has become so popular that there is a waiting list to get in. Each academy meets for 6 weeks, on Thursdays, rotating classroom and field days. This is one of the gold standards with the BOC in educating the public and keeping the marketing of corrections visible. The BOC is meeting in October to review their gold standards with the help of Dr. Cappy.
- The agency was notified of another 5% cut from our monthly allocation. With the first 5% revenue shortfall contingency money, equipment money from administrative accounts, vehicle replacement, etc. was used to cover the loss. With the notification of an additional 5% cut, the agency will be using carry over funds. A 5% cut for DOC monthly is equal to \$1.8-2 million. There is about \$5 million in carry over; \$2 million will take care of this 2nd budget cut while the other \$3 million will go toward workman's comp premiums. Other funds are also available, (i.e. canteen if necessary). Assuming there is no special session Director believes DOC will be covered through the end of the year as long as the cuts don't go over 5%. In January the agency will need to have discussions on what to do next if shortfalls continue.
- The Fugitive Apprehension Unit apprehended 14 escapees/parole violators and agents arrested 20 offenders in July. In August, the fugitive agents apprehended 10 offenders from the DOC fugitive list and 2 probationers.
- A newly developed intelligence officer position was posted at Oklahoma State Penitentiary and will close on September 3.
- The United Way for the State Charitable Campaign will kickoff September 16. Director was appointed by the Governor as chairman of the campaign. A goal of \$545,000 has been set, which is 9% higher than last year.
- Completed a training kiosk pilot at Oklahoma State Penitentiary; staff completed 255 hours of training during the 90 day pilot period. This allows staff to complete short training segments on their units. The plan is to expand this program.
- Union City CCC started their Offender Transition Program, modeled after the program at the Frederick Community Work Center. This program will be expanded to other CCC's.
- Oklahoma Correctional Industry sales are down 37% this calendar year; new projects are being sought at the Department of Rehabilitative Services (DRS) and at new National Guard armories.
- The Oklahoma Secretary of Agriculture recently toured the Food Processing Operation at JCCC. More than 90,000 pounds of vegetables have been produced with additional crops still to be harvested. Thus far, vegetable production has resulted in savings of approximately \$45,000 for the agency.
- The construction unit is currently working on the kitchen remodel at DCCC, the outside warehouse at MBCC, and the MACC water tower and steam line. The water tower is the tallest structure in Atoka County.
- Since mid June, the agency has released 60 offenders to INS under new legislation.
- Several BOC members had questions related to the voluntary buyout which is now completed. The retirement board approved 119 employees to take the buyout. The benefit will not be realized until March or April. If the legislature does not have a special session, that buyout may be what keeps DOC afloat if we continue to take 5% cuts.

Chairman Ware noted the agency was at 78% of its authorized FTE and asked at what point should the public be concerned about public safety? Director replied that DOC was attempting to keep CO's and PO's at 81%, which means other positions will have to run at about 78%. Leadership has asked on several occasions recently at what point does it become unsafe to the public. Director said anything below 78% FTE is going to get bumpy. If we go lower than that, we are asking too much of our employees. We will be successful at 78% but it will wear staff out. His fear is that when we go back into session legislators will say DOC doesn't need 81% FTE since we didn't lose a facility or have a hostage situation. At that point director would ask the Board to look at their gold standards to get more involved in pushing back that kind of perception. The goal is still no furloughs.

6. 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 August. A deficit of \$7 million exists in the agency for FY 2010. The biggest part of the deficit is payroll, which is trending a deficit of \$5.5 million. This figure does not incorporate any savings from the voluntary buyout. Contract beds have a \$1.2 million deficit at this time. Medical expenditures reflect a deficit of \$300,000, which is less than what we were trending last month. Mr. Sawyer explained there was a change in the 3rd party administrative providers in January to EDS. Because of logistical and data problems it affected medical claims. As of last month EDS reported to the Insurance Board they were meeting about 80%. Director indicated that even before the two revenue shortfalls we would be running a deficit because of having to absorb \$15 million dollars of unfunded mandates.

Mr. Henneke asked if there was any indication that the agency would have offender growth and need more beds. Director reported DOC ended the fiscal year with a net growth of 83. Ken Klingler provides him an update each week, to include balancing out the county jail backup. From September 08 to September 09, DOC had a facility growth of 59 and county jail back up growth of 233. It is anticipated females will grow 11%, which would be consistent with previous years and 8-9 % in male net growth. There are vacancies in the private sector. However, the state of Pennsylvania announced they were looking at Oklahoma to move 1500 offenders while they build. The state of Michigan is going to bid also. County jail contracts were cut so that is an area we can expand back in to. There are approximately 200 medium beds vacant in Oklahoma County alone and an estimated 500 beds statewide. The private sector has approximately 3,000 beds; all with CCA.

7. POPULATION REPORT

Chief of Operational Services Ken Klingler provided the Population update as of September 8, 2009. Total System Inmate Population = 25,333; Total Incarcerated Population = 24,395; DOC Facility Population = 18,176; Private Prison Population = 4,515; Total System Population = 55,409; County Jails with Contracts = 421; County Jail Backup = 1,408; Halfway House Population = 1,283; Probation = 26,356; and Parole = 3,720.

Mr. Rainey asked if receptions historically go up or down during a recession. Mr. Klingler said he did not know but this summer DOC brought in historic numbers, averaging 180-194 per week. Director said there is competing research that says if a recession lasts long enough property crimes are going to increase. If the recession lasts another 18 months, there will be a lot more non-violent offenders coming through the system, which will back up the county jails.

Mr. Henneke asked if HWH's were full. Mr. Klingler said that Director Jones and Ed Evans has them continuously shaking the system and try to keep the community security level full because that is the cheapest dollar spent by the agency.

8. APPROVAL OF NEW PRIVATE PRISON CONTRACT

- **Corrections Corporation of America – FY 2010**

General Counsel Mike Oakley reported that at the last meeting, the Board voted to extend the CCA contract so that final negotiations could take place. The final product is in the Board packets. Director reported DOC will now have some flexibility as the reconciliation on the guaranteed 98% occupancy will take place only at the end of each quarter. Director said he can work with that and requested approval of the terms of the CCA contract.

Mr. McBee noted for clarification that the director was referring to Page 23, Article 7, Part C. He had spoken at length with the director and the Private Prison Committee and it was his recommendation that the CCA contract be approved. The motion was seconded by Mr. Henneke. Results of roll call: Mr. Henneke, yes; Mr. Logan, absent; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; Mr. Smith, absent; and Mr. Ware, yes.

9. APPROVAL OF ADDENDUM TO PRIVATE PRISON CONTRACT

- **GEO Group, Inc. – FY 2010**

Mr. Oakley requested approval of an addendum to the GEO contract that also extends the number of renewals to 4 more years. Director thanked Don Houston and David Miller for being present at the meeting today and is appreciative of GEO's offer to help out during recessionary times. This addendum gives DOC an additional discount of .50 per day, for a total of .90 per day if we keep them at 98%. It will save the agency approximately \$350,000-\$400,000 for the remainder of this year. Mr. Henneke also thanked GEO for their approach to the problem.

Mr. McBee said the Private Prison Committee discussed this addendum to the contract and it was the recommendation of the committee to approve the addendum. Mr. Henneke seconded the motion. Results of roll call: Mr. Henneke, yes; Mr. Logan, absent; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; Mr. Smith, absent; and Mr. Ware, yes.

10. APPROVAL OF BOARD POLICIES

- **P-020600, Legislative Initiative Process**
- **P-020700, ODOC Information System**
- **P-100100, Training and Staff Development Standards**

Director Jones advised the above listed Board policies were up for annual review due to American Correctional Association Accreditation requirements. The Executive Committee reviewed these policies via conference call and they contained no substantive changes; only name changes for chair and vice-chair.

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

11. GPS RECIDIVISM REPORT

Statistical Analyst Renee Phillips reported that the Evaluation and Analysis unit receives various data/research requests by both internal and external sources ranging from demographic statistics to analytical reports. She was there today to present the findings of a report requested by Reginald Hines and Kenny Holloway, specifically on GPS.

With this study, they decided to evaluate the success rate of GPS offenders and stratify the LSI risk score that was assessed at prison reception. To analyze these data they implemented a statistical model termed survival analysis, which identifies the percentage of offenders that have not returned over time. The offenders that were included were all GPS discharges for FY 05-FY 06 and within this group there were approximately 700 offenders that were discharged. Of these offenders, 96% completed the GPS terms successfully. Only 4% did not, and they tend to be younger males who were in a racial minority and scored moderate to high on the LSI. The survival rate of all successful GPS completions was analyzed when stratified by LSI risk score with the following results. Low risk had an 89% survival rate at the end of three years; moderate risk was 88%; and high risk was 86%. The analysis was expanded by also stratifying location where these offenders were released. They discovered that those who were low and high risk did better if they were released to probation and parole supervision vs. discharging from DOC custody; whereas the moderates did better if they discharged as opposed to being released under supervision. Caveats to consider about this study are that GPS offenders are a highly select group of offenders. There are strict criteria they have to meet to be in the program so these results would not necessarily be representative of all offenders in DOC's population. Also, some of the sample sizes of which they were dealing with were small. There were only 83 that fell into the high risk group. The more offenders in a group the more they tend to fit to the norm and you can lend greater support to your findings.

Mr. McBee asked about the lack of statistical significance between the high risk and low risk GPS offenders. Ms. Phillips said that statistically speaking it just means that with this sample there were fewer numbers of offenders so we can't say with much certainty that this wasn't by chance. Mr. McBee and Ms. Phillips did agree it could be said with certainty that the GPS survival rate for all offenders is greater than 86%.

Mr. Henneke asked how many were on GPS. Ann Toyer responded that 478 were currently on GPS. Director asked Ms. Toyer if restrictions in statute were going to keep us limited to that number. Ms. Toyer said the number could be increased to about 500 if statute was lifted on the parole waiver, which says if you are denied parole you can't be on the program for one year. She recently completed an audit and several fit those criteria. Mr. Henneke asked if we had the officers to supervise GPS offenders if the program were increased and how the officers felt about it. Ms. Toyer said that it depends on the area whether there are enough officers or not. She had not heard any grumblings about supervising the offenders in the program. In fact there are certain areas that have asked for more. Director said we are the only state that uses GPS on inmates. The fee for the device is \$165 /month, of which is paid by the offender. Mr. McBee asked if GPS failures included law violations. Ms. Toyer replied that some failures are from technical violations and some from law violations.

Kenny Holloway addressed the Board to say that one significant thing they did this year under Ms. Toyer in response to the question of officer's perception on how they have reacted to the GPS program, is they modified the equipment and went from a 3 piece unit to a 1 piece unit. The 3 piece unit would create false positives signals, which tied up officer's time. With the one piece units, there is not the large number of violations that officers have to contend with. Also with the one piece units there is much less opportunity for lost and damaged equipment.

Mr. Rainey and Mr. Henneke both agreed these were numbers they could provide the legislature and Governor's office. Mr. Rainey asked if there was anything else the Board might want to think about programmatically or from a legislative standpoint. Ms. Phillips said she would like to expand the sample size.

Director asked if their findings coincided with the other validation research on the LSI. Ms. Phillips had not read much on the validation research, but one of her concerns with this study was putting the high risk offenders on GPS and being able to say that they were high risk offenders. The criteria these offenders have to meet would seem more like the moderate to low range as opposed to the high range. Director's second question was about their finding that moderates did better without supervision but he didn't hear her say that about the low level. Ms. Phillips stated the difference between the two was not dramatic. At the end of three years the low risk that went to probation and parole supervision had a 93% survival rate as opposed to those discharging having an 85% survival rate.

12. COMMITTEE REPORTS

The following committee reports were provided.

- Budget – Chair Jerry Smith, Member Robert Rainey (**No report. Mr. Henneke said Senator Smith had been ill for some time and with the chairman's approval, he will take the position of chair and will probably have a budget committee meeting next month.**)
- 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, Member Robert Rainey (**Mr. McBee reported their committee met and minutes are included in Board packets.**)
- Public Affairs/State Boards Interface – Chair Robert Rainey, Member Matthew McBee (**No report**)
- Executive – Chair Earnest Ware, Members Ted Logan and David Henneke (**Chairman Ware reported their committee met and minutes are included in BOC packets.**)

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

- 1) *Discussion of employment, hiring, appointment, promotion, salary demotion, discipline or resignation of any individual salaried public officer or employee.*
 - 2) *Confidential communications between a public body and its attorney concerning pending investigation or an action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public.*
- B. Adjourn to Executive Session**
C. Return from Executive Session
D. Announcement by the Chair as to the necessity of any Board Action 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. Rainey made the motion with a second by Mr. Henneke. Results of roll call: Mr. Henneke, yes; Mr. Logan, absent; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; Mr. Smith, absent; and Mr. Ware, yes. The Board entered Executive Session at 11:34 a.m.

The Board returned from Executive Session at 2:35 p.m. Chairman Ware called for a motion to return from Executive Session. Mr. McBee made the motion with a second by Mr. Henneke. Results of roll call: Mr. Henneke, yes; Mr. Logan, absent; Mr. McBee, yes; Ms. Neal, yes; Mr. Rainey, yes; Mr. Smith, absent; and Mr. Ware, yes.

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

14. 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

15. ANNOUNCEMENTS

None

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

Meeting adjourned at 2:36 pm.

I hereby certify that these minutes were duly approved by the Board on this 14th day of October, 2009, in which a quorum was present and voting.

Approved by:

Secretary of the Board

Date: October 14, 2009

Submitted by: _____
Minutes Clerk