

**OKLAHOMA BOARD OF CORRECTIONS  
REGULAR MEETING**

Mack Alford Correctional Center  
1151 North Highway 69  
Stringtown, Oklahoma  
June 5, 2014

**1. Opening and Roll Call**

**Kevin Gross, Chair**

Chair Gross called the regular meeting of the Oklahoma Board of Corrections (BOC) to order at 1:00 p.m. at the Mack Alford Correctional Center (MACC) on Thursday, June 5, 2014. Chair Gross asked the clerk to call the roll:

Steve Burrage, Secretary	Present	Linda Neal, Member	Present
Kevin Gross, Chair	Present	Michael Roach, Vice Chair	Present
Gene Haynes, Member	Present	Earnest Ware, Member	Present
Frazier Henke, Member	Present		

Calling of the roll reflected a quorum was present.

**2. Welcome/Remarks**

**Jerry Chrisman, Warden  
Mack Alford Correctional Center**

Warden Chrisman greeted the Board members, welcoming them to MACC. He noted the history of the facility beginning in 1930 as a sub-prison of the Oklahoma State Penitentiary and continuing through today as a medium security institution. Warden Chrisman provided each Board member with a packet of information about MACC. He thanked the Board and again welcomed them to MACC.

**3. Old Business**

**Kevin Gross, Chair**

No old business was brought before the Board.

**4. Approval of Board Meeting Minutes**

**Kevin Gross, Chair**

- Regular Meeting on May 1, 2014

Chair Gross stated the minutes were provided to the Board for review prior to the meeting this date. He requested a motion to approve the minutes from the Regular Meeting on May 1, 2014.

**Motion:** Mr. Burrage made a motion to approve the minutes and Mr. Henke seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – abstain; Mr. Roach – yes; Mr. Ware – yes.

The minutes were approved by majority vote.

**5. Director's Comments**

**Robert Patton, Director**

Director Patton provided the following updates:

- In accordance with the provisions of Title 74, Director Patton authorized the emergency purchase of an air conditioning unit at William Key Correctional Center that was damaged due to a power surge. Due to the age of the current unit and the estimated cost of repairs, it was determined that the best option would be to replace the unit. The total cost to purchase a new unit with warranty and a surge protector was approximately \$25,000.
- Marilyn Anderson was introduced as the chief administrator of Business Services effective June 2, 2014.
- Director Patton attended the Correctional Officer/Correctional Officer Supervisor/Probation & Parole Officer of the Year recognition ceremony on May 7, 2014. He noted the officers were also recognized that day on

the House and Senate floors and Governor Fallin met with them as well.

- Director Patton attended New Director's Training, hosted by the Association of State Correctional Administrators, on May 29-June 1, 2014.
- A second Warden's Meeting was held on June 2, 2014, to provide updates to the wardens from all seventeen institutions.
- Since the Board meeting on May 1, 2014, Director Patton has toured and met staff at James Crabtree Correctional Center, William S. Key Correctional Center, Northeast Oklahoma Correctional Center, and Bill Johnson Correctional Center.
- The FY 2014 Supplemental Request for \$13 million was signed by Governor Fallin on May 14, 2014. The legislature also approved utilization of \$4 million from the prison industries 280 Revolving Fund. This \$17 million is being applied towards the deficits for FY2014 in private prison beds (\$10 million) and county jail backup (\$7 million). The money has been added to the budget and invoices are being processed and paid.
- The FY 2015 Budget Appropriations was approved by Governor Fallin for \$471,451,551. This is \$7.7 million more than the appropriations for FY 2014 and is to address the specified pay raises pursuant to SB 2131.
- SB2131 was a bill that was introduced late in this years' general session and provides for salary increases to employees occupying certain job titles. Last year, Kenning Consulting and the Hay Group were commissioned by the State of Oklahoma to conduct the 2013 Total Remuneration Study. The study identified jobs that were below the market in relation to pay. For ODOC, the bill directs an 8% increase for all levels of correctional security positions and a 6.25% increase for thirteen (13) other identified job titles. A total of approximately 2,500 ODOC staff will receive an increase.
- ODOC also received approval for \$9.8 million of capital improvement funds that will be made available to the department through the Office of Management and Enterprise Services (OMES), Division of Capital Assets Management. These funds are not actually put into the DOC budget, but are accessed through OMES for specifically identified capital improvement projects.
- Director Patton noted that he was notified just before the meeting that Tulsa County Sheriff had dropped their pending lawsuit against ODOC regarding county jails due to the recent reduction of offender backup in their facility.

## 6. Approval of Board Policy

**Robert Patton, Director**

- P-070100, Provision of Food Services

Director Patton stated there was one Board policy in annual review this date. The policy was updated to reflect the current Board chair name and removal of the vice-chair signature line. Other wording changes were noted by Director Patton; however, none of the changes altered the intent of the policy. Director Patton recommended approval of the policy as provided to the Board.

**Motion:** Mr. Roach made a motion to approve the policy as noted and Mr. Burrage seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The policy was approved by majority vote.

## 7. Budget Update

**Ashlee Clemmons, Acting Chief  
Business Operations**

- Loss of Phone Revenue

Ms. Clemmons provided the following budget update as of April 30, 2014:

### FY2014 Budget Work Program

Appropriated	\$471,443,633
200 Fund	\$18,772,094
205 Fund	\$10,335,595
Total – BWP	\$500,551,322*

*\*Excludes Prison Industries and Community Sentencing  
and Federal Funds*

Y-T-D Expenditures		\$(390,597,689)
Appropriated	\$(383,864,974)	
200 Fund FY 14	\$(5,602,881)	
205 Fund FY 14	\$(1,129,834)	
Encumbrances		\$(49,046,000)
Committed		\$(942,795)
Remaining Payroll		\$(43,921,542)
<b>Available Balance</b>		<b>\$16,043,296</b>

Appropriated Operating Funds

Budgeted		\$471,443,633
Expenditures Y-T-D		\$(383,864,974)
Encumbrance Y-T-D		\$(38,105,522)
Total Committed Y-T-D		\$(111,477)
Available Balance		\$49,361,660
Less:		
Payroll		\$(43,921,542)
<b>Available Balance</b>		<b>\$5,440,118</b>

200 Revolving Fund

Beginning Cash Balance 7/1/2013		\$8,847,121
Revenue Received Y-T-D		\$12,591,363
Expenditures Y-T-D		\$(21,040,947)
Adjustments Y-T-D		\$(874)
Ending Balance		\$396,663

205 Revolving Fund

Beginning Cash Balance 7/1/2013		\$1,100,947
Revenue Received Y-T-D		\$4,695,961
Expenditures Y-T-D		\$(4,516,328)
Adjustments Y-T-D		\$0.00
Ending Balance		\$1,280,580

280 Revolving Fund

Beginning Cash Balance 7/1/2013		\$4,307,972
Revenue Received Y-T-D		\$20,651,780
Expenditures Y-T-D		\$(18,902,609)
Adjustments Y-T-D		\$(4,751)
Ending Balance		\$6,052,392

Mr. Burrage queried if the director had been approved to access the 280 Revolving Funds without legislative approval. Director Patton responded it was approved through the supplemental request language. Mr. Burrage queried if some of those funds had already been used to finish out the fiscal year and Director Patton responded in the affirmative.

Ms. Clemmons then provided an update on the loss of phone revenue. The Federal Communication Commission (FCC) released ruling FCC 13-113 to regulate offender calling services. In an effort to stem the high costs for offender families, the order established intrastate rate caps of \$0.25 per minute for collect calls and \$0.21 per minute for debit or pre-paid calls. In addition to the intrastate rate caps, the compensation plan on interstate calls is no longer permitted. The new requirements took effect on February 11, 2014.

In FY 2013, actual phone revenue from inter- and intra-state calls was close to \$3 million. Approximately seventeen percent of total phone revenue was generated from interstate calls; there is an estimated loss of \$81,000 since the ruling took effect in February. Based on data collected since implementation, it is estimated ODOC will experience an

annual revenue loss of approximately \$500,000.

No further questions or comments were made.

**8. Approval of Title 61 § 130, Emergency Declaration**

**Kevin Gross, Chair**

- Replacement of Flooring in Dining Room Area  
Lexington Assessment and Reception Center

Director Patton stated on February 5, 2014, a contract was initiated between the Oklahoma Department of Corrections and Sunrise Home Construction, LLC, to replace the flooring in the food service area at Lexington Assessment and Reception Center. During the replacement process, the contractor had to remove approximately 10,737 square feet of build-up in the sub-floor and replace it with new concrete filler as well as coat with a chemical floor overlay system for the new epoxy to adhere. This additional work was not included in the original bid and was unforeseen causing an emergency situation. The facility is unable to use a section of the kitchen, is serving meals on paper plates, and the meals are being prepared in the hallway. Stopping the current work and rebidding the project would require a minimum of sixty (60) days, further lengthening the completion time for the project.

An emergency purchase is requested for \$57,241.75, which is the anticipated cost to cover the removal and replacement of the sub-floor; however, the director is only authorized to approve emergency purchases under \$35,000. In accordance with Title 61 § 130, Director Patton requested the Board approve this emergency purchase.

**Motion:** Mr. Burrage made a motion to approve the emergency purchase and Mr. Roach seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes..

The emergency purchase was approved by majority vote.

**9. Population Update**

**Laura Pitman, Ph.D., Division Manager  
Field Support**

Dr. Pitman provided the population update as of April 30, 2014:

Total System Offender Population = 27,439	EMP = 16
DOC Facilities = 18,738	PPCS = 1
Private Prisons = 5,810	Probation Supervision = 21,753
County Jails with Contracts = 523	Parole Supervision Offenders = 3,208
Halfway Houses = 1,157	Total System Population = 52,400
Out Count (jails, hospitals, etc.) = 612	County Jail Backup = 698
GPS = 582	

Dr. Pitman stated the county jail backup as of May 30, 2014, was 269 offenders. Mr. Gross congratulated Dr. Pitman and staff for working so hard to decrease the amount of offenders on the county jail backup list.

No further questions or comments were made.

**10. Approval to Extend Current Private Prison Contract for Ninety (90) Days**

**David Cincotta, General Counsel**

- Corrections Corporation of America (CCA) – Five-year Contract expires on June 30, 2014

Mr. Cincotta stated approval was needed by the Board to extend the private prison contract with Corrections Corporation of America (CCA) for a period of ninety (90) days. ODOC is in the process of negotiating a five-year contract with CCA and the current contract expires on June 30, 2014. Once the agreement is reached, ODOC will submit the contract to the Attorney General’s office and to OMES which will take time to process but the ninety-day extension should suffice in covering this timeframe. Mr. Cincotta requested the Board’s approval of the extension.

**Motion:** Ms. Neal made a motion to approve the contract extension and Mr. Roach seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The contract extension was approved by majority vote.

**11. Approval to Extend Current Private Prison Contract for Ninety (90) Days** **David Cincotta, General Counsel**

- GEO Group, Inc. – Annual renewal of five-year contract

Mr. Cincotta stated approval was needed by the Board to extend the private prison contract with GEO Group, Inc., for a period of ninety (90) days. ODOC is in the process of negotiating the annual renewal of the five-year contract with GEO Group, Inc. Once the agreement is reached, ODOC will submit the contract to the Attorney General's office and to OMES which will take time to process. Mr. Cincotta requested the Board's approval of the extension.

**Motion:** Ms. Neal made a motion to approve the contract extension and Mr. Roach seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The contract extension was approved by majority vote.

**12. Legislative Update** **Neville Massie, Executive Assistant**

Ms. Massie stated the governor has supplemental bills to act on but she has signed a number of bills throughout the week. Ms. Massie provided updates on the following specific initiatives:

- HB 2486, allowing Life Without Parole offenders to access their mandatory savings, was approved by the governor and becomes effective November 1, 2014.
- HB 2630, amending state employee retirement, was approved by the governor and becomes effective on November 1, 2014.
- HB 2804, the county jail reimbursement bill, did not come out of conference.
- SB 1248, the \$100 uniform monthly allowance bill, did not come out of conference.
- HB 3012, allowing correctional officers, probation and parole officers, and inspector general agents to receive their sidearm and badge after retirement, was approved by the governor and becomes effective November 1, 2014.
- HB 3293, relating to state employee comprehensive pay, was signed by the governor on June 3, 2014.
- HB 1794, relating to state employee benefits, was signed by the governor and becomes effective November 1, 2014.
- HB 2779, implementing an emergency alert notification system at each facility, was approved by the governor and becomes effective November 1, 2014.
- SB 1720, requiring probation supervision to meet certain minimum standards, was approved by the governor on June 3, 2014.

Ms. Massie stated House and Senate members have until June 30, 2014, to submit requests for interim studies. No further questions or comments were made.

**13. Approval of Board Resolution** **Edward Evans, Associate Director**

- Neville Massie, Executive Assistant **Field Operations**

Mr. Evans stated it was his pleasure to present the following recommendation to a coworker and friend of many years. He stated Ms. Massie had dedicated her years of service to the Oklahoma Department of Corrections and the State of Oklahoma. He then read the following resolution for the Board:

*WHEREAS, the Oklahoma Board of Corrections received with deep regret the news of the well-deserved retirement of Neville O. Massie; and*

*WHEREAS, Neville O. Massie served the Oklahoma Department of Corrections for thirty-nine years beginning in 1975 as a probation and parole officer; promoting to many positions during her tenure with the agency, including senior probation and parole officer, interstate compact officer, administrative assistant to the deputy director of probation and parole, administrative assistant to the deputy director of institutions, deputy warden, warden, administrator of construction and maintenance, assistant deputy director of institutions, and executive assistant to the director; and*

*WHEREAS, Neville O. Massie guided the Oklahoma Board of Corrections through the last nine legislative sessions, providing sound advice and timely updates on bills affecting and of importance to the Oklahoma*

*Department of Corrections as well as the Board of Corrections; and*

*WHEREAS, Neville O. Massie was a dedicated correctional professional in all facets of her career, contributing greatly to the betterment of the agency and exemplifying the true spirit of leadership and mentorship; therefore, be it*

*RESOLVED, that the Oklahoma Board of Corrections does hereby acknowledge the outstanding service of Neville O. Massie to the Oklahoma Department of Corrections, the Oklahoma Board of Corrections, and the State of Oklahoma, extending to her our congratulations and best wishes for a satisfying retirement.*

*ADOPTED this fifth day of June, 2014.*

Mr. Evans then requested the Board approve the resolution honoring Ms. Massie.

**Motion:** Ms. Neal made a motion to approve the resolution and Mr. Ware seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The resolution was approved by majority vote. Ms. Massie thanked the Board, stating she had enjoyed her tenure serving the Board as well as the agency. No further comments were made.

#### 14. Program Update

**Pam Humphrey, Superintendent  
Education**

- Lakeside School

Ms. Humphrey stated the Lakeside School system was accredited by the State Department of Education in 1947 and was the first correctional school to be accredited through state education in the nation and world. The base school is located at Oklahoma State Reformatory in Granite, Oklahoma, and there is an education system in each of the seventeen state facilities. Lakeside School must meet the same requirements as a regular high school with a few exceptions, such as driver's education. An accreditation team visits annually to reaccredit the school system. The school system offers from forty to forty-three credits as well as offering a vo-tech program in barbering. The system is also accredited through AdvanceEd, with five-year visits for reaccreditation.

Ms. Humphrey stated the agency must hire certified teachers because the school is accredited; there are currently seventy-five teachers and administrators employed throughout the institutions. The school can also apply for grant funding because of accreditation. In the past year, \$596,645 was awarded to the school in federal grants through Adult Basic Education (ABE) funding, Title I funding, and Special Education funding. Last year, the school had 8,481 participants, not including college; there were 1,132 successful GED completions; and twenty-seven associate degrees and two bachelor degrees were awarded through the various colleges and universities with which the school partners. For over a decade, the school has maintained a ninety percent pass rate in GEDs; in comparison, the state pass rate is consistently seventy-one percent and the national rate is sixty-nine percent. Because of the Lakeside School pass rates, the State Department of Education receives more federal funding. In turn, Oklahoma awards ten percent of the funding received for ABE grants to the Lakeside School.

The goal of the Lakeside School is to take the offender to the highest education level as quickly as they can. The academic software is standardized throughout the state, so if the offender transfers to another institution, they can pick up where they left off. The goal is also to produce more productive citizens when they release than when they came in to ODOC. Ms. Humphrey stated the teachers within the Lakeside School system truly care about the students and they change the future one life at a time.

No further questions or comments were made.

#### 15. Committee Reports

**Committee Chairs**

Chair Gross asked the committee chairs for their reports.

- **Budget Committee**  
Mr. Burrage stated there was not a report.
- **Female Offender Committee**  
Ms. Neal stated there was not a report.
- **Public Policy/Public Affairs Committee**

Mr. Ware stated there was not a report.

- **Population/Private Prisons Committee**

Ms. Neal stated the committee had met but Dr. Pitman had already provided all the information in her report earlier this date.

- **Executive Committee**

Chair Gross stated the committee met on May 21, 2014, to review the agenda for the meeting this date.

**16. Election of Board Officers**

**Kevin Gross, Chair**

Mr. Gross stated the proposal from the Executive Committee is to retain the current officers for the next year, which are Mr. Gross, Chair; Mr. Roach, Vice-Chair; and Mr. Burrage, Secretary. Mr. Gross stated the committee felt with the arrival of Director Patton, keeping the Board leadership in place for one more year would be most beneficial to his first year. Mr. Gross stated he would, however, accept any motions for the Board leadership at this time.

**Motion:** Mr. Henke made a motion to elect the current officers for another year of service and Ms. Neal seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The current officers were elected into office for another year.

**17. New Business**

**Kevin Gross, Chair**

There was no new business discussed.

**18. Announcements**

**Kevin Gross, Chair**

There were no announcements at this time.

**19. Approval to Adjourn for Executive Session**

**David Cincotta, General Counsel**

- Discussion of Investigation Regarding Death of Offender Meldercus Johnson #378991
- Discussion of Investigation Regarding Death of Offender Mitchell Fondren #267434
- Discussion of Investigation and Possible Litigation Pertaining to Execution of Clayton Lockett #206409

Mr. Cincotta advised the next items on the agenda required a motion to adjourn the meeting for Executive Session to discuss several offender investigations and the investigation and possible litigation of the recent execution.

**Motion:** Mr. Roach made a motion to adjourn to Executive Session and Mr. Ware seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The adjournment to Executive Session was approved by majority vote and the Board adjourned at 1:34 p.m.

**20. Approval to Return from Executive Session**

**David Cincotta, General Counsel**

At 2:18 p.m., the Board returned from Executive Session. Mr. Cincotta advised the Board of the approval needed to return from Executive Session.

**Motion:** Mr. Henke made a motion to return from Executive Session and Mr. Ware seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The return was approved by majority vote and the Board resumed the meeting at 2:19 p.m.

**21. Adjournment**

**Kevin Gross, Chair**

There being no further business to come before the Board, Chair Gross requested a motion to adjourn the meeting.

**Motion:** Ms. Neal made a motion to adjourn the meeting and Mr. Burrage seconded the motion. The results of the

roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The adjournment was approved by majority vote and the meeting ended at 2:19 p.m.

Submitted to the Board of Corrections by:

**[signature on file]**

\_\_\_\_\_  
Kimberley Owen, Minutes Clerk

\_\_\_\_\_  
Date

I hereby certify that these minutes were duly approved by the Board on the tenth day of July 2014 in which a quorum was present and voting.

Approved by:

**[signature on file]**

\_\_\_\_\_  
B. Steve Burrage, Secretary of the Board

\_\_\_\_\_  
Date