

OKLAHOMA BOARD OF CORRECTIONS MEETING

Jackie Brannon Correctional Center
1300 North West Street
McAlester, Oklahoma
November 18, 2011

1. Opening and Roll Call

Matthew McBee, Chair

Chair McBee called the regular meeting of the Oklahoma Board of Corrections (BOC) to order at 1:05 p.m at Jackie Brannon Correctional Center (JBCC), on Friday, November 18, 2011. Those Board members in attendance were:

David Henneke	Matthew McBee	Linda Neal	Robert Rainey
Earnest Ware	Gerald Wright		

Absent from the meeting was Mr. Ted Logan; however a quorum was present and the meeting continued. Chair McBee recognized Representative Donnie Condit and welcomed him to the meeting. Representative Condit stated that he very much supports ODOC and welcomed the opportunity to assist in any way he can provide. Representative Condit then excused himself from the meeting due to a prior commitment. Chair McBee also recognized Mr. Cody Inman, from Governor Fallin's office, and Mrs. Gerald Wright and thanked them for attending.

2. Welcome/Remarks

Emma Watts, Warden

Jackie Brannon Correctional Center

Chair McBee recognized and opened the floor to Warden Watts, thanking her for hosting the Board meeting. Ms. Watts thanked everyone in attendance and welcomed them to JBCC. Ms. Watts stated JBCC has a 734-bed capacity within three housing units and the current count is 732. JBCC has 102 funded positions with 55 of the positions being security staff and 27 positions are support staff. The operating budget for JBCC is \$1,063,898 and the personnel budget is \$6,106,453. Maintenance costs for the facility in FY 2012 is allocated at \$128,873 and \$582,992 is allocated for FY 2012 food costs. Last month, JBCC's cost to feed one offender per day was \$2.26. Warden Watts once again welcomed the Board and the meeting attendees to JBCC. No other comments or questions were made and the item was closed.

3. Old Business

Matthew McBee, Chair

There was no old business brought before the Board and the item was closed.

4. Approval of October 21, 2011, Board Meeting Minutes

Matthew McBee, Chair

Chair McBee opened the floor for approval of the minutes from the October 21, 2011, meeting of the Oklahoma Board of Corrections. No comments or questions were raised by the Board.

Motion: Mr. Rainey made a motion to approve the meeting minutes. Mr. Henneke seconded the motion. The results of the roll call were as follows: Mr. Henneke – yes; Mr. Logan – absent; Mr. McBee – yes; Ms. Neal – yes; Mr. Rainey – yes; Mr. Ware – yes; Mr. Wright – yes.

No other comments or questions were made and the item was closed.

5. Director's Comments

Justin Jones, Director

Chair McBee opened the floor to Director Jones, who thanked the Board and all staff in attendance at the meeting. He thanked Warden Watts for her staff's hospitality during the tour and the lunch that followed. He also thanked Warden Randy Workman, Oklahoma State Penitentiary (OSP), for his assistance with those that toured OSP. The following ODOC updates were then provided by Director Jones:

- Oklahoma Dental Foundation contacted Deputy Director Laura Pitman to discuss the possibilities of the foundation providing free dental services, particularly restorative care and dental cleaning, for female offenders. As a result, several meetings occurred and Deputy Director Pitman, Deputy Director Kenny Holloway and his staff are doing follow up.

- Deputy Director Pitman participated in coordinating preparation for students from Princeton visiting Eddie Warrior Correctional Center (EWCC). The students arrived Saturday, October 29, 2011, and attended several informative meetings throughout the week and met with female offenders at EWCC and Turley Residential Center. Director Jones visited with them in Tulsa as part of the Justice Reinvestment Initiative process.
- As a result of good recidivism and success rates, Senate Chief of Staff Randy Dowell, Appropriations Committee Chair Senator David Myers, and Appropriations Committee Vice-Chair Senator Clark Jolley toured Bill Johnson Correctional Center (BJCC) on October 5, 2011, in order to observe the unique programs offered there.
- Renowned photographer Yousef Khanfar returned to Mabel Bassett Correctional Center (MBCC) on October 19, 2011, for additional photographs and to meet with selected offenders. He also was at EWCC on October 20-21, 2011. Mr. Khanfar photographed offenders and their children during Play Day. Mr. Khanfar returned to EWCC on October 30 to complete his project.
- On September 30, 2011, the Muscogee (Creek) Nation Reintegration Program held an information meeting on the tribe's reintegration services.
- The Oklahoma Educational Television Authority (OETA) visited the Helping Women Recover (HWR) program at EWCC on Wednesday, October 6, 2011. Ms. Lis Exon is producing a documentary on the HWR program that can be viewed at <http://www.oeta.onenet.net/video/2521.html>. In addition, Director Jones was a member of a panel for OETA Forum on October 27, 2011, to discuss Crime and Punishment along with Cleveland County District Attorney Greg Mashburn, Oklahoma Pardon and Parole Board Chair Richard Dugger, and Oklahoma Department of Narcotics and Dangerous Drugs Director Darrell Weaver.
- On October 13, 2011, MBCC hosted the agency Leadership Academy, providing an informational session, tour, and offender panel. Director Justin Jones attended and spoke to the academy participants. He expressed his appreciation to Joyce Jackson, Executive Communications Administrator, for implementing and conducting the academy.
- A final inspection was conducted of Catalyst Halfway House in Enid on October 13, 2011, and the 60-bed work release facility opened on October 18, 2011. The halfway house was opened in Enid due to the high percentage of employment in that area and the great working relationships within the community established by District Supervisor Mike Carr.
- Director Jones recognized ODOC's K-9 officers and their dogs for the hard work they do and shared a recent event that should make all of ODOC proud to be part of this organization. On October 19, 2011, the Seminole County Sheriff's department requested ODOC's assistance in the search and rescue of a 4-year-old boy missing from Bowlegs, a small town south of Seminole. Sergeant Roy Moore, John Lilley Correctional Center, and facility tracking dogs were dispatched to the area and arrived to provide assistance at approximately 6:15 p.m. The young boy had been missing since approximately 1:00 p.m. and as the trail was five hours old with very windy weather conditions, the dogs were unable to pick up a track. Sergeant Moore began driving the roads, looking and listening and shouting the boy's name. A dog was heard barking, and Sergeant Moore exited his vehicle, climbed over a brush pile to discover little Austin Self standing in the brush, crying. He asked the boy, "Austin, are you ready to go home?" At that time, the little boy lifted his arms for Sergeant Moore to pick him up to go home. In Sergeant Moore's words, "It was a glorious day." There were over 90 law enforcement personnel assisting in this search.
- The Fugitive Apprehension unit apprehended twelve (12) ODOC fugitives from the ODOC fugitive list. Director Jones explained that these fugitives are not necessarily escapes; some may be "walk aways" from work centers and halfway houses. Director Jones stated that ODOC never loses sight, however, that these offenders have the potential to create future victimization with their activities and he expressed appreciation for Internal Affairs' staff in being proactive in capturing these wanted offenders.
- As of the end of October 2011, the Intelligence Unit has registered 1,870 offenders as Security Threat Group members within our agency.
- Offenders from Hobart Community Work Center are building new ball field dugouts and replacing the back stop at one of Hobart's local parks. Offenders are learning fabrication skills during the process.
- Director Jones had two speaking engagements at the University of Central Oklahoma in October to discuss Criminal Justice with students.

- At the request of the Association of State Correctional Administrators and the Pew Trust, Director Jones went to Kansas City to discuss incentivizing private outsourcing of contracts, much like in construction bonuses, but in the civilian sector.
- December 8 and 9, 2011, Director Jones, Programs Administrator Clint Castleberry and Governor Fallin's Assistant General Counsel, Rebecca Frazier, will attend a forum in Washington DC to speak to Attorney General Eric Holder on the subject *Improving Reentry and Reducing Recidivism*.
- Director Jones stated ODOC has begun having larger classes of correctional officers and he recently spoke to a class of 40 officers. The majority of the class was from OSP and Director Jones congratulated Warden Workman on his recruiting efforts.
- ODOC staff, including Warden Workman and Dan Reynolds, invited Director Jones to a surprise birthday party for former correctional officer John Barrier. Mr. Barrier is the last surviving employee that was taken hostage in the 1973 riot at OSP. Director Jones stated that Mr. Barrier, then 38 years old, was severely beaten and offenders attempted to kill him during the riot. The beating left him in a coma for some time and also left him disabled. He had been with the agency for approximately nine years at the time of the riot. Director Jones stated that Mr. Barrier was extremely proud of "his" agency and cried when he learned that Mr. Jones was the director for ODOC. Director Jones also indicated that he intends to visit more with Mr. Barrier.
- Chair McBee and Director Jones had a conference call with training consultant Cappy Leland to discuss a strategic planning session for the Board in January 2012. The planning session will include discussion of how the Board can assist with implementation of recommendations from the Justice Reinvestment Initiative.
- Director Jones thanked Board member Gerald Wright for meeting with him and Tom Ward, the CEO of Sandridge Energy, to discuss the Thunderbird Youth Academy, which then branched out to encompass a dialogue of Criminal Justice.

Chair McBee opened the floor for comments and questions. No further comments were made and the item was closed.

6. Budget Report

**Greg Sawyer, Chief
Departmental Services**

Chair McBee opened the floor to Mr. Sawyer for the ODOC Budget Report as of October 31, 2011. Mr. Sawyer provided the following information:

- Expenditure summary – Based on four months of expenditure data, a deficit of \$3.2 million exists for fiscal year 2012. This deficit is \$3.1 million larger than the deficit reported the previous month. The report does not take into account changes in staffing or offender population that may occur through the course of the fiscal year.
- Payroll – The overall funded payroll is 69.7%. This totals 4,110.1 out 5,894.6 authorized FTE. At the end of October 2011, 4,066.1 positions were filled for a rate of 69.0% with 44.0 FTE under the funded rate. A surplus of \$2.2 million currently exists.
- Contract Beds – Expenditure trends are based on current offender levels as of the end of October 2011. A \$2.3 million deficit exists at this time. Any offender growth during the course of the fiscal year that would require additional contract bed space will increase this deficit.
- Medical and Mental Health Services – Medical and mental health expenditures for October 2011 reflect a deficit of \$3.1 million exists should current expenditure trends continue.

Mr. Sawyer then opened the floor for questions or comments. No comments were made and the item was closed.

7. Population Report

**Ed Evans, Associate Director
Field Operations**

Chair McBee opened the floor to Mr. Evans for the ODOC Population Update as of November 7, 2011. Mr. Evans provided the following information:

Total System Offender Population = 25,448
 Total Incarcerated Population = 24,158
 DOC Facilities = 17,944
 Private Prisons = 4,736
 County Jails with Contracts = 432

County Jail Offender Backup = 1,529
 Halfway Houses = 1,046
 Probation Supervision Offenders = 21,084
 Parole Supervision Offenders = 3,212
 Total System Population – 49,744

Mr. Evans then opened the discussion for questions or comments. Mr. Henneke requested and received confirmation of the numbers for private prisons, county jail, and county jail backup, which came to 6,697 offenders. Mr. Henneke noted that the number of offenders in county jail backup is higher than usual to which Director Jones replied that the average is usually around 1,400. No further comments or questions were made and the item was closed.

8. Approval of Capacity Change

**Ed Evans, Associate Director
Field Operations**

- *Northeast Oklahoma Correctional Center*

Chair McBee opened the floor to Mr. Evans for approval of the capacity change at Northeast Oklahoma Correctional Center (NOCC). Mr. Evans stated the current offender capacity at NOCC is 420. An additional 81 beds have been identified, which will increase the capacity to 501 and requires Board approval. These beds were acquired through the reallocation of space previously designated for food service, dayroom/television rooms and vacant office space. The proposed bed space has been approved by the State Fire Marshall's office.

Motion: Mr. Rainey made a motion to approve the capacity change. Ms. Neal seconded the motion. The results of the roll call were as follows: Mr. Henneke – yes; Mr. Logan – absent; Mr. McBee – yes; Ms. Neal – yes; Mr. Rainey – yes; Mr. Ware – yes; Mr. Wright – yes.

Mr. Henneke stated that according to the diagram provided with the Board packet, it appears that every available space has been converted to bed space, including food service. Mr. Evans responded that the food service area was part of the old structure and was not being utilized as such. No other comments or questions were made and the item was closed.

9. Approval of Board Policy

Justin Jones, Director

- *P-020100, Management of ODOC Information*
- *P-110300, Drug Free Workplace Program*
- *P-090200, Public Works Programs of the Oklahoma Department of Corrections*

Chair McBee opened the floor to Director Jones for discussion of the policies. Director Jones provided the updates to the policies and recommended approval of all three policies.

Motion: Mr. Wright made a motion to approve the policies. Mr. Ware seconded the motion. The results of the roll call were as follows: Mr. Henneke – yes; Mr. Logan – absent; Mr. McBee – yes; Ms. Neal – yes; Mr. Rainey – yes; Mr. Ware – yes; Mr. Wright – yes.

No other comments or questions were made and the item was closed.

10. Introduction to Inmate Misconduct and Grievance Appeals

**Debbie Morton, Manager
Administrative Review Authority**

Chair McBee opened the floor to Ms. Morton. Ms. Morton introduced herself and stated she began working at James Crabtree Correctional Center (JCCC) in 1986. Ms. Morton stated that she was an "ODOC brat," not unlike the military brats, in that many of her family members have been employed by the agency. Her aunt was a "matron," the term for female correctional officers, at OSP when it was a female facility in the late 1940s and continued through to the 1960s. She stated that at one point, her aunt was taken hostage in the chow hall at OSP. Her father also began his employment as a correctional officer in the 1950s or 1960s, cleaning up after executions, and her mother retired from ODOC. Ms. Morton also stated that her son is a case manager at JCCC. Ms. Morton then expressed her pride in ODOC and in working for the agency.

Ms. Morton introduced the names of the Administrative Review Authority (ARA) staff that work for her, which includes Kerry Minyard, Mark Knutson, and Leon Preston. She explained that employees in the field know that the ARA is there to support their efforts and help address problems that arise in the misconduct and grievance process. ARA ensures that due process is maintained throughout both processes in accordance with *Wolff vs. McDonnell, 1974*. When talking about due process, Ms. Morton stated they are referring to liberty interests; the granting and revoking of earned credits. As part of the misconduct process, they must operate under the umbrella of policy that helps them stay within federal guidelines. The Supreme Court ruled that the offender must be provided a written notice of the charge; the offender will receive 24 hours preparation time prior to the hearing; the offender will receive copies of evidence used against them; the offender may present witnesses; the offender can provide documentary evidence to defend themselves; the offender will attend the hearing, unless they are disruptive; the offender has the right to an impartial hearing officer; if confidential information is utilized during the hearing process, there must be a reliability statement included with the

hearing documentation; the hearing officer must include the reasons the discipline is imposed; and the offender is afforded a staff representative when they have a language barrier or their mental capacity prohibits them from defending themselves.

Included in the Board packet was the policies and attachments for OP-060125, Department Offender Disciplinary Process, and OP-090124, Offender Grievance Process. Ms. Morton provided a brief overview of the acts constituting rule violations, which are a result of lawsuits that have occurred throughout the years. She noted that ODOC is different from a judicial process in that our policies state any attempt to commit the offense is the same as committing the offense.

Once the misconduct is served, an impartial hearing officer finds the offender either guilty or not guilty. The hearing officer must state the reasons for the decision and also the reason for imposing any sanctions. If the offender pled not guilty and is found guilty, the misconduct may be appealed first through the warden's office, then through the ARA office, and finally through the judiciary system. If the offender pled guilty to the offense, there are no further appeals of the disciplinary action. Training is provided to encourage consistency throughout the state, including private prisons, in case an offender transfers during the misconduct or appeal process. This allows each facility to ensure all the steps taken before and after transfer are in accordance with policy.

Mr. Henneke queried the timeline for promotion to Earned Credit Level 2 after an offender receives disciplinary action, to which Ms. Morton stated that promotions are at the discretion of the facility or unit classification committee. The offender must meet eligibility requirements before promotion to the next level. Chair McBee then commented that Class A misconducts may receive a fine of \$10 and to illustrate the impact that could have, he queried how much an offender makes during the month. Ms. Morton stated as some offenders only earn \$7 a month, a fine of \$10 would decimate their draw account. Mr. Henneke then questioned the number of misconducts issued to which offenders admit guilt. Ms. Morton stated she did not have exact numbers, but she believed a great deal of offenders plead guilty.

Returning to her presentation, Ms. Morton stated that upon a finding during the appeal process that policy was not correctly followed, a rehearing by the facility is ordered. Throughout the misconduct appeal process, the appropriate forms must be used by the offender and each form used in the process provides the necessary steps for all personnel to ensure the appeals are in accordance with policy. Once the appeal is upheld and the offender is found guilty, there is a fee of \$2 charged to the offender for the appeal process. If the appeal results in a re-hearing or a dismissal, there is no charge to the offender. Offenders may also appeal misconducts out of time if, through no fault of their own, the appeal was not submitted within policy timeframes. Ms. Morton stated her office is the final reviewing authority and they are tasked with ensuring due process has been afforded to the offenders.

Ms. Morton then provided information on the Offender Grievance Process. Offenders may not grieve issues that include misconducts reports, anything that is currently in litigation, requests for disciplinary action against staff and privately contracted facility property issues. Grievable issues include conditions of confinement, actions of staff, and incidents occurring that are under ODOC's control. The grievances are broken down into categories, including: discrimination, classification, legal, medical, and property. Medical grievances are addressed by the facility health services administrator and the final appeal is forwarded to the chief medical officer for review.

The offender must seek an informal resolution within three days of the incident by talking with staff. If not resolved, the offender must then submit, within seven days of the incident, a Request to Staff (RTS) to the appropriate staff member stating completely but briefly the problem. Only one incident or issue is allowed per RTS. If the complaint is not resolved informally, the offender may complete the Offender Grievance Report Form along with the RTS. The grievance must be submitted by the offender within fifteen calendar days of the incident or the date of the response to the RTS. Once the grievance is received by the facility head or the health services administrator, staff has fifteen working days to respond to the complaint. Finally, the grievance may be appealed to ARA or to the chief medical officer within fifteen calendar days of receipt of the reviewing authority's response.

ARA notifies the responding facility when the reviewing authority's response is appealed by the offender. The RTS, grievance and grievance response is then provided to ARA. If ARA determines that the grievance needs further investigation or review, the grievance may be returned to the facility for further investigation and/or an amended response to the offender. When the reviewing authority's response is upheld by ARA, the offender is notified of the supporting decision. The ruling of ARA is final and will conclude the internal administrative remedy available to the offender within ODOC. The offender will have satisfied the exhaustion of internal administrative remedies required by

Oklahoma Statute. The department grievance procedure does not satisfy the additional requirements for exhaustion of administrative remedies required by the Oklahoma Governmental Tort Claims Act. Offenders may also be required to file a tort claim prior to filing a lawsuit. Copies of completed offender grievances will be made an attachment to all special reports ordered by any court. If no grievance was submitted by an offender plaintiff, an affidavit attesting to that fact will be provided. ARA supports the Attorney General's office in litigation.

From July 1, 2009, to December 31, 2009, ARA responded to 813 misconduct appeals and 470 grievance appeals. In 2010, ARA responded to 1,557 misconduct appeals and 823 grievance appeals. To date, they have responded to 1,187 misconduct appeals and 938 grievance appeals. In addition to these appeals, ARA responded to 110 letters from July 1, 2009, through December 31, 2009; 280 letters in 2010; and 274 letters to date in 2011. These letters may come from offenders, attorneys, concerned citizens, etc.

In response to a query from Mr. Henneke regarding the number of appeals fluctuating, Ms. Morton stated they can tell when there has been a change in leadership or shift changes, for example, at a facility by the number of grievances they receive after the change. Mr. Henneke then queried how ARA relates the information back to the facility after a decision has been upheld in favor of the offender. Ms. Horton stated ARA has a good working relationship with facility staff to provide guidance and instruction on correcting issues.

Director Jones then stated that with the increase of offenders who are diagnosed with mental health issues, ARA and facility staff has included mental health staff in the disciplinary appeal process to ensure the offender's mental health is not a contributing factor to the misconduct. Mr. Rainey questioned the requests for disciplinary action against staff being a non-grievable issue. Ms. Morton stated that personnel issues are confidential and should be handled at the facility level. Mr. Rainey queried how an offender's issue with a particular staff member is addressed to which Ms. Morton responded the offender would be advised that disciplinary action against a staff member is not discussed with the offender. Ms. Morton further stated that ordinarily, the warden or facility head has already addressed the issue prior to ARA's receipt of the grievance. However, ARA contacts the facility head and the general counsel's office and advises of the allegations to ensure the issue has been addressed. Director Jones provided the following scenario: an employee behaves inappropriately and the facility head issues a letter of reprimand; however, the offender feels the employee should have been terminated for their actions. This would be considered a non-grievable issue. There may be instances where an offender provides information that requires further investigation or action against a staff member. However, the offender does not have authority to determine the action against the staff member.

With no other questions, Chair McBee thanked Ms. Morton for her presentation and the item was closed.

11. Program Update

- *JBCC Substance Abuse Program*

Rebecca Greenfelder, Program Officer
Jackie Brannon Correctional Center

Chair McBee opened the floor to Ms. Greenfelder for her presentation on the JBCC Substance Abuse Program. Ms. Greenfelder thanked the Board for allowing her to speak in regards to the program. She stated the program has a long history of support from ODOC and the facility. That support, combined with additional funding from a justice assistance grant, allows them to provide a six-month cognitive behavioral treatment program for up to 36 participants at a time. Ms. Greenfelder stated they complete two program cycles a year, which results in an annual graduation of approximately 60-72 offenders. The program addresses substance abuse, relapse prevention issues, as well as criminal thinking, education, communication, anger management, relationship and reentry issues. Program components include *Life Without A Crutch*, which is an introduction to recovery and assists the participants in taking the first step towards staying in sobriety. In criminal conduct and substance abuse, the program goes through three phases: building knowledge so they can live a responsible life; strengthening skills so they can improve themselves and make changes they need to have a responsible life; and taking ownership of the change and creating a healthy and balanced lifestyle for themselves.

The program utilizes *Tackling the Tactics* to focus on nineteen common tactics that people who are irresponsible use to avoid accountability. The program also uses *Staying on Track* to help the offender stay on track with responsible thinking through exercises to stimulate responsible thinking and journaling. In *Introduction to Communication and Motivation*, the program teaches basic social skills, listening and factors that can affect their motivation. Ms. Greenfelder stated that education is a very important component of the program and the education department works with all the participants who have an identified need for adult basic education skills or GED completion. In anger management, they address inappropriate behaviors exhibited in response to anger and other negative emotions. In the relationships component,

they work to assist the participants to build a healthy support network by teaching the offenders skills that can be used to maintain or repair their relationships. They offer family seminars to encourage family participation in treatment and to educate family members about the changes that the participants are working on. They offer parenting seminars to teach them the development stages of their children, along with appropriate parenting strategies.

Ms. Greenfelder stated that in the reentry component, they have teamed with the transition coordinator, Floyd Long, who is working individually with participants on developing their own long term goals along with a plan to achieve those long term goals. Within this component, they also work on job readiness; teaching the offenders how to write a job résumé and roll-play an interview process.

Ms. Greenfelder then stated the program has produced positive outcomes. In a matched sample survival analysis, four years after release from custody, 78% of the JBCC program graduates remained in the community as opposed to 66% of the matched sample.

Mr. Henneke queried if the program was voluntary to which Ms. Greenfelder stated the program referrals must come from the case managers and the offender must meet certain criteria, including a documented need for substance abuse treatment, be within 2,000 days of discharge, and be on Earned Credit Level 2. The offenders can sign a waiver if they do not wish to participate in the program. Mr. Henneke also questioned if the program was a classroom setting, to which Ms. Greenfelder stated the program is a group setting. In addition, the grant allows them to bring in outside providers and they run three groups of treatment. Ms. Greenfelder confirmed for Mr. Henneke that treatment is during the day and education is in the evening. Some offenders do have job assignments in addition to the treatment, because generally they are going to treatment for three hours a day, three days a week and sometimes there are additional components where the participants are pulled in and they complete additional items.

In response to another inquiry from Mr. Henneke, Ms. Greenfelder stated that class is 24 weeks long and the grant can accommodate 72 entrants each year. Ms. Neal questioned when the offender enters the reentry program, to which Ms. Greenfelder stated that Mr. Long does a seminar and then individually meets with the participants. During the last two weeks of the program, the focus is on job readiness and their résumé. Ms. Neal then asked if they work with people in the community to help employ the participants after release. Ms. Greenfelder stated that at this time, they are not seeking assistance in the community because half of the participants have their balance suspended upon completion of the program and they come from all over the state and not just the local community. Director Jones commented that a majority of the participants will transfer down to lower security, ending up at community work centers and halfway houses, where Mr. Hines' division would finish up their reentry.

Mr. Henneke asked for a comparison to the BJCC program. Ms. Greenfelder said it is similar in some respects, however BJCC is an entire facility devoted to the program and all offenders participate in the program. At JBCC, they usually only have 36 participants who intermingle with other offenders in the general population. Mr. Henneke commented that a lot of the offenders housed at BJCC have the balance of their sentence suspended upon completion of the program and he queried if JBCC program was the same. Ms. Greenfelder stated that if the offender has the same sentence but does not meet the BJCC program criteria – youthful, first-time offender with a delayed incarceration of not less than 180 days nor more than (1) year in length – then the JBCC program is available.

No other comments or questions were made and the item was closed.

12. Committee Reports

Committee Chairs

Chair McBee then opened the floor for comments from the Committee Chairs.

- **Budget – Chair Robert Rainey, Members Gerald Wright and Matthew McBee**
Mr. Rainey stated the Budget Committee did not meet this month, so nothing to report at this time.
- **Female Offender – Chair Ted Logan, Members David Henneke and Linda Neal**
Mr. Logan was absent from the meeting; however members indicated there was no committee meeting this month, so nothing to report.
- **Public Policy – Chair Gerald Wright, Members David Henneke and Earnest Ware**
Mr. Wright stated the committee had not met this month and there was nothing to report.

- **Population/Private Prisons – Chair David Henneke, Members Ted Logan and Robert Rainey**
Mr. Henneke stated the committee met via conference call and a handout regarding the meeting is in each member's packet. During the meeting, they discussed the BJCC expansion and Mr. Henneke stated the community is very supportive of the facility's recent changes. They also discussed the Attorney General's (AG) opinion that is on the agenda today.
- **Public Affairs/State Boards Interface – Chair Earnest Ware, Members Gerald Wright and Linda Neal**
Mr. Ware stated there was nothing to report at this time; however, a committee meeting is scheduled for December 2011.
- **Executive – Chair Matthew McBee, Members Linda Neal and Ted Logan**
Chair McBee stated the committee conducted a conference call and there will be a training session sometime in the future for the Board. Chair McBee and Council of State Governments staff will meet with Mr. Cappy Leland to discuss what the Board should pursue.

13. A. Consideration of Motion to Adjourn to Executive Session

Mike Oakley, General Counsel

Pursuant to "Title 25, 307.B" for the following reasons:

"Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding the in the public interest."

[Investigation into offender deaths]

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

Chair McBee opened the floor to Mr. Oakley. Mr. Oakley advised that this agenda item calls for Executive Session and advised that a motion be made to adjourn.

Motion: Mr. Rainey made a motion to adjourn to executive section. Mr. Ware seconded the motion. The results of the roll call were as follows: Mr. Henneke – yes; Mr. Logan – absent; Mr. McBee – yes; Ms. Neal – yes; Mr. Rainey – yes; Mr. Ware – yes; Mr. Wright – yes.

Chair McBee adjourned the meeting at 2:13 p.m. At 2:47 p.m. the Board returned to the meeting room and Mr. Oakley advised that a motion to return from Executive Session was needed.

Motion: Ms. Neal made a motion to return from executive section. Mr. Henneke seconded the motion. The results of the roll call were as follows: Mr. Henneke – yes; Mr. Logan – absent; Mr. McBee – yes; Ms. Neal – yes; Mr. Rainey – yes; Mr. Ware – yes; Mr. Wright – yes.

The meeting reconvened at 2:48 p.m. No other comments or questions were made and the item was closed.

14. AG's Opinion/County Jail Medical Pay

Mike Oakley, General Counsel

Chair McBee opened the floor to Mr. Oakley for discussion of the AG's opinion. Mr. Oakley said the opinion would significantly impact ODOC. It basically defines routine sick calls in county jails as anything the sheriff's office decides is "routine." There would be no ceilings or caps on the costs associated with medical issues if the sheriff decides the offender must be taken to the hospital instead of receiving treatment at the facility. Mr. Oakley also stated that because this is a statute construction, ODOC cannot fight this decision. The sheriff's offices can charge medical costs at will which can be very detrimental to ODOC's budget. It puts all of the medical responsibility on ODOC and if the sheriff's offices are dealing with an offender that has medical issues, the county sheriffs can choose whatever course of action they would like to treat that offender.

Mr. Oakley stated that as the agency's concern is that the offenders receive the appropriate treatment as needed but without unnecessary costs, ODOC is proposing moving the offenders to a private facility where ODOC staff would have oversight of the medical care. Chair McBee, inquiring about the charges we currently see from the counties, was advised that Chief Medical Officer Don Suttmiller defines routine medical care as anything that can be performed in an office; however the counties are currently disagreeing with this definition. In essence, the county commissioners want ODOC offenders out of their facilities and the AG believes it is unconstitutional if the counties use ad valorem taxes to pay for offender medical issues. Mr. Oakley stated the agency's problem is trying to monitor 77 counties to ensure truthfulness, which would be unmanageable because, basically, whatever they charge to our medical division, ODOC would be required to pay. Each county has the option of deciding their own definition of routine medical care. Mr. Oakley provided the example of an offender presenting heartburn symptoms, being taken to an emergency room and receiving medication, when the offender could have been treated with over-the-counter (OTC) heartburn medications at the county jail/detention center. The cost of the emergency room versus dispensing an OTC medication is extremely high.

Mr. Henneke queried if leadership – Governor Fallin and legislators – were aware of the issue, to which Director Jones replied that Ms. Massie had met with committee chairs to discuss the problem. ODOC's suggestion to have the offenders moved to a private facility while awaiting transfer to Lexington Assessment and Reception Center (LARC) was supported by the committee chairs. Director Jones stated that with a dynamic budget for medical costs in county jails, ODOC would be unable to ask for a set budget. ODOC's suggestion, to move all sentenced offenders to a state jail within two (2) days of sentencing, would give more control to ODOC for the medical care costs for offenders awaiting transport to LARC. Director Jones stated staff are working on creation of an RFP to propose for the building and the construction of a state jail. Director Jones also stated that another option ODOC is considering is use of an empty facility in Watonga that would house 2,000 offenders, enough for all offenders currently held in county jail back-up.

Chair McBee commented that he believes some counties rely on the funds received for back-up offenders to sustain their detention centers, to which Mr. Oakley replied that it is unconstitutional for ODOC to fund county jails. Mr. Wright queried if a contract could be implemented with each county that would define routine medical costs and set caps or ceilings on the costs incurred. He also stated if the county jail would not enter into an agreement like this, the offenders could then be shipped to the state jail. In addition, Mr. Wright stated, all commissioners and the sheriffs would have to agree to this type of contract. Mr. Oakley also stated we can certainly investigate this avenue of thinking further, along with the creation of an RFP. He stated that between now and the next meeting in January, ODOC will work on a survey and see how many counties would accept this type of contract.

Mr. Henneke then queried why the offenders in Bryan County could not just be moved to LARC as soon as possible, to which Director Jones replied that we would set a poor precedent if ODOC agreed to this. Once we allowed Bryan County to move all of their offenders, it would open the door for other counties to fall in line, resulting in unmanageable numbers of offenders being brought in to the system. Mr. Rainey queried if ODOC was considering a collaborative approach with the counties to address this issue and Director Jones replied that he had spoken with Ken McNair, Oklahoma Sheriff's Association, and advised of our research into contracting a state jail. He stated he would like to invite Mr. McNair and other Sheriff's Association members to the Board meeting in February to further discuss this plan of action.

As no further comments or questions were raised, Chair McBee closed the agenda item.

15. New Business (Any matter not known about or which could not have been reasonably foreseen prior to the time of posting." 25 O.S. § 311) **Matthew McBee, Chair**

Chair McBee opened the floor for any new business. Mr. Rainey expressed his appreciation to Anetta Bullock and Kimberley Owen for their preparation efforts for the BOC meeting. With no further comments, the agenda item was closed.

16. Announcements **Matthew McBee, Chair**

Chair McBee opened the floor for announcements but none were raised and the item was closed.

17. Adjournment **Matthew McBee, Chair**

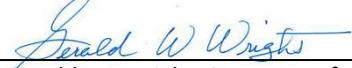
There being no further business to come before the meeting, Chair McBee requested to adjourn the meeting.

Motion: Mr. Rainey made a motion to adjourn the meeting. Mr. Wright seconded the motion. The results of the roll call were as follows: Mr. Henneke – yes; Mr. Logan – absent; Mr. McBee – yes; Ms. Neal – yes; Mr. Rainey – yes; Mr. Ware – yes; Mr. Wright – yes.

The meeting was adjourned at 3:30 p.m.

I hereby certify that these minutes were duly approved by the Board on the 13th day of January, 2012, in which a quorum was present and voting.

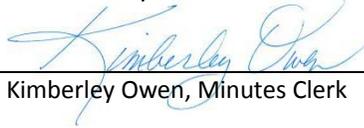
Approved by:



Gerald W. Wright, Secretary of the Board

January 13, 2012

Submitted by:



Kimberley Owen, Minutes Clerk