

OKLAHOMA BOARD OF CORRECTIONS
SPECIAL MEETING
 Quartz Mountain Resort
 Diamondback Pavilion
 22469 Lodge Road
 Lone Wolf, Oklahoma
 7:00 p.m., November 21, 2013

1. Opening and Roll Call

Kevin Gross, Chair

Chair Gross called the special meeting of the Oklahoma Board of Corrections (BOC) to order at 7:05 p.m. in the Diamondback Pavilion at the Quartz Mountain Resort in Lone Wolf, Oklahoma, on Thursday, November 21, 2013. Chair Gross asked the clerk to call the roll:

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

Calling of the roll reflected a quorum was present.

2. Population Update

**Laura Pitman, Ph.D., Deputy Director
 Institutions, Division I**

- Alternatives for Addressing Population Growth
- Budget Impacts

**Greg Sawyer, Chief
 Business Operations**

Interim Director Evans began by stating the first part of the discussion will provide to the Board an overview of the current population conditions and what issues the agency faces with the continuing growth of offenders. During the second part of the discussion, the Board will have an opportunity to discuss the various options which may be of consideration for the agency to pursue in housing needs. These options will need to be carefully weighed with what is best for the agency, what is best for the state and also what is best for the citizens of Oklahoma. Interim Director Evans stated although there is more than one solution to the problem, the agency has zero beds available for the backlog of offenders waiting in county jails. He stated agency staff has taken into consideration budget concerns and long term effects of each recommendation.

Dr. Laura Pitman provided a handout to each Board member. She stated she wanted to begin by talking about the demand for beds as the agency is obligated to receive offenders sentenced to the agency's custody. Therefore, the demand for beds is determined by the courts of jurisdiction within the state of Oklahoma. As of October 31, 2013, the county jail backup was 1,538 offenders. A number of counties would like the department to receive offenders more quickly, including Oklahoma County which has a court ruling and Tulsa County which is invoking every day. Other counties have also invoked: Canadian, Carter, Coal, Comanche, Custer, Delaware, Garfield, Leflore, Logan, Love, Beaver, Beckham, Hughes, Lincoln, and Stephens. There are also two counties actively seeking to increase the statutorily defined per diem rate of \$27 per day paid for those offenders waiting for reception into ODOC. Bryant County has won their case but the agency has appealed the decision. Tulsa County intends to file an amicus brief in support of the Bryant County proposition regarding the per diem rate. Dr. Pitman stated these are the external factors occurring as the demand for offender beds grows and the position in which it leaves the agency.

The external supplies of beds which are not contracted for at this point are at Diamondback Correctional Facility (DbCF), owned by Corrections Corporation of America (CCA), and Great Plains Correctional Facility (GPCF), owned by GEO Group, Inc. (GEO). DbCF has a capacity of 2,160 medium beds and GPCF has 2,000 beds. Both facilities are currently empty. Chair Gross queried where these two facilities were located to which Mr. Williams responded Watonga and Hinton, respectively. Dr. Pitman stated one of the concerns over the recent months was the ongoing offender population reduction by California Department of Corrections and Rehabilitation (CDCR). CDCR has been ordered to reduce their population by 8,000 offenders by the end of CY 2013. Because of this order, CDCR was in communication with CCA and GEO and toured the empty facilities in Oklahoma. Since that time, CDCR has received two 30-day extensions and have been blocked from sending offenders to out-of-state private prison facilities. As of this date, CDCR is approximately

4,500 offenders short of reducing their population by 8,000. Oklahoma Statute Title 57, Chapter 8, provides the agency with the right of first contract prior to a private prison contracting for other state or federal offenders. Several months ago, GEO notified the agency with a right of first refusal, but the agency declined to contract at that time due to budgetary constraints.

Dr. Pitman provided an attachment showing the male offender receptions and releases by fiscal years since FY 2009. The difference in receptions and releases at a point in time is one measure of net growth. For FY 2012, net growth was 447 offenders. For FY 2013, net growth was 699 offenders. Combined net growth for male offenders over the past two years has been 1,146. According to Dr. Pitman, as of this date in FY 2014, the growth has been 309 offenders. The total net growth between July 1, 2011, and October 31, 2013 is 1,455 offenders. Beds have been added to accommodate offender growth. In FY 2012 and FY 2013, a total of 779 beds were added and in FY 2014, 506 beds have been added. Between July 1, 2011, and October 31, 2013, the agency has added a total of 1,285 beds. However, the agency has fallen short of needed beds as the growth has outpaced the releases of offenders from the system. To match the growth in the population, 170 beds would need to be added.

Dr. Pitman stated their best projection as of this date is a need for 450-500 beds to accommodate the growth in the male offender population through the remainder of the fiscal year. If growth in FY 2015 remains the same as this year, the agency will need 750-850 additional beds next year. These projections do not take into account the potential increases in the rate of invokes by the counties, the court rulings which accelerate receptions, or any effort to reduce the county jail backup. It also does not include much needed efforts to improve population management such as moving those offenders involved in security threat groups or maintaining beds at higher security for offenders who must be moved due to their behavior.

Dr. Pitman stated the agency has \$27.7 million obligated in FY 2014 for beds already in use at private prisons, contracted county jails, and county jail backup which were not in the original budget. ODOC has also requested an additional \$31.5 million in FY 2015 for beds already in use at private prisons, contracted county jails, and county jail backup. Further expansion of beds will result in additional costs that have not been budgeted for FY 2014 or requested for FY 2015.

Dr. Pitman then provided a handout outlining bed space options for the Board's consideration.

Option 1: Expansion of Public Facility Bed Space

- Re-occupy the F Cell House at Oklahoma State Penitentiary (OSP)
This measure would gain the agency as many as 380 beds, but would present many challenges that might outweigh the benefits of utilizing this bed space, such as:
 - Staffing – the recent closure of the F Cell House afforded OSP the opportunity to staff the remaining 881 beds in accordance with the Master Roster. Adding beds in the F Cell House would again increase staffing concerns.
 - Engineering – this measure will cause a slow-down on the fence configuration due to the electric fence separating the F Cell House and the Administration building from the rest of the compound. Any plan to occupy the F Cell House other than short term accommodations will require re-engineering of the fence.
 - Laundry – this measure will require an immediate shift of laundry services, as the laundry is in the direct path of the fence as it is designed now.
- Utilize gymnasium (or unsecure) space
Five facilities could be utilized in this proposal: Oklahoma State Reformatory, James Crabtree Correctional Center, Joseph Harp Correctional Center, Dick Conner Correctional Center and Lexington Assessment and Reception Center. Again, challenges due to renovation, staffing and initial start-up costs could outweigh the benefits of gaining bed space. Unless gymnasium space is used long-term, it could be more cost effective to secure additional private prison beds.
 - Renovation – this measure would require consultation with and most likely approval from the State Fire Marshal. Remodeling would be a requirement in order to build in the number of toilets, sinks and showers to accommodate this “unit.” This space would no longer be available for programs as it is currently intended. It is anticipated, based on previous expansion, that the Fire Marshal would require the unit to be sprinkled for fire protection. The capacity of the unit would be determined by the Fire Marshal.

- Staffing – adding beds to gyms creates another housing unit that must be staffed. Facilities are continually challenged to hire officers and currently do not have the number of staff required to manage the offender population as outlined in the Master Roster.
 - Start-up costs – utilizing gymnasium space would require purchase of additional bunks, mattresses, lockers, etc.
 - Unit security – any time unsecure bed space is utilized, the safety and security of the staff, offenders and facility is put at increased risk.
- Court oversight/intervention
The agency will run this risk due to occupying unconventional space and non-secure beds if it is not short-term.
 - The expansion of public beds may afford the agency an opportunity cover bed growth through FY 2016 by managing county invokes, backup in county jails and county jail contracts, and may offer some protection from the county jail per diem lawsuit.

Chair Gross queried how many beds would be gained if the decision was made to utilize gymnasiums. Interim Director Evans stated it is estimated to be approximately 100 offenders per gymnasium. Interim Director Evans stated some of the gymnasiums present different challenges. At James Crabtree Correctional Center, the original design is more like a true college gymnasium with all of the restrooms and showers, including plumbing and piping, being located under the bleachers. This would allow for fairly easy renovation. However, some of the gymnasiums were built only for recreation and have minimal toilet facilities and no space to accommodate adding more. To convert these gymnasiums, floor space for beds would either be smaller to allow for the addition of showers and restrooms or you would have to add additional restroom facilities outside the gymnasium.

Mr. Haynes queried about the security level of the offenders if the gymnasiums were utilized. Interim Director Evans stated the security level would be dictated by the bed needs, which is medium security. Mr. Haynes then queried if the gymnasium-housing would be appropriate for medium security offenders. Interim Director Evans responded he could not recommend this option as all of the studies indicate open-bay type housing shows an inability to control and manage offenders which is a security risk for staff. Mr. Haynes queried if this option would be more acceptable for minimum security and Interim Director Evans affirmed it was better suited for a minimum-security population. Interim Director Evans stated James Crabtree Correctional Center is already open-bay housing with the exception of one unit which has cells but no locking doors. Mr. Haynes queried if this option was pursued would the full value of the beds be reached if there are not enough minimum-security offenders to fill them. Interim Director Evans affirmed the value would not be felt due to the costs needed to renovate the gymnasiums to housing units as well as the continuous costs to house offenders in that type of environment. Dr. Pitman stated a number of those renovations would also have to occur before any offenders could be housed in renovated gymnasiums. Housing units are also required to have a certain number of showers and toilets per a certain number of offenders and most gymnasiums would not meet this requirement. Interim Director Evans stated this option is not an immediate solution to the housing problem since much renovation would be needed before offenders could be moved into the gymnasiums.

Mr. Haynes queried if minimum-security offenders could be moved into the gymnasiums and the empty minimum security units be upgraded to house medium-security offenders. Interim Director Evans stated it would be almost the same situation. Most minimum security units are open-bay housing and the same type of renovations would be needed to make them more secure, including adding fencing around the perimeter of the minimum security facility. Interim Director Evans stated he believed it would be cheaper to contract, lease or build a new facility than to renovate a minimum-security unit or gymnasium. In addition, it will be 18-24 months before the agency could move offenders into these unsecure areas due to the required renovations. Chair Gross affirmed the majority of bed needs are for medium-security. Mr. Haynes then referred back to the option of repopulating F Cell House at OSP stating he recalled the reasons for shutting down the cell block was due to safety concerns because of the deterioration of the building. Interim Director Evans stated it was one of the reasons but the main motive was the inability to staff it. He stated it was also unsafe to operate in F Cell House with high-security offenders housed there. When walking down the runway in F Cell House, maximum-security offenders could reach out and grab a staff member making it an extremely unsafe situation.

Mr. Haynes queried if medium-security offenders could be housed in the closed cell block at OSP. Interim Director Evans stated it is an option and has been discussed by staff. He stated it would be his preference to house medium-security offenders in F Cell House if they needed to reopen the unit but they would need to be low-risk medium

security offenders. There would be less risk to staff working with low-risk offenders and not as many staff would be needed to work on the unit. Chair Gross requested clarification regarding the movement of maximum security offenders to private prisons. Interim Director Evans stated those offenders previously housed on F Cell House had been moved to private prisons. Mr. Haynes asked if the age of the unit had been a motivating factor in closing it down. Interim Director Evans stated there was some compromise to the structural integrity but an engineer has not looked at the unit to determine how much damage there is to the building. Interim Director Evans referenced an earthquake which occurred several years ago which caused sizeable cracks in the walls of building.

Option 2: Expansion of Contract Bed Space

Financial Impact

- The cost of adding additional space would require additional negotiation from the vendors. Non-contracted space currently available in Oklahoma as indicated below:
 - 4,160 beds at private prisons
 - 142 beds at county jails
 - 526 beds at halfway houses. (386 beds are currently under contract but not filled / 140 beds not under contract)
- The cost of additional contract beds is expected to range from \$32 to \$61 per day per offender based on the type of facility and security level. Acquiring additional contract beds will require the support and additional funding from the legislature.

Challenges

- Some of the vendors are currently pursuing contracts with other customers, making long-term availability questionable
- It may take as long as sixty (60) days, once negotiations start, to actually move offenders into the new contract beds. Depending on the contract, there may be limited options with the number of beds initially under contract and the rate at which they are filled.

Chair Gross queried why there are 386 beds at halfway houses under contract but not filled. Dr. Pitman stated the present criteria prohibit many offenders from being moved to halfway houses. Staff is reviewing the criteria to determine the risks to public safety if the policies were changed to allow more offenders to be moved to halfway houses. There are several options in regards to criteria under consideration. Dr. Pitman stated this is not a decision to be made hastily or one which should be made without reviewing data to determine the impact the changes would make. Interim Director Evans stated there are some considerations to be given to present practices which could impact the number of offenders at halfway houses. Staff will closely look at the classification processes to determine how they influence the numbers.

Option 3: Purchase or Lease a Private Prison

Purchase a Private Prison

- In accordance with 57 O.S. 561.1, the state has the option at the beginning of each fiscal year to purchase or lease any private prison as outlined in the contract. The process specifies after 120-day notice is given by the state, both parties hire a professional licensed Market Appraisal Institute appraiser who will then select a third licensed appraiser to determine the fair market value or decline the right to purchase due to price or the unavailability of funds. Once the fair market value is determined, then ODOC can decline the right to purchase due to price or unavailability of funds. It is estimated, considering current construction costs, to cost approximately \$130 million to purchase a private prison. This averages out to \$65,000 per bed at a prison in Oklahoma. Due to the age and condition of Diamondback Correctional Facility and Great Plains Correctional Facility, there is an estimated 20% depreciation of the value of these prisons. Based on these rough estimates, each would be worth approximately \$104 million today.
 - Considering current construction costs, it is estimated that it would cost approximately \$65,000 per bed to build a prison in Oklahoma. If that is true, a 2,000-bed facility would cost \$130 million. Since

DbCF was built in 1998 and GPCF was built in 1997, they may have depreciated by 20%. Therefore, each could be worth approximately \$104 million today.

Leasing a Private Prison

- The leasing of a private prison rarely occurs, but it appears negotiations generally settle around a monthly price comparable to a mortgage payment on a 20-year note. For example, if a prison is worth \$104 million, it is estimated the monthly payments would be approximately \$779,969, which is approximately \$9.35 million per year figured at 5% interest.

Ms. Neal queried if the private prisons would be willing to sell their properties. Mr. Williams stated the vendors would not have a choice as state statute allows the state to give the vendors notice of intent to purchase or lease 120 days before the beginning of the fiscal year. Mr. Haynes asked for confirmation on if vendors were willing to sell and if they named a price, the state would not have to go through the process. Dr. Pitman and Mr. Williams affirmed his understanding. Mr. Haynes also noted if the prisons are sitting empty for any length of time, this could also affect the willingness to sell. Ms. Neal queried how long the prisons had been sitting empty, which has been since 2009 or 2010 according to Mr. Williams. Mr. Haynes stated it would be hard to staff an empty facility considering the agency is having difficulties staffing existing prisons and Mr. Evans stated it was something to consider. Mr. Williams stated another consideration was if the vendors believe they are on the verge of a contract, they might consider the prisons worth more money and that factor was not built in to the estimated costs noted in the meeting.

Mr. Haynes stated it was a fluid situation in California with the fluctuation of moving versus not moving offenders to other states to be housed in private prisons. Interim Director Evans stated with California, they may not be able to move offenders into Oklahoma as quickly as they had hoped. Interim Director Evans stated they had initially thought the moves would begin within 30-60 days, but it is now looking as if it could six (6) months to a year before this occurs.

Mr. Gross queried about speeding up offender releases while taking into consideration the security risks. Interim Director Evans stated staff discussed this option, however, case managers are routinely requested to audit their caseloads for those offenders who may be a good candidate to be overridden to lower security to move through the system quicker. Interim Director Evans stated there are many candidates found during routine reviews who may be eligible for a lower security bed even though they may not have been eligible as little as thirty days before the review.

Mr. Roach queried about reviewing the classification policies to determine if changes could be made to allow more offenders to be eligible for lower security. Dr. Pitman stated there are some statutory policies, which cannot be changed, and others are department policy. Dr. Pitman stated there are several security points captured within the Offender Management System (OMS) data sets to assist staff with determining security levels for offenders. However, there are others which are not, such as domestic violence which limits where some offenders can be housed. Dr. Pitman stated there are also restrictions on some misdemeanor convictions which would not allow certain offenders at lower security. Another consideration which is not captured in OMS is the offender's medical needs and whether they should be at a facility with a full-time infirmary or one with a pharmacy.

Chair Gross referenced a chart provided by Dr. Pitman which showed a drop in the number of offenders released each year since FY 2009. Dr. Pitman stated the agency has an aging population and there are more offenders sentenced with 85% crimes, meaning offenders are staying in the system longer than ever before. Dr. Pitman stated when you add this many people to a system and you pack this many facilities so tight, better offender behavior should not be expected. Lower staffing is also not going to create better behaved offenders either so the increasing number of misconducts is an outgrowth of lower staffing and increased crowding. Dr. Pitman stated when you start discussing moving offenders into unsecure space, such as gymnasiums or day rooms, you are exacerbating those issues.

Mr. Haynes asked for clarification on the phrase "releasing the offenders" to mean releasing from one security level to a lower security level. Interim Director Evans and Dr. Pitman affirmed his understanding stating the offenders would be moved down in security levels before being completely released to their communities. However, Dr. Pitman noted there are also offenders moving up in security due to behavior issues and security risks, which prohibit people at higher levels from moving down due to the limited number of beds available. Chair Gross stated looking at the last three years of receptions on the chart provided indicates the number of receptions has remained consistently high, but the number of releases gets lower each year. Chair Gross noted there was also a significant

drop in the number of releases between FY 2012 (6,964 offenders) and FY 2013 (6,557 offenders). He stated FY 2009 through FY 2012 showed no significant changes, but the drastic drop in FY 2013 was concerning.

Chair Gross queried if there was something that affects the numbers released which could be controlled. Dr. Pitman stated the things that affect release dates are increasing or decreasing the number of credits given to offenders. Dr. Pitman stated awarding credits was already expanded quite considerably over the last few years but unfortunately this only delayed instead of eliminating the problem the agency is experiencing now. There have also been several programs which offered ten (10) to twenty (20) achievement credits in an effort to increase the number of releases. Interim Director Evans queried if Dr. Pitman could research how the number of misconducts issued during the same time frame could have affected the number of releases. Dr. Pitman stated she would have staff evaluate the data on the number of misconducts issued which removed earned credits.

Mr. Haynes queried if all the credits given to offenders were controlled by statute. Dr. Pitman stated there were some statutes which applied to credits, limiting some offenders from receiving them and also limiting the agency's control of the awarding of credits. Dr. Pitman stated in the past the agency has had more programs which when completed, awarded achievement credits to the offender. Mr. Haynes stated he was wondering if all of the credits had to be authorized by statutes. Dr. Pitman stated all earned credit amounts are controlled by statute and cannot be changed. There are also credits, such as program achievement credits, which can be awarded at the agency's discretion but the amount awarded is limited by statute. Mr. Haynes then asked if the number of credits removed, such as for misconducts, is an administrative policy. Interim Director Evans stated the removal of credits, how long they are removed, and the restoration of lost credits are controlled by agency policy. Mr. Haynes stated he understood the policies governing the removal of credits are part of maintaining the safety and control of the facilities. Interim Director Evans stated policy could be reviewed regarding the removal of credits to ensure the punishment fits the crime. He stated the agency would review these policies to determine if there are other administrative remedies to punish the offender for inappropriate behavior such as removal of televisions or canteen privileges.

Mr. Haynes stated he knew ODOC has experienced the overcrowding issue for many years and felt these issues had already been reviewed. He wondered if there was still potential to make changes administratively. Interim Director Evans stated the ranges or punishment are set within the policy and procedure and it is up to the administrative levels how the offenders are sanctioned. He stated the agency believes in being punitive to correct inappropriate behavior, but there may be other methods of punishment which can achieve the same results. Mr. Haynes stated he only commented on this topic as he would have thought it had been looked at over the years as a way to manage the population. Interim Director Evans acknowledged the agency has gone forwards and backwards on the issue over the years. There have been times when the agency tightened the restrictions and other times when they loosened the restrictions but he believes staff should really evaluate which way is the best to manage the system.

Chair Gross stated he understood the aging population and the 85% crimes but wondered if there was anything that could be done about the drop in releases. He stated a large change in a 24-month period is concerning, but he was not sure if it was something which could be controlled. Dr. Pitman stated the receptions are driven by the counties and not ODOC. Ms. Neal stated it does not seem to make a difference with the counties if ODOC is experiencing overcrowding issues. Dr. Pitman stated the agency can look at releases and determine if there is something which can be done differently but ODOC has no control over the receptions. Chair Gross stated the receptions were notably higher in FY 2010. Interim Director Evans noted the recent number of county invokes was higher than ever before.

Chair Gross opened the floor for discussion of the various options presented. Mr. Haynes stated as one of the newer Board members, he wondered about previous discussions with legislators to change some of the ways people are sentenced to prison. Ms. Neal stated the board has tried visiting with legislators during the session but they are not receptive to changing the laws. Mr. Haynes specified the state wants to have law and order but seems to be disconnected from wanting to pay for it and Mr. Roach agreed with his statement. Mr. Haynes queried if this was a topic worth discussing from the Board's standpoint since the legislators were not willing to consider the options. He clarified he did not mean reducing all maximum sentences by 20% but looking at different options. He stated he works in criminal justice and has a better view of some of the different things than others on the Board. Mr. Haynes wondered if anyone had studied what could be changed statutorily to alleviate the overcrowding.

Mr. Haynes queried Mr. Roach if he believed there are people in the prison system who may have a number of days to serve on their sentences, but really do not need to be in prison. Interim Director Evans stated he thought there were quite a few people in the system whose crimes, behaviors, adjustments, and life changes would suggest they would be

law-abiding productive citizens if released early. Mr. Haynes queried if those people Interim Director Evans was referencing were placed in halfway houses or at the community corrections level. Interim Director Evans stated some offenders were moved to community security but certain restrictions prevent others from being placed there, such as their type of offense. Mr. Williams stated having long-term offenders at the bottom of the security structure tends to clog up the release valve. The agency needs offenders who are closer to releasing into society in the community security beds for reentry preparation.

Ms. Owen queried if anyone had discussed with Mr. Haynes the recent Justice Reinvestment Initiative. Mr. Haynes stated the initiative began after he left office as district attorney but before he joined the Board; however, he was aware of the initiative. Ms. Neal noted former Representative Kris Steele worked very hard in attempting to make a dent in the flow of offenders being received into the system. Ms. Owen noted Mr. Haynes was inquiring about issues former Representative Steele was trying to address with the initiative. Mr. Ware stated former Senator Gerald Wright, who was also a former Board member, had a presentation about the sentencing changes. Dr. Pitman noted Ms. Neville Massie may still have the presentation and they could have it sent to Mr. Haynes for review. Ms. Neal requested the new members receive copies of the documents to familiarize themselves with the various issues surrounding the overcrowding and what options had been proposed. Mr. Haynes stated breaking the initiative into smaller portions might be more beneficial but Ms. Neal noted the steps outlined in the initiative were initially small. Mr. Haynes noted it felt like they were not solving the problem, just managing it.

Mr. Roach expressed his curiosity of those offenders who could be considered for early release due to age or medical concerns. Offenders in institutions are taking care of those offenders who cannot care for themselves. Mr. Haynes queried if the reason someone had incarcerated them, though, is because they were dangerous. Mr. Roach stated some of the offenders who are wheelchair-bound may no longer need to be locked away because of their conditions. Mr. Haynes queried if offenders with serious medical conditions could be released through medical paroles. Interim Director Evans stated current policy allows offenders with short life expectancies to be recommended for medical paroles. Dr. Pitman affirmed only those who are considered terminal patients are submitted to the Pardon and Parole Board for consideration. Mr. Roach stated if you looked at the number of medical paroles recommended, however, the release rate has not been very high. Mr. Haynes wondered if statute or policy could be changed for those offenders diagnosed with a certain type of ailment to be awarded credits in an effort to reduce their days served. Interim Director Evans stated he met with the acting executive director for the Pardon and Parole Board (PPB), and they would like to see more medical parole recommendations and more approvals of medical paroles. Interim Director Evans stated the executive director for PPB indicated the medical parole recommendations did not necessarily have to be those offenders with terminal or short-term life expectancies.

Interim Director Evans stated the three proposals presented this date are a combination of things the agency can seek approval for from the legislature as they will affect the budget needs. Interim Director Evans noted the agency has zero beds available and there are more offenders being sentenced every day waiting to be sent to ODOC. He stated he believes with the projected growth by the end of the fiscal year, ODOC will need an additional 200 medium and minimum security beds by the end of February or March 2014. Dr. Pitman stated 200 beds are anticipated to be needed by February 2014. Of those offenders coming into the system, approximately 35% would be classified as medium security and the remaining 65% would be minimum security. There are a few who will be eligible for community security and some who would need maximum security. Of the available current possibilities, there are sixty (60) county jail beds which are ready for new contracts. There are only fifteen (15) additional private prison beds at Cimarron Correctional Facility but there are no other available beds in the other private prisons currently housing ODOC offenders.

Dr. Pitman stated staff will begin reviewing policy and procedure for administrative remedies, such as the following:

- Review classification and custody assessments of current offenders. Dr. Pitman there may be offenders currently in the system that could be candidates for lower security but have other criteria which makes them ineligible.
- Consider changing the minimum number of days remaining for halfway house eligibility. Dr. Pitman stated her concern with this option is the percentage of offenders who return to higher security which creates more pressure on facilities.
- Consider eliminating the thirty (30) day requirement of community corrections placement before transfer to a halfway house.
- Medical paroles, as previously discussed, are being reviewed so more offenders could be submitted to the Pardon and Parole Board for consideration. Mr. Ware queried if policy had recently been changed to state the

offenders have to request medical paroles. Ms. Owen clarified the offenders have to request a commutation of their sentence, but ODOC can request parole considerations. Ms. Neal queried if those offenders medically paroled are required to have a family to return to upon release. Interim Director Evans stated they are required to have a home offer, but it does not necessarily have to be a family member's home. Mr. Haynes queried if the offenders were able to parole to a nursing home and Interim Director Evans stated this was an option if the offender had funding to afford nursing home care.

- Review the criteria for halfway houses to determine if some of them could be loosened to allow more offenders to be placed in those facilities. Ms. Neal queried about the recidivism rate from halfway houses and Dr. Pitman stated the data shows a high rate of return to higher security. In FY 2013, for example, there were 1,952 males placed at halfway houses and of those, 29.4% returned to higher security. Dr. Pitman further elaborated stating for every three (3) male offenders placed at halfway houses one (1) was returned to higher security. Dr. Pitman stated they are being somewhat cautious on loosening the criteria because of this data but are continuing to explore this option.

Interim Director Evans stated there are some administrative decisions ODOC staff can make for short term needs and will keep the population moving. For long-term needs, the Board has received information on various options and at one of the future meetings, will decide which direction the agency should move to accommodate the housing needs. Interim Director Evans stated building a new facility, adding additional space at current facilities or contracting with private prisons will greatly impact the budget. In each of these options, though, there are staffing considerations and the ability to staff a facility has been impacted all over the system.

Mr. Haynes stated the problems with staffing are very concerning but wondered if staffing shortages have saved money for the agency. He queried if payroll cost increases would affect the budget and thought it lessened, in some ways, the dollars and cents impact with not filling positions. Interim Director Evans stated those dollars and cents have been used to pay for contract beds which otherwise could not have been funded. Interim Director Evans stated if there are more people on the job, trained to take care of situations which arise during the course of duty, the agency is much better and facilities are run more efficiently and safely. Interim Director Evans stated lower staffing levels result in more injuries on the job, more mandatory overtime and more missed work days. Safety and security for the public, the staff, and offenders is the number one priority of the agency. Interim Director Evans stated he felt the agency loses money when the safety and security at a facility is compromised by lower staffing levels.

Ms. Neal stated she had wondered why the budget request previously approved by the Board did not include a significant amount to help with the staffing situation. Ms. Neal stated it seemed the Board was only asking for what would be approved rather than what the agency actually needs to run efficiently. She noted she has heard comments from staff at the facilities about the working conditions and the morale is low. She stated the budget request must address funding for the staffing needs even if approval is not expected. Mr. Ware stated the Board should put the responsibility where it belongs and allow the budget request to be denied by the legislature. Mr. Haynes queried about the ability to change the budget request which was previously approved by the Board. Mr. Sawyer stated the budget could be modified or changed at any time. Mr. Haynes then asked if it could be added to the agenda for the meeting on the following day for discussion. Mr. Sawyer reminded the Board it requires approval to be submitted as a budget request. He recommended the budget request be approved during the meeting scheduled for December 5, 2013 or at the meeting in January 2014.

Interim Director Evans stated the budget request previously approved by the Board was to show the financial needs for the prison bed growth. He stated the original budget request was for more staffing and did not address staff pay adjustments. With lack of applicants at the facilities, it would not be beneficial to increase the budget for staffing. However, requesting a pay increase for those already employed is a better strategy. Mr. Haynes queried if all state agencies were having hiring difficulties or was it only in corrections. Chair Gross referenced the recent pay study conducted at the request of the governor and queried about the results. Mr. Sawyer stated the study indicated all state employees are currently under market value on pay rates but the benefits offered are above market value. It also implied the younger generation is more interested in a higher salary and lower benefits while the older generation is interested in the opposite. Interim Director Evans stated the new budget request will include pay increases for correctional officers and other staff.

Ms. Neal referred back to the overcrowding issue, querying if expanding at the female facilities is under consideration. Dr. Pitman responded the approach taken was to address the largest, most costly issue which was to find more bed space for male offenders. Dr. Eddie Warrior Correctional Center recently increased their capacity by 158 for female offenders and they have not been completely filled at this point. Ms. Neal then queried about purchasing or leasing a

facility being more cost effective than putting up another unit. She wondered if adding a pod at one of the facilities would be more efficient than purchasing or leasing a complete facility. Dr. Pitman stated building a 300-bed minimum security facility is approximately \$1.371 million. For a 200-bed facility, it is approximately \$1.5 million so it is more cost effective to build the larger housing unit. Ms. Neal stated she does not believe purchasing or leasing a facility for \$130 million is an attainable goal. She stated she would rather request \$5-7 million to build an addition at an existing facility. Dr. Pitman stated it would be possible to request that, however it is only for 300 beds. The agency needs at least 500 beds before the end of the year and the population is expected to continue to grow. In addition, building a unit from the ground up will take approximately 18-24 months and it is not an immediate solution. Dr. Pitman reminded the Board the solutions discussed this date were to address the immediate needs of the agency.

Chair Gross requested more information on the halfway house placement recommendations. Dr. Pitman stated staff are reviewing the criteria for halfway house placement to determine if there can be more offenders moved down through security and still be good risks for the community. Current policy dictates offenders will be housed at each security level for a number of days before moving to the next lower security level. One recommendation is to decrease the number of days an offender has to spend at each security level, thereby moving quicker through the system. Dr. Pitman stated they would also review eligibility criteria for community corrections because if the offenders cannot transfer down to community corrections it prevents them from also moving to a halfway house. Dr. Pitman noted they should keep in mind the number of offenders who have to return to either community corrections or minimum security from halfway houses. It creates a bottleneck when there are offenders moving down for lower security and others moving up for higher security due to misconducts. Interim Director Evans stated they would work with community corrections staff to address and determine if there is a solution for the halfway house failures. Mr. Haynes queried if staff could also review and determine how the number of releases were affected by 85% crimes or Life Without Parole sentences and Interim Director Evans affirmed his request.

Chair Gross if the F Cell House option was a viable possibility. Mr. Williams stated the condition and age of the housing unit is not safe. Interim Director Evans stated the unit has been shut down for some time and it is unknown what will happen when power and utilities are restored to it. Interim Director Evans expressed he would not consider it a first option due to the safety concerns and the conditions of the unused plumbing.

Interim Director Evans stated the Board would have a few weeks to consider all the various options. Dr. Pitman advised she could provide any additional information needed regarding the various options. Chair Gross reminded the Board there is an agenda item for the next meeting if they would like to take action, but cautioned them to take their time.

3. Adjournment

Kevin Gross, Chair

Chair Gross noted the informality of the meeting lent itself to an open and frank discussion. He expressed his willingness to have this type of dialogue in the future before a main meeting. Ms. Neal queried if Chair Gross had intentions of meeting with legislators at the State Capitol. Mr. Ware stated he would contact Ms. Massie to arrange some dates and times for the Board to visit the legislators. There being no further business to come before the meeting, Chair Gross requested a motion to adjourn the meeting.

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

The meeting adjournment was approved by majority vote and the meeting ended at 8:53 p.m. The next Board meeting is scheduled for 1:00 p.m. on Friday, November 22, 2013, at the Oklahoma State Reformatory in Granite, Oklahoma.

Submitted to the Board of Corrections by:

Signature on file

Kimberley Owen, Minutes Clerk

1/9/2014

Date

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

Approved by:

Signature on file

B. Steve Burrage, Secretary of the Board

1/9/2014

Date