

**OKLAHOMA BOARD OF CORRECTIONS MEETING**  
Mabel Bassett Correctional Center  
29501 Kickapoo  
McCloud, Oklahoma

**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 Mabel Bassett Correctional Center (MBCC) on Friday, July 26, 2013. Chair Gross asked the clerk to call the roll:

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

Calling of the roll reflected a quorum was present. Chair Gross expressed his appreciation to Warden Rickey Moham for the hospitality at the facility and for the lunch provided to the Board.

**2. Welcome/Remarks**

**Rickey Moham, Warden**  
**Mabel Bassett Correctional Center**

Warden Moham thanked the Board for the opportunity to host the Board meeting. He stated MBCC's current authorized staffing level is 216 employees (135 officers and 81 support staff); however, only 151 positions are funded (93 officers and 58 support staff). MBCC has three (3) medium-security housing units, one (1) minimum-security housing unit, and a segregated housing unit which also houses the female death row offenders. Warden Moham stated MBCC supervises the security of all ODOC offenders requiring hospitalization through an agency contract with OU Medical Center. MBCC also supervises the holding area where ODOC offenders are held while waiting for medical appointments at OU Medical Center.

Mabel Bassett Assessment and Reception Center (MBARC) houses all female offenders received into the ODOC after they are sentenced to prison by the courts. Warden Moham stated the medical and mental health unit is staffed by 24-hour qualified medical personnel and in CY 2012 provided medical services to twelve pregnant offenders. Warden Moham stated MBCC provides housing for all female offenders requiring acute mental health treatment. There are currently 45 beds in the Mental Health Unit and they average approximately three (3) admissions to the unit per month.

Warden Moham stated one of the core programs provided at MBCC is Residential Substance Abuse Treatment, which is a three-phase program that serves 44 offenders. Another core program at MBCC is the Faith and Character Program which is for long-term offenders and is designed to modify offender behavior. The Women in Recovery Program, funded through a grant from the George Kaiser Family Foundation, is a gender-responsive, evidence-based program designed to meet the substance abuse and trauma treatment needs of female offenders.

The facility also offers innovative offender education programming and employment opportunities. CareerTech provides hands-on instruction in skills related to transportation, distribution and logistics; computer fundamentals; and drywall and painting. Oklahoma Correctional Industries employs MBCC offenders, along with salaried supervisors, to operate the customer services and marketing center for their catalog orders. Citadel is another innovative job opportunity for the MBCC offenders and provides a telemarketing operation which employs up to 144 offenders on each of the two shifts available.

Warden Moham stated he is partial of two projects currently ongoing at MBCC. The Messages Project uses volunteers to provide offenders with the opportunity to record positive messages and/or read a book to their child on a DVD. The DVD and the book are then sent to the child so they may read the book together. The Mommy and Me Literacy Program is an opportunity for mothers and grandmothers to read a book to their child or grandchild while being recorded. The audio recording and the book are then sent to the child.

The minimum security unit capacity was increased during the week of July 22, 2013, from 264 offenders to 360 offenders. Offenders have already been received into the new beds and they will continue to fill the empty beds. Warden Moham stated the MBCC Chapel project has also begun with groundwork being initiated where the new chapel

will be built. The chapel will be built from donated funds by various outside sources as well as offenders housed at MBCC. The Friends for Folks Program is also underway with the topographical survey being completed recently and an architect is working on plans for the design of the program area.

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

**3. Old Business**

**Kevin Gross, Chair**

There was no old business brought before the Board.

**4. Approval of June 21, 2013, Board Meeting Minutes**

**Kevin Gross, Chair**

The minutes for the BOC Meeting held on June 21, 2013, were provided to the Board for review. Chair Gross requested a motion to approve the minutes as provided by the clerk.

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

The meeting minutes were approved by majority vote.

**5. Director's Comments**

**Justin Jones, Director**

Chair Gross recognized Representative Tom Newman, District 27, thanking him for joining the Board during lunch and attending the meeting. Director Jones then provided the following update to the Board:

- The Victim Services Unit held the Victim Education Support Group, the first of its kind for the Oklahoma Department of Corrections. The mission of the support group is to help victims of homicide gain meaningful information that will help survivors effectively move through the Judicial System while at the same time providing community resources that are not always visible or sometimes forgotten about during the aftermath of homicide. The support group is divided into two sections; the "Educational Segment" and the support to families called "Family Talk."
- On June 12, 2013, Sesame Street announced they had developed DVDs and handouts for parents, caregivers and children impacted by incarceration. They identified a select number of states to pilot the project and Oklahoma was chosen to be a participating partner.
- On June 19, 2013, Wanda Pratt, mother of Thunder Basketball player Kevin Durant, met with pregnant offenders at Mabel Bassett Correctional Center in order to share her story and the obstacles she faced as a single mom. After meeting with offenders, she toured the facility with Deputy Director Pitman and Deputy Wardens King and Morton.
- The Oklahoma Correctional Employees Memorial Foundation completed the memorial and it was dedicated on July 19, 2013. Twenty Department of Corrections' employees who were killed in the line of duty were remembered during the ceremony. Their names are engraved on a black granite monument a short distance from a small reflecting pool. Future plans for the memorial include adding benches, a fountain, and more landscaping. Nine families of those who were killed in the line of duty were in attendance at the dedication ceremony.
- There was an execution held on June 25, 2013, and another is scheduled for September 10, 2013.
- The Southern States Correctional Association Conference (SSCA) was held on July 13-17, 2013, at the Cox Convention Center and Renaissance Hotel. Associate Director Edward Evans is the current SSCA President and the conference hosted corrections employees from several states. Director Jones thanked Ms. Neal for attending the conference and supporting the corrections industry.

Chair Gross requested comments or questions from the Board but none were made.

**6. Approval of Board Resolution**

**Reginald Hines, Deputy Director  
Community Corrections**

- ODOC Probation and Parole Officer of the Year  
Sandy L. Hadley, Probation & Parole Officer III, NEDCC

Director Hines presented the Board resolution for approval of the Probation and Parole Officer of the Year, Sandy Hadley. He then read the resolution into the minutes:

*WHEREAS, the Oklahoma Department of Corrections is privileged to have a group of men and women who are trained professionals and who serve valiantly to ensure supervision and accountability of probation and parole offenders in communities across the state of Oklahoma; and*

*WHEREAS, the Oklahoma Department of Corrections is fortunate to have nearly 300 probation and parole officers who are dedicated and committed to carrying out the agency's mission in a professional manner; and*

*WHEREAS, each year one probation and parole officer is selected as the outstanding officer for his or her district; and*

*WHEREAS, the district officers are interviewed and the Oklahoma Department of Corrections selects an Agency Probation and Parole Officer of the Year who exemplifies the highest standards of professionalism in "Protecting the Public, the Employee, and the Offender"; therefore, be it*

*RESOLVED, that the Oklahoma Board of Corrections does hereby announce and proclaim to all its recognition of Sandy L. Hadley, Probation and Parole Officer III, Northeast District Community Corrections, as the 2012 Agency Probation and Parole Officer of the Year.*

*ADOPTED on the 26<sup>th</sup> day of July, 2013.*

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

The resolution was unanimously approved. Ms. Hadley stated this had been a wonderful experience and in her career, it had been the best thing to happen to her. She expressed her appreciation to the Board for their resolution. She stated she might be standing alone before the Board, but she has hundreds of officers who are just as deserving to stand with her. She thanked her fellow officers for their dedication and hard work. She also thanked her team supervisor, assistant district supervisor, and district supervisor for the mentoring provided to her.

## **7. Approval of Board Resolution**

**Kevin Gross, Chair**

- Justin Jones

Chair Gross stated Director Jones will be leaving the agency soon and this would be his last Board meeting. The resolution was prepared for the Board to recognize his service. Chair Gross requested a motion to approve the resolution.

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

The resolution was unanimously approved and was then read into the meeting minutes by Mr. Burrage, BOC Secretary.

*WHEREAS, Justin Jones began his career with the Oklahoma Department of Corrections on September 12, 1977, as a probation and parole officer and during his 35 year tenure with the department has served in many responsible positions, including warden, regional director, deputy director and director since 2005; and*

*WHEREAS, Justin Jones was a loyal and faithful public servant, persistent and dedicated in his tireless advocacy for the department, effecting best correctional practices and providing evidence-based data and information to internal and external shareholders; and*

*WHEREAS, the Oklahoma Department of Corrections has benefitted greatly from the leadership of Justin Jones and his commitment to excellence, evident by the reputation the agency holds as a leader in corrections and demonstrated by the effective management through many difficult years of shrinking resources and increasing offender growth; establishing partnerships with the non-profit and private sectors to develop and implement interventions in multiple domains across the criminal justice continuum to address the criminogenic needs of the offender in the community, rather than through incarceration, to reduce the likelihood of future law violations; encouraging the highest standards for agency operations at all facilities, community corrections centers, and probation and parole districts in accordance with accreditation standards of the American Correctional Association; and*

*WHEREAS, Justin Jones, a leader of great integrity, competency, professionalism, efficiency and honesty, has earned the respect and gratitude of all those he so faithfully served, as well as those who were privileged to have served with him and under his authority; therefore, be it*

*RESOLVED, that the Oklahoma Board of Corrections does hereby recognize the outstanding leadership and many contributions of Justin Jones and extends to him sincere appreciation and best wishes for his future endeavors.*

*ADOPTED on the 26th day of July, 2013.*

Director Jones thanked Chair Gross and the Board for the honor and privilege of working for the Department of Corrections. He stated he was only as good as his employees and had been privileged, honored and humbled to have been surrounded by what he thinks is the best correctional professionals in the United States, if not the world. He stated it has been an honor and a privilege to serve them, to serve the state of Oklahoma, and he has been blessed to do so.

## **8. Approval of Board Policy**

**Justin Jones, Director**

- P-050100, Emergency Plans for the Oklahoma Department of Corrections
- P-090200, Public Works Programs of the Oklahoma Department of Corrections

Director Jones stated policy P-050100, Emergency Plans for the Oklahoma Department of Corrections, is an annual review and included updating the names of the current chair and vice-chair. The first sentence was also shortened to read, *"The Oklahoma Department of Corrections has established written procedures for emergency situations for all department operations."* It previously listed central office, community corrections centers/districts and institutions.

Director Jones stated policy P-090200, Public Works Programs of the Oklahoma Department of Corrections, is also an annual review and updated the names of the current chair and vice-chair. Director Jones requested the Board to approve both policies as provided.

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

The policies were unanimously approved.

## **9. Programs Update**

**Clint Castleberry, Administrator  
Programs**

Mr. Castleberry stated he wanted to provide a brief overview of the Programs Division and the charts provided in the Board packets reflect FY 2013 ending numbers of participation and completion in programmatic areas. Also provided to the Board were participation and completion comparisons between FY 2012 and FY 2013. Mr. Castleberry stated programs within ODOC serve two simultaneous goals: managing the offender population by providing structured pro-social activities; and addressing criminogenic needs within the population prior to their release while preparing them with new skills and abilities they can use when they return to the community.

The current process begins at assessment and reception where Department of Mental Health contracted staff and ODOC Education and case management staff work to develop a case plan for each offender. The case plan is followed throughout the offender's incarceration to address criminogenic needs through programs. Mr. Castleberry stated ODOC is one of the few correctional administrations with an accredited school system within the prison system. ODOC currently employs seventy teachers statewide and there is some type of educational presence at all maximum, medium, and minimum security facilities. There are also fourteen temporary teachers at select community corrections centers and work centers throughout the state.

ODOC is eligible for federal grant funds, which varies in amount from year to year; these are actual pass-through funds from the State Department of Education since ODOC has a similar population to those the grant funds are serving in the community. Primarily, ODOC receives ABE, Special Education and Title I funds which are used for classroom materials and training. The primary focus in Education is to address the three classroom needs of Literacy, ABE, and GED. Literacy is for those individuals operating at the zero through sixth grade level. ABE is for those testing with a sixth through ninth grade level and GED is for ninth grade through obtaining their diploma. Through reciprocal relationships with the State Department of Education, offenders who obtain their GED assist the state in meeting its threshold of pass rates every year.

Mr. Castleberry stated ODOC currently has fifteen substance abuse treatment programs statewide: two at medium security, one female and one male; eight minimum security programs, five male and three female; and five community

programs. The majority of those programs are contracted through the Oklahoma Department of Mental Health and Substance Abuse Service agencies in the community. ODOC works with those agencies to provide services to the offenders and address their treatment needs prior to their release back into the community. There are also federal grant funds and private foundation funds to assist with the programmatic services.

ODOC is one of the few which has been awarded a federal Second Chance Act grant to address reentry needs and there is an ongoing pilot project which targets male offenders who are returning to the Oklahoma City area after release. The grant allows ODOC to offer preparatory programming before release and also assist with continuing services post-release whether or not the offender is still under ODOC supervision. It is also a model program for ODOC because for the first time ever, the probation officer gets to meet with and assess the offender prior to release from incarceration. Mr. Castleberry stated there was also a wide variety of services and ancillary activities provided by volunteers. Volunteers provide things such as AA/NA services, Genesis 1, cognitive behavior programs, and educational programs.

Ms. Neal queried what preparation was being taken to adapt to the changes in the GED testing requirements. Mr. Castleberry stated after January 1, 2014, the GED test will be computer based throughout the United States. ODOC Education classrooms have computer labs which are non-networked. The instructor will have a laptop which can link to the internet and download the test. Once the test is downloaded, the instructor can disconnect from the internet, and then provide the test to the offenders on the classroom computers. Once the test is completed, the process is reversed and the test results are uploaded to the internet for grading. ODOC Education has applied for a waiver until December 2014 to allow more time to use paper-based testing if the testing sites are not ready for implementation by January 2014. Ms. Neal queried if there has been any positive feedback about the waiver since the cost of implementation is quite high. Mr. Castleberry stated the waiver was submitted to the State Department of Education for each one of the prisons as a testing site and has been accepted. The cost of the GED will potentially triple in cost for all who take it, including offenders. Mr. Castleberry stated the cost will equalize over time as the cost will be per section of the GED test. Ms. Neal stated she was concerned about the current completion rates dropping due to the added expense. Mr. Castleberry stated the Education Unit would do everything it could to keep the completion rate up.

Mr. Haynes noted the number of participants in the Substance Abuse Treatment (SAT) program was down about 400 and in the Thinking for a Change program it was down by a 1,000. He queried if there was a reason for the change in the number of participants. Mr. Castleberry stated the change in the SAT programs was due to the length of the program which can average four to nine months. Based on the capacity and security level of the program, along with the cyclical roll over of programmatic phases, the programs do not all start and end at the beginning of a fiscal year. Mr. Castleberry stated you will normally see the numbers average out at the end of the year unless there has been a dramatic decrease in programmatic slots due to funding. In a two-year comparison snapshot, it does not show the upswing or downswing of the numbers.

No further questions or comments were made by the Board.

## **10. Budget Update**

**Greg Sawyer, Chief  
Business Operations**

Mr. Sawyer stated the monthly statements for the finances of the agency were included in the packets to the Board. Mr. Sawyer stated he would address the appropriated amounts and Mr. Burrage would discuss the revolving funds. Mr. Sawyer noted the appropriations are at the end of the fiscal year, June 30, which just ended. There is approximately \$7 million for the balance of the remaining expenses for the fiscal year. Mr. Sawyer stated there is approximately \$3.1 million after payroll expenses are deducted from this balance. Mr. Siegfried stated the last Board meeting minutes reflected the same information regarding the remaining balance and noted nothing had really changed since the last meeting.

No further comments were made and the item was closed.

## **11. Approval of Private Prison Contract Extension**

**Mike Oakley, General Counsel**

- GEO Group, Inc.

Mr. Oakley stated ODOC had been able to reach an agreement with GEO Group, Inc., but had not received all the signatures required on the document for the contract to be presented to the Board for approval. Mr. Oakley asked for a two-month extension to allow time for the contract to be signed. Mr. Siegfried queried if modifications could still be made within the two months pertaining to bed space and/or price. Mr. Oakley stated the number of beds and the per diem were still negotiable, if needed.

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

The extension was unanimously approved. No further comments were made and the item was closed.

## 12. Population Update

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

Dr. Pitman provided the following population update as of June 28, 2013:

Total System Offender Population = 26,532	EMP = 16
DOC Facilities = 17,869	PPCS = 1
Private Prisons = 5,509	Probation Supervision = 21,096
County Jails with Contracts = 637	Parole Supervision Offenders = 3,057
Halfway Houses = 1,171	Total System Population = 50,685
Out Count (jails, hospitals, etc.) = 668	County Jail Backup = 1,771
GPS = 661	

Dr. Pitman stated as of June 28, 2013, the total system offender population had increased by 667 from June 28, 2012. The majority of the increase had been in private prison beds (739) and county jail contract beds (130). County jail backup continues to be a challenge for ODOC and has increased by 210 since June 28, 2012.

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

## 13. Approval of Director Job Description

Tina Hicks, Chief  
Administrative Services

Ms. Hicks stated she was presenting the job description for the director's position to be approved by the Board at the direction of the Ad Hoc Search Committee. The Board initially received a draft copy of the description and subsequently, the BOC Executive Committee reviewed and approved additional language. There were a few minor language changes made to the description after initial approval to clarify and strengthen the job description document. Those changes were approved by the Search Committee and were identified in a document presented at the meeting this date. Ms. Hicks also provided the final document to the Board. She stated the first three pages of the position announcement represent the job description and this section requires Board approval.

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

The job description was unanimously approved. No further comments or questions were made and the item closed.

## 14. Committee Reports

Committee Chairs

At the discretion of Chair Gross, the Population/Private Prisons Committee was asked to provide their report first.

- **Population Committee**

Ms. Neal requested Dr. Pitman provide the update from the committee meeting, noting she felt it important for everyone to understand the situation within the ODOC population. Dr. Pitman stated the Population/Private Prisons Committee met on July 23, 2013, to discuss the challenges facing the agency in respect to the population. O.S. 57 § 3.95.A. requires ODOC to take every offender sentenced to imprisonment by any of the seventy-seven counties in Oklahoma. O.S. 57 § 1.37.C. states when the county has reached its capacity of inmates as defined in Section 192 of Title 74 of the Oklahoma Statutes, then the county sheriff shall notify the Director of the Oklahoma Department of Corrections. The department shall schedule the reception date and receive the inmate within seventy-two (72) hours of notification that the county jail is at capacity, unless other arrangements can be made with the sheriff.

Dr. Pitman stated when notified the county jail is over capacity, ODOC uses the current count of the county jail minus the capacity to determine the number of excess offenders to be moved into the Assessment and Reception Centers. As of June 28, 2013, there are 1,575 male offenders in county jails awaiting reception. Oklahoma County possesses a court order that has been upheld by the Oklahoma Court of Criminal Appeals which requires the department to receive offenders within 45 days of the offenders' judgment and sentence.

As of June 28, 2013, Oklahoma County had twenty-six (26) male offenders who had been sentenced more than 45 days and who did not have county holds

Tulsa County invoked receptions on the following dates:

June 10	July 10	July 17
June 17	July 11	July 18
June 24	July 12	July 19
July 8	July 15	July 22
July 9	July 16	July 23

In June, Tulsa County attempted to interpret the applicable statute to mean the department is obligated to receive all offenders with judgment and sentences, not just the difference between their count and their capacity. On July 2, 2013, Tulsa County attempted to utilize Oklahoma County's Court of Criminal Appeals decision. On July 5, 2013, Tulsa County advised ODOC they would file a lawsuit if a mutually agreeable solution could not be reached. The lawsuit was filed on July 9, 2013.

Dr. Pitman stated invokes result in cancellations of scheduled receptions from other counties. These cancellations result in additional invokes. Between April 2013 and June 2013, there were 2,243 offenders scheduled for reception; 408 offenders were received as a result of invokes and 651 receptions were cancelled as a consequence and lack of available beds. A total of 2,000 offenders were received. The department's priorities for receptions include offenders with less than 2 years to serve, a delayed sentence or balance suspended upon completion of a program. Invokes impair the department's ability to schedule offenders for reception based on these priorities. As of June 28, 2013, there were 221 male offenders with these priority sentences waiting in county jails. Dr. Pitman provided an attachment to the Board showing county jail capacities, the numbers of offenders awaiting reception by county, and the percent of county jail capacity occupied by offenders awaiting reception. According to the attachment, as of June 28, 2013, offenders awaiting reception in Oklahoma and Tulsa Counties occupied 4.95% and 9.28% of jail capacities, respectively, compared to an average of 14.50% for all other counties exclusive of Oklahoma and Tulsa Counties.

Dr. Pitman provided a second attachment showing the total number of department and contracted beds by security level, the number of offenders, the number of vacant beds and corresponding utilization rates. The number of beds available for male offenders at maximum security is currently 1,859; 1,527 are filled, leaving 332 vacant beds. Of the 332 beds available at maximum security, 317 are at Oklahoma State Penitentiary. Of the 317 beds, 306 were intentionally vacated due to the antiquated physical plant and associated inefficiencies. Medium security currently has 10,597 beds available but the offender count as of June 28, 2013, showed 10,662 offenders were being counted as overages. This occurs when there are offenders being held in Segregated Housing Unit (SHU) beds but being counted in general population beds. Offenders ready for removal from SHU are unable to be placed back in general population due to the lack of available beds. Minimum security beds are currently at 99.25% capacity with 7,434 offenders filling the 7,490 available beds. Dr. Pitman noted there are many considerations to be made when placing offenders in beds as not all of them are equally designated as general population. Different facilities have different services including medical services, programs, etc.

Dr. Pitman stated the community corrections centers (CCC) and work centers (CWC) are currently at 98.24% capacity and the contract community beds are at 73.80% capacity with 317 vacant. The vacant beds are due primarily to offenders not meeting the criteria for placement at this security level. Offenders who cannot be placed at community security due to their security risk cannot be placed in a halfway house or work center. Ms. Neal asked Dr. Pitman to explain the current outcount showing 617 offenders. Dr. Pitman stated there are 617 offenders either out to court or out to the hospital. Those offenders are not included in the offender counts at the various security levels. If all 617 offenders were returned to their facility in the same day, there would not be beds available for them.

Male offender receptions and releases by fiscal years since FY 2009 were provided by Dr. Pitman to the Board in a third attachment. For FY 2012, the difference in receptions and releases resulted in a net growth of 447 offenders. For FY 2013, the difference in receptions and releases resulted in a net growth of 699 offenders. Combined growth for male offenders over the past two years has been 1,146. Receptions into the department are constrained by bed availability. The fourth attachment showed population growth as a function of county jail back-up and facility count, excluding out count for court or hospital. Between FY 2011 and FY 2013, the

male population grew by 642. The combined growth for male offenders over the past two years has been 1,074. For FY 2012 and FY 2013, offender receptions are higher than releases.

Dr. Pitman stated the agency has taken steps to address the population growth. In FY 2012 and FY 2013, ODOC added 81 beds at minimum security public, 85 beds at minimum security contract, 92 beds at medium security public, 550 beds at medium security private, and 180 beds at maximum security private. Maximum security public beds were reduced by 209. The total beds gained for the last two years were 779. On July 17, 2013, every available bed was full and six offenders were held in a holding cell overnight. On July 18, 2013, an addendum was requested to add 100 medium beds to the Cimarron Correctional Facility contract and the beds were filled on July 19, 2013.

Dr. Pitman identified 1,074 beds are required to accommodate population needs now and male population growth for FY 2014 and FY 2015 (based on past two years growth in population and county jail backup). This does not directly address the need to consistently receive offenders with sentences of less than two (2) years to serve, a delayed sentence or balance suspended upon completion of a program. There were 221 offenders with these sentences awaiting reception on June 28, 2013. In addition, while it addresses growth, it does not attempt to reduce invokes by reducing the number of offenders in county jails awaiting receptions. Demand for prison beds is solely determined by the sentencing practices of the counties and the counties interpretations of optimal use of their jail space. This also does not take in account any need the department may have for movement of offenders to enhance security, address major incidents, etc.

Dr. Pitman stated there had been considerable discussion among the Population Committee about what actions to take for housing needs. In respect to male offenders, ODOC will contract for an additional 210 beds at Cimarron Correctional Facility as well as the 100 beds already added to their contract. The agency will also reopen C Unit at Oklahoma State Penitentiary, which was depopulated to increase the efficiency at the facility. Dr. Pitman stated they will also review plans to expand housing at minimum security units.

Dr. Pitman noted she had not intended to talk to the Population Committee about female offenders; however, due to Tulsa County invoking, Population Management learned they would be over capacity for females by this date. As of June 28, 2013, there were 196 female offenders awaiting reception into the department; 45 of these had either less than two (2) years to serve, a delayed sentence or balance suspended upon completion of a program. Dr. Pitman stated ODOC is very close to 100% capacity for female beds. Female offender counts and utilization rates do not include the 51 female offenders out to court or hospital and subject to return at any time.

For FY 2012, the difference in receptions and releases resulted in a net growth of 36 offenders. For FY 2013, the difference in receptions and releases resulted in a net growth of 75 offenders. Combined growth for female offenders over the past two years has been 111 females. The agency took steps to address growth by adding 60 beds in community contracts in FY 2012. In FY 2013, 30 beds in community contract facilities and 11 beds at community public facilities were added; however, the old Kate Barnard Community Corrections Center was closed, resulting in a reduction of 160 beds. Dr. Pitman stated the net loss in female beds for FY 2012-FY 2013 was 59.

Dr. Pitman stated the agency needs 144 female beds to accommodate current needs and population growth for FY 2014 and FY 2015. The Population Committee agreed to increase the minimum unit capacity at Mabel Bassett Correctional Center by October 1, 2013. Board approval for the capacity change will be requested at the September 2013 meeting.

Ms. Neal stated there was a lot of information provided by Dr. Pitman, but feels everyone must be made aware of the situation. Mr. Ware queried if all of the county jails were full and if the jails have any other offenders or programs. Dr. Pitman stated she did not information to determine if they were full and is only aware of how many offenders they have waiting for reception and what portion of their approved capacity is occupied by those offenders. Mr. Ware queried if there was an opportunity to contract with other counties to take the offenders in back-up. Dr. Pitman stated there are contracts with county jails available; however, they are limited on the types of offenders they can house. Also, counties sometimes contract with other counties to house their offenders. These offenders may or may not be ODOC offenders.

Mr. Roach thanked Dr. Pitman for the research and time put into the presentation regarding the housing situation. He stated one thing made very clear to him during the Population Committee meeting was the suggestions made to accommodate the growth of offenders are only temporary. He stated ODOC cannot

control sentencing and receptions as this is controlled by the county. Mr. Roach further stated he did not know how long this would give any relief to the agency as it would only be a matter of months before ODOC would be right back in the same situation. Dr. Pitman affirmed his statements when he asked if his assessment was correct. He stated he hoped those who could assist ODOC in rectifying the situation on a permanent basis understand the seriousness of the housing problem. He expressed his feelings of fear of having a major incident at a facility which would be a direct result of the overcrowding. Ms. Neal agreed with the comments and stated the topic would lead right into the Budget Committee's report. She stated she wanted everyone to be as informed as possible.

Chair Gross stated he appreciated the severity of the population issues and asked for clarification on the information provided regarding Oklahoma County's capacity. He stated his understanding when reviewing the county jail waiting list is that ODOC offenders are 4.95% of the overall jail capacity. Dr. Pitman affirmed this comment noting that this percentage is based on the number of offenders with judgment and sentences and waiting for transfer to assessment and reception. Chair Gross also confirmed Tulsa County's capacity was at 9.28% on June 28, 2013. However, Dr. Pitman stated it was less than 5% as of this date due to Tulsa County invoking each day. Chair Gross stated it appeared ODOC was not the only part of this problem as it relates to Tulsa and Oklahoma County if offenders awaiting transport were less than 10% of their capacity. Dr. Pitman stated when compared to other counties, those offenders waiting to transfer comprise a very small portion of their capacities.

No further comments or questions were made.

- **Budget Committee**

Mr. Burrage referenced a portion of Mr. Sawyer's presentation earlier during the Board meeting regarding the appropriated funds. He stated ODOC did finish the year as originally discussed with an additional \$3.1 million which will be spent in FY 2014 for bills incurred during FY 2013. The financial statements provided to the Board show the revenue received for FY 2013 which ended on June 30, 2013. In the 200 Fund, which are mainly fees, there was approximately \$14 million. In the 205 Fund, which is the canteen fund, there was approximately \$4.2 million. In the 280 Fund, which is the Agri Services and Oklahoma Corrections Industries (OCI) funds, there was approximately \$22 million. The total revenues for all three funds during FY 2013 were approximately \$40 million. Of the expenditures from all three funds, there was a total of approximately \$44 million spent. At the end of FY 2013, the balance after revenues and expenditures was approximately \$14 million in the revolving funds.

The beginning cash balance as of July 1, 2012, for the 200 Fund was approximately \$12 million; throughout the fiscal year, revenues were approximately \$14 million and expenditures were approximately \$17 million. The ending balance in the 200 Fund as of June 30, 2013, is approximately \$9 million. Mr. Burrage stated this decrease was by design and was primarily used to pay for contract beds. The agency had requested the funding in a supplemental appropriation but the revolving funds were used instead.

Mr. Burrage stated the canteen funds and industry funds will be left alone for the time being. He noted the fiscal year ended on June 30, 2013, for Agri Services and OCI; however, they were unable to provide their year-end financial statements at this time as they have inventories to consider, accounts payable, etc. He stated as soon as they finalize their year-end financial statements, which should be available for the September 2013 meeting, ODOC will determine if the funds in these accounts can be utilized.

Mr. Burrage referenced the population report, stating 210 medium-security beds were added to the population on Tuesday, July 23, 2013, and 100 beds were added on July 18, 2013. At the end of FY 2013, the Board also approved approximately 180 beds. With the beds already under contract, plus the beds recently added for the fiscal year ending June 30, 2014, ODOC will have expended approximately \$93 million. Mr. Burrage specified the budget for contracted beds is approximately \$74 million, which leaves a \$19 million deficit. He stated the agency historically reduces that by 2% to say ODOC beds are 98% full. With that being the case, there will be an approximate \$17 million deficit. Knowing this will be the deficit at this point in time, the numbers being presented as of today are the actions taken to increase the private beds. Mr. Burrage stated the \$17 million deficit going forward does not account for any increase the agency may have throughout this year. He stated he would show how the agency could pay for this deficit.

Referring back to the revolving funds, Mr. Burrage stated when looking at the 200 Fund, one could see \$13.7 million was received in FY 2013. He stated generally speaking, in budgeting for revenue on a governmental

entity, if looking at all other governmental entities in the State of Oklahoma, a certain percent of those collections will be appropriated. These collections, generally speaking, are historically collectable. Looking at an 80-90% collection rate of what was received last year, there is a total carryover of \$9 million. Mr. Burrage stated the agency will be utilizing the total surplus carried over in the revolving fund plus the biggest portion of what is estimated to be collected in the 200 Fund to pay for contractual obligations.

Mr. Burrage stated the reason he is pointing these numbers out is because it is not the end of the discussion. The agency still pays for county jail back-up and has budgeted approximately \$12 million for this based on prior years expenditures. Over the last fiscal year, the agency spent approximately \$14 million out of appropriated funds. Out of the 200 Fund, \$4.9 million was spent on county jail back-up out of the revolving funds. The total of these was approximately \$21 million and it is estimated the agency will spend approximately \$22 million on county jail backup for FY 2014 based on historical numbers. Mr. Burrage stated this will leave the agency with a \$10 million deficit as of this date. Mr. Burrage stated this could be the most conservative estimate of a shortfall the agency will be facing in the next year. He stated the information provided to the Board was developed by Dr. Pitman, noting if anyone had any questions, he or ODOC staff could be contacted. Mr. Burrage stated the agency cannot rely on the \$4.8 million to pay for county jail back-up because it has already been obligated to pay for contractual commitments as far as contracted beds. He stated the agency needs more money and contact would be made with the legislature at the beginning of the session in 2014.

Director Jones stated the current account balance on the 200 Fund as of June 30, 2013, was \$8.8 million and the agency is still paying invoices off the account. He noted the books would be closed November 1 and there would still be medical invoices coming in which would be paid out of this account. Director Jones estimated there might be approximately \$2 million left in the account by that time. Mr. Sawyer stated the balance as of this date was approximately \$1.4 million and the last payment had been made for private prison contracts. Mr. Burrage stated the amount he provided is the minimum amount that will be requested to fulfill contractual obligations currently held.

- **Female Offender Committee**

Ms. Neal stated there was no report from the committee.

- **Public Policy/Public Affairs Committee**

Mr. Ware stated there was no report from the committee.

- **Executive Committee**

Chair Gross stated the committee met and the minutes from the meeting are included in the Board folders.

- **Ad Hoc – Director Search Committee**

Mr. Siegfried stated the committee met with Ms. Tina Hicks, Mr. Greg Thomas and Director Jones to discuss the plan for the search. He stated he appreciated everybody's time that had input into developing the plan. Mr. Siegfried stated the highlights were completion of the job description; development of the flow chart identifying each item and task to follow the process from receipt of the application through the end to the job offer; and identifying a list of websites and agencies to market/post the job announcement. The announcement will be posted on those identified websites as well as the ODOC website.

**15. New Business**

No new business was brought before the Board and the item closed.

**Kevin Gross, Chair**

**16. Announcements**

No announcements were brought before the Board and the item closed.

**Kevin Gross, Chair**

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

- Appointment of Interim Director

Mr. Oakley advised the Board of the need to adjourn to Executive Session for discussion of the appointment of the Interim Director.

**Mike Oakley, General Counsel**

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

The adjournment was approved by majority vote and the Board adjourned at 2:23 p.m. to Executive Session.

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

**Mike Oakley, General Counsel**

At 3:02 p.m., the Board returned from Executive Session. Mr. Oakley advised the Board of the approval needed to return from Executive Session.

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

The return was approved by majority vote and the Board resumed the meeting at 3:03 p.m.

**18. Approval of Appointment of Interim Director**

**Kevin Gross, Chair**

Chair Gross stated the Board had discussed the need to appoint an Interim Director. Mr. Edward L. Evans, current Associate Director, has agreed to act as Interim Director, with the Board's approval, until such time as the Director of Corrections is appointed by the Board. Chair Gross stated the appointment of the Interim Director would become effective on August 16, 2013, and the salary would be in accordance with state statute.

**Motion:** Ms. Neal made a motion to appoint Mr. Evans as Interim Director with the salary set by statute and Mr. Ware seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Siegfried – yes; Mr. Ware – yes.

Mr. Evans was unanimously approved as Interim Director. No further comments or questions were made and the item was closed.

**19. Adjournment**

**Kevin Gross, Chair**

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 approve adjourning the meeting and Mr. Burrage seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Siegfried – yes; Mr. Ware – yes.

The meeting adjournment was approved by majority vote and the meeting ended at 3:10 p.m. The next Board meeting will be at 1:00 p.m. on Friday, September 27, 2013, at the William S. Key Correctional Center in Fort Supply, Oklahoma.

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 twenty-seventh day of September, 2013, in which a quorum was present and voting.

Approved by:

**[signature on file]**

B. Steve Burrage, Secretary of the Board

Date