OKLAHOMA BOARD OF CORRECTIONS

REGULAR MEETING

Oklahoma State Penitentiary
1301 N West Street
McAlester, Oklahoma
January 7, 2016

1. Call to Order 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. on Thursday, January 7, 2016, at the Oklahoma State Penitentiary (OSP). The final agenda was posted at 1:00 p.m. on Wednesday, January 6, 2016, at the Oklahoma Department of Corrections (ODOC), which is at least twenty-four hours prior to the commencement of the meeting. Chair Gross asked the clerk to call the roll:

Kevin Gross, Chair	Present	Todd Holder, Member	Present
Gene Haynes, Member	Present	Irma Newburn, Member	Present
Frazier Henke, Secretary	Present	Michael Roach, Vice Chair	Present

Calling of the roll reflected a quorum was present.

2. Welcome/Remarks **Jerry Chrisman, Interim Warden**
Oklahoma State Penitentiary

Warden Chrisman greeted the BOC members and welcomed them to OSP. He stated each member had received a pamphlet about the facility prior to the meeting which would provide more information of the history of OSP as well as the demographics of the current offender population. He noted the facility was in the midst of great and badly needed renovation and the staff were grateful to the BOC members for their support of the changes. Warden Chrisman stated staff were looking forward to completion of the new administration building and anticipate occupancy in the very near future.

Warden Chrisman stated in addition to the renovations, the OSP had initiated a new behavior model called the Phase Program. The programs provides the offenders an opportunity to participate in jobs, other programs, and out-of-cell activities based on the offender's behavior. Through the utilization of an increment level system, the program creates a schedule of phases which the offenders must pass, enabling them to earn privileges and the opportunity to move to lower security, all of which is conditional upon their participation and their social behavior. Warden Chrisman stated all offenders, upon reception at the OSP, are assessed and assigned either to the general population, maximum custody program or specialty housing. The OSP currently houses 764 maximum-security offenders, encompassing general population, special needs, and death row offenders.

Warden Chrisman closed his remarks and Chair Gross thanked him and the staff for the hospitality.

3. Old Business **Kevin Gross, Chair**

There was no old business to discuss.

4. Discussion and Approval of Board of Corrections Meeting Minutes **Kevin Gross, Chair**

- Regular Meeting on November 5, 2015

Chair Gross stated the BOC had previously received the meeting minutes from November 5, 2015, for review and he would entertain a motion.

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

The minutes were approved by majority vote and there was no further discussion.

5. Director's Comments with possible discussion on the following: **David Cincotta, Acting Director**

- FY 2016 Revenue Failure
- Senate Budget Hearing

Acting Director Cincotta stated the agency received official notification on December 23, 2015, of a revenue failure for FY 2016. The state revenue collections were insufficient to make full General Revenue allocations to state agencies for FY 2016. In order to maintain a balanced budget, state agencies will receive a three percent reduction of FY 2016 General Revenue allocations. For the ODOC, this reduction equates to a reduction of $11.8 million. Staff are exploring all options to reduce the budget with as minimal of an impact as possible on critical operations. An immediate hiring and purchasing freeze was initiated with exceptions only being made for critical positions and purchases. Acting Director Cincotta stated Dr. Pitman would provide an update during the meeting regarding the offender population. He stated the number of offenders in the agency's facilities and in county jails awaiting reception in the ODOC are growing and do not appear to be slowing down. Staff will continue to talk to state lawmakers and leaders to make them aware of the challenges faced as the agency moves forward.

Acting Director Cincotta stated staff presented on December 16, 2015, the agency's FY 2017 Budget Request to the Senate Appropriations Subcommittee on Public Safety and Judiciary, which was approved by the BOC on November 5, 2015. Acting Director Cincotta stated the FY 2017 Budget Request was well received; however, the legislature will have approximately $900 million less available for FY 2017 appropriations.

6. Monthly Update and Discussion of FY 2016 Agency Budget **Ashlee Clemmons, Chief Administrator Business Services**

Ms. Clemmons provided the following budget update as of November 30, 2015:

FY2016 Budget Work Program	
Appropriated	$484,900,943
200 Fund	$15,010,643
205 Fund	$4,642,977
280 Fund	$1,500,000

Total – Budget Work Program		$506,054,563*

** Excludes Prison Industries funds not part of the ODOC operating budget; Community Sentencing and Federal funds.*

Y-T-D Expenditures		$(186,463,349)
Appropriated	$(182,844,024)	
200 Fund FY 16	$(3,016,213)	
205 Fund FY 16	$(603,112)	
280 Fund FY 16	-	
Encumbrances		$(145,248,068)
Committed		$(701,949)
Remaining Payroll		$(147,125,792)
Available Balance		**$26,515,405**

Appropriated Operating Funds

Budgeted	$484,900,943
Expenditures Y-T-D	$(182,844,024)
Encumbrance Y-T-D	$(139,539,999)
Total Committed Y-T-D	$(172,354)
Available Balance	$162,344,566
Less:	
Payroll	$(147,125,792)
Available Balance	$15,218,774

200 Revolving Fund

Beginning Cash Balance 7/1/2015	$754,680
Revenue Received Y-T-D	$6,893,237
Expenditures Y-T-D	$(5,230,561)
Adjustments Y-T-D	$(121,093)
Ending Balance	$2,296,263

205 Revolving Fund

Beginning Cash Balance 7/1/2015	$1,070,058
Revenue Received Y-T-D	$1,716,989
Expenditures Y-T-D	$(1,840,097)
Adjustments Y-T-D	$(23,948)
Ending Balance	$923,002

280 Revolving Fund

Beginning Cash Balance 7/1/2015	$2,462,065
Revenue Received Y-T-D	$12,300,144
Expenditures Y-T-D	$(9,299,952)
Adjustments Y-T-D	$(190,333)
Ending Balance	$5,271,924

There were no further questions or comments.

7. Discussion and Approval of Budgeted Average Daily Cost — **Ashlee Clemmons, Chief Administrator Business Services**

Ms. Clemmons stated the ODOC is required by statute to present to the BOC actual daily cost per inmate. Operational costs, including indirect and direct, are required at each major category: maximum security, medium security, minimum security, and community facilities. She stated he agency shall present to the BOC at its January meeting comparative data on budgeted daily cost versus actual daily cost, and, after appropriate review and analysis, the BOC shall adopt as a final action of the Board an average daily cost per inmate by facility category for the immediately preceding fiscal year.

Public Only			
Facility Type	**FY 2015 Budgeted**	**FY 2015 Actual**	**FY 2016 Budgeted**
Maximum Security	$85.15	**$87.20**	$84.01
Medium Security – Male	$47.94	**$42.10**	$44.88
Medium Security – Female	$47.95	**$47.11**	$48.77
Medium Security – Combined Average	$47.94	**$42.83**	$45.46
Minimum Security – Male	$44.73	**$42.14**	$44.56
Minimum Security – Female	$41.92	**$39.06**	$40.99
Minimum Security – Combined Average	$44.36	**$41.75**	$44.10
Community Corrections Centers – Average	$45.20	**$47.07**	$45.96
Community Work Centers – Average	$37.57	**$42.35**	$43.52

Ms. Clemmons stated the budgeted amount is based on facility capacity; the actual amount is based on the average weekly inside count. Mr. Henke stated the Audit/Finance Committee met to review this item and the committee recommends approval of Budgeted Average Daily Cost as presented.

Motion: Mr. Henke made a motion to approve the Budgeted Average Daily Cost and Mr. Haynes seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Holder – yes; Ms. Newburn – yes; Mr. Roach – yes.

The Budgeted Average Daily Cost was approved by majority vote and there was no further discussion.

8. Quarterly Update and Discussion of Oklahoma Correctional Industries and Agri-Services Budget — **Charles Groves, Business Services Coordinator Oklahoma Correctional Industries and Agri-Services**

- FY 2016, 1st Quarter

Mr. Groves provided the following Oklahoma Correctional Industries and Agri-Services Budget update as of September 30, 2015:

Oklahoma Correctional Industries Income Statement

Sales Revenue	$5,425,052
Cost of Goods Sold	$(2,736,644)

Gross Profit or (Loss)	$2,688,408
Overhead Expense	$(1,622,372)
General and Administrative Costs	$(393,039)
Net Income or (Loss)	$672,996

Oklahoma Correctional Industries Balance Sheet

Current Assets	$15,430,294
Fixed Assets	$4,529,329
Total Assets	$19,959,623
Liabilities	$1,547,618
Fund Balance	$18,412,005
Total Liabilities and Fund Balance	$19,959,623

Agri-Services Income Statement

Sales Revenue	$2,612,478
Cost of Goods Sold	$(1,218,240)
Gross Profit or (Loss)	$1,394,238
Expenses	$(1,485,122)
Net Income or (Loss)	$(90,884)
Net Income	$(90,884)
Cost Avoidance	$854,445
Agency Benefit	$763,561

Agri-Services Balance Sheet

Current Assets	$9,878,206
Fixed Assets	$1,823,526
Total Assets	$11,701,732
Liabilities	$476,973
Fund Balance	$11,224,759
Total Liabilities and Fund Balance	$11,701,732

There was no further discussion.

9. Quarterly Update and Discussion of Financial Internal Audits **Gharzuddin Baksh, Auditor IV**

- FY 2016, 1st Quarter **Auditing and Compliance**

Chair Gross stated this item was tabled at the request of the Audit/Finance Committee due to some additional questions that were raised after the committee meeting. Mr. Henke apologized to Mr. Baksh for not notifying him earlier of tabling the item. Chair Gross stated this item would be added to the agenda for the next meeting in February. There was no further discussion.

10. Update and Discussion of Offender Population **Laura Pitman, Ph.D., Division Manager Field Support**

Dr. Pitman provided the population update as of November 30, 2015:

Committed Offender Population **Community Supervised Offender Population**

Total System Population = 28,021	Total System Population = 27,223
DOC Facilities = 19,717	Probation Supervision = 23,633
Private Prisons = 5,917	Parole Supervision Offenders = 2,821
County Jails with Contracts = 580	GPS = 688
Halfway Houses = 1,372	EMP = 12
Out Count (jails, hospitals, etc.) = 435	PPCS = 1
	Community Program Failures = 68

TOTAL SYSTEM POPULATION = 55,244

County Jail Backup = 851

State Facility Capacity Percentages

Assessment & Reception Centers	96%
Institutions	122%
Community Corrections Centers	99%
Community Work Centers	105%
TOTAL STATE BEDS	**118%**

Mr. Roach stated the Population/Private Prisons Committee met with ODOC staff on December 22, 2015, to discuss two topics. The committee wanted to first review actions already taken to alleviate the overcrowding since the beginning of the fiscal year and how those actions continue to manage the ever-growing population. Mr. Roach commended Dr. Pitman and the staff of Population Management and their day-to-day efforts to work with the offender population in the overcrowded system.

Mr. Roach stated the second purpose of the committee meeting was in anticipation of the mandates for the budget reduction for the remainder of the fiscal year. Mr. Roach stated the amount of funding reduction for the ODOC was unbelievable and the committee discussed what efforts would be initiated to continue managing the population which is already 3,000 more offenders than last year at the same time. Mr. Roach stated he did not feel there is a remedy within the control of the ODOC as the population continues to grow at an alarming rate. He stated the committee and ODOC staff continue to look at ways to manage and reduce the population to everyone's benefit. Mr. Roach stated the agency is backed into a corner at this point and the situation is tough for everyone.

Mr. Roach stated the committee will continue to meet as needed with ODOC staff to discuss options for managing the population. There were no further comments.

11. Committee Reports **Committee Chairs**

Chair Gross asked the committee chairs for their reports.

- **Audit/Finance Committee**
  Nothing further to report.
- **Female Offender Committee**
  Nothing to report.
- **Public Policy/Public Affairs Committee**
  Nothing to report.

- **Population/Private Prisons Committee**
  Nothing further to report.
- **Executive Committee**
  Chair Gross stated the committee met on December 17, 2015, to review and approve the agenda for the meeting this date.

12. New Business **Kevin Gross, Chair**

There was no new business to discuss.

13. Announcements **Kevin Gross, Chair**

There was no announcements to make.

14. Approval to Adjourn for Executive Session **Gary Elliott, Assistant General Counsel**

- Discussion of Pending Investigation:
  - Suicide of David Wines #501175 at Dick Conner Correctional Center (case number IG 15-0196)
- Discussion of Pending Litigation:
  - *Alpin et al v. Avalon Correctional Services, Inc., et al,* Tulsa County District Court, case number CJ-2015-1344
- Discussion of Director of Corrections:
  - Appointment and Salary of Interim Director of Corrections

Mr. Elliott advised the items listed on the agenda would require adjournment to Executive Session for engaging in confidential communication between the BOC and its attorney. He recommended Chair Gross entertain motions to adjourn.

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

The adjournment to Executive Session was approved by majority vote and the BOC adjourned at 1:19 p.m.

15. Approval to Return from Executive Session **Gary Elliott, Assistant General Counsel**

The BOC returned to the meeting room at 2:50 p.m. Mr. Elliott advised the BOC of the approval needed to return from Executive Session.

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

The return was approved by majority vote and the BOC resumed the meeting at 2:58 p.m.

16. Discussion and Approval of Appointment and Salary of Interim Director of Corrections **Kevin Gross, Chair**

Mr. Henke stated he would like the BOC to approve the appointment of Joe Allbaugh as the interim director of Corrections with an annual salary of $165,000.

Motion: Mr. Henke made a motion to appoint Mr. Allbaugh as interim director with an annual salary of $165,000 and Ms. Newburn seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Holder – yes; Ms. Newburn – yes; Mr. Roach – yes.

The appointment and salary of Mr. Allbaugh was approved by majority vote.

17. Adjournment **Kevin Gross, Chair**

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

Motion: Mr. Holder made a motion to adjourn the meeting and Mr. Roach seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Holder – yes; Ms. Newburn – yes; Mr. Roach – yes.

The adjournment was approved by majority vote and the meeting ended at 3:01 p.m.

Submitted to the Board of Corrections by:

[signature on file] _____ _____

Kimberley Owen, Minutes Clerk Date

I hereby certify that these minutes were duly approved by the Board of Corrections on the fourth day of February 2016, in which a quorum was present and voting.

Approved by:

[signature on file] _____ _____

Frank X. Henke IV, Secretary Date

Board of Corrections