

**OKLAHOMA BOARD OF CORRECTIONS
REGULAR MEETING**

John H. Lilley Correctional Center
105150 N 3670 Road
Boley, Oklahoma
February 12, 2015

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 1:04 p.m. on Thursday, February 12, 2015, in the Visiting Room of the John H. Lilley Correctional Center (JLCC) at 105150 N 3670 Road in Boley, Oklahoma. The final agenda was posted at 12:24 p.m. on Wednesday, February 11, 2015, 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	Linda Neal, Member	Absent
Gene Haynes, Member	Present	Michael Roach, Vice Chair	Present
Frazier Henke, Secretary	Present	Earnest Ware, Member	Present

Calling of the roll reflected a quorum was present.

2. Welcome/Remarks with Possible Discussion

**Kameron Harvanek, Warden
John H. Lilley Correctional Center**

Warden Harvanek welcomed everyone to the JLCC and provided information about the facility. He stated the facility was established as a minimum-security correctional center on July 1, 1983. JLCC was originally established as a tuberculosis sanitarium in 1923. In 1925, an Oklahoma Federation of Colored Women’s Club petitioned the state legislators to move the State Training School for Negro Boys from McAlester to Boley. In 1965, the facility was integrated and the name was changed to the Boley State School for Boys. It remained in operation as a juvenile detention center until it was closed by legislative action in June 1983. JLCC is located on 256 acres and is named for John H. Lilley, superintendent of the State Training School of Boys. Mr. Lilley remained the superintendent until his death in 1933 and legislative action was passed to allow him to be buried on the grounds of the institution. A monument stands at the entrance of the facility marking Mr. Lilley’s gravesite.

Warden Harvanek stated JLCC currently houses 836 offenders and hosts Oklahoma Correctional Industries (OCI) and Agri-Services. OCI currently operates a chemical/mattress/box factory and Agri-Services operates a cow/calf operation along with hay. Offender programs offered at JLCC included education classes such as Adult Basic Education and GED, substance abuse treatment and CareerTech. The CareerTech program helps offenders obtain journeyman licenses in HVAC, Electrical and Plumbing.

Chair Gross thanked Warden Harvanek for the hospitality during the BOC meeting.

3. Old Business

Kevin Gross, Chair

Chair Gross announced the resignation of Steve Burrage from the Board of Corrections. He stated that Mr. Burrage had been nominated by Governor Fallin to serve on the Oklahoma Tax Commission and is awaiting confirmation on that position. Chair Gross noted there were currently only six Board members and no one has yet been appointed to finish Mr. Burrage’s term. Chair Gross advised he had appointed Mr. Henke to finish out Mr. Burrage’s term as Secretary of the Board and chair of the Audit/Finance Committee. Chair Gross then thanked Mr. Henke for accepting the appointment.

4. Discussion and Approval of Board of Corrections Meeting Minutes

Kevin Gross, Chair

- Regular Meeting on January 8, 2015

Chair Gross stated the minutes from the regular meeting on January 8, 2015, were provided to the Board for review

prior to the meeting this date. He requested a motion to approve the minutes as presented to the Board.

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

The minutes were approved by majority vote.

5. Director’s Comments with possible discussion on the following:

Robert Patton, Director

- Execution
- Prison Rape Elimination Act (PREA) Audits
- Justice Reinvestment Initiative (JRI) Committee
- Budget Discussions

Director Patton stated on January 15, 2015, the ODOC carried out the lawful execution of Charles Warner without incident.

On January 14, 2015, Governor Fallin signed Executive Order 2015-02 which establishes the Oklahoma Justice Reform Steering Committee. The purpose of the committee is to develop a comprehensive and cooperative plan for implementing justice reform that is specifically tailored to Oklahoma’s security needs and physical realities. Director Patton noted there were six members on the committee including a representative from the Governor’s Office, the Attorney General, the President of the Senate, the Speaker of the House, and the directors of the Oklahoma Department of Mental Health and Substance Abuse Services and ODOC. The first meeting for the committee will be held on January 16, 2015, and Director Patton stated he will keep the Board fully briefed as the committee works together.

Director Patton stated the agency had been involved in several budget discussions over the last few weeks. He noted that Ms. Terri Watkins had represented the agency at the hearings and it appears there is much support for ODOC.

Director Patton stated ODOC was very proud to report the passing of four Prison Rape Elimination Act (PREA) Audits:

- Northeast Oklahoma Correctional Center passed their audit with zero findings of non-compliance;
- Kate Barnard Community Corrections Center passed with zero findings of non-compliance;
- Davis Correctional Facility passed with zero findings of non-compliance;
- Mabel Bassett Correctional Center (MBCC) passed with zero findings of non-compliance.

Director Patton stated all of the female facilities are fully compliant with the PREA and he was extremely pleased with the outcome at MBCC.

Mr. Haynes queried Director Patton about the PREA auditors and how they are selected. Director Patton stated there are several federally-certified auditors throughout the nation. He noted ODOC contracts with those used by the American Correctional Association. There have been seven PREA Audits conducted over the last several months with five different auditors. Chair Gross complimented all staff involved for their work at MBCC to bring it into compliance with federal PREA standards.

6. Discussion and Approval/Confirmation of Appointments

David Parker, Division Manager

- Jason Bryant, Warden
James Crabtree Correctional Center
- Thomas W. Sharp, Warden
Howard McLeod Correctional Center
- Janet Dowling, Warden
James Crabtree Correctional Center

Division Manager (DM) Parker greeted the BOC, noting that DM Greg Williams had been scheduled to introduce Mr. Jason Bryant for approval but was unable to attend due to an illness. He noted it was his pleasure to recommend Mr. Bryant as warden for James Crabtree Correctional Center. DM Parker provided information on Mr. Bryant’s achievements and career progression with the agency. DM Parker asked the BOC to approve his appointment as warden.

Motion: Mr. Henke made a motion to approve the appointment of Jason Bryant as warden and Mr. Roach seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Roach – yes; Mr.

Ware – yes.

The appointment was approved by majority vote. Warden Bryant greeted the BOC and thanked them for approving his appointment. He stated it was a wonderful opportunity and unbelievable honor to be appointed as warden. Warden Bryant introduced his wife and stated he was grateful for her support. He then recognized Warden Janice Melton and the staff at Bill Johnson Correctional Center, noting that he had been fortunate to work almost twenty years with Warden Melton. Warden Bryant stated she had been a model of leadership in corrections as well as life. He again thanked the BOC for their approval.

DM Parker introduced Mr. Tommy Sharp and recommended his appointment as warden for Howard McLeod Correctional Center. DM Parker provided information on Mr. Sharp’s achievements and career progression with the agency. DM Parker asked the BOC to approve his appointment as warden.

Motion: Mr. Ware made a motion to approve the appointment of Thomas Sharp as warden and Mr. Haynes seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Roach – yes; Mr. Ware – yes.

The appointment was approved by majority vote. Warden Sharp thanked the BOC for the opportunity and confidence in him. He stated he had fortunate over the years to work with and for some great people. Warden Sharp stated they had shared their experiences and knowledge with him, allowing him to grow as an employee. He acknowledged his wife, thanking her for supporting him as a correctional employee.

DM Parker recommended Warden Dowling for confirmation as warden for Dick Conner Correctional Center (DCCC). Warden Dowling had previously been appointed as warden at the James Crabtree Correctional Center. DM Parker noted Warden Dowling’s career progression and educational achievements before asking for the BOC’s confirmation of her appointment to DCCC.

Motion: Mr. Ware made a motion to approve the appointment of Janet Dowling as warden and Mr. Henke seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Roach – yes; Mr. Ware – yes.

The appointment was approved by majority vote. Warden Dowling thanked the BOC for the opportunity to continue serving the ODOC as warden. She stated being a warden for the agency during this time was very rewarding for her and she was eager to begin working at DCCC.

No other comments or questions were noted.

7. Monthly Update and Discussion of Agency Budget

**Ashlee Clemmons, Chief Administrator
Business Services**

Ms. Clemmons provided the following budget update as of December 31, 2014:

FY2014 Budget Work Program		
Appropriated		\$472,639,727
200 Fund		\$17,075,521
205 Fund		\$4,802,152
280 Fund		1,500,000
Total – BWP		\$496,017,400*
<i>*Excludes Prison Industries funds not part of the ODOC operating budget, Community Sentencing and Federal funds</i>		
Y-T-D Expenditures		\$(222,371,897)
Appropriated	\$(218,472,143)	
200 Fund FY 14	\$(3,103,513)	
205 Fund FY 14	\$(796,241)	
Encumbrances		\$(124,221,388)

Committed	\$(53,959)
Remaining Payroll	\$(125,833,054)
Available Balance	\$23,537,102

Appropriated Operating Funds

Budgeted	\$472,639,727
Expenditures Y-T-D	\$(218,472,143)
Encumbrance Y-T-D	\$(115,223,638)
Total Committed Y-T-D	<u>\$(17,722)</u>
Available Balance	\$138,926,224
Less:	
Payroll	\$(125,833,054)
Available Balance	\$13,093,170

200 Revolving Fund

Beginning Cash Balance 7/1/2013	\$180,636
Revenue Received Y-T-D	\$7,869,150
Expenditures Y-T-D	\$(6,363,069)
Adjustments Y-T-D	<u>\$0.00</u>
Ending Balance	\$1,686,717

205 Revolving Fund

Beginning Cash Balance 7/1/2013	\$1,721,954
Revenue Received Y-T-D	\$2,970,839
Expenditures Y-T-D	\$(4,070,665)
Adjustments Y-T-D	<u>\$0.00</u>
Ending Balance	\$622,128

280 Revolving Fund

Beginning Cash Balance 7/1/2013	\$3,972,741
Revenue Received Y-T-D	\$13,340,481
Expenditures Y-T-D	\$(12,930,097)
Adjustments Y-T-D	<u>\$0.00</u>
Ending Balance	\$4,383,125

There was no further discussion of the budget update.

8. Quarterly Update and Discussion of Oklahoma Correctional Industries (OCI) and Agri-Services Budget Update

**Charles Groves, Business Services Coordinator
Oklahoma Correctional Industries and Agri-Services**

- FY 2015, 2nd Quarter

Mr. Groves provided the following budget update as of December 31, 2014:

Oklahoma Correctional Industries Income Statement

Sales Revenue	\$8,900,365
Cost of Goods Sold	<u>\$(4,042,041)</u>
Gross Profit or (Loss)	\$4,858,324
Overhead Expense	\$(2,726,711)
General and Administrative Costs	<u>\$(892,300)</u>
Net Income or (Loss)	<u><u>\$1,239,313</u></u>

Oklahoma Correctional Industries Balance Sheet

Current Assets	\$15,793,652
Fixed Assets	<u>\$4,564,541</u>
Total Assets	<u><u>\$20,358,192</u></u>

Liabilities	\$1,735,523
Fund Balance	\$18,622,669
Total Liabilities and Fund Balance	<u>\$20,358,192</u>

Agri-Services Income Statement

Sales Revenue	\$5,863,956
Cost of Goods Sold	<u>\$(2,667,740)</u>
Gross Profit or (Loss)	\$3,196,216
Expenses	<u>\$(3,027,781)</u>
Net Income or (Loss)	\$168,435
Cost Avoidance	<u>\$1,566,862</u>
Agency Benefit	\$1,735,297

Agri-Services Balance Sheet

Current Assets	\$9,132,867
Fixed Assets	<u>\$2,029,697</u>
Total Assets	<u>\$11,162,565</u>

Liabilities	\$971,063
Fund Balance	<u>\$10,191,502</u>
Total Liabilities and Fund Balance	<u>\$11,162,565</u>

No further questions or comments were made.

9. Quarterly Update and Discussion of Financial Internal Audits

**Gharzuddin Baksh, Auditor IV
Auditing and Compliance**

- FY 2015, 2nd Quarter

Mr. Baksh stated effective October 22, 2014, policy OP-120105 entitled Financial Internal Audit Unit was established and incorporated. This policy details the purpose, authority and responsibilities of the Internal Audit Unit. On January 28, 2015, the chief financial officer hosted a business managers' meeting to address various topics related to fiscal management. Additionally, internal audit findings of fiscal management noncompliance and internal controls were discussed.

Mr. Baksh stated that during the second quarter of FY 2015, the internal audit team closed and submitted 18 audit reports to the State Auditors. Facilities audited during this time frame included:

- Northeast Oklahoma Correctional Center (NOCC)
- Dick Conner Correctional Center (DCCC)
- Oklahoma Correctional Industries (OCI) at DCCC
- Oklahoma State Reformatory (OSR)
- Eddie Warrior Correctional Center
- Jess Dunn Correctional Center (JDCC)
- Jim E Hamilton Correctional Center
- Agri-Services at:
 - NOCC
 - OSR
 - JDCC
 - Howard McLeod Correctional Center
 - James Crabtree Correctional Center
 - John Lilley Correctional Center
 - William S Key Correctional Center
 - Jackie Brannon Correctional Center
- Meat Plant at Jackie Brannon Correctional Services
- Southeast District Community Corrections
- Tulsa County District Community Corrections

With the completion of these 18, the total for year-to-date is forty audits. The fiscal management compliance and

internal controls over the following financial activities were examined, including: account payables; account receivables (Prisoner Public Works Projects); purchasing; receiving; purchase cards; express checks; debit cards; canteen (Offender Banking System and Inventory); trust fund; warehouse inventory; factory inventory; livestock, including a 100% physical count of all farm animals; feedstock; frozen meats; probation and parole restitutions receipts; and fixed assets management system. Mr. Baksh state all noncompliance and internal control deficiencies had been properly addressed and corrective actions were put in place.

Mr. Baksh stated the 100% verification of fixed assets listed on the FAIS started in FY 2014 continues into FY 2015. The methodology adopted shows positive improvements in the agency’s safeguarding and accounting for the assets spread across the geography of its operations. Br. Baksh noted that financially in FY 2014, after examining fixed assets, there was an adjustment of -2.5 (6%). However, for the first six months of FY 2015, the adjustment has been 0.0 (0%). The agency moved from -6% to zero adjustment which is commendable. Mr. Baksh stated safeguarding and accounting of the agency’s assets will continue to be the top priority of the Internal Audit Unit.

No further questions or comments were made.

10. Update and Discussion of Offender Population

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

Dr. Pitman provided the population update as of December 31, 2014:

Total System Offender Population = 28,305	EMP = 20
DOC Facilities = 19,129	PPCS = 1
Private Prisons = 5,795	Probation Supervision = 21,826
County Jails with Contracts = 540	Parole Supervision Offenders = 3,159
Halfway Houses = 1,448	Total System Population = 53,290
Out Count (jails, hospitals, etc.) = 711	County Jail Backup = 359
GPS = 661	

Dr. Pitman stated she had included information in their folders regarding the operating capacities of each facility. Chair Gross stated there had been some discussion at the last BOC meeting and the total agency rated beds were at 118%; however, the information provided this date shows there are some facilities much higher than that. Dr. Pitman affirmed the information at the last meeting was an average of all the facilities’ inside totals as a percent of rated beds. Chair Gross noted there were a couple of facilities over 120% capacities and one at 216% which he stated was alarming. The information below was as of December 31, 2014.

Assessment and Reception Centers	Rated Beds (R)	Temporary Beds (T)	Operating Capacity (R+T)	Inside Total	Inside Total as a Percent of Rated Beds
Lexington Assessment and Reception	518	0	518	494	95%
Mabel Bassett Assessment and Reception	102	0	102	92	90%
Total Assessment and Reception	620	0	620	586*	95%
Offenders in Transit	0	0	0	122	n/a
Institutions	Rated Beds (R)	Temporary Beds (T)	Operating Capacity (R+T)	Inside Total	Inside Total as a Percent of Rated Beds
Bill Johnson	464	270	734	720	155%
Dick Conner	1,167	98	1,265	1,290	111%
Eddie Warrior	580	350	930	935	161%
Howard McLeod	313	336	649	677	216%
Jackie Brannon	620	117	737	718	116%
James Crabtree	917	220	1,137	1,173	128%
Jess Dunn	926	161	1,087	1,114	120%
James E. Hamilton	668	41	709	714	107%
John Lilley	636	186	822	827	130%
Joseph Harp	1,378	90	1,468	1,436	104%

Lexington	806	97	903	920	114%
Mabel Bassett	1,055	96	1,151	1,155	109%
Mack Alford	760	116	876	898	118%
Northeastern Oklahoma	412	105	517	514	125%
Oklahoma State Penitentiary	764	0	764	709	93%
Oklahoma State Reformatory	999	108	1,107	1,137	114%
William S. Key	1,072	0	1,072	1,075	100%
Total Institutions	13,537	2,391	15,928	16,012	118%
Community Corrections Centers	Rated Beds (R)	Temporary Beds (T)	Operating Capacity (R+T)	Inside Total	Inside Total as a Percent of Rated Beds
Clara Waters	276	0	276	266	96%
Enid	98	0	98	98	100%
Kate Barnard	260	0	260	259	100%
Lawton	153	0	153	147	96%
Oklahoma City	220	0	220	213	97%
Union City	216	0	216	207	96%
Total Community Corrections Centers	1,223	0	1,223	1,190	97%
Community Work Centers	Rated Beds (R)	Temporary Beds (T)	Operating Capacity (R+T)	Inside Total	Inside Total as a Percent of Rated Beds
Altus	80	30	110	103	129%
Ardmore	100	0	100	96	96%
Beaver	45	0	45	44	98%
Carter County	100	0	100	97	97%
Earl Davis	84	0	84	79	94%
Elk City	84	6	90	88	105%
Frederick	100	12	112	108	108%
Hobart	75	10	85	83	111%
Hollis	40	10	50	48	120%
Idabel	92	0	92	90	98%
Madill	100	0	100	99	99%
Mangum	93	0	93	90	97%
Sayre	39	25	64	61	156%
Walters	60	25	85	79	132%
Waurika	57	0	57	55	96%
Total Community Work Centers	1,149	118	1,267	1,220	106%
Total State Beds	Rated Beds (R)	Temporary Beds (T)	Operating Capacity (R+T)	Inside Total	Inside Total as a Percent of Rated Beds
Assessment and Reception Centers, Offenders in Transit, Institutions, Community Corrections Centers and Community Work Centers	16,529	2,509	19,038	19,130	116%

No further questions or comments were made.

11. Update and Discussion of Legislative Initiatives

Marilyn Davidson, Executive Assistant

Ms. Davidson stated Governor Fallin's had given her State of the State Address on February 2, 2015, and released her budget request for the year which included a \$15 million increase for ODOC. Staff presented the ODOC Budget Request to the House Appropriation Committee on Public Safety as well as the Senate Appropriation Committee on Public Safety and Judiciary. Ms. Davidson noted that Governor Fallin had issued an executive order mandating a state employee hiring freeze; however, ODOC will be exempted from the hiring freeze, with permission from Commissioner Michael Thompson, for critical positions such as correctional officers and nursing staff.

Ms. Davidson provided an update on the following ODOC-request bills:

- SB412 – creates a single list of violent crimes in statute; was heard in the Senate Public Safety Committee and passed unanimously. It is now ready to be heard on the Senate floor.
- SB116 – relates to receiving judgment and sentencing documents from counties; was heard in the Senate Public Safety Committee and passed unanimously. It was also heard in the Senate Appropriations Committee and passed. It is now ready to be heard on the Senate floor.
- SB54 – allows employees with the Inspector General’s Office and probation and parole officers to keep their firearms when they retire; was heard in the Senate Public Safety Committee and the Appropriations Committee and passed unanimously in both committees. It is now ready to be heard on the Senate floor.

Ms. Davidson stated she is also tracking over 100 bills moving through the legislative system which would affect the agency.

No further questions or comments were made.

12. Committee Reports

Committee Chairs

Chair Gross asked the committee chairs for their reports.

- **Audit/Finance Committee**
Mr. Henke stated the committee met via teleconference on February 9, 2015, to discuss the items presented during the BOC meeting this date.
- **Female Offender Committee**
The committee did not meet this month.
- **Public Policy/Public Affairs Committee**
Mr. Ware stated there was no report.
- **Population/Private Prisons Committee**
The committee did not meet this month.
- **Executive Committee**
Chair Gross stated the committee met on February 2, 2015, to review and approve the agenda for the meeting this date.

13. New Business

Kevin Gross, Chair

There was no new business.

14. Announcements

Kevin Gross, Chair

Mr. Ware stated he wanted to publicly thank the ODOC family and National Association of Blacks in Criminal Justice (NABCI) for their prayers and gifts when his mother passed away the month prior. He stated the thoughtfulness was greatly appreciated.

15. Approval to Adjourn for Executive Session

David Cincotta, General Counsel

- Discussion of Pending Litigation:
 - *Glossip et al v. Gross et al*, Oklahoma Western District Court, case number 2014-CV-00665
 - *Oklahoma Observer et al v. Patton et al*, Western District Court, case number 2014-CV-00905

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

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

The adjournment was approved by majority vote and the Board adjourned at 1:39 p.m. to Executive Session.

16. Approval to Return from Executive Session

David Cincotta, General Counsel

The Board returned to the meeting room at 2:35 p.m. Mr. Cincotta advised the Board of the approval needed to return from Executive Session.

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

The return was approved by majority vote and the Board resumed the meeting at 2:36 p.m. Chair Gross advised there were not any actions to take after Executive Session.

17. Adjournment

Kevin Gross, Chair

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

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

The adjournment was approved by majority vote and the meeting ended at 2:36 p.m.

Submitted to the Board of Corrections by:

[signature on file]

Kimberley Owen, Minutes Clerk

Date

I hereby certify that these minutes were duly approved by the Board on the twelfth day of March, 2015, in which a quorum was present and voting.

Approved by:

[signature on file]

Frank X. Henke IV, Secretary of the Board

Date