

**OKLAHOMA BOARD OF CORRECTIONS
REGULAR MEETING**

Renaissance Oklahoma City Convention Center
10 N Broadway
Oklahoma City, Oklahoma
October 23, 2014

1. Opening and Roll Call

Kevin Gross, Chair

Chair Gross called the regular meeting of the Oklahoma Board of Corrections (BOC) to order at 1:02 p.m. at the Renaissance Oklahoma City Convention Center in Oklahoma City on Thursday, October 23, 2014. Chair Gross noted the Board was pleased to be in attendance at the Oklahoma Correctional Association Conference and he expressed his appreciation to the conference attendees who were present for the Board meeting.

Chair Gross asked the clerk to call the roll:

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

Calling of the roll reflected a quorum was present.

2. Old Business

Kevin Gross, Chair

There was no old business to discuss.

3. Approval of Board of Corrections Meeting Minutes

Kevin Gross, Chair

- Regular Meeting on September 25, 2014

Chair Gross stated the minutes from the regular meeting on September 25, 2014, were provided to the Board prior to the meeting this date. He requested a motion to approve the minutes as presented to the Board.

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

The minutes were approved by majority vote.

4. Director's Comments

Robert Patton, Director

Ms. Tina Hicks, associate director (AD) of Administrative Operations, was present on behalf of Director Patton who was unable to attend due to a death in the family. AD Hicks stated the Correctional Employee Memorial Service was held on September 26, 2014, to honor those employees killed in the line of duty. On October 9, tours of the newly-remodeled execution chamber were given to media members. Ms. Hicks noted staff training on the new execution policy began on October 7 and was ongoing. No further comments were made.

5.. Staffing Analysis Project Update

**Edward Evans, Associate Director
Field Operations**

AD Evans stated an assessment of all correctional officer positions in facility security levels minimum-maximum was initiated in August 2014. The assessment provided the most current correctional officer manning levels where these positions are assigned and identified the ranks to be used as a baseline for the assessment process. After reviewing and assessing the provided manning levels, it was learned that many positions have the same duties but different titles. For example, one facility will have 'compound' officers to supervise offenders commonly performing manual labor but another facility may call them 'yard' officers. Consistent titles and positions were determined and a listing of

titles was returned to each facility. Once those titles were clearly defined, assessing staffing needs based on job size became less difficult.

AD Evans stated the facilities were then given instructions to submit their correctional officer staffing level requests to Special Assistant (SA) Lance Hetmer. SA Hetmer, the division managers and the wardens agreed on the proposed manning levels based on this process. Final adjustments were made and the manning level requests were then sent to AD Evans for review and approval. AD Evans stated he formed a working group consisting of the associate directors, special assistant, and division managers to review each facility's request to ensure job title consistency, proper job sizing and appropriate staff rank. For example, a facility responsible for upkeep of approximately five acres might have two yard officers whereas a facility responsible for twenty-five acres might have four yard officers.

AD Evans stated the staffing analysis allows the agency to manage the facilities more efficiently based on job size, mission, geographical location, and distance of services. The final result will be that each facility will have an established, approved manning level and a facility critical priority posting level. If a facility is determined to have a critical number of ten staff required to meet basic supervision needs and only nine staff report for duty, then one staff member would be called in or would held over from the prior shift to cover that position. This will directly impact overtime, annual leave, holiday leave and sick leave which will also impact retention of officers and staff. In the future, this process will also allow management to determine positions using common terminology that is more descriptive of the job itself. Other benefits will be reducing overtime, faster hiring process, training potential employees and retaining current staff. AD Evans noted the analysis of correctional officer positions would be completed within the next few weeks and the agency will begin to work on other positions within the facilities.

No further comments or questions were made.

6. Approval of Legislative Initiatives for 2015

Marilyn Davidson, Executive Assistant

Ms. Davidson stated the Public Policy Committee had met earlier in the day to discuss the proposed legislative initiatives for 2015 which are to be approved by the Board. Ms. Davidson provided information on the following recommended initiatives:

- Modifying the procedure for receiving offenders from county jails – Ms. Davidson stated modifying statute would decrease the number of days an offender is held in county jail while awaiting transfer to the custody of ODOC which would also assist the agency to more efficiently budget for county jail costs. Ms. Davidson noted the wording of the bill is pending an Interim Study scheduled on October 29, 2014. Director Patton and Ms. Davidson will attend the Interim Study before deciding on how to move forward.
- Create one list of violent crimes in Oklahoma – Ms. Davidson stated ODOC has identified the need for a singular list of what constitutes violent crime in Oklahoma. There are several sections throughout statute referencing violent crimes, but no list is consistent. This will benefit several areas of the agency when determining how to classify offenders.
- Allow ODOC commissioned staff to retain their service weapon upon retirement – Ms. Davidson stated there is currently a statute that allows officers to retain their badges upon retirement. Amending 74 § 150.23 would allow commissioned officers to also keep their firearms.

Ms. Neal queried if current statute and/or policy required staff to return their service weapon when they retired. Ms. Davidson affirmed the statement. Ms. Neal then queried what initiated the impetus for this change. Ms. Davidson stated employees with other agencies with similar positions are allowed to retain their service weapons but the ODOC was left out of the statute. This amendment would affect agents with the Inspector General's Office and probation and parole officers. Mr. Roach stated on a personal level, being allowed to retain his service weapon after retirement was very special to him and he supported the amendment.

Motion: Mr. Roach made a motion to approve the proposed legislative initiatives and Mr. Henke seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes.

The legislative initiatives were approved by majority vote.

7. Budget Update

Ashlee Clemmons, Chief Administrator
Business Services

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

FY2014 Budget Work Program	
Appropriated	\$470,900,943
200 Fund	\$17,021,881
205 Fund	\$4,642,977
280 Fund	1,500,000
Total – BWP	<u>\$494,065,801*</u>

**Excludes Prison Industries and Community Sentencing and Federal Funds*

Y-T-D Expenditures		\$ (96,698,594)
Appropriated	\$ (95,872,279)	
200 Fund FY 14	\$ (591,166)	
205 Fund FY 14	\$ (235,149)	
Encumbrances		\$ (105,114,242)
Committed		\$ (475,982)
Remaining Payroll		\$ (187,168,844)
Available Balance		\$104,608,139

Appropriated Operating Funds	
Budgeted	\$470,900,943
Expenditures Y-T-D	\$ (95,872,279)
Encumbrance Y-T-D	\$ (97,246,697)
Total Committed Y-T-D	<u>\$ (18,886)</u>
Available Balance	\$277,763,081
Less:	
Payroll	\$ (187,168,844)
Available Balance	\$90,594,237

200 Revolving Fund	
Beginning Cash Balance 7/1/2013	\$180,636
Revenue Received Y-T-D	\$3,517,029
Expenditures Y-T-D	\$ (2,980,676)
Adjustments Y-T-D	\$0.00
Ending Balance	<u>\$716,989</u>

205 Revolving Fund	
Beginning Cash Balance 7/1/2013	\$1,721,954
Revenue Received Y-T-D	\$2,186,077
Expenditures Y-T-D	\$ (3,361,546)
Adjustments Y-T-D	\$0.00
Ending Balance	<u>\$546,485</u>

280 Revolving Fund	
Beginning Cash Balance 7/1/2013	\$3,972,741
Revenue Received Y-T-D	\$5,927,699
Expenditures Y-T-D	\$ (7,382,468)
Adjustments Y-T-D	\$0.00
Ending Balance	<u>\$2,517,972</u>

No further questions or comments were made.

8. Approval of FY 2016 Budget Request

Ashlee Clemmons, Chief Administrator
Business Services

Ms. Clemmons stated the FY 2016 Budget Request was being submitted for Board approval this date. She noted the FY 2014 Agency Appropriation was \$484,443,633 which included a supplemental of \$13 million and \$7.7 million in FY 2013 carryover and the FY 2015 Appropriation was \$470,900,943. Between the FY 2014 Appropriation and the FY 2015 Appropriation, the agency is working with \$13,542,690 less. The FY 2016 Appropriation request was then detailed by Ms. Clemmons.

- The agency is requesting \$555,398,593 in appropriations for FY 2016 which is an eighteen percent increase from FY 2015. This increase would cover the following priorities:
 - Priority A – \$14,563,248 M
Market adjustment for all employees and funding for all authorized correctional officer positions.
 - Priority B – \$26,168,014
Offender contract growth
 - Priority C - \$3,598,000
Increased operating resources for offender growth and operating cost required for FY 2016 which was not budgeted for in FY 2015.
 - Priority D - \$5,678,560
Increased medical care costs, medical equipment and mental health supplies.
 - Priority E - \$1,672,930
Increased offender programs and education as well as reinstating programs which were previously eliminated.
 - Priority F - \$1,015,000
Expanding community sentencing as an alternative to costly facility incarceration
 - Priority G - \$8,355,700
Equipment and infrastructure improvements.
 - Priority H - \$4,934,200
Safety and security needs such as doors, locks and other security equipment.
 - Priority I - \$1,350,000
Replace high-mileage vehicles and purchase one MCI Bus
 - Priority J - \$17,161,998
Updating the current offender management system and other technology needs.

Chair Gross noted the Audit/Finance Committee had reviewed the budget request and asked Mr. Burrage, committee chair, for any comments. Mr. Burrage noted the committee had reviewed the proposed budget and it was recommended that the Board approve the budget as presented.

Motion: Mr. Burrage made a motion to approve the FY 2016 Budget Request and Ms. Neal seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes.

The budget request was approved by majority vote.

9. Population Update

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

Dr. Pitman provided the population update as of September 30, 2014:

Total System Offender Population = 28,265	EMP = 18
DOC Facilities = 19,186	PPCS = 1
Private Prisons = 5,816	Probation Supervision = 21,578
County Jails with Contracts = 545	Parole Supervision Offenders = 3,181
Halfway Houses = 1,305	Total System Population = 53,024
Out Count (jails, hospitals, etc.) = 743	County Jail Backup = 230
GPS = 651	

No further comments or questions were made.

10. Female Offender Update

**Becky Lawmaster, Administrator
Community Sentencing**

Ms. Lawmaster stated the restructuring within the agency placed issues with female offenders under her authority. With the focus on female offenders within the community, the agency continues to look for ways to divert females from incarceration. In FY 2014, there was a net increase of 305 females received; however, in FY 2015 there has already been 396 females received. Ms. Lawmaster noted this was an election year and many judges and district attorneys may be replaced within the next month. With that in mind, it is the goal to continue educating those professionals and encouraging alternative programs available for female offenders.

Ms. Lawmaster stated Tulsa County and Oklahoma County tend to be in competition related to female offender issues. Ms. Lawmaster noted Tulsa County was not doing so well with female offender issues at this time but fortunately there is a private funder in Tulsa to assist with costs of alternative programs. Tulsa County Jail has also initiated a program to address female issues such as family and family relations. Family and Children has hired a case manager and a navigator that has been placed in the public defender's office to help those females who have been arrested and are going through the system. Hopefully, this will prevent female offenders from falling through the cracks and ending up in a prison cell. A court navigator has also been hired in Tulsa County to move between the five district judges to help assist private attorneys in placing females in alternative programs instead of in prison beds.

Ms. Lawmaster drew the Board's attention to an article she had placed in their packets regarding female diversion programs. The article highlighted four diversion programs: Community Sentencing, Female Diversion, ReMerge in Oklahoma County and Women in Recovery in Tulsa County. With those programs, the agency is seeing huge success but the problem is limited space within the programs. With increased funding and the private partners who are seeing great impact with those programs, the rest of the community is being educated about the need for support of these programs. Ms. Lawmaster noted there were many judges and district attorneys in favor of the diversion programs. Ms. Lawmaster also noted the programs target many areas for the women who participate, such as mental health issues, substance abuse, education and general life support. Ms. Lawmaster stated the information provided to the Board this date shows the successes of the diversion programs within Tulsa and Oklahoma counties, but the smaller counties are struggling. She noted her goal is to have her local administrators to meet with the judges and district attorneys in the smaller counties to discuss alternatives for the female offenders within their communities.

Ms. Neal queried about the court navigators in Tulsa County. Ms. Lawmaster responded the George Kaiser Family Foundation provided the funding for the court navigator positions and they were hired through Family and Children. Ms. Neal queried if Oklahoma County had the same positions. Ms. Lawmaster stated they had not implemented the positions yet, but she has discussed with the In As Much Foundation and other private members about hiring for them. Ms. Neal then queried if court navigators were new to Tulsa County and Ms. Lawmaster affirmed this. Ms. Neal stated she thought the idea of court navigators was a tremendous impact on the system. Ms. Lawmaster stated the entire arrest and court proceeding process is traumatic and most women are willing to take whatever deal will get them out of jail and back home. The court navigators help the women traverse the entire process to get them through the system. Ms. Neal queried about Comanche County having the same program and Ms. Lawmaster stated

Community Sentencing will be focusing on this county and playing a more active role in their female offender sentencing process. Ms. Lawmaster thanked the Board for approving the \$1 million earmarked for Community Sentencing so they can continue to expand into those communities where diversion programs are needed the most.

No further questions or comments were noted.

11. Committee Reports

Committee Chairs

Chair Gross asked the committee chairs for their reports.

- **Audit/Finance Committee**

Mr. Burrage stated the committee met this date and the committee had approved the budget request for presentation to the Board for approval. The committee also discussed and approved financial statement reports from Oklahoma Correctional Industries (OCI) and Agri-Services, which will be presented at the next Board meeting and quarterly thereafter. The committee also met with the Internal Audit unit and they are pleased with the internal controls the agency has in place. The Board will be presented with an Internal Audit policy for approval to insure adequate procedures and personnel in place to oversee the internal controls within the agency. One aspect of the policy they are working on is engaging an outside entity or firm to audit the OCI and Agri-Services accounts so the agency can adhere to political independence standards. Mr. Burrage asked Ms. Hicks to name the agency staff who the committee has been working with to implement this policy and to assist with financial oversight for the agency. Ms. Hicks recognized the following:

- Edward Evans, Field Operations
- Dr. Laura Pitman, Field Support
- Ashlee Clemmons, Business Services
- Tom James, Chief Financial Officer
- Charlie Groves, OCI and Agri-Services
- Gharzuddin Baksh, Internal Auditor
- Penny Lewis, Auditing and Compliance
- Johnny Blevins, Inspector General

Ms. Hicks also noted there were many staff in the field that provide support and information as requested who should also be commended for their efforts.

- **Female Offender Committee**

Ms. Neal stated there was no report.

- **Public Policy/Public Affairs Committee**

Mr. Haynes stated the committee had reviewed the information provided by Ms. Davidson for the proposed legislative initiatives. The committee had agreed to be present the initiatives to the Board for full approval.

- **Population/Private Prisons Committee**

Ms. Neal stated there was no report.

- **Executive Committee**

Chair Gross stated the committee met on October 10, 2014, to review the agenda for the meeting this date.

12. New Business

Kevin Gross, Chair

There was no new business.

13. Announcements

Kevin Gross, Chair

There were no announcements.

14. Approval to Adjourn for Executive Session

David Cincotta, General Counsel

- Discussion of Investigation
 - Suicide of Jason Harris #703843
- Discussion of Pending Litigation:
 - *Warner et al v. Gross et al*, Oklahoma Western District Court, case number 2014-CV-00665

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. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes.

The adjournment was approved by majority vote and the Board adjourned at 1:33 p.m. to Executive Session.

15. Approval to Return from Executive Session **David Cincotta, General Counsel**

The Board returned to the meeting room at 1:59 p.m. Mr. Cincotta advised the Board of the approval needed to return from Executive Session.

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

The return was approved by majority vote and the Board resumed the meeting at 2:03 p.m. Chair Gross advised there were not any actions to take after Executive Session.

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

The adjournment was approved by majority vote and the meeting ended at 2:04 p.m. Chair Gross noted the next Board meeting is scheduled for 1:00 p.m. on Thursday, November 13, 2014, at the Eddie Warrior Correctional Center in Taft, 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 fourth day of December 2014 in which a quorum was present and voting.

Approved by:

[signature on file]
B. Steve Burrage, Secretary of the Board

Date