

**OKLAHOMA  
BOARD OF CORRECTIONS  
REGULAR MEETING**

September 25, 2014

Northwestern Oklahoma State University  
Enid, Oklahoma



# OKLAHOMA BOARD OF CORRECTIONS REGULAR MEETING

Northwestern Oklahoma State University - Enid Campus  
Board Room  
2929 E Randolph  
Enid, Oklahoma  
1:00 p.m., Thursday, September 25, 2014



## AGENDA

Members of the Board of Corrections will be lunching together before the Board meeting.  
No business will be conducted during this time period.

1. Opening and Roll Call Kevin Gross, Chair
2. Welcome/Remarks Mike Carr, District Supervisor  
Northwest District Community Corrections
3. Old Business Kevin Gross, Chair
4. Approval of Board of Corrections Meeting Minutes Kevin Gross, Chair
  - Regular Meeting on July 10, 2014
5. Director's Comments Robert Patton, Director
6. Approval of Board Policy Robert Patton, Director
  - P-010100, System of Manuals, Handbooks and Monitoring Procedures
  - P-010200, Operating Procedures and Policies of the Oklahoma Board of Corrections
  - P-010300, Mission and Organization of the Oklahoma Department of Corrections
  - P-020100, Management of Oklahoma Department of Corrections Information
  - P-020600, Legislative Initiative Process
  - P-020700, Oklahoma Department of Corrections Information System
  - P-030200, Offender Housing, Job and Program Integration
  - P-040100, Security Standards for the Oklahoma Department of Corrections
  - P-090100, Provisions of Programs
  - P-130100, Department of Corrections Annual Inspections and Monitoring
  - P-150100, Physical Plant Standards and Long-Range Plant Development for Correctional Facilities
  - P-160100, Purpose and Function of Probation and Parole
  - P-170100, Community Sentencing
7. Discussion of Performance Audit of the Oklahoma Kevin Gross, Chair

### OKLAHOMA BOARD OF CORRECTIONS

#### Mission Statement

We are a select group of Governor-appointed, politically diverse volunteers which directs, advocates, and holds accountable stakeholders to effect best correctional practices.

*"Advocating Correctional Excellence"*

Department of Corrections Conducted by Oklahoma State  
Auditor and Inspector

- July 1, 2007 through June 30, 2013

8. Discussion of Oklahoma Department of Public Safety Investigation 14-0189SI  
Robert Patton, Director
  - Execution of Clayton D. Lockett
  
9. Approval/Confirmation of Appointment  
David Parker, Division Manager  
East Institutions
  - Arthur Lightle, Warden  
Jess Dunn Correctional Center
  
10. Budget Update  
Ashlee Clemmons, Chief Administrator  
Business Services
  
11. Approval of Private Prison Contract  
David Cincotta, General Counsel
  - GEO Group, Inc. – Annual renewal of five-year contract
  
12. Approval of Private Prison Contract  
David Cincotta, General Counsel
  - Corrections Corporation of America (CCA) – Five-year contract
  
13. Population Update  
Laura Pitman, Ph.D., Division Manager  
Field Support
  
14. Committee Reports  
Committee Chairs  
Standing Committees:
  - Audit/Finance – Chair Steve Burrage, Members Gene Haynes and Michael Roach
  - Female Offender – Chair Linda Neal, Members Frazier Henke and Earnest Ware
  - Public Policy/Public Affairs – Chair Earnest Ware, Members Gene Haynes and Frazier Henke
  - Population/Private Prisons – Chair Linda Neal, Members Steve Burrage and Michael Roach
  - Executive – Chair Kevin Gross, Members Linda Neal and Michael Roach
  
15. New Business  
Kevin Gross, Chair  
*“Any matter not known about or which could not have been reasonably foreseen prior to the time of posting.” 25 O.S. § 311.A.9.*
  
16. Announcements  
Kevin Gross, Chair
  
17. Approval to Adjourn for Executive Session:  
David Cincotta, General Counsel
  - Discussion of Investigation Regarding Death of Matthew Morrow #106452
  - Discussion of Pending Litigation:
    - *Warner 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
    - *Glass v. The GEO Group Inc. et al*, Comanche County District Court, case number CJ-2014-563

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***“Advocating Correctional Excellence”***

*“Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.” 25 O.S. § 307.B.4.*

18. Approval to Return from Executive Session David Cincotta, General Counsel
19. Adjournment Kevin Gross, Chair

*The next regular meeting of the Board of Corrections is scheduled for 1:00 p.m. on Thursday, October 23, 2014, at Renaissance Convention Center in Oklahoma City.*

*Updated on 9/19/2014 4:02:17 PM*

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Approval of  
Board Meeting Minutes

**OKLAHOMA BOARD OF CORRECTIONS  
REGULAR MEETING**

Cimarron Correctional Facility  
3200 S Kings Highway  
Cushing, Oklahoma  
July 10, 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 1:00 p.m. at the Cimarron Correctional Facility (CCF) on Thursday, July 10, 2014. 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    | Absent  |                           |         |

Calling of the roll reflected a quorum was present.

**2. Welcome/Remarks**

**Chad Miller, Warden  
Cimarron Correctional Facility**

Chair Gross recognized Warden Miller, thanking him for the hospitality shown by the staff at the facility during the tour earlier in the day. Warden Miller stated he appreciated the opportunity to host the BOC meeting. Corrections Corporation of America (CCA) has a long-standing partnership with the agency; CCF opened in 1997 and has been in contract with ODOC since that time. The facility currently houses 1,470 medium security offenders and 180 maximum security offenders.

**3. Old Business**

**Kevin Gross, Chair**

There was no old business to be discussed.

**4. Approval of Board of Corrections Meeting Minutes**

**Kevin Gross, Chair**

- Regular Meeting on June 5, 2014

Chair Gross stated the minutes from the regular meeting on June 5, 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. Haynes 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;

The minutes were approved by majority vote.

**5. Director's Comments**

**Robert Patton, Director**

Director Patton introduced Ms. Terri Watkins as the newest member of the executive team, providing information on her background prior to employment with the agency. Ms. Watkins was hired as the new director of Communications for the agency and Director Patton noted she will be a valuable addition to the team.

Director Patton stated the past month had been filled with facility tours and meeting staff. Director Patton visited with staff at Oklahoma State Penitentiary, John Lilley Correctional Center, Mabel Bassett Correctional Center, Oklahoma State Reformatory, Lexington Assessment and Reception Center, Joseph Harp Correctional Center, and the administrative offices of Field Support, Health Services, Analytics and Systems Quality Services and Program Services. Director Patton met with Oklahoma County Sheriff John Whetsel on June 18, 2014, to tour the county's Detention Center. Director Patton also noted he attended the Safety and Security Cabinet Meeting on June 24, 2014.

**6. Approval of Board Policy**

**Kevin Gross, Chair**

- P-020800, Guidelines for Research and Research-Related Activities
- P-080100, Mission and Management of Correctional Industries
- P-110300, Drug Free Workplace Program
- P-140100, Offender Medical, Mental Health, and Dental Care

Director Patton stated there were four policies on the agenda for approval by the Board. He noted the policies were up for annual review and the only changes noted were updating the name of the Chair and clarification of wording which did not alter the intent of the policies. Director Patton recommended the Board’s approval of the policies as presented.

**Motion:** Mr. Burrage made a motion to approve all four policies as presented 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;

The policies were approved by majority vote.

**7. Approval of Board Resolution**

**Reginald Hines, Division Manager  
Community Corrections**

- 2013 Probation and Parole Officer of the Year  
Tamika L. Ross, Probation and Parole Officer III, TCDC

Division Manager Hines introduced Ms. Tamika Ross as the 2013 Probation and Parole Officer of the Year. He then read the following 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 Tamika L. Ross, Probation and Parole Officer III, Tulsa County District Community Corrections, as the 2013 Agency Probation and Parole Officer of the Year.*

*ADOPTED this tenth day of July, 2014.*

Mr. Hines requested the Board’s approval of the resolution as presented to the Board.

**Motion:** Ms. Neal made a motion to approve the resolution and Mr. Haynes 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;

The resolution was approved by majority vote. Ms. Ross was invited to the podium and she thanked the Board and Director Patton for their recognition of her accomplishment.

**8. Budget Update**

**Ashlee Clemmons, Acting Chief Administrator  
Business Services**

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

|                            |                       |
|----------------------------|-----------------------|
| FY2014 Budget Work Program |                       |
| Appropriated               | \$484,443,633         |
| 200 Fund                   | \$18,772,094          |
| 205 Fund                   | \$10,335,595          |
| Total – BWP                | <u>\$513,551,322*</u> |

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

|                          |                 |                     |
|--------------------------|-----------------|---------------------|
| Y-T-D Expenditures       |                 | \$(433,573,577)     |
| Appropriated             | \$(424,697,251) |                     |
| 200 Fund FY 14           | \$(6,209,395)   |                     |
| 205 Fund FY 14           | \$(2,666,931)   |                     |
| Encumbrances             |                 | \$(42,224,576)      |
| Committed                |                 | \$(1,097,150)       |
| Remaining Payroll        |                 | \$(23,163,005)      |
| <b>Available Balance</b> |                 | <b>\$13,493,014</b> |

Appropriated Operating Funds

|                          |                 |                    |
|--------------------------|-----------------|--------------------|
| Budgeted                 |                 | \$484,443,633      |
| Expenditures Y-T-D       | \$(424,697,251) |                    |
| Encumbrance Y-T-D        | \$(31,377,445)  |                    |
| Total Committed Y-T-D    | \$(275,327)     |                    |
| Available Balance        |                 | \$28,093,610       |
| Less:                    |                 |                    |
| Payroll                  | \$(23,163,005)  |                    |
| <b>Available Balance</b> |                 | <b>\$4,930,605</b> |

200 Revolving Fund

|                                 |                |             |
|---------------------------------|----------------|-------------|
| Beginning Cash Balance 7/1/2013 |                | \$8,847,121 |
| Revenue Received Y-T-D          | \$13,371,506   |             |
| Expenditures Y-T-D              | \$(21,949,606) |             |
| Adjustments Y-T-D               | \$(1,169)      |             |
| Ending Balance                  |                | \$267,852   |

205 Revolving Fund

|                                 |               |             |
|---------------------------------|---------------|-------------|
| Beginning Cash Balance 7/1/2013 |               | \$1,100,947 |
| Revenue Received Y-T-D          | \$5,445,227   |             |
| Expenditures Y-T-D              | \$(6,054,945) |             |
| Adjustments Y-T-D               | \$0.00        |             |
| Ending Balance                  |               | \$491,229   |

280 Revolving Fund

|                                 |                |             |
|---------------------------------|----------------|-------------|
| Beginning Cash Balance 7/1/2013 |                | \$4,307,972 |
| Revenue Received Y-T-D          | \$23,011,311   |             |
| Expenditures Y-T-D              | \$(21,895,917) |             |
| Adjustments Y-T-D               | \$(4,751)      |             |
| Ending Balance                  |                | \$5,418,615 |

Chair Gross stated the Board would not be meeting again until September and queried when the FY 2014 report would be ready. Ms. Clemmons stated she was working on the final report and would be sending it to Director Patton in the next week for review. After his review, it would then be forwarded to the Board. No further questions were asked.

Director Patton advised the Board that Ms. Clemmons would become the chief administrator of Business Services effective July 12, 2014. The Board congratulated Ms. Clemmons on her appointment.

**9. FY 2015 Budget Outlook**

**Edward Evans, Associate Director  
Field Operations**

**Tina Hicks, Associate Director  
Administrative Operations**

Ms. Hicks stated she would be providing an overview of the FY 2015 Budget, but first wanted to begin by speaking about the differences between the FY 2014 and FY 2015 Appropriated Budgets. In FY 2014, the agency received an initial appropriation of \$463 million. Throughout FY 2014, there were additional sources of funds identified and

provided for agency operation. Those funds included an additional \$7.7 million carried over from FY 2013 appropriations and a \$13 million supplemental appropriation that was authorized by the legislature. In addition, the legislature authorized the agency to utilize \$4 million from the Oklahoma Correctional Industry funds and \$7.35 million from the offender welfare and recreation funds.

Ms. Hicks stated at the beginning of FY 2015, many agencies were seeing their appropriations cut; however, ODOC received notice the amount of appropriations for FY 2015 would remain equal to the FY 2014 appropriation amount. The agency was also notified of an additional \$7.7 million appropriation for specifically funding pay raises identified in SB 2131. As the budget process began, the agency again received notification of a miscalculation error made by the legislature and the FY 2015 appropriation was cut by \$550,608. The final FY 2015 appropriation was noted as \$470,900,943 with \$7.7 of it designated for pay raises in accordance with SB 2131.

The goal in developing the budget this year was to fund all categories fully with the expected expenditure needs for the year. To do so, the budget had to be built from the ground up by looking closely at past years' expenditures. Areas were noted where funds could be cut and aggressive cost-savings activities were identified to allow the agency to function within the budget. Ms. Hicks stated she was very pleased to report to the Board that the agency presented a balanced budget to the Office of Management and Enterprise Services for FY 2015. The budget totals \$530,862,749 and the plan is for the agency to operate within those funds without seeking any additional funding from the legislature. The real challenge begins now as the agency begins to implement this budget and move forward. Throughout the year, staff will continue to monitor and adjust as needed to move forward.

Director Patton noted agency staff was working closely with the members of the Board's Budget Committee to prepare a presentation at the next Board meeting outlining the full budget as indicated on this date. Chair Gross queried if the pay raises specified in SB 2131 had already been implemented and Ms. Hicks affirmed they had been processed.

#### 10. Population Update

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

Dr. Pitman provided the population update as of February 28, 2014:

|   |                                      |
|---|--------------------------------------|
| Total System Offender Population = 27,990 | EMP = 17                             |
| DOC Facilities = 19,099                   | PPCS = 1                             |
| Private Prisons = 5,824                   | Probation Supervision = 21,492       |
| County Jails with Contracts = 575         | Parole Supervision Offenders = 3,184 |
| Halfway Houses = 1,263                    | Total System Population = 52,666     |
| Out Count (jails, hospitals, etc.) = 628  | County Jail Backup = 321             |
| GPS = 583                                 |                                      |

Chair Gross queried what the expected county jail backup would be from this point forward and if it would ever reach zero. Dr. Pitman stated it would never reach zero because new sentences are issued daily in every county across the state. Dr. Pitman noted the last few weeks had seen the county jail backup hovering around 150 offenders total; however, there are ebbs and flows to issuances of judgments and sentences, so some weeks would be higher and other weeks would be lower. The target number is 250 offenders in county jail backup at any given time. Chair Gross commended the agency's staff on all their hard work to reduce the number of offenders waiting to be received into the system.

#### 11. Committee Reports

Committee Chairs

Chair Gross asked the committee chairs for their reports.

- **Budget Committee**  
Mr. Burrage stated there was no report.
- **Female Offender Committee**  
Ms. Neal stated there was no report.
- **Public Policy/Public Affairs Committee**

Mr. Haynes stated there was no report.

- **Population/Private Prisons Committee**

Ms. Neal stated there was no report.

- **Executive Committee**

Chair Gross stated the committee met on June 23, 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 Regarding Alleged Excessive Use of Force by Staff at Clara Waters Community Corrections Center
- Discussion of Investigation Regarding Suicide of Offender Donald Robinson #86239
- Discussion of Investigation Regarding Suicide of Offender David Hammock #512080

Ms. Michele Minietta, acting on behalf of 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. She recommended Chair Gross entertain motions to adjourn.

**Motion:** Mr. Roach made a motion to adjourn for Executive Session 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;

The adjournment was approved by majority vote and the Board adjourned at 1:23 p.m. to Executive Session.

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

**David Cincotta, General Counsel**

The Board returned to the meeting room at 1:41 p.m. Ms. Minietta advised the Board of the approval needed to return from Executive Session.

**Motion:** Mr. Haynes 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;

The return was approved by majority vote and the Board resumed the meeting at 1:42 p.m. Chair Gross advised there was 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. Burrage made a motion to adjourn the meeting 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;

The adjournment was approved by majority vote and the meeting ended at 1:42 p.m. The next Board meeting is scheduled for 1:00 p.m. on Thursday, September 11, 2014, at the Enid Community Corrections Center in Enid, Oklahoma.

Submitted to the Board of Corrections by:

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Kimberley Owen, Minutes Clerk

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Date

I hereby certify that these minutes were duly approved by the Board on the twenty-fifth day of September 2014 in which a quorum was present and voting.

Approved by:

\_\_\_\_\_  
B. Steve Burrage, Secretary of the Board

\_\_\_\_\_  
Date

DRAFT



Approval of Board Policy

|  |   |                |                                   |
|--|---|----------------|-----------------------------------|
| <b>Section-01 Organization</b>                                       | <b>P-010100</b>   | <b>Page: 1</b> | <b>Effective Date: 09/30/2014</b> |
| <b>System of Manuals, Handbooks and Monitoring Procedures</b>        | <b>ACA Standards: 2-CO-1A-05, 2-CO-1A-16, 2-CO-1A-17, 2-CO-1A-21, 4-4012, 4-4014, 4-4174, 4-ACRS-7B-07, 4-ACRS-7B-08, 4-APPFS-3D-05</b> |                |                                   |
| <b>Kevin J. Gross, Chair</b><br><b>Oklahoma Board of Corrections</b> |   |                |                                   |

## **System of Manuals, Handbooks and Monitoring Procedures**

The Oklahoma Board of Corrections (BOC) maintains a system of coordinated manuals of policies, procedures, and administrative rules that govern the agency, its programs, and facilities which is available to all employees and the public. (2-CO-1A-16, 4-4012, 4-4174, 4-ACRS-7B-07) Procedures are developed for the management of manuals, handbooks, administrative rules and forms used by the agency.

In accordance with the Oklahoma Open Records Act, this information, except for confidential and security related information, is available to the public upon written request at a cost of 25 cents per page and from the Department of Corrections (DOC) website at [www.ok.gov/doc](http://www.ok.gov/doc). (2-CO-1A-16)

### **I. Manuals and Handbooks**

Procedures govern the process for creation, approval, annual review and issuance of policies, procedures, administrative rules, management manuals, handbooks and forms. (2-CO-1A-17, 4-4012, 4-ACRS-7B-08, 4-APPFS-3D-05)

#### **A. Organization**

A uniform system ensures that topics are grouped by management category or like topics and duplication is eliminated.

#### **B. Forms**

A process for the development, authorization, annual review, issuance, and control of agency forms is established to ensure updates.

#### **C. Compliance Monitoring**

A system to monitor compliance with policies, procedures, administrative rules, and applicable statutes is outlined which ensures monitoring tools are available. (2-CO-1A-21)

### **II. Responsibility for Adoption of Policies and Procedures (2-CO-1A-05)**

Adoption of policies and procedures occurs in the following manner:

#### **A. Board Policy**

The Board of Corrections is responsible for the adoption of policy statements during regularly scheduled open meetings. Upon the

approval of the Board and the signature of the chairperson, the agency ensures distribution and accessibility of policy. (4-4014, 4-ACRS-7B-08)

B. Agency Policy and Procedure

The director is responsible for the adoption of operational policy and procedures. Upon approval and signature of the director, policy and procedures are made accessible through the agency internet website and distributed to manual holders (4-ACRS-7B-08). Guidelines for distribution and access of confidential and security related procedures will be established. (4-4174)

III. References

51 O.S. § 24 A.5

57 O.S. § 504(b) (1)

57 O.S. § 507(b)

IV. Action

The director is responsible for compliance with this policy.

The director is responsible for annual review and revisions if needed.

Any exceptions to this policy statement will require prior written approval from the Board of Corrections.

This policy is effective as indicated.

Replaced: Policy Statement No. P-010100 entitled "System of Manuals, Handbooks and Monitoring Procedures" dated January 14, 2014

Distribution: Policy and Operations Manual  
Department Website

|  |  |          |                            |
|--|--|----------|----------------------------|
| Section-01 Organization                                      | Page: 1  | P-010200 | Effective Date: 09/30/2014 |
| Board Operating Procedures                                   | ACA Standards: 2-CO-1A-10, 4-4001, 4-APPFS-3D-01 |          |                            |
| Kevin J. Gross, Chair<br>Oklahoma Board of Corrections _____ |  |          |                            |

## Operating Procedures and Policies for the Oklahoma Board of Corrections

The Oklahoma Board of Corrections (BOC) will establish and maintain written policy pursuant to Section 504 of Title 57 of the Oklahoma Statutes, which govern decision making, monitoring of operations, and meetings conducted within the Department of Corrections (ODOC). (4-4001, 4-APPFS-3D-01)

### I. Operating Procedures

#### A. Officers, Terms of Office, and Qualifications

1. The Board, composed of seven members, will have the following offices: a chair, vice chair, and secretary. These offices will be filled annually by Board election at the regular meeting held in June of each year.
2. Members who have demonstrated leadership, while adhering to these operating procedures and policies, and shown commitment to the missions of both the Board and ODOC are eligible for election by a majority vote of the Board. Whenever possible, a member shall not serve as chair until serving a term as vice chair.
3. An incumbent officer may be re-elected as often as such officer receives the necessary votes, except the office of the chair who shall serve no more than two (2) consecutive terms. Newly elected officers will assume their offices at the next meeting of the Board.

#### B. Board Vacancies and Succession

1. If a vacancy occurs in the office of the chair, the vice chair will automatically succeed to the office of the chair and complete the remaining term of office.
2. Upon assuming the office of chair, the office of vice chair will become vacant through succession, and the chair may appoint a vice chair to complete the remaining term of office.
3. Any vacancy occurring in the office of vice chair or secretary may be filled by the chair by appointment for the remaining term of office.
4. A newly appointed officer will assume office at the next meeting of the Board.

5. A newly appointed member nominated, but not approved by the Senate, shall not vote during a Board meeting unless the new member has been designated by the Governor as an interim member to fill a vacancy that occurred during a term of office. An incumbent member scheduled to leave office may continue to act as a member of the Board until a successor is duly appointed and confirmed according to law. A reappointed member may continue to vote unless denied confirmation by the Senate.

C. Duties and Responsibilities

Upon selection by the Governor to the Board, the prospective new Board member(s) shall promptly receive a copy of these Operating Procedures and Policies its attachments, including the "Performance Expectations for Members of the Board of Corrections" which is incorporated by reference (See [Attachment A](#), attached). The duties and responsibilities outlined in these Operating Procedures and Policies will be reviewed annually by the Board and the ODOC director.

D. Orientation

Within three (3) months of their appointment, all newly appointed Board members shall attend an orientation to become familiar with ODOC operations.

E. Modern Rules of Order

The "Modern Rules of Order" shall act as a guide to the Board in the transaction of business during meetings, unless otherwise provided by law or these Board operating procedures and policies.

F. Establishment of Policies

The Board will establish policies for the operation of the DOC. The Board also must approve cancellation of, and amendments to, established policy statements.

G. Approval of Personnel Matters (2-CO-1A-10)

1. The Board may require the director and any other ODOC personnel, when deemed necessary by the Board, to give bond for the faithful performance of their duties (57 O.S. 504(5)).
2. The Board will appoint and fix the salary of the director.
  - a. The maximum salary of the director is established by law.

- b. The term of office of the director is continuous and may only be terminated for good cause and after a formal and open hearing on specific charges, if requested by the director or by the Board.
3. The Board will consider for confirmation and vote on the appointments of wardens, district supervisors, and other staff members required by law to be confirmed as submitted to the Board by the director.

#### H. Approval of Contracts and Budgets

1. The Board will be involved in the selection of architectural firms for projects when the architect's fee is over \$200,000. The Board will also approve requisitions for construction contracts for projects where estimated construction costs are greater than \$500,000. Approval of construction documents must occur before acceptance of a bid.
2. The Board will be involved in the selection of sites for new institutions and community corrections centers, and select and approve relocation of existing correctional facilities.
3. The Board will review and approve the proposed ODOC budget before it is submitted to the State Budget Office in the fall of each year for review by the Governor.
4. The Board will review and approve all emergency expenditures of money that exceed the director's authority as allowed by law.

#### I. Private Prison Construction or Operation

1. If ODOC proposes to enter into a contract for the construction or the operation, or both, of a private prison, ODOC shall compare both the capital costs and the operating costs for the facility to the imputed capital costs and the projected operating costs of a comparable facility constructed and operated by ODOC (57 O.S. 561, 561.1D-4 &G).
2. DOC shall then deliver to the Board the top three (3) qualified prospective private prison contractors identified pursuant to law together with the information reviewed and analyzed by ODOC during analysis of the proposals. The Board of Corrections shall evaluate the information provided and shall make a final decision selecting the contractor within 15 days of receipt of the information (57 O.S.561.1.H).
3. Should ODOC choose to negotiate with current private prison contractors for a new contract for the operation, lease, or

lease/purchase of a private prison, ODOC shall compare both the capital costs and the operating costs for the facility to the imputed capital costs and the projected operating costs of a comparable facility constructed and operated by ODOC. The Board shall evaluate the information provided and shall make a final decision selecting the contractor within 15 days of receipt of the information. Additional time may be provided, when necessary (57 O.S. 561, 561.1).

J. Facility/Office Tours

Besides the tours or inspections, which may be taken during the regular Board meetings, each Board member is encouraged to conduct at least one unannounced visit of an ODOC institution, community corrections center, and community work center or probation and parole office per year.

K. Inquiries

Any inquiries regarding DOC's operations, actions, or policies received by Board members from the public, employees, or offenders will be referred to the director or designee for response. If those inquiries are of such a nature that referral to the director may be inappropriate, then referral should be made to the chair of the Board for appropriate disposition.

II. Administration of Board Functions

A. Board of Corrections Meetings

The Board will normally meet with the director at least monthly to review the administration and activities of the ODOC to include reports on the operation and performance of facilities and units, review Board policies as needed, and other appropriate matters.(4-ACRS-7D-34)

1. The chair will preside over Board meetings. The vice chair will preside in the absence of the chair.
2. The monthly meetings will be conducted at a time and place designated by the chair (or vice chair in the chair's absence), and published by DOC.
  - a. Members who know that they will be unable to attend will notify the ODOC of their intended absence at least one week before the scheduled meeting.
  - b. A majority of the members of the Board currently serving will constitute a quorum for the transaction of business. A majority of affirmative votes of a quorum will be required to conduct and transact the business of the Board.

3. DOC support staff will be responsible for the following:
  - a. Recording of the minutes of every Board meeting;
  - b. The certification of the approval of the minutes;
  - c. Ensuring whenever possible, all documents and information relevant to the Board meeting is provided to the Board in electronic form, no less than five (5) days prior to the scheduled Board meeting; and
  - d. Maintaining the official records of the Board as required by law.

4. Upon approval of the minutes, the Board Secretary will execute the following:

Certificate of Approval

I hereby certify that these minutes were duly approved by the Board of Corrections on \_\_\_\_\_, 20\_\_\_\_, in which a quorum was present and voting.

Date: \_\_\_\_\_ Secretary of the Board

5. All meetings of the Board will be conducted according to Oklahoma's "Open Meeting Law" (25 O.S. 301-314).
  - a. The director will ensure that notice is given in writing to the Secretary of State, by December 15 of each calendar year, of the regularly scheduled meetings of the Board of Corrections for the next calendar year.
  - b. The director will ensure that the proposed agenda is posted at least 24 hours before each meeting. The agenda will be posted in prominent public view at ODOC Headquarters, 3400 Martin Luther King, Oklahoma City, or at the location of the meeting.
  - c. If any change is to be made in the date, time, or place of the regularly scheduled meeting, then notice in writing will be given to the Secretary of State not less than ten days before the implementation of the change.
6. Board executive sessions are authorized only under the following circumstances, or as otherwise provided by Oklahoma law:

- a. Discussion of the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any salaried public officer or employee, including a periodic performance evaluation of the director.
  - b. Confidential communication with the Board's attorneys only to discuss a pending investigation, claim, case, matter, or action where disclosure would seriously impair the ability of the Board to proceed in the public interest.
  - c. Any vote or action must be taken in public meeting with the vote of each member publicly cast and recorded. At the end of each executive session, a public announcement will be made memorializing the executive session discussion and announcing whether a vote is necessary.
7. Special meetings may be called by the chair or by a majority of the Board as necessary and according to the "Open Meeting Law."
8. In the event any meeting is to be continued or reconvened, public notice of the action, including date, time, and place of continued meeting, will be given by announcement at the original meeting. Only matters appearing on the agenda of the meeting that is continued will be discussed at the continued or reconvened meeting.
9. An emergency meeting of the Board of Corrections as permitted by the Open Meetings Act may be held without public notice. The person calling an emergency meeting will give as much advance public notice as is reasonable and possible under the existing circumstances.
10. Matters of business that require further investigation or detailed study may be delegated to an ad hoc Board committee appointed by the chair with the advice and consent of the Executive Committee.
11. At each meeting, the chair may provide an opportunity for any relevant business to be introduced by any Board member, the director, a member of the news media, or any citizen attending the meeting, however, business may not be transacted unless such business constitutes "new business" within the meaning of the Open Meeting Act.
12. Every meeting of the Board will be electronically taped (except executive session) from which minutes will be transcribed in summary form. A copy of the minutes will be forwarded to the Board before the next meeting for their review. After formal approval of the minutes, as submitted or as amended, the taped

recordings shall be destroyed, unless the Board or the Executive Committee requests that the tape recording not be destroyed. A certified copy of the approved minutes will constitute the official record of the Board.

13. Members of the Board will be reimbursed for travel expenses, as provided by law for other state officers and employees, while attending meetings of the Board or performing other official duties.

B. Board Committees

The chair of the Board shall appoint or reappoint up to three (3) members of the Board to a standing committee at the beginning of a fiscal year. Any Board member may offer a motion to create a standing or ad hoc committee, which shall include the proposed committee's specific tasks and/or goals. If approved, the chair shall appoint up to three (3) members to the committee and name a member to act as chair of the newly created committee.

Each committee may meet as required by the respective chair of the committee, and report their findings and recommendations to the full Board for formal approval and action. After each meeting of any committee, a report will be made during the next regular or special Board meeting as required. Committee meetings will be coordinated with the director and staff schedules.

The following committees are standing committees:

1. Executive Committee
  - a. The Executive Committee shall consist of the following Board members:
    - (1) Chair of the Board;
    - (2) Vice chair of the Board; and
    - (3) The immediate past chair of the Board for one year term, or in the event that member has completed that member's one year term, or is no longer serving as a board member, the secretary of the Board shall succeed to the Executive Committee.
  - b. Duties of the Executive Committee shall include:
    - (1) Ensuring that the director's annual written performance evaluation is conducted by the Board;

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- (2) Developing, reviewing, and approving the monthly Board agenda;
- (3) Performing Board self-assessments by developing performance targets and assessing annually their achievement using a survey, interviews, or by other methods the Board deems appropriate; and
- (4) Any matter referred to it by the chair Board or director.

2. Audit/Finance Committee

- a. The Audit/Finance Committee will meet with the director and designated staff to conduct business, including but not limited to:
  - (1) Reviewing and analyzing the ODOC's annual budget request;
  - (2) Recommending to the Board the type and scope of the audits to be performed for the agency, the Oklahoma Correctional Industries and Agri-Services;
  - (3) Recommending to the Board the entity, firm or person to perform audits;
  - (4) Determining the type, content and frequency of financial reports to fulfil proper financial oversight and compliance with Oklahoma Statutes; and
  - (5) Ensuring controls are in place to safeguard the assets of the agency as well as controls for proper financial reporting.
- b. The Audit/Finance Committee will meet as needed to review the budget request due in October of each fiscal year.
- c. The chair or a designee of the chair of the Audit/Finance committee will report to the Board and request formal approval of the budget for the following fiscal year.

3. Population/Private Prison Committee

- a. The Population/Private Prison Committee will meet as needed with the director and designated staff to conduct business, including but not limited to the review of the ODOC's population status, policies, and the review and approval of facilities' authorized capacity.

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- b. The Population/Private Prison Committee will review and approve requests for proposals, determine contract performance standards, propose rules and regulations, review and approve proposed per diem costs for the ensuing fiscal year, and review the cost benefit analysis required by law.
  - c. The chair or a designee of the chair of the Population/Private Prison Committee will report to the full Board their recommendations, and request formal approval thereof.
4. Public Policy/Affairs Committee
- a. The Public Policy/Affairs Committee will meet with the director and designated and appropriate staff to conduct business, including but not limited to the review and approval of the specific language of the legislative initiatives of the ODOC.
  - b. The Public Policy/Affairs Committee will meet prior to each legislative session, and from time to time during the legislative session, to review and discuss any necessary changes.
  - c. The Public Policy/Affairs Committee, the director and designated staff will interface, as necessary with members of other state boards, associations, organizations, agencies and designated appropriate staff to coordinate activities relating to the above named entities.
  - d. The chair or a designee of the chair of the Public Policy/Affairs Committee will report to the Board their recommendations and request formal approval thereof.
5. Female Offender Committee
- a. The Female Offender Committee will meet as necessary with the director and designated staff to conduct business, including but not limited to the review and approval of ODOC policies and procedures which may affect female offenders to ensure a level of parity that avoids and/or minimizes any discrimination.
  - b. The chair or a designee of the chair of the Female Offender Committee will report to the Board their recommendations, and request formal approval thereof.

C. Committee Sunset Provision

All committees not designated as a standing committee shall expire after one calendar year from the date of the committee's inception, unless the Board approves the committee continued existence.

D. Board Agenda

The chair and/or the Executive Committee shall be contacted in order for any item to be placed on the Board agenda for a regular or special Board meeting. Proposed agendas will be prepared and posted at least seven days prior to any Board meeting. A final agenda will be posted 24 hours in advance of any Board meeting. After final posting, no additions to the agenda will be considered unless it falls under the item of new business in compliance with the Open Meeting Act. The decision of the chair will be final for placing items on the agenda for the next meeting unless three members of the Board request in a timely manner the item is placed on the agenda.

E. Requests for Information by Board Members

Any Board member or committee may request information from ODOC that is within the Board's statutory authority, provided such request is presented to the director who may refer the request to the appropriate member of the ODOC staff. Copies of such information shall be provided to all members of the Board, as deemed appropriate by the director and/or the Board Executive Committee. Any requests that cause significant increases in workload for the director or ODOC staff should be referred to the Board Executive Committee for approval or placed on the next Board meeting's agenda for consideration by the Board. The director will determine whether the request presents a significant increase in workload and the time required responding to the request. If required, the director will request that the Board member contact the Board chair to place the item on the agenda for the next Board meeting.

III. Public Access

The ODOC and its Board share the responsibility to provide information concerning ODOC to Oklahoma citizens. The Board will allow public and press inquiry of each Board member after each Board meeting, as each individual Board member's schedule permits. All requests for information from Board members shall be referred to the director for appropriate response.

A. Requests for Information

Requests for information from the public regarding an individual offender must meet the following requirements:

1. The request must comply with [OP-060212](#) entitled "Maintenance and Access of Offender Records" and "Authorization to Release

Department of Corrections Record Information” form ([DOC 060212F](#)).

2. The request must be in writing with a return address. Electronic mail requesting information about an offender will not be responded to until said electronic mail is converted to an appropriate paper writing, and the sending party is identified by name, address, and original signature.
3. If the request is regarding questionable policy practices or possible criminal behavior by staff or an inmate, specific facts must be provided by the requesting party prior to any response.

For any request that does not involve possible criminal behavior by the offender or place the requesting party in jeopardy, the information gathered for the response shall be provided to the offender by the unit staff. The offender shall then have the opportunity to forward the information to the requesting party. The offender shall be encouraged to utilize the grievance procedure, when appropriate.

This section will not apply to open records requests or requests by an offender’s attorney of record or elected public officials.

Unless otherwise provided by the Open Meeting Act, all Board meetings will be open and accessible by the public. All members of the public attending Board meetings shall be subject to any security procedures deemed necessary by the ODOC. Any person who has been denied access to any ODOC facility or institution may be allowed to attend a Board meeting, provided the person meets all security concerns, and shall be limited to the specific room where the meeting is held, and shall be required to arrive within a reasonable time before the meeting and leave within a reasonable time after the adjournment of the meeting.

#### IV. Members Representing Board of Corrections

Only members or committees authorized by the chair and/or the Executive Committee or pursuant to a duly adopted Board resolution may represent the Board before the executive or legislative branch or before any other branch or agency of the state or federal government or before any private entity, including the press. Except as noted above, media comments may be made stating only the personal views or positions of the member on matters that may come before the Board. Members may express their personal views on any proposed legislation affecting the ODOC.

#### V. References

OP-060212 entitled “Maintenance and Access of Offender Records”

25 O.S. 301-314

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57 O.S. 503, 504, 506, 510, 561, 561.1

74 O.S. 2.2

577 P. 2nd 1310 (Okla. 1978)

VI. Action

The director is responsible for compliance with this policy.

The director and the Board of Corrections are responsible for the annual review and revisions.

Any exceptions to this policy statement will require prior written approval of the Board of Corrections.

This policy is effective as indicated.

Replaced: Policy Statement No. P-010200 entitled "Operating Procedures and Policies for the Oklahoma Board of Corrections" dated December 11, 2012

Distribution: Policy and Operations Manuals  
Agency Website (Public)  
Board Website (Private)

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|--|--|----------------|-----------------------------------|
| <b>Section-01 Organization</b>                         | <b>P-010300</b>  | <b>Page: 1</b> | <b>Effective Date: 09/30/2014</b> |
| <b>Mission and Organization</b>                        | ACA Standards:2-CO-1A-02, 2-CO-1A-04, 2-CO-1A-06, 2-CO-1A-07, 2-CO-1A-08, 2-CO-1A-12, 2-CO-1A-13, 2-CO-1A-19, 2-CO-1A-20, 2-CO-1A-21, 4-4001, 4-4002, 4-4003, 4-4010, 4-4015, 4-ACRS-7D-01, 4-ACRS-7D-02, 4-ACRS-7D-03, 4-ACRS-7D-34, 4-ACRS-7D-35, 4-APPFS-2A-01, 4-APPFS-2A-07, 4-APPFS-3A-29, 4-APPFS-3D-01, 4-APPFS-3D-02, 4-APPFS-3D-03, 4-APPFS-3D-05, 4-APPFS-3D-07 |                |                                   |
| Kevin J. Gross, Chair<br>Oklahoma Board of Corrections |  |                |                                   |

## Mission and Organization of the Oklahoma Department of Corrections

The Oklahoma Department of Corrections (DOC) is established in accordance with applicable statutes and regulations with the goal of ensuring public safety through the provision of professionally managed correctional services pursuant to orders of the court, the Pardon and Parole Board, applicable statutes and Board of Corrections (BOC) policy. (2-CO-1A-02, 2-CO-1A-04, 4-4001, 4-APPFS-2A-01, 4-APPFS-3D-01, 4-APPFS-3D-02)

### I. Mission Statements

It is the mission of the DOC to protect the public, the employees and the offenders.

The agency and its subdivisions will develop written mission statements that establish desired outcomes. These statements will be reviewed annually and updated as needed. (2-CO-1A-04, 2-CO-1A-06, 2-CO-1A-08, 2-CO-1A-21, 4-4002, 4-4003, 4-ACRS-7D-01, 4-ACRS-7D-02, 4-APPFS-3D-04, 4-APPFS-3D-07)

### II. Goals and Objectives

#### A. Development of Goals and Management Strategy

The agency's primary goals include the safe and humane operation of a professional correctional system providing secure confinement and supervision of offenders and the reduction of recidivism by offering programs and services that afford offenders opportunities for positive change and successful reentry. The goals, management strategy and agency operational procedures will be defined and be consistent with the guiding goals and principles of the agency. (2-CO-1A-06, 2-CO-1A-07, 2-CO-1A-20, 4-4003, 4-ACRS-7D-01, 4-APPFS-3D-05)

#### B. Resources

Within available resources, the agency will offer a range of evidenced based correctional operations. These operations will include institutionalization, community programs, community supervision, treatment and other rehabilitation programs that will best serve the needs of the State of Oklahoma and the individual offender. These evidence-

based programs will enhance the offender's ability to establish a productive and law-abiding lifestyle. (4-APPFS-2A-07) The agency will administer its programs in an equitable manner in the least restrictive environment consistent with public safety.

C. Operations

The director will ensure policy and procedures governing the management and operations of the agency are established and implemented. (2-CO-1A-06) Regular meetings with the BOC will provide opportunity to review and evaluate established policies and agency operations. (4-ACRS-7D-34)

III. Organization

A. Organizational Charts

The director will ensure organizational charts and FTE matrices of every staff position within the agency are developed and maintained. These charts reflect the grouping of functions, the area of control, define the lines of authority, and outline a specific channel of communication. (2-CO-1A-12, 4-4010, 4-ACRS-7D-03, 4-APPFS-3D-03)

B. Communications

The DOC will maintain an effective communication system through regular meetings between facility heads and department heads and between department heads and their key staff members at least once each month. The agency will also utilize the latest technology to enhance communications. (2-CO-1A-18, 2-CO-1A-19, 4-4015, 4-ACRS-7D-35, 4-APPFS-3A-29, 4-APPFS-3D-07)

IV. References

57 O.S. § 504 (b) (I), 507, and 508.1

74 O.S. § 18c

V. Action

The director is responsible for this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy statement will require prior written approval from the Board of Corrections.

This policy is effective as indicated.

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| <b>Section-01 Organization</b> | <b>P-010300</b> | <b>Page: 3</b> | <b>Effective Date: 09/30/2014</b> |
|--------------------------------|-----------------|----------------|-----------------------------------|

Replaced: Policy Statement No. P-010300 entitled "Mission and Organization of the Oklahoma Department of Corrections" dated September 30, 2013

Distribution: Policy and Operations Manual  
Department Website

|  |   |         |                            |
|--|---|---------|----------------------------|
| Section-02 Information Management                      | P-020100  | Page: 1 | Effective Date: 09/30/2014 |
| Management of Information                              | ACA Standards: 2-CO-1A-25, 2-CO-1A-26, 2-CO-1A-27, 2-CO-1A-27-1, 2-CO-1E-07, 2-CO-1F-04, 2-CO-1F-06, 2-CO-1F-07, 4-4005, 4-4018, 4-4019, 4-4021, 4-4099, 4-4102, 4-ACRS-7D-05, 4-ACRS-7D-06, 4-ACRS-7D-08, 4-ACRS-7F-01, 4-ACRS-7F-02, 4-ACRS-7F-04, 4-ACRS-7F-05, 4-ACRS-7F-06, 4-APPFS-1A-01, 4-APPFS-1A-02, 4-APPFS-1C-01, 4-APPFS-3D-16, 4-APPFS-3D-32, 4-APPFS-3D-33 |         |                            |
| Kevin J. Gross, Chair<br>Oklahoma Board of Corrections |   |         |                            |

## Management of Oklahoma Department of Corrections Information

### I. Dissemination of Information

The Department of Corrections will ensure that the public is fully informed concerning the operations of the agency and has access to agency records in accordance with the Open Records Act.

#### A. Release of Information (2-CO-1A-27-1, 4-4021, 4-APPFS-1C-01)

The public has a right to information concerning the operation of governmental agencies. Therefore, the agency will establish:

1. A public information office; (2-CO-1A-25, 2-CO-1A-27, 4-ACRS-7F-01, 4-ACRS-7F-02, 4-APPFS-1C-01)
2. Procedures for access to agency records and a process to specify materials which are confidential or have restricted access; (4-4021, 4-ACRS-7F-02)
3. Persons designated to release information from agency records;
4. Fees for the reproduction of agency records; and
5. Fees for the production of agency records that require the agency to search for records that are not readily available.

#### B. Release of Offender Information (4-4019, 4-ACRS-7F-04)

The agency's procedures for distribution of information concerning offenders released to the community to appropriate law enforcement agencies will be in accordance with federal and state law and in the interest of public safety.

#### C. Release of Records (2-CO-1A-26)

The Board of Corrections finds that the release of public records already in existence is in the best interest of the people of Oklahoma. Therefore:

1. The Department of Corrections will fulfill all legitimate Open

Records Act requests to the best of the agency's ability. The Board of Corrections finds that requests for reports requiring agency staff to do more than gather already existing records is disruptive to agency operations, as staffing shortages are a continuing problem.

- a. Any request from the public for records or information that will require the agency to create a new record may be denied.
- b. The agency will notify the requesting party of an existing record when such record closely matches the request and will determine whether the requesting party desires that existing record.

2. The Board of Corrections finds that any request for records requiring the agency staff to search files that are not readily available in current and active agency files is disruptive to agency operations.

- a. Any request from the public for records or information that will require the agency to search old or archived files in any manner will require that the requesting party reimburse the agency for the search.
- b. The agency will notify the requesting party whether a search will be necessary, provide an estimate of the cost of the search and notify the requesting party that pre-payment is required before the search is initiated.
- c. Upon acknowledgement and pre-payment by the requesting party, the agency may begin to search for the records.

D. Privacy (2-CO-1E-07, 2-CO-1F-06, 4-4099, 4-ACRS-7F-02, 4-APPFS-1C-01)

Requests for information or records regarding an offender that require the release of sensitive or personal information will not be fulfilled without a notarized release signed by the offender.

1. This information may include, but is not limited to social security numbers, medical records and/or the identification of the offender's relatives.
2. Where permissible, private information will be deleted before a document is released.
3. Requests for records that involve a misconduct report or grievance will not be fulfilled until the misconduct report and the appeal are complete or the grievance and appeal are complete.

4. If the grievance concerns a sensitive issue, such as medical care or the protection of the offender, the record request will not be fulfilled without a notarized release signed by the offender.

#### E. Responding to Inquiries

The Board of Corrections finds that the goal of a safe, effective and efficient management of agency operations is best accomplished when alleged problems are addressed and resolved at the level of the agency closest to where the issue arose and by those assigned to manage and supervise the agency. Further, this goal is subverted if the offender bypasses the chain of command within the agency through the agency grievance and disciplinary process. It is the policy of the Board of Corrections that offenders are to address their problems or requests with agency staff who directly supervise the offender. If unable to reach resolution, offenders are to utilize the agency grievance process and the agency disciplinary appeal process.

##### 1. Requests to Board Members

Inquiries or requests for open records received by a member of the Board of Corrections from the public will be forwarded to the director. If there is a request on behalf of an offender that does not constitute a request for records, the director or his designee will notify the requesting party that the offender has been advised to file a grievance or file a proper appeal of misconduct. Request for records will be forwarded to the director for response.

##### 2. Requests from Staff

The agency will develop procedures for responding to inquiries and open records that are requested from staff. The response will be consistent with the agency grievance and disciplinary process and will comply with the Open Records Act.

#### II. Management Reports

The agency will develop ongoing management reports to be used by the Board of Corrections and the agency as a basis for management decisions in order to ensure maximum efficiency and to provide accurate information for planning programs, services and security needs. Reports will be provided which convey accurate information at least quarterly to appropriate decision makers. (2-CO-1F-04, 4-4018, 4-APPFS-3D-02, 4-APPFS-3D-33)

#### III. Standards for Inter-Agency Planning and Coordination

The Department of Corrections will participate with external agencies and organizations in mutual exchange of information and resources, coordinated

planning, and inter-agency consultation. (2-CO-1F-07, 4-4005, 4-4102, 4-ACRS-7D-06, 4-ACRS-7F-04, 4-APPFS-1A-02, 4-APPFS-3D-16, 4-APPFS-3D-33)

A. Purpose

Inter-agency planning and coordination will:

1. Promote increased interaction, coordination, and communication between the agency and external agencies and organizations;
2. Ensure agency actions do not duplicate or conflict with the efforts of other organizations and agencies; and
3. Ensure the agency has a voice in planning activities that will have impact upon corrections and the criminal justice system.

B. Procedure (4-4005, 4-ACRS-7F-05)

1. The agency will seek to involve representatives from other agencies and organizations in policy development and will solicit their advice and assistance as needed in the development of new programs.
2. The agency will actively participate with external agencies in advisory councils and committees, planning conferences, training seminars, task force projects and other planning and coordinating activities. (4-APPFS-1A-01)

IV. References

51 O.S. § 24 et. seq.

V. Action

The director is responsible for compliance of this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy require prior written approval of the Board of Corrections.

This policy statement is effective as indicated.

Replaced: Policy Statement No. P-020100 entitled "Management of Oklahoma Department of Corrections Information" dated September 30, 2013

Distribution: Policy and Operations Manuals  
Department Website

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|-------------------------|----------|----------|----------------------------|
| Section-01 Organization | Page: 13 | P-010200 | Effective Date: 09/30/2014 |
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| <u>Referenced Forms</u>     | <u>Title</u>  | <u>Location</u>           |
|-----------------------------|---|---------------------------|
| <a href="#">DOC 060212F</a> | “Authorization to Release Department of Corrections Record Information” | <a href="#">OP-060212</a> |

| <u>Attachments</u>           | <u>Title</u>   | <u>Location</u> |
|------------------------------|--|-----------------|
| <a href="#">Attachment A</a> | “Performance Expectations for Members of the Board of Corrections” | Attached        |

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| <b>Section-01 Organization</b>                         | <b>P-010300</b>  | <b>Page: 1</b> | <b>Effective Date: 09/30/2014</b> |
| <b>Mission and Organization</b>                        | ACA Standards:2-CO-1A-02, 2-CO-1A-04, 2-CO-1A-06, 2-CO-1A-07, 2-CO-1A-08, 2-CO-1A-12, 2-CO-1A-13, 2-CO-1A-19, 2-CO-1A-20, 2-CO-1A-21, 4-4001, 4-4002, 4-4003, 4-4010, 4-4015, 4-ACRS-7D-01, 4-ACRS-7D-02, 4-ACRS-7D-03, 4-ACRS-7D-34, 4-ACRS-7D-35, 4-APPFS-2A-01, 4-APPFS-2A-07, 4-APPFS-3A-29, 4-APPFS-3D-01, 4-APPFS-3D-02, 4-APPFS-3D-03, 4-APPFS-3D-05, 4-APPFS-3D-07 |                |                                   |
| Kevin J. Gross, Chair<br>Oklahoma Board of Corrections |  |                |                                   |

## Mission and Organization of the Oklahoma Department of Corrections

The Oklahoma Department of Corrections (DOC) is established in accordance with applicable statutes and regulations with the goal of ensuring public safety through the provision of professionally managed correctional services pursuant to orders of the court, the Pardon and Parole Board, applicable statutes and Board of Corrections (BOC) policy. (2-CO-1A-02, 2-CO-1A-04, 4-4001, 4-APPFS-2A-01, 4-APPFS-3D-01, 4-APPFS-3D-02)

### I. Mission Statements

It is the mission of the DOC to protect the public, the employees and the offenders.

The agency and its subdivisions will develop written mission statements that establish desired outcomes. These statements will be reviewed annually and updated as needed. (2-CO-1A-04, 2-CO-1A-06, 2-CO-1A-08, 2-CO-1A-21, 4-4002, 4-4003, 4-ACRS-7D-01, 4-ACRS-7D-02, 4-APPFS-3D-04, 4-APPFS-3D-07)

### II. Goals and Objectives

#### A. Development of Goals and Management Strategy

The agency's primary goals include the safe and humane operation of a professional correctional system providing secure confinement and supervision of offenders and the reduction of recidivism by offering programs and services that afford offenders opportunities for positive change and successful reentry. The goals, management strategy and agency operational procedures will be defined and be consistent with the guiding goals and principles of the agency. (2-CO-1A-06, 2-CO-1A-07, 2-CO-1A-20, 4-4003, 4-ACRS-7D-01, 4-APPFS-3D-05)

#### B. Resources

Within available resources, the agency will offer a range of evidenced based correctional operations. These operations will include institutionalization, community programs, community supervision, treatment and other rehabilitation programs that will best serve the needs of the State of Oklahoma and the individual offender. These evidence-

based programs will enhance the offender's ability to establish a productive and law-abiding lifestyle. (4-APPFS-2A-07) The agency will administer its programs in an equitable manner in the least restrictive environment consistent with public safety.

C. Operations

The director will ensure policy and procedures governing the management and operations of the agency are established and implemented. (2-CO-1A-06) Regular meetings with the BOC will provide opportunity to review and evaluate established policies and agency operations. (4-ACRS-7D-34)

III. Organization

A. Organizational Charts

The director will ensure organizational charts and FTE matrices of every staff position within the agency are developed and maintained. These charts reflect the grouping of functions, the area of control, define the lines of authority, and outline a specific channel of communication. (2-CO-1A-12, 4-4010, 4-ACRS-7D-03, 4-APPFS-3D-03)

B. Communications

The DOC will maintain an effective communication system through regular meetings between facility heads and department heads and between department heads and their key staff members at least once each month. The agency will also utilize the latest technology to enhance communications. (2-CO-1A-18, 2-CO-1A-19, 4-4015, 4-ACRS-7D-35, 4-APPFS-3A-29, 4-APPFS-3D-07)

IV. References

57 O.S. § 504 (b) (I), 507, and 508.1

74 O.S. § 18c

V. Action

The director is responsible for this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy statement will require prior written approval from the Board of Corrections.

This policy is effective as indicated.

|                                |                 |                |                                   |
|--------------------------------|-----------------|----------------|-----------------------------------|
| <b>Section-01 Organization</b> | <b>P-010300</b> | <b>Page: 3</b> | <b>Effective Date: 09/30/2014</b> |
|--------------------------------|-----------------|----------------|-----------------------------------|

Replaced: Policy Statement No. P-010300 entitled "Mission and Organization of the Oklahoma Department of Corrections" dated September 30, 2013

Distribution: Policy and Operations Manual  
Department Website

|  |   |         |                            |
|--|---|---------|----------------------------|
| Section-02 Information Management                      | P-020100  | Page: 1 | Effective Date: 09/30/2014 |
| Management of Information                              | ACA Standards: 2-CO-1A-25, 2-CO-1A-26, 2-CO-1A-27, 2-CO-1A-27-1, 2-CO-1E-07, 2-CO-1F-04, 2-CO-1F-06, 2-CO-1F-07, 4-4005, 4-4018, 4-4019, 4-4021, 4-4099, 4-4102, 4-ACRS-7D-05, 4-ACRS-7D-06, 4-ACRS-7D-08, 4-ACRS-7F-01, 4-ACRS-7F-02, 4-ACRS-7F-04, 4-ACRS-7F-05, 4-ACRS-7F-06, 4-APPFS-1A-01, 4-APPFS-1A-02, 4-APPFS-1C-01, 4-APPFS-3D-16, 4-APPFS-3D-32, 4-APPFS-3D-33 |         |                            |
| Kevin J. Gross, Chair<br>Oklahoma Board of Corrections |   |         |                            |

## Management of Oklahoma Department of Corrections Information

### I. Dissemination of Information

The Department of Corrections will ensure that the public is fully informed concerning the operations of the agency and has access to agency records in accordance with the Open Records Act.

#### A. Release of Information (2-CO-1A-27-1, 4-4021, 4-APPFS-1C-01)

The public has a right to information concerning the operation of governmental agencies. Therefore, the agency will establish:

1. A public information office; (2-CO-1A-25, 2-CO-1A-27, 4-ACRS-7F-01, 4-ACRS-7F-02, 4-APPFS-1C-01)
2. Procedures for access to agency records and a process to specify materials which are confidential or have restricted access; (4-4021, 4-ACRS-7F-02)
3. Persons designated to release information from agency records;
4. Fees for the reproduction of agency records; and
5. Fees for the production of agency records that require the agency to search for records that are not readily available.

#### B. Release of Offender Information (4-4019, 4-ACRS-7F-04)

The agency's procedures for distribution of information concerning offenders released to the community to appropriate law enforcement agencies will be in accordance with federal and state law and in the interest of public safety.

#### C. Release of Records (2-CO-1A-26)

The Board of Corrections finds that the release of public records already in existence is in the best interest of the people of Oklahoma. Therefore:

1. The Department of Corrections will fulfill all legitimate Open

Records Act requests to the best of the agency's ability. The Board of Corrections finds that requests for reports requiring agency staff to do more than gather already existing records is disruptive to agency operations, as staffing shortages are a continuing problem.

- a. Any request from the public for records or information that will require the agency to create a new record may be denied.
- b. The agency will notify the requesting party of an existing record when such record closely matches the request and will determine whether the requesting party desires that existing record.

2. The Board of Corrections finds that any request for records requiring the agency staff to search files that are not readily available in current and active agency files is disruptive to agency operations.

- a. Any request from the public for records or information that will require the agency to search old or archived files in any manner will require that the requesting party reimburse the agency for the search.
- b. The agency will notify the requesting party whether a search will be necessary, provide an estimate of the cost of the search and notify the requesting party that pre-payment is required before the search is initiated.
- c. Upon acknowledgement and pre-payment by the requesting party, the agency may begin to search for the records.

D. Privacy (2-CO-1E-07, 2-CO-1F-06, 4-4099, 4-ACRS-7F-02, 4-APPFS-1C-01)

Requests for information or records regarding an offender that require the release of sensitive or personal information will not be fulfilled without a notarized release signed by the offender.

1. This information may include, but is not limited to social security numbers, medical records and/or the identification of the offender's relatives.
2. Where permissible, private information will be deleted before a document is released.
3. Requests for records that involve a misconduct report or grievance will not be fulfilled until the misconduct report and the appeal are complete or the grievance and appeal are complete.

4. If the grievance concerns a sensitive issue, such as medical care or the protection of the offender, the record request will not be fulfilled without a notarized release signed by the offender.

#### E. Responding to Inquiries

The Board of Corrections finds that the goal of a safe, effective and efficient management of agency operations is best accomplished when alleged problems are addressed and resolved at the level of the agency closest to where the issue arose and by those assigned to manage and supervise the agency. Further, this goal is subverted if the offender bypasses the chain of command within the agency through the agency grievance and disciplinary process. It is the policy of the Board of Corrections that offenders are to address their problems or requests with agency staff who directly supervise the offender. If unable to reach resolution, offenders are to utilize the agency grievance process and the agency disciplinary appeal process.

##### 1. Requests to Board Members

Inquiries or requests for open records received by a member of the Board of Corrections from the public will be forwarded to the director. If there is a request on behalf of an offender that does not constitute a request for records, the director or his designee will notify the requesting party that the offender has been advised to file a grievance or file a proper appeal of misconduct. Request for records will be forwarded to the director for response.

##### 2. Requests from Staff

The agency will develop procedures for responding to inquiries and open records that are requested from staff. The response will be consistent with the agency grievance and disciplinary process and will comply with the Open Records Act.

#### II. Management Reports

The agency will develop ongoing management reports to be used by the Board of Corrections and the agency as a basis for management decisions in order to ensure maximum efficiency and to provide accurate information for planning programs, services and security needs. Reports will be provided which convey accurate information at least quarterly to appropriate decision makers. (2-CO-1F-04, 4-4018, 4-APPFS-3D-02, 4-APPFS-3D-33)

#### III. Standards for Inter-Agency Planning and Coordination

The Department of Corrections will participate with external agencies and organizations in mutual exchange of information and resources, coordinated

planning, and inter-agency consultation. (2-CO-1F-07, 4-4005, 4-4102, 4-ACRS-7D-06, 4-ACRS-7F-04, 4-APPFS-1A-02, 4-APPFS-3D-16, 4-APPFS-3D-33)

A. Purpose

Inter-agency planning and coordination will:

1. Promote increased interaction, coordination, and communication between the agency and external agencies and organizations;
2. Ensure agency actions do not duplicate or conflict with the efforts of other organizations and agencies; and
3. Ensure the agency has a voice in planning activities that will have impact upon corrections and the criminal justice system.

B. Procedure (4-4005, 4-ACRS-7F-05)

1. The agency will seek to involve representatives from other agencies and organizations in policy development and will solicit their advice and assistance as needed in the development of new programs.
2. The agency will actively participate with external agencies in advisory councils and committees, planning conferences, training seminars, task force projects and other planning and coordinating activities. (4-APPFS-1A-01)

IV. References

51 O.S. § 24 et. seq.

V. Action

The director is responsible for compliance of this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy require prior written approval of the Board of Corrections.

This policy statement is effective as indicated.

Replaced: Policy Statement No. P-020100 entitled "Management of Oklahoma Department of Corrections Information" dated September 30, 2013

Distribution: Policy and Operations Manuals  
Department Website

|  |   |         |                            |
|--|---|---------|----------------------------|
| Section-02 Information Management                      | P-020600  | Page: 1 | Effective Date: 09/30/2014 |
| Legislative Initiative Process                         | ACA Standards: 2-CO-1A-15, 2-CO-1A-21, 2-CO-1F-07 |         |                            |
| Kevin J. Gross, Chair<br>Oklahoma Board of Corrections |   |         |                            |

## Legislative Initiative Process

### I. Board Approval of Department Legislative Initiatives

#### A. Legislative Initiatives

The Oklahoma Department of Corrections (DOC) evaluates its operations within the context of current law, statutes, and court rulings; DOC may propose legislation to enhance operations, facilitate court decisions, implement new programs and functions, enhance fiscal operations, establish incarceration strategies and policy, and maintain constitutional compliance in meeting the mission of the agency.

#### B. Presentation

The director of the Oklahoma Department of Corrections, or designee, will present to the Board of Corrections (BOC), for their approval any recommendations for legislative initiatives for the next regularly scheduled session of the Oklahoma Legislature during the October Board of Corrections meeting.

#### C. Board Committee

The BOC chair will select members to serve on the Public Policy Committee to work with agency staff in preparing the agency's legislative initiatives for the ensuing legislative session. The committee will meet as needed and submit its recommendations to the Board during the October BOC meeting.

#### D. Board Consideration and Approval

The Board will consider for approval a draft of the proposed language of all new legislative initiatives in the context of its mission, strategic plans, agency operations, fiscal impact, and the goals of the Board and agency.

### II. Executive and Legislative Cooperation (2-CO-1A-15, 2-CO-1F-07)

The Board recognizes the value of the service provided by the agency to the Governor's Office and other executive offices, to the Oklahoma Legislative members, committees and subcommittees, and the staff of both the Senate and House, regarding the various bills introduced each year that may impact the agency. All bills introduced and pending will be analyzed as to whether they impact the operation, budget, staff or offender population of the department.

### III. Legislative Team Designation

The director will designate or appoint staff to communicate and work with the Oklahoma Legislature in achieving the legislative initiatives.

### IV. Reports (2-CO-1A-21)

#### A. Monthly Updates

Continuing monthly throughout the legislative session, the director or designee will report progress to the Board on each of the agency's legislative initiatives, as well as other identified legislation of significance, to the agency.

#### B. Final Report

In June of each year, the director or designee will report the final results of the agency's legislative initiatives including other bills that were enacted and signed by the Governor that impact the agency.

### V. Action

The director is responsible for compliance with this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy statement will require prior written approval of the Board of Corrections.

This policy is effective as indicated.

Replaced: Policy Statement No. P-020600 entitled "Legislative Initiative Process" dated October 20, 2013

Distribution: Policy and Operations Manual  
Department Website

|  |   |         |                            |
|--|---|---------|----------------------------|
| Section-02 Information Management                      | P-020700  | Page: 1 | Effective Date: 09/30/2014 |
| Information System                                     | ACA Standards: 2-CO-1F-01, 2-CO-1F-02, 2-CO-1F-03, 2-CO-1F-06, 4-4100, 4-4101, 4-4106, 4-ACRS-7D-05, 4-APPFS-3D-30, 4-APPFS-3D-31 |         |                            |
| Kevin J. Gross, Chair<br>Oklahoma Board of Corrections |   |         |                            |

## Oklahoma Department of Corrections Information System

It is the policy of the Oklahoma Board of Corrections that the Oklahoma Department of Corrections maintains standards for the operation of the automated information system. This policy ensures that uniform standards for all aspects of the system are implemented throughout the agency.

### I. Implementation and Responsibility

The director will ensure that an automated information system, utilizing agency goals and objectives as guidelines, is implemented and monitored. (2-CO-1F-02, 2-CO-1F-03, 4-4100, 4-ACRS-7D-05, 4-APPFS-3D-30)

### II. Format and Procedures

The format of all electronic files is standardized in accordance with a specific format and procedures are developed to ensure the timely generation of electronic reports.

#### A. Standards

Procedure standards for the information system will include the following:

1. Collecting, recording, organizing, processing, storing, retrieving and reporting of all automated information; (2-CO-1F-01, 2-CO-1F-03, 4-ACRS-7D-05, 4-APPFS-3D-31)
2. Security of the information and data collection system will be maintained; to include the coding, entering all information into the automated system, verification of data, access to such data, and protection of the privacy of offenders and staff; (2-CO-IF-06, 4-4101)
3. Maintenance and utilization of computer hardware is established for the central Information Technology Unit and for other locations; and
4. Standardized equipment configurations and software systems are in place to ensure compatibility and connectivity to include the telecommunications network.

#### B. Training

All staff responsible for working with the information system will be provided sufficient instruction, instructional manuals and training to ensure

successful execution of their duties and knowledge of related security requirements. (4-4101)

C. Evaluations

Annual evaluations of the information system will be conducted ensuring applications are operational, user needs are met, procedures are followed and defined goals and objectives of the systems are met. (2-CO-1F-02, 2-CO-IF-03, 4-4100, 4-4106, 4-ACRS-7D-05, 4-APPFS-3D-30)

III. Action

The director is responsible for compliance with this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy statement will require prior written approval of the Board of Corrections.

This policy is effective as indicated.

Replaced: Policy Statement No. P-020700 entitled "Oklahoma Department of Corrections Information System" dated January 14, 2014

Distribution: Policy and Operations Manual  
Department Website

|  |  |                |                                   |
|--|--|----------------|-----------------------------------|
| <b>Section-03 Facility Operations</b>                                | <b>P-030200</b>  | <b>Page: 1</b> | <b>Effective Date: 09/30/2014</b> |
| <b>Offender Housing/Jobs/Programs</b>                                | <b>ACA Standards: 2-CO-3C-01, 4-4142, 4-4429, 4-4450, 4-ACRS-6B-01</b> |                |                                   |
| <b>Kevin J. Gross, Chair</b><br><b>Oklahoma Board of Corrections</b> |  |                |                                   |

## **Offender Housing, Job and Program Integration**

It is the policy of the Board of Corrections that the Oklahoma Department of Corrections establish guidelines utilized for the assignment of offenders in the general population are consistent with the mission of the department, meet the treatment and rehabilitative needs of offenders and ensure equal opportunity is available for all offenders committed to its custody and care. (2-CO-3C-01, 4-4142, 4-4429, 4-4450, 4-ACRS-6B-01)

### **I. Rational and Objective Criteria for Housing and Living Areas Assignments**

#### **A. Housing Integration**

All decisions regarding assignment of offenders to housing are based on legitimate safety and security criteria. This will provide for discretion by the appropriate staff to maximize the integration of housing. The policy for housing integration shall not apply to offenders in special management status.

#### **B. Assignment to Housing or Living Areas**

Offenders assigned to a housing unit shall be eligible for an integrated living area until the offender is determined, according to applicable policy and procedures, as requiring reassignment to another housing area.

#### **C. Identification and Reassignment Documentation**

The identification of offenders who require reassignment is based on defined rational and objective criteria. Such identification shall be determined through initial assessment and reception or by facility classification committee action.

### **II. Rational and Objective Criteria for Jobs and Programs Assignments**

The assignment of offenders to jobs and programs is determined utilizing criteria specified in department policy and procedure ensuring the following:

- A. Identified treatment and rehabilitative needs of offenders are being met;
- B. Safety and security of staff and the facility are maintained; and
- C. Assignment to jobs and programs are based on legitimate needs of the individual offender.

III. Compliance Monitoring

The agency's policies and procedures shall establish the process for monitoring compliance for offender housing, job and program integration.

IV. Action

The director is responsible for compliance with this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy statement will require prior written approval of the Board of Corrections.

This policy statement is effective as indicated.

Replaced: Operations Memorandum No. P-030200 entitled "Offender Housing, Job and Program Integration" dated January 14, 2014

Distribution: Policy and Operations Manuals  
Department Website

|  |   |         |                            |
|--|---|---------|----------------------------|
| Section-04 Security                                    | P-040100  | Page: 1 | Effective Date: 09/30/2014 |
| Security Standards                                     | ACA Standards: 2-CO-1G-06, 2-CO-3A-01, 4-4117, 4-4174, 4-4175, 4-4178, 4-4179, 4-4183, 4-4184, 4-4185, 4-4187, 4-4188, 4-4189, 4-4195M, 4-4196M, 4-4199, 4-4200, 4-4201, 4-4207, 4-4212M, 4-4215M, 4-4249, 4-4455M, 4-ACRS-1C-17M, 4-ACRS-2A-04, 4-ACRS-2A-11, 4-ACRS-2C-01, 4-ACRS-2D-01M, 4-ACRS-2D-02M, 4-ACRS-2D-03M, 4-APPFS-3G-03 |         |                            |
| Kevin J. Gross, Chair<br>Oklahoma Board of Corrections |   |         |                            |

## Security Standards for the Oklahoma Department of Corrections

### I. Policy

It is the policy of the Board of Corrections that the Oklahoma Department of Corrections provides security at all institutions, community corrections centers, work centers and probation and parole district offices. Security standards are established to protect the public, the employees and offenders. (2-CO-3A-01)

#### A. Security Standards

To provide for compliance monitoring of internal and external security, the department has developed plans to include the following: (4-4174, 4-4195M, 4-4196M, 4-4199, 4-4200, 4-4201, 4-4215M, 4-ACRS-1C-17M, 4-ACRS-2C-01, 4-ACRS-2D-01M, 4-ACRS-2D-02M, 4-ACRS-2D-03M)

1. Inventory and control of:
  - a. Keys and tools;
  - b. Hazardous substances;
  - c. Contraband and evidence;
  - d. Weapons, security devices and equipment;
  - e. Medical equipment and supplies, to include needles and syringes; and
  - f. Pharmaceutical drugs and medications.
2. Process for executions;
3. Transportation of offenders; (4-4189, 4-APPFS-3G-03)
4. Post orders, to include staff review and the recording of routine

and unusual events in post logs; (4-4178, 4-4179, 4-4183, 4-ACRS-2A-09)

5. The identification of visitors, employees and offenders; (2-CO-1G-06, 4-4117)
6. Control of offender movement; (4-4187, 4-4188, 4-ACRS-2A-11)
7. The operation of segregated housing units; (4-4249)
8. Process for requesting and conducting investigations; and
9. Provisions for facility staffing to ensure 24 hour continuous coverage. (4-4175, 4-ACRS-2A-04)

B. Inspections

The department will ensure compliance with security standards, facility operations, and maintenance of physical plants through routine inspections. (4-4179, 4-4184, 4-4185, 4-4212M, 4-4455M)

II. Action

The director is responsible for compliance with this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy statement will require prior written approval of the Board of Corrections.

This policy is effective as indicated.

Replaced: Policy Statement No. P-040100 entitled "Security Standards for the Oklahoma Department of Corrections" dated January 14, 2014

Distribution: Policy and Operations Manuals  
Department Website

|  |   |         |                            |
|--|---|---------|----------------------------|
| Section-09 Programs                                    | P-090100  | Page: 1 | Effective Date: 09/30/2014 |
| Provisions of Programs                                 | ACA Standards: 2-CO-4F-01, 2-CO-5B-01, 4-4277, 4-ACRS-5A-02, 4-ACRS-6B-01 |         |                            |
| Kevin J. Gross, Chair<br>Oklahoma Board of Corrections |   |         |                            |

## Provisions of Programs

The Oklahoma Department of Corrections has established a system of offender programs that delivers services incorporating the best correctional practices and current correctional theory and technology. The goal of offender programs is to reduce criminal risk through methods that demonstrate measurable change in offender behavior, which may in turn reduce recidivism. The provision of programs ensures gender parity and a standardized continuum of treatment based upon assessed needs and risk assessment. (4-4277, 4-ACRS-6B-01)

I. Offender Programs (2-CO-4F-01)

Offender programs use a cognitive behavioral strategy to change antisocial behaviors and to increase pro-social behaviors using positive reinforcement. Based upon assessed level of need, offenders are placed in treatment programs. (4-ACRS-5A-02)

II. Educational and Career and Technical Training Programs (2-CO-5B-01)

Career and technical training programs are offered to enhance employability potential upon return to the community. Offenders are given the opportunity to participate in academic and career and technical training programs in accordance with eligibility requirements.

Based upon assessed need, offenders are placed into appropriate educational programs.

III. References

57 O.S. § 504(2) and 510.6

IV. Action

The director is responsible for compliance with this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy statement will require prior written approval from the Board of Corrections.

This policy is effective as indicated.

|                            |                 |                |                                   |
|----------------------------|-----------------|----------------|-----------------------------------|
| <b>Section-09 Programs</b> | <b>P-090100</b> | <b>Page: 2</b> | <b>Effective Date: 09/30/2014</b> |
|----------------------------|-----------------|----------------|-----------------------------------|

Replaced: Policy Statement No. P-090100 entitled "Provisions of Programs"  
dated January 14, 2014

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|--|---|----------------|-----------------------------------|
| <b>Section-13 Inspections</b>  | <b>P-130100</b>   | <b>Page: 1</b> | <b>Effective Date: 09/30/2014</b> |
| <b>Annual Inspections and Monitoring</b>                             | <b>ACA Standards: 2-CO-1A-21, 2-CO-1A-22, 2-CO-2A-01, 2-CO-2A-02, 2-CO-3B-01, 2-CO-4D-01, 4-4017, 4-4123, 4-4124M, 4-4211M, 4-4329M, 4-ACRS-1A-02M, 4-ACRS-1A-09, 4-ACRS-1C-08M, 4-APPFS-3D-08, 4-APPFS-3D-09, 4-APPFS-3F-03M</b> |                |                                   |
| <b>Kevin J. Gross, Chair</b><br><b>Oklahoma Board of Corrections</b> |   |                |                                   |

## **Department of Corrections Annual Inspections and Monitoring**

The Oklahoma Board of Corrections (BOC) has established and maintains constitutional conditions of confinement for offenders in the care and custody of the agency and ensures a healthy and safe working environment for employees. The Oklahoma Department of Corrections (DOC) shall be in compliance with applicable environmental health, safety and sanitation codes, agency policy, and accreditation standards and, at a minimum, ensures statutory compliance in the quality of life, environmental health, sanitation, and the safety of staff and offenders in meeting the mission of the agency. (2-CO-1A-21, 2-CO-2A-01, 2-CO-3B-01, 2-CO-4D-01, 4-4124M, 4-ACRS-1C-08, 4-APPFS-3F-03M)

### **I. Annual Inspections**

Annual operational inspections shall be conducted at all DOC facilities, units, districts, central office and private contract facilities to provide a method whereby policy and operational procedures, American Correctional Association (ACA) standards, and health and safety codes are monitored to ensure effective and efficient operations. (2-CO-1A-22, 2-CO-2A-02, 4-4017, 4-ACRS-7D-02, 4-APPFS-3D-08, 4-APPFS-3D-09)

### **II. Monitoring**

A system of continuous monitoring has been established to ensure continued practices and corrective action plans are appropriate.

### **III. Action**

The director is responsible for compliance with this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy statement will require prior written approval of the Board of Corrections.

This policy is effective as indicated.

Replaced: Policy Statement No. P-130100 entitled "Department of Corrections Annual Inspections and Monitoring" dated September 30, 2013

Distribution: Policy and Operations Manual  
Department Website

|  |   |         |                            |
|--|---|---------|----------------------------|
| Section-15 Physical Plant                              | P-150100                                      | Page: 1 | Effective Date: 09/30/2014 |
| Standards and Development for Correctional Facilities  | ACA Standards: 2-CO-2A-01, 2-CO-2B-02, 4-4123 |         |                            |
| Kevin J. Gross, Chair<br>Oklahoma Board of Corrections |   |         |                            |

## Physical Plant Standards and Long-Range Plant Development for Correctional Facilities

It is the policy of the Board of Corrections (BOC) that the Oklahoma Department of Corrections establishes and maintains written physical plant standards for correctional facilities.

### I. Purpose

It is the purpose of this policy to ensure that construction and renovation at all state correctional facilities conforms to applicable federal, state, and local building codes and American Correctional Association (ACA) standards (2-CO-2A-01, 4-4123)

Development of physical facilities is to be accomplished as rapidly as possible, and at the lowest possible cost, in order to conserve state resources.

### A. Objective

In order to ensure a coordinated development program consistent with the mission and goals of the agency, the director shall secure both the technical and administrative resources necessary for development of the physical plant to include:

1. Using professional consultants, agency personnel, construction contractors, and offenders in a manner consistent with the policies of the BOC and ensuring the following:
  - a. Minimum physical standards address requirements such as square footage, fixtures, lighting, ventilation, etc., as required by the American Correctional Association (ACA) and/or applicable building codes;
  - b. Basic physical standards address the aspects of construction materials and methods;
  - c. Inspections at regular intervals throughout the construction/renovation phase ensuring compliance; and
  - d. The review of established plans for construction/renovation to ensure conformity of development.

B. Long Term Development (2-CO-2B-02)

The director will ensure formulation of an agency-wide, long-term physical plant development plan to be approved and adopted by the BOC.

II. Action

The director is responsible for compliance with this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy statement will require prior written approval of the Board of Corrections.

This policy statement is effective as indicated.

Replaced: Policy Statement No. P-150100 entitled "Physical Plant Standards and Long-Range Plant Development for Correctional Facilities" dated September 30, 2013

Distribution: Policy and Operations Manuals  
Department Website

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| <b>Section-16 Probation and Parole</b>                               | <b>P-160100</b>                                    | <b>Page: 1</b> | <b>Effective Date: 09/30/2014</b> |
| <b>Purpose and Function of Probation and Parole</b>                  | <b>ACA Standards: 4-APPFS-2A-01, 4-APPFS-3D-01</b> |                |                                   |
| <b>Kevin J. Gross, Chair</b><br><b>Oklahoma Board of Corrections</b> |  |                |                                   |

## **Purpose and Function of Probation and Parole**

It is the policy of the Oklahoma Board of Corrections (BOC) that the purpose and function of Probation and Parole is to facilitate the pro-social adjustment of offenders under supervision to prevent further criminal behavior and to ensure successful compliance with the terms and conditions of probation as determined by the courts, or of parole as determined by the Oklahoma Pardon and Parole Board, the governor or the Department of Corrections (DOC). (4-APPFS-3D-01)

Persons on community supervision shall be appropriately classified and supervised as authorized by state law and consistent with the best interests of the public, the employees and the offenders. It is the policy of the DOC that all offenders under community supervision are supervised in a manner that optimizes the opportunity for the offender to engage in pro-social behavior. (4-APPFS-2A-01)

### **I. Director's Authority**

The director will commission probation and parole officers and will determine how the peace officer authority of probation and parole officers will be exercised within the scope of employment and the mission of the department.

### **II. Peace Officer Authority**

It is the policy of the BOC that the director will commission eligible and qualified persons as probation and parole officers.

### **III. Responsibility of Probation and Parole**

Probation and parole officers will perform duties as prescribed by the director and set forth in their job description as approved by the Human Capital Division of Office Management and Enterprise Services (OMES). It is the responsibility of probation and parole officers to protect the public, the employees and the offenders entrusted in their supervision and custody. This is accomplished through effective utilization of a continuum of supervision strategies and interventions. Staff will assess and review all offenders on community supervision in accordance with the needs of the offender and the best interest of the community.

The director shall ensure the utilization of a risk-based classification system that classifies offenders based on criminogenic risk and needs, and establish supervision strategies that address those needs. The classification system will provide supervision, which can decrease as the offender resolves identified needs, or may increase as new needs are identified.

The director of the DOC will ensure that offender assessment procedures are developed and implemented which identify an offender's criminogenic risk factors and needs. The director will also ensure that transition plans are developed to assist offenders in addressing those needs.

IV. Operations Memoranda

The director is authorized and is responsible for the adoption of operational procedures which ensure compliance with this policy. The procedure will specifically outline the scope of authority and employment of probation and parole officers in the performance of duties and responsibilities in meeting the mission of the department.

V. References

22 O.S. 991a

57 O.S. § 515

57 O.S. § 512

VI. Action

The director is responsible for compliance with this policy.

The director is responsible for the annual review and revisions.

Any exceptions to this policy will require prior written approval of the Board of Corrections.

This policy statement is effective as indicated.

Replaced: Policy Statement No. P-160100 entitled "Purpose and Function of Probation and Parole" dated January 14, 2014

Distribution: Policy and Operations Manual  
Department Website

|  |                                  |                |                                   |
|--|----------------------------------|----------------|-----------------------------------|
| <b>Section-17 Community Sentencing</b>                               | <b>P-170100</b>                  | <b>Page: 1</b> | <b>Effective Date: 09/30/2014</b> |
| <b>Community Sentencing</b>  | <b>ACA Standards: 2-CO-1A-15</b> |                |                                   |
| <b>Kevin J. Gross, Chair</b><br><b>Oklahoma Board of Corrections</b> |                                  |                |                                   |

## **Community Sentencing**

### **I. Purpose/Function**

#### **A. Management of Systems**

It is the policy of the Oklahoma Board of Corrections that the Department of Corrections (DOC) implement and administer the Oklahoma Community Sentencing Act and any additional provisions of law relating to the operation and management of a statewide community sentencing system.

#### **B. Duties**

The Department of Corrections will have the duty to:

1. Administer a statewide community sentencing system pursuant to the provisions of the Oklahoma Community Sentencing Act and other provisions of law;
2. Establish goals and standards for the statewide community sentencing system and the local community sentencing systems;
3. Promulgate rules pursuant to the Administrative Procedures Act for the implementation and operation of the Oklahoma Community Sentencing Act;
4. Provide technical assistance and administrative support to each local community sentencing system;
5. Review, analyze, and fund local system plans within budgetary limitations;
6. Provide performance-based evaluations for all service providers of the statewide system; and
7. Report annually (by January 15 of each year) to the legislature and the Governor on the statewide system.

### **II. References**

22 O.S. § 988.1 through 988.24

III. Action

The director is responsible for compliance with this policy.

The director is responsible for the annual review and revisions of this policy.

Any exception to this policy statement will require prior written approval from the Board of Corrections.

This policy is effective as indicated.

Replaced: Policy Statement No. P-170100 entitled "Community Sentencing" dated February 20, 2014

Distribution: Policy and Operations Manual  
Department Website



Performance Audit  
by State Auditor and Inspector

PERFORMANCE AUDIT

# OKLAHOMA DEPARTMENT OF CORRECTIONS

For the period July 1, 2007 through June 30, 2013



*Independently serving the citizens of  
Oklahoma by promoting the  
accountability and fiscal integrity of  
governmental funds.*



Oklahoma State  
Auditor & Inspector  
Gary A. Jones, CPA, CFE

**Oklahoma Department of Corrections  
Audit Report**

**For the Period  
July 1, 2007 through June 30, 2013**



# Oklahoma State Auditor & Inspector

2300 N. Lincoln Blvd. • State Capitol, Room 100 • Oklahoma City, OK 73105 • Phone: 405.521.3495 • Fax: 405.521.3426

July 29, 2014

TO GOVERNOR FALLIN AND THE CITIZENS OF OKLAHOMA:

At the Governor's request, our office has undertaken a performance audit of the Oklahoma Department of Corrections (DOC). In conducting this assessment, we first drew a distinction between those factors management can control and those they cannot. Laws delineating criminal behavior and establishing sentencing guidelines affect the inflow of individuals to DOC custody, as do law enforcement decisions to prosecute and judicial discretion in sentencing. DOC management has little control over the number of offenders entering the prison system. Similarly, as DOC operations depend almost exclusively on legislative appropriations, management does not ultimately control the level of state funding.

Given these factors, our audit distinctly focuses on management tools and resources in the areas of governance, financial management, and capacity management that DOC can employ to potentially realize efficiencies and improve overall effectiveness, while at the same time promoting the public's safety. Notable audit recommendations involve providing DOC board members with additional financial information in order to afford a more comprehensive assessment of the agency's financial status; centralizing food purchasing in order to comply with state statute; performing an in-depth staffing analysis to optimize costly staff resources; and tackling deficiencies in the offender management software by developing strategies to upgrade the system and to provide technical support toward more effective inmate management.

Our recommendations can go only so far toward addressing the serious and urgent correctional issues facing our state. Proponents of "tough-on-crime" and policy makers advocating rigorous sentencing laws must act responsibly and commit sufficient financial resources to fund the infrastructure, operations, and specialized programs needed to accommodate the resultant expansion of a demographically demanding inmate population, or find ways in which to be smart on crime, keeping in mind the ever increasing cost to Oklahoma taxpayers.

GARY A. JONES, CPA, CFE  
OKLAHOMA STATE AUDITOR & INSPECTOR

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## Board of Corrections

As of July 2014

Kevin J. Gross ..... Chair  
Michael W. Roach ..... Vice Chair  
Steve Burrage ..... Secretary  
Gene Haynes ..... Member  
Frazier Henke ..... Member  
Linda K. Neal ..... Member  
Earnest D. Ware ..... Member

### Members who Served during the Audit Period

T. Hastings Siegfried ..... March 2013 – December 2013  
Gerald W. Wright ..... May 2010 – March 2013  
Matthew H. McBee ..... May 2007 – March 2013  
Rob Rainey ..... May 2006 – March 2012  
Ted Logan ..... May 2005 – March 2011  
David C. Henneke ..... May 2005 – March 2011  
Jerry Smith ..... May 2007 – April 2010  
Ernest Godlove ..... May 2003 – March 2009

**INTRODUCTION  
AND AGENCY  
BACKGROUND**

Pursuant to the request of the Governor and in accordance with 74 O.S. § 213.2.B, we conducted a performance audit of the Oklahoma Department of Corrections (DOC, or the Department) for the period July 1, 2007 through June 30, 2013.

The history of the Department of Corrections dates back to almost statehood, with the recommendation of Commissioner of Charities and Corrections, Kate Barnard, to remove Oklahoma offenders from Kansas state prisons, and the subsequent construction of the Oklahoma State Penitentiary in McAlester, Oklahoma, in 1909. Construction of the Oklahoma State Reformatory in Granite followed, and additional facilities were either built or modified for incarceration, for a total of 17 adult correctional centers and 21 community corrections and work centers operated by DOC as of April, 2014. The department also contracts with private companies for bed space at private prisons and halfway houses.

The Oklahoma Corrections Act of 1967 established both the Department of Corrections and the Board of Corrections (the Board). According to the agency's website, the mission of the Department is "to protect the public, to protect the employee, and to protect the offender," while the mission statement of the Board is "we are a select group of Governor appointed, politically diverse volunteers, which educates, directs, advocates and holds accountable stakeholders to effect best correctional practices." Both entities confront significant risks in fulfilling their missions and duties simply because of the nature of the population they primarily serve: felony offenders.

By virtue of their incarceration, society has judged these offenders as posing risks to the health and safety of the rest of the population. DOC's ability to manage these risks depends on both external and internal factors; external influences, such as the Legislative and Judicial branches, determine the DOC population by creating laws outlining criminal behavior and sentencing individuals who defy these laws to DOC custody. Internal factors, or those over which DOC retains control, include policies, practices, and procedures which are governed by the DOC Board and executive management. Though our report directly speaks to the latter in an effort to provide meaningful recommendations to the agency, recognizing factors over which the agency does not have control may put these recommendations in context.

The incoming and outgoing offender population represents a challenge for DOC. The agency has no control over the crimes committed, number of individuals sentenced, or the educational, medical, or programmatic needs of incarcerated individuals. Neither the state statutes nor the judges are required to consider DOC's ability to receive additional prisoners through available capacity, or the agency's ability to address the multitude of offender needs. Moreover, prosecution rates and use of sentencing alternatives (such as drug courts or community sentencing) vary from county to county. Likewise, the outgoing

offender population can also create logjams; some offenders are not released until sentence completion, while others can be recommended to the Pardon and Parole Board, but their release is contingent on the Board’s approval. Yet, DOC must consider all those factors into its management of the offender population.

The agency’s ability to receive and manage those sentenced to its custody has also become more complicated over time, with the addition of crimes to state statutes and the requirement for certain offenders to serve a portion of their sentence before being eligible for parole. Longer stays in prison, without a corresponding reduction in incoming offenders coupled with limited increases in capacity, result in dwindling bed space and greater demands for existing financial resources.

Efforts to address these challenges through judicial reform have been made within the last ten years. The Justice Reinvestment Initiative (JRI) represented one of the most notable collaborations, with initial legislation designed to make the criminal justice system more efficient and cost-effective<sup>1</sup>, and formation of a bipartisan working group of 19 individuals to analyze data and develop policy recommendations with the goal of enhancing public safety, strengthening offender supervision, and containing prison costs.<sup>2</sup>

Initial legislation, HB 2131 (2011), expanded electronic monitoring and community sentencing eligibility.<sup>3</sup> HB 3052 (2012) furthered the reform effort by attempting to redirect nonviolent offenders away from prison through sentencing alternatives and other methods.<sup>4</sup> This measure established new grant programs to assist local law enforcement in implementing data-driven violence reduction strategies, provided for a pre-sentence risk and needs screening process, mandated supervision for all adult offenders released from prison, and provided for new responses to supervision violations.<sup>5</sup>

The JRI estimated \$110 million in expenditures on corrections reforms between FY 2013 and FY 2021 would achieve long-term savings of \$249 million that would otherwise have been required to accommodate prison population growth.<sup>6</sup> Legislative appropriations documents show that in FY 2013, \$1 million was appropriated to the DOC for additional probation and parole officers, \$2 million was appropriated to the Attorney General for violent crime reduction grants, and \$667,000 was appropriated to the Oklahoma Department of Mental Health and Substance Abuse Services for pre-sentence risk assessments and

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<sup>1</sup> JRI Oklahoma website, <http://jrioklahoma.com>.

<sup>2</sup> Justice Reinvestment in Oklahoma: Analysis and Policy Framework, [http://jrioklahoma.com/wp-content/uploads/2012/01/JR\\_OK\\_Analysis\\_Policy\\_Framework1.pdf](http://jrioklahoma.com/wp-content/uploads/2012/01/JR_OK_Analysis_Policy_Framework1.pdf).

<sup>3</sup> 2011 O.S.L. 218, <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=462208>.

<sup>4</sup> Adcock, Clifton. “How Actions by Governor’s Staff Led to Weakened State Justice Reforms.” *Oklahoma Watch* 27 December 2013. <http://oklahomawatch.org/2013/12/27/exclusive-the-struggles-over-oklahomas-justice-reform-initiative>.

<sup>5</sup> 2012 O.S.L. 228, <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=465618>.

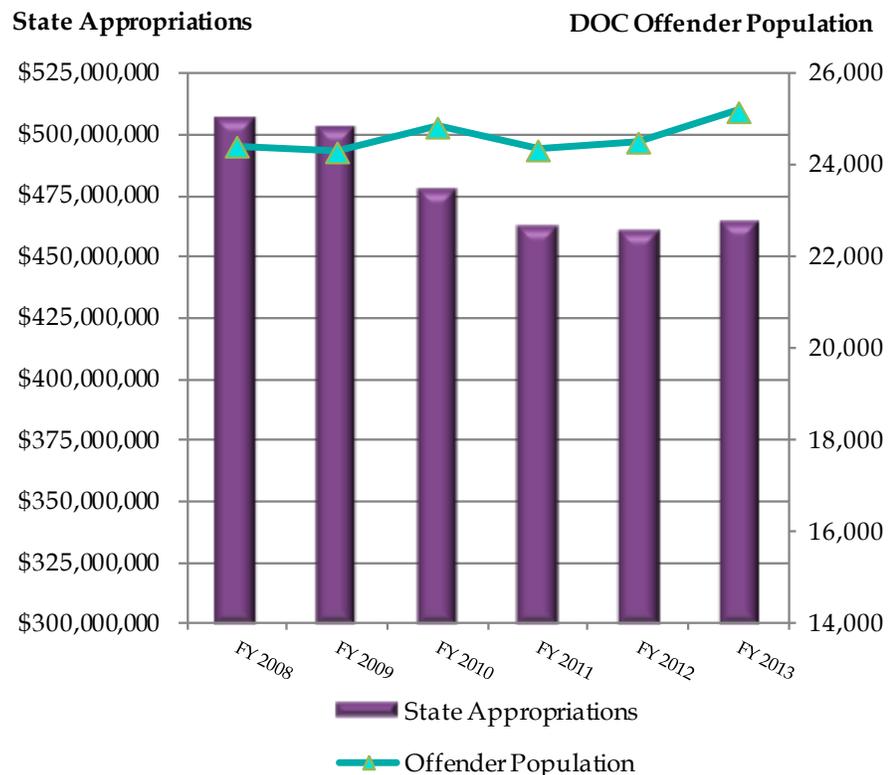
<sup>6</sup> Justice Reinvestment in Oklahoma: Analysis and Policy Framework.

needs screenings.<sup>7</sup> Documents do not show that any appropriations were made for JRI initiatives in FY 2014.

Documents provided by DOC show that by fiscal year 2021, the JRI was estimated to avert more than 2,100 offenders from DOC custody annually. Assuming no change in the cost of incarceration between FY 2013 and FY 2021, this represents a savings of \$98,532 per day and more than \$36.8 million per year.<sup>8</sup> The current status of the initiative is unknown, as the bipartisan working group disbanded after both co-chairs resigned in March 2013.

While the number of offenders in DOC custody has continued to rise, appropriations to DOC have decreased from FY 2008 to FY 2013, with fluctuations during the audit period. The following chart illustrates state appropriation levels and the offender population:

**Total State Appropriations and the Offender Population,  
 FY 2008 through FY 2013**



Source: Department of Corrections Combining Trial Balance Reports and unaudited Facility Count Reports

<sup>7</sup> Oklahoma State Legislature Fiscal Documents, <http://www.okhouse.gov/Publications/FiscalDocuments.aspx>.

<sup>8</sup> According to DOC, the actual cost of incarceration in FY 2013 averaged \$48.02 per day for all facility types. \$48.02 per day x 2,100 individuals = \$100,842 per day; \$100,842 x 365 days = \$36,807,330 annually.

State appropriations to DOC decreased from \$506,607,931 in FY 2008 to \$463,731,068 in FY 2013; in terms of appropriated dollars per offender, this equates to a decrease from \$20,735 per offender per year in FY 2008 to \$18,412 in FY 2013, or a drop of 11.2 percent. The FY 2013 appropriation totals \$84 million less than the FY 2008 appropriation when the 2008 appropriation is adjusted for inflation.<sup>9</sup> DOC has made reductions in a number of areas (such as offender programs and DOC personnel), and considered reorganizations to enhance efficiencies. Facility staff and board members alike appear to believe that total funding levels are inadequate.

If population growth trends continue, DOC likely will see a continued rise in offenders sentenced to agency custody. The extent to which the agency can accommodate population growth might depend on the agency's ability to manage existing resources, contract bed space in private facilities and county jails, expand bed space at state facilities, and secure more appropriations not only to accommodate additional offenders, but to meet the increased costs of existing offenders. Despite the great number of factors DOC cannot control, the agency and the Board retain control over a number of factors, some of which play a vital role in managing the offender population. Through our procedures, we identified three main areas of risk: DOC governance, financial management, and capacity management. Within each area of risk is an examination of individual conditions, the causes and effects of these conditions, and recommended actions for the agency and Board to effect improvement. Though DOC appears to be somewhat limited in its ability to address some needs due to a lack of funding, not all of the recommendations herein require additional appropriations.

This audit focuses on the factors over which DOC has control, with the goal of assisting the agency in identifying inefficiencies, exploring possible improvements, and providing DOC with useful mechanisms toward achieving the agency's mission.

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<sup>9</sup> Bureau of Labor Statistics, Inflation Calculator (based on consumer price index): [http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm).

**SCOPE AND  
METHODOLOGY**

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusion based on our audit objective.

This report is a public document pursuant to the Oklahoma Open Records Act (51 O.S. §24.A.1 et seq.), and shall be open to any person for inspection and copying.

In her audit request, the Governor mentioned the recent retirement of DOC's executive director, and the need for a systematic and independent evaluation of organizational activities for an orderly transition to new leadership. The scope of the request was broad and included a review of the efficiency and effectiveness of management and agency oversight, reasonableness and statutory compliance of expenditures, a review of a prior audit (2007 MGT of America audit) and its recommendations, and an assessment as to whether the current organizational structure is in the best interest of the taxpayers of the state. The broad scope of the request was subsequently reflected in the audit engagement letter, with our objective "to evaluate certain aspects of DOC's operations in relation to its mission."

Our planning process included visiting numerous correctional facilities across the state, interviewing facility staff, agency management staff, third parties, and members of the Board of Corrections, and reviewing and analyzing agency policies and procedures, data provided by the agency, and financial information obtained through the state's accounting system, PeopleSoft. We conducted a preliminary risk assessment and determined there were three areas of risk that warranted additional research: governance, financial management, and capacity management. Within each of these areas, we identified significant risks as those with potentially the greatest impact on the agency mission, and performed procedures to address each risk. We identified and addressed findings from the prior audit that were significant to our objective. We researched significant laws and regulations and best practices, and surveyed other states as needed.

We also tested a sample in order to perform audit procedures. To ensure this sample was representative of the population and provided sufficient evidential matter, the random sample methodology was used. We identified specific attributes for testing each of the samples.

Data comparisons contained herein generally span the audit period of fiscal years 2008 through 2013. However, due to issues with the state-wide accounting system, additional data was incorporated in order to validate expenditure data for fiscal year 2009, resulting in expenditure figures for that fiscal year not being

comparable to the other audit period years. Therefore expenditure comparisons represent fiscal years 2010 through 2013.

Some data comparisons provided by the agency may have been compiled from the Offender Management System (DOC's offender management software). Due to the deficiencies of this system, data provided may not be accurate and is used only for illustrative purposes.

**OBJECTIVE**

**TO EVALUATE CERTAIN ASPECTS OF THE DEPARTMENT OF CORRECTIONS (DOC)'S OPERATIONS IN RELATION TO ITS MISSION.**

As discussed earlier, in order to evaluate the Department we performed extensive procedures to familiarize ourselves with its operations, identified high risk areas, and then developed individual procedures within each area of focus. The results of these procedures are expressed in the conclusion for each focus area throughout this report. We have identified opportunities for improvement in each area to aid the Department in better managing the offender population and as a result, better protecting the public, employees, and the offenders.

**GOVERNANCE**

Governance represents an essential aspect of DOC operations; correctional facilities' geographic dispersion, combined with changes in management after the audit period, warrant the need for sufficient and appropriate oversight to ensure agency actions support and further the mission. As the Board of Corrections (BOC) is ultimately responsible for providing such oversight, we evaluated its structure and oversight role by obtaining an understanding of its operations and comparing them to established best practices.

**CONCLUSION**

The Board could improve its operations by enhancing its financial oversight and audit-related functions and performing regular self-assessments.

**OBSERVATIONS**

*Committee Structure*

Governance guidelines suggest that creating committees to divide board work enables more in-depth attention to specific governing issues, thereby enhancing expertise<sup>10</sup> without occupying the time of the entire board. The Board has Committees on the Budget, Female Offenders, Public Policy, Population/Private Prisons, Public Affairs, and Executive issues. These committees meet with the same frequency as the full board and are able to make recommendations. However, the Board does not have an audit committee.

<sup>10</sup> Corporation for National and Community Service. *Best Practices of Highly Effective Nonprofit Boards*, <http://www.nationalserviceresources.org/best-practices-boards>.

*Formation of an  
Audit Committee  
may benefit the  
Board.*

According to the American Institute of Certified Public Accountants, an audit committee of a government entity can assist in assessment and management of risks, ensure accountability and compliance, and enhance governance.<sup>11</sup>

DOC has experienced two performance audits in the last decade, in addition to numerous annual facility audits, most of which entail multiple recommendations.<sup>12</sup> It might be beneficial for the BOC to form an audit committee to enhance financial oversight, ensure accountability, and facilitate awareness of the various audits and the corresponding recommendations.

### *Financial Oversight*

Best practices emphasize the necessity of oversight in ensuring duties delegated to staff are carried out to the board’s wishes, the organization is succeeding in its mission, and resources are used wisely.<sup>13</sup> Specifically regarding financial oversight, resources also suggest the review of budget-to-actual comparisons of revenues, expenditures, cash flow, and fund balances in order to monitor, measure, and evaluate budgetary performance.<sup>14</sup> From a review of board minutes taken during the audit period, it appears as though the Board members do not receive detailed information regarding the agency’s financial status or that of individual corrections facilities. Without adequate financial monitoring tools, the Board may not have the ability to anticipate the impact of changes to those that rely on its services: the public, DOC employees, and offenders.

During the audit period, the Board appeared to view limited information on the agency’s correctional industries programs as well, despite the requirement in O.S. 57 §541 to control and manage the revolving fund into which earnings are to be deposited.<sup>15</sup>

Board members acknowledged that there has been a shift in how the Board reviews financial information within the last year. Whereas they previously viewed trending data, they now analyze more comprehensive financial data, including monthly financial statements and more detailed data by fund when requested (including for the Industries Revolving Fund). Whether the summary data resulted from the Board’s lack of awareness of more detailed financial

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<sup>11</sup> American Institute of Certified Public Accountants. *Benefits of Audit Committees and Audit Committee Charters for Government Entities*. [http://www.aicpa.org/ForThePublic/AuditCommitteeEffectiveness/AuditCommitteeBrief/DownloadableDocuments/Benefits\\_of\\_AC\\_Government.pdf](http://www.aicpa.org/ForThePublic/AuditCommitteeEffectiveness/AuditCommitteeBrief/DownloadableDocuments/Benefits_of_AC_Government.pdf).

<sup>12</sup> Two performance audits include a 2007 audit by MGT Inc., and this audit performed by the State Auditor and Inspector. Other audits include an accreditation audit once every three years from the American Correctional Association and periodic audits from the agency’s Internal Audit division. Some aspects of DOC operations are also audited in relation to the state-wide comprehensive annual financial report.

<sup>13</sup> Center for Nonprofit Success, as referenced by the National Association of Veterans’ Research and Education Foundations. *Overview of Corporate Governance*, [http://navref.org/bestpractices/pdf/Heyman\\_Overview\\_of\\_Corporate\\_Governance.pdf](http://navref.org/bestpractices/pdf/Heyman_Overview_of_Corporate_Governance.pdf).

<sup>14</sup> “Best Practices in Public Budgeting,” GFOA, 2000, <http://www.gfoa.org/services/nacslb>.

<sup>15</sup> The Industries Revolving Fund, also known as the 280 revolving fund, is provided for in O.S. 57 §541.

reports, or whether it resulted from the Board knowingly delegating financial analysis to staff, is not immediately clear.

### **Internal Audit Reporting**

DOC employs an internal audit team. Internal auditing can play an important role in governance, accountability, and internal control. One key internal audit role is to provide assurance that internal controls are in place to adequately mitigate risks and achieve program goals and objectives.<sup>16</sup>

Internal auditing standards state that “the chief audit executive must report to a level within the organization that allows the internal audit activity to fulfill its responsibilities,”<sup>17</sup> and while 75% of internal auditors report to the Audit Committee or the Board,<sup>18</sup> DOC’s internal auditors reported to agency management during the audit period. Effective March 17, 2014, the internal audit team reports to the agency’s inspector general.

*DOC’s Internal Audit team does not report directly to the Board.*

Standards also emphasize the independence of the internal audit activity, and require that the chief audit executive must communicate and interact directly with the board.<sup>19</sup> Reporting to someone aside from the Board could impact the independence of the audit team and compromise compliance with internal audit standards.

### **Board Self-Assessment**

The benefits of board self-assessment have been documented by multiple sources. Not only can Board performance evaluations offer members the opportunity to reflect on their individual responsibilities, but can increase the level of teamwork and set an example for the staff.<sup>20</sup> Though some board members recalled participating in board assessments, the extent of such assessments is unclear due to lack of documentation.

Best practices suggest the board should regularly assess its own performance through a survey, interviews, or other tools on at least a periodic basis in order to

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<sup>16</sup> Government Accountability Office, *Government Auditing Standards* GAO-12-331G, 6.22 (Washington, D.C.: December 2011).

<sup>17</sup> The Institute of Internal Auditors, *International Standards for the Professional Practice of Internal Auditing*, <https://na.theiia.org/standards-guidance/mandatory-guidance/Pages/Standards.aspx>.

<sup>18</sup> *Establishing the Authority of the Internal Audit Activity*, IIA Presentation, [http://na.theiia.org/standards-guidance/Public%20Documents/Establishing\\_Authority\\_of\\_the\\_IAA\\_3\\_.pdf](http://na.theiia.org/standards-guidance/Public%20Documents/Establishing_Authority_of_the_IAA_3_.pdf).

<sup>19</sup> The Institute of Internal Auditors, *International Standards for the Professional Practice of Internal Auditing*, <https://na.theiia.org/standards-guidance/mandatory-guidance/Pages/Standards.aspx>. Sections 1110, 1111.

<sup>20</sup> BoardSource, as referenced by the Nonprofit Alliance, *The Importance of Board Self-Assessment - Board Chair and Board Member Best Practice Packet*, [http://www.nonprofitalliance.org/system/res/25/original/Board\\_Member\\_Packet.pdf](http://www.nonprofitalliance.org/system/res/25/original/Board_Member_Packet.pdf).

identify impediments to governance and ways to strengthen operations.<sup>21, 22</sup>  
Doing so will enable the board to see whether performance targets are being met,  
and take corrective action if necessary.<sup>23</sup>

**RECOMMENDATIONS** In an effort to improve the agency's governance processes, we offer the following recommendations:

**Recommendation #1: Create an Audit Committee**

The Board might consider the potential functionality of an Audit Committee to help ensure accountability and compliance and provide financial oversight.

**Recommendation #2: Improve Financial Oversight**

The recent move to analyze agency financials in greater detail represents a positive development, but it still might be beneficial to board members for the agency's Chief Financial Officer to provide an overview of available reports and allow board members to select those that members deem most useful. The Board should consider improving its financial oversight by:

- Requesting an overview of reports available through the state's accounting system, PeopleSoft, and assessing which of these reports would prove most useful in their decision-making process.
- Requiring that the chief internal audit executive report directly to the Board (if created, to the audit committee).
- Actively engaging in the control and management of the Industries Revolving Fund in order to comply with O.S. 57 §541.

**Recommendation #3: Perform Board Self-Assessments**

We recommend that the Board develop performance targets and annually assess their achievement using a survey, interviews, or by other methods the Board deems appropriate.

See the Board's responses to these recommendations in the letter at page 33.

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<sup>21</sup> BoardSource, *Board Chair and Board Member Best Practice Packet*.

<sup>22</sup> Executive Service Corps of Washington, *Best Practice Materials for Nonprofit Boards*, <http://www.escwa.org/files/bbp.pdf>.

<sup>23</sup> Corporation for National and Community Service, *Best Practices of Highly Effective Nonprofit Boards*, <http://www.nationalserviceresources.org/best-practices-boards#.U3zQI01OUdU>.

## FINANCIAL MANAGEMENT

Financial resources are necessary for DOC operations; proper management of those resources provides the agency with greater opportunities to fulfill its mission. We attempted to find opportunities for greater efficiencies and improvements in the Department's overall financial processes by examining some of DOC's financial management practices, including food budgeting and purchasing and healthcare expenditures.

**CONCLUSION** Management should consider improving monitoring of offender master menu compliance and implement policies and procedures to ensure statutory compliance related to centralized food purchasing. They should also consider developing medical cost savings measures similar to those found effective in other states.

**OBSERVATIONS** *Food Budgeting and Master Menu Compliance*

Several DOC policies contain requirements related to offender meals:

- Department policy P070100 requires provision of three daily meals, dietary modifications, meal variations, and alternate meal service, in addition to prohibiting the withholding of meals or variations to the standard diet as a disciplinary measure.
- Policies OP070202 and OP070203 require facilities to follow the approved master menus, and food service managers to ensure meals adhere to the approved master menus. Food purchases must therefore be made in accordance with master menu requirements. (The master menu is created with the assistance of a dietician and is intended to meet dietary requirements.)
- Policies further provide for meal substitutions, with P-070100 stating "diet modifications, meal variations, and alternate meal service require adherence to basic nutritional requirements," and OP-070202 stating that documentation of menu substitution will be monitored by the facility head and reviewed during internal audits.

In order to budget for food purchases, DOC calculates the "standard rate" (a dollar amount per offender per day for food) and then communicates this rate to the facilities in order for the facilities to calculate their own food budget. Separate rates are calculated for correctional facilities and community correction centers. DOC bases the calculation for the upcoming year's standard rate on prior year

expenditures coded to "Food and Kitchen Supplies and Materials."<sup>24</sup> For fiscal years 2010 through 2013, this category accounted for 5.93% of total agency non-personnel expenditures.

Our discussions with staff indicated that there are no formal or consistent processes for monitoring compliance with the master menu or monitoring menu substitutions.

Without such monitoring, the agency risks inconsistencies in food provision and food service expenditures. Lack of oversight in this area may lead to overuse of menu substitutions, inaccurate reflection of costs associated with the master menu, and consequently the standard feeder rate may be inaccurate.

### *Centralized Food Purchasing*

DOC facilities purchase food individually. This practice appears to directly conflict with O.S. 57 § 533:

"The Director of the Department of Corrections shall develop and promulgate a policy that will centralize, at the Department of Corrections, the procurement of all items of food supplies, other than fresh food local buys, for all institutions within the Department of Corrections."

Numerous DOC policies address the subject of food purchasing, with some even referring to the statute, but none appear to specifically address statutory compliance. It appears the Department is out of compliance with this statute.

*Current DOC food purchasing practices do not align with statutory requirements.*

### *Health Care Expenditures*

As required by state statute, DOC must provide medical care for offenders. O.S. 57 §623 authorizes the Department of Corrections to operate on-site primary medical treatment programs, while O.S. 57 §627 contains multiple provisions related to offender medical care requirements.

We identified DOC medical departments' expenditures by year:<sup>25</sup>

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<sup>24</sup> As reported through PeopleSoft six-digit object of expenditure account code 534110.

<sup>25</sup> Neither medical expenditures nor total expenditures include state-employed personnel salary costs, but do include the cost of contract personnel (those not employed by the state). Medical expenditures exclude the cost of offender medical care (up to an annual capped amount) at private prisons, as such costs are contained within the per diem rate DOC pays to the private prison operator as part of its contract.

**DOC Medical Department Expenditures as a Percentage of Total Expenditures,  
 Fiscal Years 2010 through 2013**

| Fiscal Year            | Medical Expenditures | % Change from previous year | Total DOC Expenditures | Medical Expenditures as a Percentage of Total Expenditures |
|------------------------|----------------------|-----------------------------|------------------------|--|
| 2010                   | \$32,912,746         | n/a                         | \$289,761,682          | 11.36%   |
| 2011                   | \$33,018,352         | 0.32%                       | \$274,793,916          | 12.02%   |
| 2012                   | \$32,772,862         | (0.74%)                     | \$270,295,471          | 12.12%   |
| 2013                   | \$36,568,432         | 11.58%                      | \$309,761,106          | 11.81%   |
| <b>2010-2013 Total</b> | \$135,272,392        |                             | \$1,144,612,175        |  |

*Source: CORE expenditure data, medical department codes 6363100 through 6363188. These include expenditures attributed to DOC's medical departments, which include expenditures other than medical supplies and equipment.*

Medical expenditures increased by \$3,655,686, or 11.1 percent, from FY 2010 to FY 2013. Medical expenditures as a percentage of total expenditures fluctuated between FY 2010 and FY 2013, but are slightly higher toward the end of the period. The issue of rising costs in healthcare is likely to continue to play a role in DOC decision-making in the future, as health spending across the nation is projected to grow at an average annual rate of 5.8 percent from 2012 to 2022.<sup>26</sup>

**Reasons for Rising Health Care Expenditures**

A recent national study from the Pew Charitable Trust found that the primary reason for the increase in prison health care costs is “bigger and older prison populations.”<sup>27</sup> Additionally, a report from the organization Human Rights Watch claims that “older prisoners are at least two to three times as expensive to incarcerate as younger prisoners, primarily because of their greater medical needs. Our research shows prison medical expenditures for older inmates range from three to nine times higher than those for the average inmate... older inmates not only have more infirmities than younger, but the nature of their diseases and the responses required tend to be different.”<sup>28</sup>

We requested statistics on the number of offenders in Oklahoma over the age of 40 during the audit period to determine if DOC experienced an increasing aging population. The following table shows offender populations by age group:

<sup>26</sup> “National Health Expenditure Projections 2012-2022.” Centers for Medicare and Medicaid Services. <http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/downloads/proj2012.pdf>.

<sup>27</sup> Vestal, Christine. “Study Finds Aging Inmates Pushing Up Prison Health Care Costs.” Pew Charitable Trusts. <http://www.pewstates.org/projects/stateline/headlines/study-finds-aging-inmates-pushing-up-prison-health-care-costs-85899516112>.

<sup>28</sup> Human Rights Watch, “Old Behind Bars: The Aging Prison Population in the United States.” Pages 72-74. [http://www.hrw.org/sites/default/files/reports/usprisons0112webwcover\\_0\\_0.pdf](http://www.hrw.org/sites/default/files/reports/usprisons0112webwcover_0_0.pdf).

**Offender Populations by Age Group, FY 2008 through FY 2013**

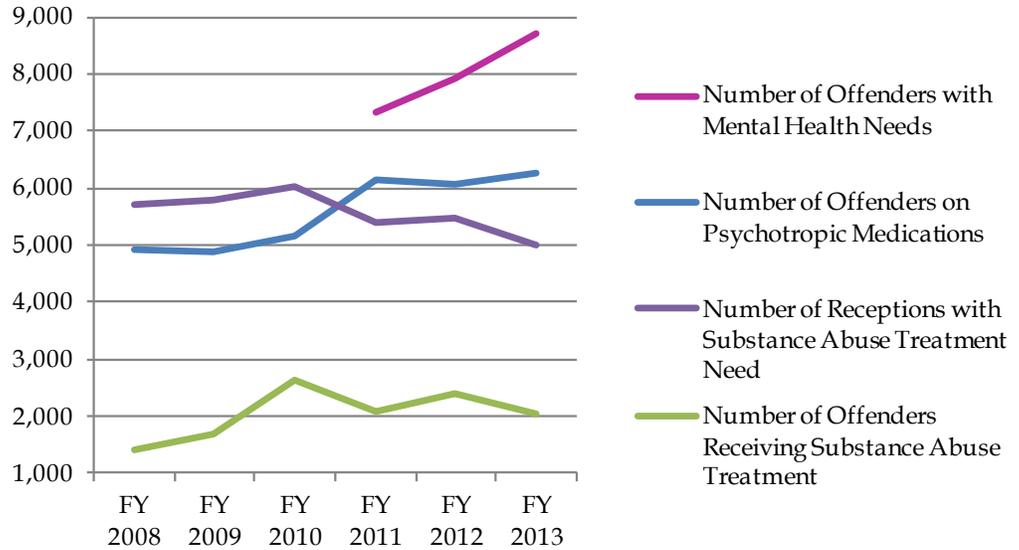
| FISCAL YEAR  | FY 2008          | FY 2009          | FY 2010          | FY 2011          | FY 2012          | FY 2013          |
|--|------------------|------------------|------------------|------------------|------------------|------------------|
| <b>TOTAL OFFENDER COUNT</b>                                    | 24,433           | 24,309           | 24,849           | 24,351           | 24,520           | 25,186           |
| <b>Number of Offenders / Percentage of Offender Population</b> |                  |                  |                  |                  |                  |                  |
| <b>40 to 49 years of age</b>                                   | 6,497<br>26.6%   | 6,384<br>26.1%   | 6,279<br>25.7%   | 5,954<br>24.4%   | 5,999<br>24.6%   | 6,101<br>25.0%   |
| <b>50 to 59 years of age</b>                                   | 2,825<br>11.6%   | 2,917<br>11.9%   | 3,173<br>13.0%   | 3,210<br>13.1%   | 3,362<br>13.8%   | 3,562<br>14.6%   |
| <b>60 to 69 years of age</b>                                   | 687<br>2.8%      | 735<br>3.0%      | 808<br>3.3%      | 874<br>3.6%      | 941<br>3.9%      | 1,009<br>4.1%    |
| <b>70 to 79 years of age</b>                                   | 103<br>0.42%     | 101<br>0.41%     | 121<br>0.50%     | 134<br>0.55%     | 151<br>0.62%     | 187<br>0.77%     |
| <b>80 years of age &amp; older</b>                             | 12<br>0.05%      | 10<br>0.04%      | 11<br>0.05%      | 11<br>0.05%      | 11<br>0.05%      | 16<br>0.07%      |
| <b>Total, 40 years +</b>                                       | 10,124<br>41.44% | 10,147<br>41.74% | 10,392<br>41.82% | 10,183<br>41.82% | 10,464<br>42.68% | 10,875<br>43.18% |

*Source: Data by age group and fiscal year from DOC's OMS System (unaudited), percentages computed by SAI*

This data shows that there has been an increase in the offender population over age 40.

The Pew Charitable Trust study also attributed rising prison health care costs to additional factors, including mental illness and substance abuse among offenders. According to unaudited data provided by DOC management, an increasing percentage of offenders have been assessed with mental health needs, and there has simultaneously been a rise in the number and percentage of offenders taking psychotropic medications to treat mental illness. The data also indicated that the number of offenders receiving substance abuse treatment while in DOC custody increased, although the number of offender receptions with an assessed substance abuse treatment need decreased. This is illustrated on the next page:

**Offender Mental Health and Substance Abuse Treatment,  
 FY 2008 through FY 2013**



Source: Oklahoma Department of Corrections (unaudited). Data on the number of offenders with mental health needs was not collected prior to FY 2011.

**Measures to Reduce Health Care Expenditures**

According to the State Health Care Spending Project, “Health care and corrections spending will continue to pose a fiscal challenge to state lawmakers in the years ahead. Addressing the intersection of these spending areas – health care services provided to prison inmates – will be particularly important.”<sup>29</sup>

Management states that they have instituted a number of cost-saving measures aimed at reducing health care expenditures, including (but not limited to) negotiating lower hospital contract rates, lowering insurance payment rate, reducing temporary nursing staff, increasing utilization of telehealth services, and implementing a shared supply network. We researched additional options for reducing medical expenditures and found that other government entities have benefited from approaches such as:

- Competition through privatization;
- Low-cost prevention efforts to educate inmates about health care;
- Releasing older and terminally ill inmates;<sup>30</sup>

<sup>29</sup> State Health Care Spending Project (Pew Charitable Trusts and MacArthur Foundation), *Managing Prison Health Care Spending*. 2013, p.26. <http://www.pewstates.org/research/reports/managing-prison-health-care-spending-85899515729>.

<sup>30</sup> Kinsalla, Chad. *Trend Alert: Critical Information for State Decision Makers, Correctional Health Care Costs*, January 2004, The Counsel of State Governments. <http://www.csg.org/knowledgecenter/docs/TA0401CorrHealth.pdf>.

- Utilization management;<sup>31</sup>
- Expanding secure bed capacity;
- Revising pharmaceutical practices;
- Limiting hospital charges to 110% of Medicare rates;<sup>32</sup> and
- Prior approval for specific treatments and services.<sup>33</sup>

Continuing increases in medical expenditures may increase the risk that the agency cannot continue to fund associated medical services as required by statute, or that the agency must reduce funding to other programs in order to meet increasing medical expenses.

**RECOMMENDATIONS** In an effort to improve the agency’s financial management processes, we offer the following recommendations:

**Recommendation #4: Monitor Master Menu Compliance**

We recommend management consider developing a process to monitor master menu compliance in accordance with internal policies (OP070202 and OP070203).

**Recommendation #5: Implement Policies and Practices to Ensure Statutory Compliance**

The agency should develop and implement policies and procedures to centralize food purchasing in order to comply with O.S. 57 §533.

**Recommendation #6: Consider Further Medical Cost Savings Measures**

DOC may consider further medical cost saving measures as demonstrated by other entities and their potential benefit to agency operations and overall finances.

See management’s responses to these recommendations in the letter at page 33.

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<sup>31</sup> According to a publication from the National Institute of Corrections, utilization management is “a process to eliminate unnecessary medical care and direct care to the most cost effective setting appropriate for the condition of the patient.” Brace, Nancy E. “Correctional Health Care Cost Containment,” as referenced by Anno, B. Jaye, *Correctional Health Care: Guidelines for the Management of an Adequate Delivery System*. 2001. <http://static.nicic.gov/Library/017521.pdf>.

<sup>32</sup> *Steps to Control Prison Inmate Health Care Costs have Begun to Show Savings*, Florida Legislature, Office of Program Policy Analysis and Government Accountability. <http://www.oppaga.state.fl.us/reports/pdf/0907rpt.pdf>.

<sup>33</sup> Anno, B. Jaye. *Correctional Health Care: Guide lines for the Management of an Adequate Delivery System*, 2001 Edition, U.S. Department of Justice, National Institute of Corrections, <http://static.nicic.gov/Library/017521.pdf>.

## CAPACITY MANAGEMENT

Capacity management represents one of the greatest challenges for DOC, as it impacts both offenders and staff. We reviewed the Department's practices related to capacity management while focusing on aspects of the process under management's control. This involved examinations of DOC's processes for capacity measurement, the relationship between the offender population and staffing levels, and the electronic system used by staff to track offender information. We also compared the Department's practices to relevant statutory requirements.

**CONCLUSION** Management appears to have several opportunities to improve its tools for management of the offender population, including expanding its definition of capacity to better take advantage of statutory authority to recommend offenders for parole, improving training programs for cadets and case managers, and performing in-depth staffing analysis. We also strongly recommend that management take steps to improve its electronic Offender Management System, which currently suffers from numerous inadequacies.

**OBSERVATIONS** *Measuring Capacity*

Capacity is officially approved by the Board of Corrections (BOC) and is provided for under DOC policy OP150205. Capacity is based on building design, sanitation facilities, space requirements, and correctional needs specific to the facility or its special units.

The Bureau of Justice Statistics (BJS) offers three general measures of their facilities' capacity:<sup>34</sup>

1. Design Capacity: the number of inmates that planners or architects intended for the facility;
2. Operational Capacity: the number of inmates that can be accommodated based on a facility's staff, existing programs, and services; and
3. Rated Capacity: the number of beds or inmates assigned by a rating official within the jurisdiction.

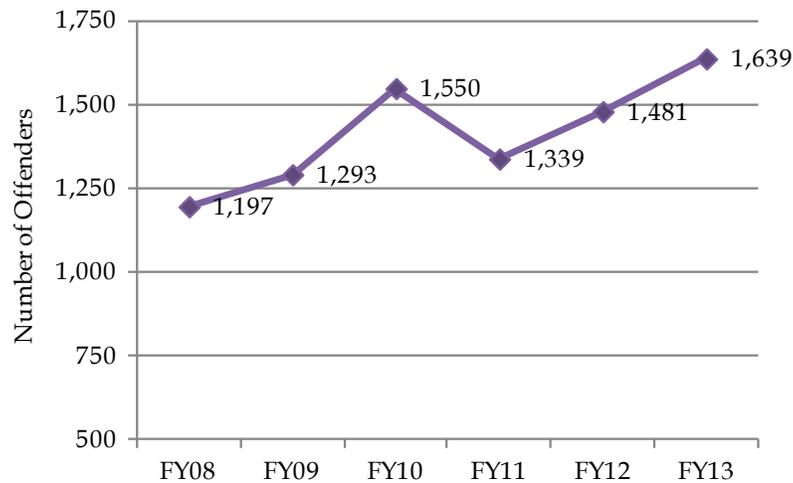
DOC produces weekly capacity reports (also known as *Facility Count Reports*) summarizing capacity on multiple levels, including by facility type (state or private), by security level (maximum, medium, minimum, community), and by gender. All state-run facilities (correctional centers, community corrections

<sup>34</sup> Bureau of Justice Statistic, Terms and Definitions: Corrections. <http://www.bjs.gov/index.cfm?ty=tdtp&tid=1>.

centers, and work centers), private correctional facilities, and county jail contract beds<sup>35</sup> are included in the capacity count.<sup>36</sup>

DOC's capacity and offender counts exclude offenders that have been judged and sentenced to a term in prison, but have not yet been transferred from the county jail to DOC custody. This group of offenders is commonly referred to as the "county jail back-up."<sup>37</sup> Though these individuals are not considered within DOC's current facility count, they have been sentenced to DOC custody and are awaiting transfer to one of DOC's assessment and reception centers. The following chart illustrates the county jail backup population during the audit period:

**County Jail Back-up Populations**



Source: Oklahoma Department of Corrections, "Fiscal Year 2008 - 2013 Average Monthly County Jail Back-up Population" (unaudited)

While the offender population increased by 3.08 percent during the audit period, and overall capacity increased by 4.15 percent (according the Facility Count Reports), county jail backup increased by 36.92 percent. Such statistics translate to a challenge for DOC in coping with the constant demand for available bed space.

In addition to the county jail back-up count the capacity percentage calculation also excludes offenders in community programs and "other out count" offenders. Community programs include GPS tracking and electronic monitoring programs and pre-parole conditional supervision programs; failures in these programs would send the offender back to a facility and thus force DOC to find

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<sup>35</sup> County jail contract beds are provided for certain inmates that have been received and assessed by DOC, but are placed in a county jail as opposed to a state correctional center or a private correctional facility.

<sup>36</sup> For a list of facilities included on Facility Count Reports, see Appendix A.

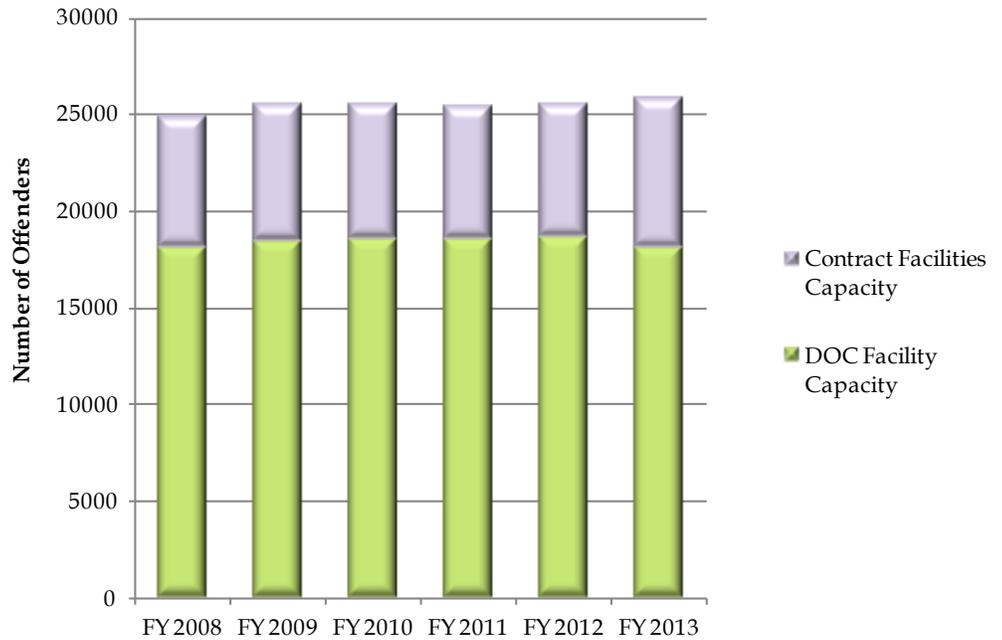
<sup>37</sup> DOC Annual Report FY2009, <http://www.ok.gov/doc/documents/ANNUAL%20REPORT%20FY2009.pdf>.

bed space for him or her. "Other out count" includes offenders who are temporarily located outside of the facility for purposes such as court appearances or medical treatments. The majority of these offenders will return, though their date of return may be unknown, and upon return, DOC must place them in a facility.

**Capacity Fluctuations**

The following chart depicts the differences in capacity between state facilities and contract facilities during the audit period:

**Capacity, State vs. Contract Facilities  
 FY 2008 through FY 2013**



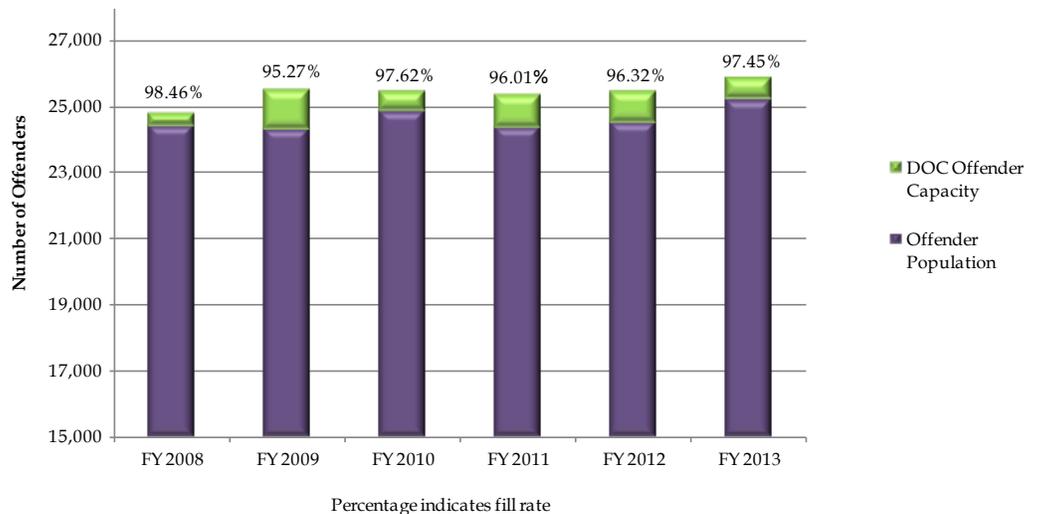
Source: Oklahoma Department of Corrections, Facility Count Reports (unaudited)

According to DOC facility count reports, total capacity increased from 24,815 to 25,846 (4.15 percent) during the audit period, contract beds accounted for 27 percent of DOC's capacity in FY 2008 and 29.81 percent in FY 2013.

Board minutes, in addition to documentation provided by the agency, reveal a variety of reasons for the fluctuations in DOC's capacity during the audit period, including the addition of contract beds, unit closures, unit additions, and removal of certain beds from the capacity count due to their designation as segregated housing unit beds.

We performed more detailed procedures to determine overall facility capacity levels during the audit period and found that the department has never reached full capacity by current definition.<sup>38</sup> The following chart depicts DOC's total capacity, its offender population, and the percentage fill rate during the audit period:

**Oklahoma DOC Capacity vs. Actual Offender Population,  
 FY 2008 through FY 2013**



Source: Oklahoma Department of Corrections, Facility Count Reports <sup>39</sup>(unaudited)

Because DOC's current method of calculating capacity precludes the agency from reaching a 100% fill rate, they are unable to take advantage of provisions of O.S. 57 § 37 that require the Pardon and Parole Board to consider certain nonviolent offenders for parole if DOC reaches maximum capacity.

***Identification of Capacity Expansion Opportunities***

DOC developed a capacity expansion plan in 2007 that proposed adding 1,009 beds in FY 2008 and 3,275 beds in FY09, but these plans were contingent on the availability of additional funding to renovate existing facilities and build new structures.<sup>40</sup> It appears that at least the 1,009 beds in FY 2008 were funded.

The agency then contracted with the Durrant Group in 2009 to assess the capital needs at all state facilities and plan for renovations in future years. Recommendations in this report required \$344,192,317 in additional funds within

<sup>38</sup> For more detail on procedures related to capacity determination, see Appendix B.

<sup>39</sup> Data represents the last week of the fiscal year.

<sup>40</sup> "Performance Audit of the Department of Corrections for the Legislative Service Bureau of the Oklahoma Legislature," MGT of America, Inc., page 3-14.

the first five years of implementation, and \$154,684,192 in years six and beyond for all improvements.<sup>41</sup> According to DOC management, the agency was unable to implement the majority of the capital recommendations due to a lack of funding.

Best practice guidelines suggest that a government should adopt plans for capital asset acquisition, maintenance, replacement, and retirement in order to ensure that needed capital assets or improvements receive appropriate consideration in the budget process. Such policies and plans are necessary to plan for large expenditures and to minimize deferred maintenance.<sup>42</sup> According to the agency, DOC does not currently develop or maintain short or long-term capacity plans other than those mentioned and those set by the Board per OP150205. This policy does not appear to outline any specific changes to capacity in future years.

DOC identifies infrastructure and capital outlay needs in the agency's annual budget requests, but such projects appear to be contingent on the availability of funding and do not account for standstill or reduced budget contingencies.<sup>43</sup> Additionally, the 2007 MGT of America audit recommended that DOC establish a maximum security status lower than 'lockdown' (which refers to severely restricted offender movement), but DOC's plan to implement a maximum security step-down unit was abandoned due to continued demand for bed space.

Though it may be difficult due to a lack of funding, it might benefit the agency to develop and maintain short and long-term capacity plans that take into account possible budget scenarios. However, it appears that deficiencies in the agency's Offender Management System, as discussed in more detail later, might preclude accurate identification of capacity needs, which would impact the agency's capacity planning capability.

### *Statutory Compliance*

We identified three significant laws related to capacity management, including:

1. O.S. 57 §37 - Facilities Reaching Maximum Capacity: requiring the Pardon and Parole Board to consider certain nonviolent offenders for parole if DOC reaches maximum capacity;
2. O.S. 57 §510.9 - Electronic Monitoring Program: allowing for electronic monitoring of certain offenders; and

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<sup>41</sup> "Oklahoma Corrections Master Plan," The Durrant Group, Inc., page 19.

<sup>42</sup> "Best Practices in Public Budgeting," GFOA, 2000, <http://www.gfoa.org/services/nacslb>.

<sup>43</sup> "Operations Funding Changes," DOC Budget Requests FY 2008 through 2013.

3. O.S. 57 §521 – Commitment to Custody of Department – Classification and Assignment – Reentry Programs: requiring DOC to process certain offenders for participation in reentry programs.

As discussed earlier, the department never reached full facility capacity, and is therefore not in violation of O.S. 57 §37.

Regarding state statutes O.S. 57 § 510.9 and O.S. 57 § 521, the department appears to have suitable policies in place to meet the terms of these statutes. However, we could not verify DOC statutory compliance due to insufficient data available through the agency’s Offender Management System (OMS). Numerous inadequacies within OMS prevented us from identifying certain subpopulations of offenders, determining if their eligibility was assessed properly, and that transfers were recommended in a timely manner.

### *Offender Management System*

DOC uses the *Offender Management System* (OMS) to maintain electronic offender records.

The United States General Accounting Office’s *Standards for Internal Control in the Federal Government*<sup>44</sup> discusses the importance of information systems controls to “help ensure completeness, accuracy, authorization, and validity” and states these controls should be in place “to ensure that all inputs are received and are valid and outputs are correct and properly distributed. An example is computerized edit checks built into the system to review the format, existence, and reasonableness of data.”

During the course of the audit, we encountered numerous concerns with the reliability of the OMS system. Specific deficiencies noted by facility personnel included:

- Limited capabilities/lack of automation:
  - OMS cannot project accurate release dates;
  - OMS cannot calculate offender time based on populated fields (case managers have to manually input);
  - The system will not prompt case managers when assessments are due or when an offender becomes eligible for lower security placement;
  - The system will not automatically update an offender’s age on their birthday;
- The system is not user-friendly;

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<sup>44</sup> Although this publication addresses controls in the federal government, this criterion can be treated as best practices. The theory of controls applies uniformly to federal or state government.

- System instability: system freezes and users regularly get kicked out;
- Functional inconsistency: usability depends on the time of day or the number of users logged on;
- Inability to track a caseload: case managers and facilities rely on non-standardized process in other programs, such as Microsoft Excel or Access, to track all offenders on a caseload or assigned to a unit;
- The system platform is no longer technologically supported, making its salvageability questionable if the system were to crash;
- The system is outdated: list of offender crimes does not include recent additions;
- System inefficiencies/lack of program integration: users must access different system modules for multiple functions (e.g., data can be input on one screen, but users have to log onto a different module to print this information);
- Due to manual entry requirements and insufficient auto-populating fields, the system is prone to input errors; and
- Data files may be overwritten by case managers.

Such conditions might preclude the agency from accurately identifying characteristics of its offender population.

While performing procedures, we encountered additional deficiencies. We requested historically captured data on the offender population to compare the number of offenders assessed at each security level to the number of beds at each security level within the system. However, upon requesting the data from DOC's Evaluation and Analysis unit, we were told of additional problems with the data sets due to the following factors:

*Deficiencies within the Offender Management System negatively impact staff and offenders.*

- Modifications to the code used to extract the data from the OMS were made over time;
- Certain years only include what was supposed to be the most recent assessment, and left out the offender's initial assessment;
- Some years showed neither the initial assessment nor the most recent assessment;
- In some years, a custody assessment might be listed as an adjustment review;
- Some assessments were outdated; and

- The most recent assessment may not be reflected in OMS, but should be maintained in the offender’s paper case file.

Due to the factors identified above, assessment data was not accurately captured and information between years was not comparable.

Information deficiencies affect staff and offenders. Without a reliable data system, DOC must rely on paper case files to make many offender management decisions. This process appears to be an inefficient use of case managers’ time. Case managers may also be unable to identify offenders’ programmatic needs or eligibility for options provided by statute, such as electronic monitoring or reentry programs. Without a functional offender management system DOC also faces difficulties in short- and long-term capacity planning, including accurately determining how many beds are needed at each security level.

DOC began the process of acquiring a new system over a number of phases. Thus far \$1 million of the agency’s existing budget has been allocated toward the system, which is projected to cost between \$6 and \$12 million depending on the vendor and specific applications. Management does not expect the new system to be functional for at least 2-3 more years.

***Facility Staffing***

Security officers, case managers, and unit managers play key roles in achieving DOC’s mission of ensuring the safety of the public, employees and offenders. Human Resource data obtained from PeopleSoft yielded the following staffing counts by year for these positions:

**Key Personnel Staffing Levels, Fiscal Years 2010 through 2013:**

| Position                              | Staffing Counts as of June 30 |      |      |      |
|---------------------------------------|-------------------------------|------|------|------|
|                                       | 2010                          | 2011 | 2012 | 2013 |
| <b>Correctional Security Officer†</b> | 1840                          | 1746 | 1674 | 1599 |
| <b>Correctional Case Manager</b>      | 273                           | 248  | 255  | 265  |
| <b>Unit Manager</b>                   | 63                            | 51   | 55   | 55   |

*† Includes Correctional Security Officers, Correctional Chiefs of Security, and Correctional Security Managers. Data from PeopleSoft employee population report provided by DOC management.*

In researching best practices for staffing ratios, we found that staff-to-inmate ratios are highly variable, and ratios for one facility should not necessarily be applied to another, as doing so might produce inaccurate results.<sup>45</sup> Because of

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<sup>45</sup> Dennis R. Liebert and Rod Miller, *Staffing Analysis Workbook for Jails*, 2nd edition (Washington, DC: U.S. Department of Justice, National Institute of Corrections, 2003):page 35.

this variability, we have not included a comparison to other states, but did calculate Oklahoma’s staff-to-offender ratios:

**Oklahoma Staff-to-Offender Ratios, Fiscal Years 2010 through 2013**

| Position  | Staff to Offender Ratios <sup>46</sup> |        |        |        |
|---|--|--------|--------|--------|
|   | 2010                                   | 2011   | 2012   | 2013   |
| <b>Correctional Security Officer<sup>† 47</sup></b> | 1 : 10                                 | 1 : 10 | 1 : 11 | 1 : 11 |
| <b>Correctional Case Manager</b>                    | 1 : 67                                 | 1 : 73 | 1 : 71 | 1 : 68 |

*† Includes Correctional Security Officer, Correctional Chief of Security, and Correctional Security Manager personnel. Data from PeopleSoft employee population report and capacity count sheets (unaudited) provided by DOC management. (Ratios based on offender counts of state run facilities and DOC employees.)*

Based on this data, DOC has not experienced major changes in key staffing areas over the past four fiscal years.

**Recruitment and Retention**

Each facility requires 24/7 security staffing. Multiple interviewees at the agency and facilities suggested that current correctional officer staffing levels create challenges in meeting these requirements. The 2007 MGT audit of the Department stated that “DOC should enhance its current statewide recruitment and retention strategies to better assist facilities that cannot meet established staffing funding levels.”<sup>48</sup> According to DOC, the agency implemented a number of changes in response, including implementing incentives for nurses and correctional officers and recruiting at career fairs and schools. Recruiting efforts were subject to funding availability and therefore not consistent during the audit period.

During facility visits, some wardens expressed that hiring officers on a temporary basis was helpful, as the department’s formal hiring process is lengthy and applicants often find other employment prior to being formally offered a position. Others felt that hiring security staff on a temporary basis was not helpful because cadets cannot have independent responsibility for a security post without first completing an academy training course. Our analysis of

<sup>46</sup> Ratios computed using DOC facilities count from facility count sheets dated 6/28/2010, 6/27/2011, 6/25/2012, and 6/24/2013, and rounded to nearest whole number.

<sup>47</sup> Correctional officer to offender ratios are based on the total number of correctional officers and do not take into account that these positions man 24/7 posts which are covered by multiple shifts. Both eight and twelve hour shifts were used during the audit period. Therefore, doubling or tripling the number of offenders per security staff member in this ratio may provide a more accurate representation of ratio on the yards of the DOC institutions.

<sup>48</sup> “Performance Audit of the Department of Corrections for the Legislative Service Bureau of the Oklahoma Legislature,” MGT of America, Inc., page 6-8.

correctional officer cadets hired during FY 2013 revealed that, of the 297 cadets hired, 118 (40%) terminated by February 27, 2014. Such results demonstrate a potential lack of effective retention procedures. In addition, without an accurate staffing analysis DOC may not be utilizing staffing practices to deploy staff appropriately, effectively, and economically. This may jeopardize safety, security, and expenditure containment.

Another finding from the MGT audit stated, “DOC should deploy sufficient security staff at each facility to ensure that collateral responsibilities such as cell searches and inmate shakedowns are completed regularly.”<sup>49</sup> Management indicated that while policy mandates are being met, lack of funding has impacted the agency’s ability implement this recommendation through deployment of additional security staff.

### Staffing Analysis

Correctional staffing guidelines note the vital nature of staffing analyses for safety, security, and expenditure containment.<sup>50</sup> Having access to staffing experts who know how to make posting decisions “is critical to safe and economical corrections.”<sup>51</sup>

Correctional staffing resources also suggest that good staffing plans and practices contribute to achieving a facility’s most important mandate: providing safety for staff, the public, and inmates. Optimal staffing also improves facility’s ability to provide programs and services, decreases potential liability, and helps ensure that costly staff resources are used in the most efficient way.<sup>52</sup> Resources also

note that while staffing is the most expensive component of any facility budget, there are many creative ways to optimize the effectiveness and productivity of existing staff, including managing staff time off and overtime, improving staff hiring and retention practices, employing creative administrative and management practices, changing operations and programs, changing the facility, and using technology.<sup>53</sup>

*DOC has not conducted a thorough staffing analysis since 2001.*

Staffing analysis is an integral component to the successful operations of correctional facilities. DOC bases correctional facilities’ staffing levels on assessments performed by a Facility Staffing Pattern Analyst, with adjustments made on a case by case basis. DOC has not conducted a formal staffing analysis since 2001, when the analyst position was vacated.

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<sup>49</sup> MGT of America, Inc., page 6-32.

<sup>50</sup> Camp, Camille Graham. *Prison Staffing Analysis, a Training manual with Staffing Considerations for Special Populations*. Washington, D.C. December 2008. Page xv.

<sup>51</sup> Camp, page xx.

<sup>52</sup> Liebert, Dennis R. and Miller, Rod. *Staffing Analysis Workbook for Jails*. Washington, D.C. 2003, page v.

<sup>53</sup> Liebert and Miller, page 27.

### Cadet Training

During the course of our procedures, we encountered evidence that the availability of cadet training may impact staff scheduling. Correctional staffing experts have found that training can create some serious scheduling and overtime problems. Options for dealing with these difficulties include scheduling training to correspond to coverage needs, moving toward increased on-the-job training, testing to ensure staff competency, and employing emerging training technologies, such as computer-based training courses and distance learning, which can reduce scheduling problems.<sup>54</sup>

During our interviews, one warden explained that his security staff scheduling was considerably impacted by the availability of the academy training courses for cadets, as a significant portion of his security staff was composed of cadets and even when staffing ratios were up, a portion of their security staff could not be used to cover a security post.

DOC policy OP100101 requires cadets to receive training within one year of hire.<sup>55</sup>

We performed audit procedures on cadets hired in FY 2013 to determine the length of time of between their and completion of the cadet training academy and found the following:

Of the 297 cadets hired in FY 2013:

- 196 completed the academy. The date of academy completion ranged between 32 and 407 days within hire and averaged roughly four and one-half months. Completion time for one cadet exceeded the one-year timeframe;
- One Cadet hired was attending the academy at the time that audit procedures were being performed and if completed as scheduled, would complete the academy 339 days from the date of hire; and
- 94 cadets terminated and four transferred to non-security positions within one year of hire and prior to attending the academy, one employee hired as a cadet had completed the academy during a previous term of employment, and one cadet, hired May 1, 2013, had been on military leave since August 5, 2013.

*DOC could benefit from providing alternative cadet and comprehensive case management training.*

It appears that while the agency generally complies with its internal policy regarding the time frame for cadet training, it may benefit from alternative

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<sup>54</sup> Liebert and Miller, page 29.

<sup>55</sup> See DOC OP100101, <http://www.ok.gov/doc/documents/op100101.pdf>.

training delivery methods in order to expedite the cadet training process and to assist the department in meeting its coverage needs.

### **Case Manager Training**

Case management is an integral function of the department. Case managers are responsible for many offender management functions, including offender classification, crisis intervention, work assignments, programmatic activities, and behavior management.<sup>56</sup> However, not all processes are consistent among case managers. Case managers at a number of facilities appear to use individual spreadsheets or other databases to track offenders on their caseloads. In addition case managers reported noticing mistakes in offender files, including missing conduct credits, inaccurate recording of prior jail time, and missing adjustment reviews.

During our procedures we found evidence of missing adjustment reviews in offender files. When reviewing files to ensure overrides were documented correctly, we noted that, out of a sample of 60 files, 10 offender field files did not contain an assessment performed during FY 2013, and one file did not agree to the assessed security level recorded in OMS. DOC policy OP060103 appears to require reviews on an annual basis and requires a paper copy of the assessment review to be included in the offender's field file. However, according to one DOC employee, the policy stating, "The first scheduled reassessment may be completed 90 days from the date the offender arrives at the facility and must be completed on an annual basis thereafter or when an offender's status has changed requiring a review to increase or decrease in security level," is interpreted to imply that annual assessments are not required unless security level changes are needed.

During facility visits, some personnel noted the department's discontinuance of case manager training classes, with new case managers receiving only on-the-job training. DOC's OK Correctional Career Development Center confirmed that case manager training classes were discontinued in the fall of 2012, and explained that training was provided on the job without a formal process. Case manager training classes resumed April 21, 2014.

Multiple publications from the United States General Accounting Office underscore the importance of identifying necessary employee skills and competencies, and providing effective training and development programs as

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<sup>56</sup> See DOC P060100, <http://www.ok.gov/doc/documents/p060100.pdf>.

part of an overall management strategy to achieve cost-effective and timely results.<sup>57</sup>

**RECOMMENDATIONS** In an effort to improve the agency's capacity management processes, we offer the following recommendations:

**Recommendation #7: Expand DOC's Definition of Capacity**

In order to facilitate the use of authority granted to the agency by O.S. 57 §37, the agency may consider incorporating an alternative measure of capacity and the inclusion of offender categories currently excluded from the capacity percentage calculation. This could potentially alleviate some of the agency's challenges related to capacity constraints.

**Recommendation #8: Implement Alternative Training Programs**

DOC may benefit from incorporating comprehensive training for cadets and case managers to ensure that priorities are effectively addressed in a cost-effective and timely manner. In addition, DOC may consider expanding training methods in order to expedite the cadet training process to assist facilities in meeting security coverage needs.

**Recommendation #9: Perform an In-Depth Staffing Analysis**

DOC may consider performing an in-depth staffing analysis and maintaining an up-to-date staffing plan.

**Recommendation #10: Upgrade the Offender Management System**

A more efficient and effective offender management system could benefit the agency in multiple ways, including:

- Enhancing case manager efficiency by freeing up time for primary job duties;
- Enabling agency management to analyze reliable data and make informed decisions;
- Facilitating development of short- and long-term capacity plans;

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<sup>57</sup> United States General Accounting Office, *Metrics, Means, and Mechanisms for Achieving High Performance in the 21<sup>st</sup> Century Public Management Environment*, February 13, 2004, <http://www.gao.gov/assets/250/241451.pdf>; *Human Capital Management: Effectively Implementing Reforms and Closing Critical Skills Gaps Are Key to Addressing Federal Workforce Challenges*, September 19, 2012, <http://www.gao.gov/assets/650/648594.pdf>; *HUMAN CAPITAL: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, March 1, 2004, <http://www.gao.gov/assets/80/76803.pdf>.

- Assisting case managers in ensuring assessments are performed as often as required; and
- Helping the agency to comply with statutory requirements, such as identifying offenders eligible for certain programs.

A more comprehensive assessment of DOC's capacity requirements might also facilitate implementation of the agency's previous plan to establish a step-down maximum security unit.

DOC should consider expediting the adoption of a new system. This would ease the burden on case managers, free up resources and better serve offenders, provide management and the Board with accurate information, and assist in meaningful decision making concerning offender population management.

See management's responses to these recommendations in the letter at page 33.

## PROSPECTIVE AREAS FOR FURTHER STUDY

**1. *Impact of factors beyond the agency's control, including sentencing laws, statutory board member qualifications, etc.***

Though neither the agency nor the Board of Corrections have the ability to make statutory changes themselves, they are optimally positioned to analyze the impact such changes would have on the correctional system. Potential changes, such as statutory board member qualifications, may involve legislation; others may involve providing information with issue stakeholders. For instance, a review of Board minutes suggests that legislation is regularly discussed; however, when we requested a fiscal impact analysis of the measure that enacted 85% sentencing requirements, neither the Oklahoma House of Representatives staff, nor the Oklahoma State Senate staff, nor the agency could find evidence of such an analysis.<sup>58</sup> The agency may consider performing such analyses periodically and sharing the results with legislative and other decision makers.

**2. *Alternative methods of financial support for a new Offender Management System***

DOC was one of many agencies that participated in a statewide effort to consolidate state agency information technology services. It might behoove the agency to quantify savings attributed to DOC from this effort and request financial assistance from the legislative or executive branch to implement upgrades to the Offender Management System.

**3. *Correctional Industries(OCI)***

Though our procedures were designed to determine the level of oversight of funds related to the OCI/Agri-services division, the agency may want to assess whether further analysis of OCI programs or financial data may prove useful.

**4. *Additional analysis of medical trends:***

Health care expenditures are expected to rise in the coming decade. Continued analysis of medical trends and projected costs will help to prepare DOC for the impact on Oklahoma's correctional system.

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<sup>58</sup> HB 1008X (1999) requires persons convicted of certain felony offenses to serve a minimum of eighty-five percent of the sentence imposed before being eligible for earned credits or parole.

DOC RESPONSE  
TO RECOMMENDATIONS



STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS

July 15, 2014

The Honorable Gary Jones  
Oklahoma State Auditor and Inspector's Office  
State Capitol, Room 100  
Oklahoma City, OK 73105



Dear Sir:

The Board of Corrections (BOC) and the executive management team of the Oklahoma Department of Corrections (ODOC) have had the opportunity to review in depth the results of the performance audit conducted by the Oklahoma State Auditor and Inspector's Office. A response to each recommendation is provided below.

**Recommendation #1:** Create an audit committee.

*Response: The BOC concurs with the recommendation. The BOC will form an audit committee which will be responsible for recommending to the Board the type and scope of audits to be performed for the agency, the Oklahoma Correctional Industries and Agri-Services. The committee will recommend to the BOC the entity, firm or person to perform these audits and will also determine the type, content, and frequency of financial reports to fulfil proper financial oversight and compliance with Oklahoma Statutes. The committee will ensure there are controls in place to safeguard the assets of the agency as well as controls for proper financial reporting.*

**Recommendation #2:** Improve financial oversight.

*Response: The BOC concurs with the recommendation. The BOC Audit Committee will enhance the internal audit function/program to ensure there are controls in place to safeguard the assets of the agency and controls for proper financial reporting. The internal audit group/person will report directly to the BOC.*

**Recommendation #3:** Perform Board Self-assessments

*Response: The BOC concurs with the recommendation. The BOC's Executive Committee will be asked to develop the suggested tools to conduct the assessment.*

**Recommendation #4:** Monitor Master Menu compliance.

*Response: ODOC concurs with the recommendation. In April 2014, ODOC began the process of implementing a standardized audit instrument. A full-time audit team has been developed and will begin auditing facilities in July 2014. One of the areas to be audited will be compliance with the Master Menu. In addition, food service policies are currently under review and modifications to reporting practices and the instruments utilized are anticipated.*

**Recommendation #5:** Implement policies and practices to ensure statutory compliance (centralized food purchasing).

*Response: ODOC concurs with the recommendation. At present, ODOC does not have the technological infrastructure in place to operationalize fully centralized food buying. ODOC does have an in-house food service management software in the development phase; however, this software was focused at facility level management, not centralized purchasing. A project team will begin evaluating the existing software project to determine whether modifications can be made to accommodate centralized purchasing coupled with remote inventory control or whether another inventory control system is a better solution.*

**Recommendation #6:** Consider further medical cost savings measures.

*Response: ODOC concurs with the recommendation. Further medical cost saving measures is currently being researched, but some of our immediate cost savings measures being implemented are as follows:*

- *Moving the county jail sentenced offenders into ODOC should save money for Health Services. ODOC is responsible for the cost of care at the county jails, but we have little control over how they access emergency room services or hospitals, and they do not have to honor our DOC formulary, which leads to higher medication costs.*
- *Offenders are encouraged to access over the counter medications (OTC) through the canteen. Effective July 2, 2014, the medical and prescription co-pay fees will be increased to \$4.00. This should encourage offenders to purchase OTC medicines from the facility canteen.*
- *An expensive portion of the pharmaceuticals spending (approximately \$1 million annually) is for respiratory inhalers, which are very expensive. ODOC is currently training staff on the use of spirometry, a medical test to evaluate respiratory illnesses such as asthma and emphysema, and community standard of care. Use of spirometry will increase accuracy of diagnosis and may significantly reduce the prescribing of some of the more expensive inhalers. Spirometers must be purchased, but a decrease in prescribing of only about 2% will pay for their purchase cost.*

- *Through an exhaustive request for proposal process, the ODOC has obtained a new pharmaceutical vendor. The ODOC usage figures for pharmaceuticals over the last twelve (12) months totals 530,647 prescriptions. Under the current contract, a prescription fill fee of \$3.12 is paid. Under the new contract, a shipping fee of \$.065 will be paid. Both contracts require the vendor to invoice all pharmaceuticals at their actual cost. This new fill fee will potentially save the ODOC \$234,145 during the first year of the new contract.*

**Recommendation #7:** Expand DOC's definition of capacity.

*Response: ODOC concurs with the recommendation. Defining capacity was our first major project. Since March 2014, ODOC has accomplished the following:*

- *The number of offenders waiting for reception from county jail was significantly decreased. When this project started, ODOC was able to account for approximately 1,997 offenders awaiting transfer in county jails. ODOC places offenders on the county jail waiting list when sentencing documents are received from the sentencing county. Beginning in April 2014, ODOC began moving those offenders into our custody at a rate of 400 per week. It was soon discovered that the actual number of offenders in county jail backup was considerably higher than the 1,997 as originally thought. Many counties were retaining the sentencing documents and submitting them once ODOC picked up other offenders. The total number of offenders awaiting transfer was actually 3,500. ODOC is now at an operational norm of approximately 250 offenders awaiting transfer.*
- *ODOC has begun work on truly defining capacity. As noted in the report, ODOC has historically changed its capacity by adding or subtracting beds as units were added or closed or housing densities or uses were changed. However, ODOC has not changed its total capacity percentage definition. While the number of beds in the established institutions has increased over the years through double-bunking or placing beds in non-traditional areas, the official "capacity percentage" has remained unchanged. ODOC is in the process of identifying those beds that were placed above rated design capacity. We will then use the industry standard term of "temporary beds" for them and apply the following formula:  $\text{Rated Design Capacity} + \text{Temporary Beds} = \text{Operational Capacity}$ . With this formula the true amount of overcrowding can be shown and the rated design number never changes unless new facilities/units are added or closed.*
- *In conjunction with determining the rated design capacity numbers and temporary beds, ODOC has begun work on a substantial change to our daily count sheet. ODOC is identifying all populations and verifying the accuracy and the data source for accountability.*

*Through the utilization of these steps, ODOC can accurately determine how many offenders are incarcerated, what percent of overcrowding is in place, facilitate utilization of statutes relevant to overcrowding and more importantly start accurately projecting future growth.*

**Recommendation #8:** Implement alternative Training programs.

*Response: ODOC concurs with the recommendation. On April 7, 2014, ODOC's Employee Development Unit (EDU) began a determined and collaborative effort of utilizing a regionalized model for the training of its correctional officer cadets. This undertaking began with the Northwest Regional Academy in Alva, Oklahoma, where fifteen (15) cadets from three northwest Oklahoma correctional facilities graduated after six weeks of intensive training. The second regional academy which began on April 21, 2014, was significantly larger in size with the graduating cadets numbering at forty-four (44). This was the Southeast Regional Academy hosted in McAlester, Oklahoma, on the grounds of the Oklahoma State Penitentiary (OSP). This six-week training session harvested a record twenty-one (21) cadets from OSP and twenty-three (23) cadets from five other regional correctional facilities. The regional academy training concept has proven to be cost effective while significantly alleviating the backlog of cadets waiting to be trained. ODOC will continue regional training academies as part of its established training model. At the present time, ODOC is studying the possibility of regional academies in the northeast quadrant of the state in and around the Muskogee and Tulsa areas.*

*With a recognized need and after an almost 2 year absence, the ODOC EDU resumed its efforts in providing correctional case manager specific training. On April 21, 2014, a five-day case manager training class began which provided training to twenty-five (25) correctional case managers. This effort will be ongoing with the next training to be offered beginning July 21, 2014. The seriousness of this need is reflected by EDU's commitment to the development and instruction of curriculum that specifically addresses the training needs of correctional case managers.*

**Recommendation #9:** Perform an in-depth staffing analysis.

*Response: ODOC concurs with the recommendation. This is the most critical of all projects that ODOC has started. While the audit report states that the last comprehensive study was conducted in 2001, we have reasons to doubt the accuracy of that study. ODOC brought in experts in April 2014 from the National Institute of Corrections (NIC) who helped lay the foundation of a comprehensive study. Over the next several months ODOC will be reviewing EVERY position within the agency to determine:*

- *Is the position needed?*
- *Is the position properly classified?*
- *Is the position located at the facility where it is needed most?*

*Based on this review, ODOC will then build appropriate staffing charts and priority posting rosters to determine the best use of our scarce resources. Once this review/work is completed we will bring back NIC to review the product and provide further technical expertise.*

**Recommendation #10:** Upgrade the Offender Management System.

*Response: ODOC concurs with recommendation. We agree the information in the current Offender Management System is unreliable and the system is subject to many deficiencies. We are currently meeting with the OMES/CIO to determine the needs of a future system and the costs. The internal committee coordinating this is now meeting again after several months of inaction. The high cost of Information Technology is always the difficulty. We will continue monthly meetings with the OMES/CIO to expedite a solution.*

As you can see from our responses above, the work that you have done has validated our efforts for the past four months. It is always healthy to have persons outside an agency to come look at the practices and it is even better when an independent review points to the same issues that you are working to address.

We thank you for your time and look forward to working closely with you in the future.

Sincerely,

  
Robert Patton  
Director

## APPENDICES

## APPENDIX A

Department of Corrections Facilities as Listed in Facility Count Reports:

### **State Correctional Centers:**

Charles E. "Bill" Johnson Correctional Center  
Eddie Warrior Correctional Center  
Jackie Brannon Correctional Center  
Jess Dunn Correctional Center  
John Lilly Correctional Center  
Lexington A&R and Correctional Center  
Mack Alford Correctional Center  
Oklahoma State Penitentiary  
William S. Key Correctional Center

Dick Conner Correctional Center  
Howard McLeod Correctional Center  
James Crabtree Correctional Center  
Jim E. Hamilton Correctional Center  
Joseph Harp Correctional Center  
Mabel Bassett A&R and Correctional Center  
Northeastern OK Correctional Center  
Oklahoma State Reformatory

### **State Community Corrections and Work Centers:**

Altus Work Center  
Beaver Work Center  
Clara Waters Community Corrections Center  
Elk City Work Center  
Frederick Work Center  
Hollis Work Center  
Kate Barnard Community Corrections Center  
Madill Work Center  
Oklahoma City Community Corrections Center  
Union City Community Corrections Center  
Waurika Work Center

Ardmore Work Center  
Carter County Work Center  
Davis Work Center  
Enid Community Corrections Center  
Hobart Work Center  
Idabel Work Center  
Lawton Community Corrections Center  
Mangum Work Center  
Sayre Work Center  
Walters Work Center

### **Private Prisons:**

Cimarron Correctional Facility  
Lawton Correctional Facility

Davis Correctional Facility

### **County Jail Contracts:**

Choctaw County  
Cotton County  
Jefferson County  
Leflore County  
Nowata County  
Okmulgee County  
Tillman County

Comanche County  
Greer County  
Kiowa County  
Marshall County  
Oklahoma County  
Roger Mills County

## APPENDIX B

Procedures to determine compliance with O.S. 57 §37 – Facilities Reaching Maximum Capacity:

According to DOC management, DOC policy OP150205 states that the “authorized facility capacity” is the capacity approved by the Board of Corrections. Management also noted that the department has never reached the full facility capacity limit as set by the Board. We selected and reviewed a sample of twenty-five facility count sheets and evaluated what the overall percentage of the facility capacity was at points in time during our audit. Even though facility count sheet from six months of our audit period were unavailable, we felt that sampling from the other five years and six months (January 1, 2008 through June 30, 2013) would be sufficient.

### System Totals and Facility Count Plus Other Out Count as a Percentage of Capacity

|    | Date       | Capacity | Facility Count<br>(includes contract facilities) | Difference | Facility Count as a Percentage of Capacity | System Total | Capacity less System Total | System Total as a Percentage of Capacity | Community Programs |     |      | Other Out Count | Facility Count Plus Other Out Count | Facility Count Plus Other Out Count as a Percentage of Capacity |
|----|------------|----------|--|------------|--|--------------|----------------------------|--|--------------------|-----|------|-----------------|-------------------------------------|---|
|    |            |          |  |            |  |              |                            |  | EMP                | GPS | PPCS |                 |                                     |   |
| 1  | 06/17/2013 | 25846    | 25140  | 706        | 97.27%                                     | 26498        | -652                       | 102.52%                                  | 16                 | 667 | 1    | 674             | 25814                               | 99.88%  |
| 2  | 05/20/2013 | 25846    | 25132  | 714        | 97.24%                                     | 26449        | -603                       | 102.33%                                  | 16                 | 621 | 1    | 679             | 25811                               | 99.86%  |
| 3  | 12/10/2012 | 25447    | 24801  | 10646      | 97.46%                                     | 26182        | -735                       | 102.89%                                  | 7                  | 700 | 1    | 673             | 25474                               | 100.11%   |
| 4  | 11/05/2012 | 25447    | 24803  | 644        | 97.47%                                     | 26224        | -777                       | 103.05%                                  | 13                 | 725 | 1    | 682             | 25485                               | 100.15%   |
| 5  | 09/24/2012 | 25827    | 24700  | 1127       | 95.64%                                     | 26137        | -310                       | 101.20%                                  | 11                 | 714 | 0    | 712             | 25412                               | 98.39%  |
| 6  | 08/13/2012 | 25697    | 24564  | 1133       | 95.59%                                     | 25973        | -276                       | 101.07%                                  | 10                 | 680 | 0    | 719             | 25283                               | 98.39%  |
| 7  | 05/14/2012 | 25515    | 24465  | 1050       | 95.88%                                     | 25827        | -312                       | 101.22%                                  | 6                  | 685 | 0    | 671             | 25136                               | 98.51%  |
| 8  | 05/07/2012 | 25515    | 24405  | 1110       | 95.65%                                     | 25773        | -258                       | 101.01%                                  | 7                  | 695 | 0    | 666             | 25071                               | 98.26%  |
| 9  | 04/02/2012 | 25515    | 24329  | 1186       | 95.35%                                     | 25699        | -184                       | 100.72%                                  | 9                  | 682 | 0    | 679             | 25008                               | 98.01%  |
| 10 | 11/21/2011 | 25424    | 24148  | 1276       | 94.98%                                     | 25478        | -54                        | 100.21%                                  | 9                  | 604 | 0    | 717             | 24865                               | 97.80%  |
| 11 | 08/29/2011 | 25424    | 24279  | 1145       | 95.50%                                     | 25444        | -20                        | 100.08%                                  | 6                  | 470 | 0    | 689             | 24968                               | 98.21%  |
| 12 | 06/01/2010 | 25455    | 24769  | 686        | 97.31%                                     | 25846        | -391                       | 101.54%                                  | 25                 | 468 | 1    | 583             | 25352                               | 99.60%  |
| 13 | 03/29/2010 | 25437    | 24735  | 702        | 97.24%                                     | 25753        | -316                       | 101.24%                                  | 33                 | 457 | 1    | 527             | 25262                               | 99.31%  |
| 14 | 02/01/2010 | 25250    | 24418  | 832        | 96.70%                                     | 25430        | -180                       | 100.71%                                  | 27                 | 438 | 1    | 546             | 24964                               | 98.87%  |
| 15 | 12/28/2009 | 25250    | 24449  | 801        | 96.83%                                     | 25423        | -173                       | 100.69%                                  | 27                 | 450 | 1    | 496             | 24945                               | 98.79%  |
| 16 | 11/23/2009 | 25250    | 24542  | 708        | 97.20%                                     | 25587        | -337                       | 101.33%                                  | 32                 | 477 | 1    | 535             | 25077                               | 99.31%  |
| 17 | 10/12/2009 | 25453    | 24482  | 971        | 96.19%                                     | 25439        | 14                         | 99.94%                                   | 27                 | 449 | 1    | 480             | 24962                               | 98.07%  |
| 18 | 10/05/2009 | 25453    | 24471  | 982        | 96.14%                                     | 25457        | -4                         | 100.02%                                  | 24                 | 461 | 1    | 500             | 24971                               | 98.11%  |
| 19 | 09/28/2009 | 25455    | 24421  | 1034       | 95.94%                                     | 25390        | 65                         | 99.74%                                   | 25                 | 456 | 1    | 487             | 24908                               | 97.85%  |
| 20 | 09/21/2009 | 25789    | 24408  | 1381       | 94.65%                                     | 25370        | 419                        | 98.38%                                   | 25                 | 456 | 1    | 480             | 24888                               | 96.51%  |
| 21 | 09/08/2009 | 25489    | 24395  | 1094       | 95.71%                                     | 25333        | 156                        | 99.39%                                   | 25                 | 434 | 1    | 478             | 24873                               | 97.58%  |
| 22 | 06/08/2009 | 25515    | 24332  | 1183       | 95.36%                                     | 25210        | 305                        | 98.80%                                   | 21                 | 451 | 1    | 405             | 24737                               | 96.95%  |
| 23 | 11/10/2008 | 25270    | 24504  | 766        | 96.97%                                     | 25407        | -137                       | 100.54%                                  | 20                 | 411 | 1    | 471             | 24975                               | 98.83%  |
| 24 | 03/03/2008 | 24839    | 24330  | 509        | 97.95%                                     | 25182        | -343                       | 101.38%                                  | 4                  | 387 | 1    | 460             | 24790                               | 99.80%  |
| 25 | 02/04/2008 | 24839    | 24311  | 528        | 97.87%                                     | 25135        | -296                       | 101.19%                                  | 0                  | 363 | 1    | 460             | 24771                               | 99.73%  |

Source: Oklahoma Department of Corrections, Facility Count Reports (unaudited)



**OFFICE OF THE STATE AUDITOR & INSPECTOR**  
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**[WWW.SAI.OK.GOV](http://WWW.SAI.OK.GOV)**

Investigation 14-0189SI

# OKLAHOMA DEPARTMENT OF PUBLIC SAFETY

## The Execution of Clayton D. Lockett

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Case Number 14-0189SI

Executive Summary

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Department of Public Safety

## I. BACKGROUND

The State of Oklahoma, through the Office of the Attorney General (OAG), filed an *Application for Execution Date* for Clayton Derrell Lockett on January 13, 2014. Lockett had been convicted of first degree murder for a 1999 case in Noble County and sentenced to death. On January 22, the Oklahoma Court of Criminal Appeals ordered the execution to be set for March 20. Motions were later filed on behalf of Lockett and another offender sentenced to death, Charles Warner, that challenged Oklahoma's execution-secrecy law and execution protocol. On March 18, the Court of Criminal Appeals vacated Lockett's execution date and it was reset for April 22. This order also rescheduled Warner's execution from March 27 to April 29.

On April 9, the Court of Criminal Appeals denied an application for stay made by both offenders. On April 21, the Oklahoma Supreme Court issued a stay of execution for Lockett and Warner. In response, Governor Mary Fallin issued Executive Order 2014-08, which granted a stay of Lockett's execution and rescheduled it for April 29, based on the Supreme Court not having constitutional authority to issue a stay. On April 23, the Supreme Court dissolved their stay. Between April 23 and April 29, an application for extraordinary relief was denied by the courts, as was another request for a stay.

On the morning of April 29, Oklahoma Department of Corrections (DOC) personnel began procedures to prepare for Lockett's and Warner's executions at the Oklahoma State Penitentiary (OSP) in McAlester, Oklahoma. Lockett's execution was scheduled to begin at 6:00 p.m. Lockett was removed from his cell that morning and taken to the Institutional Health Care Center (IHCC), located on prison grounds, for self-inflicted lacerations to the inside of his arms and his pre-execution medical examination. Lockett remained at IHCC until later that afternoon, when he was returned to H-Unit to await his execution.

Lockett was taken to the execution chamber, placed onto the table, and after failed attempts in other locations, an intravenous (IV) line was started in Lockett's right groin area. On the order of Warden Anita Trammell, the administration of execution drugs began. Several minutes into the process, it was determined there was a problem with the IV patency. The execution was stopped and Lockett later died in the execution chamber.

On April 30, Governor Fallin issued Executive Order 2014-11, which appointed Secretary of Safety and Security and Department of Public Safety (DPS) Commissioner Michael Thompson to conduct an independent review of the events leading up to and during Lockett's execution. This order stated the review should include:

1. An inquiry into the cause of death by a forensic pathologist;
2. An inquiry into whether DOC correctly followed their current protocol for executions;
3. Recommendations to improve the execution protocol used by DOC. The order further directed that the Office of the Chief Medical Examiner (OCME) authorize the Southwestern Institute of Forensics Science (SWIFS) in Dallas, Texas to perform the autopsy, additional examination, and all other related testing of Lockett's remains.

In order to effectuate the examination, OCME was directed to transport Lockett's remains to and from SWIFS. OCME was also ordered to appropriately maintain Lockett's remains until they were released to his family. Commissioner Thompson assembled a team of DPS investigators to conduct this investigation and report its findings. This executive summary, along with its attachments and supporting documentation, are the result of the investigation conducted by this team.

## **II. INVESTIGATION**

This investigation was conducted by a team of six investigators assigned full-time to the case. Nine investigators and a criminal intelligence analyst were also utilized part-time to assist with the case. All investigators were sworn, law enforcement members of the Oklahoma Highway Patrol (OHP) Division of DPS. A medical expert was also consulted during the investigation to assist the investigators in understanding the various technical aspects related to the medical procedures that were performed during the execution. The expert was a current, American Board of Surgery certified physician with more than 35 years of experience in the medical field. The remainder of this section outlines the methodology utilized by the team to complete this investigation.

### **A. Autopsy of Clayton D. Lockett**

On April 29, at 7:50 p.m., DOC released Lockett's body to the OCME designated transport contractor, Ray Francisco's Embalming Service, who transported the body to OCME in Tulsa, Oklahoma. On the morning of April 30, OCME pathologists began an external examination of the body. A portion of the superficial veins of the right and left arms were explored, photographed and removed. Personnel also obtained a blood sample from the left femoral artery/vein. Around 11:30 a.m., pathologists were notified to stop the examination pursuant to the aforementioned Executive Order. They had not started a posterior body inspection or internal examination. OCME staff sealed the body and evidence in a body bag and placed it in storage. Later that day, Lockett's body and evidence were transported by Ray Francisco's Embalming Service to SWIFS and the transport was monitored by a member of the investigation team.

On May 1, the autopsy of Lockett's body was conducted by Dr. Joni McClain and other SWIFS staff. A member of the investigation team observed the autopsy and evidence processing procedures. Dr. McClain completed the external and internal examinations of the body utilizing SWIFS' normal procedures and protocols. After the autopsy was complete, Lockett's body was released to Ray Francisco's Embalming Service and transported back to OCME in Tulsa.

During this investigation, the investigation team met with the SWIFS pathologists and staff to gain a better understanding of their autopsy process and its findings. The results of the autopsy and the toxicology tests that were completed are summarized in the *Findings* section of this report.

### **B. Tour of the Oklahoma State Penitentiary**

On May 5, the investigation team met with Warden Trammell and several OSP staff members to prepare for a tour of H-Unit and IHCC. The team was escorted through H-Unit, where they viewed the holding cells, shower, execution chamber, executioners' room and medical room. The team also collected evidence during the tour. The team was then escorted to IHCC and viewed the area where Lockett was treated for his self-inflicted wounds and the cell where he was held, until being returned to H-Unit. After the tour, the team met with Warden Trammell and her staff to collect additional evidence and

retrieve documents requested for the investigation. Several measurements and photographs were taken during the tour to document the execution facilities, which were later used to construct Diagram II.1.

# OSP EXECUTION FACILITY

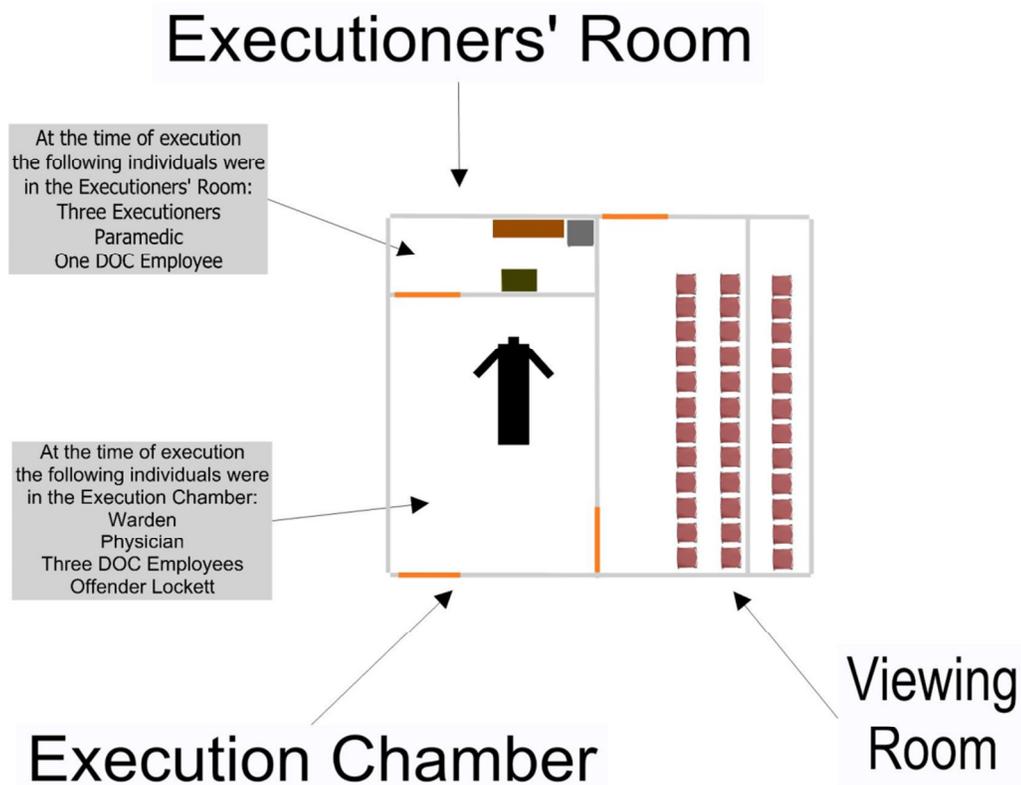


Diagram II.1

On June 30, members of the investigation team returned to OSP to gather additional information from the execution chamber. A team member was strapped to the execution table by two OSP strap-down team members who had strapped Lockett to the table. OSP staff observed the process to ensure that every strap was utilized in the same manner it was on the day of Lockett's execution. The team measured the ability for a person to move and their range of motion, once secured to the table, and took photographs from the viewing room to show the different perspectives from the various seating locations.

### **C. Collection of Evidence**

Numerous items of evidence were collected and preserved during this investigation. This evidence included digital photographs, audio recordings, video recordings, documents and other items of physical evidence. The remainder of this section is a summary of the evidence collected.

During their examination, OCME staff collected a blood sample from Lockett's left femoral artery/vein. An aliquot of that sample was submitted by OCME to NMS Labs in Willow Grove, Pennsylvania, to test for the presence and concentration of midazolam and vecuronium bromide. On June 12, the investigation team obtained another aliquot of that sample and submitted it to ExperTox Laboratory in Deer Park, Texas, to test for the presence and concentration of potassium. In accordance with their normal procedure, OCME had not requested NMS Labs to test for the presence and concentration of potassium. The results of these examinations are included in the *Findings* section of this summary. The remainder of the sample is being stored by OCME.

On May 1, evidentiary items related to the administration of execution drugs to Lockett were released by SWIFS to the investigation team. These items were delivered by a team member to ExperTox. Evidence items that were inside Lockett's body bag and body are being maintained at SWIFS, the Oklahoma State Bureau of Investigation Laboratory or the OHP evidence storage facility. The team also collected the execution drugs and containers that were prescribed to offender Charles Warner. Custody was transferred from OSP personnel to a team member, who hand-delivered them to ExperTox for testing.

On May 5, approximately 200 items of evidence were collected at OSP, during the facility tour. They consisted of items from Lockett's cell, the execution chamber, the executioners' room and video footage from inside the facility prior to the execution. Executions are not recorded; therefore, there was no video footage of the actual execution. These items are being maintained at the OHP evidence storage facility.

### **D. Review of Surveillance and Camcorder Video**

Thirty-two compact disks containing surveillance and camcorder video footage were collected and viewed. Following is a summary of this video provided by DOC:

1. Video surveillance footage from OSP for April 29, from 5:15 a.m. to 5:22 p.m., that recorded Lockett's movements in H-Unit and IHCC;
2. Camcorder video footage for the planned use of force that showed the extraction of Lockett from his cell on the morning of April 29. The footage contained statements explaining the force, restraints to be used and each extraction team member's duties. The footage also captured his treatment at H-Unit medical, his transport to IHCC, his treatment at IHCC and his X-ray;
3. Camcorder video footage of Lockett refusing a meal on April 29. The footage captured Lockett refusing a meal and had a statement from DOC personnel that Lockett had refused all three meals that day.

#### **E. Documentation Provided by Oklahoma Department of Corrections**

Throughout this investigation, several hundred pages of documents were requested and obtained from DOC. This team requested any documentation related to Lockett and his execution, including but not limited to logs, incident reports, timelines and historical medical records. Following is a non-inclusive summary of those documents obtained from DOC.

1. Memorandums from Warden Trammel to OSP personnel;
2. Legal documentation related to Lockett's court proceedings;
3. Use-of-force documentation from April 29, including TASER training records;
4. Property inventory and log of items sent to Lockett's family;
5. Sequence of events, execution logs and execution timeline;
6. Lockett's historical medical records, mental health check information and case manager reports;
7. Execution drugs chain-of-custody forms;
8. Execution duties listed by department and training/practice logs;
9. Lockett's 30-day notification packets;
10. DOC execution procedures;
11. Various incident reports;
12. Affidavit of Warden Anita Trammell related to the execution drugs;
13. Diagram of the execution chamber;
14. Death warrant for Clayton Lockett;

15. Execution debrief personnel log;
16. Execution chamber key log;
17. Interoffice memorandums, emails and training documents related to the execution duties of DOC personnel.

## **F. Interviews**

During this investigation, 113 people were identified to interview. Of those, 108 were interviewed, four media witnesses who viewed the execution declined to interview and one OCME employee was on extended leave and not available to interview. Follow-up interviews of select witnesses were also conducted. Each interview, with the exception of four, was audio recorded and reduced to a typed report by a transcription service. The four interviews that were not recorded included the three executioners and the pharmacist. Below is a summary of those that were interviewed:

1. The physician, Warden Trammell and three additional DOC personnel that were in the execution chamber at the time of the execution;
2. The paramedic, one DOC employee and the three executioners that were in the executioners' room at the time of the execution;
3. Persons that viewed the execution from the viewing room or overflow area, including personnel from DOC, Office of the Attorney General, media outlets, Lockett's attorneys, members of the Neiman family, the Noble County District Attorney and Sheriff's offices, the Perry Police Department and the Secretary of Safety and Security;
4. Governor Fallin and eight members of her staff;
5. Members of DOC's administrative staff including the Director, Associate Director, District Manager, current and former members of DOC's General Counsel staff;
6. OSP corrections officers involved in different aspects of the execution, including staff who interacted with Lockett several days leading up to the execution;
7. DOC medical and mental health staff members;
8. OCME staff involved in the examination and chain-of-custody of Lockett's body and evidence;

9. Employees of Ray Francisco's Embalming Service responsible for the transport of Lockett's body;
10. The pharmacist that filled the prescription of execution drugs.

### III. FINDINGS

After reviewing and considering all interviews, documentation and evidence gathered during this investigation, this team has reached several conclusions regarding Lockett's execution. Some factors ultimately contributed to the issues that arose during the process, while others directly affected how those issues were handled by the personnel in the execution chamber. Each of this team's findings is listed below, along with a detailed timeline of events.

#### A. Timeline

The following is a timeline of events that occurred in regards to Lockett's execution. The approximate times associated with each event have been compiled utilizing witness accounts and documentation obtained during this investigation.

#### **April 29, 2014**

- |                 |  |
|-----------------|--|
| 12:00-4:30 a.m. | DOC personnel conducted a unit check and count in H-Unit every 30 minutes. At 12:30 a.m., personnel conducted a welfare check of Lockett and no problems were noted or discovered.   |
| 4:30-5:05 a.m.  | The Correctional Emergency Response Team (CERT) arrived at H-Unit and began preparations to remove Lockett from cell SW-3-JJ to escort him to IHCC for x-rays.   |
| 5:06 a.m.       | CERT arrived at cell SW-3-JJ and Lockett refused to comply with orders. He was covered by a blanket and moving, but would not uncover or approach the cell door to be restrained.  |
| 5:09-5:50 a.m.  | CERT exited the area of cell SW-3-JJ to prepare for cell entry and extraction. Blood was observed by DOC personnel inside cell SW-3-JJ. A use of force plan was established and approval was given by DOC administration to utilize a TASER. |

5:30 a.m. DOC personnel performed another check and Lockett failed to comply with the order to approach the cell door and uncover himself.

5:50 a.m. CERT arrived at cell SW-3-JJ for extraction and determined Lockett had attempted to jam the door. The door was forced open, Lockett refused to comply with verbal commands and a TASER was deployed. CERT members observed self-inflicted lacerations on Lockett's arms.

5:53 a.m. Lockett was secured by CERT, removed from the cell, placed on a gurney and transported to H-Unit medical. A razor blade from an issued, disposable shaving razor was located inside the cell and confiscated.

5:53-6:45 a.m. Lockett was medically evaluated at H-Unit medical.

6:35 a.m. Lockett was transported from H-Unit medical to IHCC. He was placed in IHCC holding cell S2 and remained in handcuffs and leg irons.

6:45 a.m. DOC personnel entered cell S2 and medical staff evaluated Lockett's lacerations.

7:00-8:15 a.m. DOC personnel entered cell S2 every 15 minutes to check Lockett.

8:15 a.m. Lockett was removed from cell S2 and taken to the IHCC emergency room to be examined by DOC medical staff.

8:40 a.m. Lockett was returned to cell S2.

8:50-9:35 a.m. DOC personnel entered cell S2 every 10-15 minutes to check Lockett.

9:15 a.m. Lockett refused visits from his attorneys.

9:42 a.m. Lockett refused a food tray.

9:55 a.m. DOC personnel entered cell S2 to check Lockett.

10:15-10:30 a.m. DOC personnel entered cell S2 to check Lockett every 15 minutes.

10:25 a.m. Lockett confirmed his refusal to visit with his attorneys.

10:45 a.m. DOC personnel entered cell S2 to check Lockett and adjust restraints.

11:11 a.m. Lockett refused a food tray.

11:20 a.m. DOC personnel entered cell S2 to check Lockett and adjusted restraints.

11:35a.m.-3:55p.m. DOC personnel entered cell S2 to check Lockett every 15-20 minutes.

3:35 p.m. DOC personnel retrieved the execution drugs from refrigerated storage at OSP for transport to the execution chamber.

4:10 p.m. DOC personnel entered cell S2 to adjust restraints, redress and prepare Lockett for transport from IHCC to H-Unit.

4:15 p.m. DOC personnel placed the execution drugs in the executioners' room.

4:31 p.m. The three executioners and paramedic entered the executioners' room and began preparation.

4:40 p.m. Lockett was transported to H-Unit and placed into shower SW-4.

4:55-5:10 p.m. Lockett visited with a DOC mental health staff member.

5:19 p.m. The five strap-down team members and Warden Trammell entered the cell area to remove Lockett from shower SW-4.

5:21 p.m. Lockett was removed from shower SW-4 and escorted to the execution chamber.

5:22 p.m. Lockett was placed onto the execution table and strapped down.

5:26 p.m. The strap-down team exited the execution chamber.

5:27-6:18 p.m. The paramedic and physician attempted IV placement access in multiple locations and were unsuccessful. The physician believed he started an IV in Lockett's right groin area.

5:45-5:57 p.m. Victim's witnesses, media personnel, and Lockett's attorneys were summoned to the viewing room and seated.

6:18 p.m. The paramedic and physician determined the IV line was viable.

6:20 p.m. The paramedic re-entered the executioners' room.

6:22 p.m. DOC Director Robert Patton and selected officials were summoned and seated in the viewing room.

- 6:23 p.m. Director Patton received approval from the Governor's Office to proceed with the execution. He then approved Warden Trammell to proceed. The blinds between the viewing room and execution chamber were raised and Lockett was asked if he wished to make a statement. He refused and Warden Trammell announced that the execution was to begin.
- The full dose of midazolam and an appropriate saline flush were administered. A DOC employee began to keep time on a stopwatch.
- 6:30 p.m. The signal was given that five minutes had elapsed and the physician determined Lockett was conscious. DOC personnel began to keep additional time on a stopwatch.
- 6:33 p.m. The signal was given that two minutes had elapsed and the physician determined Lockett was unconscious. Warden Trammell signaled for the execution to continue. The full dose of vecuronium bromide, an appropriate saline flush and a majority of the potassium chloride were administered.
- 6:33-6:42 p.m. Lockett began to move and make sounds on the execution table. It should be noted that the interview statements of the witnesses regarding Lockett's movements and sounds were inconsistent.
- The physician inspected the IV insertion site and determined there was an issue, which was relayed to Warden Trammell.
- 6:42 p.m. At the direction of Warden Trammell, the blinds were lowered. The executioner stopped administering the potassium chloride.
- 6:42-7:06 p.m. It should be noted that the interview statements of the individuals in the execution chamber were inconsistent. However, it was determined the following events did occur inside the execution chamber during this time period.
- The paramedic re-entered the execution chamber to assist the physician.
  - The physician attempted IV access into Lockett's left, femoral vein. However, no access was completed.

- When questioned by Warden Trammell, the physician initially believed that Lockett may not have received enough of the execution drugs to induce death. He also believed there were not enough execution drugs left to continue the execution.
- The physician and paramedic continued to monitor Lockett's heart rate utilizing an EKG machine. While attempting to gain the IV access, it was observed that Lockett's heart rate continued to decrease.
- The physician made the observation that the drugs appeared to be absorbing into Lockett's tissue.
- The physician and paramedic concluded that Lockett's heart rate had entered a state of bradycardia and eventually slowed to an observed six beats per minute.
- There were three different recollections of Lockett's movements during this period. Four reported that Lockett did not move, one reported he moved slightly and the last recalled a more aggressive movement.

The following events occurred outside the viewing room door in the H-Unit hallway.

- Director Patton, OAG representatives Tom Bates and John Hadden and Secretary Thompson removed themselves from the viewing room and discussed with the Governor's Office about how to proceed.

6:56 p.m. Director Patton halted/stopped the execution, which was relayed to the execution chamber.

6:57-7:06 p.m. Witnesses were escorted out of the viewing room.

7:06 p.m. The physician pronounced Lockett deceased.

7:50 p.m. After being unstrapped from the execution table, Lockett's body was removed from OSP and transferred to the Office of the Chief Medical Examiner transport.

## B. Autopsy Results for Clayton D. Lockett

Based on the autopsy, Lockett's cause of death was listed as *Judicial Execution by Lethal Injection*. The manner of death was listed as *Judicially Ordered Execution*. SWIFS pathologists concluded that Lockett died as the result of judicial execution by lethal injection. Following is a summary of the findings made by SWIFS personnel during their examination of Lockett's body and additional information obtained by the investigation team from SWIFS or through the investigation:

1. Judicial execution with:
  - a. Execution protocol medications used: midazolam, vecuronium and potassium chloride.
  - b. History of difficulty finding intravenous access sites resulting in numerous attempts to start an IV.
  - c. Attempts in both antecubital fossa, both inguinal regions, left subclavian region, right foot and right jugular region.
2. Superficial incised wounds of the upper extremities consistent with history of self-inflicted incised wounds with a safety razor.
3. Contusions and abrasions of extremities.
4. Cardiac hypertrophy (480 grams)
5. Mild coronary artery atherosclerosis.
6. Hydroxyzine detected.
  - a. Lockett was prescribed hydroxyzine, but the prescription had ended March 3. There were emails from DOC personnel alleging Lockett had been hoarding medication. SWIFS personnel stated there were higher than therapeutic levels of hydroxyzine present in Lockett's system and hydroxyzine should not have interfered with the execution drugs administered. They also could not determine when or how much of the hydroxyzine was taken.
7. No evidence of dehydration.
8. No Taser marks on the body.
9. Toxicology indicated elevated concentrations of midazolam in the tissue near the insertion site in the right groin area, which is indicative of it not being administered into the vein as prescribed in execution protocols. The presence of midazolam in the psoas muscle indicates midazolam was distributed

throughout Lockett's body during the execution. According to SWIFS pathologists, the concentration of midazolam located in Lockett's blood was greater than the therapeutic level necessary to render an average person unconscious.

10. Vecuronium bromide was found in the femoral blood sample taken from Lockett's body. The presence of vecuronium bromide in the psoas muscle indicates vecuronium bromide was distributed throughout Lockett's body during the execution.

11. Potassium was found in the femoral blood sample taken from Lockett's body.

### **C. DOC Execution Protocols**

Regarding whether DOC correctly followed their current execution protocols, it was determined there were minor deviations from specific requirements outlined in the protocol in effect on April 29. Despite those deviations, it was determined the protocol was substantially and correctly complied with throughout the entire process. None of the identified deviations contributed to the complications encountered during this execution.

### **D. IV Insertion, Viability and Administration of Execution Drugs**

The physician and paramedic made several attempts to start a viable IV access point. They both believed the IV access was the major issue with this execution. This investigation concluded the viability of the IV access point was the single greatest factor that contributed to the difficulty in administering the execution drugs.

While exploring this issue, several DOC personnel made statements referencing Lockett purposefully dehydrating himself. Lockett made statements to the paramedic that he had been dehydrating himself for three days. However, SWIFS pathologists found no indication that Lockett was dehydrated at the time of his execution. SWIFS also concluded Lockett's blood loss from the self-inflicted wounds to his arms should not have caused issues with the IV access.

Interviews and documentation indicated several vein checks had been performed by DOC medical personnel leading up to and on the day of the execution. Each check indicated that Lockett's veins were "good". At least three interviews of DOC medical personnel indicated they viewed Lockett's veins on the morning of the execution. Their observations concluded his veins were "good" and acceptable for IV access.

The IV insertion process was started by an emergency medical technician licensed as a paramedic. The paramedic had been licensed in emergency medical services for more than 40 years and as a paramedic for over 20 years. This person had also instructed at the intermediate level. The licenses possessed at the time of the execution were valid until 2015 and were from the Oklahoma State Department of Health and the National Registry of Emergency Medical Technicians. The paramedic provided the prison a copy of the above licenses in January or February 2014. The paramedic estimated he/she had been involved in every lethal injection execution in Oklahoma, except for two. His/her specific assignments were to start an IV, ensure a proper infusion of saline, attach a cardiac monitor to Lockett and during the execution, make sure the executioners did their part of the procedure aseptically, at the correct time and the correct speed.

The IV access was completed by a physician licensed as a medical doctor. The physician graduated medical school over 15 years ago, currently worked in emergency medicine and was certified in family medicine. His license expires July 1 of each year and was current at the time of the execution. He had not provided a current copy of his license to DOC prior to April 29, but days later was called and asked for a copy. This was his second execution with the first being four to five years earlier. The physician understood his duties were to assess Lockett to determine if he was unconscious and ultimately to pronounce his death. He was contacted two days prior to the execution date and asked to fill in for another physician that had a scheduling conflict.

Before Lockett was moved into the chamber, the paramedic prepared the IV lines and available execution tools. He/she also verified the drugs were properly labeled and were for Lockett. After Lockett was brought to the chamber and secured to the execution table, the paramedic began to assess his veins. The paramedic first attempted access in the left arm and found a vein with an 18-gauge needle/catheter and observed flashback, a condition sought during IV placement. The paramedic did not have adhesive tape on

his/her person to secure the catheter. Before the tape was retrieved, the vein became unviable. The paramedic then attempted two additional IV insertions into the left arm using the same type needles/catheters, but never observed flashback.

After these attempts, the physician became involved and attempted IV access into Lockett's left, external jugular vein utilizing a 1¼ inch, 14-gauge needle/catheter. During his interview, the physician stated he penetrated this vein and obtained flashback. Seconds later, it became unviable and he was unable to continue with that vein. As the physician was attempting this access, the paramedic was attempting IV access into Lockett's right arm. After three attempts, the paramedic was unable to start a viable IV access point in this arm.

Next, the physician attempted to locate the subclavian vein on Lockett's left side utilizing a central venous catheterization kit. During the attempt, the physician observed a very small amount of flashback, but he was unable to repeat it. The physician believed the needle was penetrating through the vein. He noted during his interview he did not have access to an ultrasound machine, which is a commonly used tool to locate and penetrate veins.

As the physician attempted subclavian access, the paramedic attempted IV access in two separate locations on Lockett's right foot with 20 gauge needles/catheters. The paramedic said the veins rolled and disappeared during those attempts. The paramedic believed the needle penetrated the veins, but flashback was never observed. The paramedic did not attempt access into any other veins because the physician made the decision to attempt access into a femoral vein.

The physician requested a longer needle/catheter for the femoral access. The paramedic attempted to locate a 2 or 2½-inch, 14-gauge needle/catheter, but none were readily available. The physician also asked for an intraosseous infusion needle, but was told the prison did not have those either. Both agreed their preferred needle/catheter length would have been 1¾ to 2½ inches. The physician had never attempted femoral vein access with a 1¼ inch needle/catheter; however, it was the longest DOC had readily available. An additional central venous catheterization kit was available, but the physician did not think about utilizing one for femoral access.

Lockett's scrub pants and underwear were cut in order to expose the femoral area. The physician located the femoral vein and believed the vein was penetrated because he observed good flashback. The paramedic taped the catheter to Lockett's body, and stated during his/her interview it became positional. The physician believed it was bending because of its length. He and the paramedic positioned the catheter where they were able to observe slow infusion of saline and secured it with adhesive tape. The autopsy did not conclude the femoral vein was punctured. However, SWIFS personnel indicated they only examined the portion of the femoral vein that had been dissected by OCME and not the entire vein.

The physician was asked about starting a second IV line. He stated he was not going to make another attempt. The physician and paramedic were comfortable with the IV placement and the infusion of saline through the line. This was not the first execution in Oklahoma where only one IV access point had been obtained and protocol allowed for only one access point.

Warden Trammell decided to cover Lockett's body with a sheet, including the IV insertion area, which, according to her, was normal in all executions. Another reason for her decision was to maintain Lockett's dignity and keep his genital area covered. From that time, no one had visual observation of the IV insertion point until it was determined there was an issue and the physician raised the sheet. Warden Trammell acknowledged it would be her normal duty to observe an IV insertion point for problems. She believed if the IV insertion point had been viewed, the issue would have been detected earlier. The physician added that an IV would normally be monitored by watching the flow of the IV line and the area around the insertion point for any signs of infiltration. This investigation found that neither of these observations occurred, which led to the issue being discovered several minutes after the execution began.

After the IV insertion was complete, the paramedic went into the executioners' room and the physician remained in the execution chamber. Once Warden Trammell announced it was time to begin the execution, the paramedic began the procedure to administer the drugs. The paramedic first used a hemostat to clamp the IV line above the access port, to stop the flow of execution drugs from going up the line. The IV drip was never reestablished after that point. The midazolam and the appropriate flushes were

administered into the single access port by the executioners in the order they were presented by the paramedic. The paramedic and executioners were certain the drugs were pushed steady and in the proper manner because of their past experiences in performing the same roles. The DOC employee in the executioners' room then began to keep time using a stopwatch.

According to execution protocol, the vecuronium bromide shall not be administered until at least five minutes after the administration of midazolam. Prior to the execution, DOC administration determined if Lockett was not unconscious after five minutes, he would be checked every two minutes, until he was declared unconscious. Five minutes after the administration of midazolam, the physician determined Lockett was conscious. After an additional two minutes, the physician determined that Lockett was unconscious.

Warden Trammell signaled for the execution process to continue. The executioners, with assistance from the paramedic, began administering the vecuronium bromide, the potassium chloride and the appropriate saline flushes. Both syringes of the vecuronium bromide, appropriate saline flushes, the first full syringe of potassium chloride and a portion of the second syringe of potassium chloride were administered. At some point during the administration of these two drugs, Lockett began to move and the physician recognized there was a problem.

The physician approached Lockett and indicated to Warden Trammell that something was wrong. He looked under the sheet and recognized the IV had infiltrated. At this same time, Warden Trammell viewed what appeared to be a clear liquid and blood on Lockett's skin in the groin area. The physician observed an area of swelling underneath the skin and described it as smaller than a tennis ball, but larger than a golf ball. The physician believed the swelling would have been noticeable if the access point had been viewed during the process.

The execution process was stopped as one of the executioners was administering the second syringe of potassium chloride. The executioner immediately stopped pushing the syringe with approximately 10 milliliters of potassium chloride remaining. The remainder of the drug was later wasted into a bio-hazard bin by the paramedic.

The blinds to the execution chamber were lowered and the paramedic exited the executioners' room to assist the physician. The physician told the paramedic the catheter dislodged. The paramedic observed the catheter was tilted to one side and believed it was no longer penetrating the vein. The physician decided to attempt IV insertion into the left-side femoral vein. The physician first penetrated Lockett's femoral artery and another access point into the vein was never completed because the physician believed the drugs were being absorbed into his tissue.

The physician and paramedic were unsure when the catheter became dislodged and how much of each drug had made it into Lockett's vein. The autopsy indicated elevated concentrations of midazolam in the tissue near the insertion site in the right groin area, which was indicative of the drugs not being administered into the vein as intended. Thus, the IV access was not viable as early as the administration of the midazolam.

#### **E. Toxicology Results of Femoral Blood Sample: Clayton D. Lockett**

On May 14 and May 19, OCME documented the toxicology results they received from NMS Labs on an aliquot of the femoral blood sample they obtained from Lockett's body on April 30. The results indicated a midazolam concentration of 0.57 mcg/mL and a vecuronium concentration of 320 ng/mL. On June 26, ExperTox completed toxicology testing of an aliquot of the same femoral blood sample. The results of this test indicated a potassium concentration of 0.74 mole/L. It should be noted that testing for the concentration of potassium after death can be problematic due to the body's natural processes, which cause an increase in the concentrations of potassium in the blood over time.

#### **F. Toxicology Results of Execution Supplies: Clayton D. Lockett**

On May 5, ExperTox completed testing of the execution supplies utilized during Lockett's execution. They analyzed the contents by liquid chromatography/triple quad mass spectrometry (LC/MSMS) and inductively coupled argon plasma-mass spectrometry (ICP-MS) for the detection and quantitation of midazolam, vecuronium bromide and potassium chloride. ExperTox reported the following:

1. The two syringes labeled midazolam contained residues consistent with the listed label content of 5 mg/mL.
2. The two syringes labeled vecuronium bromide contained residues consistent with the listed label content of 1 mg/mL.
3. The two syringes labeled potassium chloride contained residues consistent with the listed label content of 2 meq/mL.
4. The IV Tubing connected to two 0.9% NaCl one liter IV bags contained sodium chloride, blood, residues of vecuronium bromide at the final concentration of 0.013 g/mL and residues of potassium chloride at the final concentration of 1.3 meq/mL.

#### **G. Toxicology Results of Execution Drugs: Charles Warner**

On May 5, ExperTox completed testing of the drugs intended for use during the execution of Charles Warner. They analyzed the contents by LC/MSMS and ICP-MS for the detection and quantitation of midazolam, vecuronium bromide and potassium chloride. These tests were also utilized to determine drug agent potency. ExperTox reported the following:

1. The two 0.9% NaCl injection USP 1 liter IV bags tested consistent with the listed contents.
2. The seven 0.9% NaCl 50 mL bags tested consistent with the listed contents.
3. The two syringes labeled midazolam tested consistent with the listed label content of 5 mg/mL.
4. The two syringes labeled vecuronium bromide tested consistent with the listed label content of 1 mg/mL.
5. The two syringes labeled potassium chloride tested consistent with the listed label content of 2 meq/mL.

#### **H. Execution Protocol Training of Execution Team**

This investigation determined that DOC personnel did conduct training sessions as required by the protocol in effect on April 29. The sessions were conducted during the weeks and days leading up to the execution and consisted of planning meetings, on-the-job training for each of the respective positions in the execution chamber and

executioners' room and walk-through training sessions for all involved staff members. The paramedic, physician and the three executioners were not included in this training prior to the day of the execution. The final training session included DOC administrative staff reviewing the sequence of events with all parties in the execution chamber just prior to the execution.

Field Memorandum OSP-040301-01, *Procedure for the Execution of Offenders Sentenced to Death*, outlines the training requirements that should occur prior to an execution. The following is a summary of the training procedures that were conducted prior to Lockett's execution.

1. A deputy warden or designee was required to review the sequence of events inside the executioners' room with the executioners and paramedic prior to each execution. Documentation and interviews substantiated this requirement was completed on April 29 at 5:06 p.m.
2. The paramedic was required to give the following instructions to the executioners, "Administer the drugs at a steady flow without pulling back on the plunger of the syringe." The paramedic did not give this statement prior to this execution. However, the three involved executioners had been involved in multiple executions prior to Lockett's and each acknowledged their roles and duties. The paramedic also acknowledged his/her role to ensure the executioners did their job aseptically, at the correct time, speed and dosage.
3. The warden was required to review the sequence of events with the physician and other DOC personnel in the execution chamber prior to beginning the execution. Interviews and documentation indicated this occurred on April 29 at 5:15 p.m.
4. DOC protocol required the strap-down team to conduct a walk-through of the strap-down procedures no later than two weeks prior to the execution. There were multiple walk-through training sessions conducted prior to Lockett's execution. The last session was conducted within two weeks of Lockett's execution, as required by protocol.

This investigation revealed areas of training that need to be addressed. It was noted there was no formal training process involving the paramedic, the physician or the executioners and their specific roles. They were not involved in any pre-execution training or exercises to ensure they understood the overall process. For those individuals, the current protocol had very minimal training requirements. The executioners only receive formal training from the paramedic on the day of the execution and informal training from previous executioners during actual executions.

Warden Trammell and Director Patton both acknowledged the training DOC personnel received prior to the execution was inadequate. Warden Trammell stated the only training she received was on-the-job training and that DOC had no formalized training procedures or processes concerning the duties of each specific position's responsibility. The warden and director both indicated DOC had no training protocols or contingency plans on how to proceed with an execution if complications occur during the process.

### **I. Contingency Planning for Executions**

The DOC execution protocol in effect on April 29 had limited provisions for contingencies once the execution process began. One contingency allowed the physician to assist with initial IV access and the other concerned life-saving measures if a stay was granted. After it was determined that problems were present during Lockett's execution, personnel involved with the execution were unaware of how to proceed due to the lack of policies and/or protocols in place at that time. It was determined that no contingency actions were taken inside the chamber other than the physician attempting to locate the femoral vein on Lockett's left side, which was never completed prior to his death.

### **J. Cessation of Execution Protocols**

When an issue with the administration of execution drugs was discovered, the blinds between the chamber and viewing room were lowered. Several conversations took place inside and outside the chamber regarding how to proceed. The conversation outside the chamber included whether to continue or how to stop the execution. The conversations inside the chamber included whether to provide life-saving measures.

Outside the execution chamber, there were several conversations between Director Patton, Secretary Thompson, OAG representatives at the execution and General Counsel Steve Mullins with the Governor's Office. It was determined between Director Patton and General Counsel Mullins, who had conversed with the Governor, that the execution would be stopped. Director Patton then relayed to the witnesses and the personnel in the chamber that the execution was being stopped. In an additional conversation, General Counsel Mullins further told Director Patton that they would begin preparing a stay at the direction of the Governor. Lockett died prior to the order for a stay being relayed to the personnel inside the execution chamber. There was conversation inside the chamber about administering life-saving measures to Lockett, including transporting him to the emergency room, but no order was given.

#### **K. Two Executions Scheduled on the Same Day**

It was apparent the stress level at OSP was raised because two executions had been scheduled on the same day. This was the first time since 2000 two offenders were scheduled to be executed the same day. Four days prior to the execution, the protocol was revised to accommodate the logistics for two offenders.

Several comments were made about the feeling of extra stress. Warden Trammell believed this caused extra stress for all staff. The paramedic stated he/she felt stress and a sense of urgency in the air. This was based on him/her having been involved in numerous executions.

#### **L. Maintenance of Daily Logs**

In accordance with protocol, OSP staff maintained a daily log of events and occurrences related to Lockett. Protocol stated, "Seven days prior to the execution of an offender sentenced to death, a daily log will be kept regarding every aspect of the proceedings except names." This investigation determined the information recorded on the logs was incomplete.

### **M. Use of Midazolam, Vecuronium Bromide and Potassium Chloride**

The new three drug protocol utilized in this execution included the administration of midazolam, vecuronium bromide and potassium chloride. It was determined vecuronium bromide and potassium chloride had both been used in previous executions as the second and third drugs to be administered. This was the first Oklahoma execution where midazolam was used.

On April 14, midazolam was the newest drug added to the protocol after it was determined pentobarbital was not available. Pursuant to the death warrant, a dosage of 100 mg was ordered and administered to Lockett. According to protocol, vecuronium bromide was to be administered at a total quantity of 40 mg and the potassium chloride at a total quantity of 200 meq. These dosages were equivalent to the quantities used in other Oklahoma three-drug methods dating back to at least 2011.

This investigation could not make a determination as to the effectiveness of the drugs at the specified concentration and volume. They were independently tested and found to be the appropriate potency as prescribed. The IV failure complicated the ability to determine the effectiveness of the drugs.

On the day of the execution, OAG representatives presented an affidavit to Warden Trammell related to the execution drugs. The warden signed the affidavit and attested that the drugs had been obtained legally from a licensed pharmacy and had been handled appropriately, since their acquisition. Interviews of DOC and OAG staff revealed this type of affidavit had been signed in the past, but never on the day of an execution. According to OAG representatives, the affidavit was executed on the day of the execution, due to ongoing litigation concerns regarding the drugs.

### **N. Historical Incident Reports and Medical Records**

The investigation team obtained historical incident reports, emails and medical records from OSP regarding Lockett. The incident reports included approximately 42 instances where Lockett was disciplined for behavioral issues and for contraband located or suspected by DOC personnel. Examples include:

1. A cellular telephone was discovered in Lockett's cell several months prior to the execution;

2. DOC personnel suspected Lockett had been hoarding Vistaril (hydroxyzine) from a prescription that ended March 3;
3. A homemade rope was discovered on the floor of Lockett's cell during his extraction on the day of the execution;
4. A razor blade from an issued, disposable shaving razor was discovered in Lockett's cell on the day of the execution.

The review of Lockett's medical records by a medical professional indicated that he had no past medical conditions or factors that would be considered problematic for IV insertion or drug administration.

#### **O. Lockett's Movements and Sounds after Drug Administration**

The description of Lockett's movements and sounds varied among the witnesses. The movement descriptions ranged from quivering to thrashing, but most agreed Lockett's head did rise off the table. There were differing recollections regarding whether Lockett's eyes opened after he was deemed unconscious. The sound descriptions varied from mumbling to Lockett making statements. The recollections varied greatly; therefore it was difficult to determine what was said, if anything.

Several conclusions were made pursuant to the execution table assessment. While strapped to the table, the team member made attempts to move all parts of his body. He was able to rotate his feet inward and outward, move his shoulders slightly and his head had a full range of motion. He was not able to bend or move his knees and had minimal movement in his hips as he attempted to move from side to side. He could not move his hips up and down. The hands had no movement and the arms had minimal movement due to the elbow having limited motion. Based on what was observed, witnesses would have a different perspective of the amount of movement depending on where they were seated. Due to the restrictiveness of the straps, the movements were minimal to non-existent with the exception of the head and feet.

## **IV. RECOMMENDATIONS**

Based on the findings, the following recommendations are made for future lethal injection executions in Oklahoma. DOC, the Office of the Attorney General and any other entity or individual responsible for execution protocols in this state are urged to thoroughly research, review and deliberate these recommendations prior to their implementation. Further, DOC should review and consider policies and protocols from other states responsible for executions. Any changes to the current policies and protocols should comply with Oklahoma and federal law.

### **A. Observation of IV Insertion Point(s) and Infusion**

1. The IV catheter insertion point(s) should remain visible during all phases of the execution and continuously observed by a person with proper medical training in assessing the ongoing viability of an IV. This person should remain inside the execution chamber during the entire process.
2. Once the appropriate saline infusion has started, it should not be stopped, except for the times that execution drugs are being administered. It should be continuously monitored to assist in ensuring IV viability in accordance with current medical practices and standards;
3. After one hour of unsuccessful IV attempts, DOC should contact the Governor to advise the status and potentially request a postponement of the execution.

### **B. Training and Maintenance of Execution Log for Condemned Offenders**

1. Conduct formal, specific training related to information documented on all execution logs.
2. The information to be recorded on execution logs should include, but not be limited to:
  - a. all statements or behaviors that could be detrimental to completing an execution;
  - b. all meals provided to an offender and what portions of the meals the offender consumed or refused;

- c. all medication provided to an offender and the observations made by personnel as to whether the offender ingested the medication as prescribed;
- d. all liquids consumed by the offender.

### **C. Additional Execution Supplies**

DOC should maintain and provide their own equipment and supplies ensuring their operability prior to each execution.

1. DOC should obtain from the selected pharmacist, one complete, additional set of each execution drug being utilized for an execution to be used in the event an issue arises with the primary set.
2. DOC should consult with appropriate medical personnel to determine any and all supplies or equipment necessary including, but not limited to the following:
  - a. Heart monitoring equipment;
  - b. Venous ultrasound equipment;
  - c. Appropriate needle/catheters to coincide with the IV access options listed in protocol.

### **D. Contingency Plans in Protocols/Policy**

DOC should evaluate and establish protocols and training for possible contingencies if an issue arises during the execution procedure. DOC should consider planning for contingencies including, but not limited to:

1. Issues with execution equipment or supplies;
2. Issues with offender IV access, including obtaining alternate IV access site(s);
3. The offender is not rendered unconscious after execution drug administration;
4. A combative offender;
5. Unanticipated medical or other issues concerning the offender or an execution team member;
6. Issues regarding order, security or facilities at OSP.

### **E. Formal and Continuing Training Program for Execution Personnel**

DOC should establish formal and continual training programs for all personnel involved in the execution process. They should explore successful training procedures used by other correctional institutions and implement accordingly.

### **F. Formal After-Action Review of the Execution Processes**

At the conclusion of each execution, all personnel with assigned execution duties should attend an after-action review. The review should be completed within five business days and conducted by the director or his designee. The events that occurred during the execution should be discussed in detail and each involved person should discuss their responsibilities and observations. The review should serve as an opportunity for all involved personnel to voice their opinions, concerns and/or recommendations in order for continuous improvement to the process. The review should be formally documented and retained for future reference.

### **G. Defined Execution Terminology**

It was apparent during this investigation that specific terminology should be clearly defined so they are understood by all personnel involved in the execution process. This will allow DOC, OAG and Governor's Office personnel to have a common understanding of how each term affects the execution process and the actions that should take place, if such terms are used. Defined terms should include, but are not limited to "stop," "stay," and "halt".

### **H. Completion of One Execution per Seven Calendar Days**

Due to manpower and facility concerns, executions should not be scheduled within seven calendar days of each other.

### **I. Updated Methods of Communication**

The current communication methods used during the execution process are antiquated and require unnecessary multi-tasking from key personnel in the execution chamber. DOC should explore options on how to update the following:

1. Communication between the execution chamber and executioners' room.
  - a. DOC should research and implement modern methods that allow personnel in these two areas to communicate clearly.
  - b. The current processes, including the use of color pencils and hand signals, could be used as a contingency if other modern methods fail.
2. Communication between DOC and the Governor's Office.
  - a. DOC should research and implement methods to modernize the communication link that would allow direct, constant contact between the personnel in the execution chamber and the Governor's Office.

#### **J. Disposition of Executed Offender's Property**

DOC should explore maintaining an executed offender's personal property and any items removed from his/her cell until the autopsy report is completed. This would allow DOC administrative personnel time to determine if such property should be maintained for an additional period of time, if appropriate circumstances exist. In any event, no property should be released until it has been properly searched and inventoried.

#### **K. Execution Witness Briefing**

As a result of the changing execution protocols and procedures, DOC should conduct a prepared pre-execution briefing with all attending witnesses. This briefing should include, but not be limited to the following:

1. An overview of the events the witnesses will view during the execution process, including an explanation that witnesses will not be allowed to view all aspects of the execution;
2. Requirements regarding the conduct of witnesses throughout the process.

Approval/Confirmation of  
Appointment  
Arthur Lightle, Warden

## Arthur Lightle

### WORK EXPERIENCE

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Feb. 2014 – Present                      Mack Alford Correctional Center                      Stringtown, OK  
**Deputy Warden III**

Responsible for the continuous operations of a medium security facility under the direct supervision of the Warden. Operate and maintain the ongoing development of all departmental needs. Provide constant supervision of security and support facility staff. Responsible for the care and welfare of facility staff and 931 offenders.

2007 – 2014                                      Oklahoma State Penitentiary                                      McAlester, OK  
**Deputy Warden III**

Responsible for the continuous operations of a maximum security facility under the direct supervision of the Warden. This facility houses general population offenders; mental health offenders; administrative segregation offenders and death row offenders. Operate and maintain the ongoing development of all departmental needs. Provide constant supervision of security and support facility staff. Responsible for the care and welfare of facility staff and 722 offenders.

2003 –2007                                      Dick Conner Correctional Center                                      Hominy, OK  
**Deputy Warden II**

Responsible for the continuous operations of a medium security facility under the direct supervision of the Warden. Operate and maintain the ongoing development of all departmental needs. Provide constant supervision of security and support facility staff. Responsible for the care and welfare of facility staff, 956 medium security offenders and 231 minimum security offenders.

2002 – 2003                                      James Crabtree Correctional Center                                      Helena, OK  
**Chief of Security III**

Responsible for the continuous overall security of the facility. Under the direct supervision of the Deputy Warden. Also worked closely with the Warden, Deputy Warden and unit teams. Direct and indirect supervision of all security staff. Ensured policy and procedures were followed for the safety and security of the facility. Conducted investigations, and performance appraisals. . Ensured control of unusual and/or serious situations in accordance with policy and procedure. Maintained a well-balanced working relationship with all department heads and support staff. Responsible for the security of 875 medium security offenders.

1998 – 2002                                      Jackie Brannon Correctional Center                                      McAlester, OK  
**Chief of Security II**

Responsible. Responsible for the continuous overall security of the facility. Under the direct supervision of the Deputy Warden. Also worked closely with the Warden,

Deputy Warden and unit teams. Direct and indirect supervision of all security staff. Ensured policy and procedures were followed for the safety and security of the facility. Conducted investigations, and performance appraisals. . Ensured control of unusual and/or serious situations in accordance with policy and procedure. Maintained a well-balanced working relationship with all department heads and support staff. Responsible for the security of 600 minimum security offenders.

1995 – 1998 Jackie Brannon Correctional Center McAlester, OK  
**Correctional Security Lieutenant**

Under the direct supervision of the Chief of Security. Assigned as shift supervisor. Conducted performance appraisals. Ensured that policy and procedures were complied with during shift. Facility investigator when not assigned as shift supervisor. Prepared reports to be filed with the district attorney's office pertaining to criminal activity by the offender population. Assistant CERT Commander.

1993 – 1995 Jackie Brannon Correctional Center McAlester, OK  
**Correctional Counselor**

Directly supervised by the Unit Manager. Active member of the unit management team. Responsible for resolving offender issues concerning clothing, property, and welfare needs. Responsible for the sanitation of the unit and surrounding yard. Assigned as the disciplinary hearing officer when not investigating offense reports. Assisted officers in the daily operations of the unit.

1990 – 1993 Jackie Brannon Correctional Center McAlester, OK  
**Correctional Security Sergeant**

Assigned as a Unit Sergeant. Directly supervised by the Unit Manager. Worked directly with the unit team in the direct supervision of the offender population. Ensured post orders were followed as well as departmental policy and procedures. Transportation officer. CERT Member.

1989 – 1990 Jackie Brannon Correctional Center McAlester, OK  
**Correctional Officer**

Assigned as the lawn crew supervisor. Directly supervised by the day shift Captain. Responsible for maintaining staff housing lawns as well as facility grounds to include the Oklahoma State Penitentiary outside grounds.

1987-1989 Jackie Brannon Correctional Center McAlester, OK  
**Correctional Officer**

Assigned as a unit officer. Directly supervised by the Unit Manager. Worked directly with the unit team in the direct supervision of the offender population. Ensured post orders were followed as well as departmental policy and procedures. Transportation officer. CERT Member.

## **EDUCATION**

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|                            |  |               |
|----------------------------|--|---------------|
| 1998 – 2000                | Southeastern Oklahoma State University | Durant, OK    |
| <b>BA Criminal Justice</b> |  | GPA 3.8       |
| 1995 – 1997                | Eastern Oklahoma State College         | Wilburton, OK |
| <b>AA Criminal Justice</b> |  | GPA 3.9       |

## **MEMBERSHIPS**

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Oklahoma Correctional Association  
American Correctional Association  
Southern States Correctional Association

## **SPECIALIZED TRAINING**

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CLEET Firearms Instructor, CLEET Certified Peace Officer; Management Development for the Future and Correctional Leadership Development II, III, and IV.

## **HONORS**

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Graduated in the Top Ten Percent of 1999 Class as Cum Laude  
President's Honor Roll, Dean's Honor Roll

## **AWARDS**

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2001 Courage and Valor  
1999 Correctional Supervisor of the Year  
1996 Correctional Supervisor of the Year  
1994 Employee of the Year  
1989 Correctional Officer of the Year

*Oklahoma Department of Corrections*

*certifies that*

**Arthur Lightle**

*has been duly appointed to the position of*

**WARDEN**

*of Jess Dunn Correctional Center*

*Confirmed by the Oklahoma Board of Corrections on the  
twenty-fifth day of September in the year two thousand and fourteen*

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Robert Patton, Director  
Oklahoma Department of Corrections

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Michael W. Roach, Vice Chair  
Oklahoma Board of Corrections

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Kevin J. Gross, Chair  
Oklahoma Board of Corrections

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Steve Burrage, Secretary  
Oklahoma Board of Corrections



Budget Update

Department of Corrections  
FY-15 Budget Activity Report  
As of August 31, 2014

**Department of Corrections**  
**FY-15 Summary of Budget Projections**  
**As of August 31, 2014**

FY2015 Budget Work Program

|              |    |               |
|--------------|----|---------------|
| Appropriated | \$ | 470,900,943   |
| 200 Fund     | \$ | 17,021,881    |
| 205 Fund     | \$ | 4,642,977     |
| Total - BWP  | \$ | 492,565,801 * |

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

|                          |           |                    |
|--------------------------|-----------|--------------------|
| Y-T-D Expenditures       | \$        | (52,015,989)       |
| Appropriated             | \$        | (51,661,682)       |
| 200 Fund FY 15           | \$        | (257,234)          |
| 205 Fund FY 15           | \$        | (97,073)           |
| Encumbrances             | \$        | (127,745,578)      |
| Committed                | \$        | (513,585)          |
| Remaining Payroll        | \$        | (207,901,875)      |
| <b>Available Balance</b> | <b>\$</b> | <b>104,388,774</b> |

**Department of Corrections**  
**Appropriated Operating Funds**  
**As of 8/31/2014**

|                       |    |                      |
|-----------------------|----|----------------------|
| Budgeted              | \$ | 470,900,943          |
| Expenditures Y-T-D    | \$ | (51,661,682)         |
| Encumbrance Y-T-D     | \$ | (119,576,277)        |
| Total Committed Y-T-D | \$ | <u>(36,639)</u>      |
| Available Balance     | \$ | 299,626,345          |
| Less:                 |    |                      |
| Payroll               | \$ | <u>(207,901,875)</u> |
| Available Balance     | \$ | 91,724,470           |

**Department of Corrections**  
**200 Revolving Fund Summary**  
**As of 8/31/2014**

|                                   |    |             |
|-----------------------------------|----|-------------|
| Beginning Cash Balance 07/01/2014 | \$ | 180,636     |
| Revenue Received Y-T-D            | \$ | 2,719,070   |
| Expenditures Y-T-D                | \$ | (2,439,614) |
| Adjustments Y-T-D                 |    |             |
| Ending Balance 8/31/2014          | \$ | 460,092     |

Description of Fund:

Revolving fund that uses revenues in conjunction with appropriated funds to maintain the Department's operating budget. Revenue comes from a variety of sources:

**Program Support**

Offenders on work release give up to 50% of their net pay or the per diem rate, whichever comes first to supplement the cost of their incarceration.

**Probation & Parole Fees**

Probationers & Parolees pay a court ordered supervision fee of up to \$40.00 a month. The fee is used toward probation officers' salaries.

**Medical Co pays**

Inmates are required to pay a co pay of \$2.00 for medical treatment

**Prisoner Public Work Crews**

Facilities receive payment from federal, state, and local government entities for inmate labor, officer supervision when applicable, and transportation charges.

**State Criminal Alien Assistance Funding**

Federal Funds for the reimbursement of expenses for incarcerated aliens

**Other Reimbursed Amounts**

Funds from overpayments, returns, copies, FEMA, GPS, Private Prison monitoring (Non Oklahoma used facilities) and other miscellaneous reimbursements.

Misc. - Vendors, Copies, Notary, Rent, Sales, Refunds etc.

**Department of Corrections**  
**205 Revolving Fund Summary**  
**As of 8/31/2014**

|                                   |    |             |
|-----------------------------------|----|-------------|
| Beginning Cash Balance 07/01/2014 | \$ | 1,721,954   |
| Revenue Received Y-T-D            | \$ | 1,911,510   |
| Expenditures Y-T-D                | \$ | (3,195,305) |
| Adjustments Y-T-D                 |    |             |
| Ending Balance 8/31/2014          | \$ | 438,159     |

Description of Fund:

Funds are generated through Canteen sales and a portion of telephone revenues, along with other miscellaneous sources (i.e. vending machines and crafts). This revenue provides funding for Offender and Staff needs, maintains the canteens and Offender Banking System.

**Department of Corrections**  
**280 Revolving Fund Summary**  
**As of 8/31/2014**

|                                   |    |                  |
|-----------------------------------|----|------------------|
| Beginning Cash Balance 07/01/2014 | \$ | 3,972,741        |
| Revenue Received Y-T-D            | \$ | 4,211,472        |
| Expenditures Y-T-D                | \$ | (5,247,842)      |
| Adjustments Y-T-D                 |    |                  |
| Ending Balance 8/31/2014          | \$ | <u>2,936,371</u> |

Description of Fund

Revenue received from Manufactured and Agricultural goods and services for services for use by the department, other State Agencies and for sale to other not-for-profit entities. Funds received from sale of products are used for labor costs and materials.

Oklahoma Department of Corrections  
**FY 2015 Appropriated Operating Budget for August 2014**

| Account Code                                | Budgeted                 | Expenditures            | Encumbered               | Pre-Encumbered      | Total Committed          | Available Balance        |
|---|--------------------------|-------------------------|--------------------------|---------------------|--------------------------|--------------------------|
| 11,12,13 Payroll                            | \$ 253,796,818.00        | \$ 41,336,000.96        | 4,373,587.44             |                     | \$ 45,709,588.40         | \$ 208,087,229.60        |
| 15 Professional Services                    | 131,658,040.00           | 3,137,221.90            | 45,257,452.68            |                     | 48,394,674.58            | 83,263,365.42            |
| 17 Moving Expenses                          |                          |                         |                          |                     |                          |                          |
| 19 Inter/Intra Agency Payments              | 60,000.00                |                         | 60,000.00                |                     | 60,000.00                |                          |
| 21, 22 Travel                               | 515,814.00               | 39,920.12               | 606,687.40               |                     | 646,607.52               | (130,793.52)             |
| 31 Misc. Admin. Expenses                    | 14,188,783.00            | 1,246,126.03            | 11,260,441.96            | 7,792.73            | 12,514,360.72            | 1,674,422.28             |
| 32 Rent                                     | 3,429,556.00             | 406,810.60              | 1,902,804.41             |                     | 2,309,615.01             | 1,119,940.99             |
| 33 Maintenance and Repair                   | 5,152,847.00             | 291,595.98              | 1,749,442.17             |                     | 2,041,038.15             | 3,111,808.85             |
| 34 Specialized Supplies and Materials       | 30,128,163.00            | 2,187,404.55            | 28,142,509.53            |                     | 30,329,914.08            | (201,751.08)             |
| 35 Production, Safety and Security          | 1,981,727.00             | 9,842.72                | 1,091,037.78             |                     | 1,100,880.50             | 880,846.50               |
| 36 General Operating Expenses               | 930,563.00               | 28,928.30               | 135,470.18               |                     | 164,398.48               | 766,164.52               |
| 37 Shop Expense                             | 1,335,880.00             | 115,349.20              | 934,734.50               |                     | 1,050,083.70             | 285,796.30               |
| 41 Furniture and Equipment                  | 453,918.00               | 25,820.90               | 109,393.72               | 28,846.25           | 164,060.87               | 289,857.13               |
| 42 Library Equipment and Resources          | 115,592.00               |                         |                          |                     |                          | 115,592.00               |
| 43 Lease Purchases                          | 2,321,000.00             | 552,741.25              | 1,768,086.18             |                     | 2,320,827.43             | 172.57                   |
| 44 Livestock - Poultry                      |                          |                         |                          |                     |                          |                          |
| 45,46 Building, Construction and Renovation | 41,460.00                | 422.03                  | 42,640.00                |                     | 43,062.03                | (1,602.03)               |
| 48 Debt Service                             | 3,000,000.00             | 497,634.40              | 2,494,746.88             |                     | 2,992,381.28             | 7,618.72                 |
| 51 Offender Pay and Health Services         | 3,132,756.00             | 140,928.40              | 2,493,558.32             |                     | 2,634,486.72             | 498,269.28               |
| 52 Tuitions, Awards and Incentives          | 17,600.00                |                         |                          |                     |                          | 17,600.00                |
| 53 Refunds and Restitutions                 |                          |                         |                          |                     |                          |                          |
| 54 Jail Backup, County Jails and Other      | 4,523,000.00             | 458,871.00              | 4,103,829.00             |                     | 4,562,700.00             | (39,700.00)              |
| 55,59 Assistance Payments to Agencies       |                          |                         |                          |                     |                          |                          |
| 60 Authority Orders                         |                          |                         | 6,819,541.91             |                     | 6,819,541.91             | (6,819,541.91)           |
| 61 Loans, Taxes and Other Disbursements     | 1,800.00                 |                         |                          |                     |                          | 1,800.00                 |
| 62 Transfers - Out Sourced Health Care      | 13,100,000.00            | 1,161,686.07            | 6,138,313.93             |                     | 7,300,000.00             | 5,800,000.00             |
| 64 Merchandise for Resale                   | 1,015,626.00             | 24,378.00               | 91,999.12                |                     | 116,377.12               | 899,248.88               |
| <b>TOTAL</b>                                | <b>\$ 470,900,943.00</b> | <b>\$ 51,661,682.41</b> | <b>\$ 119,576,277.11</b> | <b>\$ 36,638.98</b> | <b>\$ 171,274,598.50</b> | <b>\$ 299,626,344.50</b> |

|                    |                          |                         |                          |                     |                          |                          |
|--------------------|--------------------------|-------------------------|--------------------------|---------------------|--------------------------|--------------------------|
| Funding            |                          |                         |                          |                     |                          |                          |
| 19530 GRF - Duties | \$ 451,006,943.00        | \$ 51,661,682.41        | \$ 99,682,277.11         | \$ 36,638.98        | \$ 151,380,598.50        | \$ 299,626,344.50        |
| 57604 Duties       | 19,894,000.00            |                         | 19,894,000.00            |                     | 19,894,000.00            |                          |
| <b>TOTAL</b>       | <b>\$ 470,900,943.00</b> | <b>\$ 51,661,682.41</b> | <b>\$ 119,576,277.11</b> | <b>\$ 36,638.98</b> | <b>\$ 171,274,598.50</b> | <b>\$ 299,626,344.50</b> |
|                    |                          |                         |                          |                     | Remaining Payroll        | 207,901,874.95           |
|                    |                          |                         |                          |                     |                          | 91,724,469.55            |

**Oklahoma Department of Corrections**  
*Statement of Revenues, Expenditures and Changes in Fund Balances*  
*Non- Appropriated Funds*  
*July 1, 2014 through August 31, 2014*

|  |  | 200 Fund             | 205 Fund              | 280 Fund               | Funds                  |
|--|--|----------------------|-----------------------|------------------------|------------------------|
| <b>Revenue Revenues</b>                |  |                      |                       |                        |                        |
| <b>Code</b>                            | <b>Current:</b>                              |                      |                       |                        |                        |
| 331                                    | Other Fines, Forfeits, Penalties             | \$ 65,513.19         | \$ -                  | \$ -                   | \$ 65,513.19           |
| 431                                    | Rent from Land                               | 8,508.77             | -                     | -                      | 8,508.77               |
| 520                                    | Reimbursement for Administrative Expense     | 176,988.27           | -                     | -                      | 176,988.27             |
| 521                                    | Reimbursement for Data Processing Expense    | 1,710.00             | -                     | -                      | 1,710.00               |
| 522                                    | Reimbursement for Telecommunication Exp.     | -                    | -                     | -                      | -                      |
| 530                                    | Reimbursement for Travel Expense             | 1,040.00             | -                     | -                      | 1,040.00               |
| 541                                    | Reimbursement of Funds Spent                 | -                    | -                     | -                      | -                      |
| 552                                    | Reimbursement of Federal Payroll             | -                    | -                     | -                      | -                      |
| 556                                    | Federal Funds from Other State Agency        | -                    | -                     | -                      | -                      |
| 581                                    | Reimbursement for Funds Expended             | 574,420.73           | -                     | -                      | 574,420.73             |
| 711                                    | Farm Products General                        | -                    | -                     | 1,714,791.50           | 1,714,791.50           |
| 731                                    | Laboratory and Medical Services              | 33,329.78            | -                     | -                      | 33,329.78              |
| 741                                    | Canteen and Concession Income                | 1,290.22             | 561,510.78            | 2,483,361.26           | 3,046,162.26           |
| 791                                    | Other Sales and Services                     | 1,481.67             | -                     | -                      | 1,481.67               |
| 811                                    | Offender Medical Co-pays and Judgments       | 529,467.41           | -                     | -                      | 529,467.41             |
| 821                                    | Deposits by Patients and Offenders           | 1,313,483.12         | 1,350,000.00          | 13,318.98              | 2,676,802.10           |
| 836                                    | Sale of Salvage                              | 10,344.16            | -                     | -                      | 10,344.16              |
| 881                                    | Purchase Card Payments                       | 1,493.08             | -                     | -                      | 1,493.08               |
|  | <i>Total Revenues</i>                        | <u>2,719,070.40</u>  | <u>1,911,510.78</u>   | <u>4,211,471.74</u>    | <u>8,842,052.92</u>    |
| <b>Account Expenditures</b>            |  |                      |                       |                        |                        |
| <b>Code</b>                            | <b>Current:</b>                              |                      |                       |                        |                        |
| 11,12,13                               | Payroll                                      | -                    | (186,848.02)          | 1,130,146.22           | 943,298.20             |
| 15                                     | Professional Services                        | 1,740,021.96         | 4,935.13              | 57,233.41              | 1,802,190.50           |
| 21, 22                                 | Travel                                       | 623.07               | 5,000.00              | 12,785.46              | 18,408.53              |
| 31                                     | Misc. Admin. Expenses                        | 34,819.94            | 29,236.70             | 126,063.32             | 190,119.96             |
| 32                                     | Rent   | 2,079.60             | 24,427.05             | 4,738.28               | 31,244.93              |
| 33                                     | Maintenance and Repair                       | 14,119.28            | 12,885.91             | 167,359.14             | 194,364.33             |
| 34                                     | Specialized Supplies and Materials           | 14,389.68            | 2,457,111.32          | 222,114.03             | 2,693,615.03           |
| 35                                     | Production, Safety and Security              | 51,831.00            | 3,478.60              | 61,845.76              | 117,155.36             |
| 36                                     | General Operating Expenses                   | -                    | 14,126.10             | 7,898.62               | 22,024.72              |
| 37                                     | Shop Expense                                 | 156,416.40           | 59,550.78             | 186,334.95             | 402,302.13             |
| 41                                     | Furniture and Equipment                      | 525.00               | 34,100.74             | 31,850.00              | 66,475.74              |
| 42                                     | Library Equipment and Resources              | -                    | 198.25                | 2,500.00               | 2,698.25               |
| 43                                     | Lease Purchases                              | -                    | -                     | -                      | -                      |
| 44                                     | Livestock and Poultry                        | -                    | -                     | -                      | -                      |
| 45                                     | Land and Right-of-way                        | -                    | -                     | -                      | -                      |
| 46                                     | Building, Construction and Renovation        | 245,434.31           | 4,504.64              | -                      | 249,938.95             |
| 48                                     | Debt Service                                 | -                    | -                     | -                      | -                      |
| 51                                     | Offender Pay and Health Services             | 2,087.03             | 222,274.00            | 302,710.19             | 527,071.22             |
| 52                                     | Tuitions, Awards and Incentives              | -                    | 58.00                 | -                      | 58.00                  |
| 53                                     | Refunds and Restitutions                     | -                    | -                     | -                      | -                      |
| 54                                     | Jail Backup, County Jails and Other          | 50,111.69            | -                     | 1,235,979.00           | 1,286,090.69           |
| 55                                     | Payment to Gov. Sub-Division                 | -                    | -                     | -                      | -                      |
| 59                                     | Assistance Payments to Agencies              | 102,611.75           | -                     | -                      | 102,611.75             |
| 61                                     | Loans, Taxes and other Disbursements         | -                    | -                     | 11.01                  | 11.01                  |
| 62                                     | Transfers - Out Sourced Health Care          | 22,918.99            | 510,266.17            | -                      | 533,185.16             |
| 64                                     | Merchandise for Resale                       | 1,624.04             | -                     | 1,698,272.24           | 1,699,896.28           |
|  | <i>Total Expenditures</i>                    | <u>2,439,613.74</u>  | <u>3,195,305.37</u>   | <u>5,247,841.63</u>    | <u>10,882,760.74</u>   |
|  | <i>Excess of Revenues Over</i>               |                      |                       |                        |                        |
|  | <i>(Under) Expenditures</i>                  | <u>279,456.66</u>    | <u>(1,283,794.59)</u> | <u>(1,036,369.89)</u>  | <u>(2,040,707.82)</u>  |
| <b>Special and Extraordinary Items</b> |  |                      |                       |                        |                        |
|  | Carried Over Cash                            | -                    | -                     | -                      | -                      |
|  | <i>Total Special and Extraordinary Items</i> | -                    | -                     | -                      | -                      |
|  | <i>Net Change in Fund Balances</i>           | 279,456.66           | (1,283,794.59)        | (1,036,369.89)         | (2,040,707.82)         |
| <b>Cash</b>                            |  |                      |                       |                        |                        |
|  | Beginning Cash Balance                       | 180,635.58           | 1,721,953.87          | 3,972,741.14           | 5,875,330.59           |
|  | Revenue Received this Year                   | 2,719,070.40         | 1,911,510.78          | 4,211,471.74           | 8,842,052.92           |
|  | Expenditures made this Year                  | (2,439,613.74)       | (3,195,305.37)        | (5,247,841.63)         | (10,882,760.74)        |
|  | Beginning Change in Liabilities              | -                    | -                     | -                      | -                      |
|  | Transfers                                    | -                    | -                     | -                      | -                      |
|  | Adjustments                                  | -                    | -                     | -                      | -                      |
|  | <i>Ending Cash Balance</i>                   | <u>\$ 460,092.24</u> | <u>\$ 438,159.28</u>  | <u>\$ 2,936,371.25</u> | <u>\$ 3,834,622.77</u> |

**Oklahoma Department of Corrections**  
*Statement of Revenues, Expenditures and Changes in Fund Balances*  
*Non-Appropriated Funds*  
*For the Month of August 2014*

|   | 200 Fund             | 205 Fund             | 280 Fund               | Funds                  |
|---|----------------------|----------------------|------------------------|------------------------|
| <b>Revenue Revenues</b>                             |                      |                      |                        |                        |
| <u>Code</u> Current:                                |                      |                      |                        |                        |
| 331 Other Fines, Forfeits, Penalties                | \$ 31,527.53         | \$ -                 | \$ -                   | \$ 31,527.53           |
| 431 Rent from Land                                  | 4,057.32             | -                    | -                      | 4,057.32               |
| 520 Reimbursement for Administrative Expense        | 106,474.38           | -                    | -                      | 106,474.38             |
| 521 Reimbursement for Data Processing Expense       | 760.00               | -                    | -                      | 760.00                 |
| 522 Reimbursement for Telecommunication Exp.        | -                    | -                    | -                      | -                      |
| 530 Reimbursement for Travel Expense                | 1,040.00             | -                    | -                      | 1,040.00               |
| 541 Reimbursement of Funds Spent                    | -                    | -                    | -                      | -                      |
| 552 Reimbursement of Federal Payroll                | -                    | -                    | -                      | -                      |
| 556 Federal Funds from Other State Agency           | -                    | -                    | -                      | -                      |
| 581 Reimbursement for Funds Expended                | 412,302.15           | -                    | -                      | 412,302.15             |
| 711 Farm Products General                           | -                    | -                    | 904,912.55             | 904,912.55             |
| 731 Laboratory and Medical Services                 | 18,051.15            | -                    | -                      | 18,051.15              |
| 741 Canteen and Concession Income                   | 667.62               | 277,002.68           | 1,374,801.45           | 1,652,471.75           |
| 791 Other Sales and Services                        | 927.02               | -                    | -                      | 927.02                 |
| 811 Offender Medical Co-pays and Judgments          | 279,857.64           | -                    | -                      | 279,857.64             |
| 821 Deposits by Patients and Offenders              | 514,612.32           | 500,000.00           | 1,659.90               | 1,016,272.22           |
| 836 Sale of Salvage                                 | 10,344.16            | -                    | -                      | 10,344.16              |
| 881 Purchase Card Payments                          | 568.56               | -                    | -                      | 568.56                 |
| <i>Total Revenues</i>                               | <u>1,381,189.85</u>  | <u>777,002.68</u>    | <u>2,281,373.90</u>    | <u>4,439,566.43</u>    |
| <b>Account Expenditures</b>                         |                      |                      |                        |                        |
| <u>Code</u> Current:                                |                      |                      |                        |                        |
| 11,12,13 Payroll                                    | -                    | -                    | 584,672.08             | 584,672.08             |
| 15 Professional Services                            | 1,277,132.93         | 4,935.13             | 35,914.22              | 1,317,982.28           |
| 21, 22 Travel                                       | 623.07               | 5,000.00             | 9,167.50               | 14,790.57              |
| 31 Misc. Admin. Expenses                            | 6,082.59             | 8,843.27             | 79,803.59              | 94,729.45              |
| 32 Rent   | 588.00               | 9,329.38             | 1,523.47               | 11,440.85              |
| 33 Maintenance and Repair                           | 6,040.43             | 19,736.59            | 53,971.93              | 79,748.95              |
| 34 Specialized Supplies and Materials               | 12,146.84            | 1,054,279.17         | 19,565.80              | 1,085,991.81           |
| 35 Production, Safety and Security                  | 29,977.50            | 1,283.26             | 44,508.60              | 75,769.36              |
| 36 General Operating Expenses                       | -                    | 7,136.95             | 3,803.92               | 10,940.87              |
| 37 Shop Expense                                     | 52,141.03            | 59,288.18            | 27,058.04              | 138,487.25             |
| 41 Furniture and Equipment                          | -                    | 23,361.19            | -                      | 23,361.19              |
| 42 Library Equipment and Resources                  | -                    | 198.25               | 2,500.00               | 2,698.25               |
| 43 Lease Purchases                                  | -                    | -                    | -                      | -                      |
| 44 Livestock and Poultry                            | -                    | -                    | -                      | -                      |
| 45 Land and Right-of-way                            | -                    | -                    | -                      | -                      |
| 46 Building, Construction and Renovation            | -                    | 1,892.60             | -                      | 1,892.60               |
| 48 Debt Service                                     | -                    | -                    | -                      | -                      |
| 51 Offender Pay and Health Services                 | 2,087.03             | 11,210.50            | 174,297.08             | 187,594.61             |
| 52 Tuitions, Awards and Incentives                  | -                    | 58.00                | -                      | 58.00                  |
| 53 Refunds and Restitutions                         | -                    | -                    | -                      | -                      |
| 54 Jail Backup, County Jails and Other              | 23,391.44            | -                    | 705,024.00             | 728,415.44             |
| 55 Payment to Gov. Sub-Division                     | -                    | -                    | -                      | -                      |
| 59 Assistance Payments to Agencies                  | 73,222.23            | -                    | -                      | 73,222.23              |
| 61 Loans, Taxes and other Disbursements             | -                    | -                    | -                      | -                      |
| 62 Transfers - Out Sourced Health Care              | 21,793.57            | 147,912.99           | -                      | 169,706.56             |
| 64 Merchandise for Resale                           | 881.52               | -                    | 760,099.76             | 760,981.28             |
| <i>Total Expenditures</i>                           | <u>1,506,108.18</u>  | <u>1,354,465.46</u>  | <u>2,501,909.99</u>    | <u>5,362,483.63</u>    |
| <i>Excess of Revenues Over (Under) Expenditures</i> | <u>(124,918.33)</u>  | <u>(577,462.78)</u>  | <u>(220,536.09)</u>    | <u>(922,917.20)</u>    |
| <b>Special and Extraordinary Items</b>              |                      |                      |                        |                        |
| Carried Over Cash                                   | -                    | -                    | -                      | -                      |
| <i>Total Special and Extraordinary Items</i>        | <u>-</u>             | <u>-</u>             | <u>-</u>               | <u>-</u>               |
| <i>Net Change in Fund Balances</i>                  | <u>(124,918.33)</u>  | <u>(577,462.78)</u>  | <u>(220,536.09)</u>    | <u>(922,917.20)</u>    |
| <b>Cash</b>   |                      |                      |                        |                        |
| Beginning Cash Balance                              | 755,238.97           | 1,029,293.40         | 3,202,027.49           | 4,986,559.86           |
| Revenue Received this Month                         | 1,381,189.85         | 777,002.68           | 2,281,373.90           | 4,439,566.43           |
| Expenditures made this Month                        | (1,506,108.18)       | (1,354,465.46)       | (2,501,909.99)         | (5,362,483.63)         |
| Beginning Change in Liabilities                     | (170,228.40)         | (13,671.34)          | (45,120.15)            | (229,019.89)           |
| Transfers   | -                    | -                    | -                      | -                      |
| Adjustments   | -                    | -                    | -                      | -                      |
| <i>Ending Cash Balance</i>                          | <u>\$ 460,092.24</u> | <u>\$ 438,159.28</u> | <u>\$ 2,936,371.25</u> | <u>\$ 3,834,622.77</u> |

**Oklahoma Department of Corrections**  
*Statement of Revenues, Expenditures and Changes in Fund Balances*  
*Federal Funding*  
*July 1, 2014 through August 31, 2014*

| Revenue  | Revenues  | 410 Fund             | 430 Fund             | Funds                |
|----------|---|----------------------|----------------------|----------------------|
| Code     | Current:  |                      |                      |                      |
| 556      | Federal Funds Rec'd from Non-Gov. Ag.                   | \$ 257,450.32        | \$ 106,584.86        | \$ 364,035.18        |
| 561      | Private Grants and Donations for Opns.                  | -                    | -                    | -                    |
| 581      | Reimbursements  | -                    | -                    | -                    |
|          | <i>Total Revenues</i>                                   | <u>257,450.32</u>    | <u>106,584.86</u>    | <u>364,035.18</u>    |
| Account  | Expenditures  |                      |                      |                      |
| Code     | Current:  |                      |                      |                      |
| 11,12,13 | Payroll   | -                    | -                    | -                    |
| 15       | Professional Services                                   | 41,377.14            | 110,804.13           | 152,181.27           |
| 21, 22   | Travel  | 11,381.91            | 1,080.69             | 12,462.60            |
| 31       | Misc. Admin. Expenses                                   | -                    | 2,230.26             | 2,230.26             |
| 32       | Rent  | 3,782.90             | -                    | 3,782.90             |
| 33       | Maintenance and Repair                                  | 2,958.38             | -                    | 2,958.38             |
| 34       | Specialized Supplies and Materials                      | -                    | 820.00               | 820.00               |
| 35       | Production, Safety and Security                         | -                    | -                    | -                    |
| 36       | General Operating Expenses                              | 13,005.64            | 1,409.36             | 14,415.00            |
| 37       | Shop Expense  | -                    | -                    | -                    |
| 41       | Furniture and Equipment                                 | 59,255.38            | -                    | 59,255.38            |
| 42       | Library Equipment and Resources                         | -                    | -                    | -                    |
| 43       | Lease Purchases   | -                    | -                    | -                    |
| 44       | Livestock and Poultry                                   | -                    | -                    | -                    |
| 45       | Land and Right-of-way                                   | -                    | -                    | -                    |
| 46       | Building, Construction and Renovation                   | -                    | -                    | -                    |
| 48       | Debt Service  | -                    | -                    | -                    |
| 51       | Offender Pay and Health Services                        | -                    | -                    | -                    |
| 52       | Tuitions, Awards and Incentives                         | -                    | -                    | -                    |
| 53       | Refunds and Restitutions                                | -                    | -                    | -                    |
| 54       | Jail Backup, County Jails and Other                     | -                    | 7,966.40             | 7,966.40             |
| 55       | Payment to Gov. Sub-Division                            | -                    | -                    | -                    |
| 59       | Assistance Payments to Agencies                         | -                    | 4,308.00             | 4,308.00             |
| 61       | Loans, Taxes and Other Disbursements                    | -                    | -                    | -                    |
| 62       | Transfers - Out Sourced Health Care                     | -                    | -                    | -                    |
| 64       | Merchandise for Resale                                  | -                    | -                    | -                    |
|          | <i>Total Expenditures</i>                               | <u>131,761.35</u>    | <u>128,618.84</u>    | <u>260,380.19</u>    |
|          | <i>Excess of Revenues Over<br/>(Under) Expenditures</i> | <u>125,688.97</u>    | <u>(22,033.98)</u>   | <u>103,654.99</u>    |
|          | <b>Special and Extraordinary Items</b>                  |                      |                      |                      |
|          | Carried Over Cash                                       | -                    | -                    | -                    |
|          | <i>Total Special and Extraordinary Items</i>            | <u>-</u>             | <u>-</u>             | <u>-</u>             |
|          | <i>Net Change in Fund Balances</i>                      | 125,688.97           | (22,033.98)          | 103,654.99           |
|          | <b>Cash</b>   |                      |                      |                      |
|          | Beginning Cash Balance                                  | 331,097.50           | 327,646.88           | 658,744.38           |
|          | Revenue Received this Year                              | 257,450.32           | 106,584.86           | 364,035.18           |
|          | Expenditures made this Year                             | (131,761.35)         | (128,618.84)         | (260,380.19)         |
|          | Beginning Change in Liabilities                         | -                    | -                    | -                    |
|          | Transfers   | -                    | -                    | -                    |
|          | Adjustments   | -                    | -                    | -                    |
|          | <i>Ending Cash Balance</i>                              | <u>\$ 456,786.47</u> | <u>\$ 305,612.90</u> | <u>\$ 762,399.37</u> |

**Oklahoma Department of Corrections**  
*Statement of Revenues, Expenditures and Changes in Fund Balances*  
*Federal Funding*  
*For the Month of August 2014*

| Revenue   | 410 Fund             | 430 Fund             | Funds                |
|---|----------------------|----------------------|----------------------|
| <b>Revenues</b>   |                      |                      |                      |
| Code Current:   |                      |                      |                      |
| 556 Federal Funds Rec'd from Non-Gov. Ag.               | \$ 257,450.32        | \$ -                 | \$ 257,450.32        |
| 561 Private Grants and Donations for Opns.              | -                    | -                    | -                    |
| 581 Reimbursements                                      | -                    | -                    | -                    |
| <i>Total Revenues</i>                                   | <u>257,450.32</u>    | <u>-</u>             | <u>257,450.32</u>    |
| <b>Account Expenditures</b>                             |                      |                      |                      |
| Code Current:   |                      |                      |                      |
| 11,12,13 Payroll  | -                    | -                    | -                    |
| 15 Professional Services                                | 41,377.14            | 110,804.13           | 152,181.27           |
| 21, 22 Travel   | (71.00)              | -                    | (71.00)              |
| 31 Misc. Admin. Expenses                                | -                    | 2,174.72             | 2,174.72             |
| 32 Rent   | 3,782.90             | -                    | 3,782.90             |
| 33 Maintenance and Repair                               | 2,958.38             | -                    | 2,958.38             |
| 34 Specialized Supplies and Materials                   | -                    | -                    | -                    |
| 35 Production, Safety and Security                      | -                    | -                    | -                    |
| 36 General Operating Expenses                           | -                    | 1,409.36             | 1,409.36             |
| 37 Shop Expense   | -                    | -                    | -                    |
| 41 Furniture and Equipment                              | 54,325.38            | -                    | 54,325.38            |
| 42 Library Equipment and Resources                      | -                    | -                    | -                    |
| 43 Lease Purchases                                      | -                    | -                    | -                    |
| 44 Livestock and Poultry                                | -                    | -                    | -                    |
| 45 Land and Right-of-way                                | -                    | -                    | -                    |
| 46 Building, Construction and Renovation                | -                    | -                    | -                    |
| 48 Debt Service   | -                    | -                    | -                    |
| 51 Offender Pay and Health Services                     | -                    | -                    | -                    |
| 52 Tuitions, Awards and Incentives                      | -                    | -                    | -                    |
| 53 Refunds and Restitutions                             | -                    | -                    | -                    |
| 54 Jail Backup, County Jails and Other                  | -                    | 7,966.40             | 7,966.40             |
| 55 Payment to Gov. Sub-Division                         | -                    | -                    | -                    |
| 59 Assistance Payments to Agencies                      | -                    | 1,084.00             | 1,084.00             |
| 61 Loans, Taxes and Other Disbursements                 | -                    | -                    | -                    |
| 62 Transfers - Out Sourced Health Care                  | -                    | -                    | -                    |
| 64 Merchandise for Resale                               | -                    | -                    | -                    |
| <i>Total Expenditures</i>                               | <u>102,372.80</u>    | <u>123,438.61</u>    | <u>225,811.41</u>    |
| <i>Excess of Revenues Over<br/>(Under) Expenditures</i> | <u>155,077.52</u>    | <u>(123,438.61)</u>  | <u>31,638.91</u>     |
| <b>Special and Extraordinary Items</b>                  |                      |                      |                      |
| Carried Over Cash                                       | -                    | -                    | -                    |
| <i>Total Special and Extraordinary Items</i>            | <u>-</u>             | <u>-</u>             | <u>-</u>             |
| <i>Net Change in Fund Balances</i>                      | 155,077.52           | (123,438.61)         | 31,638.91            |
| <b>Cash</b>   |                      |                      |                      |
| Beginning Cash Balance                                  | 306,778.71           | 429,051.51           | 735,830.22           |
| Revenue Received this Month                             | 257,450.32           | -                    | 257,450.32           |
| Expenditures made this Month                            | (102,372.80)         | (123,438.61)         | (225,811.41)         |
| Beginning Change in Liabilities                         | (5,069.76)           | -                    | (5,069.76)           |
| Transfers   | -                    | -                    | -                    |
| Adjustments   | -                    | -                    | -                    |
| <i>Ending Cash Balance</i>                              | <u>\$ 456,786.47</u> | <u>\$ 305,612.90</u> | <u>\$ 762,399.37</u> |



Approval of Private Prison Contract  
GEO Group, Inc.

AMENDMENT #1

FY 2015 RENEWAL OF THE  
CORRECTIONAL SERVICES CONTRACT

BETWEEN

GEO GROUP, INC.  
AND  
OKLAHOMA DEPARTMENT OF CORRECTIONS

THIS CORRECTIONAL SERVICES CONTRACT, dated as of the 1st day of OCTOBER 2014, by and between the GEO GROUP, Inc. (the Contractor) and the OKLAHOMA DEPARTMENT OF CORRECTIONS (the "STATE").

WITNESSETH:

NOW, THEREFORE, in consideration of the joint and mutual exercise of their powers, and in consideration of the mutual covenants herein contained, the parties hereto recite and agree to amend the current Contract, with existing amendments, previous annual and renewals still applying to this renewal contract, unless otherwise specified, with the agreements as described herein as follows:

ARTICLE 2  
TERM OF CONTRACT

Section 2.2. **Term of Agreement.** The Contractor agrees to extend the Contract with the STATE for a period beginning October 1, 2014 and ending June 30, 2015.

ARTICLE 6  
CONTRACTOR'S EMPLOYEES

Section 6.2. **Personnel.**

C. As part of the background check, the applicant will be required to answer the following questions: Facility head must consider all affirmative responses prior to offering employment.

1. Have you ever been convicted of a felony?
2. Have you ever been convicted of a misdemeanor which involved the use or attempted use of physical force, or threatened use of a deadly weapon towards any current or former spouse or child of whom you are

parent or guardian or person with whom you are or have co-habitated or share a child in common?

3. Have you ever been arrested, charged, or convicted of any offense (including traffic) which involved the illegal usage of drugs or alcohol?

4. Have you ever been arrested, charged, or convicted of any offense involving domestic violence?

5. Have you ever engaged or been subject of an investigation involving sexual abuse in an institutional setting?

6. Have you ever been arrested for an offense involving sexual abuse/activity involving force, threat of force/coercion?

7. Have you ever been civilly or administratively adjudicated in regard to a sexual abuse/activity?

8. Have you ever been alleged to or involved in any sexual harassment incidents?

9. Do you currently engage in any illegal drug usage? If yes, explain.

**APPENDIX A.** DEPARTMENT & DIVISION POLICIES AND DIRECTIVES APPLICABLE TO CONTRACTOR. The following Oklahoma Department of Corrections Policies will be added to the contract:

|        |   |
|--------|---|
| 040108 | “Control and Use of Flammable, Toxic, and Caustic Substances” |
| 040109 | “Control of Contraband and Physical Evidence”                 |
| 040110 | “Search and Seizure Standards”                                |
| 060211 | “Sentence Administration”                                     |
| 130101 | “Compliance Monitoring Program”                               |
| 130107 | “Standards for Inspections”                                   |

For the purposes of this contract the terms “serious incident” and “reportable incident” should be considered synonymous.

The term “Private Prison and Jail Administration” is used through the contract. As part of the Department’s restructuring effective April 2014, the Private Prison and Jail Administration became part of the Division of West Institutions. For the purpose of this contract the terms “Private Prison and Jail Administration” and “Division of West Institutions” should be considered synonymous.

All other terms and conditions of the Correctional Services Contract, including all amendments, remain the same and continue in effect through the term of this annual renewal contract.

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the 1ST day of OCTOBER, 2014.

State of Oklahoma

The GEO Group, Inc.

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Robert Patton, Director  
Department of Corrections

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Amber Martin, Vice President

Approved as to Form:

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David A. Cincotta, General Counsel  
Department of Corrections

The undersigned authorities, each of them respectively, have reviewed the contract for compliance with the provisions of applicable statutes 57 O.S 1997 Supp sections 561 and 561.1 as well as all other applicable statutes and the contract conforms with those requirements.

Approved:

Approved:

---

Jon Dutton  
Assistant Attorney General  
Attorney General's Office

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Scott Schlotthauer  
State Purchasing Director  
Central Purchasing Division  
Office of Management & Enterprise  
Services



Approval of Private Prison Contract  
GEO Group, Inc.  
Corrections Corporation of America

**CORRECTIONAL SERVICES CONTRACT**  
BETWEEN  
**CORRECTIONS CORPORATION OF AMERICA**  
AND THE  
STATE OF OKLAHOMA  
**DEPARTMENT OF CORRECTIONS**

October 1, 2014 through June 30, 2019

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**CONTRACTUAL AGREEMENT  
BETWEEN THE  
STATE OF OKLAHOMA  
DEPARTMENT OF CORRECTIONS  
AND  
CORRECTIONS CORPORATION OF AMERICA**

THIS CONTRACT, dated as of the 1st day of October 2014 by and between the Corrections Corporation of America (the Contractor) and the Oklahoma Department of Corrections (the "State").

WHEREAS, the Contractor is the Operator of an adult male medium security correctional facility, Cimarron Correctional Facility, consisting of 1,470 medium and 180 maximum general population beds located 3200 S. Kings Highway, Cushing, Oklahoma 74023 (the "Facility"); and an adult male maximum and medium security correctional facility, Davis Correctional Facility, consisting of 360 maximum security beds and 1,310 medium beds located at 6888 E. 133<sup>rd</sup>, Holdenville, Oklahoma 74848 (the "Facility"); and

WHEREAS, the Contractor desires to provide requested facilities for housing of offenders of the State of Oklahoma and to provide for the operation and maintenance of the Facility; and successfully submitted a proposal duly accepted for negotiation by the State, and

WHEREAS, the State desires to acquire the right to house offenders in the facilities and provide for the Facilities' operation in the manner contemplated hereby;

NOW, THEREFORE, in consideration of the joint and mutual exercise of their powers, and in consideration of the mutual covenants herein contained, the parties hereto recite and agree to the following terms, conditions, and covenants:

## **ARTICLE 1 DEFINITIONS**

ACA - means the American Correctional Association.

ACA Standards - means the Standards for Adult Correctional Institutions published by the American Correctional Association. (Fourth Edition, January 2003 and 2008 Standards Supplement, and as the standards may be modified, amended, or supplemented in the future).

Agreement/Contract - means this document, its appendices and the Operational Plan. This Agreement/Contract incorporates all the agreements, covenants and understandings agreed to between the parties. Agreement and contract may be used interchangeably.

Authorized Representative - means any person or entity duly authorized and designated in writing to act for and on behalf of a party to this agreement or contract, which designation has been furnished to all the parties herein.

Appropriate Housing – means that offender housing may be in single or double occupancy cells or multiple occupancy units within the perimeter. Each facility will distinguish between general population beds, restrictive housing beds, and medical observation beds. Offenders assigned to general population or restrictive housing must be under the direct supervision of correctional security personnel. Offenders assigned to the medical observation unit must be under constant observation/supervision of a health care provider with regular and frequent correctional security staff observation. General population offenders may not be housed in medical observation or holding cells/areas simply for bed space. Housing must be appropriate to security level.

Board - means the Oklahoma Board of Corrections.

Breach - for the purpose of this Agreement, the term breach and the term non-performance shall be considered to have the same meaning, that being the failure to perform a condition of the contract.

Contract - means this document, its appendices and the Operational Plan incorporating all the agreements, covenants and understandings agreed to between the parties.

Contract Monitor - means the employee or employees of the Oklahoma Department of Corrections designated to monitor operation of the Facility for Contract compliance and to coordinate actions and communications between the Department, and the Contractor.

Contractor - means the private prison company awarded the Contract that manages the Facility as described in this contract, Corrections Corporation of America.

Correctional Services - means those services set forth in this Contract.

Court Orders - means any existing or future orders or judgments issued by a court of competent jurisdiction or any existing or future stipulations, agreements, or plans entered into in connection with litigation which are applicable to the operation, management or maintenance of the facility or related to the care and custody of offenders at the facility.

Department - means the Oklahoma Department of Corrections.

Director - means the Director of the Oklahoma Department of Corrections.

Employee - means an employee of the Contractor or a sub-contractor working within the facility providing services under this Contract.

Facility - means the Cimarron Correctional Facility located at Cushing, Oklahoma; and the Davis Correctional Facility located at Holdenville, Oklahoma. A fully equipped and furnished maximum and/or medium custody adult male correctional facility operated by the Contractor, including housing units, administrative offices and all other structure and improvements of whatever kind, including but not limited to all support buildings, roads, fences, and utility systems.

Facility Senior Level Management Personnel - includes Warden, Assistant Warden and the employees that directly report to these positions other than clerical positions.

Fiscal Year - means each one-year period beginning on July 1 and ending on June 30, that is used for budgeting and appropriation purposes by the State.

Force Majeure - means the failure to perform any of the terms and conditions of this Contract resulting from acts of God.

Indigent Offender - an offender is considered indigent as defined in OP-120230

Maximum Security – means a security level that offers the highest level of supervision and physical restraint and detection according to Department policy. Physical plant requirements, supervision and movement shall not be less restrictive than established in OP-040101, Facility Security Standards.

Medical Monitor - means the employee or employees of the Department of Corrections designated to monitor operations of the facility for medical requirements or coordinate actions and communications between the Department's medical staff/unit and the contractor.

Medium Security - means a security level that offers a moderate to high degree of physical restraint and detection according to Department policy. Physical plant requirements, supervision and movement shall not be less restrictive than established in OP-040101, Facility Security Standards.

Offender - means any person assigned to and housed at the Facility by the Department; a person who has been sentenced to the custody of the Oklahoma Department of Corrections. The term Offender also includes persons from other jurisdictions who are housed in the facility, pursuant to other Contractor agreements, but which are not covered under this Correctional Services Agreement. The Department and the Contractor understand that from time to time the Contractor may house an offender from another jurisdiction in the facility. However, the State of Oklahoma and the Department of Corrections is not financially responsible for said offender and will not be billed by the Contractor in any manner for said offender.

Offender Day - means each day on which an offender is housed at the Facility, including the first, but not the last day of incarceration as determined by the midnight count of each day.

Offender Management System (OMS) – means the Oklahoma Department of Corrections computerized system for maintaining offender records.

Offender Welfare Fund - means a special fund created for the benefit and general welfare of the offenders at the Facility.

Operating Standards - means applicable federal, state and local laws, codes, regulations, constitutional requirements, Court Orders, ACA, PREA and local standards, those Department Policies, procedures, Regulations and Directives set forth in Appendix A and the Operational Plan as approved by the Department, subject to the provisions of Section 7.5 If two or more Standards are in conflict, the more stringent

shall apply, as determined by Department. Should the Department of Corrections or the Contractor amend an operational policy made applicable to the Contractor by this Contract, either party may seek an adjustment to the per diem pursuant to the provisions of Section 7.5. If any provision of this Contract is more stringent than an applicable Standard(s), as determined by Department, the Contract provision shall govern.

Operational Plan - means the document which contains, in specific detail, policies and procedures with respect to the services to be performed and provided by the Contractor in carrying out the terms of this Contract in accordance with the Operating Standards.

Owner - means the entity that owns the Facility.

Payment - means the total Offender Per Diem Rate costs for the Correctional Services Contract.

Per Diem Rate - shall mean the charge per offender, per Offender Day for Oklahoma DOC offenders pursuant to this agreement.

Purchase Option Price - means the price for which the State may purchase the Facility.

Service Commencement Date – effective date of the contract.

State - means the State of Oklahoma, the Oklahoma Board of Corrections, or the Department of Corrections. These terms may be used interchangeably.

## **ARTICLE 2 TERM OF THE CONTRACT**

Section 2.1 Type of Contract. This contract is a state non-encumbered contract for the housing of state offenders in a private prison facility. No real property interest is created in the State by the terms or conditions, express or implied, of this contract.

Section 2.2 Term of Agreement. The parties agree to review and consider additional proposed revisions which may arise throughout the term of the contract. The parties hereto agree that the term of this contract is for a term of four years and nine months with the initial nine-month period beginning October 1, 2014 and ending June 30, 2015, with four one year renewal options beginning July 1, 2015 and ending June 30, 2019, or until all funds are unavailable, as provided herein. Renewal of the contract shall be automatic at the beginning of each successive fiscal year of the contract, subject only to the availability of funds annually appropriated by the legislature for such purpose as set out in section 10.5 of the contract. This Agreement shall not be construed to encumber state funds beyond the amount appropriated for such Fiscal Year.

Section 2.3 Option to Purchase. During the term of this Contract, the State shall have an option at the beginning of each fiscal year to purchase the facility by giving the current Owner at least one hundred and twenty days written notice of its intention to do so. The purchase price will be the fair market value as determined by the following independent appraisal process: After the option to purchase is exercised and the notice is given, each party shall select a professional licensed M.A.I. appraiser who will then select a third professional licensed appraiser to exercise their sole judgment. The State and the Owner hereby agree that the appraisers shall use the Cost Approach in determining Fair Market Value of the Facility. The State may revoke its option to

purchase if the purchase price is not acceptable or in the event, the funds are not made available through appropriations or other state methods of financing the purchase. The Contractor shall secure necessary legal documents from the owner that recognizes the State's option to purchase. In the event the statutory provision requiring this provision is repealed, this section will become void. The cost of such appraisal shall be shared equally by the parties.

#### Section 2.4 Termination for Convenience.

- A. The Department may terminate this Contract whenever, for any reason, it determines that it is in its best interest to do so. The Department shall give the Contractor at least 180 days' notice to terminate. The agreement shall remain in effect during the notice period and offenders may be removed in stages
- B. Upon such notice to terminate or termination, neither party shall have any right to any general, special, incidental or any other damages whatsoever of any description or amount. The notice to terminate may be withdrawn or revoked at any time.
- C. If the current Owner sells the Facility, the new Owner shall take possession subject to the State's option to purchase and the terms of this contract.

### **ARTICLE 3 OFFENDERS**

Section 3.1 Offender Housing. The Contractor agrees to provide appropriate housing in accordance with the Operating Standards for 180 maximum and 1470 medium security offenders at Cimarron Correctional Facility and 360 maximum and 1310 medium security offenders at Davis Correctional Facility which numbers may increase or decrease in which case the payment will be adjusted accordingly. The number of beds in this contract may be expanded by mutual consent of the parties with the per diem cost for additional beds to be negotiated.

#### Section 3.2 [Intentionally Omitted]

Section 3.3 Assignment of Offenders. Offenders will be assigned to and housed at the Facility by the Department as either a maximum or medium custody in accordance with the Department's classification and assignment procedures. The demographics of the facility will approximate the demographics of a comparable Department facility such as: racial balance, age, crime, medical condition, sentence, and behavior. The Department shall make available to the Contractor the demographic profile of DOC facilities on the anniversary date of this Contract and the Contractor may request such transfers as needed to maintain the proper demographics at Contractor's facility. Approval for such a transfer shall not be unreasonably withheld. In addition the following information will be supplied:

- A. The offender's original field file will be sent containing the offender's institutional history and other necessary documentation,
- B. The offender's medical record will be sent,
- C. The amount contained in the offender's trust fund account with the funds to be forwarded by the Department to the Facility according to DOC policy.

Section 3.4 Transfers. Offenders may be transferred from the Facility under the following circumstances pursuant to Section 3.4.

- A. Classification changes, approved by the Department, to a higher or to a lower security level;
- B. Medical or psychiatric transfers, as initiated by medical staff at the Facility, and agreed to by the health administrator of the Department and the Contract Monitor.
- C. Emergency transfers that involve insurrections or such other circumstances occurring at the Facility.

1. Such transportation arrangements will be at the sole expense of the Contractor and may be to another facility operated by the Contractor subject to Department of Corrections' approval. Such transfers will not affect the per diem rate.

2. The Department agrees to allow Contractor to transfer offenders housed under this contract at the Davis and Cimarron Correctional Facilities to the Diamondback Correctional Facility operated by Contractor in Watonga, Oklahoma. Contractor shall be responsible for transporting offenders to the Diamondback Facility. All terms of this contract will be applicable to offenders housed at the Diamondback Facility including the per diems in Article 7. Maximum custody offenders may be housed at the Diamondback Facility subject to the mutual agreement of the parties.

D. The Contractor may request, in writing, that an offender be transferred from the Facility in accordance with Department procedures.

#### **ARTICLE 4 FACILITY AND EQUIPMENT**

Section 4.1 Maintenance. The Contractor shall maintain, at its expense, the physical structure of the Facility and all movable property and equipment contained therein. The Contractor shall provide all maintenance, including a preventive maintenance program, which will maintain, preserve, and keep the physical structure, fixtures, and equipment in good repair, working order, and condition, subject to normal wear and tear. The Contractor will meet all warranty and maintenance requirements. The State shall have

the right to review the maintenance program and the Contractor will comply with reasonable inspection recommendations.

Section 4.2 Life Safety Codes. The Contractor shall operate and maintain the Facility in a condition so as to comply with all applicable local and state fire and health codes, as well as compliance with Life Safety Codes, building and occupancy codes and in accordance with ACA and PREA Standards. Copies of outside regulatory agency inspection results and corrective action plans will be submitted to the Department when submitted to the regulatory agency.

Section 4.3 Facility Perishables/Supplies. The Contractor shall furnish all Facility perishables or consumable supplies including general hygiene items, office supplies, and building support items.

Section 4.4 Modification and Renovation. All modifications and renovations performed by the Contractor shall be at the Contractor's expense, unless the parties agree otherwise. Any renovation or modification shall not affect the obligations and requirements under this Contract, nor alter the purpose of the facility as other than a maximum or medium security prison. This provision will not be construed to require modifications without agreement between the parties, unless otherwise required by State law e.g. Life Safety Code.

Section 4.5 Meeting Areas. The Contractor will provide adequate facilities for meetings and hearings with Department authorities, including the Pardon and Parole Board, and legal representatives of offenders. At the request and sole expense of the State, the Contractor shall provide telephonic or video access, as specified by the State for such hearings before the parole authority of the State.

Section 4.6 Non-Smoking Areas. The Contractor shall comply with the Department OP-100402 "Tobacco Regulations".

## **ARTICLE 5 FACILITY OPERATIONS AND SERVICES**

Section 5.1 Operation. The Contractor shall operate the Facility in accordance with this Contract and the Operating Standards.

Section 5.2 American Correctional Association Accreditation. The Contractor shall maintain ACA accreditation of the Facility for the term of this Contract.

Section 5.3 Safety and Emergency Procedures. The Contractor will develop procedures, including housing of the offenders for beds lost, to provide for emergencies such as labor disputes, riots, fire, and natural disasters. Copies of the Contractor procedures will be provided to the Department.

Section 5.4 Sanitation/Hygiene/Accommodations. The Contractor will implement policies and procedures in conformity with the Operating Standards to ensure that the Contractor meets applicable sanitation, hygiene, and health standards.

Section 5.5 Telecommunications. The Contractor shall provide telecommunication access to offenders. However, in no event shall offenders or the recipients of their call be required to pay more than offenders assigned to Department operated facilities. Contractors will install, maintain, and utilize telecommunication recording equipment for security purposes in regard to offender telephone calls. The Contractor will retain telecommunication proceeds.

Section 5.6 Health Services. The Contractor will provide medical, mental health and dental services in accordance with Department of Corrections' medical standards, court orders, the Operating Standards and as set forth in Appendix D, Private Prison Medical/Mental Health/Dental Services. Internet access will be provided to appropriate personnel to enter medical information on Oklahoma offenders in Oklahoma medical system. The Contractor may request exceptions to the Department standards with appropriate rationale.

Section 5.7 Medical Co-Payment Plan. The Contractor shall institute a medical co-payment plan for offenders in accordance with applicable Department policy. Money received in connection with any medical co-payment plan shall be reported monthly, and will be retained by the Contractor for defraying medical expenses or for placement in the offender Welfare Fund.

Section 5.8 Food Service. The Contractor shall provide food service for all offenders in compliance with Operating Standards. At a minimum, the food service operation shall provide a meal schedule, special diets meeting medical or religious requirements, and three meals served at regular times during each twenty-four hour period with no more than fourteen hours between the evening meal and breakfast. All menus and recipes must be approved by a licensed dietician.

Section 5.9 Offender Property. The Contractor will provide for maintenance of offender property in accordance with the Operating Standards. Offender property lost or damaged when in control of the Contractor will remain the sole responsibility of the Contractor. Offenders may use the grievance process to seek reimbursement for any lost or damaged property. The Contractor will use the department's offender property matrix. The Facility is required to store offender property that is allowed by the Department property policy, but which is disallowed by the Facility. Facility policy, which disallows offender property, must have the approval of the Department.

Section 5.10 Laundry and Offender Clothing. The Contractor shall provide full time offender laundry services and offender clothing in compliance with the Operating Standards. At a minimum, the Contractor shall furnish all offenders with three sets of clothing. Except as otherwise stated herein, the Contractor will provide clothing similar in style, color, quantity, and quality to that issued by Department. An offender coming

into the Facility will arrive with a basic issue of clothing suitable for the season of the year in which he arrives. The Contractor will be required to replace clothing items as it wears out and to provide seasonal changes of clothing and special purpose clothing. An offender shall take a full basic issue of clothing that is in good repair and appropriate for the season when they leave the Facility.

Section 5.11 Transportation.

- A. The Contractor shall provide for all non-routine offender transportation including transportation for court appearances and medical treatment. For Cimarron Correctional Facility and Davis Correctional Facility, the Department shall normally provide for transportation of offenders upon initial assignment to or from the Facility as provided by the Department's Central Transportation Unit.
- B. Offender transportation will be in accordance with applicable Department policy.
- C. Offender transportation security will be in accordance with applicable Department policy.

Section 5.12 Offender Commissary. The Contractor will provide a commissary for offenders that contain items similar to Department's facilities. The price shall be comparable to those set by the Department. It shall be permissible to deny an offender access to the commissary for disciplinary or medical reasons. Commissary items may be priced to cover the cost of inventory, taxes, commissary personnel, and commissary utilities. Any funds remaining shall be paid into the Facility's Offender Welfare Fund and reported quarterly to the Department.

Section 5.13 Mail. The Contractor shall handle and provide delivery of offender mail and correspondence in accordance with OP-030117 and the Operating Standards.

Section 5.14 Religious Services. The Contractor shall provide facilities for religious services and access to religious programs in accordance with OP-030112 and the Operating Standards.

Section 5.15 Grievance and Misconduct Procedure. Offenders will be afforded access to a reasonable, impartial and non-discriminatory grievance and misconduct procedures in compliance with applicable ACA standards including a final level of appeal to the State designee on state forms in timely compliance with state procedures. The Department's offender disciplinary policy shall be used. Disciplinary actions that affect sentence length must be approved by the Contract Monitor.

- A. The State is responsible to respond to grievances and appeals on matters occurring during the offender's incarceration prior to and up to the actual transfer of the offender to the Facility including such issues as: reasons for the transfer; transfer of personal property until custody is relinquished to the Facility; uses of force to require transfer; and trust fund.

- B. The Facility is responsible to respond to grievances and appeals on matters occurring during the offender's incarceration in the Facility except sentence administration issues and classification to lower or higher security status in accordance with DOC procedures.
- C. The Department will provide training to Facility employees as agreed between the parties which may include reimbursement of the costs of the training.

Section 5.16 Security and Control. The Contractor shall provide adequate security with respect to the offenders in accordance with the Operating Standards.

- A. The security level of the Facility will be medium and maximum at all times. The Contractor shall provide security and control in accordance with the Operating Standards. All offender program activities shall take place within the Facility or on Facility grounds. No offender shall leave the Facility except under security escort in accordance with the Operating Standards. Minimum security offenders may participate in outside work details per DOC policy and approval.
- B. The Facility shall train its employees and respond to any incidents occurring within the Facility. Local law enforcement agencies shall be advised of all reportable incidents or emergencies that involve actual or suspected criminal activity. The Contractor will be responsible for all such incidents or emergencies and shall enter into additional agreements with other law enforcement agencies or the State for assistance.
- C. The Contractor shall bear all reasonable costs requiring the assistance of local law enforcement agencies, state law enforcement agencies, or the Department as agreed between the parties.

Section 5.17 Escapes.

- A. The Contractor shall exercise its best efforts to prevent escapes from the Facility. The Contractor shall immediately notify local law enforcement agencies and the Contract Monitor upon discovery of an unauthorized absence or escape. The Contractor shall be responsible for all reasonable expenses incurred by the State for returning offenders captured within the State, including any overtime expenses of its or other agency staff. The State shall be responsible for returning escapees to Oklahoma from other jurisdictions, but shall be reimbursed by the Contractor for any expenses associated with the escapee's return, including transportation and all other legal costs and expenses. (See 57 O.S. 561(N)(2) & 563.2(H))
- B. The Contractor shall bear all reasonable costs requiring the assistance of local law enforcement agencies, state law enforcement agencies, or the Department as agreed between the parties.

Section 5.18 Use of Force; Notification.

- A. The Contractor will comply with Department policy regarding use of force standards and incident reporting. To the extent allowed by law, the Department may retain use of force video recordings and agrees that such recordings are confidential, proprietary, security sensitive and exempt from public disclosure. The Contractor will maintain a copy of the video recording for a period of at least three (3) years from the date of the incident.
- B. The Contractor will notify the Contract Monitor or Division Manager during normal business hours immediately by telephone of all reportable incidents and will e-mail copies of all reports in accordance with OP-050108 entitled "Use of Force Standards and Reportable Incidents." Time is of the essence with regard to the notifications required for reportable incidents and escapes.
- C. The Contractor shall establish a reportable incident report log that shall reflect every reportable incident report number, incident date and a brief summary of the contents of the incident reports. A copy of the incident log will be provided to the Contract Monitor monthly. The Contract Monitor will have access to all investigative reports in regards to reportable incidents.
- D. The Contractor will ensure that the level of occurrence for the reportable incidents remains at, or below the average rate of occurrence at Departmental and other contract facilities of the same security level as reviewed over a six (6) month time period.
- E. If after action reviews conducted by the Department and the Contractor following a major disturbance provide different conclusions regarding the cause of the incident or are inconclusive, the Department may have a 3<sup>rd</sup> party arbiter provide his/her professional opinion regarding the cause of the incident. CCA and the Department shall mutually agree upon the 3<sup>rd</sup> party arbiter. If the parties are unable to mutually agree upon the 3<sup>rd</sup> party arbiter, each party shall appoint a representative and the representatives of each party shall agree upon the 3<sup>rd</sup> party arbiter. The cost of the 3<sup>rd</sup> party arbiter shall be shared equally between the parties.

Section 5.19 Operational Plan. The Contractor shall provide the Department, for Department's written approval, an Operational Plan that covers the full range of Facility operations including, but not limited to the following:

- A. A policy and operations manual which shall cover (1) all aspects of Facility operations, (2) procedures that will be utilized to facilitate monitoring of the Facility on an annual basis, (3) continuous self-monitoring by Facility staff, (4) procedures for assumption of operations by the Department in the event of the Contractor's bankruptcy or inability to perform its duties hereunder; (5) an emergency procedures/security manual for confidential use by the staff supervisors of the

Contractor; (6) post orders for all Facility security staff positions; and (7) master roster or shift rosters of all security posts.

- B. The Contractor shall notify the Department in writing of desired changes in, or additions to, the Operational Plan with regard to the Contractor's policies and procedures, emergency procedures/security manual and post orders. The Department will review the changes and return it to the Contractor within 30 days of receipt. Emergency requests may be approved verbally upon request or receipt. No such changes shall be implemented prior to the Contractor's receipt of written approval from the Department which approval shall not be unreasonably withheld. Contractor non-compliance with the Operational Plan may be regarded as a material breach of this Contract.
- C. The Department will make available a complete copy of the policy and operations manual for the Contractor via the DOC website.

Section 5.20 Visitation. The Contractor shall comply with Department OP-030118 "Visitation".

Section 5.21 Access to Courts. The Contractor shall provide offenders access to courts in accordance with Departmental policy and the guidance of Casey v. Lewis 518 U.S. 343, 116 S.Ct. 2174, 135 L.Ed.2d 606 (1996).

Section 5.22 Sentence Computation Data. The State shall provide the Contractor with essential data and information relating to sentence computations in accordance with Oklahoma law, their Judgment and Sentence and the applicable Department's policy and procedures for offenders assigned to the Facility. The Contractor shall record and accurately compute each offender's time of confinement in accordance with such law and procedures including, but not limited to, all earned credits and discharge dates and will forward such information to the State; provided that the final decisions with respect to sentence computation rests with the State. All offenders shall be released on the correct release date. All private prison releases from custody are to be approved by the Department's Sentence Administration unit. This is only an administrative responsibility and the State will continue to have all legal responsibility for final determination of earned credits and discharge dates. Nothing herein will be construed to abrogate the duty of the State in this regard. The State will provide training to the Contractor in this function.

Section 5.23 Classification and Case Management. The Contractor shall provide intake orientation and release services in accordance with the Operating Standards. The Contractor shall provide classification services in accordance with applicable Department policy. The Contractor may not make any change in an offender's custody level, but may recommend custody level change to the Department for approval. It is reasonable to expect that each Facility will prepare those offenders that will discharge from the Facility directly to the street. Within 180 days of release, case managers will assist the offender in obtaining identification required for obtaining employment, ensure

that the offender has housing arranged for his/her release, is knowledgeable about medical appointments they may have after release and where to seek medical attention as well as assisting in other prerelease preparatory activities.

#### Section 5.24 Offender Records and Reports.

- A. Facility will maintain offender records at their sole expense in accordance with applicable Department record keeping practices and procedures and shall adhere to federal, state, and local laws governing confidentiality. Upon request, all records, reports, and documents will be made available immediately to the Contract Monitor for review. Upon termination of confinement at the Facility, the Contractor will forward a complete copy of the offender's records or institutional field file to the Department.
- B. The Contractor will ensure a case manager/counselor maintains individual offender files documenting each offender's program goals, employment, earned credits, disciplinary records, programmatic involvement and any other significant events.
- C. The Contractor shall report the daily 8:00 a.m. offender count to the Population Management Unit each working day by a time established by that unit. The Contractor shall report Monday by 9:00 a.m. to the Contract Monitor a summary listing of offenders housed in restrictive housing to include: offender name, number, status, date placed in restrictive housing. The Contractor will submit a monthly report by the 5th day of the month to the Contract Monitor, which will include a narrative of facility highlights, reportable incidents, and other significant issues.

Section 5.25 Offender Activity. A minimum of eighty percent (80%) of eligible medium security offenders (ineligible offenders are those who are ill, unable to work due to age or handicap, or are in restrictive housing) shall be productively occupied outside of their living quarters for at least thirty hours per week in work, educational, vocational or rehabilitative programs excluding meal times, count times and routine institutional functions. Offenders' earned credit levels will not be affected by the lack of available jobs or programs. The Contractor shall comply with Department policies on offender housing, programs and jobs. Non-compliance with this section shall be subject to Section 10.3.

#### Section 5.26 Offender Work.

- A. The Contractor shall establish offender work programs in accordance with this Contract, Department policy, and state and federal law. The Contractor will provide the Department a copy of the job description signed by the offender that describes the safety training provided. Offenders will be appropriately trained prior to assuming job duties. Training will be documented in the offender's field file by completion of OP-100401, Attachment D.

- B. Offender labor may be used for Facility operations and maintenance to the same extent offender labor is utilized in Department facilities. However, neither the Contractor nor any of their employees shall personally benefit from the labor of offenders, nor shall any offender ever be placed in a position of authority over another offender.
- C. Offenders will be paid wages by the Contractor for work performed in accordance with applicable Department policy. The Contractor will transmit monthly, twenty percent (20%) of offender wages as mandatory savings to the Department, including wages earned in private industry enhancement programs if applicable.

Section 5.27 Academic, Vocational, and Counseling Services.

- A. The Contractor shall provide academic programming and vocational training in accordance with the Oklahoma Inmate Literacy Act, 57 O.S. §510.5 et seq., and Public Law 101-476, and Department of Corrections Standards. Educational and Vocational Program Standards are specified in Appendix A-1.
- B. Academic and vocational training programs must be initiated upon the Services Commencement Date, maintained continuously and certified by the appropriate governing agency. Academic and vocational training programs must be designed to enhance employment opportunities for the offenders after discharge. All vocational programs provided by the Contractor are required to be licensed by the Oklahoma Board of Private Vocational Schools in accordance with applicable law, excluding those provided by the Oklahoma Department of Vocational and Technical Education.

Section 5.28 Recreation. The Contractor shall provide facilities, equipment, and supplies for indoor and outdoor recreational and leisure time programs in accordance with the Operating Standards.

Section 5.29 General Library. The Contractor shall provide and manage a general library for the benefit of offenders in accordance with Operating Standards.

Section 5.30 Offender Trust Fund. The Facility will maintain an offender trust fund in accordance with applicable Department policy. All offender earnings and personal receipts will be placed in a trust fund to be used solely by that offender. Twenty percent (20%) of offender earnings shall be forwarded monthly to the State. Any balance remaining when the offender is returned to the Department will be forwarded for credit to the offender's trust account per DOC policy. General accepted accounting procedures will be followed in managing this account.

Section 5.31 Offender Pay. Offenders shall receive pay according to the rate of compensation and within 1% of the distribution of pay grades as specified in DOC policy OP-060107 based on offender activity as defined in Section 5.25. Funds for institutional workers and program participant's pay shall be included in the per diem. Funds for

correctional industry workers pay shall come from revenue generated by those programs.

Section 5.32 Indigent Offenders. The Contractor shall provide for hygiene needs of indigent offenders in accordance with the Operating Standards.

Section 5.33 Offender Crafts. Offenders may dispose of the products of their labor in accordance with the Operating Standards.

Section 5.34 Drug Testing. All offenders shall undergo routine, random, and suspect drug and alcohol testing per State policy. A summary of the results will be furnished to the Contract Monitor, according to State policy. Suspect drug and alcohol testing shall be in addition to the random testing. Facilities that show a random drug test positive rate of 10% or greater for three consecutive testing periods will be required to prepare a detailed, Department approved interdiction plan which includes a 100% testing of the facility's offender population.

Section 5.35 Other Services. If the Contractor provides other services and programs it shall comply with the Operating Standards.

Section 5.36 Death of Offender.

- A. The Contractor will complete any medical examination required by the State law or policy; report immediately to the Department the death of any offender; furnish all information requested by the Department, the State or Oklahoma State Bureau of Investigation and the State Medical Examiner's Office; follow the policy and procedures of the Department with regard to disposition of the body; and the Facility will notify the relatives of the deceased offender, if any, as soon as practicable thereafter.
- B. The provisions of this section will not affect the liability of any relative or other legally liable person for the disposition of the deceased or for any expenses therewith.
- C. The Department, at its expense, may obtain the deceased offender for burial at a Department facility, or arrange for burial and all matters incident thereto.
- D. The Contractor will forward to the Department a certified copy of the death certificate and the offender's file and medical records.

Section 5.37 Offender Programs. All programs will be approved by the Department Programs Administrator and Contract Monitor in accordance with OP-090101. Contractor will provide Thinking for a Change which will target criminogenic needs and the reduction of criminal risk of the offender and all other programs referred in this contract. Program participation will be recorded on all participants and submitted monthly per operating standards.

Section 5.38 Escorted Leave. The offender escorted leave program, OP-031001, allows offenders limited access to the community for specific reasons while accompanied by correctional personnel. The Department considers the escorted leave opportunity to be a critical consideration as it pertains to health care and emergency leave. The Contractor will comply with the Department policy with the exception that all denied offender requests for escorted emergency and/or health leave will be submitted after the facility head review to the Contract Monitor.

Section 5.39 Systems of Incarceration. The Contractor shall participate in and abide by the Department's OP-060107 Systems of Incarceration policy.

Section 5.40 Sexual Abuse. The Contractor shall adopt and apply ACA, DOC, and PREA standards related to the Prison Rape Elimination Act (PREA) of 2003. The Contractor shall be in compliance with the PREA standards by and after August 1, 2013 and the audit requirements by and after August 1, 2014.

## **ARTICLE 6 CONTRACTOR'S EMPLOYEES**

Section 6.1 Independent Contractor Status. The Contractor is associated with the State only for the purposes and to the extent set forth in this Contract and, the Contractor is and shall be an independent contractor and, subject to the terms of this Contract, shall have the sole right to manage, control, operate and direct the performance of its duties under this Contract. The Contractor's agents, employees and sub-contractors shall not accrue leave, retirement, insurance, bonding, use of state vehicles or any other benefit afforded to the employees of the State as a result of this Contract. The Contractor and their agents and employees shall not be considered agents or employees of the State, nor shall agents or employees of the State be considered agents or employees of the Contractor. It shall be the Contractor's responsibility to ensure that it complies with all Internal Revenue Service regulations so as to qualify for Independent Contractor status.

Section 6.2 Personnel.

- A. The Contractor shall provide qualified personnel to deliver twenty-four hour care and supervision to incarcerated individuals, as well as administrative, treatment and support service personnel for the overall operation of the Facility according to its staffing pattern hereto approved by the Department and set out in Appendix E hereto. No reduction of the staffing pattern shall be permitted that may materially affect the services provided by the facility as contracted or which affects the per diem rate. The approved Facility Staffing Plan levels must be continuously maintained through the use of full-time, part-time, over-time or contract labor. It is understood that the Department will be notified of any correctional officer series position that is not filled within 45 days by a full-time employee (FTE) or Contract Employee and informed of the Facility's plan to ensure that services associated with the position in question are supplied. If a replacement employee associated

with a vacant position is not hired within forty-five (45) days from the date the position becomes vacant, then penalties equal to the salary and benefits for that position may be withheld from the monthly revenue payment from the forty-sixth day of vacancy until the date that the position is filled. Overtime of other staff may not be utilized to fill the vacancy for longer than forty-five days. It is understood that the Department will be notified of any other position that is not filled within sixty (60) days by a FTE or Contract Employee and informed of the Facility's plan to ensure that services associated with the position in question are supplied. If a replacement employee associated with a vacant position is not hired within the timeframes above from the date the position becomes vacant, then penalties equal to the salary and benefits for that position may be withheld from the monthly revenue payment from the sixty-first day of vacancy until the date that the position is filled. Overtime of other staff may not be utilized to fill the vacancy for longer than sixty days. For purposes of this section, positions are considered filled when an incumbent begins Pre-Service training or Orientation, whichever occurs first. It is understood that the approved Staffing Plan as set out in CCF Appendix F and DCF Appendix G, is based upon the Facility census of 1,650 offenders at Cimarron Correctional Facility and 1,670 offenders at Davis Correctional Facility. If the average daily population (ADP) of less than 1,500 offenders for Cimarron Correctional Facility or Davis Correctional Facility exists for 30 days or more, then the Contractor may submit an amended staffing plan for State approval. If the offender population at Cimarron Correctional Facility or Davis Correctional Facility exceeds 1,670, staffing will be adjusted as mutually agreed upon by the parties. The Contractor must adhere to Appendix F (CCA) and Appendix G (DCF). If the vacancy rate for any month exceeds 20% of the total positions on the amended staffing patterns, the Contractor will be assessed penalties accordingly as described above.

- B. On conditional employment at the Facility, all applicants shall be subjected to a thorough background check, in conformance with all applicable laws. The background checks shall be conducted on any subcontractors or subcontractor's employee before that employee commences work at the facility and who is allowed unescorted access within the secured perimeter of the facility. Employees permitted to use firearms shall comply with 57 O.S. 561, O.
1. If the Contractor requests background investigations through the Department in order to comply with all applicable laws, the Contractor agrees to pay the Department a \$20 processing fee per request to provide such background investigation determinations to the Facility. Payment will be due upon receipt of an invoice. This fee is separate from the fee charged by the Oklahoma State Bureau of Investigation for processing fingerprint cards and from the offender per diem rate.
  2. For all such requests, the Facility will submit two (2) fingerprint cards, a DOC Authorization to Release Information for Employment and a CCA HR-A-106 authorization form for each applicant.

C. Prior to the background check, the applicant will be required to answer questions as required by PREA standard 115.17 and the Contractor must consider the responses before offering employment. The following four questions are based on the current version of PREA standard 115.17; however, the Contractor will revise these questions as necessary to remain compliant with PREA in the event the PREA standard is modified.

1. Have you ever engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?
2. Have you ever been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or when the victim did not consent or was unable to consent or refuse?
3. Have you ever been civilly or administratively adjudicated to have engaged in the activity described in paragraph (2) above?
4. Has a substantiated allegation of sexual harassment ever been made against you?

D. Part-time employees may be used that are fully trained and licensed; however, the use of temporary part-time staff in security supervisory positions is forbidden for more than 60 days.

E. The Contractor's policies will be consistent with the Department's gender specific facility employment practices.

Section 6.3 Employee Qualifications. The Contractor's employment positions shall have the same minimum qualifications or requirements as in comparable Office of Personnel Management positions for the Department. The Contractor shall submit a report monthly to Contract Monitor that certifies that all personnel employed by the Facility comply with this section of the Contract and that all new personnel have a completed background investigation in accordance with Section 6.2. Before appointment, the Contractor will submit to the Department the qualifications of senior level management personnel for certification of qualifications. Such certification shall not be unreasonably withheld. This includes the warden, deputy wardens, and all direct reports to these positions.

Section 6.4 Training. The Contractor shall provide orientation and in-service training programs for all employees in accordance with the Operating Standards. The Contractor shall administer a training curriculum, which complies with ACA Standards and State Statutes. The Contractor shall provide documentation to the Contract Monitor of all employee training on a monthly basis. The Contract Monitor shall be permitted to review training curricula and other training related records and to audit training classes at any time. Firearms training will be in accordance with state law.

Section 6.5 Employee Records. The Contractor shall maintain a personnel file for each employee that contains records of the background investigation, dates of employment, training, performance appraisals conducted at least annually, disciplinary actions, accommodations, licensure and certificates for professional employees, and related records. Personnel files shall be accessible to the Department upon request. The Contractor shall notify the Department of employee disciplinary actions arising from security concerns, conduct implicating moral issues or conduct involving interacting with offenders and in cases where staff resign during or in lieu of an investigation. Privacy and confidential rights will be strictly followed.

## **ARTICLE 7 COMPENSATION AND ADJUSTMENTS**

Section 7.1 Management Payment. The State agrees to pay as compensation for the correctional services provided hereunder in accordance with the following schedules below:

### **A. Cimarron Correctional Facility**

1. Maximum Security: Beginning on October 1, 2014, the per diem for maximum security beds at Cimarron Correctional Facility shall be \$57.96. .
2. Medium Security: Beginning on October 1, 2014, the per diem for medium security beds at Cimarron Correctional Facility shall be \$44.03.
3. Except as otherwise provided in subsection C below, beginning on October 1, 2014, and continuing for the next four consecutive fiscal years the monthly payments for the Cimarron Correctional Facility shall be based upon those beds actually used by the Department.
4. The Contractor shall submit an invoice in arrears on or before the fifth day of each month beginning on the effective date of this contract. Payment shall be made within thirty days of receipt of invoice by the State. The maximum amount paid for the initial fiscal year will not exceed \$28,500,000, excluding additional contracted services or negotiated per diem increases.

### **B. Davis Correctional Facility**

1. Maximum Security: Beginning on October 1, 2014, the per diem for maximum security beds at Davis Correctional Facility shall be \$57.96.
2. Medium Security: Beginning on October 1, 2014, the per diem for medium security beds at Davis Correctional Facility shall be \$44.03.
3. Except as otherwise provided in subsection C below, beginning on October 1, 2014, and continuing for the next four consecutive fiscal years the monthly

payments for the Davis Correctional Facility shall be based upon those beds actually used by the State.

4. The Contractor shall submit an invoice in arrears on or before the fifth day of each month beginning on the effective date of this contract. Payment shall be made within thirty days of receipt of invoice by the State. The maximum amount paid for the initial fiscal year will not exceed \$29,500,000 excluding additional contracted services or negotiated per diem increases.

### C. Guarantee

If on a quarterly basis the Department does not use 98% of the total 2,280 beds at the Cimarron Correctional Facility (660 medium) and Davis Correctional Facility (360 maximum and 1,260 medium), the Department shall also pay Contractor for the difference between the actual beds used and 98% of the above mentioned total facility beds on a quarterly basis at the rate of \$49.00. The total 2,280 beds to which the guarantee applies only includes the first 660 medium beds at the Cimarron Correctional Facility and the first 360 maximum and 1,260 medium beds at the Davis Correctional Facility. The invoice for any additional amounts owed by the Department as a result of the quarterly reconciliation shall be submitted by Contractor at the end of each quarter. Payment shall be made within thirty (30) days of receipt of the invoice by the State.

### Section 7.2 Annual Management Per Diem Adjustment.

At each of the four annual renewal periods, the Contractor shall receive a three percent (3%) increase in each of the current per diems, subject to direct legislative appropriations explicitly for the purpose of private prison per diem increases. Such increase will be paid during the annual renewal fiscal year appropriated for.

### Section 7.3 Invoicing.

- A. The Contractor shall invoice the Department for Offender Days in an electronic form acceptable to the Department by the fifth of each calendar month. The Department shall normally pay such invoices within thirty days of receipt of contractor's invoice by the State. Any invoice unpaid more than 45 days after receipt of invoice shall accrue interest at the interest rate allowed by statute.
- B. If the Contractor receives payments from any other source for services it is to perform under this Contract, the Department may withhold a comparable amount from funds due the Contractor, unless the Director determines that the funds are to be used to provide enhanced or innovative services not contemplated by this Contract.

Section 7.4 Invoice Disputes. If the amount to be paid is disputed by the Department, then the Department, on or before the date the invoice is to be paid, shall advise the Contractor of the basis for the dispute and request documented justification and may

pay the amount of the invoice which is not in dispute. Failure of the Contractor to submit required information will result in withholding the Payment reimbursement until such time as the information is received and reviewed by the Division of West Institutions. If the parties cannot resolve the dispute within thirty days of such notice, either party may request mediation pursuant to the State Mediation Act, unless the dispute is considered a material breach in which remedies provided herein shall control.

Section 7.5 Additional or Change of Services. The parties recognize that each has entered into this Contract setting forth the correctional services as agreed as of the effective date of this Contract. Therefore, should a) the Department increase or decrease the Correctional Services required, or b) the Contractor desires to reduce the services it is to provide, or c) if changes in the Operating Standards necessitate change in the scope of services furnished hereunder, either party may request a change in the per diem rate. The party desiring such change shall provide reasonable notice, in writing, and documentation supporting the requested compensation adjustment to the other party. Once notified, the receiving party shall advise whether or not it agrees to the adjustment. If the parties cannot agree within thirty days of such notice, no adjustment will be made and the original per diem rate will remain in effect and the scope of the contract will likewise remain as originally contracted, however, the parties may continue their negotiation.

Section 7.6 Taxes. The Contractor shall be responsible to pay all local, state and federal taxes, or payments in lieu of taxes with respect to the operation of the Facility.

Section 7.7 Utilities. The Contractor shall pay all utility charges and costs.

## **ARTICLE 8 INSURANCE AND INDEMNIFICATION**

Section 8.1 Indemnification.

- A. The Contractor shall defend in any action at law, indemnify and hold the State, its officials, agents, and employees harmless against:
1. Any and all claims arising from the provisions of this Contract, including, without limitation, any and all claims arising from:
    - a. any breach or default on the part of the Contractor in the performance of the Agreement;
    - b. any claims or losses for services rendered by the Contractor , by any person or firm performing or supplying services, materials or supplies in connection with the performance of the Contract;
    - c. any claims or losses to any person, including offenders, injured or property damaged from the acts or omissions of the Contractor, its officers, its agents, or employees in the performance of this Agreement by the Contractor;
    - d. any claims or losses by any person or firm injured or damaged by the Contractor , its trustees, officers, agents, or employees by the publication, translation, reproduction, delivery, performance, use or disposition of any data

- processed under the Agreement in a manner not authorized by the Agreement, or by federal, state, county, or town regulations or statutes;
- e. any failure by the Contractor, its officers, agent, or employees to observe the Constitution or laws of the United States, and the State of Oklahoma; and
2. All costs, reasonable attorney's fees, expenses, and liabilities incurred in or about any such claim, action, or proceeding brought thereon.
  3. Indemnification shall not be applicable to any claim, injury, death, or damage to property arising out of any act or omission on the part of the State, its officials, agents, servants, or independent contractors (other than the Contractor) who are directly responsible to the State.
  4. In case any action or proceeding is brought against the State by reason of any indemnified claim, the Contractor, upon notice from the State, shall defend against such action by counsel selected by the Contractor satisfactory to the State. Said counsel will not enter into any settlement contract with respect to any claim which may affect the State's operation or budget without first obtaining approval of the State.
  5. The parties may cooperate in defending claims filed against any of them jointly provided no conflict of interest exists and the possibility of joint liability is alleged. The settlement of any claim shall require the written consent of the State, Department or Board of Corrections, as the case may be, which consent shall not be unreasonably withheld. No such settlement shall be effective without such consent.
  6. In defending the State, its officials, agents, and employees, the Contractor shall advise and consult with the DOC General Counsel's Office and with the Oklahoma Attorney General's Office which may, in its discretion, enter any legal proceeding on behalf of the State, its officials, agents, or employees.
  7. Indemnification by the Contractor shall not preclude an indemnified party from receiving the benefits of any insurance the Contractor may carry that provides indemnification for any loss, liability, or expense related to the Contracts.
- B. The right to indemnification will be in addition to, and not in lieu of, any remedy otherwise available to the State, the Board of Corrections, and the Department. Any indemnification obligation is not diminished or limited in any way by the total limits of insurance required to be held by the Contractor. Indemnification of the State, Department or Board shall not be construed to deny the State, Board or the Department of any of the benefits of any law that limits exposure to liability or damages and the State, the Board and the Department do not waive any immunity otherwise extended by law by becoming a named insured or loss payee.

- C. In the event that the State, Board or Department is not fully indemnified as required, in addition to any other remedies available to the State, Board and Department by law or this Contract, the State, Board or Department may set off against any monies owed or accrued to the Contractor an amount of equal to any liability amount not indemnified by the Contractor or the State can otherwise claim the same as damages.
- D. By entering into the Contract, neither the State nor the Contractor waives any immunity defenses, which may be extended to them by operation of law, including limitations on the amount of damages which may be awarded or paid.
- E. Regarding individual offenders, the State shall remain solely responsible for any losses or costs resulting from litigation relating to events which occurred prior to the assignment of the Oklahoma offender to the Facility. The Contractor agrees to cooperate with the State in the defense of these suits and to provide its own reasonable legal assistance. The State will defend any post-conviction action or appeals, including habeas corpus actions challenging the judgment and sentence imposed.
- F. Without waiving any defense or immunity, and subject to the Oklahoma Governmental Tort Claims Act, the State of Oklahoma agrees to bear all expenses, fines, judgments, and costs, which may arise from any acts or omissions of its officials or employees in connection with this Agreement.

Section 8.2 Insurance. The Contractor shall continuously maintain and pay for such insurance as will protect the Contractor, the State, the Department, the Board, and their officers, agents and employees from:

- A. All claims, including death and claims based on violations of civil rights, arising from the services performed under the Contract.
- B. Actions by a third party against the Contractor as a result of this Contract.

Section 8.3 Types of Insurance. Prior to the Contract Execution Date, the Contractor shall provide insurance policies and endorsements, in a form and for terms satisfactory to the State, evidencing occurrence based insurance coverage of the following types, for the following purposes and in the following amounts:

- A. Workmen's compensation insurance or self-funded coverage approved by the State Worker's Compensation Board with coverage limit of \$1,000,000 for each accident or disease per employee, with a \$5,000,000 annual aggregate.
- B. Comprehensive General Liability, Civil Rights Violation Liability, and Medical Malpractice/Professional Liability Coverage in an amount not less than \$1,000,000 for each occurrence with an annual aggregate \$2,000,000 with a total umbrella liability of \$5,000,000. Coverage must include civil rights violations, which will

include all claims brought by any persons based in whole or in part on any alleged violation of the United States or Oklahoma Constitutions, statutes, or regulations, including but not limited to, suits brought pursuant to 42 U.S.C. § 1983. Coverage shall include medical and professional liability for employed nurses, doctors, attorneys, counselors, psychologists and/or social workers with a \$1,000,000 per occurrence with an \$1,000,000 professional aggregate. Coverage shall also include unlimited defense coverage, including attorney fees and costs, in addition to the limits of liability. Professionals working under contract to Contractor shall carry insurance providing the same coverage and in like amounts, if they are not covered by Contractor's policy. A products/completed operations coverage with an annual aggregate of \$1,000,000.

- C. Automobile and other vehicle liability insurance in an amount not less than \$1,000,000 per accident or occurrence.
- D. Business interruption insurance in the amount of \$7,000,000 as agreed by the parties.
- E. Fire, with Uniform Standard Extended Coverage, Endorsement, including damage, destruction hazard insurance and vandalism and malicious mischief, riot and insurrection insurance in a coverage amount equal to the replacement value of the Facility.

#### Section 8.4 Insurance Services.

- A. All insurance policies required under this Contract must name the State as an additional insured or loss payee and entitled to all notices under the policies.
- B. All policies and certificates of insurance shall contain the following provision:

“The coverage proved shall not be canceled, reduced, or allowed to lapse unless and until the State has received at least ten days written notice.”
- C. The State shall have the right, but not the obligation, to advance money to prevent the insurance required herein from lapsing for nonpayment of premiums. If the State advances such amount, then the Contractor shall be obligated to repay the State the amount of any advances plus interest thereon at the maximum legal rate, and the State shall be entitled to set off and deduct such amount from any amounts owed the Contractor pursuant to this Contract. No election by the State to advance money to pay insurance premiums shall be deemed to cure default by Contractor of its obligation to provide insurance.
- D. At least thirty days before each policy anniversary date, the Contractor shall provide the Department with renewal information and any changes in coverage.

**ARTICLE 9**  
**CONTRACT COMPLIANCE**

Section 9.1 Contract Monitor.

- A. The Contractor shall be responsible for providing office space and equipment/furnishings for the Contract Monitor in close proximity to other administrative offices and reasonably comparable. The Contract Monitor's office door shall have a lock that is not master keyed and only available on emergency keys. The office shall be provided with desks, chairs, and access to telephones and telephone/fax/computer lines. Contractor will not be responsible for any non-business telephone costs.
- B. The Contract Monitor, in the performance of his duties, shall have access at all times, with or without notice, to offenders and staff, to all areas of the Facility and to inspect all documents and records relating to the Contract and the Contractor's performance including employee qualifications or the requirement of training, disciplinary records relating to reportable incidents and security breaches and reports kept by the Contractor concerning the repair, maintenance and operation of the Facility. The Contractor shall permit the Contract Monitor and authorized representatives to make and remove copies of records. The Contractor shall obtain written waivers from its employees permitting the Contract Monitor to review employee qualifications and disciplinary records. Any such inspection or removal shall be in strict compliance with privacy rights and shall be kept confidential.
1. The Contract Monitor may attend/review offender hearings pertaining to the Facility. The Contract Monitor may attend staff meetings upon approval of the Facility head or designee. The Contractor shall submit the monthly report to the Contract Monitor by the date specified.
  2. The Contractor agrees that it is essential that the Contract Monitor have access to the Facility in order to ensure compliance with the Contract.
  3. Other Department employees and state officials shall have access to the Facility and records upon notice and when it is necessary to the performance of their duties.
  4. Reimbursement to the State will be required for the actual costs of the annual statutory and contract compliance audit per Oklahoma Administrative Code. Billing for the annual audit by the Division of West Institutions will not exceed \$7,000 per facility per year.
- C. To supplement the review and audit done by the Contract Monitor(s), separate Medical Monitor(s) engaged by the State shall monitor the Contractor's performance of the medical requirements of this Agreement. Such monitoring shall occur on a schedule determined by the Medical Monitor(s). The Medical Monitor(s) shall have access to all Contractor records, employees, offenders, and facilities. The Medical Monitor(s) shall be provided space to review records and to meet with medical staff when the Medical Monitor(s) desires to have such accessibility, including, but not limited to, each time there is a serious medical incident, death, or emergency.

- D. The Contractor shall promptly cure any deficiency regarding medical care of an individual offender reported by the Medical Monitor(s). The contractor shall cure any medical systems deficiencies as recommended by the Medical Monitor(s) in accordance with Section 10.2 of the Contract.
- E. The Department's access to Contractor's records shall be limited to those records needed to monitor Contractor's compliance with any provision of this contract, the requirements of Oklahoma law, and shall not apply to Contractor's corporate proprietary information including but not limited to documents that contain information about other facilities or offender populations not covered by this Contract and documents covered by attorney/client privilege. This section will not prevent the release of any policy or procedure of the Contractor that is applicable to a facility covered by this contract, as well as any investigative report, reportable incident reports, and or other reports regarding Oklahoma offenders.

**ARTICLE 10  
BREACH AND REMEDIES**

Section 10.1 State Non-Performance.

- A. Each of the following shall constitute a non-performance of the Contract on the part of the State:
  - 1. Failure by the State to make payments to the Contractor under this Contract within 45 days after receipt of invoice by the State, except for such payments as may be the subject of a valid dispute between the parties and said dispute is being actively negotiated or attempted to be resolved.
  - 2. The persistent or repeated failure or refusal by the State to substantially fulfill any of its other obligations under this Contract, unless justified by Force Majeure or unless excused by Contractor's default.
- B. In the event of a non-performance by the State, the Contractor shall notify the State in writing within thirty days after the Contractor becomes aware of the non-performance. Said notice shall contain a description of the non-performance. The State shall be afforded a forty-five day period in which to effect a cure or in which to take reasonable steps to effect a cure unless a longer period is mutually agreed to by the parties; provided, however, that if the alleged non-performance concerns the State's failure to make payment under this Contract, the State shall have 15 days after the notice to effect a cure unless the payment is the subject of a dispute between the parties. Except as provided in subsection 10.1.F., the only remedy allowed for this non-performance will be limited to interest accruing from the date of invoice receipt at a rate allowed by statute.
- C. With the exception of the provisions contained herein, in no event shall any non-performance on the part of the State excuse the Contractor from full performance under this Contract unless the State's non-performance prevents Contractor's

performance. Any action taken by the State that is authorized by law or by this Contract shall not excuse a failure in the Contractor's performance.

- D. In the event of non-performance by the State, the Contractor may avail itself of any remedy at law in the forum with appropriate Oklahoma jurisdiction.
- E. Failure by the Contractor to file a claim before the appropriate forum in Oklahoma with jurisdiction to hear such claim within one year of the notice described in subsection (A) shall operate as a waiver of said claim in its entirety. It is agreed by the parties that this provision establishes a contractual period of limitations for any claim brought by the Contractor.
- F. In the event the State fails to make any payment due under this Contract within the cure period specified herein and the amount not paid exceeds one hundred thousand dollars, the Contractor may initiate legal action, mediation or terminate the Contract upon 45 days prior written notice to the department provided, however, Contractor may terminate this Contract only upon the State's failure to pay an amount which is not in dispute.

#### Section 10.2 Contractor Non-Performance.

- A. The Contractor may be deemed to have failed to perform if any of the following occurs:
  - 1. failure or refusal by the Contractor to perform in accordance with any term or provision of the Contract;
  - 2. partial performance of any term or provision of the Contract not excused or cured by the State.
  - 3. any act prohibited or restricted by the Contract or law.

For purposes of this Article, items (1) through (3) shall hereinafter be referred to as material Non-performance.

- B. In the event of a material non-performance by the Contractor, the State shall have available the following remedies as described further herein:
  - 1. actual damages and any other remedy available at law or equity;
  - 2. liquidated damages as set forth herein;
  - 3. termination of the Contract for cause.
- C. In the event of material non-performance by the Contractor the Contract Monitor shall provide the Contractor written notice of the non-performance and a time period not to exceed 45 days to cure said non-performance unless a longer period of time is mutually agreed to by the parties. In the event the Contractor fails to cure the non-performance within the time period provided or does not pursue the cure with due diligence, the State shall have available any and all remedies described herein. In the event the non-performance is not cured and in the event the State elects to invoke liquidated damages said liquidated damages shall commence on the date the

cure period expires; provided, however, if the Contractor has not acted with due diligence concerning the non-performance, the liquidated damages shall commence on the date of the failure to perform.

- D. This subsection regarding notice and opportunity to cure shall not be applicable in the event of successive or repeated Breaches of the same nature or the lack of due diligence, in which case the Director may order immediate compliance, enhancement of the liquidated damages by a factor of two, or termination of the contract for cause.

### Section 10.3 Liquidated Damages Non-Performance Penalties.

- A. In the event of a non-performance by the Contractor of a type described in Appendix C, the State may withhold as liquidated damages the amounts designated in Appendix C from any amounts owed the Contractor. The parties agree that due to the complicated nature of the Contractor's obligations under this Contract it would be difficult to specifically designate a monetary amount for a non-performance by the Contractor designated in Appendix C as said amounts are likely to be uncertain and not easily proven. The Contractor hereby represents and covenants that it has carefully reviewed the liquidated damages contained in Appendix C and agrees that said amounts are the liquidated damages resulting from negotiation between the parties, represent a reasonable relationship between the amount and what might reasonably be expected in the event of non-performance, and are a reasonable estimate of the damages that would occur from a non-performance.
- B. The State shall notify the Contractor in writing of the non-performance and the amounts to be withheld as liquidated damages.
- C. Liquidated damages shall be assessed for each day the non-performance remains uncured, subject to the provisions of Sections 10.2 and 10.3.
- D. It is hereby agreed between the parties that the liquidated damages represent solely the damages and injuries sustained by the State in losing the benefit of the bargain with the Contractor and do not include:
  - 1. any injury or damage sustained by a third party and the Contractor agrees that the liquidated damage amount is in addition to any amounts the Contractor may owe the State pursuant to the indemnity provision contained in Article 8 or otherwise; and
  - 2. any damage sustained to the Facility or property located therein as a result of the Contractor's non-performance wherein the State has exercised its option to purchase.
- E. The State may continue to withhold the liquidated damages or a portion thereof until the Contractor cures the non-performance or until the State terminates the Contract whichever occurs first.

- F. The State is not obligated to assess liquidated damages before availing itself of any other remedy.
- G. The State may choose to suspend imposition of liquidated damages and avail itself of any other remedy available under this Contract or at law or in equity.

Section 10.4 Termination For Cause.

- A. In the event of a Breach by either party, the non-breaching party may terminate the Contract for cause.
- B. The breaching party shall be notified of the termination in writing signed by the Director or President, respectfully. Said notice shall hereinafter be referred to as Termination for Cause Notice.
- C. The Termination for Cause Notice shall specify a date at least 90 days from notice of termination at which time all State offenders will be removed from the Facility subject to Section 10.9 below; provided the Contractor may elect to terminate the Contract for cause upon 45 days' notice in accordance with subsection 10.1.F.
- D. The parties agree to cooperate with each other in the event of a termination.
- E. In the event of a Termination for Cause by the State, the Contractor shall be liable to the State for any and all damages incurred by the State including but not limited to transportation of offenders, activation of the National Guard or any other state agency, any and all expenses incurred by the State to staff and operate the Facility which exceed the amount the State would have paid the Contractor under this Contract. The State shall have a duty to mitigate its loss by seeking the most appropriate cost alternative for the provision of the same level of quality service as required by the Contract. The State may withhold any amounts which may be due the Contractor as a set off against their damages without waiver of any other remedy or damages available to the State at law or in equity.

Section 10.5 Termination Due to Unavailability of Funds. The payment of money by the State under any provisions hereto is contingent upon the availability of funds appropriated annually in sufficient amounts for contractual services to pay for correctional services pursuant to this Contract. In the event funds appropriated by the Legislature for contractual services become insufficient or unavailable, the State shall have the right to terminate this Contract without penalty on the date funds are no longer available. The State shall notify the Contractor of the possibility of termination due to insufficient or unavailability of funds at the earliest possible time. The State shall do all things lawfully within its power to obtain and maintain funding for this Contract during its term. In the event money is authorized and available for housing offenders but less than the capacity of the Facility, the parties may agree to the lesser capacity and release the other available beds for resale, provided, co-mingling within a housing pod of Oklahoma offenders with offenders from other jurisdictions is prohibited without the

express written approval of the department which approval will not be unreasonably withheld.

If at any time during the term of this Contract or any extension period, the State's funding is inadequate to fully compensate the Contractor in accordance with the contract per diem, the parties shall negotiate a reduction in services consistent with any proposed per diem reduction. In the event the parties are unable to agree upon a reduction in services, the Contractor may terminate this contract upon no less than 180 days' notice.

Section 10.6 Damage or Destruction. In the event the Facility is damaged or destroyed by fire or other casualty, acts of nature, or insurrection, which event reduces the number of beds usable such event will not be grounds for termination of this Contract; provided that the Contractor will proceed with diligence and dispatch with any available funds, including insurance proceeds to construct and repair any damage to the Facility and use its business interruption insurance to supplement the Per Diem Rate each month, in which case the State shall only pay for beds actually used. If the facility is totally destroyed, or becomes unusable, and it is not feasible to re-construct within the remaining renewal term, the parties may agree to terminate the contract.

Section 10.7 Waiver. Unless otherwise stated in this contract, no waiver of any breach of any of the terms or conditions of this Contract shall be held to be a waiver of any other or subsequent breach; nor shall any waiver be valid or binding unless the same shall be in writing and signed by the party alleged to have granted the waiver.

Section 10.8 Mediation. The Contractor or the State shall have the right to request mediation in accordance with the Oklahoma Dispute Resolution Act for any breach disputed or for any other dispute.

Section 10.9 Holdover. The parties agree that in the event of insufficiency or unavailability of funds pursuant to Section 10.5, a termination or breach resulting in a reduction of the number of beds utilized by the Department, the Contractor shall, upon notice, have the right to contract for the use of those beds available to any other appropriate entity. Any delay in removing Oklahoma offenders pursuant to a termination or breach, and in the event reliance on said removal date was made in the contracting of those beds to another entity at a higher rate, the State shall be obligated to pay the higher amount duly contracted in good faith until the Oklahoma offenders are removed.

## **ARTICLE 11 MISCELLANEOUS**

Section 11.1 Financial Audits. The Contractor shall make available, upon request of the State or authorized persons designated by it, all records, reports, worksheets, or other material related to this Contract for audit purposes. Such records generated

during any contract year shall be kept and maintained for a period of five years from the ending date of the one-year contract period.

Section 11.2 Non-Discrimination. No person will be subjected to discrimination in the performance of this Contract on the grounds of handicap, race, color, religion, sex, age, or national origin. Upon request the Contractor shall show proof of such non-discrimination and shall post in conspicuous places, available to all employees and applicants, notice of such non-discrimination.

Section 11.3 Binding Nature. This Contract shall not be binding until it is approved and executed by the parties and has been approved by the following State of Oklahoma officials:

- A. Attorney General of the State of Oklahoma or designee.
- B. The Director of the Department of Central Services or designee including their General Counsel or designee.
- C. The Oklahoma Board of Corrections.

Section 11.4 Invalidity and Severability. In the event that any provision of this Contract shall be held to be invalid, the validity of the remaining provisions of the Contract shall not in any way be affected thereby.

Section 11.5 Services Commencement Date. This contract shall be effective upon execution by all the parties, and approval by the Oklahoma Board of Corrections.

Section 11.6 Terminology and Definitions. All personal pronouns used in this Contract, whether used in the masculine, feminine, or neutral gender, shall include all other genders; the singular shall include the plural and the plural shall include the singular.

Section 11.7 Interpretation and Venue. The laws of the State of Oklahoma and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution, and enforcement of this Contract. Oklahoma County, Oklahoma shall be the venue in the event any action is filed to enforce or interpret provisions of this Contract.

Section 11.8 Release. The Contractor, upon final payment of the amount due under this Contract, releases the State, its officers and employees, from all liabilities, claims, and obligations whatsoever arising from or under this Contract. The parties agree not to purport to bind the other to any obligation not assumed herein unless said party has express written authority to do so, and then only within the strict limits of this authority.

Section 11.9 Amendment. This Contract shall not be altered, changed, or amended except by a written agreement executed by the requisite parties hereto.

Section 11.10 Scope of Agreement. This Contract, its appendices and the Operational Plan incorporate all the agreements, covenants and understandings between the parties hereto concerning the subject matter hereof. No prior agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Contract. This agreement is made by and for the benefit of the State and the Contractor. Nothing herein shall be construed to confer rights upon any person not a party to this agreement.

Section 11.11 Subcontracting and Assignment. The Contractor may, upon notice to the State, assign the proceeds of this Contract. Except as set forth in this Contract, the Contractor shall not subcontract or assign any of the services to be performed under this Contract, except maintenance contracts, without the consent, guidance and prior express written approval of the State, which approval shall not be unreasonably withheld. In the event that approval is granted, the Contractor shall ensure that the subcontractor will comply with all the provisions of this Contract. Contracts for subcontracted services shall be furnished to the Contract Monitor 30 days prior to the Service Commencement Date and thereafter within 30 days after entering into the subcontract. The Contractor may not assign this contract, its performance or obligations, without the written consent of the department, upon such an assignment the State reserves the right to renegotiate the Contract. The State's prior approval shall be required for subcontracts of entire areas of service to a third party company, including but not limited to food and medical, but shall not apply to subcontracts with single individuals hired by Contractor as independent contractors.

Section 11.12 No Third Party Beneficiary. The parties to this contract hereby acknowledge and agree that this contract does not create a third party beneficiary contract on behalf of the offenders that are incarcerated pursuant to this contract.

Section 11.13 Notices.

Addresses: All Vendor notices, reports, billings, and correspondence will be sent to:

Oklahoma: Greg Williams, Division Manager  
Division of West Institutions  
3400 Martin Luther King Ave.  
Oklahoma City, Oklahoma 73111  
405-425-7100  
405-425-3654 Fax

All offender correspondence, notices, bill and invoices, and reports concerning medical issues shall be sent to:

Administrator, Medical Services  
Oklahoma Department of Corrections  
2901 N. Classen Boulevard, Suite 100  
Oklahoma City, OK 73106  
405-962-6139  
405-962-6146 Fax

All, notices, correspondences, inquiries and concerns relating to this agreement shall be sent to:

CONTRACTOR: Corrections Corporation of America  
Steve Groom, Executive Vice President and General Counsel  
10 Burton Hills Boulevard  
Nashville, Tennessee 37215  
Phone: 615-263-3000  
Fax: 615-263-3020

All notices shall be sent by certified mail, return receipt requested. Fax machines or e-mail may be used where feasible with hard original copy to follow.

Section 11.14 Originals. The parties agree that this contract may be executed in four original forms.

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the st/th day of \_\_\_\_\_, 2014.

State of Oklahoma

CONTRACTOR

\_\_\_\_\_  
Robert Patton, Director  
Department of Corrections

\_\_\_\_\_  
Natasha Metcalf, Vice President

Approved as to Form:

\_\_\_\_\_  
David A. Cincotta, General Counsel  
Department of Corrections

The undersigned authorities, each of them respectively, have reviewed the contract for compliance with the provisions of applicable statutes 57 O.S 1997 Supp sections 561 and 561.1 as well as all other applicable statutes and the contract conforms with those requirements.

Approved:

Approved:

\_\_\_\_\_  
Jon Dutton  
Assistant Attorney General  
Attorney General's Office

\_\_\_\_\_  
Scott Schlotthauer  
State Purchasing Director  
Central Purchasing Division  
Office of Management & Enterprise  
Services

**APPENDIX A  
DEPARTMENT & DIVISION POLICIES AND DIRECTIVES  
APPLICABLE TO CONTRACTOR**

- OP-020307 “Sex and Violent Crime Offender Registration”
- OP-030101 “Unit Management Overview and Major Objectives” except for staffing requirements of I.B. 3-5.
- OP-030102 “Offender Housing”
- OP-030103 “Offender Job and Program Assignments”
- OP-030106 “Recreation Activity Programs”
- OP-030112 “Religious Services”
- OP-030115 “Access to Courts/Law Library”
- OP-030116 “Offender Libraries”
- OP-030117 “Correspondence, Publications, and Audio/Video Media Guidelines”
- OP-030118 “Visitation”
- OP-030119 “Offender Telephone Privileges”
- OP-030120 “Offender Property”
- OP-030122 “Offender Authority Over Other Offenders”
- OP-030123 “Offender Rights and Responsibilities”
- OP-030134 “Chemical Abuse Testing”
- OP-030401 “Private Prison Monitoring Requirements
- OP-030501 “Personal Hygiene and Appearance Code”
- OP-030601 “Oklahoma Prison Rape Elimination Act”
- OP-031001 “Inmate Escorted Leave/Activities”
- OP-040101 “Facility Security Standards”
- OP-040108 “Control and Use of Flammable, Toxic, and Caustic Substances”
- OP-040109 “Control of Contraband and Physical Evidence”
- OP-040110 “Search and Seizure Standards”
- OP-040111 “Transportation of Offenders”
- OP-040114 “Security of Inmates in Non-Prison Hospitals”
- OP-040115 “Offender Identification and Crime Alert Bulletin”
- OP-040117 “Investigations”
- OP-040204 “Segregation Measures”
- OP-040401 “Transportation of Inmates by Central Transportation Unit (CTU)”
- OP-050103 “Escape Notification Procedures”
- OP-050108 “Use of Force Standards and Reportable Incidents”
- OP-052001 “Emergency Procedures for Private Prisons”
- OP-060101 “Overview of Case Management”
- OP-060102M “Male Initial Custody Assessment Procedures”
- OP-060103M “Male Custody Assessment Procedures”
- OP-060104 “Community Corrections Assessment”
- OP-060106 “Special Inmate Management System (SIMS)”
- OP-060107 “Systems of Incarceration”
- OP-060125 “Department Offender Disciplinary Procedures”
- OP-060203 “Adjustment Review”
- OP-060204 “Offender Transfers”

- OP-060205 "Parole Process Procedures"
- OP-060211 "Sentence Administration"
- OP-060212 "Maintenance and Access of Offender Records"
- OP-060901 "Pre-Release Planning and Re-Entry Process"
- OP-080201 "Private Sector Correctional Industry Standards"
- OP-080501 "Oklahoma Correctional Industries Pay Plan"
- OP-090101 "Standards for Offender Programs"
- OP-090107 "Offender Education Program"
- OP-090124 "Inmate/Offender Grievance Process"
- OP-090128 "Offender Marriages"
- OP-090131 "Offender Financial Responsibility Program"
- OP-090133 "Career and Technical Training"
- OP-090211 "Volunteer Program"
- OP-090215 "Victim Services"
  
- OP-120230 "Offender Trust Funds"
- OP-120701 "Canteen Operations and Employee/Offender Welfare Fund"
- OP-130106 "Environmental Health, Safety and Sanitation Inspections"
- OP-130107 "Standards for Inspections"
- OP-150601 "Tobacco Regulations"

ANY OF THE ABOVE DEPARTMENT POLICIES AND DIRECTIVES WHICH BY THEIR TERMS OF THIS CONTRACT ARE NOT WHOLLY APPLICABLE TO THE CONTRACTOR'S FACILITY ARE INTENDED AS DECLARATIONS OF THE DEPARTMENT'S MANAGEMENT POLICIES. THESE POLICIES ARE TO BE ADHERED TO BY THE CONTRACTOR, HOWEVER THE CONTRACTOR MAY IMPLEMENT PROCEDURES THAT ARE CONSISTENT WITH THESE DEPARTMENT MANAGEMENT POLICIES.

## **APPENDIX B VOCATIONAL PROGRAM STANDARDS**

### **1. INSTRUCTIONAL PLANNING AND ORGANIZATION**

- The instructional program will be designed to impart knowledge and develop skills that are essential for success in meeting the student's occupational objectives.
- Instructional planning and organization will provide adequate opportunity for occupational experience so that each student will develop the necessary skills and competencies needed for employment.
- Instruction will be directed toward appropriate and clearly formulated objectives with input from partnerships such as community, business and industry, and DOC. For example: appropriate use of duty task lists.
- Instruction will be open entry, controlled exit, competency based, individualized, and course length must be approved by the DOC Programs Administrator and the Division Manager. Vocational programs that are in place at the time of this initial contract have been approved by the DOC. These programs are as follows:

#### **Cimarron Correctional Facility**

Computerized Information Processing  
Commercial Cleaning  
Horticulture

#### **Davis Correctional Facility**

Building Maintenance Technology  
Horticulture/Landscape Management  
Computerized Information Processing

Cimarron Correctional Facility may reduce the number of vocational programs to two.

### **2. INSTRUCTIONAL MATERIALS UTILIZATION**

- Vocational teachers will utilize a variety of instructional materials and methods in accordance with student needs and the goals and objectives of the training program.
- All instructional materials must support an industry generated duty task list.
- Instructional materials must be adapted to meet individual needs, interests, and rates of learning.

### 3. QUALIFIED INSTRUCTIONAL PERSONNEL

All instructors will have an adequate general education along with recent work experience that will enable them to relate their instruction to business or industrial methodology. In addition to these minimum requirements, all vocational instructors will continuously strive to upgrade their skills and knowledge by meeting recertification requirements and attending professional improvement meetings.

- All vocational teachers will hold a license and appropriate credentials in their specific fields.

### 4. ENROLLMENT AND STUDENT/TEACHER RATIO

The recommended class size will be 12-15 students per instructor contingent upon the type of program and adequacy of space in the training facility.

- Students will be placed in appropriate programs as determined through adequate testing, evaluation, and career guidance.
- A list of total enrollment/completers, by program, will be reported monthly to DOC.

### 5. EQUIPMENT AND SUPPLIES

Proper equipment and adequate supplies must be made available to support the vocational program. Equipment selected should be of the grade and type used by business and industry and must meet or exceed all appropriate safety standards.

- The quantity and quality of tools, training stations, and equipment will be adequate to support the independent study needs of the students.

### 6. INSTRUCTIONAL FACILITIES

Physical facilities for vocational programs will include adequate space and utilities in classrooms, laboratories, and shop areas that provide for safe and orderly, quality instruction to meet program's objectives. Both instructional and non-instructional areas, including storage areas, restrooms, and offices, will be adequate for the number of students and staff using such areas.

- All facilities and work stations will be properly maintained to provide an environment that is conducive to learning and working.

### 7. SAFETY TRAINING AND PRACTICES

Vocational programs will ensure that safety features in the instructional facilities and equipment are properly implemented and maintained. In addition, adequate lighting, temperature, and ventilation will be provided to ensure a safe and healthy learning environment. The Occupational Safety and Health Administration standards will be used to guide the implementation of environmental health and safety features.

- All instructors will plan, present, demonstrate, and practice safety in the instructional and laboratory activities.
- All equipment and facility's safety features will be in place and properly maintained.

## 8. PROGRAM ADVISORY COMMITTEE AND COMMUNITY RELATIONS

Each vocational program will actively strive to encourage community involvement and promote a greater understanding of the program's needs and accomplishments. In addition, each vocational program will have a formally organized program advisory committee that is broadly representative of the school community and of the business and industrial community it serves. Each program will maintain on file a list of the names and occupations of the advisory committee members.

- The program's advisory committee will include appropriate representation from business and industry, with a majority of its members being practicing technicians and others being supervisors/managers from local businesses.
- The advisory committee will meet at least annually and copies of meeting minutes shall be made available for inspection.

## **EDUCATIONAL PROGRAM STANDARDS**

### 1. INSTRUCTIONAL PLANNING AND ORGANIZATION

- At a minimum, academic instruction in reading, math and language arts will be provided, at all levels of instruction.
- The academic program will be designed to meet the needs of students in literacy (0-5th grade levels), Adult Basic Education (6-8th grade levels), and G.E.D. (9-12th grade levels) courses. Emphasis will be placed on coursework that leads to completion of the G.E.D. requirements and the issuance of a G.E.D. certificate.
- Opportunities will also be developed where possible, to engage in a college program that leads to a college degree.

### 2. INSTRUCTIONAL MATERIALS

- Instructional materials will be provided that meet and support the instructional program outlined above in item 1.
- Instructional materials will be adopted to meet individual needs, interests, and rates of learning.

### 3. QUALIFIED INSTRUCTIONAL PERSONNEL

- All academic instructional personnel will meet or exceed state certification requirements and will hold a current Oklahoma teacher's certificate.
- All academic teachers will hold certification and appropriate credentials in their specific fields.

### 4. ENROLLMENT AND STUDENT/TEACHER RATIO

- Student instruction will be designed to meet individual student needs. Instruction will be individualized, open-entry, open exit and competency-based.
- The recommended class size will be 12-15 students per instructor contingent upon the type of program and adequacy of space in the training facility.
- Students will be placed in appropriate programs as determined by adequate testing, evaluation, and guidance. The Test for Adult Basic Education (TABE) forms 9 and 10 will be utilized for pre-testing and documentation of learning gains and performance results.
- A list of total enrollment/completions, by program, will be issued monthly to Department of Corrections. Additionally, a list of offenders who take the GED Test, along with scores, date of test, date of certification, certification number, and pass/fail will be submitted to DOC Education Unit for entrance into the Comit database.

### 5. EQUIPMENT AND SUPPLIES

- Appropriate equipment and adequate supplies must be made available to support the academic program.

### 6. INSTRUCTION FACILITIES

- Physical facilities for academic classes will include adequate space and utilities in classrooms and related areas that provide for safe and orderly quality work to meet the program objectives.

- Instructional areas including storage areas, restrooms, and offices will be adequate for the number of students and staff using such areas.
- All facilities will be properly maintained to provide an environment that is conducive to learning and working.

## 7. SAFETY FEATURES AND PRACTICES

Academic programs will ensure that safety features of the instructional facilities and equipment are properly implemented and maintained. In addition adequate lighting, temperature and ventilation will be provided to ensure a safe and healthy learning environment.

## APPENDIX D HEALTH SERVICES

### **Responsibility for Medical, Mental Health and Dental Services**

A. Introduction: The Contractor will provide medical, dental and mental health care services delivered by licensed health care staff overseen by a health administrator in accordance with the Oklahoma Department of Corrections' procedures, the medical Operating Standards and this contract. Contractor shall follow all Department medical policy with the following exceptions:

- OP-140114 Screening New Arrivals and Health Assessment
- OP-140121 Outside Providers for Health Care Management
- OP-140128 Commitment of Offender Patients to Department of Mental Health and Substance Abuse Services
- OP-140130 Pharmacy
- OP-140131 Health Care Transportation
- OP-140134 Credentialing Process
- OP-140140 Mental Health Administration and Organization
- OP-140502 Pharmaceutical and Medical Supply Requisition, Transportation and Security

The Contractor will follow CONTRACTOR policies in these areas and will notify DOC Medical/Mental Health Services in writing of desired changes in these areas. DOC will review the changes and return them to the Contractor within 30 days of receipt. Changes will not be implemented prior to the Contractor's receipt of written approval from the DOC, and such approval shall not be unreasonably withheld.

#### 1. Definitions:

- a. Acute condition: An acute (immediate or severe) episode of illness or the treatment of injuries related to an accident, trauma, or other impairment or during recovery from surgery.
- b. Emergency care: The medical or surgical care necessary to treat the sudden onset of a potentially life or limb threatening condition or symptom. To qualify as a medical emergency the care must begin within 12 hours after onset. Heart attacks, strokes, poisoning, loss of consciousness or respiration, and convulsions are examples of medical emergencies.
- c. Urgent care: Care medically necessary to prevent deterioration, other than normal aging of an offender's health that results from an unforeseen illness or injury and be delivered within 72 hours.
- d. Chronic care: A pattern of care that focuses on long-term care of offenders with chronic (longstanding, persistent) disease or conditions. It includes care

specific to the problem as well as other measures to encourage self-care, to promote health and to prevent loss of function.

- e. Medical care: All care including acute and chronic care that is not classified as emergency care which is routinely required by prevailing community standards and as described herein.
  - f. Inpatient care: Health care received by a patient admitted to an institution licensed and operated pursuant to law which is primarily engaged in providing health services on an inpatient basis for the care and treatment of injured or sick individuals through medical, diagnostic and surgical facilities.
  - g. Outpatient care: Health care provided where the offender remains ambulatory and is not kept in a health care facility overnight.
  - h. Major mental illness: An offender will be identified as having a major illness if currently prescribed psychotropic medications.
  - i. Reimbursable medical costs: Those medical, mental health and dental costs payable by the State of Oklahoma.
- B. Licensure: All health care providers will be licensed, certified or registered as required by state and federal laws and regulations. All health services employees will practice only within the scope of their licenser's certification and the Medical or Nursing Practice Act.
- C. Health Care: Health care will be delivered onsite at least 16 hours per day Monday through Friday and at least 8 hours per day Saturday, Sunday and legal holidays, with provision for emergency services 24 hours, seven days, either on or offsite at a nearby emergency facility. There shall be on-call nursing coverage during hours when there is no health care staff at the facility.
- D. Primary Medical Care: The Contractor's health care program will provide offenders with primary health care services to include but not necessarily limited to the following services at the facility:
- Medical screening performed upon admission to the facility.
  - Primary care services, including sick call in accordance with the DOC Operating Standards to general and lockdown populations.
  - Physician services.
  - Nursing services.
  - Medical Observation services.
  - Mental health services.
  - Laboratory services.
  - Vision services.
  - Radiology services.

- Prescription pharmacy services.
- Over-the-counter medications
- 24 hour emergency medical, mental and dental health care services.
- Treatment, management and control of TB, HIV/AIDS, and other communicable diseases.
- Special medical and dental diets.
- Physical therapy services, speech therapy and occupational therapy.
- All orthotic devices
- Durable medical supplies and equipment.
- Medical and dental prostheses.
- Hearing aids.
- Glasses.

E. Dental Care: The dental program provided by the Contractor will provide offenders with dental treatment to include but not necessarily limited to the following services:

- Emergency treatment of dental abscesses.
- Amalgam and composite restorations.
- Root canal treatment on anterior teeth that are restorable.
- All necessary extractions, to include soft tissue and partial bony impaction.
- Full dentures.
- Maxillary removable partial dentures when necessary for proper mastication.
- Mandibular removable partial dentures when necessary for proper mastication.
- Oral prophylaxis.
- Annual cleaning
- Access to oral surgery specialty outpatient care to include but not limited to extractions, biopsies or other surgical procedures and the treatment of fractured jaws.
- Partial dentures for anterior teeth

F. Mental Health Care: The mental health program will provide adequate access to a psychologist and a psychiatrist, clinical practice nurse, or psychiatrically trained physician for consultative and prescriptive services. Although a licensed psychologist is preferred, a part-time psychologist or psychiatrist may be employed for on-site consultation and supervision of licensed master's level professionals. The mental health personnel will be responsible to screen evaluate, and treat major mental illnesses as required in DOC OP-140201, "Mental Health Services Duties and Responsibilities." The Contractor will maintain a suicide prevention program in accordance with its policies and procedures. Services will also include, at a minimum, substance abuse services, to include education and self-help, basic cognitive behavioral group programs and individual psychological counseling.

G. Optometric Care: All offenders 40 years of age and older shall be offered, at their request, an annual optometric examination to include testing for glaucoma, as well as testing for near and far sightedness. Offenders less than 40 years of age may be offered a visual acuity screening test. An offender whose vision tests as 20/70

vision or worse in one or both eyes (with or without glasses) is eligible to receive one optometric examination annually.

- H. Outpatient Care: The Contractor will be liable, as set forth in section 5.6 L., for the costs associated with the delivery of outpatient medical, mental health, optometric and dental care incurred away from the facility. Access to OU Medical Center (OUMC) shall be available to the Contractor under the same conditions, as it is available to offenders in state operated facilities. Medical appointments will be made upon referral from the facility physician and upon acceptance by the hospital physicians.
- I. Inpatient Care: The Contractor will provide such care onsite if a licensed hospital is a part of the prison facility. If not, a licensed hospital(s) which provides for all inpatient medical/psychiatric services as appropriate will be utilized. OU Medical Center (OUMC) may be utilized as set forth in Section 5.6.H. The costs for inpatient or outpatient surgery, all hospital costs and the cost of autopsies will be paid as set forth in section 5.6.L.
- J. Emergency Care and Urgent Care: The Contractor will be liable, as set forth in section 5.6.L., for the costs associated with the delivery of Emergency care and Urgent care. In emergency medical situations, or in urgent care situations, the Contractor will make appropriate arrangements for medical treatment. Where possible, the Contractor will attempt to arrange the emergency care at OU Medical Center (OUMC). Emergency transportation by air or ground ambulance will be at the Contractor's expense.
- K. AIDS Patients and HIV Positive offenders: The Contractor will be responsible for the treatment of offenders infected with the Human Immunodeficiency Virus (HIV). This will include, but will not be limited to, all in-patient and outpatient medical costs excluding the cost of providing antiviral medications therapeutically indicated for the treatment of the HIV. If the number of the HIV positive offender population being treated increases by 10 offenders then the medication cost allocation shall be subject to negotiation. The Contractor may return any offender diagnosed with Acquired Immune Deficiency Syndrome (AIDS), as defined by the Center for Disease Control to the State. The Contractor is responsible for treatment of Hepatitis C patients subject to the exceptions contained herein. The Contractor will treat Hepatitis C offenders in accordance with the Oklahoma DOC protocol in existence at the time of execution of this Contract. When an offender becomes an end-stage Hepatitis C patient and can no longer be treated at the Contractor's facility, the DOC will transfer the offender out of the Facility.
- L. Payments for Health Service: NOTE: Currently some treatment is provided at OU Medical Center (OUMC) at no cost to the Department or the Contractor. If free services become unavailable in the future, the Contractor will be responsible for expenses as set forth herein and the per diem shall be adjusted based on offender patient data from the previous two year period. The Department and Contractor shall

provide each other with all offender patient data for the prior two year period within sixty days of the date of closing of the hospital. Offender patient data shall include, in a manner consistent with federal and state privacy laws, the number of offender patient visits and the number and type of medical procedures performed on offender patients on behalf of the Department or the Contractor. After the first year of such additional expenses, the State will review with the Contractor these operating costs. If the parties cannot reach an agreement regarding a per diem adjustment within ninety days of the close of the hospital, either party may terminate this Agreement upon ninety days' notice. Such a termination shall not be considered a termination for cause.

1. Onsite health care - The Contractor will be responsible for the cost of all health care, staff, medications, supplies, services, equipment, and communications provided to/ or for offenders onsite, whether required by the Contractor's staff or outside consultants. The cost of additional pages, forms, and incorporation of outside medical consultant reports to the medical record is included in costs paid by the Contractor.
2. Offsite outpatient (to include emergency care and urgent care)- The Contractor will be responsible for payment direct to the billing facility for the costs of all such care, including medications, special treatments, supplies, and prostheses ordered by the outpatient provider for the health care of the offender, which originates while the contract is in effect between the Contractor and the Department.
3. Offsite inpatient hospital - The Contractor will be responsible for payment direct to the billing facility for the costs of all such care provided in the hospital or ordered to be provided after the inmate is returned to the institution. The Contractor may claim reimbursement from the Department for the inpatient hospitalization in a licensed hospital, for the hospital charges only, not separate physician or other provider charges, for the amount which exceeds \$70,000 per inpatient hospital discharge for each single hospital stay which originates while the contract for services is in effect between the Contractor and the Department. The Department will reimburse the Contractor at the rate of 70% for all charges over \$70,000.
4. Department health services personnel must be notified of hospitalizations within 24 hours following admission. When admission occurs after routine working hours, weekends or holidays, notification must occur the next working day. Reimbursement, as set forth herein, for hospitalizations will occur only when notification is received within 24 hours of admission. An authorization number will be issued by Department health services personnel for each hospitalization. Prior to Department personnel processing payment to the Contractor for reimbursement, the Contractor must forward a billing summary and copies of the invoices, with the authorization number noted on each invoice and a completed authorization form attached, to Department central offices. The Department

reserves the right to audit the billings for such charges for accuracy and medical necessity as part of the claim process.

- M. Medical Co-pay Program: The Contractor will implement a medical co-pay procedure in accordance with Department Policy and Procedure, OP-140117, "Offender Access to Health Care". The cost will be \$4.00 per visit and \$4.00 per prescription. Money received in connection with any medical co-payment plan will be reported monthly to the Department on a quarterly basis.
- N. Security: Security services for authorized outpatient/diagnostic/specialty care delivered off-facility will be the responsibility of the Contractor. During any period the offender is in the custody of the Contractor and is housed in a local, private hospital, the Contractor will provide security services. The Department will provide security for inpatient hospitalizations at OU Medical Center (OUMC), as long as Department maintains a security post at this location.
- O. Medical Records: The Department medical record will be transferred with the offender to the private facility. All offender x-rays will be forwarded to the Medical Unit at the Lexington Assessment and Reception Center. Upon the return of an offender to a Department facility, the offender's Department medical record and a complete copy of all medical records generated during incarceration at the private facility will be provided to the Department health services personnel. The Contractor will retain offender prescription refill requests for six (6) months after an offender is transferred from the Facility.
- P. The Contractor will implement a medical record system utilizing the Department's medical record and chart forms and observing the requirements for protected health information as described in Appendix D.
1. The Contractor will ensure the use of the Problem Oriented Medical Record (POMR) format and shall ensure that accurate, comprehensible, legible and up-to-date medical information is maintained on each offender under its care. Medical records will be considered confidential. The Contractor will ensure specific compliance with laws and standards regarding confidentiality, informed consent, and access/disclosure.
  2. Procedures will be instituted for the receipt and filing of all outside consults, emergency room visits and inpatient hospitalizations. The Contractor will comply with the Oklahoma State Statute regarding retention of health records. All medical records, including x-ray films, are the property of the State of Oklahoma.
- Q. Administrative Reports: The Contractor's health services administrator or designee will prepare a monthly statistical report to be submitted to the Department's health services division.

- R. Audits and Inspections: Department medical personnel will conduct an audit and inspection of the facility health services unit on at least a semiannual basis and more often as required.
- S. Medical Quality Assurance and Self-Monitoring Program: A quality assurance review and self-monitoring program will be established and maintained to ensure that communication and intensive review of serious issues, such as an offender death, serious injury, et al, is initiated by the Contractor and that the Contractor informs the State about the circumstances, details and corrective measures taken in such an event. Notification will be pursuant to Section 5.18. Forwarding of the corrective action plan shall be within 45 days of the precipitating serious event.

Staffing Pattern and DOC Procedures: In regard to the Contract staffing pattern, DOC will accept CONTRACTOR staffing patterns provided CONTRACTOR agrees to comply with DOC Health Services procedures and implements a quality assurance process, including doctor to doctor communication, that addresses self-monitoring, continuity of care and quality issues and in turn communicates this information, given certain confidentiality requirements, to the DOC Medical Services Division. For the purpose of this Contract regarding medical issues, correspondence with the Chief Medical Officer of the facility or CONTRACTOR will constitute official notice pursuant to the Contract requiring immediate action.

**APPENDIX C  
LIQUIDATED DAMAGES**

Liquidated damages for each day of a breach will be calculated as follows:

$V \times B \times \$25.00$  when

| Service Area  | Relative Value (V) | Relative Value of Breach (B) - Failure to: |          |        |  |
|---|--------------------|--|----------|--------|--|
|   |                    | Provide Services                           | Document | Report | Comply w/Other Applicable Requirements |
| Security and control, ACA Accreditation, Health Services, Use of Force, Escapes, and Contract Monitoring  | 5                  | 5  | 2        | 2      | 5                                      |
| Sanitation and Hygiene, Food Service, Mail, Religion, Access to Court, Offender Discipline, Grievance, Visitation, Records and Reports, Employee Qualifications and Training  | 4                  | 4  | 2        | 2      | 4                                      |
| Erroneous Releases (may enhance to a value of 5)  | 4                  | 4  |          |        |  |
| Operating Standards, Transportation, Maintenance, Repairs and Replacements, Offender Work, Academic & Vocational Training, Sentence Computation Data, Classification and Case Management, Commissary, Policies/Procedures/Post Orders, and Offender Management Fund/Bank Accounts | 3                  | 3  | 1        | 1      | 3                                      |
| Laundry and Offender Clothing, Telecommunications, Supplies/Perishables, and Recreation   | 2                  | 3  | 1        | 1      | 3                                      |

**APPENDIX E  
REQUIRED MATERIALS FOR  
LAW LIBRARY**

| <u>Item</u> | <u>Title</u>  | <u>Publisher</u>                | <u>Upkeep Service</u> |
|-------------|---|---------------------------------|-----------------------|
| 1.          | United States Code Annotated<br>OR<br>United States Code Service<br>Titles 18, 21, 28, 42, Constitution and<br>index only         | West<br><br>Lawyers Cooperative | Yes                   |
| 2.          | Supreme Court Reporter, beginning with<br>volume 100 plus volumes 92, 94, and 96<br>OR<br>Supreme Court Reporter, Lawyers Edition | West<br><br>Lawyers Cooperative | Yes                   |
| 3.          | Federal Reporter 2nd<br>beginning with volume 615 thru 999  | West                            | No                    |
| 4.          | Federal Reporter 3rd<br>1 volume thru current   | West                            | Yes                   |
| 5.          | Federal Supplement beginning with<br>volume 481   | West                            | Yes                   |
| 6.          | Federal Practice Digest 4th   | West                            | Yes                   |
| 7.          | Oklahoma Statutes (Annotated)   | West                            | Yes                   |
| 8.          | Oklahoma Decisions<br>beginning with volume 605   | West                            | Yes                   |
| 9.          | Oklahoma Digest 2nd   | West                            | Yes                   |
| 10.         | Vernon's Oklahoma Forms   | West                            | Yes                   |
| 11.         | How to Find the Law 8th Ed.   | West                            | No                    |
| 12.         | Constitutional Rights of the Accused 2nd<br>(3 volumes)   | Clark/Boardman                  | Yes                   |
| 13.         | Law of Sentencing   | Clark/Boardman                  | Yes                   |
| 14.         | Handling of Criminal Appeals  | Clark/Boardman                  | Yes                   |
| 15.         | Post-Conviction Remedies  | Clark/Boardman                  | Yes                   |
| 16.         | Federal Civil Rights Act, 3rd (2 volumes)   | Clark/Boardman                  | Yes                   |
| 17.         | Motions in Federal Court  | Lawyers Cooperative             | Yes                   |

**APPENDIX E (continued)**  
**FORMS REQUIRED IN LAW LIBRARIES**

Writ of Habeas Corpus - U.S.C. Title 28 Section 2254  
Affidavit  
Verification  
Petition for Criminal Appeals with the Oklahoma Court of Criminal Appeals  
Pauper's Affidavit and Statement of Prison Account  
Civil Right Complaint-U.S.C. Title 42, Section 1983 with Cover Sheet and In Forma Pauperis  
Motion for Transcript at Public Expense  
Certificate of Mailing  
Notice of Intent Appeal  
Application for Post-Conviction Relief  
Federal In Forma Pauperis  
Motion for Speedy Trial or Dismissal of Charges  
Application for Search and Certified Copy of Birth Certificate  
Summons

|             |  |
|-------------|--|
| DOC 060125L | "Offenders Misconduct Appeal Form"   |
| DOC 030115A | "Offender's Request for Disbursement of Legal Costs"   |
| DOC 060212B | "Request for Review of Individual Criminal History Record"   |
| DOC 060212C | "Challenge of Criminal History Record"   |
| DOC 060212D | "Request for Review of Individual Department of Corrections Record"                                      |
| DOC 060212F | "Authorization to Release Department of Corrections Record Information"                                  |
| DOC 090124A | "Offender Grievance Report Form"   |
| DOC 140108A | "Authorization to Release of Protected Health Information"   |
| DOC 140108F | "Medical Record Review"  |
| DOC 140108G | "Authorization for Release of Protected Health Information Release of Psychiatric/Psychological Records" |

**APPENDIX F**  
**FACILITY 12- HOUR STAFFING PATTERN**  
**CIMARRON CORRECTIONAL FACILITY BASED UPON 1650 OFFENDERS**

| <b>Title</b>                      | <b>Approved</b> |
|-----------------------------------|-----------------|
| Warden                            | 1.00            |
| Assistant Warden                  | 2.00            |
| Manager, Learning and Development | 1.00            |
| Manager, Operations Finance       | 1.00            |
| Bookkeeper                        | 1.00            |
| Accounting Clerk                  | 2.00            |
|                                   |                 |
|                                   |                 |
| Manager, Human Resources          | 1.00            |
| Human Resource Assistant          | 1.00            |
| Investigator                      | 1.00            |
| Manager, Quality Assurance        | 1.00            |
| Safety Manager                    | 1.00            |
| Grievance Coordinator             | 1.00            |
| Master Scheduler                  | 1.00            |
| Mailroom Supervisor               | 1.00            |
| Mailroom Clerk                    | 2.00            |
| Secretary                         | 1.00            |
|                                   |                 |
|                                   |                 |
| Administrative Clerk              | 10.00           |
| Chief of Unit Management          | 1.00            |
| Classification/Jobs Coordinator   | 1.00            |
| Unit Manager                      | 4.00            |
| Case Manager                      | 13.00           |
| Correctional Counselor            | 13.00           |
|                                   |                 |
|                                   |                 |
| Records Supervisor                | 1.00            |
| Records Specialist                | 1.00            |
| Records Clerk                     | 2.00            |
| Maintenance Supervisor            | 1.00            |
| Maintenance Worker                | 5.00            |
| Warehouse Manager                 | 1.00            |
| Warehouse/Commissary Worker       | 4.00            |
| Laundry Supervisor                | 1.00            |
| Recreation Supervisor             | 1.00            |
| Substance Abuse Counselor         | 1.00            |
| Chaplain                          | 2.00.00         |

| <b>Title</b>                    | <b>Approved</b> |
|---------------------------------|-----------------|
| Food Service Manager*           | 1.00            |
| Assistant Food Service Manager* | 1.00            |
| Food Service Supervisor*        | 10.00           |
| Health Services Administrator   | 1.00            |
| Physician                       | 1.00            |
| ARNP/PA                         | 1.00            |
| Clinical Supervisor             | 1.00            |
| Psychologist, Part-Time         | .50             |
| Mental Health Coordinator       | 2.00            |
| RN                              | 8.00            |
| LPN                             | 9.75            |
| Certified Medication Assistant  | 3.75            |
| Medical Records Clerk           | 2.00            |
|                                 |                 |
|                                 |                 |
| Dentist                         | 1.00            |
| Dental Assistant                | 1.00            |
| Dental Hygienist                | .50             |
| Dentist*                        | .50             |
| Dental Assistant*               | .50             |
| Psychiatrist*                   | .75             |
| Optometrist*                    | PRN             |
| Principal                       | 1.00            |
| Academic Instructor             | 5.00            |
| Vocational Instructor           | 5.00            |
| Librarian                       | 1.00            |
| Librarian, Part-Time            | .50             |
| Diagnostician*                  | PRN             |
| Chief of Security               | 1.00            |
|                                 |                 |
| Shift Supervisor                | 6.00            |
| Assistant Shift Supervisor      | 6.00            |
| Senior Correctional Officer     | 17.00           |
| Correctional Officer            | 146.00          |
| <b>TOTAL</b>                    | <b>315.75</b>   |

\*Indicates Contract Staff

**APPENDIX G**  
**FACILITY 12-HOUR STAFFING PATTERN**  
**DAVIS CORRECTIONAL FACILITY BASED UPON 1,670 OFFENDERS**

| Title                             | Approved |
|-----------------------------------|----------|
| Warden                            | 1.00     |
| Assistant Warden                  | 2.00     |
| Manager, Learning and Development | 1.00     |
| Manager, Operations Finance       | 1.00     |
| Bookkeeper                        | 1.00     |
| Accounting Clerk                  | 1.00     |
| Manager, Human Resources          | 1.00     |
| Human Resource Assistant          | 1.00     |
| Investigator                      | 1.00     |
| Manager, Quality Assurance        | 1.00     |
| Safety Manager                    | 1.00     |
| Grievance Coordinator             | 1.00     |
| Master Scheduler                  | 1.00     |
| Mailroom Supervisor               | 1.00     |
| Mailroom Clerk                    | 2.00     |
| Secretary                         | 1.00     |
|                                   |          |
|                                   |          |
|                                   |          |
|                                   |          |
| Administrative Clerk              | 10.00    |
| Administrative Clerk, Part-Time   | 1.00     |
| Chief of Unit Management          | 1.00     |
| Classification/Jobs Coordinator   | 1.00     |
| Unit Manager                      | 4.00     |
| Case Manager                      | 14.00    |
|                                   |          |
| Correctional Counselor            | 16.00    |
| 22                                | 1.00     |
| Records Supervisor                | 1.00     |
| Records Clerk                     | 2.00     |
| Maintenance Supervisor            | 1.00     |
| Maintenance Worker                | 5.00     |
| Warehouse Manager                 | 1.00     |
| Warehouse/Commissary Worker       | 3.00     |
| Recreation Supervisor             | 1.00     |
| Chaplain                          | 1.00     |
| Food Service Manager*             | 1.00     |
| Assistant Food Service Manager*   | 1.00     |
| Food Service Supervisor*          | 4.00     |
|                                   |          |
|                                   |          |
|                                   |          |

| Title                                     | Approved      |
|---|---------------|
|   |               |
|   |               |
| Health Services Administrator             | 1.00          |
| Physician                                 | 1.00          |
| ARNP/PA                                   | 1.00          |
| Clinical Supervisor                       | 1.00          |
| Psychologist/ Mental Health Coordinator   | 1.00          |
|   |               |
| Mental Health Coordinator                 | 2.00          |
|   |               |
| RN  | 6.00          |
| LPN                                       | 8.00          |
|   |               |
| Certified Medication Assistant            | 5.00          |
| Certified Medication Assistant, Part-Time | 1.00          |
| Medical Records Clerk                     | 2.00          |
| Dentist                                   | 1.00          |
| Dentist, Part-Time                        | .50           |
| Dental Assistant                          | 1.00          |
| Dental Assistant, Part-Time               | .50           |
| Dental Hygienist                          | .50           |
| Psychiatrist*                             | .65           |
| Optometrist*                              | <i>PRN</i>    |
| Principal                                 | 1.00          |
|   |               |
| Academic Instructor                       | 5.00          |
| Vocational Instructor                     | 3.00          |
| Librarian                                 | 1.00          |
|   |               |
| Diagnostician*                            | <i>PRN</i>    |
| Chief of Security                         | 1.00          |
|   |               |
| Shift Supervisor                          | 6.00          |
|   |               |
|   |               |
| Assistant Shift Supervisor                | 6.00          |
|   |               |
|   |               |
| Senior Correctional Officer               | 21.00         |
| Correctional Officer                      | 151.00        |
| <b>TOTAL</b>                              | <b>315.15</b> |

\*Indicates Contract Staff







**State of Oklahoma  
Department of Central Services  
Central Purchasing Division**

**Certification for Competitive  
Bid and Contract  
(Non-Collusion Certification)**

*In accordance with 74 O.S. § 85.22, a certification shall be included with any competitive bid or contract submitted to the State for goods or services.*

Solicitation #: \_\_\_\_\_

A. For purposes of competitive bid or contract, I certify:

1. I am the duly authorized agent of \_\_\_\_\_, the bidder submitting the competitive bid herewith, for the purpose of certifying the facts pertaining to the existence of collusion among bidders and between bidders and state officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to said bid;

2. I am fully aware of the facts and circumstances surrounding the making of the bid to which this statement is attached and have been personally and directly involved in the proceedings leading to the submission of such bid; and

3. Neither the bidder nor anyone subject to the bidder's direction or control has been a party:

- a. to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding,
- b. to any collusion with any state official or employee as to quantity, quality or price in the prospective contract, or as to any other terms of such prospective contract, nor
- c. in any discussions between bidders and any state official concerning exchange of money or other thing of value for special consideration in the letting of a contract.

B. I certify, if awarded the contract, whether competitively bid or not, neither the contractor nor anyone subject to the contractor's direction or control has paid, given or donated or agreed to pay, give or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring this contract herein.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Certified This Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email

\_\_\_\_\_  
Fax Number



Population Update

## Population Update

### Population Information as of August 29, 2014 Compared to August 30, 2013

| Total System Offender Population | Females | Males  | Total  |
|----------------------------------|---------|--------|--------|
| Current Population               | 3,001   | 25,269 | 28,270 |
| Population Last Year             | 2,809   | 24,002 | 26,811 |
| Change from last year            | 192     | 1,267  | 1,459  |

| DOC Facilities       | Females | Males  | Total  |
|----------------------|---------|--------|--------|
| Current Population   | 2,444   | 16,798 | 19,242 |
| Population Last Year | 2,275   | 15,600 | 17,875 |
| Change               | 169     | 1,198  | 1,367  |

| Private Prisons      | Females | Males | Total |
|----------------------|---------|-------|-------|
| Current Population   | 0       | 5,812 | 5,812 |
| Population Last Year | 0       | 5,810 | 5,810 |
| Change               | 0       | 2     | 2     |

| County Jail Contracts | Females | Males | Total |
|-----------------------|---------|-------|-------|
| Current Population    | 0       | 549   | 549   |
| Population Last Year  | 0       | 616   | 616   |
| Change                | 0       | (67)  | (67)  |

| Halfway Houses       | Females | Males | Total |
|----------------------|---------|-------|-------|
| Current Population   | 295     | 1,001 | 1,296 |
| Population Last Year | 300     | 861   | 1,161 |
| Change               | (5)     | 140   | 135   |

| Out Count            | Females | Males | Total |
|----------------------|---------|-------|-------|
| Current Population   | 56      | 649   | 705   |
| Population Last Year | 59      | 652   | 711   |
| Change               | (3)     | (3)   | (6)   |

| GPS                  | Females | Males | Total |
|----------------------|---------|-------|-------|
| Current Population   | 206     | 444   | 650   |
| Population Last Year | 175     | 447   | 622   |
| Change               | 31      | (3)   | 28    |

| EMP                  | Females | Males | Total |
|----------------------|---------|-------|-------|
| Current Population   | 0       | 15    | 15    |
| Population Last Year | 0       | 15    | 15    |
| Change               | 0       | 0     | 0     |

| PPCS                 | Females | Males | Total |
|----------------------|---------|-------|-------|
| Current Population   | 0       | 1     | 1     |
| Population Last Year | 0       | 1     | 1     |
| Change               | 0       | 0     | 0     |

| Probation Supervision | Females | Males  | Total  |
|-----------------------|---------|--------|--------|
| Current Population    | 5,207   | 16,341 | 21,548 |
| Population Last Year  | 4,948   | 16,058 | 21,006 |
| Change                | 259     | 283    | 542    |

| Parole Supervision   | Females | Males | Total |
|----------------------|---------|-------|-------|
| Current Population   | 466     | 2,746 | 3,212 |
| Population Last Year | 496     | 2,597 | 3,093 |
| Change               | (30)    | 149   | 119   |

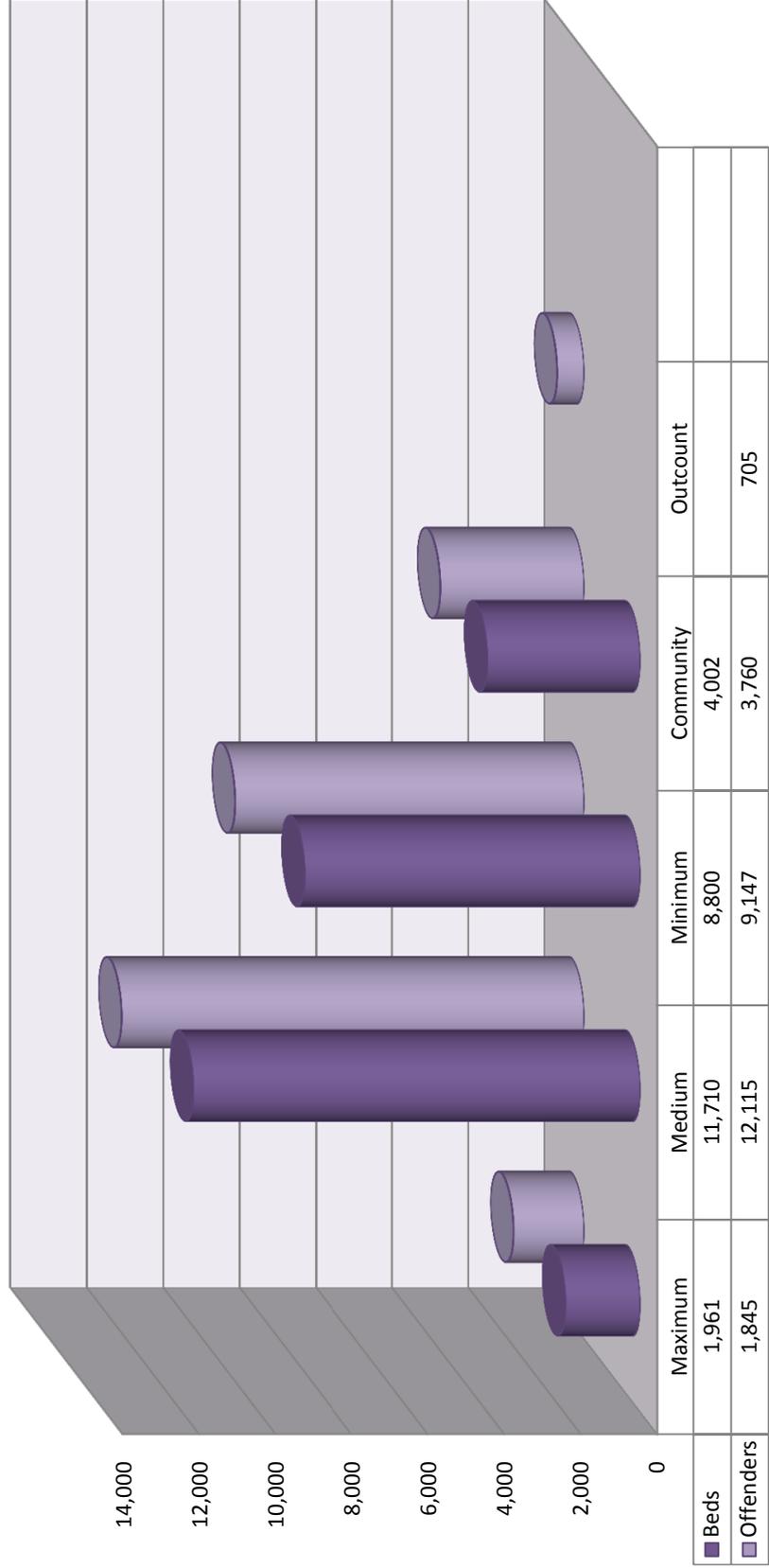
| Total System Population   | Females | Males  | Total  |
|---------------------------|---------|--------|--------|
| Current System Population | 8,674   | 44,356 | 53,030 |
| Population Last Year      | 8,253   | 42,657 | 50,910 |
| Change                    | 421     | 1,699  | 2,120  |

| County Jail Inmate Backup | Females | Males  | Total   |
|---------------------------|---------|--------|---------|
| <b>August 29, 2014</b>    | 20      | 164    | 184     |
| Population Last Year      | 94      | 1,594  | 1,688   |
| Change                    | (74)    | (1430) | (1,504) |

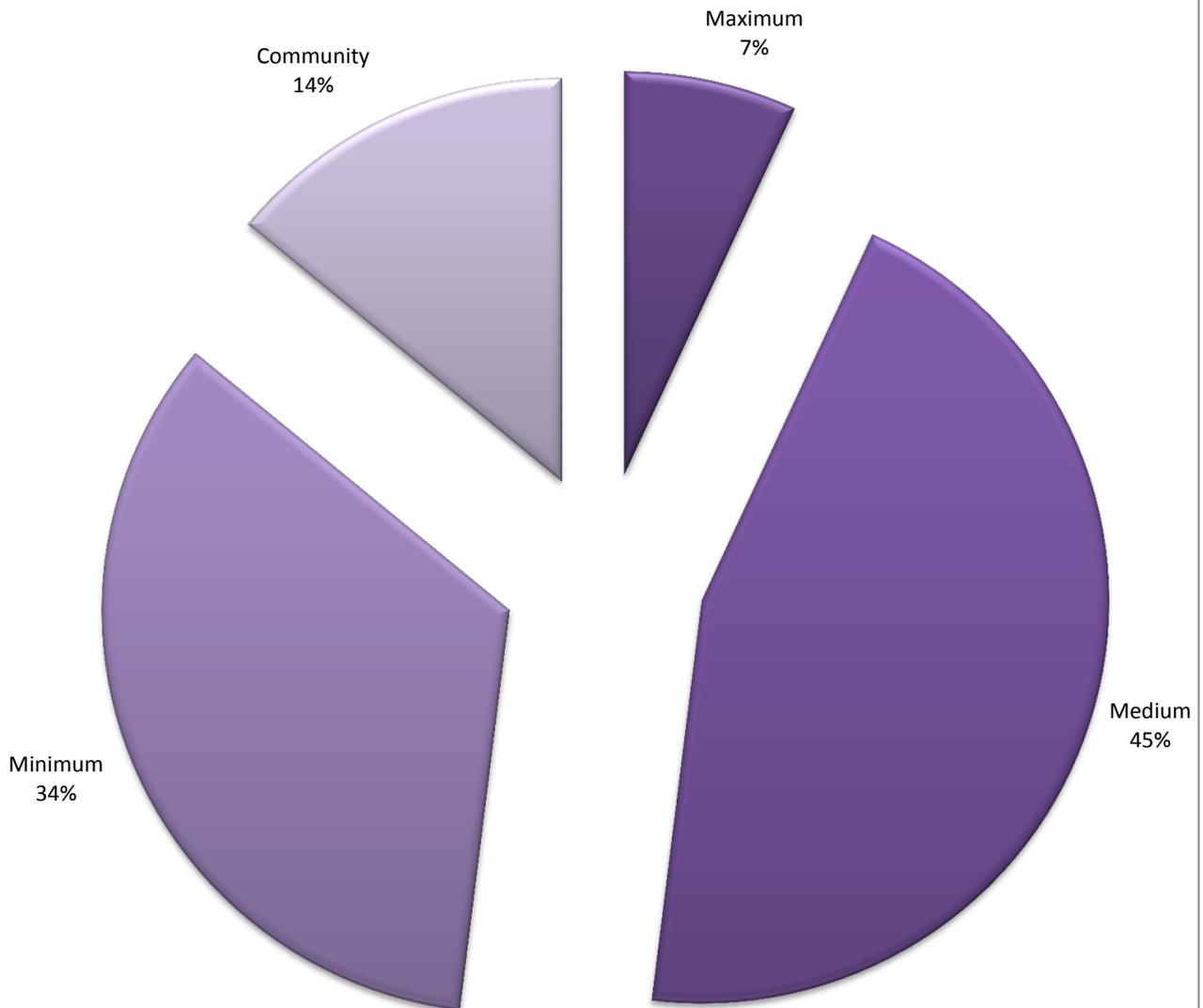
| Pardon & Parole Board Results | Females | Males  | Total  |
|-------------------------------|---------|--------|--------|
| <b>Month: August 2014</b>     |         |        |        |
| Considered                    | 23      | 266    | 289    |
| Denied                        | 17      | 196    | 213    |
| Recommended                   | 6       | 70     | 76     |
| Percentage Recommended        | 26.09%  | 26.32% | 26.30% |

| Governor's Actions        | Females | Males | Total |
|---------------------------|---------|-------|-------|
| <b>Month: August 2014</b> |         |       |       |
| Reviewed                  | 0       | 4     | 4     |
| Approved                  | 0       | 0     | 0     |
| Denied                    | 0       | 4     | 4     |
| Percentage Approved       | 0.00%   | 0.00% | 0.00% |

# Offender and Bed Distribution August 29, 2014

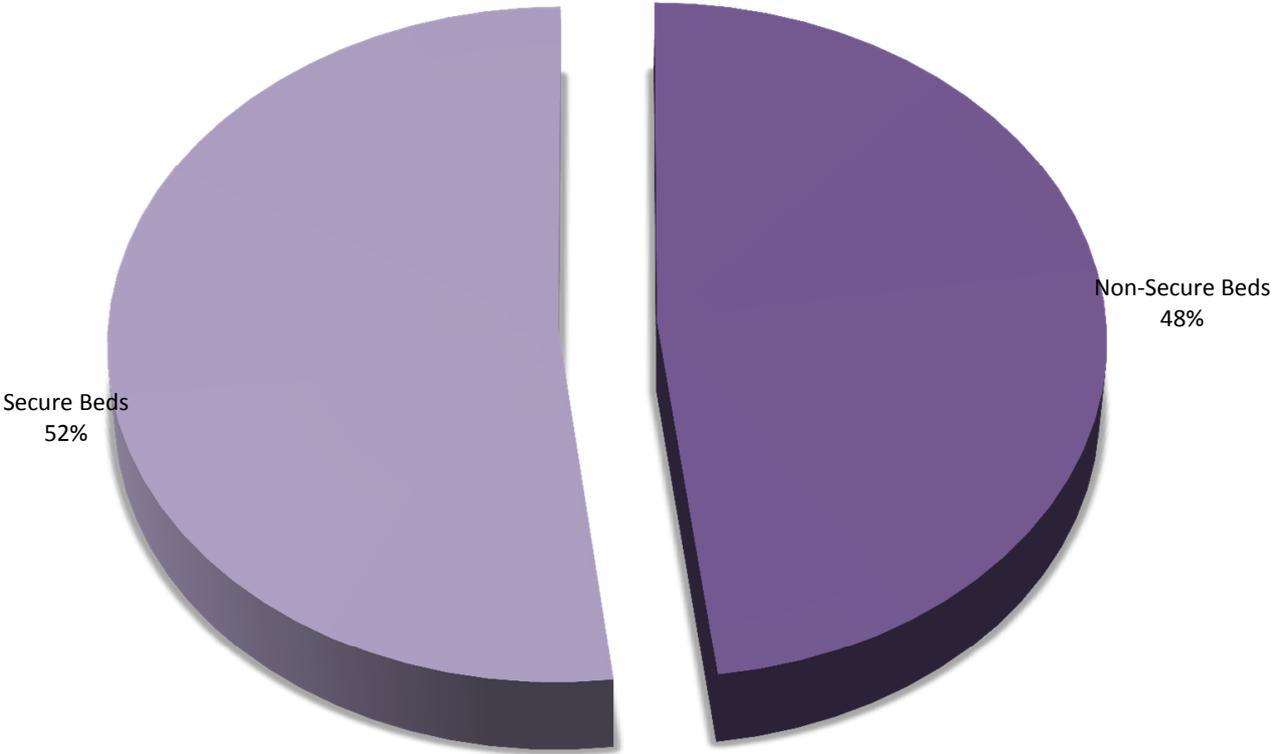


## Offender Distribution by Security Level August 29, 2014



**Percentage of Offenders in Secure and Non-Secure  
Beds**

**August 29, 2014**



## Offenders in DOC Facilities v. Contract Facilities August 29, 2014

