

**OKLAHOMA BOARD OF CORRECTIONS
REGULAR MEETING**

Dick Conner Correctional Center
129 Conner Road
Hominy, Oklahoma
September 10, 2015

1. Call to Order and Roll Call

Kevin Gross, Chair

Chair Gross called the regular meeting of the Oklahoma Board of Corrections (BOC) to order at 1:02 p.m. on Thursday, September 10, 2015, in the Dick Conner Correctional Center (DCCC). The final agenda was posted at 3:45 p.m. on Tuesday, September 8, 2015, at the Oklahoma Department of Corrections (ODOC), which is at least twenty-four hours prior to the commencement of the meeting. Chair Gross asked the clerk to call the roll:

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

Calling of the roll reflected a quorum was present.

2. Welcome/Remarks

Janet Dowling, Warden

Dick Conner Correctional Center

Warden Dowling welcomed the BOC and Director Patton to the facility and thanked the Citizen's Advisory Committee members in attendance for their support of the facility. She stated the DCCC was named for former Osage County Sheriff and former Oklahoma State Penitentiary Warden, R. B. Conner. The facility was originally designed for four housing units and received a capacity of 400 offenders in August 1979. With the addition of two housing units in 1982 and one in 2012, the number of medium security housing units was increased to seven. The minimum unit was constructed in 1992 and the World Mission Builders completed construction of both medium security and minimum security chapels in 2013.

Warden Dowling stated the current facility was 1,303 offenders. As of this date, staffing includes eighty-four correctional officers and fifty-six non-uniform employees. The facility has an infirmary which provides twenty-four hour medical care for offenders as well as dental, vision and mental health services. The Oklahoma Correctional Industries Metal Fabrication Plant provides work for 180 offenders and is in the process of expanding their hours of operation.

The DCCC currently has 187 approved volunteers and the facility is proud of its partnership with Battle Buddies. There is a Faith and Character program available for participation of up to eighty medium-security offenders. Education classes are offered in literacy, adult basic education, GED and college courses are provided onsite by Tulsa Community College.

Chair Gross thanked Warden Dowling for the hospitality. No further comments were made.

3. Old Business

Kevin Gross, Chair

There was no old business to discuss.

4. Discussion and Approval of Board of Corrections Meeting Minutes

Kevin Gross, Chair

- Special Meeting on July 9, 2015

Chair Gross stated the BOC had previously received the meeting minutes from July 9, 2015, for review.

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

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

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

Robert Patton, Director

- ODOC Correctional Officers awarded Medal of Valor by North American Association of Wardens and Superintendents (NAAWS)
- Scheduled Execution of Richard Glossip #267303
- Pre-Reception Oklahoma County Jail
- Restrictive Housing

Director Patton stated the North American Association of Wardens and Superintendents (NAAWS) named two Oklahoma Department of Corrections (DOC) correctional officers as recipients of its medal of valor at the American Correctional Association's 145th Congress of Correction held in August.

Sergeant Larry Henson and Captain Josh Lee, correctional officers at the Lexington Assessment and Reception Center (LARC), were presented with medals and certificates of recognition by NAAWS Executive Director Gloria Hultz at a banquet on August 17. Sgt. Henson and Capt. Lee were announced as Oklahoma's nominees for the national award after receiving DOC's Medal of Valor in 2014 for their response to a hostage situation at the LARC population management building on March 12, 2014. An offender had taken a female employee at the facility hostage with a box blade knife held to her throat and planned to escape in her car. Upon arrival at the vehicle, Sgt. Henson had his service weapon drawn and was shouting verbal commands, demanding the offender drop his weapon and let the hostage go. Sgt. Henson served as a distraction for Capt. Lee, who entered the passenger door, disabled the offender's weapon and subdued him in a rear chokehold, allowing the hostage to escape with minor abrasions.

According to their warden, Jim Farris, the situation could have been a lot worse. They had to rely on their training and each other to achieve the best possible outcome. Director Patton stated could not be more proud of Sgt. Henson and Capt. (Josh) Lee, for their courage and heroism that led to this award. These two men exemplify the kind of character and integrity the department stands for. Their continued dedication to their coworkers and the safety of the citizens of the state of Oklahoma is appreciated. Director Patton stated he was honored to represent the ODOC

and present the awards to the officers. He asked that the officers, present in the audience, stand for recognition from the BOC and meeting attendees.

Director Patton stated that the ODOC is prepared to carry forth the lawful execution of Richard Glossip at 3:00 p.m. on September 16. The execution teams have been practicing for months and is prepared for the execution.

Director Patton stated the ODOC began an exciting pilot program called Pre-Reception at Oklahoma County Jail. Partnering with Sherriff Whetsel, the pilot program will bring offenders from around the state into the Oklahoma County Jail to speed up their time with the intake process at the Assessment and Reception Centers (ARC). The program was initiated on September 1, 2015, and is progressing very well. Chair Gross inquired about more details. Director Patton stated once an offender's judgement and sentence is received from the courts, the offender will be moved to Oklahoma County Detention Center which has set aside 200 beds for this program. Initial intake will be conducted at the Oklahoma County Detention Center and then the offender will be moved to the appropriate ARC. Director Patton stated he believes this will be a cost savings for the ODOC.

Director Patton stated the National Institute of Corrections was brought to Oklahoma during the last year to help the ODOC with a Restrictive Housing program. On September 1, 2015, the ODOC began a pilot program at the Oklahoma State Penitentiary (OSP) with ten offenders. He noted the purpose of Restrictive Housing is to prepare offenders with pro-social skills to get them back into the general population around the state. There are four phases with the first phase being the most restrictive. As they progress successfully through the phases, they earn more privileges, property, etc. With phases three and four, they begin to get out of their cells more and into programs to give them the pro-social skills needed to be successful in general population and, more importantly, after incarceration when they return to their communities. Director Patton stated it is more important to release offenders from lower security levels when they discharge their sentence so they can be successful. He noted he will keep the BOC updated as the program progresses.

6. Discussion and Approval of Board Policies

Robert Patton, Director

- P-060100, Classification and Case Management of Offenders
Regarding Gubernatorial Memorandum 2015-01, Earned Credit and Sentence Administration Policies for 85% Crimes
- P-120100, Management of State Funds and Assets

Director Patton stated there were two policies on the agenda for discussion and approval by the BOC. The first one was P-060100, Classification and Case Management of Offenders. Changes to the policy are in Section III.A., with the addition of the statement, "Standards for sentence administration are established consistent with Gubernatorial Memorandum 2015-01."

Director Patton explained that the governor issued Gubernatorial Memorandum 2015-01 on July 1, 2015. In the memorandum, the governor directs the BOC to amend its earned credit and sentence administration policies to more accurately reflect how 85% sentences are to be

calculated. While the general rule in Oklahoma is that offenders are entitled to have their sentences reduced each month based upon the class level to which they are assigned, there are exceptions to this general rule, and the 85% rule is one of those exceptions. The law clearly provides that for most 85% offenses, the offender is not eligible for earned credits or other credits that have the effect of reducing the length of the sentence to less than 85% of the sentence imposed.

Since 2000, the agency has applied all 85% sentences in such a way which requires offenders to serve 85% of their sentence before the agency would permit said offenders to begin earning credits. This has resulted in the average amount of time served on all 85% sentences to be approximately 92.5%. The governor, through this Gubernatorial Memorandum, has directed the BOC to amend BOC policy so that the agency will change how it administers the vast majority of sentences restricted by the 85% rule.

Director Patton recommended the BOC approve the policy as presented.

Motion: Mr. Roach made a motion to approve P-060100 as presented; Mr. Holder seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Holder – yes; Ms. Newburn – yes; Mr. Roach – yes.

The policy P-060100 was approved by majority vote.

Director Patton stated P-120100, Management of State Funds and Assets had one change. Section I.B.3, will now read, “By delegation of the BOC, the director’s authority to declare an emergency for exemption to the provisions of the Public Competitive Bidding Act of 1974 (as amended by statute) with reference to notice and bid shall be equal to the maximum amount permitted in Title 61 §130.” Director Patton stated the policy allows the maximum amount of the director’s authority for emergency purchases to be set in accordance with state statute.

Motion: Mr. Haynes made a motion to approve P-120100 as presented; Mr. Roach seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Holder – yes; Ms. Newburn – yes; Mr. Roach – yes.

The policy P-120100 was approved by majority vote.

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

Ms. Clemmons provided the following budget update as of July 31, 2015:

FY2016 Budget Work Program	
Appropriated	\$484,900,943
200 Fund	\$14,935,314
205 Fund	\$4,642,977
280 Fund	\$1,500,000
Total – Budget Work Program	\$505,979,234*

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

Y-T-D Expenditures		\$(20,556,015)
Appropriated	\$(20,529,424)	
200 Fund FY 15	\$(1,311)	
205 Fund FY 15	\$(25,280)	
280 Fund FY 15	-	
Encumbrances		\$(111,259,913)
Committed		\$(68,680)
Remaining Payroll		\$(232,447,112)
Available Balance		\$141,647,514

Appropriated Operating Funds

Budgeted		\$484,900,943
Expenditures Y-T-D		\$(20,529,424)
Encumbrance Y-T-D		\$(105,646,118)
Total Committed Y-T-D		<u>\$(44,368)</u>
Available Balance		\$358,681,033
Less:		
Payroll		\$(232,447,112)
Available Balance		\$126,233,921

200 Revolving Fund

Beginning Cash Balance 7/1/2015		\$754,680
Revenue Received Y-T-D		\$1,590,087
Expenditures Y-T-D		\$(1,223,729)
Adjustments Y-T-D		<u>\$(120,989)</u>
Ending Balance		\$1,000,049

205 Revolving Fund

Beginning Cash Balance 7/1/2015		\$1,070,058
Revenue Received Y-T-D		\$255,176
Expenditures Y-T-D		\$(610,629)
Adjustments Y-T-D		<u>\$(23,948)</u>
Ending Balance		\$690,657

280 Revolving Fund

Beginning Cash Balance 7/1/2015		\$2,462,065
Revenue Received Y-T-D		\$2,319,894
Expenditures Y-T-D		\$(1,718,192)
Adjustments Y-T-D		<u>\$(190,333)</u>
Ending Balance		\$2,873,434

Mr. Haynes queried asked what the adjustments were on each of the revolving funds. Ms. Clemmons responded there is a timing issue between processing the checks and the actual disbursement so the adjustments are what is captured in that timeline. Mr. Holder queried if the adjustments then brought the ending balance back to the actual amount; Ms. Clemmons responded in the affirmative. There were no further questions or comments.

8. Discussion and Approval of Amendments to Private Prison Contracts

**Greg Williams, Division Manager
West Institutions**

- GEO Group, Inc.
- Corrections Corporation of America

Division Manager Williams stated the ODOC is requesting approval to amend the current private prison contracts. Referencing Amendment #2, FY 2016 Renewal of the Correctional Services Contract between GEO Group, Inc., and the ODOC, he stated the amendment will renew the existing contract through June 30, 2016, and it will also make available to the agency seventy-eight (78) maximum security beds and twenty-two (22) additional medium security beds. Division Manager Williams stated it will require the GEO Group to begin buying products manufactured by the Oklahoma Correctional Industries (OCI).

Referencing Amendment #2, FY 2016 Renewal of the Correctional Services Contract between Corrections Corporation of America (CCA) and the ODOC, Division Manager Williams stated the amendment will renew the contract through June 20, 2016, will also make available to the agency 122 medium-security beds, and will require purchase of OCI-manufactured products.

Motion: Mr. Roach made a motion to approve the GEO Group Amendment as presented; Mr. Holder seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Holder – yes; Ms. Newburn – yes; Mr. Roach – yes.

The amendment was approved by majority vote.

Motion: Mr. Roach made a motion to approve the CCA Amendment as presented; Mr. Haynes seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Holder – yes; Ms. Newburn – yes; Mr. Roach – yes.

The amendment was approved by majority vote.

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

- FY 2015, 4th Quarter

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

Oklahoma Correctional Industries Income Statement	
Sales Revenue	\$16,762,824
Cost of Goods Sold	\$(7,436,760)
Gross Profit or (Loss)	\$9,326,064
Overhead Expense	\$(5,435,841)
General and Administrative Costs	\$(1,693,342)
Net Income or (Loss)	\$2,196,881

Oklahoma Correctional Industries Balance Sheet	
Current Assets	\$14,850,346

Fixed Assets	\$4,572,561
Total Assets	<u>\$19,422,908</u>
Liabilities	\$1,553,140
Fund Balance	<u>\$17,869,768</u>
Total Liabilities and Fund Balance	<u>\$19,422,908</u>

Agri-Services Income Statement

Sales Revenue	\$11,366,513
Cost of Goods Sold	<u>\$(4,688,446)</u>
Gross Profit or (Loss)	\$6,678,067
Expenses	<u>\$(6,047,193)</u>
Net Income or (Loss)	\$630,873
Cost Avoidance	<u>\$3,051,213</u>
Agency Benefit	\$3,682,086

Agri-Services Balance Sheet

Current Assets	\$9,405,858
Fixed Assets	<u>\$1,897,326</u>
Total Assets	<u>\$11,303,183</u>
Liabilities	\$346,754
Fund Balance	<u>\$10,956,429</u>
Total Liabilities and Fund Balance	<u>\$11,303,183</u>

Chair Gross stated the tour of the OCI Manufacturing Plant at DCCC was informative. There was no further discussion.

10. Quarterly Update and Discussion of Financial Internal Audits

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

- FY 2015, 4th Quarter

Mr. Baksh stated during the fourth quarter of fiscal year (FY) 2015, the Internal Audit team closed and submitted seventeen (17) audit reports to the director and, after his approval, those reports were submitted to the State Auditor and Inspector office. The units/facilities audited were:

- Northeast District Community Corrections
- John Lilley Correctional Center
- Employee Services
- Mabel Bassett Correctional Center
- Oklahoma Correctional Industries (OCI) Customer Service (private partnership) at Mabel Bassett Correctional Center
- Classification and Population
- Inspector General
- Construction and Maintenance
- Northwest District Community Corrections
- OCI Factory at Mack Alford Correctional Center
- OCI Factory at Lawton Correctional Facility
- Joseph Harp Correctional Center
- Lexington Assessment and Reception Center

- Cimarron Correctional Facility (private prison)
- Davis Correctional Facility (private prison))
- Lawton Correctional Facility (private prison)
- Business Services (Hub Management)

The audit of the three private prisons were conducted using agreed-upon procedures and the audit focused on contract compliance of commissary pricing and internal controls over trust funds activities for Oklahoma Department of Corrections offenders housed there. There were no noncompliance findings in the areas examined for these three prisons.

The Fiscal Management compliance and Internal Controls over the following financial activities were examined, including Accounts Payables, Accounts Receivables (Prisoner Public Works Projects and Private Industry Enterprises), Purchasing, Receiving, Purchase Cards, Express Checks, Debit Cards, Canteen (Offender Banking System and Inventory), Trust Fund, Warehouse Inventory, OCI Factory Inventory, Probation Parole Restitution Receipts and Fixed Assets Management System. Mr. Baksh stated detailed findings were provided in the report sent to the BOC prior to the meeting this date.

Mr. Baksh stated the 100 percent verification of fixed assets listed on the FAIS started in FY 2014 continued into FY 2015 and he was pleased to report that the methodology adopted reflects positive improvements in the agency’s safeguarding and accounting for the assets spread across the geography of its operations. He stated the FY 2015 audit showed improvement in comparison to FY 2014, the post audit adjustment of -2.5 (6 percent) for \$45.9 million. Looking at \$57.4 million in assets in FY 2015, the post audit adjustment was at -1.4 (3 percent) reflecting improvement. Mr. Baksh noted the FY 2015 audit included ten (10) facilities/units which were not previously audited in FY 2014.

11. Update and Discussion of Offender Population

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

Dr. Pitman provided the population update as of July 31, 2015:

Committed Offender Population

Total System Population = 27,998
 DOC Facilities = 19,745
 Private Prisons = 5,828
 County Jails with Contracts = 593
 Halfway Houses = 1,446
 Out Count (jails, hospitals, etc.) = 386

Community Supervised Offender Population

Total System Population = 26,868
 Probation Supervision = 23,092
 Parole Supervision Offenders = 2,934
 GPS = 776
 EMP = 17
 PPCS = 1
 Community Program Failures = 48

TOTAL SYSTEM POPULATION = 54,866

County Jail Backup = 396

State Facility Capacity Percentages

Assessment & Reception Centers	96%
Institutions	122%
Community Corrections Centers	99%
Community Work Centers	105%

Chair Gross the county jail backup was growing. Dr. Pitman stated in comparison to the previous year, it had noticeably grown. She stated the number of sentencing documents received this year had increased in comparison to the same time frame one year ago. It is unknown why there is a growth but one reason could be electronic delivery of sentencing documents from the courts which was implemented a few months ago for the larger counties. Another component could be the legislation that will take effect on November 1, 2015, changing the way the ODOC reimburses counties for the amount of time they hold an offender after sentencing while waiting for ODOC to receive them. Previously, the ODOC reimbursed for every day the offender was held in the county jail while waiting for reception. The new legislation states the ODOC will only pay from the date the sentencing documents are received by our staff until the offender is delivered to assessment and reception. The legislation also states the counties have three days from sentencing to submit the sentencing documents to the ODOC so staff are anticipating a rush from the counties to get them sent. Chair Gross queried if some of the growth may just be the counties gearing up for the new legislation and Dr. Pitman affirmed the statement.

Ms. Newburn asked how many counties were electronically submitting sentencing documents. Dr. Pitman stated out of the seventy-seven counties, the ODOC is receiving electronically from less than ten. Oklahoma County and Tulsa County, the two largest counties, are both electronically submitting sentencing documents.

12. Committee Reports

Committee Chairs

Chair Gross asked the committee chairs for their reports.

- **Audit/Finance Committee**

Nothing to report.

- **Female Offender Committee**

Nothing to report.

- **Public Policy/Public Affairs Committee**

Nothing to report.

- **Population/Private Prisons Committee**

Mr. Roach stated the committee met on September 4, 2015, with ODOC staff Director Patton, Edward Evans, Dr. Laura Pitman, David Cincotta, Greg Williams, Terri Watkins and Kimberley Owen. He stated staff provided a population overview to the committee outlining changes made, the benefits from the changes and changes still needed regarding population growth since the last committee meeting in July 2015.

The population overview discussed how the ODOC is going to manage the anticipated growth of approximately 1,200 offenders over the fiscal year with facilities being already overcrowded. He stated the ODOC anticipates receiving 960 males and 240 females in the next year. Internally, the ODOC has implemented changes and repurposed facility areas to expand temporary beds to accommodate this growth.

Mr. Roach stated the director had spoken of expanding contract beds for male offenders at Oklahoma County to assist with pre-reception. He stated this would allow the assessment and reception centers to begin the reception process prior to the offender's

actual arrival within the ODOC system. He noted the Oklahoma County Sheriff's Office was excited and cooperative about assisting with the two hundred-bed pilot project.

Mr. Roach stated Bridgeway Halfway House was expanding its population by adding twenty more beds and the Lawton Correctional Facility will be expanded by seventy-eight medium security beds as well as twenty-two maximum beds.

Mr. Roach stated the committee was also impressed with the management of offender programs by increasing the number of offenders participating and shortening the program length to allow more offenders to move through the system more quickly.

Mr. Roach stated all the efforts combined demonstrated the agency's attempts to manage the growing population in the most efficient manner possible. He stated all of the things he has mentioned has been done within the budget limitations of \$2.7 million for this fiscal year.

Mr. Roach stated he and the committee felt the committee meeting had been very productive and he looked forward to continuing to work with staff about population.

- **Executive Committee**

Chair Gross stated the committee met on August 24, 2015, to review and approve the agenda for the meeting this date. The committee also met earlier this date to review some of the population issues of which Mr. Roach had just spoke.

13. New Business

Kevin Gross, Chair

There was no new business to discuss.

14. Announcements

Kevin Gross, Chair

There was no announcements to make.

15. Approval to Adjourn for Executive Session

David Cincotta, General Counsel

- Discussion of Pending Investigation:
 - Homicide of Lewis Hamilton #251194 (Case number IG 15-0128)
 - Suicide of Bryan Bennett #485705 (Case number IG 15-0145)
 - Employee Misconduct/Introduction of Contraband by Avalon Correctional Center officer Frank Roden (Case number IG 15-0141)
- Discussion of Pending Litigation:
 - *Glossip et al v. Gross et al, Oklahoma Western District Court, case number 2014-CV-00665*
 - *Estate of Clayton Lockett v. Fallin, Patton, and Trammell et al, Oklahoma Western District Court, case number CIV-14-1119-HE*

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

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

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

16. Approval to Return from Executive Session

David Cincotta, General Counsel

The BOC returned to the meeting room at 2:49 p.m. Mr. Elliott advised the BOC 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. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Holder – yes; Ms. Newburn – yes; Mr. Roach – yes.

The return was approved by majority vote and the BOC resumed the meeting at 2:50 p.m. Chair Gross advised there were not any actions to take after Executive Session.

17. Adjournment

Kevin Gross, Chair

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

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

The adjournment was approved by majority vote and the meeting ended at 2:50 p.m.

Submitted to the Board of Corrections by:

[signature on file]

Kimberley Owen, Minutes Clerk

Date

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

Approved by:

[signature on file]

Frank X. Henke IV, Secretary
Board of Corrections

Date