

OKLAHOMA BOARD OF CORRECTIONS
REGULAR MEETING MINUTES
 Jackie Brannon Correctional Center
 900 N West Street
 McAlester, Oklahoma 74501
 1:00 p.m., September 20, 2018

- | ITEM | PRESENTER |
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| 1. Call to Order | Frank X. Henke, IV, Chair |
- Chair Henke called the regular meeting of the Oklahoma Board of Corrections (BOC) to order at 1:00 PM on Thursday, September 20, 2018, at the Jackie Brannon Correctional Center (JBCC) in McAlester, Oklahoma.

The meeting was preceded by advance notice of the date, time, and place, filed with the Oklahoma Secretary of State on November 14, 2017. An announcement was also given at least twenty-four (24) hours in advance by posting notice of the date, time, place, and agenda of the meeting at 2:30 PM on September 17, 2018, at the principal office of the Oklahoma Department of Corrections (ODOC), located at 3400 North Martin Luther King Avenue in Oklahoma City. An amended agenda was posted at 12:00 PM on September 18, 2018, at the principal office of the ODOC, located at 3400 North Martin Luther King Avenue in Oklahoma City.

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| 2. Pledge of Allegiance | Gene Haynes, Member |
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- Mr. Haynes led the meeting attendees in reciting the pledge of allegiance to the United States Flag.

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| 3. Roll Call | Frank X. Henke, IV, Chair |
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- Chair Henke asked the clerk to call the roll:

Kevin J. Gross	Present	Adam Luck	Absent
Gene Haynes	Present	Dianne Owens	Present
Frank X. Henke, IV	Present	Michael W. Roach	Absent
John T. Holder	Present		

Calling of the roll reflected a quorum was present.

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| 4. Introduction of Greg Breslin, Interim Warden,
Jackie Brannon Correctional Center | Millicent Newton-Embry, Director
Region I |
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- Ms. Newton-Embry introduced Mr. Breslin to the BOC members and Director Allbaugh, providing his biographical information to the meeting attendees. A copy of his biography was included in the BOC Packet for September 20, 2018. There was no further discussion.
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| 5. Welcome | Greg Breslin, Interim Warden
Jackie Brannon Correctional Center |
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Mr. Breslin welcomed the members and other attendees to the facility. Historical information on JBCC along with current inmate data was shared with attendees. Mr. Breslin stated there are multiple programs, training and work opportunities available for the inmate population. There was no further discussion.

6. Approval of Board of Corrections Regular Meeting Minutes for July 31, 2018 Frank X. Henke, IV, Chair

Chair Henke stated the BOC had previously received the regular meeting minutes from July 31, 2018, and he would entertain a motion to approve. A copy of the meeting minutes was included in the BOC Packet for September 20, 2018.

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

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

7. Approval of Greg Breslin as Warden of the Jackie Brannon Correctional Center Millicent Newton-Embry, Director
Region I

Ms. Newton-Embry presented and requested approval from the BOC for appointment of Greg Breslin as warden of the Jackie Brannon Correctional Center. A copy of Mr. Breslin's résumé was included in the BOC Packet for September 20, 2018.

Motion: Mr. Gross made a motion to approve Greg Breslin as the warden of JBCC 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. Owens – yes.

The appointment was approved by majority vote. Warden Breslin thanked members of the BOC and Director Allbaugh for the opportunity. He then recognized several of his family members who were in attendance at the meeting. He also expressed his gratitude to several staff members who had mentored and helped prepare him throughout his career for this position. There was no further discussion.

8. Approval of Rick Whitten as Warden of the James Crabtree Correctional Center William Monday, Director
Region II

Mr. Monday presented and requested approval from the BOC for appointment of Rick Whitten as warden of the James Crabtree Correctional Center. A copy of Mr. Whitten's résumé was included in the BOC Packet for September 20, 2018.

Motion: Mr. Haynes made a motion to approve Rick Whitten as the warden of JCCC 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. Owens – yes.

The appointment was approved by majority vote. Warden Whitten thanked the members of the BOC, Director Allbaugh and William Monday, director of Region II, for their support. He also thanked Warden Jeorld Braggs Jr, Lexington Assessment and Reception Center, for his mentorship. Finally, he recognized his wife, who was in

attendance at the meeting, and thanked her for her support. There was no further discussion.

9. Director's Comments Joe M. Allbaugh, Director

- Performance Audit of the Oklahoma Department of Corrections by Alvarez & Marsal for the Agency Performance and Accountability Commission (APAC)

Director Allbaugh stated the agency is currently undergoing an audit by Alvarez & Marsal as directed by the Agency Performance and Accountability Commission (APAC). They have begun meeting with key staff in the agency and their interviews will take several weeks as they learn about processes within the ODOC. Director Allbaugh noted several other studies and audits – Performance Audit for the Legislative Service Bureau of the Oklahoma Legislature by MGT of America, Inc. in 2007, Durrant Architecture and Engineering Center Assessment in 2009, and the Performance Audit by the Oklahoma State Auditor in 2013 – which all detail the issues of the agency including overpopulation and continuing growth, underpaid employees, understaffed facilities, etc. He stated he hopes the Alvarez & Marsal audit will provide a new viewpoint of the agency's resources and issues while providing direction on addressing those areas.

10. Inmate/Offender Population Update Laura Pitman, Ph.D., Director
Population, Programs, and Strategic Planning

Dr. Pitman provided the agency's population update as of August 31, 2018. A copy of the update was included in the BOC Packet for September 20, 2018. BOC members expressed disappointment over community sentencing numbers showing a decrease. Dr. Pitman noted that Probation and Parole Services staff have worked diligently to obtain accurate data for those offenders participating in community sentencing. There was no further discussion.

11. FY 2018 ODOC Budget Update Ashlee Clemmons, Director
Business Services
FY 2019 ODOC Budget Update

Ms. Clemmons provided the agency's FY 2018 budget update as of June 30, 2018, as well as the FY 2019 budget update as of July 31, 2018, explaining increases and decreases over the fiscal year. A copy of both updates was included in the BOC Packet for September 20, 2018. There was no further discussion.

12. FY 2018 Internal Financial Audit Quarterly Update Patrick Donnelly, Auditor
Auditing and Compliance
(April 1, 2018 – June 30, 2018)

Mr. Donnelly provided the quarterly FY 2018 Internal Financial Audit update as of June 30, 2018, explaining findings and corrective actions taken. A copy of the update was included in the BOC Packet for September 20, 2018. There was no further discussion.

13. Discussion and approval of an Oklahoma Corrections Industries (OCI) contract between the Oklahoma Department of Corrections and E&K Industrials, LLC, David Cincotta, General
Counsel
to provide steel fabrication services using inmate labor at the Dick Conner Correctional Center Justin Farris, Director
Oklahoma Correctional
Industries

Mr. Cincotta presented and requested approval from the BOC for a service contract with E&K Industrials, LLC, to provide steel fabrication services using inmate labor at the Dick Conner Correctional Center. A copy of the contract was included in the BOC Packet for September 20, 2018.

Motion: Mr. Gross made a motion to approve the contract with E&K Industrials, LLC, 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. Owens – yes.

The contract was approved by majority vote. There was no further discussion.

14. Discussion and approval of an Oklahoma Corrections Industries (OCI) contract between the Oklahoma Department of Corrections and Wheeler Metals, LLC, to provide steel fabrication services using inmate labor at the John Lilly Correctional Center
- David Cincotta, General Counsel
- Justin Farris, Director Oklahoma Correctional Industries

Mr. Cincotta presented and requested approval from the BOC for a service contract with Wheeler Metals, LLC, to provide steel fabrication services using inmate labor at the John Lilly Correctional Center. A copy of the contract was included in the BOC Packet for September 20, 2018.

Motion: Mr. Gross made a motion to approve the contract with Wheeler Metals, LLC, 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. Owens – yes.

The contract was approved by majority vote. There was no further discussion.

15. Resolution of the Oklahoma Board of Corrections authorizing and directing Joe M. Allbaugh, Director of Corrections, to negotiate, finalize and execute such documents, for and on behalf of the Oklahoma Department of Corrections, as are necessary for the issuance of the SB 1590 Bonds by the Oklahoma Capitol Improvement Authority
- David Cincotta, General Counsel

Mr. Cincotta requested approval of a resolution from the BOC to direct Joe M. Allbaugh, Director of Corrections, to negotiate, finalize and execute such documents, for and on behalf of the Oklahoma Department of Corrections, as are necessary for the issuance of the SB 1590 Bonds by the Oklahoma Capitol Improvement Authority. A copy of the resolution was included in the BOC Packet for September 20, 2018.

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

The resolution was approved by majority vote. There was no further discussion.

16. Resolution of the Oklahoma Board of Corrections authorizing and directing Joe M. Allbaugh, Director of Corrections, to solicit information for the design, funding, and construction of new correctional facilities and new housing units

David Cincotta, General Counsel

Mr. Cincotta requested approval of a resolution from the BOC to direct Joe M. Allbaugh, Director of Corrections, to solicit information for the design, funding, and construction of new correctional facilities and new housing units. A copy of the resolution was included in the BOC Packet for September 20, 2018.

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

The resolution was approved by majority vote. There was no further discussion.

17. Approval of Board of Corrections Policies and Procedures:

Penny Lewis, Director Auditing and Compliance

- P-010700, Oklahoma Department of Corrections Victim Justice Advisory Council
- P-020600, Legislative Initiative Process
- P-020800, Guidelines for Research and Research-Related Activities
- P-040100, Security Standards for the Oklahoma Department of Corrections
- P-170100, Community Sentencing

Ms. Lewis presented and requested approval from the BOC for the policies as presented this date. The policies contained minor wording changes that do not affect the intent of the policy. Chair Henke stated the BOC had previously received the recommended policy revisions for review and he would entertain a motion to approve. A copy of the final version of the policies was included in the BOC Packet for September 20, 2018.

Motion: Mr. Gross made a motion to approve the policies 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. Owens – yes.

The policies were approved by majority vote. There was no further discussion.

18. Committee Reports
Standing Committees:

Committee Chairs

- Audit/Finance – Chair Todd Holder, Members Kevin Gross and Frazier Henke
The committee met on September 11, 2018, to discuss the items presented for the meeting this date. There was no further discussion.
- Criminal Justice Reform – Chair Adam Luck, Members Gene Haynes and Dianne Owens
The committee did not meet; there was nothing further to discuss.

- Public Policy/Affairs – Chair Gene Haynes, Members Kevin Gross and Dianne Owens
The committee met on September 11, 2018, to discuss the proposed legislative package for CY 2019. The package will be reviewed further by the committee and presented to the full BOC in October for approval. There was no further discussion.
- Population/Private Prisons – Chair Michael Roach, Members Todd Holder and Adam Luck
The committee met on September 18, 2018, to discuss the items presented for the meeting this date. There was no further discussion.
- Executive – Chair Frazier Henke, Members Todd Holder and Michael Roach
The committee met on September 11, 2018, to review and set the agenda for the meeting this date. There was nothing further to report.

19. New Business Frank X. Henke, IV, Chair
There was no new business to discuss.

20. Announcements Frank X. Henke, IV, Chair
There were no announcements.

21. Approval to Enter into Executive Session David Cincotta, General
Counsel

Pursuant to 25 O.S. § 307.B.4. for confidential communications between a public body and its attorney concerning the pending investigation and litigation of the items listed below if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to conduct a pending investigation, litigation, or proceeding in the public interest.

- *Alamiin v. Allbaugh (case number CIV-13-1001-F, United States District Court, Western District of Oklahoma)*
- *Ray v. Oklahoma Department of Corrections, et al. (case number CIV-18-135-GKF-FHM, United States District Court, Northern District of Oklahoma)*
- *Rhonda Whitlock, as Special Administrator for the Estate of Amber Hilberling, v. Oklahoma Department of Corrections (case number CJ-2018-3939, District Court of Oklahoma County)*
- *Gilbert-Green v. State of Oklahoma, ex rel. Oklahoma Department of Corrections, et al., (case number CIV-17-314-F, United States District Court, Western District of Oklahoma)*

Mr. Cincotta advised the items listed on the agenda would require adjournment to Executive Session for engaging in confidential communications between the BOC and its attorney. He recommended Chair Henke entertain a motion to enter into executive session.

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

By majority vote, the BOC entered into Executive Session at 1:44 PM.

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

The BOC returned to the meeting room at 2:25 PM and Mr. Cincotta advised the BOC of the approval needed to return from Executive Session.

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

The return from Executive Session was approved by majority vote and the meeting resumed at 2:25 PM.

23. Approval to Adjourn Meeting Frank X. Henke, IV, Chair

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

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

The adjournment was approved by majority vote and the meeting ended at 2:26 PM.

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 thirtieth day of October 2018 in which a quorum was present and voting.

[signature on file]

Adam Luck, Secretary
Board of Corrections