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Board Operating Procedures	ACA Standards: 2-CO-1A-10, 4-4001, 4-APPFS-3D-01		
Michael W. Roach, Chair Oklahoma Board of Corrections	Signature on File		

## 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. Duties and Responsibilities

Upon selection by the Governor to the BOC, the prospective new BOC member(s) shall promptly receive a copy of these Operating Procedures and Policies and its attachments, including the "Performance Expectations for Members of the Board of Corrections" which is incorporated by reference ([Attachment A](#), attached).

The duties and responsibilities outlined in these Operating Procedures and Policies will be reviewed annually by the BOC and the ODOC director. The BOC will have the following powers and duties:

#### 1. Establishment of Policies

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

#### 2. Approval of Personnel Matters\_(2-CO-1A-10)

a. The BOC may require the director and any other ODOC personnel, when deemed necessary by the BOC, to give bond for the faithful performance of their duties (57 O.S. 504(5)).

b. The BOC will appoint and fix the salary of the director.

(1) The maximum salary of the director is established by law.

- (2) 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 BOC.
- (3) The BOC 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 BOC by the director.

### 3. Approval of Contracts and Budgets

- a. The BOC will be involved in the selection of architectural firms for projects when the architect's fee is over \$200,000. The BOC 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.
- b. The BOC will be involved in the selection of sites for new institutions and community corrections centers, and select and approve relocation of existing correctional facilities.
- c. The BOC will review and approve the proposed ODOC budget request before it is submitted to the Office of Management and Enterprise Services (OMES) in October of each year for review by the Governor.
- d. The BOC will review and approve the ODOC budget work program before it is submitted to OMES on June 1 or as soon thereafter as possible.
- e. The BOC will review and approve all emergency expenditures of money that exceed the director's authority as allowed by law.

### 4. Private Prison Construction or Operation

- a. 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).
- b. ODOC shall then deliver to the BOC 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

BOC 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).

- c. 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 BOC 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).

B. Orientation

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

C. Officers, Terms of Office, and Qualifications

1. The BOC, composed of seven members, will have the following offices: a chair, vice chair, and secretary. These offices will be filled by BOC election at the regular meeting held annually in June.
2. Members who have demonstrated leadership, while adhering to these operating procedures and policies, and shown commitment to the missions of both the BOC and ODOC are eligible for election by a majority vote of the BOC. 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. Newly elected officers will assume their offices at the next meeting of the BOC.

D. BOC 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 BOC.
5. A newly appointed BOC member nominated, but not confirmed by the Senate, shall not vote during a BOC 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 BOC until a successor is duly appointed and confirmed according to law. A reappointed member may continue to vote unless denied confirmation by the Senate.

E. Facility/Office Tours

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

F. Inquiries

Any inquiries regarding ODOC's operations, actions, or policies received by BOC 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 BOC for appropriate disposition.

II. Administration of BOC Functions

A. Rules of Order

1. The *Modern Rules of Order* shall act as a guide to the BOC in the transaction of business during meetings, unless otherwise provided by law or these BOC operating procedures and policies.
2. A quorum of the BOC consists of four (4) BOC members.
3. A roll-call vote of the BOC is taken on the following:
  - a. All actions requiring BOC approval or confirmation as identified in this policy;
  - b. Convening an executive session of the BOC; and/or
  - c. On any other action at the request of any BOC member or upon the advice of legal counsel.

B. BOC Meetings

The BOC 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 BOC policies as needed, and other appropriate matters.(4-ACRS-7D-34)

1. The chair will preside over BOC 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 ODOC.
  - 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 affirmative votes of a quorum will be required to conduct and transact the business of the BOC.
3. ODOC support staff will be responsible for the following:
  - a. Recording the minutes of every BOC meeting;
  - b. The certification of the approval of the minutes;
  - c. Ensuring whenever possible, all documents and information relevant to the BOC meeting is provided to the BOC in electronic form, no less than five (5) days prior to the scheduled BOC meeting; and
  - d. Maintaining the official records of the BOC as required by law.
4. Upon approval of the minutes, the BOC 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 of Corrections

5. All meetings of the BOC will be conducted according to the Oklahoma Open Meeting Act (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 BOC 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 Administration, 3400 N Martin Luther King Avenue in Oklahoma City.
  - 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. BOC 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 BOC's attorneys only to discuss a pending investigation, claim, case, matter, or action where disclosure would seriously impair the ability of the BOC 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 BOC as necessary and according to the Oklahoma Open Meeting Act.
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 BOC as permitted by the Oklahoma Open Meeting 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 BOC 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 BOC 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 BOC 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 BOC 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 BOC 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 BOC.
13. Members of the BOC will be reimbursed for travel expenses, as provided by law for other state officers and employees, while attending meetings of the BOC or performing other official duties.

#### C. BOC Committees

The chair of the BOC shall appoint or reappoint up to three (3) members of the BOC to a standing committee at the beginning of a fiscal year. Any BOC 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 BOC for formal approval and action. After each meeting of any committee, a report will be made during the next regular or special BOC 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 BOC members:
    - (1) Chair of the BOC;
    - (2) Vice chair of the BOC; and
    - (3) The immediate past chair of the BOC. In the event the past chair is no longer serving as a BOC member, the secretary of the BOC 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 BOC;
    - (2) Developing, reviewing, and approving the monthly BOC agenda;
    - (3) Performing BOC self-assessments by developing performance targets and assessing annually their achievement using a survey, interviews, or by other methods the BOC deems appropriate; and
    - (4) Any matter referred to it by the BOC chair 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 and budget work program;
    - (2) Recommending to the BOC the type and scope of the audits to be performed for the agency, the Oklahoma Correctional Industries and Agri-Services;
    - (3) Recommending to the BOC 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

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- (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 Audit/Finance Committee will meet as needed to review the budget work program due June 1 or as soon thereafter as possible of each fiscal year.
  - d. The Audit/Finance Committee chair or a designee will report to the BOC and request formal approval of the budget request and budget work program.
- 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:
    - (1) Reviewing the ODOC's population status, policies, and the review and approval of facilities' authorized capacity.
    - (2) Reviewing and approving requests for proposals, determining contract performance standards, proposing rules and regulations, reviewing and approving proposed per diem costs for the ensuing fiscal year, and reviewing the cost benefit analysis required by law.
    - (3) Reviewing and approving ODOC policies and procedures which may affect female inmates/offenders to ensure a level of parity that avoids and/or minimizes any discrimination.

The Population/Private Prison Committee chair or a designee will report to the full BOC 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 Public Policy/Affairs Committee chair or a designee will report to the BOC their recommendations and request formal approval thereof.
5. Criminal Justice Reform Committee
- a. The Criminal Justice Reform Committee will meet as necessary with the director and designated staff to conduct business, including but not limited to:
    - (1) Reviewing, developing and updating current ODOC policies and procedures to support criminal justice reform.
    - (2) Exploring opportunities for cooperative efforts and to promote awareness of ODOC policies and procedures as it relates to criminal justice reform.
    - (3) Providing direction and guidance to facilitate long-term objectives of the agency.
  - b. The Criminal Justice Reform 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.
  - c. The Criminal Justice Reform Committee chair or a designee will report to the BOC their recommendations and request formal approval thereof.

D. 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 BOC approves the committee's continued existence.

E. BOC Agenda

The chair and/or the Executive Committee shall be contacted in order for any item to be placed on the BOC agenda for a regular or special BOC meeting. Proposed agendas will be prepared and posted at least seven days prior to any BOC meeting. A final agenda will be posted at least 24 hours in advance of any BOC 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 Oklahoma Open Meeting Act. The decision of the chair will be final for placing items on the agenda for the next meeting unless requested by three members of the BOC in a timely manner.

F. Requests for Information by BOC Members

Any BOC member or committee may request information from ODOC that is within the BOC'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 BOC, as deemed appropriate by the director and/or the BOC Executive Committee. Any requests that cause significant increases in workload for the director or ODOC staff should be referred to the BOC Executive Committee for approval or placed on the next BOC meeting's agenda for consideration by the BOC. 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 BOC member contact the BOC chair to place the item on the agenda for the next BOC meeting.

III. Public Access

The ODOC and its BOC share the responsibility to provide information concerning ODOC to Oklahoma citizens. The BOC will allow public and press inquiry of each BOC member after each BOC meeting, as each individual BOC member's schedule permits. All requests for information from BOC 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](#)).

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2. 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 that places 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 Oklahoma Open Meeting Act, all BOC meetings will be open and accessible by the public. All members of the public attending BOC 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 BOC 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 the BOC

Only members or committees authorized by the chair and/or the Executive Committee or pursuant to a duly adopted BOC resolution may represent the BOC 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 BOC. 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

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 May 13, 2016

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

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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