

**OKLAHOMA BOARD OF CORRECTIONS
REGULAR MEETING**

Oklahoma Department of Corrections
North Conference Room
3400 N Martin Luther King Ave
Oklahoma City, Oklahoma
November 5, 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 1:01 p.m. on Thursday, November 5, 2015, in the North Conference Room of the Oklahoma Department of Corrections (ODOC). The final agenda was posted at 12:00 p.m. on Wednesday, November 4, 2015, at the 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	Todd Holder, Member	Present
Gene Haynes, Member	Present	Irma Newburn, Member	Absent
Frazier Henke, Secretary	Present	Michael Roach, Vice Chair	Present

Calling of the roll reflected a quorum was present.

2. Old Business

Kevin Gross, Chair

Chair Gross announced the resignation of BOC member Matt Tilly for personal reasons. He thanked Mr. Tilly for his service to the State of Oklahoma and the ODOC. Chair Gross stated the BOC is waiting for the governor to appoint a new member to finish out Mr. Tilly's term.

Chair Gross stated the Attorney General has launched an inquiry into the recent events surrounding executions and the ODOC is fully cooperating in this matter. He stated the director and staff are responding directly to questions from the Attorney General and providing related documentation. However, for the purpose of the meeting this date, the BOC will not be discussing past or pending executions, the Attorney General's inquiry or any topic that could be interpreted as a hindrance to the inquiry.

Chair Gross reiterated the BOC fully supports Director Patton and his continued tenure as the director of the ODOC. He stated since coming to the agency, Director Patton has solved many of the ongoing challenges that met him when he assumed the position. He has addressed spending issues, reduced redundancies, and has supported initiatives to better protect ODOC employees and offenders as well as the communities. Chair Gross stated Director Patton has been a true champion for the ODOC and he will continue to have the unwavering support of the BOC.

3. Discussion and Approval of Board of Corrections Meeting Minutes

Kevin Gross, Chair

- Regular Meeting on October 1, 2015

Chair Gross stated the BOC had previously received the meeting minutes from October 1, 2015, for review.

Motion: Mr. Roach made a motion to approve the minutes 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; Mr. Roach – yes.

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

- 4. Director's Comments with possible discussion on the following: Robert Patton, Director**
- Southern Oklahoma Resource Center (SORC)
 - Employee Recognition Ceremony
 - Prison Rape Elimination Act (PREA) Audits for Southeast District Community Corrections

Director Patton stated he would like to begin his comments with information on the Southern Oklahoma Resource Center (SORC). He and several of his staff toured the SORC in Pauls Valley in October and were very impressed with the possibilities it has to offer the department. The SORC facility was recently closed by the Department of Human Services. This property, with its proximity and existing infrastructure, offers the ODOC a rare and viable opportunity to expand offender infirmary care and offender housing. It also presents possibilities for consolidation and centralization of other necessary populations and services.

Director Patton noted that prior to occupancy, some modifications and repairs would be required to meet code and safety standards throughout the property. A phased approach would be necessary to utilize offender crews to accomplish work that is required and to avoid requests for additional funding.

With extensive consideration of the benefits for the agency, the state of Oklahoma and the Pauls Valley community, the agency submitted a request to the Office of Management and Enterprise Services to consider transfer of the (SORC) property, which consists of 590 acres and twenty-nine structures, to the ODOC. Director Patton stated he would continue to keep the BOC updated about the SORC property.

Director Patton stated that each year, employees and volunteers throughout the agency are recognized at various levels within the organization for their outstanding contributions and dedication in completing their division's goals. At the conclusion of each calendar year, nominations for employee and volunteer recognition awards are put forward through the chain of command and, ultimately, for executive staff review to determine which individuals most deservedly have met established criteria for each award category. The selection process is difficult at all levels, as we have many hardworking and dedicated employees and volunteers within our agency. Director Patton stated these individuals will be honored at the Annual Employee Awards Ceremony to be held on November 10, 2015 at the Sheraton Reed Center in Midwest City. He noted the BOC had received invitations to the event and he looked forward to them joining staff for this special recognition event.

Finally, the Southeast District Community Corrections and the Jackie Brannon Correctional Center recently received Prison Rape Elimination Act (PREA) Audits. The Southeast District work centers in Ardmore, Madill, Carter County, Idabel and Davis met all of the standards. Jackie Brannon was also PREA compliant, receiving exceeds standards in two areas.

With the floor open for questions or comments, Chair Gross inquired about the timing for obtaining the SORC property. Director Patton stated the agency had submitted a request for the property to the Office of Management and Enterprise Services (OMES). OMES responded with several questions about the agency's intent to use the property. Director Patton stated Ms. Hicks had submitted responses to their questions and he expected to hear from OMES by mid-December.

Mr. Haynes inquired if the agency had costs connected with converting the property to ODOC use. Director Patton stated the first year would be little cost, with offender labor being utilized to clean up and provide general maintenance to the property and buildings. He stated once utility service was reestablished at the property, the agency would have a better estimate of how much funding would be needed to refurbish the buildings for use.

5. Recognition of Staff

Terri Watkins, Director

- Helping Hands, Certificate of Appreciation

Internal/External Communications

Ms. Watkins stated she would like to introduce Mr. Clark Reinhart, James Crabtree Correctional Center, to the BOC as a recipient of the Helping Hands Certificate of Appreciation. Ms. Watkins stated Mr. Reinhart and his sons were present at the Oklahoma State University homecoming parade crash in Stillwater on October 24, 2015. Ms. Watkins asked Mr. Reinhart to describe their participation in the events of the crash for the BOC.

Mr. Reinhart stated he and his sons were one of many who helped the injured parade attendees after the crash. He provided details on the assistance provided to the crash victims, specifically Ms. Lucas whose son, Nash Lucas, was killed in the crash. Mr. Reinhart stated he was proud of his son's efforts to assist the crash victims. Chair Gross thanked Mr. Reinhart, expressing his pride of Mr. Reinhart and his family.

Ms. Watkins presented the Helping Hands Certificate to Mr. Reinhart. In addition, Ms. Watkins presented a commendation from Governor Mary Fallin for the family's actions during the parade crash.

6. Monthly Update and Discussion of FY 2016 Agency Budget

**Ashlee Clemmons, Chief Administrator
Business Services**

Ms. Clemmons provided the following budget update as of September 30, 2015:

FY2016 Budget Work Program	
Appropriated	\$484,900,943
200 Fund	\$15,010,643
205 Fund	\$4,642,977
280 Fund	\$1,500,000
Total – Budget Work Program	\$506,054,563*
<i>As of September 30, 2015 budget; Community Sentencing and Federal funds.</i>	
Y-T-D Expenditures	\$(103,542,488)
Appropriated	\$(102,492,846)
200 Fund FY 16	\$(865,092)

205 Fund FY 16	\$(184,550)
280 Fund FY 16	-
Encumbrances	\$(181,375,020)
Committed	\$(204,024)
Remaining Payroll	\$(189,279,534)
Available Balance	\$31,653,497

Comment:

Revision 1 increase to 200 Fund of \$75,329

Appropriated Operating Funds

Budgeted	\$484,900,943
Expenditures Y-T-D	\$(102,492,846)
Encumbrance Y-T-D	\$(175,478,992)
Total Committed Y-T-D	<u>\$(203,109)</u>
Available Balance	\$206,725,996
Less:	
Payroll	\$(189,279,534)
Available Balance	\$17,446,462

200 Revolving Fund

Beginning Cash Balance 7/1/2015	\$754,680
Revenue Received Y-T-D	\$3,760,055
Expenditures Y-T-D	\$(2,868,405)
Adjustments Y-T-D	<u>\$(120,989)</u>
Ending Balance	\$1,525,341

205 Revolving Fund

Beginning Cash Balance 7/1/2015	\$1,070,058
Revenue Received Y-T-D	\$1,233,524
Expenditures Y-T-D	\$(1,182,590)
Adjustments Y-T-D	<u>\$(23,948)</u>
Ending Balance	\$1,097,044

280 Revolving Fund

Beginning Cash Balance 7/1/2015	\$2,462,065
Revenue Received Y-T-D	\$7,048,892
Expenditures Y-T-D	\$(5,650,114)
Adjustments Y-T-D	<u>\$(190,333)</u>
Ending Balance	\$3,670,510

With the floor open for questions, Chair Gross inquired about the impact of the recent ruling by FCC on telephone charges. Ms. Clemmons stated the highest impact the ruling could have on the budget would be approximately \$3 million annually. No further questions or comments were made.

7. Discussion and Approval of FY 2017 Budget Request Ashlee Clemmons, Chief Administrator Business Services

Ms. Clemmons presented for approval the proposed FY 2017 Budget Request. In anticipation of funding challenges the state will be facing, the agency has isolated the four most critical needs in

two separate areas. The primary area will be submitted as the agency's budget request and the secondary area will be submitted as an addendum for additional consideration. Ms. Clemmons stated the agency is requesting the following:

Priority	Item	Total	Addendum Total
A	Offender Growth	\$17,410,500	\$17,410,500
B	Health Services	\$2,385,086	\$2,385,086
 Addendum			
C	Infrastructure Replacement		\$5,000,000
D	Market Adjustment for Classified Employees		\$6,694,120
	Total Requested Appropriation Increase	\$19,795,586	\$31,489,706
	+ FY 2016 Appropriation	\$484,900,943	\$484,900,943
TOTAL REQUESTED APPROPRIATION FOR FY 2017		\$504,696,529	\$516,390,649

Ms. Clemmons stated the agency is requesting an additional \$19.7 million over the FY 2016 appropriation for a total of \$504.6 million. Priority A is to fund the estimated offender growth for FY 2017, which is approximately 900 offenders. Priority B funds are necessary to maintain a sustained level of performance and constitutionally-compliant health care which consistently increases each year.

Ms. Clemmons stated funding Addendum C would replace critical infrastructure at William S. Key Correctional Center (WSKCC). She noted funding would first be requested by capital outlay and/or bond issue; however, if neither occurs, then appropriated funds would be requested. Addendum D is requested for salary increases of all classified employees. These funds are needed to retain staff who are essential in ensuring public safety is not compromised.

Ms. Clemmons asked the BOC to approve the FY 2017 Budget Request as presented. Mr. Henke stated the Audit/Finance Committee met several times to discuss the budget request. He stated the committee is mindful of the challenges that the state faces but offender growth and health care costs are outside the control of the agency. The agency has a constitutional obligation to house and provide medical care to the offenders sentenced to its custody. He stated everyone is aware of rising healthcare costs so this is not an unexpected increase. Mr. Henke stated the first two priorities are critical for the agency and will require appropriations to cover those expenses. Mr. Henke complimented Director Patton, Ms. Clemmons and other staff involved in the budgeting process. He noted the agency has cut as much as it can from the budget.

Referring to Addendum C, Mr. Henke stated WKCC is in dire need of infrastructure replacement for: the existing electrical distribution infrastructure; the central power plant that currently provides the primary source of hot water and steam heat; the removal and disposal of existing transformers; and the retirement of equipment in the existing power plant. He noted the agency has identified and put forth these items for funding consideration on previous occasions. If these items went down, the agency would be forced to relocate over 1,000 offenders to another facility. He stated housing the offenders at another facility would cost the agency approximately \$55,000 per day or \$10 million for a six-month period.

Mr. Henke stated Addendum D would help retain staff. Current staffing levels are at 62% with our facilities at 118% capacity. He stated the committee felt this was a very critical item for the legislators to consider moving forward. Mr. Henke stated the committee hopes this request is favorably considered.

Mr. Henke indicated he would be happy to answer any questions but recommended the BOC approve the budget request as presented.

Motion: Mr. Henke made a motion to approve the FY 2017 Budget Request 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; Mr. Roach – yes.

The budget request was approved by majority vote and there was no further discussion.

8. Update and Discussion of Offender Population **Laura Pitman, Ph.D., Division Manager**
Field Support

Dr. Pitman provided the population update as of September 30, 2015:

Committed Offender Population	Community Supervised Offender Population
Total System Population = 28,025	Total System Population = 27,048
DOC Facilities = 19,754	Probation Supervision = 23,351
Private Prisons = 5,827	Parole Supervision Offenders = 2,877
County Jails with Contracts = 675	GPS = 749
Halfway Houses = 1,358	EMP = 14
Out Count (jails, hospitals, etc.) = 411	PPCS = 1
	Community Program Failures = 56
TOTAL SYSTEM POPULATION = 55,073	
County Jail Backup = 322	

State Facility Capacity Percentages	
Assessment & Reception Centers	96%
Institutions	122%
Community Corrections Centers	99%
Community Work Centers	105%
TOTAL STATE BEDS	118%

Director Patton asked Dr. Pitman to advise the BOC of the number of offenders in county jail backup as of this date. Dr. Pitman responded as of 5:00 p.m. on November 4, county jail backup was at 837 offenders. Dr. Pitman noted the recent changes to state statute became effective on November 1, 2015, which requires counties to submit documentation within three days of sentencing. Director Patton stated county jail backup had been down to 87 offenders at one point. Chair Gross noted moving backwards on county jail backup is not good. Chair Gross asked for information on the state statute changes. Dr. Pitman stated the changes give the ODOC authority to pay only for the days the offender is held in county jail pending transfer when sentencing documents have been received. Prior to the changes in statute, the ODOC paid for all days the offender was held in county jail regardless of sentencing documents having been

received. Dr. Pitman stated this allowed the ODOC, for the first time, to truly know how many offenders are pending reception to the agency's custody.

Mr. Haynes stated the agency mostly focuses on incarcerated offenders but there is also the probation population to consider. He noted the agency is supervising almost 1,600 more offenders this year than at the same time last year which has increased costs as well. Dr. Pitman agreed with his comment.

There were no further comments or questions from the BOC.

9. Committee Reports

Committee Chairs

Chair Gross asked the committee chairs for their reports.

- **Audit/Finance Committee**
Nothing further 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 had met and he had spoken with Dr. Pitman on a couple of occasions since the last BOC meeting. Mr. Roach stated the committee was particularly interested in the number of offenders released due to the changes to the application of earned credits on the 85% sentences. Mr. Roach stated the actual numbers of releases was very close to the projected numbers when the changes were first discussed. He stated the committee also discussed roadblocks and other anticipated issues with the changes.

Mr. Roach stated the other topic of discussion had already been discussed by Dr. Pitman, referencing the statute changes for sentencing documents which went into effect on November 1, 2015. Mr. Roach noted the number of offenders sentenced is not controlled by the ODOC but the agency must receive them. He stated he felt Dr. Pitman and staff do an outstanding job managing the offender population day-to-day.

- **Executive Committee**
Chair Gross stated the committee met on October 23, 2015, to review and approve the agenda for the meeting this date.

10. New Business

Kevin Gross, Chair

Director Patton stated he had received word late on November 4, 2015, that a boiler in the minimum-security housing unit at the Lexington Assessment and Reception Center failed, causing the housing unit to be without hot water in the showers, sinks, and laundry. The facility made several attempts over the last several months to repair the boiler but the equipment has deteriorated to the point that repair is no longer an option. The life expectancy of the boiler was 15-20 years and had been installed in 1999. The impact of the outage affects the minimum-security unit only which houses approximately 270 offenders. Under the provisions of Title 61, Director Patton declared an emergency to authorize replacement of the boiler. The estimated

cost to replace the boiler is \$46,000. Installation of the new boiler is anticipated to occur as early as the following week. A contingency plan for use of showers and sinks has been implemented at the facility to accommodate needs of the minimum-security unit until the new boiler has been installed.

11. Announcements

Kevin Gross, Chair

There was no announcements to make.

12. Approval to Adjourn for Executive Session

Gary Elliott, Assistant General Counsel

- Discussion of Pending Investigation:
 - Homicides of Fulwilder #452600, Mayden #628166, Tiffie #657391, and Tignor #631266 at Cimarron Correctional Facility (Case number IG 15-0157)
- Discussion of Pending Litigation:
 - *Alpin et al v. Avalon Correctional Services, Inc., et al*, Tulsa County District Court, case number CJ-2015-1344
 - *Glossip et al v. Gross et al*, Oklahoma Western District Court, case number 2014-CV-00665

Mr. Elliott advised the items listed 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; Mr. Roach – yes.

The adjournment to Executive Session was approved by majority vote and the BOC adjourned at 1:34 p.m.

13. Approval to Return from Executive Session

Gary Elliott, Assistant General Counsel

The BOC returned to the meeting room at 2:14 p.m. Mr. Elliott advised the BOC of the approval needed to return from Executive Session.

Motion: Mr. Henke made a motion to 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; Mr. Roach – yes.

The return was approved by majority vote and the BOC resumed the meeting at 2:16 p.m. Chair Gross advised there were not any actions to take after Executive Session.

14. 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. Haynes made a motion to adjourn the meeting 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; Mr. Roach – yes.

The adjournment was approved by majority vote and the meeting ended at 2:16 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 seventh day of January 2016, in which a quorum was present and voting.

Approved by:

[signature on file]

Frank X. Henke IV, Secretary
Board of Corrections

Date