

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Location: Oklahoma State Penitentiary

West Street and Stonewall

McAlester, Oklahoma

Date/Time: Friday, February 23, 2007 – 10:00 a.m.

1. OPENING AND ROLL CALL

Chairman Robert Rainey of the Oklahoma Board of Corrections called the February 23, 2007, meeting to order at 10:08 a.m. and welcomed those in attendance. The clerk was asked to call roll. Members present at roll call reflected a quorum was present.

Ernest Godlove
David C. Henneke

Ted Logan
Robert Rainey

Beverly Young
Earnest Ware

Absent – Mark Luttrull

2. WELCOME/OPEN REMARKS

Warden Marty Sirmons was recognized and addressed the Board. He appreciated the Board and everyone for coming to the Penitentiary. He expressed his pride in their institution and staff. Over the last several years, their level of violence has been fairly low compared to other institutions nationally. Chairman Rainey thanked him for his hospitality and the tours of the facility yesterday.

3. APPROVAL OF JANUARY 26, 2007, BOARD MEETING MINUTES

Chairman Rainey sought a motion for approval of the January 26, 2007, Board Meeting Minutes. Mr. Logan made the motion with a second by Mr. Henneke. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, absent; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

4. OLD BUSINESS

None reported on agenda.

5. DIRECTOR'S COMMENTS

- Director Jones recognized James Saffle and the OPEA President in the audience and appreciated their attendance.
- NIJ has chosen Oklahoma as one of only three states to study our evidence based practices in the area of probation and parole supervision dealing with high and medium risk offenders in the community. This is an ongoing study that will take about 18 months to complete.
- A Town Hall meeting is scheduled to take place in Lawton, February 24, at the Professional Development Center. It is co-sponsored by the Department of Corrections and the Department of Mental Health and Substance Abuse Services. There will be presentations on Drug Court, Mental Health Court, Community Sentencing, and all aspects of diversionary programs and treatment in the community. Everyone is invited to attend.
- Union City Community Corrections Center is in negotiations with the City of Union City to assist in building a new fire department. This is another example of how the department's PPW crews are helping communities with projects they normally would not be able to complete on their own.

- The City of Mangum has been in discussions with DOC about moving the Mangum Community Work Center into the old National Guard facility which they now own, to help the department expand capacity at Mangum.
- A Stop the Violence Task Force originated by Opio Toure, toured OSR in November. The task force has now developed into the Community Corrections Task Force. The role of that task force is to deal with diversity issues in an effort to stop inmate on inmate violence. The director appreciates Mr. Ware and Mr. Logan's participation on this task force.
- In the last five years Oklahoma has had one of the highest 100% non-mandatory compliance ratings in the nation. Since the last board meeting we've had six additional audits of our facilities. Out of those six, four had 100% on mandatory standards.
- The construction contract has been awarded on the Clara Waters facility.
- DOC is currently in the process of working with NIC and Technical Assistance to review our gender specific classification tool for women and to revalidate it to see if we are classifying offenders appropriately.
- In December we once again applied for a Sex Offender Management grant through the Bureau of Justice assistance. That grant ended in March of 2006.
- DOC's Quality Review and Self Auditing process is still receiving accolades at the State Capitol. Since the last reporting period, a quality review was conducted of the OSP rodeo, Tulsa CERT team, finance and accounting, victim services and case management services. Director appreciates Debbie Mahaffey, Debbie Boyer and their staff for continued quality operations.
- DOC again participated in the 12th Annual Tree of Honor and Remembrance. It's a holiday event in honor of crime victims and survivors.
- Recently, with the help of a grant, we conducted a successful Public Safety through Successful Reentry Conference, in which 250 attended. Several members of the Pardon and Parole Board, faith-based organizations and treatment providers attended, as well as DOC staff. We will be applying for a second grant.
- DOC has applied for a Prisoner Reentry Initiative grant. Those awarded, receive \$450,000. We had to pick three exit facilities in rural counties to serve approximately 200 offenders over a three-year period. We hope to be successful in acquiring the grant.
- The agency has been recognized as having one of the best planned pandemic task forces in the country.
- DOC tracking dogs have assisted in several areas of the state in tracking offenders or fugitives from justice from different law enforcement entities. Almost 28 hours of dog tracking occurred since the last board meeting.

6. FITTING BACK IN (FBI)

Pastor Melvin Cooper thanked the Board for the opportunity to present before them. Packets of information were passed around to the Board that summarized what their program entailed along with information on their partner in funding. FBI works with offenders in prison and after they leave prison. While in prison, they conduct an intake on offenders, which helps them determine the offender's needs. This data is given to FBI agents who help the offenders find jobs before they ever get out. The unique part of their program is called 101, where they work with offenders when they get out of prison. They help them fit back into society by working with them one on one. They help them with parenting and financial classes and assist them to acquire a driver's license, ID, jobs, etc. The program has been up and running for one year and are based out of Tulsa, but they have satellite offices in Oklahoma City, Mangum, Okmulgee, and will soon have an office in Lawton.

Ms. Theresa Long, the State Program Director with the Oklahoma Field Office for the Corporation for National Community Service addressed the Board and explained their partnership with FBI. She

provided information about the corporation and their programs and a copy of their strategic plan. The corporation is a federal funding agency which provides resources for non-profit community programs in state agencies to address specific needs in the communities. They are an antipoverty program so all their programs address issues specific to low income communities. One of their major initiatives across the country is prisoner reentry. FBI is their largest prisoner reentry project in the entire county. They are providing resources that allow FBI to place 38 AmeriCorps VISTA volunteers at the satellite offices. This translates into over \$500,000 that is going into those communities to provide support.

Mr. Henneke asked how many offenders have taken advantage of the FBI and how do they find out about the program? Currently they have 80 participants and have graduated 10 that are doing very well, getting paid over \$10 per hour. The FBI go to facilities and do a general population presentation and work with those who volunteer for the program. There are about 12 Oklahoma prisons currently involved. The wardens have been receptive to the program and allowed them to present their information.

Mr. Godlove asked about criteria for the program. Sex offenders are not allowed because at this time they don't have a location where they can hold them. Once an offender is 6 months from release they are eligible.

Mr. Logan asked if they made contact before they go to prison as mentioned in the literature. For clarification, they work with young people before they get into trouble, by going to the schools. They use a spokes person who served 30 years in prison. Many of the volunteers in AmeriCorps VISTA are former offenders.

Ms. Young asked if the FBI work with the families prior to the offender being released since sometimes the reason for failure is that when someone is released, the family and offender expectations differ. The FBI obtains family relationship information from the offender and then they meet with the family if they have a good relationship with them to prepare them on how to deal with the offender once they get out.

Mr. Ware asked if the FBI deals with the dealer or those who prey upon addicts. Their substance abuse program works with DOC, jails, and drug court, etc. to provide a teacher to work with them through a 12 step process. Not necessarily with the dealers, but with the inmates themselves. They have a licensed psychologist on staff who assesses everyone that comes through their program and she determines if they are eligible for the institute and if they have the mental capacity to complete the program. Once they complete the course, they hold a graduation. Mr. Ware asked if they thought it was beneficial for someone who sells drugs to participate in a program that address addiction. Yes, and that's why they recently hired a certified license drug abuse councilor, NA and AA.

Chairman Rainey stated that DOC has learned the hard way that some programs promote recidivism, not correct it. What does FBI do to track individual participants, so we don't miss out on the hard data, to track these folks to know the program is doing something for recidivism? Ms. Long responded that from a federal standpoint before they will provide resources to a program they must provide specific hard data/performance measures on the front end and report quarterly on the outcomes. They are accountable to the federal budget office for the outcomes of these projects. They track it on a federal level so they can in turn disseminate that information. FBI is in their first year so they have only one year of data collections. Because the FBI program is so large on a national level, they are getting a lot of attention. Their reporting system allows members of congressional offices to pull up information, as well as executive offices, national media outlets or anyone wanting to track this data information. Chairman Rainey asked how long the offenders would be tracked. They are tracked for two years. The first year the offenders are closely monitored. In their second year, they are monitored quarterly for any difficulty they may be having.

Mr. Godlove asked who the sources of their funds were. The largest funding source is AmeriCorps VISTA which provide the employees and volunteers; Tulsa Community Foundation; the Church that sponsors the program; individuals from the community; City of Tulsa; and others.

Mr. Logan asked what they had found to be the most common reason for failure in the program. There are very few failures, but the commitment to get them to come to the classes everyday seems to be the difficult part. They are looking at ways to get them to commit. One way is by working with the employer to get them the time off to be part of the program. They have adjusted the classes so they get to pick the ones they can work out with their schedules. Another factor is housing. They think they may have a facility where they could house some of their participants.

7. BUDGET UPDATE

Chief Financial Officer Jim Harris provided the budget update. The monthly trending report focuses on three major expenditure categories: payroll, contract beds and offender healthcare. Mr. Harris referred the Board to the spreadsheet on page 5.

Payroll - As of the end of January, gross payroll surplus was \$6.6 million. That's about \$24,174 less than the month before. The reason for this slightly lower payroll surplus is the increase in trended expenditures for longevity and benefit payments. The net payroll surplus at the end of January was about \$1.5 million, which is about \$820,000 higher than one month ago. The reason for the net increase is the department is one month further into the fiscal year therefore less reserves are required for staffing increases towards the overall 82% target level.

Contract Beds - The filed BWP identified funding shortfall for contract beds of \$33.7 million. When we filed our FY 2008 we increased that to \$39.5 million. We have been trending real close to those dollar figures each month. This deficit is not expected to decrease. One of the problems with being able to accurately forecast whether contract bed expenditures will significantly increase or decrease is identification of what will happen with the Hinton facility beds and the impact of Oklahoma County jail back-up beds.

Offender Medical Services - This category still shows a slight surplus from what was budgeted. What's allowing this medical surplus is the current savings on prescription drug costs. Without that savings we would not have a surplus today.

Summary - It appears the department will need FY 2007 supplemental funding of approximately \$41.5 million to complete the fiscal year. The reason that supplemental funding needs are higher than the trended expenditure deficit relates to the true cost of the uncertainty of contract beds and the population growth that is occurring and how that will translate into other department budgetary activities. It is anticipated that by March 10th we will run out of expenditure authority for all contract beds. We will need our supplemental by that time.

8. POPULATION UPDATE

Chief of Operational Services Ken Klingler presented the population update as of February 5. The current system inmate population is 24,653. At this same time last year it was 24,127; an increase of 526. Total incarcerated population currently is 23,815. This same time last year was 23,425; an increase of 390. At DOC facilities population is 17,042. This same time last year was 17,043; a decrease of 1. Private prison population is 4,959. This same time last year was 4,640; an increase of 319. Total system population is 56,097. This same time last year was 58,815; a decrease of 2,718. County jail population is 604. This time last year was 504; an increase of 100. County jail inmate backup population is 1,228.

This same time last year was 1,063; an increase of 165. Halfway house population is 1,210. This same time last year was 1,238; a decrease of 28. Clients on probation supervision are 27,622. Clients on parole supervision are 3,822.

Mr. Henneke asked if offenders were being reconsidered for credits that would discharge them and if those who had received misconducts were considered once they finish their misconduct punishment? Mr. Klingler responded that currently DOC is looking at everyone who would discharge if given earned credits up to 365 days. As of yesterday, the department was going to discharge 45 people in community corrections. DOC does not want to put anyone at risk and are not restoring credits to those with class X misconducts. Mr. Henneke asked who the decision was left up to. Mr. Klingler replied it is up to the warden at the facility or the appropriate district supervisor. If those entities say they don't want to discharge the offender, it's also looked at by Mr. Boone, Mr. Evans and Mr. Hines.

9. PROGRAM UPDATE – SEX OFFENDER TREATMENT

Programs' Clinical Services Coordinator Clint Castleberry provided a brief overview of areas covered in the institutional treatment programs at JDCC and JHCC as well as a narrative that briefly explains the sex offender education that is a precursor to the actual treatment programs offered by DOC mental health staff at other facilities. It is a 16 session preparatory coordination of definitions, information that is utilized, and terms that are used within the treatment program. Upon completion of that should the offender choose to volunteer, they would be moved to one of the two institutions (JHCC or JDCC) where the institutional treatment programs are provided. The treatment providers work on breaking down denial and focusing on acceptance of personal responsibility for behaviors, specifically, sexual behavior. There are battery of assessments that are performed. A treatment plan is developed and from that throughout their treatment they will encourage the offenders to identify sexually deviant behaviors focusing on the cog behavioral aspect of treatment, identifying stressors and environmental and interpersonal stressors that can lead to an escalation towards a sexual offense. The main purpose of the treatment is to instill within an individual the ability to scrutinize one's own behavior to notice when they may be starting down the wrong path that may lead to another sexual offense.

Mr. Henneke asked how many offenders participate in the program. Mr. Castleberry replied that volunteering for the program is a result of a court case from the court of criminal appeals. Prior to that DOC mandated participation in sex offender treatment. As of February, DOC had 3,447 incarcerated sex offenders. Within that there are approximately 369 serving sentences where they are not likely to discharge any time soon. At this time JHCC has 36 participants and JDCC has 18 in the program. The program director at JDCC retired in December so they only have one staff available. They are in the process of hiring a replacement. Mr. Henneke asked how we could get more to participate. Mr. Castleberry responded that sex offender treatment is a very staff intensive process. Programs last well over a year and there are some paradigms that say treatment should be ongoing indefinitely coupled with supervision. Currently staffing levels show four FTE, two at JHCC and two at JDCC. Maximum capacity for both programs would be 40 offenders at any given time, for a total of 80 offenders in treatment. Chairman Rainey felt it was not a question of volunteers, but a question of resources. Mr. Castleberry reported that currently there are 105 on JHCC's waiting list and 66 on JDCC's waiting list for the program. Along with the court ruling, there is the ability to opt out at any time should the treatment become too intensive for the individual. The length of the program averages 16-18 months per completion. If a person drops out in the later 1/3 of the program it is difficult to plug a new person.

Mr. Henneke asked if more money was available for the program, would there be qualified people we could hire? Mr. Castleberry reported that when they hired their last Psych Clinician II, only six met the qualifications on the register and of those only two applied. They did meet the qualifications as far as

having a Masters Degree, license or licensed eligible, however in the State of Oklahoma at this time there is not a specific licensure or certification for working with sex offenders.

Mr. Logan asked what universities offer that would qualify a person to do this work? Mr. Castleberry stated that anyone completing a master's level in mental health, applied psychology, or social work degrees would qualify. Mr. Henneke asked how much the psych clinicians are paid. Mr. Castleberry was not certain but he thought it was around \$34-35,000 annually, without the benefits factored in. Mr. Logan asked if we needed a degree in this specific area. Mr. Castleberry reported that in speaking with providers across the state who deal with sex offenders in the community, the majority are LPC or licensed clinical social workers. Many got into the business of treating sex offenders by training under a mentor or someone supervising their licensure who happened to treat sex offenders. Texas and Colorado have Sex Offender Management Boards who promulgate rules and regulations that treat and supervision, both in the community and while incarcerated.

10. APPROVAL OF FEMALE OFFENDER COMMITTEE AS STANDING COMMITTEE

Mr. Logan had asked this item be placed on the agenda to change the Female Offender Committee from an ad hoc committee to a standing committee.

Chairman Rainey asked if anyone had a concern about the number of committees to be addressed by this Board. Mr. Henneke said it was an important committee, but that it was not mandatory that they met unless they had issues to deal with. Chairman Rainey commented that as they move forward in their training in their development in aligning of objectives with goals, the Board and DOC's mission, that BOC members were going to have to commit to spending time refining and defining each of its committees to avoid overlap/duplication. Every year we should test each of these committee's existence. He agrees, the Female Offender Committee is extremely important.

Mr. Godlove asked if they could kill a committee as fast as they create them? Chairman Rainey said he didn't think it was as easy to kill. When a committee is created, the Board imposes upon staff to help staff it. He wanted everyone to remain cognizant that there are costs and time to every committee that is created. Mr. Godlove pointed out that the in their current training program, they would be focusing on what the Board considers its priorities to be and to see if it has the proper structure to carry out those priorities, therefore allowing them to identify the committees needed and to kill those not needed. Chairman Rainey agreed they could do that. Mr. Godlove has confidence in the Board's ability to go through the training process and evaluate what committee's are really going to be effective. He would endorse that we go ahead but wanted to reserve judgment until they complete the training process and put it all on the table at that time as to what our committees should be.

Chairman Rainey sought a motion for approval of the Female Offender Committee as a standing committee. Mr. Logan made the motion with a second by Mr. Ware. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, absent; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

11. APPROVAL OF BOARD POLICY P-010200 – Operating Policies and Procedures for the Oklahoma Board of Corrections

Chairman Rainey and the Executive Committee sought a motion to table the approval of Board policy P-010200 for two Board meetings. Mr. Henneke made the motion with a second by Mr. Young. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, absent; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

12. COMMITTEE REPORTS

- Private Prisons – No report
- State Boards Interface – No report
- Legislative – Mr. Ware reported the committee did not meet. However, he had provided the Board with an update on DOC's legislative initiatives.
- Female Offender – No report
- Budget – No report
- Population – No report
- Public Affairs – No report
- Executive – No report

Before moving to the next item of business, Chairman Rainey asked the Board to allow him the privilege to move item 14, New Business before item 13, Executive Session. There were no objections.

13. NEW BUSINESS

Chairman Rainey reported that three members of the Board conducted an inspection last night at Jackie Brannon Correctional Center. During their visit at JBCC, he granted the request of two officers to address the Board at the February 23rd Board meeting. Because the Board and management are committed to being open to all DOC employees, it welcomes any opportunity to hear from staff.

Sergeant Larry McElyea was the first to address the Board and expressed concerns regarding the following:

- Overturn of Offender Misconduct Write-ups for Earned Credits
- Relocation of JBCC Personnel Unit to OSP
- Leave Report Balances
- Overtime
- Shift Rotations

Sergeant Tom Gleese's issues related to the following:

- Timeframes of Overtime Pay
- Double Shifts
- Holiday Pay

Ms. Young said she didn't understand the technicality of the time and the holiday issue so she was going to ask someone from the department who will understand it, to get in touch with these officers and make sure it's addressed. Mr. Henneke said staff should be allowed to know what their balances are. He asked if there were any opportunities for employees to meet with management, (i.e. warden, deputy) to talk about these issues? Sergeant Gleese said anytime you want to go talk to them or the ladies in personnel, they seem real nice, but they don't have any answers. They gave him a number in Oklahoma City to call about the payroll issues. Sergeant Gleese felt that at the end of the month, Personnel should be able to figure their overtime and they should get it by the 10th of the month for the preceding month, which would allow employees to keep up with it. Gleese also felt that instead of holding holidays for six months, they needed to be paid for them at the end of the month. Mr. Henneke asked if there was a state policy dealing with that issue? Director Jones said because this is of a technical nature, he was going to address these issues in an executive summary to the Board. The new CORE system that has been implemented in all state agencies changes the way that's dictated through the Office of Personnel Management. Some of

the issues by the officers are not unique to the DOC, they are wide spread to all state agencies. There have been conversations at the legislative level about overtime checks and the timeliness and erroneous numbers being entered in this new software package from the Office of State Finance. That's not to say we are victimized by it, but we will certainly take these officer's comments and address their issues. Director Jones wanted to address the misconduct issue. He does not want anyone to believe in any way that we dictate that inmates should not be written up. We do restore earned credits and it is in policy, only if those earned credits currently would discharge the inmate.

Chairman Rainey said they had a meeting at JBCC two years ago when Ed Evans was Interim Director who was very concerned about perceptions with payroll issues and set up a hotline number if there were any questions from any DOC employees. He asked the officers if they called the hotline in Oklahoma City. The officers had not called that number. Chairman Rainey encouraged the officers to remind fellow officers how much they are valued. Everyone is welcome to attend the BOC's meetings and can talk to any BOC member.

14. **A. CONSIDERATION OF MOTION TO ADJOURN TO EXECUTIVE SESSION PURSUANT TO "TITLE 25, 307.B" FOR THE FOLLOWING REASONS:**
- 1) **Discussion of employment, hiring, appointment, promotion, salary, demotion, discipline or resignation of any individual salaried public officer or employee – Director's Bi-Annual Performance Evaluation.**
 - B. Adjourn to Executive Session**
 - C. Return from Executive Session**
 - D. Announcement by the Chair as to the necessity of any Board action, if necessary, as a result of the Executive Session.**
 - E. Vote, if necessary**

General Counsel Mike Oakley stated the personnel issue to be addressed qualifies for an exception to the Open Meetings Act and allows for adjournment into Executive Session. It is the advice of counsel that the Board vote to adjourn into Executive Session.

Chairman Rainey entertained a motion to adjourn to Executive Session. Ms. Young made the motion followed with a second by Mr. Ware. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, absent; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

The Board returned and Chairman Rainey called the meeting to order. Mr. Oakley stated that statute requires after returning from Executive Session that the Board vote to come out of Executive Session and if there is a matter to be voted on, the Board vote on that publicly also.

Chairman Rainey entertained a motion to return from Executive Session. Mr. Henneke made the motion followed with a second by Mr. Ware. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, absent; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

Chairman Rainey reported there was no action taken in Executive Session that would require a vote of the Board.

15. ANNOUNCEMENTS

None

16. ADJOURNMENT

Chairman Rainey sought a motion to adjourn. Ms. Young made the motion followed with a second by Mr. Logan. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, absent; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

Meeting adjourned at 2:05 p.m.

I hereby certify that these minutes were duly approved by the Board on this 30th day of March, 2007, in which a quorum was present and voting.

Approved by:

Secretary of the Board

Date: March 30, 2007

Submitted by: _____
Minutes Clerk