

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Location: DOC North Conference Room

3400 Martin Luther King

Oklahoma, Oklahoma

Date/Time: Friday, January 26, 2007 – 1:00 p.m.

1. OPENING AND ROLL CALL

Chairman Robert Rainey of the Oklahoma Board of Corrections called the January 26, 2007, meeting to order at 1:05 p.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

Ted Logan

Mark Luttrull

David C. Henneke

Robert Rainey

Earnest Ware

Beverly Young

2. APPROVAL OF OCTOBER 18, 2006, BOARD MEETING MINUTES

Chairman Rainey sought a motion for approval of the October 18, 2006, Board Meeting Minutes. Mr. Ware made the motion with a second by Mr. Logan to approve the minutes. Results of roll call: Mr. Godlove, pass; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, pass.

3. OLD BUSINESS

None reported on agenda.

4. RISK ASSESSMENT IN CORRECTIONS

James Austin Ph.D., President of the JFA Institute, gave a presentation on the work that had been completed on a new risk assessment that the Oklahoma Parole Board is going to start using. Dr. Austin's work was done at the request of Clint Johnson, Chair of the Pardon and Parole Board, in terms of showing their Board how to use a risk instrument to better inform their decision-making. They went through a process of tracking offenders for three years that were released in 2002 to see what their recidivism rates were and identified post factors that were predictive of success or failure on parole. From that, they built a risk instrument. Dr. Austin has spent the last two months training the hearing officers on how to use the instrument. As of yesterday, they completed all of the training. The instrument has been automated on an Access database. It is Dr. Austin's understanding that the Pardon and Parole Board will begin using the instrument during their April docket.

Dr. Austin went through issues that are important to understand about the impact this instrument may have. He referred to the first handout in the packet, entitled "Oklahoma Versus the US." Oklahoma has always been distinguished by three or four characteristics. Oklahoma has a higher crime rate than the rest of the country. These numbers are rates per 100,000. Oklahoma's violent crime rate is 505 with the nation being 466. Oklahoma leads the nation in property crimes and Oklahoma has always been known for having higher incarceration rates. Oklahoma has 649 per 100,000. Oklahoma is within the top five. Part of the reason for that is Oklahoma has a low usage of probation, 1068 per 100,000, as opposed to 1871 nationally to 100,000. Oklahoma has a lower rate of people on parole at 163 per 100,000 versus 307 per 100,000 nationally.

The second handout entitled, "1983 and 1994 Three Year Recidivism Rates," shows that Oklahoma has a low recidivism rate. Twenty-nine percent of Oklahoma offenders come back within three years of being released, while the national recidivism average is in the 40-41% range. This means Oklahoma has a higher number of low risk offenders. They can be released sooner than in other states because when released they more than likely will not come back. Oklahoma substance-abuse programs are not showing a significant reduction in recidivism rates, except for those being completed at Northeast Oklahoma Correctional Center, Bill Johnson Corrections Center, Clara Waters Community Corrections Center and Mack Alford Correctional Center. This is important because the risk instrument rewards offenders who complete programs that are linked to reduction in recidivism. One of the major things that needs to happen between now and April is that Oklahoma DOC provide the Parole Board Hearing Examiners a list of the programs that have been certified through research or through other national studies as having a high probability of reducing recidivism.

The handout entitled, "Prior Recidivism Study Results," identify factors related to recidivism in Oklahoma: 1) Gender - Males have a much higher rate of recidivism than females; 2) Age - Younger prisoners have higher rates of recidivism; 3) Time Served - There is no difference in recidivism rates based on much time is spent in prison; and 4) Type of Offense - Crimes of economic gain have higher rates. If we have low risk offenders, we need to move them out. We are wasting money keeping them incarcerated. Dr. Austin is hopeful that the Pardon and Parole Board will start increasing their grant rates for the low risk offenders.

He referred to page 9 of the handout that outlined the hearing decisions made by the Parole Board over the last year. Parole to the street was 21%, which is the grant rate, and is low, given the risk level of the offenders and based on what he has seen in other states. In most states this falls in the 35 to 50% range. Other states are granting high rates of parole for low risk offenders. High risk offenders get very low consideration because they are dangerous. The ones that are in the gray area typically are denied with a condition that they complete a program before they get released. Something else the Department of Corrections needs to be doing is coordinating with the Pardon and Parole Board to get offenders in programs as quickly as they can so they are completed by the time they see the Parole Board. The Parole Board is going to be more likely to grant parole to someone that has completed their programs.

Dr. Austin referred to page 10, which shows the items used for the risk instrument. There are only nine items, five static factors and four dynamic factors. The risk instrument sorts by recidivism rates, low, low moderate and moderate high. The database will help the Parole Board monitor their decision-making process. Dr. Austin has spoken with Terry Jenks and recommended that in two years he come back and revalidate.

Issues to be addressed were identified on Page 13. 1) Develop a list of certified treatment programs; 2) Improve data access with DOC LSI-R and classification system; and 3) Coordinate implementation with the DOC and Governor's office. The Governor has the final say on paroles. It's important that if DOC and the Pardon and Parole Board are working as a team, that the Governor's staff are also on board.

In response to Mr. Henneke's question as to the reasons other states have taken the Governor out of the parole process, Dr. Austin replied that in almost every other state, the Governor was never in the process to begin with. In almost all other states, once the Parole Board makes a decision, they issue a release order and the offender is released. There is no review by the Governor. The chairman of the Board is basically representing the Governor.

Chairman Rainey asked Dr. Austin how this risk instrument compared with the Missouri Computer Based Assessment Tool. Dr. Austin said that this was very similar. The Department of Corrections is able to use a lot of the data in its information system and it automatically generates the score. Missouri uses the same scoring items that Oklahoma will be using. There are about 15 items that you can pick and choose from, that have an impact on recidivism. Oklahoma is within that menu, as is Missouri. What Missouri does very well, and what Oklahoma should be able to do eventually, is have the computer tally the scores. Chairman Rainey said he and some of the other Board members and Clint Johnson attended the International Association of Paroling Authorities in Baltimore and in Georgia. They began learning about these tools and became excited about working with the Oklahoma Pardon and Parole Board about co-developing a risk assessment tool that might include presumptive release dates so DOC could use and allocate its resources towards that presumptive release date. Dr. Austin talked about two kinds of instruments, one being the LSI-R and one the Compass, which are much longer and complicated. The LSI-R has 54 items. Missouri uses something similar for determining programmatic needs. That is what is used to determine the kind of program a person should be cued up for. This instrument does not do that. It is not doing an assessment of drug addiction, mental health problems, education, or cognitive restructuring. It is more of a needs assessment. That is how they determine what program to go to. Once the offender has completed that program, we then know the offender is a lower risk than when they came in. Two things that should be in the instrument that are not, are substance abuse and mental health. Research shows clearly that if you have mental health issues or major substance abuse problems, you are more likely to fail on parole. The problem is DOC is a ways away from having good reliable assessment and therefore, we can't get reliable and valid measures of substance abuse and mental health. As that assessment comes on line, features can be added to the risk assessment and the parole risk model. In Missouri, they have a much more elaborate risk assessment, but if you look at what predicts recidivism, it's just a handful of things. The burden is now back on the Parole Board. They need to start demonstrating that they will use this. We should start seeing higher grant rates for low risk offenders.

Mr. Godlove asked who was responsible for the issues to be addressed noted on page 13. Dr. Austin indicated that training and development of the investigators was his responsibility and they have completed it. The Pardon and Parole Board was responsible for automating a new instrument, which has been done. DOC is doing risk assessment now. The Pardon and Parole Board needs to get in that informational loop and see how that can be used for them. Developing list of certified treatment programs is a DOC responsibility. Programs not useful should be done away with. Director Jones is responsible for coordinating the implementation with DOC and Governor's office.

Mr. Henneke said offenders don't get programs in a timely manner before they go to the Pardon and Parole Board and asked his opinion on how to assess who should go to what program and when. Dr. Austin said there are two dimensions. First, when you get someone, how long are you going to have them for? You don't want lifers in the substance abuse program. You also don't want offenders in a six month program with a few weeks left to serve. Second, is risk. The highest risk offenders that are coming out the quickest are the ones you want in the programs. The problem is that many states put the low risk offenders in the programs. Research shows that when you do that the recidivism rate of low risk offenders goes up. Presumptive dates would be great to ensure offenders are getting programs timely.

Director Jones asked Dr. Austin if he knew of any judicial systems that apply a risk instrument prior to pre-bargain or sentencing that would divert low risk in the first place so the Pardon and Parole Board would not have to address this issue on the low risk offenders that causes us to have one of the lowest recidivism rates in the nation. Would it be applicable at the judicial level prior to sentencing as part of the pre-sentence investigation or just a judicial function to determine if they are a good

candidate for community treatment or institutional treatment? Dr. Austin responded that with respect to the low recidivism rate, what it suggests is that we do have a substantial number of people coming to prison that do not need to go to prison. The problem with risk assessment in the courts is should people be sentenced based on what we think they are going to do as opposed to what they have been convicted of. There is a big debate among the legal field on this that it is inappropriate to sentence people for what you think, which is what risk assessment would do. However, every pre-sentence investigation looks at risk factors. He does not see a problem with putting information in the PSI report that says we reviewed this and based on our history we know that this person is likely to succeed on probation. That is the call a judge would want to hear.

Mr. Godlove asked how we should grade our department on its ability to ascertain which inmates should be put into the programs and which should not? Dr. Austin responded that as people come out of the prison system, you can see retrospectively if they got the programs they should have got looking at their LSI-R score. Director Jones says this data was established in a database several years ago. Once the Pardon and Parole Board starts utilizing the instrument, DOC can do a comparison analysis on the low risk offenders coming out on parole.

Mr. Godlove asked if the Board should hold Director Jones responsible for making sure the programs go to the right offenders and wanted Dr. Austin's insight on how the Board should grade that. Dr. Austin responded that there are charts that are coming that show the director's ability to get offenders into programs based on their risk level. Director Jones said that Ms. Mahaffey and her staff conduct assessments at Lexington and we have looked at the research for several years. The moderate to high and also based on how much time to serve get priority in these programs.

Chairman Rainey asked if the Pardon and Parole Board received the resources from DOC they needed to successfully implement this risk assessment tool. Dr. Austin said DOC had been very helpful. The one thing that DOC needs to do is develop the certified treatment programs.

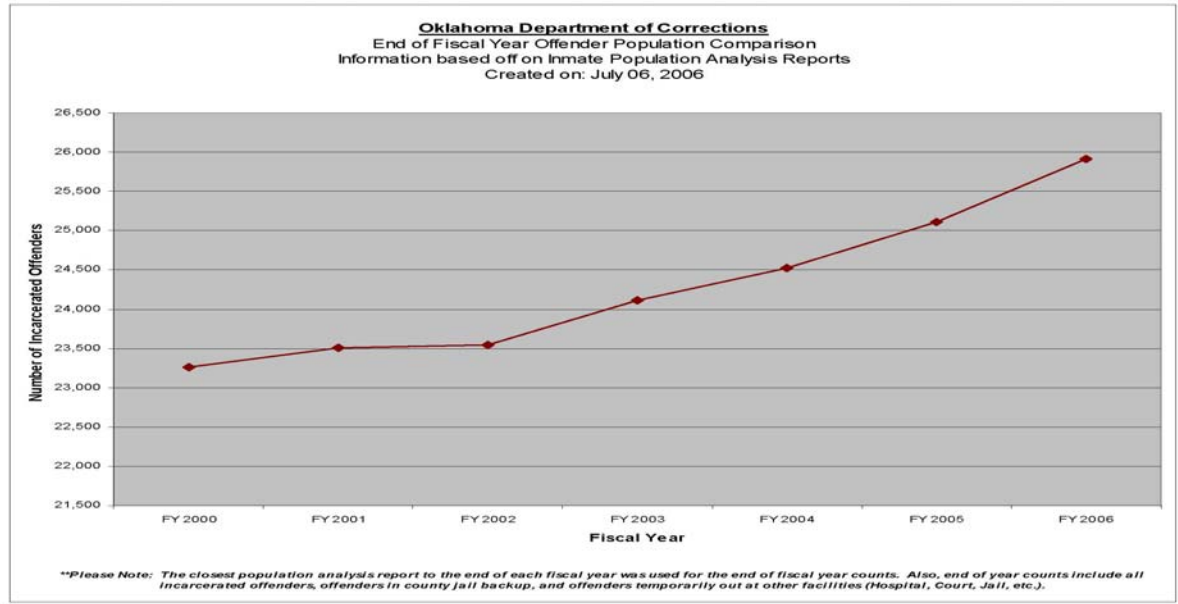
Mr. Henneke asked Dr. Austin to provide them with a summary of his presentation today so the Board could get it to the legislature. Dr. Austin is issuing a report that goes back to the National Institute of Corrections and the Chair of the Pardon and Parole Board. He will provide a copy to Director Jones for dissemination to the BOC. Dr. Austin conveyed he would be happy to come back and present any time.

5. STATE OF CORRECTIONS

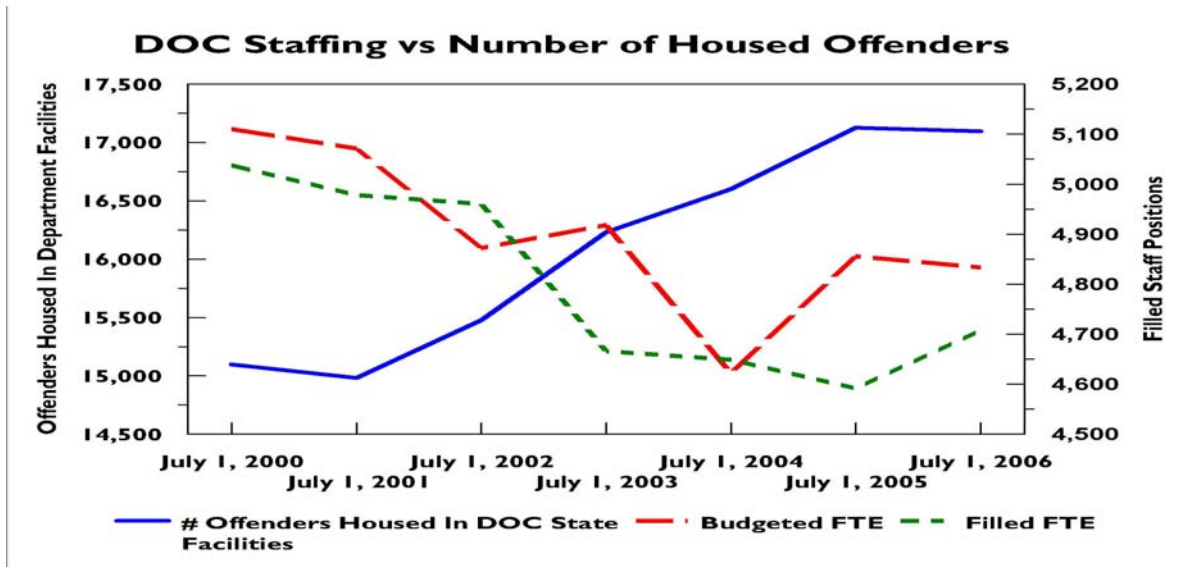
Director Jones asked Ed Evans to step forward and presented him with a certificate for his 25 years of service with the Oklahoma Department of Corrections.

Director Jones reported that three presentations had been made to the leadership at the Capitol and felt it important to provide the Board a sample of the presentations. This presentation is a summation of what the agency is going into for the next 12 months and how we got there. It would behoove the Board and others to understand our approach. It has taken the agency about two decades to get to a point that something absolutely has to give.

Population Comparisons for FY 00-06. This chart shows DOC's net prison growth from FY 2000 – FY 2006. According to projections by K.C. Moon, continued growth is projected for the next decade at about the same rate, unless there are major sentencing reforms and/or relief factors.

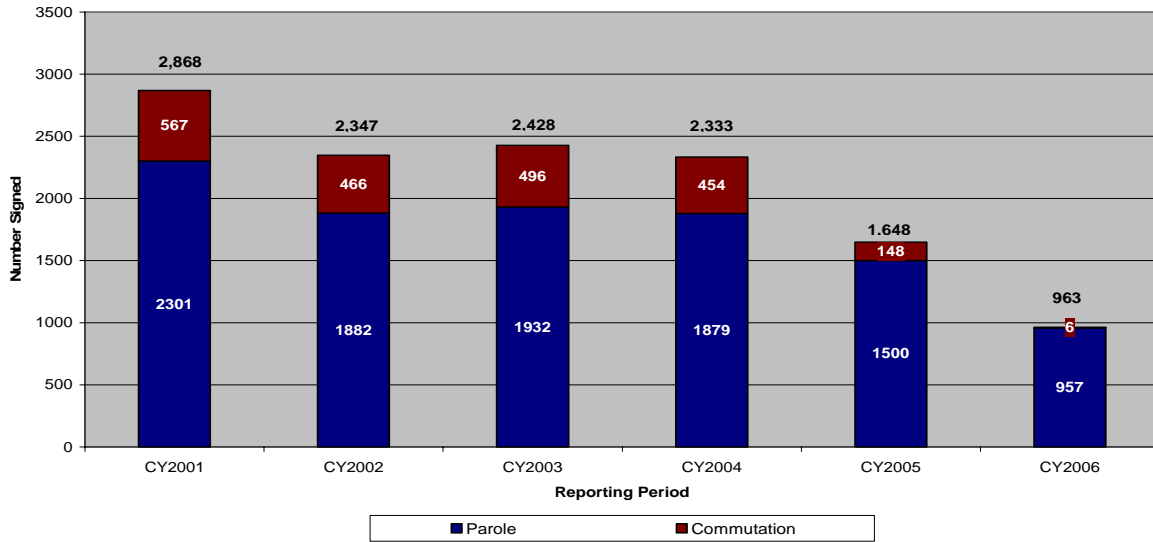


DOC Staffing vs. Number of Housed Offenders. The purple line denotes population growth at DOC facilities. It does not include contracted facilities. The reason for that is we don't have staff at those facilities. The red line is what we are budgeted for. So our population is going up and our budget is going down. The green line represents filled FTE. What complicates this more are the two budget cuts we took after 911. Just last year we got back up to pre-911 funding. During that time, DOC netted in excess 1500 inmates. He did not feel any other state agency could show as much of an increase in clientele and productivity and a steady decrease in funding like we have experienced in DOC. This has a bigger impact if you can see the data visually as on this chart.



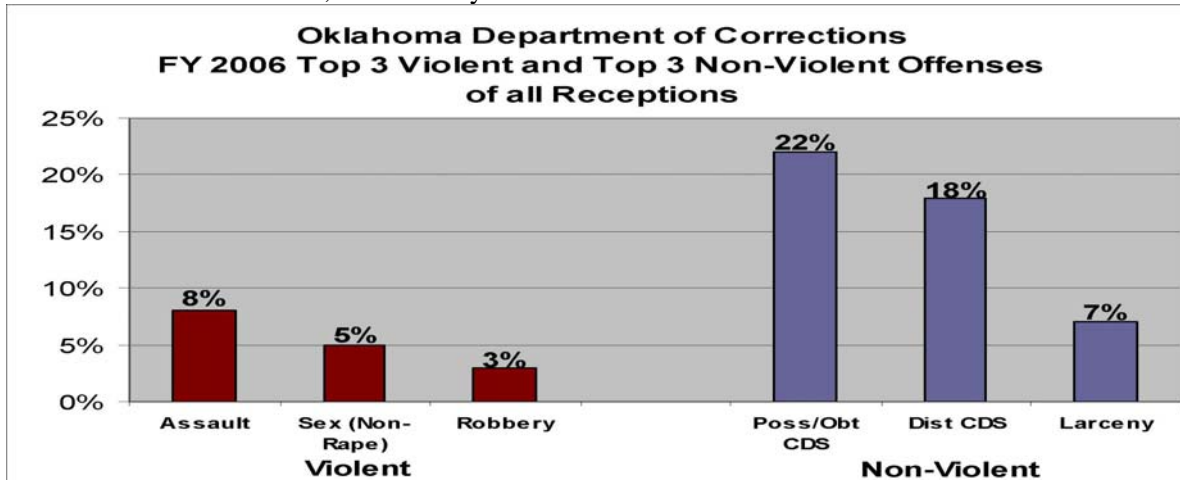
CY 01-06 Number of Parole and Commutation Releases Signed by the Governor. The blue denotes actual paroles. The red is commutation for each of those years. That doesn't mean they were paroled or commuted to the street. They could have been paroled to a consecutive case or a staggered cc. You can see the decline starting in 2001 up till now. The reason director wanted to illustrate this is because DOC went from 1648 possible releases to 963 last year. When you hear about DOC's net growth it is not all on the front end. This combined with 85% crimes and stacking of additional life without parole, etc. is causing DOC to not have as many people be released in that same time period.

Number of Parole and Commutation Releases Signed By The Governor



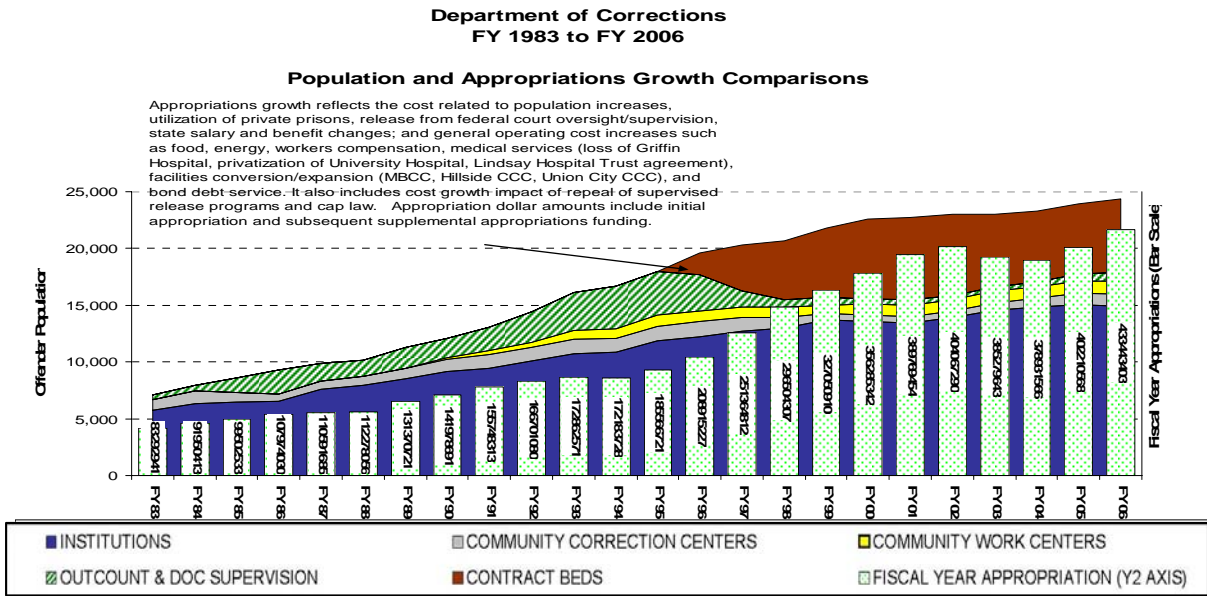
Please Note: Calendar Year 2001 through 2005 information is based off of Oklahoma Criminal Justice Resource Center (CJRC) chart on page 10 of the "Oklahoma Prison Population Report" located on their webpage http://www.ocjrc.net/pubFiles/InmatePopulation/OklahomaPrisonPopulationProjection_2006.pdf. CJRC report noted that it was last modified on April 20, 2006. FY2006 data is from the Department of Corrections. The chart was created on July 17, 2006.

Top 3 Violent and Non-Violent Offenses. Legislators often ask what DOC's three main crime categories are. This chart shows the top three Violent and Non-Violent receptions for the last 12 months. Violent Crimes: Assaults - 8%; Sex Crimes - 5% (Does not include Rape First Degree, which is a separate category); and Robberies - 3%. Non-Violent Crimes: Possession of CDS - 22%; Distribution of CDS - 18%; and Larceny - 7%.

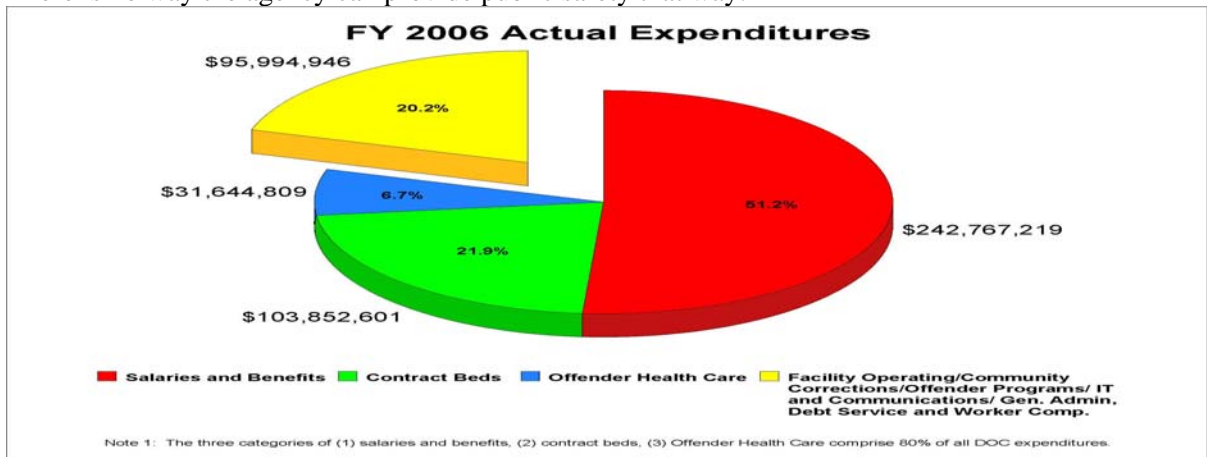


**Information extracted from the Offender Management System (OMS) January 2007. Please be advised that sentence information changes on a daily basis. Reliance of any information provided herein is at users sole risk. The Oklahoma Dept. of Corrections shall not be responsible for any use or reliance on information provided resulting in damages of any kind. We suggest contacting DOC Offender Records for any information on specific records.

Population and Appropriation Growth Comparison. The bar graph in this complicated chart is DOC's funding level starting back in FY 83. As you go through, this is the best illustration of how we got here today. The purple is the agency institutional count, going up. The next layer up is community corrections centers and then community work centers, with their counts going up as well. The red identifies contract beds. What is important to note is the growth compared to the budget. The reason DOC has been in a vicious supplemental cycle 10 of the last 12 years is because we never get funded for net growth. Not only was DOC not funded for potential net growth, we were not funded for the net growth that occurred 12 months previously so we are always behind, which causes us to keep low FTE levels.



FY 06 Actual Expenditures. Eighty percent of DOC's budget is in payroll, contracts beds, and medical. The remaining 20% is operating budget (i.e. vehicles, food, clothing, etc). When we talk about budget cuts and if we can be more efficient, we really focus on the 20% area. That's why the agency has one deputy over 17 prisons, an associate director over all field operations and one over administration operations. That's why we went from 48 take home vehicles to five. This is nickel and dime stuff but it is really all the agency can affect because medical is a fixed cost and contract beds are for net growth. That's why it is so difficult when asked, why can't DOC file a 12 month budget? If DOC filed a 12 month budget, FTE levels would have to be reduced to about 59-60%. There is no way the agency can provide public safety that way.



FY 07 Supplemental Request. Roughly \$39 million of the supplemental request is non-negotiable. It is for contract beds that we already occupy. DOC netted 400 inmates from July 1st-January 1st. Last fiscal year DOC netted 796. Thirty-nine million of the \$47 million are beds we already occupy that DOC owes invoices on. The agency will not be able to pay those after March. The other \$7.6 million is for the 5% pay increase, which was not funded. The good news is, because we have not been able to hire up like we expected, we are going to be able to reduce that \$7.6 million.

**Oklahoma Department of Corrections
FY 2007 Supplemental Request**

Priority Number	Item	Budget Book Page Supple-mental	Cost
FY 2007 Initial Appropriation			\$456,004,876
1	Contract bed budget shortfall Filed FY 2007 BWP	1	\$33,797,357
2	Lawton Correctional Facility contract bed expansion	1	5,760,292
3	Fund FY 2007 Cost of 5% State Employee Pay Raise	1	7,680,875
FY 2007 Supplemental Appropriation Request			\$47,238,524
Total FY 2007 Appropriation Need			\$503,243,400

FY 2008 Budget Request. The FY 08 budget request includes building two new facilities. The main reason the director wanted to bring this up as the state of corrections is that the 16 items listed below illustrates how antiquated DOC has become in technology, vehicle replacement, (i.e. busses over 1 million miles each, 45% of vehicles over 100,000 miles and of that 45% the average mileage is 178,000), etc. We also for the first time have asked for treatment dollars to support CareerTech, Mental Health, what the Parole Board is doing, etc. We are losing our RSAT money. Many grants are expiring and we've got to pick up the pace. We have to take responsibility for our part in reducing recidivism. If you look at the 16 items below, it's almost like a report card of what needs to be done in areas of treatment dollars and recidivism to bring the state up to standards for public safety, but also what should have been done 20 years ago.

**Oklahoma Department of Corrections
FY 2008 Budget Request**

Priority Number	Item	Budget Book Page	Cost
FY 2007 Base Appropriation			\$456,004,876
1	Fully fund contract beds	1	\$52,787,450
2	Major facility construction & renovations. 25 year bond issue – debt svc.	13	25,758,263
3	Facility infrastructure repair and upgrades. Records storage initiative. 10 year bond issue – debt svc.	12	1,669,648
4	Vehicle replacement plan. 5 year bond issue – debt svc.	10	3,070,923
5	Institution, Community & Medical Equipment 5 year bond issue – debt svc.	9	1,723,123
6	Technology and Communication infrastructure upgrades. 5 year bond issue – debt svc.	11	3,041,869
7	Fund staff at 95% authorized	2	23,283,000
8	Fund the October 1, 2006 5% employee pay raise.	3	11,269,159
9	Fund dependent healthcare and employee retirement	4	9,710,227

	contribution cost increases.		
10	Re-open Clara Waters Community Corrections Center.	8	2,851,500
11	Food, fuel, utilities, clothing, and institutional operating cost increases.	7	9,787,138
12	Expansion of facility and community corrections Substance Abuse Treatment Programs.	8	4,067,840
13	Expanded re-entry, work release, sex offender and faith based programs	5 & 6	5,909,497
14	Healthcare system cost increases.	5 & 6	6,193,237
15	Fund IT and Communication operating increases and security assessment cost.	11	1,211,800
16	Administrative and CTU cost increases	8	671,717
Total FY 2008 Appropriation Increase			\$163,006,391
FY 2008 Budget Request			\$619,011,267

Annual Benefit Analysis. Last year when teachers got their pay raises, their benefits were not funded. It was a huge dollar amount that Sandy Garrett is asking to be funded. Since DOC is the second largest state agency, director wanted to illustrate what that does to the agency. If you go back to 2002 through 2007, wages within DOC increased by \$22 million. Costs of benefits that were not funded (i.e. insurance, workers compensation, employee retirement, etc.) had increased by almost \$28 million. Salaries with the exception of the 5% were funded. The agency did not receive a penny for the \$28 million in benefit increases.

Director Jones felt it important to do this presentation today to show the state of corrections as we go into this next legislative session.

Annual Benefit Analysis

Fiscal Year	Total Annual Wages	Employer Retirement Cost	Employer FICA Cost	Employer Insurance Cost	Employer Def. Comp. Contribution	Total Payroll Cost
2002	172,080,702	16,941,650	12,924,763	20,712,986	976,349	223,636,450
2003	159,780,940	15,850,050	11,965,861	22,891,590	942,188	211,430,630
2004	157,602,616	15,092,735	11,816,037	26,376,299	924,060	211,811,747
2005	159,483,577	15,212,103	11,989,653	29,976,760	923,875	217,585,968
2006	169,562,241	18,411,606	12,893,565	33,868,813	931,141	235,667,366

Current Year Budget

2007	194,251,653	24,051,715	14,860,251	40,464,289	950,000	274,577,908
Growth 2002 - 2007	22,170,951	7,110,064	1,935,489	19,751,303	-26,349	50,941,458

6. 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. This month's report indicates the department is benefiting (economically speaking) from below budget FTE levels, and lower than budgeted offender healthcare expenditure trends. Mr. Harris referred the Board to the spreadsheet on page 6.

Payroll - As of the end of December, payroll expenditures are trending approximately \$6.6 million less than budgeted. After subtracting \$5 million reserved for FTE increases related to staffing the JHCC/ADA facility expected to open next month and accounting for remaining year cost associated

with our on going efforts to reach a staffing level of 82% of authorized - there still remains a slight trended payroll surplus of \$724,059. What this means in effect is, that while we were not funded for the 5% state employee pay raise, payroll expenditure trends brought about by operating this continuing high FTE vacancy rate, generated sufficient savings to date that has allowed the department to cover this unfunded payroll cost increase.

Contract Beds - The revised supplemental request identified a budgetary shortfall of \$39.5 million for contract beds. Current expenditure trends indicate that shortfall is still close to the projected deficit level - \$39.1 million.

Offender Medical Services - For the second month in a row, both mental health and medical services are trending budgetary surpluses. Mr. Harris was pleasantly surprised by the savings these units have been experiencing due to lower prescription drug costs and control of outside medical care expenditures. Based on expenditures as of the end of December, medical and mental health services combined are trending a budget surplus of \$1.1 million.

OPERS Invoice - On January 5th, the department was notified by the Oklahoma Public Employees Retirement System (OPERS) of an under payment for the period of June 2002 through August 2006 of \$661,192. This under payment was caused by the OPERS accounting system not generating invoices for converted unused sick leave to correctional officer service credit in the OPERS system when an officer retired. Title 74, § 913 requires OPERS to bill agencies for this converted sick leave service credit. Statute does not provide forgiveness when system errors occur, regardless of which agency's accounting system caused the error. Because of the size of this invoice, the decision was made to defer payment until such time as a sufficiently large enough FY 2007 supplemental is given the department for all its critical unfunded requirements.

Summary - With six months of expenditure trend data available, it appears the department will need FY 2007 supplemental funding of approximately \$40 million to complete the fiscal year.

7. APPROVAL OF FY 2008 AMENDED BUDGET REQUEST

Mr. Harris remained at the podium to present the FY 08 amended budget request for the Board's approval. The Blue Book in the handouts is a summary document of that amended request. This amended request identifies a needed FY 2008 appropriated funding level of \$619,011,267 and represents an appropriation growth above FY 2007 appropriations of \$163,006,391.

Full funding of contract bed costs are again presented as the number one priority in this budget request. The recurring failure to fully fund these costs have caused the department to annually reduce budgeted staff, reduce facility operating budgets, and defer facility, security, technology and communication maintenance and upgrades over a ten-year period. Funding growth to address FY 2008 operational cost increases for higher staffing levels, benefit costs growth, increased institutional operating costs, and offender program expansion are specifically identified.

This amended request modifies those requested dollars to address long deferred maintenance and upgrade infrastructure needs that total over \$434,988,518. Primarily it updates earlier cost estimates related to the 1,568 maximum security bed expansion at OSP and the proposed 2,400 bed new medium security facility.

The bond issues identified in this budget request addresses critically deferred needs that if not approached this way would be almost impossible for the legislature to fund in a single legislative session. By using the structured bond financing approach recommended in this budget request that

amortizes these costs over their associated economic life, significant legislative appropriation savings are available for the state to allocate to non-correctional needs. The structured bond approach is grouped as follows:

Structured Bond Issue	Bond Debt	Est. Annual Debt Service
1. Five year bond – Institution, community & medical equipment needs.	\$7,718,131	\$1,723,123
2. Five year bond – Vehicle replacements (where current vehicle mileage exceeds at least 100,000 miles).	\$13,755,137	\$3,070,923
3. Five year bond – Information and communication technology upgrades.	\$13,625,000	\$3,041,869
4. Ten year bond – Institution and Community Corrections equipment and facility repairs.	\$13,547,500	\$1,669,648
5. Twenty-five year bond – Major facility construction and upgrades.	\$386,342,750	\$25,758,263
Total	\$434,988,518	\$35,263,826

The only amended items are the two construction projects. In the September budget request was the 750 bed expansion at OSP. This one has a 1500 bed expansion at OSP. The September budget also requested a thousand bed medium security facility. This one has a 2,400 bed medium security facility. As with the original budget request, this amended request also identifies and funds additional authorized staff to support expansion of offender mental health programs, more efficient delivery of offender medical services, expanded faith and victims services programs, better reintegration programs, and the re-opening of the Clara Waters Community Corrections Center in 2008.

Chairman Rainey sought a motion to approve the FY 2008 amended budget request. Mr. Henneke reported the budget committee supported the amendment and recommended approval of the amended budget. This was made as a formal motion, followed with a second by Ms. Young. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

8. APPROVAL OF AMENDED 2007 LEGISLATIVE INITIATIVES

Neville Massie indicated that in October she presented 13 legislative initiatives which the BOC approved. There are three additional initiatives and one amended initiative for approval today. The amended initiative has to do with a previously approved initiative on the 2-tiered structure for inmate hospital and network medical care. She noted an amendment to that, which was a recommendation following a meeting that Dr. Jackson, Dennis Cotner, and she had with Hospital Association staff in an effort to solicit support for this initiative. The new language is highlighted in the handout indicating that the reimbursement will be no less than the fee structure that was in effect January 1st for the network fee structure that we have with Oklahoma State and Education Employees Group Insurance Board and that the hospitals that are out of network, would be paid the reimbursement from the fee structure in place January 1st. That is an effort to solicit support or minimize some of the opposition in soliciting this legislation.

The first initiative is on teleconferencing for BOC meetings. The recommendation is to add the BOC to the organizations who can hold meetings via teleconference. Our intent is to visit with some of the other bodies that are approved to do this so we can ensure the mechanism that they use to ensure compliance as well as ensure that any policy relative to this would be modified. She and Mike Oakley will be looking at that and Mr. Oakley will be getting back with the Board as to how to manage that process.

The second initiative has to do with Pandemic Planning. Dr. Jackson has been heavily involved in being proactive in planning for a potential pandemic. There is a statute that speaks to catastrophic health emergencies and what we are proposing is that if the Governor should declare such an emergency, that we would be authorized to retain an inmate in custody who would otherwise be eligible for release if he/she were subject to quarantine at the time he/she was scheduled for release. What health experts are saying is if we were to experience a pandemic the agency could expect as much as a 40% loss of staff failing to report to work. This provision would provide that the department would be authorized to provide vaccines to staff of the agency as well as family in the household. DOC is designated as a “sheltered in population” which means we would have access to some limited supplies in national strategic stockpiling.

The third initiative has to do with treatment services for mothers with children or pregnant women that would allow the children to be with the mother in a halfway house setting. We are interested in pursuing a similar situation. We thought it would be important to have some enabling authorized legislation to avoid any questions about DOC providing care to children of inmates. Our initiative also provides that we would work with the other agencies that we would expect to provide services to children. The intent is to allow DOC to pursue working with contractors who may be interested in this level of service and to ensure that we are talking about small children, prior to going to school age. Ms. Massie requested approval of these initiatives by the Board.

Mr. Ware reported they discuss these initiatives in their subcommittee and requested the Board’s approval. He also conveyed that staff did a good job at preparing the Legislative Survey. However, due to the survey sample being so small the subcommittee wanted to recommission the staff to do the survey over utilizing new techniques to get better participation from stakeholders.

Mr. Henneke asked about the first initiative and if it was the one we were talking to sheriffs about. Ms. Massie said they had an interest in it as well. There are as many as 12 bills pending now to clarify DOC’s responsibility for medical care for inmates in county jail. She advised it was DOC’s initiative to solicit support from the Hospital Association to try to reduce our cost through networks.

Chairman Rainey sought a motion to approve the amended 2007 legislative initiatives. Mr. Ware made the motion followed with a second by Ms. Young. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

9. POPULATION UPDATE

Chief of Operational Services Ken Klingler presented the population update as of January 3. The current system inmate population is 24,732. At this same time last year it was 23,901; an increase of 831. Total incarcerated population currently is 23,877. This same time last year was 23,276; an increase of 601. At DOC facilities population is 17,072. This same time last year was 16,935; an increase of 137. Private prison population is 5,024. This same time last year was 4,629; an increase of 395. Total system population is 56,003. This same time last year was 58,339; a decrease of 2,336. The difference is in the Division of Probation and Parole because of all the things they've done to implement best practices. The numbers show that on the incarcerated side since July 1, our net growth as of today is 347, of inmates that are actually incarcerated in our DOC facilities. County jail population is 573. This time last year was 483; an increase of 90. County jail inmate backup population is 1,209. This same time last year was 1,114; an increase of 95. Halfway house population is 1,208. This same time last year was 1,229; a decrease of 21. Clients on probation supervision are 27,413. Clients on parole supervision are 3,858.

Mr. Luttrull asked if there was any news from Governor Henry's office as to when we can start expecting loosening up of the paroles. Mr. Klingler deferred the question to Director Jones, who said he had not had any contact with the Governor's office in recent weeks. The director noted that Nick Atwood from the Governor's office was in the audience. Mr. Atwood did not know how many files were sitting on the Governor's desk but would provide an update to the director today. Mr. Luttrull thought there were 400 files currently in the Governor's office, but Mr. Atwood did not think there were that many.

Mr. Luttrull commended the department after being evicted from Great Plains, feeling they had done a wonderful job in depopulating that facility. Mr. Klingler stated that DOC started out at 812, and as of today were down to 515.

Mr. Klingler reported that beginning the week of February 19, the ADA Building at Joseph Harp Correctional Center would start housing inmates, totaling 262; the expansion taking place at William Key is believed to hold 176; and the private prisons will take 137 inmates.

10. APPROVAL OF CHANGES IN FACILITY CAPACITIES

- **MABEL BASSETT CORRECTIONAL CENTER**
- **JOSEPH HARP CORRECTIONAL CENTER**
- **DICK CONNER CORRECTIONAL CENTER**

Mr. Klingler asked for the Boards approval to accept the modification of the facility capacity at Mabel Bassett Correctional Center. Currently the authorized capacity is 1,148. They are asking to reduce that capacity to 1,144 for the following reason. They are taking two cells to convert to office space for programmatic reasons for the faith-based program.

Ms. Young made the motion to approve the capacity change at Mabel Bassett Correctional Center followed with a second by Mr. Henneke. Chairman Rainey expressed his desire to entertain all three capacity changes at the same time. There was no objection by the rest of the Board.

The motion was amended by Ms. Young to reflect approval of all three capacity changes with a second by Mr. Henneke. Results of roll call: Mr. Henneke, yes; Mr. Godlove, yes; Mr. Logan, yes; Mr. Luttrull, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

11. PROGRAM UPDATE – CAREER TECH

Superintendent of CareerTech Dom Garrison thanked the Board for the opportunity to present what they are doing in CareerTech. The first time he appeared before the Board was in 1995. During that year, they trained about 1100 inmates and placed almost 56% of them in jobs. Those jobs were in areas such as horticulture, automotive training, bricklaying, and carpentry, etc. They had 54 programs within the skill center back in those days and operated on 14 campuses. In those days, they trained female offenders for secretarial jobs and trained electronics workers to repair computers, TVs and radios. Today, TVs and radios are too disposable. They trained inmates at the Lexington Correctional Center in automotive repair. CareerTech had problems in dealing with real offender training issues. The Oklahoma Department of Career and Technology Education, which they are a division of, is in the business of workforce and economic development. They prepare the future workforce for the State of Oklahoma. Inmates are part of that workforce and they are in charge of developing offenders for their future lives outside of the prison. In 1994 they had real issues trying to place offenders in the workplace. The business and industry community did not have much of a place for them. As the

economy has improved, and as our workforce has shrunk, companies are calling his office every day wanting to know if they can partner with them to develop a future workforce for their particular company. Mr. Garrison thanked the management of DOC for embracing CareerTech.

Assistant Superintendent for Instruction Jim Meeks shared results over the last fiscal year. Today, they have 55 programs at 13 DOC facilities, serving both minimum and medium security inmates. They are located at six community corrections centers and three juvenile facilities. Most of those programs focus on training to discharge. At the medium security programs, they focus primarily on the licensed and construction trades. At the minimum-security facilities, they focus on getting people ready to go home. They help offenders build their resumes, portfolios, and their self-esteem and convince them that they can be successful. He referred to one of the sheets in the packet. Total students served in FY 2006 was 2,354. At minimum security, they served 1,095; 1006 were male and 89 female. At medium security they served 326, of which 236 were male, 90 were female. At community security level they served 229 students; 75 males and 154 females. At juvenile facilities, they served 113 males. At the private prison facilities they contract with at Diamondback, and served 591 males. That makes for a grand total of 2,021 males and 333 females; for a ratio of 86% male and 14% female.

Employment placement in all jobs of their graduates last year was 89%. Employment placement related to training, meaning that they took the skills they learn from CareerTech and went directly into the workplace, was 61%. Their average wage at placement was \$9.28 an hour. Their placement rates are very competitive and in most cases above those of local technology centers around the state. They are very proud of their placement rates. Today, current enrollment is 872 students. The composition of those students are 2% that didn't report their race, 10% Native American, 21% African-American, 10% Hispanic, 2% as Asian, and 55% Caucasian.

Mr. Garrison said one of the challenges they face is offering programs that are meaningful as far as what's relevant to the real world of work that exists in our state. One of the biggest challenges is dealing with the female offenders. In the past, females were trained as secretaries or in horticulture. They began training females for nontraditional jobs, such as construction workers. However, they found that the ladies did not want to do that. It's been a real challenge to ensure that they can train females for something that they will want to do and benefit from. Recently they partnered with the warehouse industry. Mabel Bassett is home to the Transportation and Logistics Program. At Eddie Warrior Correctional Center, they are constantly trying to identify those new occupations that will be viable for female offenders. Right now they are working with the Department of Commerce and Manufacturers Alliance, who have approached CareerTech and asked us to start looking at putting in more manufacturing type programs.

CareerTech is also focusing this year on the young offenders. They got \$1 million grant from the US Department of Labor to develop training programs to serve young offenders age 18-21 in the State of Oklahoma. They were to prepare them for high demand occupations. They partnered with Oklahoma State University, at Okmulgee, their technical branch. They took 12 young people on probation from the Tulsa area. They were housed at the OSU campus for six weeks, and trained them as machinists. Out of the 12, one overdosed on his prescription and had to be sent home, two got arrested for assault on campus and nine graduated. Of those nine graduates, seven are currently working as machinists in Tulsa at an average wage of over \$15 an hour. They had to release one because he wouldn't come to work. One is working in the automotive industry at \$12 dollars an hour. They are continuously looking for ways to serve the young offender. They have the Young Offender Project at William Key Correctional Center and Howard MacLeod Correctional Center. They are also operating in conjunction with the Probation and Parole Community Corrections unit at Francis Tuttle. They are machine training for a company in Claremore and running a welding program in conjunction with

Gene Autry Technology Center. There is a 9.2% survival rate as a result of offenders participating in Career and Technology Education Training. They are proud of their return on investment report. It is important that legislators and stakeholders know they are getting a good return on investing in the education of offenders. For every dollar that we spend on inmate training, \$2.99 is returned to the State of Oklahoma.

12. ADOPTION OF AVERAGE DAILY RATE PER INMATE

Jim Harris once again addressed the Board and reported that the statute on the average daily rate per inmate changed last year. Title 74, Section 561.1 requires the department to present to the Board of Corrections at its January meeting comparative data on budgeted daily cost versus actual daily cost, and, after appropriate review and analysis, the Board shall adopt as a final action an average daily cost per inmate by facility category for the immediate preceding fiscal year.

Economies of scale significantly impact average per diem rates. DOC facilities generally are older, inefficiently designed and have relatively low offender bed capacities. These design limitations greatly impact operating costs. Additionally, the department assumes all financial obligations for offender medical liabilities when a private prison housed offender experiences a medical claim that exceeds \$70,000. These operating cost advantages significantly benefit private prisons.

He referred the Board to the last page of this document. These are the rates after review and approval to be adopted as the official actual per diem rate by security category and gender for FY 2006.

The second page of this document provides comparative information of average public versus private medium security male beds. Mr. Harris provided a comparison of the daily per diem rates, current and what is proposed for the new facility. They computed that the average per diem rate for this facility would be around \$48.99 per day. It is a favorable per diem rate.

Mr. Godlove did not feel like we were comparing apples to apples. He did not think the legislature would look favorably upon DOC if we approach them, that we have adopted an average per diem rate of \$57.00, which is more than what the private prisons rates are, when we have a new facility they would cost \$48.99 per day. Mr. Harris noted that the \$48.99 included all medical cost allocations, debt services, operating costs and staff. This was provided just as comparative information so that the Board could understand that while our costs are higher, there is a reason for it. It has to do with some of the changes that occurred statewide through the employee benefits and salaries. Mr. Godlove asked if he was correct in saying that the new prison would supposedly cost us \$48.99 per day, as compared to \$50/day for private prisons. Mr. Harris said that is what our budget would reflect. Ms. Young said because private prisons medical liability is capped at \$70,000, she would naturally expect DOC's costs to be higher than that of the private prisons. Director said we have eight facilities that were not meant to be prisons. If you do the economy of scale and look at the energy efficiency, it is a well-known fact that a new facility will utilize 30 less FTE, fewer fixed posts, and it's a lot more inefficient with technology use. At some of our facilities it would cost more to retrofit than it would to build a new one.

Chairman Rainey asked if the Budget Subcommittee had a recommendation. Mr. Henneke said the Budget Subcommittee did recommend the approval of the average daily per diem rate as submitted on the next to the last page of the report. Ms. Young made the motion followed with a second by Mr. Henneke. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, yes; Mr. Rainey, yes; Mr. Ware, no; and Ms. Young, yes.

13. APPROVAL OF JESS DUNN CORRECTIONAL CENTER ROOFING PROJECT

Deputy Director of Institutions Bobby Boone addressed the Board requesting to replace the roof on a program building at the Jess Dunn Correctional Center. The building was built in 1951 and still has the original roof on it. They would like to replace it with a sloped roof at an estimated cost of \$397,075. CareerTech, computer classes, and a library are located in this building.

Chairman Rainey said the Executive Subcommittee met this morning and recommends approval of the roofing project. He entertained such a motion. Mr. Luttrull 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, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

14. APPROVAL OF RENOVATION OF WATER SYSTEM AND BUILDING OF A MINIMUM SECURITY UNIT AT JAMES CRABTREE CORRECTIONAL CENTER

Mr. Boone again addressed the Board. He was requesting the approval for construction of a water tower at the James Crabtree Correctional Center. Currently if the facility lost power they would not have the water pressure to fight fire. For safety factors, the water tower is needed. This facility cannot expand until the water tower is in place. They are requesting to spend \$547,000 to erect a water tower and then to build a 200 bed medium security facility.

Chairman Rainey said the Executive Subcommittee reviewed this request this morning and recommends approval of the water system and minimum security unit at James Crabtree. He sought a motion for approval. Mr. Henneke 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, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

15. FEMALE OFFENDER MANAGEMENT GROUP REPORT

- Treatment and Rehabilitative Services Administrative Specialist Rita Cooksey, presented highlights of the Female Offender Work Summary for FY 2006. As of June, 31 2006, there were 2,511 incarcerated women in Oklahoma. A total of 6,933 were on probation and 752 on parole.
- The United States Bureau of Justice Statistics (BJS) reported in October 2005 that Oklahoma ranks #1 per capita in the incarceration of women. The incarceration rate is 129 women per every 100,000 Oklahoma women residents. This information resulted in the creation of a full-time women in offender management staff position. A link was added to the agency website to acknowledge Female Offender Management.
- Recognizing that women have different needs than men, Central District launched an all female Probation and Parole caseload in Oklahoma County. Of the 10,000 citizens on Probation and Parole in Oklahoma County, 3,000 are women.
- Hillside Community Corrections Center was selected as a pilot site for Family Justice to develop and test a relational inquiry tool to complement the current assessment instrument for women. One of the goals is to build on the social networks and family connections for gender responsive reentry.
- Senator Constance Johnson and Pastor George Young of the Holy Temple Baptist Church were the conference Co-chairs of the First Minority Grandparents Raising Grandchildren Conference in Oklahoma.
- The Commission on Children and Youth released, the Senate Joint Resolution 48 Phase Three Report regarding the status of the children of incarcerated women in November 2005.

Conclusions and recommendations are available on the Oklahoma Commission of Children and Youth website at www.okkikids.org.

- The 2006 Oklahoma Women's Summit sponsored by the Commission on the Status of Women was held April 28, 2006, at the Oklahoma State Capitol. Several workshops addressed women offenders.
- The Girl Scouts Beyond Bars Project MEND (Mothers Encouraging and Nurturing their Daughters) program was expanded from the Turley Halfway House to the Hillside and Kate Bernard Community Corrections Centers and Eddie Warrior Correctional Center.
- A request for Technical Assistance from the National Institute of Corrections was drafted for a review of all aspects of incarceration of women.
- Women offenders from Mabel Bassett Correctional Center and Eddie Warrior Correctional Center, were approved to participate in the annual Oklahoma State Penitentiary rodeo for the first time.
- The overall recidivism rate for offenders released in FY 2003 was 24.88%. The rate for men is 26.02% and 18.63% for women. (Reference DOC Offender Management System for the three year time frame of recidivism data).
- The Female Offender Management group focuses on eight very important areas: 1) Training correctional staff who manage female offenders; 2) Sexual misconduct and privacy issues of female offenders; 3) Parity in work and programs; 4) Medical; 5) Mental Health; 6) Classification and custody levels; 7) Contract beds; and 8) Reentry.
- Ms. Cooksey reported some alarming medical statistics. There were 19,214 medical appointments scheduled in FY 2006, with a monthly average of 6,142 prescriptions. Forty-four infants were born to residents of Mabel Bassett. These women were already pregnant before coming into the system. There were 3,125 dental visits. A monthly average of 829 inmates received psychotropic medications and a total of 22,144 psychotropic medications were dispensed.
- A total of 1,190 females received initial classification at LARC. Of those, three were placed at maximum, 270 placed at medium and 637 were placed at minimum. Two hundred and eighty were placed in Community Corrections.
- Turley continues to have a successful reintegration program. Forty-one of the participants discharged or were otherwise released from custody by the court prior to completion of the program.
- Oklahoma Halfway House contract included 12 beds. One of the women received a scholarship from the facility for Vo-Tech training.
- Director Jones asked if there had been a survival analysis done on the reintegration program at Turley and what did she base their success on? Ms. Cooksey did not have that information before her but would be able to get it to him.
- Mr. Luttrull noted that according to the information in the packet there were 73,705 prescriptions written for 2,511 inmates averaging 30 prescriptions per inmate. The director also was curious how this calculation was made. Ms. Cooksey was asked to get with medical for an explanation on how the prescription numbers were derived as they were very large in number.

16. APPROVAL OF BOARD POLICIES

- **P-020700 – Oklahoma Department of Corrections Information Services**
- **P-040100 – Security Standards for the DOC**
- **P-110100 – Uniform Personnel Standards**
- **P-170100 – Community Sentencing**

Field Operations, Assistant Deputy Director Greg Williams, noted there were four policies before the Board for approval.

Mr. Godlove stated that he had reviewed all the policies and did not notice anything extraordinary about any of them and wondered if they were old policies that had been changed or if they were new policies. Mr. Williams replied that they were simply old policies up for review. Ms. Young expressed that it would be helpful if next time the changes were red lined.

Chairman Rainey reported that the Executive Subcommittee reviewed the policies and is recommending them for approval. Ms. Young made the motion for approval of all four policies followed with a second by Mr. Henneke. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

17. COMMITTEE REPORTS

- Private Prisons – Nothing to report.
- State Boards Interface – Ms. Young reported they meet with members of the Sheriff’s Association. It was a positive experience and they look forward to working with them in the future. They discussed in their meeting who they might have attend the next Board meeting.
- Female Offender – Mr. Logan reported that the Female Offender Committee was listed as an ad hoc committee and requested that it be put on the next BOC agenda for approval by the Board to make it a standing committee. Chairman Rainey asked Pam Ramsey to add it to the next month’s agenda. Mr. Logan stated the committee would be prepared to address why it should be a standing committee.
- Budget – Nothing to report.
- Population – Nothing to report.
- Public Affairs – Nothing to report.
- Executive – Chairman Rainey explained they were going to a new system of reporting where the subcommittees report on a predefined template. The template and any attachments the full Board is to see have been distributed. Hopefully this will save time. This is still in the experimentation stage, so let them know if there is any constructive criticism.

18. APPROVAL OF BOARD OF CORRECTIONS MISSION STATEMENT

Chairman Rainey noted the mission statement was tabbed and in the packet.

Mr. Henneke made the motion to approve the BOC’s mission statement, followed with a second by Mr. Ware. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

- 19. 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.**
 - 2) Confidential communications between a public body and its attorney concerning pending investigation or an action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public.**

- B. Adjourn to Executive Session (Director's Conference Room)**
- 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 addressed the Board and stated that statute does require a vote by the Board to adjourn into executive session and it was the recommendation of counsel that such a motion be made.

Chairman Rainey entertained a motion to adjourn to executive session. Mr. Ware 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, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

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

Chairman Rainey entertained a motion to return from executive session. Mr. Godlove 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, yes; 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.

20. NEW BUSINESS

None

21. ANNOUNCEMENTS

Pam Ramsey reported the February's BOC meeting would begin at 2:00 rather than 1:00 to allow time for attendance at the Black Heritage event at the Omni-Plex from 11:00-1:00.

22. ADJOURNMENT

Chairman Rainey sought a motion to adjourn. Mr. Ware 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, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, yes.

Meeting adjourned at 4:30 p.m.

I hereby certify that these minutes were duly approved by the Board on this 23rd day of February, 2007, in which a quorum was present and voting.

Approved by:

Secretary of the Board

Date: February 23, 2007

Submitted by: _____
Minutes Clerk