

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Location: Dick Conner Correctional Center
129 Conner Road
Hominy, Oklahoma
Date/Time: Thursday, June 28, 2007 – 1:00 p.m.

1. OPENING AND ROLL CALL

Chairman Robert Rainey of the Oklahoma Board of Corrections called the June 28, 2007, meeting to order at 1:05 p.m. He introduced the two new recently appointed board members; Jerry Smith, a former Senator from Tulsa and Matthew McBee from Poteau, who was the former Assistant General Counsel for the Governor. He encouraged those in attendance to introduce themselves to their newest board members when the opportunity presented itself. The clerk was asked to call roll. Members present at roll call reflected a quorum was present.

Ernest Godlove
Robert Rainey
John Smith

Ted Logan
Earnest Ware

David Henneke
Matthew McBee

2. WARDEN'S COMMENTS / TOUR OF FACILITY

Chairman Rainey thanked the warden and his staff for their hospitality. Warden Dinwiddie thanked the Board and staff for the opportunity to host the meeting. He announced they would be touring the John Dahl minimum-security unit, which was named after former Senator John Dahl from Bartlesville, Oklahoma. The unit was opened June 1, 1992, and was designated to hold 78 double beds. They will also be touring OC I. The Board recessed to tour the facility at 1:10 p.m. and reconvened at 2:00 pm.

3. APPROVAL OF MAY 18, 2007, BOARD MEETING MINUTES

Chairman Rainey sought a motion for approval of the May 18, 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. Rainey, yes; Mr. Ware, yes; Mr. McBee, yes; and Mr. Smith, yes.

4. OLD BUSINESS

None reported on agenda.

5. DIRECTOR'S COMMENTS

- Director Jones thanked Ed Evans, Bobby Boone and their staff for assisting with the disturbance at the Pittsburg County Jail.
- A Wraparound Reentry Open House was held in Tulsa on May 25th. It was well attended by a variety of members from faith based and community organizations. A follow up training session for those interested will be held in June with Dr. John VanDenBerg.
- On May 29th, the Justice Assistance Grant Board finalized decisions on 2007 Justice Assistance Grant (JAG) applications; resulting in William S. Key being awarded \$76,421 for RTP and Jackie Brannon being awarded \$70,760 for SAT.
- NABVETS will be starting a chapter at Oklahoma State Reformatory early in July, which will be open to all veterans who were honorably discharged.

- Earlier this month Oklahoma County Community Corrections/Residential Services successfully passed their ACA audit, receiving 100% on both mandatory and non-mandatory standards.
- On June 1st and 2nd, the Bureau of Land Management held the Wild Horse Adoption and Open House at the James Crabtree Correctional Center. The two day event featured approximately 15 to 20 saddle or halter-trained wild horses, plus many untrained horses. These are wild horses that once roamed free on public lands in the West where they are protected by Federal Law.
- The summer Howard McLeod Correctional Center has harvested 23,920 pounds of onions, 4,050 pounds of cabbage, 3,950 pounds of potatoes, 700 pounds of squash, and 50 pounds of peppers. Produce distributed to other facilities equaled 20,600 pounds of onions. Total savings for the department of produce harvested totaled \$19,930.
- Crime Scene Management in Correctional Institutions training was held June 11-15 at the Mabel Bassett Correctional Center. The training was presented by the University of Tennessee Law Enforcement Innovation Center.
- Transfer packets for 1,300 Arizona inmates are being reviewed by contract monitors in preparation for the Hawaiian inmates moving out of Diamondback Correctional Facility by the end of the summer and being replaced by pre-screened Arizona inmates.
- Union City CCC inmate work crews were involved with the cleanup effort after the El Reno tornado, which happen in the first week of June.
- On June 12, 2007, twenty-five residents of Hillside Community Corrections Center completed and graduated from the Culinary Arts Program and Substance Abuse Program.
- Our Workers' Compensation EMOD experience rating has been lowered to 1.10, from 1.21, resulting in a savings of \$589,811 in premiums.

6. CONFIRMATION/APPROVAL OF APPOINTMENT

• **EMMA WATTS, WARDEN, JACKIE BRANNON CORRECTIONAL CENTER**

Deputy Director Bobby Boone recommended Emma Watts as the new Warden of Jackie Brannon Correctional Center. She started her career in 1977 at the Oklahoma State Penitentiary and worked her way through the ranks becoming the Deputy Warden at Eddie Warrior Correctional Center in 2005. Director Jones stated that Ms. Watts gives a very impressive interview. Chairman Rainey had noticed a break in service from November 1884 to 1988 and asked what she was doing during that timeframe. Ms. Watts responded that she was taking care of her mother who was ill, and also returned to college.

Chairman Rainey sought a motion to approve the appointment. Mr. Henneke made the motion with a second by Mr. Logan. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Rainey, yes; Mr. Ware, yes; Mr. McBee, yes; and Mr. Smith, yes.

7. APPROVAL OF RESOLUTION HONORING THE SERVICE OF FORMER BOARD OF CORRECTIONS MEMBERS W. MARK LUTTRULL AND BEVERLY YOUNG

Chairman Rainey announced a special event was planned to honor Mr. Luttrull's six years of service and Ms. Young's 12 years of service on the Board. He asked that the following resolutions, both be considered for approval.

***WHEREAS**, Beverly Young was appointed to the Oklahoma Board of Corrections in March of 1995 by the Governor of the state of Oklahoma; and*

***WHEREAS**, Beverly Young was a dedicated and committed board member during her twelve year tenure on the board, serving outstandingly in the capacities of secretary (1995-1997); vice chairperson (1997-1998) and chairperson (1998 – 2000); and*

WHEREAS, Beverly Young dutifully and distinctly carried out her duties and responsibilities as a member and officer of the Oklahoma Board of Corrections and was a valuable and contributing member on several board committees to include telephone committee, private prisons committee, public affairs committee, new director search committee (2001 and 2005), female offenders committee, state boards interface committee, and budget committee; and

WHEREAS, Beverly Young's service on the board has contributed to the efficiency and betterment of the operations of the Oklahoma Department of Corrections:

BE IT THEREFORE RESOLVED, that the Oklahoma Board of Corrections does hereby recognize the leadership, support, and contributions of former board member, Beverly Young, and expresses sincere appreciation for her dedicated service to the Oklahoma Department of Corrections, the Oklahoma Board of Corrections and the state of Oklahoma.

ADOPTED this 28th day of June, 2007.

and

WHEREAS, W. Mark Luttrull was appointed to the Oklahoma Board of Corrections in April of 2001 by the Governor of the state of Oklahoma; and

WHEREAS, W. Mark Luttrull was a dedicated and committed board member during his six year term on the board, serving outstandingly in the capacities of secretary (2003 – 2005); and vice chairman (2005 – 2007); and

WHEREAS, W. Mark Luttrull dutifully and distinctly carried out his duties and responsibilities as a member and officer of the Oklahoma Board of Corrections and was a valuable and contributing member on several board committees to include executive committee, legislative committee, population/capacity committee, telephone committee, budget committee, private prisons, and public affairs; and

WHEREAS, W. Mark Luttrull's service on the board has contributed to the efficiency and betterment of the operations of the Oklahoma Department of Corrections:

BE IT THEREFORE RESOLVED, that the Oklahoma Board of Corrections does hereby recognize the leadership, support, and contributions of former board member, W. Mark Luttrull, and expresses sincere appreciation for his dedicated service to the Oklahoma Department of Corrections, the Oklahoma Board of Corrections and the state of Oklahoma.

ADOPTED this 28th day of June, 2007.

Chairman Rainey entertained a motion to approve both resolutions. Mr. Godlove made the motion with a second by Mr. Ware. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Rainey, yes; Mr. Ware, yes; Mr. McBee, yes; and Mr. Smith, yes.

8. POPULATION UPDATE

Chief of Operational Services Ken Klingler presented the following population update as of June 4, 2007: System Inmate Population = 24,974; Total Incarcerated Population = 24,147; DOC Facility Population = 17,674; Private Prison Population = 4,562; Total System Population = 56,326; County Jails with Contracts = 611; County Jail Backup = 1,115; Halfway House Population = 1,300; Probation = 27,640; and Parole = 3,712. Mr. Klingler also reported that the net offender growth since July 2006 is approximately 600 but will be close to 800 by the end of the fiscal year.

Mr. Henneke asked how many offenders the department was able to take in at A&R and if receptions had slowed down. Mr. Klinger responded that on average there are 740 receptions per month. He added that the process had been reduced to allow five days for men and nine days for women. Mr. Ware questioned the information in the report regarding the Governor's parole actions. Mr. Klinger said the information was correct. The numbers were lower than usual but the percentage is generally high.

9. OKLAHOMA HEALTH PROGRAM

Nancy Haller, Manager of the State Wellness Program, Employees Benefits Council, addressed the Board concerning the Oklahoma Health Program. She introduced her Acting Director, Phil Craft. She pointed out that information in the packet identifies the program description, incentives, goals, statistics, etc. This program was implemented January 2006 to all state employees. It was initially a pilot program in the Department of Human Services for 2 ½ years starting in 2003. They found that employees who had participated for one year had dropped in claims of 31%. This is a scientifically based program. The employee goes to the Internet and fills out a health risk appraisal. The participant's risk factors for cardiovascular disease and diabetes are then determined and depending on how high the risk is will depend on how many one on one health mentor visits a participant receives. The mentor telephones the employee at the work site. They set up their own personal web site in which they generate goals and action plan for that employee. Everything is confidential and they do abide by HIPPA rules and regulations. They also receive the employee's physician information, lab work and measurements. Once the employee is fully integrated into the program, the mentor initiates a call to the participant and they start the mentoring sessions for the next 12 months. The visits last approximately 15 minutes. It is a comprehensive program and includes exercise training, proper nutrition, stress management, smoking cessation, and disease management. A cash incentive plan is offered by 54 out of 110 participating state agencies. Incentives include: Gold = \$500, Silver = \$300, and Bronze = \$100. There is a waived visit to the health care provider and two labs that are needed for the program. Providers include: Health Choice, Global, Community Care, Aetna, and PacifiCare. Discounts to fitness center are also offered at participating locations. Currently there are 104 of 4,600 DOC employees participating in this program. Ms. Haller recommended DOC implement an incentive program for its employees. She is commented to traveling around the state and talking with the correctional facilities and helping them implement this program.

Mr. Henneke asked where the money comes from for the incentives. Ms. Haller responded that the agency has to budget that as a line item. They looked at 2004 paid claims from Health Choice. Of those paid claims, they found that 30% of the state employee population had a diagnosis of cardiovascular disease or diabetes. Mr. Henneke asked if she had any experience with the legislature budgeting more money to agencies. She had not, but said the State Wellness Program was mandated in 1994, and was unfunded. She does have a video of the Governor indorsing this program. Director Jones said they had Ms. Haller here to today because J'me Overstreet had been working with Mr. Logan to address health concerns and issues. We are preparing the necessary documentation to start DOC's program July 1. Ms. Haller reported last year state agencies paid over \$350 million for state employee benefits allowance of \$527. That will go up. She is hopeful that working in concert with the providers, they can get a hold on these costs.

10. APPROVAL OF RESOLUTION

- **2006 AGENCY PROBATION AND PAROLE OFFICER OF THE YEAR
PAUL BAILEY, TULSA COUNTY DISTRICT COMMUNITY CORRECTIONS**

Human Resources Administrator Linda Parrish recognized the district's Probation and Parole Officers of the Year who were in attendance (Shelley Harrison – NWDC; Angela York – Central District; Lagina Wiliston – SEDCC and Paul Bailey – TCDCC) and read the resolution for the Agency PO of the Year.

***WHEREAS**, the Oklahoma Department of Corrections is privileged to have a group of men and women who are trained professionals and who serve valiantly to ensure supervision and accountability of probation and parole offenders in communities across the state of Oklahoma; and*

***WHEREAS**, the Oklahoma Department of Corrections is fortunate to have nearly 300 probation and parole officers who are dedicated and committed to carrying out the agency's mission in a professional manner; and*

***WHEREAS**, each year one probation and parole officer is selected as the outstanding officer for his or her district; and*

***WHEREAS**, the district officers are interviewed and the Oklahoma Department of Corrections selects an Agency Probation and Parole Officer of the Year who exemplifies the highest standards of professionalism in "Protecting the Public, the Employee, and the Offender:"*

***BE IT THEREFORE RESOLVED**, that the Oklahoma Board of Corrections does hereby announce and proclaim to all its recognition of PAUL BAILEY, Probation and Parole Officer III, Tulsa County District Community Corrections, as the 2006 Agency Probation and Parole Officer of the Year.*

ADOPTED this 28th day of June 2007.

Chairman Rainey entertained a motion to approve the resolution. Mr. Godlove made the motion with a second by Mr. Henneke. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Rainey, yes; Mr. Ware, yes; Mr. McBee, yes; and Mr. Smith, yes.

11. LEGISLATIVE UPDATE

Legislative Liaison Neville Massie reported that initially 2,325 bills were filed at the start of session, 1,195 in the House and 1,130 in the Senate. Of the 391 forwarded to the Governor, 190 were House bills and 191 from the Senate. Governor Henry signed 185 Senate bills and vetoed 4. He signed 179 House bills and vetoed 7.

This Board originally approved 16 initiatives. Ten of these initiatives passed and were signed by Governor Henry for a 62.5% success rate. The packet contains a list of initiatives. The bill with the most significant potential fiscal impact is SB 523, which establishes a two tier fee structure for inmate hospital care, OSEEGIB network, with savings at approximately 21.05% of billed charges, \$983,862. Non-network providers would be paid at Medicaid rates, approximately 45% of billed charges, a savings of \$2,664,140 based on FY 06 billings. Hospitals throughout the state have been notified by OSEEGIB of the provisions of this bill and to date OSEEGIB has five additional contracts with hospitals (Latimer

County Hospital, Drumright, and Physicians Hospital in Anadarko, Johnston Memorial and McCurtain County).

Another bill to generate savings is SB 678. This bill has several distinct provisions, one of which allows advertising in the DOC newsletter to offset printing costs currently borne by OCI. SB 678 also places the Director on the Sentencing Commission. Current membership includes all other criminal justice representatives except DOC. This bill also has language authorizing the Director to designate unmarked vehicles in the DOC fleet.

HB 1760 is a comprehensive sex offender bill which established a tier system for sex offender registration. It modified some of the residency restrictions for sex offenders and established a Gang Intervention Steering Committee, which the Director will serve on. Fifty thousand is appropriated to Oklahoma Juvenile Affairs in HB 1105 for this committee.

SB 69 amends the Open Meetings Act and our General Counsel has briefed the Executive Committee on the provisions of this bill.

SB 920 addresses CLEET, Council on Law Enforcement Education and Training. Subject to funding, it increases the number of training hours incrementally after 7-1-07 to 375 hours, then 505, 576, and 600 hours for classes after 7-1-09. This bill also increases the annual continuing education requirements from 16 to 25 hours. This bill also specifies training on mental health issues.

SB 1130 directed DOC to implement a tracking system for recidivism of inmates paroled via the two stage parole process.

HB 1105 is the Rainy Day Spillover bill and provides funding for a number of agencies including teacher pay raises for our employees as well as the Private Prison and Halfway House Capacity Development Revolving Fund.

SJR 28 renames the Oklahoma Correctional Industries administration building after Max Newberry, long time former administrator of OCI. The ceremony is set for tomorrow afternoon.

Ms. Massie advised that she had enclosed in their packets a list of approved House of Representative Interim Studies that has impact on our agency. There are six, some very specific to corrections.

The Senate has not released their list of interim studies.

12. PROGRAM UPDATE

- **THINKING FOR A CHANGE**

Dick Conner Psychological Clinician Kevin Smith provided an update on their Thinking for a Change program. The program was developed by the National Institute of Corrections (NIC). In 1997, the Thinking for a Change curriculum was first published and in 1998 he was in the first group of Oklahomans that were trained through NIC. Since then he has been trained to be a trainer for Thinking for a Change. The program has been their primary cognitive behavioral intervention for the offenders. The authors believed heavily in this program, so much so that they waived any copyright fees. They put it in the public domain so that we were able to use this program free of charge except for whatever cost there are in training aids. There are three components of the program: Cognitive Self Change, Social skills, and Problems Solving. The Cognitive Self Change portion of the program utilizes a thinking report where the offender looks at their thoughts, feelings, attitudes and beliefs and certain situations that have potential for risk and then look at what's risky about their thoughts, feelings, attitudes, and beliefs and

then what they could do to reduce that risk. The Social Skills program deals with basic skills like listening, knowing how to ask a question directly, to more advanced skills such as knowing how to fill out an application. The social skills have to be completed in steps in order to be done correctly. The last portion of the program, Problem Solving, is where everything is integrated together, and for him, is the most exciting piece. Research was provided showing that offenders who had completed the program were much more likely to remain in the community than those who had not completed the program. They have had 2,397 offenders complete Thinking for a Change in CY 06. DOC has been awarded a technical assistance grant by NIC to train additional trainers during 2007.

13. APPROVAL OF PER DIEM INCREASE, CORRECTIONAL SERVICES CONTRACTS HB 1105 (PRIVATE PRISONS)

General Counsel Mike Oakley reported that HB 1105 established a revolving fund for increasing per diem costs for Private Prisons and was funded \$5 million dollars. CFO Jim Harris has indicated to him that this is adequate to finance the 5%. Director Jones asked if this was line itemed for contracts in place. Mr. Oakley said this could only be used for per diem increases and only for those contracts that were in place as of July 1, 2007. Mr. Godlove said the Private Prison Committee has discussed this in a telephone conference and it is their recommendation to approve the proposal to implement the per diem increase.

Mr. Rainey asked if this was to be effective immediately if the motion were approved. Mr. Oakley said it had an emergency clause to be effective July 1, 2007. Mr. Rainey asked if this revolving fund was going to be funded every year or if it was just a one time thing. Mr. Oakley said it appears that at this point it is only funded for this year. Mr. Godlove's understanding was that the legislature suggested that we increase the per diem and gave us the money to do it. We need to do it in order to keep the Private Prisons as an active partner in housing some of our inmates. It is simply additional money to bring us closer to the national average. Chairman Rainey asked if the upcoming legislatively mandated performance audit would contemplate a review of the Private Prisons structure in Oklahoma. Director Jones said he had seen the preliminary proposal from the contractor and it does include a cost comparison analysis of what percentage should be privatized. However, the actual scope of the audit will be in whatever contractual arrangement the Legislative Service Bureau signs.

Mr. Godlove commented that Private Prisons did a very good job in going to the legislature and getting an increase. We as a department need to be as effective as they were in going to the legislature and getting the necessary funding for our department. We need to be more effective at educating the legislature and general public in what the needs are for the DOC and why those needs have not been met in the past. Director Jones said he believed that sometime in the future contract beds would be fully funded and that the deficit would be only in operating and payroll. Chairman Rainey commented that a few years back furloughs were authorized to accommodate the payroll deficit. He wanted to be on record that this Board would not authorize any furloughs. Director Jones wanted to clarify the use of the "furlough" word. Our payroll is covered for 12 months and is funded at 82%. There will not be a furlough this year. He reported we are preparing to request a \$40 million dollar supplemental just in contract beds. We were intentionally under funded in that area, pending the outcome of the performance audit.

Chairman Rainey sought a motion to approve the per diem increase. Mr. Godlove made the motion followed with a second by Mr. Smith. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Rainey, yes; Mr. Ware, no; Mr. McBee, absent; and Mr. Smith, yes.

14. COMMITTEE REPORTS

The following committee reports were provided.

- Private Prisons – No report
- State Boards Interface – No report
- Legislative – No report
- Female Offender – No report
- Budget – No report
- Population – No report
- Public Affairs – No report
- Executive – Chairman Rainey recommended committee meeting minutes be reviewed with item 4 to be corrected in Executive Session.
- Training – Mr. Henneke reported that two of the members of the Training Committee participated with staff by going to on site inspections of the facilities. The committee has met by telephone on several occasions with staff to talk about the final outcome. The committee felt they should wait for Director Jones return before making a decision. Hopefully within the next week to 10 days the committee will have a recommendation on the training facility location.

15. ELECTION OF OFFICERS (TERM JULY 1, 2007 – JUNE 30, 2008)

Chairman Rainey opened the floor for nominating and electing new officers for the chair, vice-chair, and secretary seats. Mr. Godlove made the motion for Mr. Henneke to serve as chair, Mr. Ware as vice-chair and Mr. Logan as secretary. Mr. Smith seconded the motion. There were no other nominations or discussion. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Rainey, yes; Mr. Ware, yes; Mr. McBee, absent; and Mr. Smith, yes.

16. 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.*
 - 2) Confidential communication 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
 - 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 next two items qualified for exception to the Open Meetings Act and it was the advice of counsel that the Board vote to adjourn into Executive Session.

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

Chairman Rainey reported there were two issues to be voted on from the Executive Session. He sought a motion to approve implementing a new salary cap for the director as presented in HB 1161. Mr. Henneke made the motion followed with a second by Mr. Smith. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Rainey, yes; Mr. Ware, yes; Mr. McBee, absent; and Mr. Smith, yes.

Chairman Rainey asked for a motion to approve the proposed performance evaluation of the director. Mr. Godlove made the motion followed with a second by Mr. Henneke. Results of roll call: Mr. Godlove, yes; Mr. Henneke, yes; Mr. Logan, yes; Mr. Rainey, yes; Mr. Ware, yes; Mr. McBee, absent; and Mr. Smith, yes.

17. NEW BUSINESS (“ANY MATTER NOT KNOWN ABOUT OR WHICH COULD NOT HAVE BEEN REASONABLY FORSEEN PRIOR TO THE TIME OF POSTING.” 25 O.S. § 311)

None

18. ANNOUNCEMENTS

None

19. ADJOURNMENT

Chairman Rainey sought a motion to adjourn. 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. Rainey, yes; Mr. Ware, yes; Mr. McBee, absent; Mr. Smith, yes.

Meeting adjourned at 4:05 p.m.

I hereby certify that these minutes were duly approved by the Board on this 26th day of July, 2007, in which a quorum was present and voting.

Approved by:

Secretary of the Board

Date: July 26, 2007

Submitted by: _____
Minutes Clerk