

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Location: Oklahoma State Capitol
2300 N. Lincoln Blvd., Room 104
Oklahoma City, Oklahoma

Date/Time: Friday, March 30, 2007 – 1:00 p.m.

1. OPENING AND ROLL CALL

Chairman Robert Rainey of the Oklahoma Board of Corrections called the March 30, 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
Robert Rainey

Ted Logan
Earnest Ware

Absent – David C. Henneke, Mark Luttrull and Beverly Young

2. APPROVAL OF FEBRUARY 22, 2007, SPECIAL BOARD MEETING MINUTES AND FEBRUARY 23, 2007, REGULAR BOARD MEETING MINUTES

Chairman Rainey sought a motion for approval of the February 22, 2007, Special Board Meeting Minutes and the February 23, 2007, Regular Board Meeting Minutes. Mr. Godlove made the motion with a second by Mr. Logan. Results of roll call: Mr. Godlove, yes; Mr. Henneke, absent; Mr. Logan, yes; Mr. Luttrull, absent; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, absent.

3. OLD BUSINESS

None reported on agenda.

4. DIRECTOR'S COMMENTS

- The Southwest District hosted a job fair on March 28, 2007, at the Worley Center of Great Plains Technology Center, Lawton, Oklahoma. The job fair was for inmates and probation and parole clients, and focused on employment issues facing offenders. Presentations were given in the areas of vocational rehabilitation, employment services for the disabled, education, job applications, resume writing skills and interview techniques.
- Union City CCC initiated a Work Release Program with up to 10 beds.
- Between March 19–23, an inmate work crew was provided to the John Wesley Charter School/Creston Hill Elementary School to clean up and repair smoke and fire damage to a classroom.
- Probation and Parole completed an ACA audit March 12–13, 2007, receiving 100% on mandatory standards and 97.2% on non-mandatory standards. OSR also had a successful audit, scoring 100% on mandatory and 99.5% on non-mandatory. DOC continues to be fully accredited since 1981.

- The Oklahoma Entrepreneurial Ex-offenders Training and Support Program started a new session at Mabel Bassett Correctional Center with an enrollment of 54 inmates.
- Both Faith and Character Based units have opened at MBCC and the Oklahoma State Reformatory.
- The department was successful in complying with Judge Elliott's order to depopulate the Oklahoma County Jail. However, it is probable that we will fall out of compliance with the order and when we do, we'll have to meet with Judge Elliott again.
- Due to the depopulation of Great Plains Correctional Facility the agency secured 50 additional beds that were created temporarily at Davis Correctional Facility and Cimarron Correctional Facility provided additional beds as well.
- The 2nd Annual Legislative Breakfast was held March 6, 2007. Last year the agency was accused of catering the event because the food and service were so good. However, it was DOC inmates in the CareerTech Culinary Arts Program providing the service and the Agri-Services who provided the product. This year, signs were put up to alleviate any assumptions made by the legislators.
- In February, DOC in conjunction with the Department of Mental Health conducted a Town Hall meeting in Lawton to bring public awareness to Mental Health Courts, Drug Courts, and Community Sentencing. Offenders told their stories, which turned out to be very moving. It was a quality event, but disappointing in that community leaders were not in attendance.
- The Next Step, a Correctional Leadership Development class, was held in March at Metro Tech. This was a three-day program with specialized curriculum for Chiefs of Security.
- The National Institute of Corrections sponsored a five-day training program entitled, "Operational Practices for Female Institutions," in Norman, OK. Consultants from all over the country, with extensive experience in the unique differences in female institution operations, provided the training. Several wardens from Oklahoma were in attendance.
- New grant awards have been received from the Department of Libraries under the Library Services Technology Act. Libraries at 14 of the department's institutions were awarded a combined total of \$41,850.
- The Organizational Review Panel continues to meet and interview staff to examine financial and business services agency-wide. Units currently being reviewed are: Central Office Finance and Accounting, Oklahoma Correctional Industries, Agri-Services, and Contracts and Acquisitions.
- DOC and the Department of Mental Health and Substance Abuse Services (DMHSAS) completed the hiring process for three Integrated Service Discharge Managers, which was funded through legislation to DMHSAS. These three employees will help DOC discharge manager staff and prepare inmates from MBCC, JHCC, and OSP in proper discharging.
- DMHSAS received funding for three "Co-occurring Treatment Specialists" that will provide integrated mental health and substance abuse treatment for offenders in DOC custody.

5. BUDGET UPDATE

Chief Financial Officer Jim Harris provided the budget update. The trending report in this month's board package dated March 20, 2007, provides comparative information on current trended expenditures compared to the revised FY 2007 budget work program (BWP). This month's report continues to focus on the three major expenditure categories of personnel costs, contract beds and offender medical services that represent 80% of all department expenditures. Mr. Harris referred the Board to the spreadsheet on page 5.

Payroll

As of February 28, 2007, there were 4,663 filled FTE positions. The continued effect of having filled FTE below budgeted levels is allowing the department to internally fund the cost of the October 1, 2006, 5% employee pay raise. After adjusting for reserves to allow for continued hiring to support a targeted FTE level of 82%; and adjusting for below projected collections in the department's revolving fund, a trended net payroll budget excess of \$3,087,352 is projected.

Contract Beds

The department filed its FY 2007 BWP with a known contract bed funding deficit of \$33,797,357. Because of overcrowding issues occurring in the county jail backup system the department expanded its bed contract with the Lawton Correctional Center (LCF). Since LCF beds were not part of the original FY 2007 BWP the amended FY 2008 Budget Request increased our FY 2007 supplemental request for contracts beds to \$39,557,649. Because of the cancellation of the Great Plains Correctional Facility contract a withdrawal of DOC inmates from that facility began last November. This reduction in inmate count has reduced actual contract bed expenditures. Based on current expenditure trends a contract bed shortfall is now trending at \$37,729,962 - including approximately \$2.1 million identified for higher facility cost associated with the Hinton draw down.

Medical and Mental Health Services

Both medical units are seeing savings from a general decline in the number of inmates receiving prescription medications. This month those trended savings again increased. Outside medical care is still the largest medical cost driver. February expenditure trends indicate that last month's reported outside medical care surplus is now indicating a slight deficit. Lindsay Hospital reimbursements are also trending a slight budgetary deficit. Combined medical and mental health year to date expenditure trends identify a net expenditure surplus trend over budget of \$794,142. If outside medical care and Lindsay Hospital cost continue current growth trends, it is likely that any surplus being generated by the pharmacy savings will be consumed by these two expenditure categories and offender medical services will experience a slight deficit before year end.

OPERS Invoice

DOC has been reporting for three months an unbudgeted OPERS cost for unbilled sick leave conversion for correctional officers who retired between the periods of June 2002 to August 2006. Unless a supplemental appropriation of sufficient size is provided to the department that covers all current budgetary deficits, this invoice will not be paid in FY 2007.

Summary

With eight months of expenditure data it appears that actual cost trends are indicating a net FY 2007 funding deficit of approximately \$34,509,661. Numerous fiscal uncertainties are associated with today's budgetary environment. The February trended deficit of \$34.5 million is now likely a minimum figure in regards to this year's likely fiscal shortfall. Economic changes such as:

- The vacating of contract beds at Hinton;
- Additional costs associated with higher public facility occupancy rates;
- The planned opening of the Burdick Building and its additional 180 beds at WSKCC;
- Recent expansion of county jail bed contracts;
- Growth in jail backup bed counts due to the lack of public bed space as we finish out the fiscal year; and
- The recent spike in energy cost that impacts the prices for goods and services.

All these factors combined are making it extremely difficult to use prior month-end expenditure trends to project a true fiscal year funding shortfall. All budgeted to expenditure category margins are tracking extremely close. It's becoming very difficult to project budget surpluses and/or shortfalls with any degree of certainty. The Governor signed into law Section 144 of HB 1234 which provided \$9.7 million of that need. At a minimum an additional \$25 million is still required if all fiscal year obligations are to be met.

6. POPULATION UPDATE

Chief of Operational Services Ken Klingler presented the population update as of March 5. The current system inmate population is 24,628. At this same time last year it was 24,203; an increase of 425. Total incarcerated population currently is 23,799. This same time last year was 23,468; an increase of 331. At DOC facilities population is 17,065. This same time last year was 17,101; a decrease of 36. Private prison population is 4,934. This same time last year was 4,638; an increase of 296. Total system population is 56,058. This same time last year was 58,969; a decrease of 2,911. County jail population is 605. This time last year was 501; an increase of 104. County jail back up population is 1,233. This time last year was 1,168; an increase of 65. Halfway house population is 1,195. This same time last year was 1,228; a decrease of 33. Clients on probation supervision are 27,624. Clients on parole supervision are 3,806.

Mr. Godlove asked Mr. Klingler if he considered the department to be full. Mr. Klingler responded that as of today and since the last BOC meeting, the agency has moved 400 inmates out of Great Plains Correctional Facility. Inmates in excess of 300 were moved from Oklahoma County Jail. Today, the DOC capacity is 98.01% full. Director Jones noted for clarification that any time a system of our size exceeds 97% capacity, that it is considered full. He added that we will be looking at future contracts probably in the county area because there are no more private prison beds available in the state. This would increase our deficit, but we have no choice. If it were not for offender net growth and unfunded mandates related to benefits in personnel and pay raises, we would not be asking for a supplemental.

7. REMARKS FROM LEGISLATORS

Chairman Rainey stated the every year legislators are invited to address the Board. Representative Mike Shelton was in attendance but was unable to stay. Representative Blackwell had prepared a letter sending his apologies for not being able to attend.

8. BRIEF RECESS

A recess was not taken since no legislators were present.

9. PROGRAM UPDATE–PREVENTION AND RELATIONSHIP ENHANCEMENT PROGRAM

JHCC Chaplain Ron Grant provided a presentation on the Prevention and Relationship Enhancement Program, (PREP). The program was developed 28 years ago by two professors, Dr. Howard Markman and Dr. Scott Stanley at the University of Denver. PREP marriage education workshops are designed to teach practical skills that enhance a marriage or prepare for a future marriage. PREP is one of the most comprehensive and well respected divorce-prevention/marriage enhancing programs in the world. PREP is a skills and principles-building curriculum designed to help partners say what they need to say, get to the heart of problems and increase their connection with each other.

As developed by research professors, it is one of the most thoroughly researched programs of its kind. They partner with the military and have several programs across the world. These programs help provide statistical information so that they can track and verify the results and needs of the program. As needs are recognized they in turn modify the program.

The program became involved with the DOC in 2002. The Program's unit was trying to find a program that would address marriage and family relationship issues. At that time, they contacted the Oklahoma Marriage Initiative and from there it was decided to do a pilot. There were three chaplains trained in the curriculum and after that three pilots were developed and implemented. As a result, it became a recognized DOC program. There have been 54 chaplains, staff and volunteers that have been trained in the curriculum and 1,430 inmates that have been through the program thus far.

In a study that was conducted by the University of Florida in 2002 it was determined that the #1 major contributing factor for reducing recidivism was a stable marriage. By providing PREP we are helping inmates work on those issues prior to release so that upon release they'll have a better chance of retaining the family unit.

Oklahoma DOC is the first in the nation to implement a department wide program such as this and has drawn international attention.

10. APPROVAL OF RESOLUTION–NATIONAL VOLUNTEER WEEK (APRIL 15-21, 2007)

Agency Chaplain and Volunteers Services Coordinator Leo Brown addressed the Board. This year's National Volunteer Week is April 15-21. National Volunteer Week began in 1974 when President Richard Nixon signed an executive order establishing the week as an annual celebration. Every President since has signed a proclamation promoting National Volunteer Week. Volunteers from the following organizations were recognized: Children of Promise, Mentors of Hope; Oklahoma Baptist State Convention Prison Ministries; Kairos Prison Ministry; Jewish Offender Community; Exodus Foundation; Episcopalian Church; AA; Oxford House; Prison Fellowship; Hand up Ministries; United Methodist Church Criminal Justice Mercy Ministries; TEEM; and Amos 512 Prison Ministries. Mr. Brown read the following resolution aloud:

WHEREAS, millions of volunteers serve in their communities across the nation utilizing their time and their talents to make a difference in the lives of others; and

WHEREAS, the Oklahoma Department of Corrections is privileged to have a group of men and women who tirelessly give of themselves to provide much needed programmatic and occupational services to facilities, districts and units across the state of Oklahoma; and

WHEREAS, these volunteers are dedicated to serving as positive role models for the offender population, supporting and leading offenders toward pro-social behavior, and providing resources that assist the Oklahoma Department of Corrections in fulfilling its mission in a professional manner; and

WHEREAS, April 15-21, 2007, is National Volunteer Week and the most appropriate time to recognize these volunteers for demonstrating, on a daily basis, the true spirit of giving:

BE IT THEREFORE RESOLVED that the Oklahoma Board of Corrections does hereby announce and proclaim to all its recognition and sincere appreciation of Oklahoma Department of Corrections Volunteers and the invaluable services they provide.

ADOPTED this 30th day of March, 2007.

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

11. REVIEW OF PRIVATE PRISON CONTRACT FUNDING – FY 2007

- **Corrections Corporation of America**
 - **Cimarron Correctional Facility, Cushing, OK**
 - **Davis Correctional Facility, Holdenville, OK**
- **GEO Group, Inc.**
 - **Lawton Correctional Facility, Lawton, OK**

Associate Director Ed Evans addressed the Board regarding private prison contract funding. There are presently 7,083 inmates in private prison beds, contract county jail beds and back-up county jail beds in the state. The FY 07 budget was funded at \$75,030,051 for the year, with a projected need by the end of the fiscal year of \$110,627,655. The legislature in HB 1234 provided an initial supplemental appropriation of \$9,664,573. The Finance and Accounting unit projects there remains a funding need of approximately \$28,065,031 to cover the remaining contract bed deficit and those costs associated with higher facility bed counts.

During the September 2006 BOC meeting a 5% per diem increase was approved for private prisons. The per diem increase was authorized by the 2006 legislative session in SB 65XX. The impact of the FY 07 budget was as follows:

October 1 – June 30, 2007

Contact County Jail and Back-up County Jail Beds	\$1,642,500
Private Prison and Halfway House Beds	<u>\$3,238,634</u>
TOTAL:	\$4,881,134

To annualize this in FY 08 utilizing the same projections, the impact is as follows:

Contact County Jail and Back-up County Jail Beds	\$3,285,000
Private Prison and Halfway House Beds	<u>\$4,129,746</u>
TOTAL:	\$7,414,746

The 5% per diem increase was approved by the BOC with concerns that in the past the Board had been criticized for deficit spending. The approved minutes of the September 2006 BOC meeting stated that the Board directed the department to place this matter on the March 2007, BOC agenda if the 2007 legislative session failed to provide full funding for the agency.

Mr. Godlove conveyed his recollection of the September BOC meeting when they voted on the 5% per diem increase. He voted for it because of assurances from various legislators and other persons that DOC would get the necessary appropriations to cover the expense. Mr. Ware voted no at that meeting because of this very issue. Mr. Godlove expressed his frustration in providing elected officials opportunities to speak to the Board on these issues and them not showing up. He suggested something be done to call attention to the fact that the DOC is simply the whipping boy for all politicians in the state. Mr. Godlove went on to say he had been advised by the Finance Director that DOC is now in deficit spending and does not want to be in a position where we get criticized for spending more money than we have. He asked that at the next Board meeting that there be a proposal on the table to terminate all private prison contracts unless DOC is sufficiently funded. Chairman Rainey asked the clerk to ensure this topic was placed on the next BOC agenda.

Chairman Rainey conveyed his understanding that even though we try to make it convenient for legislators to attend BOC's meeting by having them at the Capitol, that everyone is busy and has commitments. It is, however, frustrating that no more than two or three legislators have ever attended the Board meetings. He also shared he was in agreement with Mr. Godlove about DOC being a whipping boy. Oklahoma legislators are passing laws to criminalize more conduct and lengthen sentences without regard to the financial impact on this agency. The press reports it is our responsibility and our fault for being one of the lowest inmate cost institutions in the nation. Our institutions are ACA accredited and that is a consequence of our hard working employees not because we are over funded.

Mr. Godlove expressed his frustration on the issue of the million dollar audit. An audit has already been conducted on DOC paid for by the tax payers. If legislators wanted to understand the problems this agency is facing they should discuss this with the Board. The audit is a waste of money and a political ploy, which he personally resents. Mr. Ware said it was important that we acknowledge the veto of the audit by the Governor. In addition he wanted to publicly appreciate Mr. Godlove for voicing the concerns many are thinking but won't say. Chairman Rainey welcomed the audit as long as the \$1 million doesn't come out of DOC's budget. We have nothing to hide and everything to brag about. He doesn't want anyone to perceive that this Board or management is defensive of an outside inquiry. In the last 10 out of 12 years, we have been handed a deficit funding situation. It's no way to run a prison system.

Director Jones reported that the agency received approximately \$9.7 million in a supplemental and he has confidence that legislative leadership will give us the additional funding needed to cover our deficit in contract beds and the funding to last through the end of the year.

12. COMMITTEE REPORTS

Chairman Rainey stated that committee minutes were in the Board packets and asked if there were any other reports beyond the minutes.

- Private Prisons – No report
- State Boards Interface – No report
- Legislative – Mr. Ware asked Neville Massie to provide a brief summary on the status of the DOC initiatives.

Ms. Massie reported the following five initiatives had been lost:

#4 – Community Sentencing

#6 – Removing of the warden from mental health competency on death penalty cases

#12 – Amending private prison statute to allow contract termination for convenience to DOC only

#15 – Catastrophic Health Emergency

#16 – Amending halfway house statute to allow children to reside with mothers in treatment facilities

April 5 is the next deadline for bills to be reported out of subcommittees in the opposite House and April 19 is the deadline for bills to get out of committees in the opposite House. The remaining initiatives are moving through the process. This week the hospital initiative that would be a cost savings to the department was heard and successfully passed out of subcommittee. The lethal fence bill was also heard this week.

In a document completed by the Oklahoma Criminal Justice Resource Center, bills were identified that impacted criminal punishment. Ms. Massie had reviewed the list and eliminated all the bills that had died. Originally there were 78 bills that somehow changed criminal punishment and as of today there are 38 bills that remain. Mr. Godlove was under the impression that of the bills that had passed, the impact on DOC would be over 80 million dollars. Ms. Massie could not verify that amount and indicated the document did not have a cost figure associated with it. She also stated that we routinely are asked to provide impact statements to both houses.

- Female Offender – No report
- Budget – No report
- Population – No report
- Public Affairs – No report
- Executive – No report

13. NEW BUSINESS

None

14. ANNOUNCEMENTS

None

15. ADJOURNMENT

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

Meeting adjourned at 1:04 p.m.

I hereby certify that these minutes were duly approved by the Board on this 27th day of April, 2007, in which a quorum was present and voting.

Approved by:

Secretary of the Board

Date: April 27, 2007

Submitted by: _____
Minutes Clerk