

OKLAHOMA BOARD OF CORRECTIONS MEETING MINUTES

Department of Corrections
Location: Marriott Hotel
Grand Ballroom, Salon D, 1st Floor
Oklahoma City, Oklahoma

Date/Time: Wednesday, October 18, 2006 – 1:00 p.m.

1. OPENING AND ROLL CALL

Chairman Robert Rainey of the Oklahoma Board of Corrections (BOC) called the October 18, 2006, meeting to order at 1:10 p.m. He welcomed Oklahoma Correctional Association (OCA) conference attendees and asked the clerk to call the roll. Members present at roll call reflected a quorum was present.

Ted Logan
Robert Rainey

Mark Luttrull
Earnest Ware

David C. Henneke

Absent: Ernest Godlove and Beverly Young

2. APPROVAL OF SEPTEMBER 28, 2006, BOARD MEETING MINUTES

Chairman Rainey sought a motion for approval of the September 28, 2006, Board Meeting Minutes that had been circulated to members prior to the meeting for review. Mr. Logan made the motion with a second by Mr. Henneke. Results of roll call: Mr. Godlove, absent; Mr. Henneke, yes; Mr. Logan, yes; Mr. Luttrull, yes; Mr. Rainey, yes; Mr. Ware, yes; and Ms. Young, absent.

3. OLD BUSINESS

None reported on agenda.

4. DIRECTOR'S COMMENTS

Director Jones expressed his appreciation to OCA for inviting the BOC to meet today in conjunction with the conference.

- Director recognized two individuals not normally in attendance at BOC meetings: Clint Johnson, Chairman of the Pardon and Parole Board; and Sean Wallace, Senate Staffer.
- He mentioned the loss of the contract at Great Plains Correctional Facility in Hinton. For the record, there were no negotiations occurring at that facility. They chose not to enter into negotiations with DOC and instead, gave us an eviction notice. There is a plan in place to depopulate that facility over the next six months and staff has been at the facility talking to the offenders, ensuring them that their needs will be taken care of.
- Director and Neville Massie have been preparing for the legislative session. They are discussing initiatives with other organizations/associations to address comprehensive criminal justice issues, over crowding issues, county jail backup issues, etc., to present a united front.
- The Oklahoma Correctional Employee Memorial Foundation had its first board meeting, elected officers, and is in the process of developing by-laws. No state appropriations are being committed to this project.

- The agency continues to receive accolades from across the county for the Quality Assurance Process. The panel convened to examine the agency's Victim Services operation. The agency has had a one-person operation in this area for 16 years. It is very timely that a quality review was done to look at what we could do to afford victims more say so in the correctional system.
- Representatives of Mathematica Policy Research (MPR) met with staff of DOC, Department of Human Services, Oklahoma Health Care Authority and other agencies to finalize the proposed pilot related to Medicaid benefits for seriously mentally ill offenders discharging from MBCC and JHCC.
- The first ever Grandparents Academy began at the Hillside Community Corrections Center on September 30, 2006, consisting of female offenders, their children, husbands, mothers and grandmothers. Two of the participants were great-grandmothers in their 80's.
- The Little Dixie Community Action Agency Inc. in Hugo, Oklahoma was the only Oklahoma recipient of recent funds to mentor the children of incarcerated parents as announced by the U. S. Department of Health and Human Services on October 6, 2006. Funding to continue the program in southeastern Oklahoma was \$100,000.
- Director and several other staff attended the 1st National Association of Black Veterans Banquet on October 7, 2006, at the Tinker Officer's Club. Meetings have taken place with this group sometime back regarding the services available to incarcerated veterans upon release. He expressed appreciation to the wardens at the facilities who have allowed this association to come in and help with reentry.
- The new Southeast District Probation and Parole office in McAlester officially opened on October 6, 2006.
- Warden Melton and her staff were commended on the successful outcome of their ACA reaccreditation audit, receiving 100% on mandatory standards and 99.5% on non mandatory standards.
- In September 2006, the Agri-Services Meat Processing Center received federal certification and will now be USDA inspected. This will allow movement of products across state lines and open trade with other states.
- Each year, Parents for Megan's Law issues a Megan's Law report card for all states based on sex offender compliance. In 2006, Oklahoma received a B rating for the year. Only five states received an A or B grade, placing Oklahoma at the very top of sex offender registries in the nation.

5. POPULATION UPDATE

Chief of Operational Services Ken Klingler presented the population update as of October 2. The current system inmate population is 24,652. At this same time last year it was 24,115; an increase of 537. Total incarcerated population currently is 23,843. This same time last year was 23,411; an increase of 432. At DOC facilities population is 17,216. This same time last year was 17,212; an increase of 4. Private prison population is 4,822. This same time last year was 4,640; an increase of 182. Total system population is 55,886. This same time last year was 58,116; a decrease of 2,230. County jail population is 548. This time last year was 413; an increase of 135. County jail inmate backup population is 1,256. This same time last year was 1,099; an increase of 157. Halfway house population is 1,257. This same time last year was 1,146; an increase of 111. Clients on probation supervision are 27,222. Clients on parole supervision are 4,012.

Mr. Henneke had noticed that we were receiving about 190-200 per week and about 130 per week were going out, leaving us with 60-70 net growth per week. Mr. Klingler said it was historic being an election year that parole recommendations were down, but that they would increase after the elections. Director

Jones reported DOC appealed Judge Elliott's ruling, but have not heard back on the appeal. He has also met with Associate Director Ed Evans and other staff to look at the construction timeline for the ADA unit at JHCC, and one of the buildings that were donated to us through the Department of Mental Health and Substance Abuse Services at Fort Supply. We hope to have these beds available early in the year. If we are able to absorb all 812 from Great Plains it will only accelerate the fact that once we do, we will have to close down the reception center until we have enough paroles or discharges to allow for more space. Mr. Ware asked what the number would be (the eviction of the Great Plains and ruling from Judge Elliott). Director said it is currently 1,212 which is an upward moving target. Mr. Henneke asked about staff issues with regard to Fort Supply and ADA addition at Lexington. Director said the increase number of beds at WKCC would be 175. WKCC has shown a net increase in the number of their CO's. If the oil field continues to grow in western OK it will affect us negatively and any business that is under the market on salary. Mr. Luttrull asked where the inmates are on out count? Mr. Klingler responded those would be anyone on escape, in the hospital, writs out on civil matters or other criminal pending cases. On an average we have 340 on out count. It shows 806 for October, but on a 12 month average it's 340. Director reported that J'me Overstreet and her staff have streamlined and tried to cut down on the amount of time it takes in the process from interview to payroll. As far as the ADA unit, he has started approving positions and moving positions to be hired in the medical area, mental health area and CO area. Being closer to the metro will be a benefit. Chairman Rainey noted that the Private Prisons Committee met via teleconference. He asked those on the committee in Mr. Godlove's absence, being chair of that committee, if there was a report or issues they wanted to apprise the board of. Mr. Luttrull said they had a joint meeting of the Private Prisons and Population Committees, of which the same report would stand.

6. BUDGET UPDATE

Chief Financial Officer Jim Harris provided the budget update. The trending report in this month's Board packet dated October 13, 2006, provides comparative information on current trended expenditures compared to the revised FY 2007 budget work program (BWP). This month's report once again focuses on the three major expenditure categories of personnel costs, contract beds and offender medical services. Combined they represent 80% of all department expenditures. Mr. Harris referred the Board to the summary on page 5.

Payroll - In September, OSF required the department to revise its FY 2007 BWP to reflect a higher than originally expected benefit cost increase that is to take effect on January 1, 2007. This resulted in reducing the number of budgeted FTE from 4,833.5 to 4,803.9. This reduction in FTE did not reduce the actual dollars allocated towards payroll cost. As of October 2, 2006, there were 4,718 filled FTE positions. The effect of having filled FTE still below budgeted FTE has resulted in a gross payroll surplus of \$13,331,843. After adjusting for reserves required to fund the October pay increase; ramping FTE up to the targeted level of 82%; and adjusting for trended lower collections in the revolving fund, the above gross surplus becomes a net personnel budget deficit of \$2,537,094.

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, DOC has had to expand its bed contract with the Lawton Correctional Facility (LCF). The FY 2008 Budget Request revised the FY 2007 supplemental funding need for the contract bed shortfall to \$39,557,649. Based on current expenditure trends which include a phased-in growth rate for the new LCF beds and anticipated growth in jail backup beds due to continued offender growth, the trended contract bed deficit as of September 30, 2006, is \$39,860,994.

Medical and Mental Health Services - With the FY 2007 BWP, medical and mental health services were separated for both budget and expenditure tracking purposes. Both medical units are seeing savings from a general decline in the number of inmates receiving prescription medication. This month's decline in the

number of prescriptions appears to be a continuation of an observed trend in the total number of prescriptions being written in 2006 over the prior year. Outside medical care is the largest medical cost driver. So far this fiscal year, expenditures trends appear to be staying within budget. Based on both medical and mental health year to date expenditure trends, this month's report identifies a combined expenditure surplus trend over budget of \$1,895,575.

Oklahoma Capital Improvement Authority (OCIA) Bond Payment Growth - Last month it was reported that OCIA billing invoices had significantly jumped due to an unrecognized overlap in debt service payments for the series 1998 and 1999 bonds that were refinanced and shortened by the series 2004A bond. It was also reported that OCIA would be sending a new debt series 2004A bond allocation schedule which when combined with the unbudgeted debt service overlap would increase FY 2007 bond payment cost by approximately \$600,000. The department is still waiting on the new debt service schedule. Higher debt service invoicing due to the series 2004A principle payments have already been paid; therefore, this month's trending report is identifying a projected \$600,000 in unbudgeted debt service expense with this month's trending report.

Summary - With just three months of cost data it appears that actual expenditures trends are indicating a net FY 2007 funding deficit of approximately \$41,111,513. Since this year's BWP does not reflect the impact of continued offender population growth and as the department continues to hire up to its 82% FTE target, it is anticipated expenditure based deficits will continue their growth towards the FY 2008 Budget Request supplemental projection need of \$47,238,524.

Mr. Henneke asked if the \$27 vs. \$24 payment to counties for backup offenders beginning January 1, 2007, was factored in? Mr. Harris responded that it was. Director added that we also factored in the 5% per diem increase for private prisons and halfway houses. Because of the situation at Hinton, we will be coming to the Board with an amended FY 2008 Budget Request as it relates to our major bond issue. We did not factor in losing the 800 beds at Great Plains. Looking at the current new growth and projections, we are going to be increasing our request for additional high security beds in the state by an appropriate number, which we are currently working on.

Chairman Rainey recognized Jim Gondles, Executive Director of the American Correctional Association, who has been a good friend to DOC and invited the Board to attend their conference recently in Charlotte, North Carolina.

7. APPROVAL OF 2007 LEGISLATIVE INITIATIVES

Neville Massie was called upon to present the legislative initiatives for FY 2007. The Board had received a manual that outlined initiatives DOC was proposing this session. Ms. Massie read from the 1st page of the document which provided a brief summary of each initiative. Those initiatives are as follows:

1. Repeal 57 §567 Bonds –Construction of Bus Renovation Facility (*1986 law authorizing Board of Corrections to issue revenue bonds to build a bus renovation operation at a facility*).
2. Authorize Director to sell advertising in DOC publications, media production or other informational material produced by DOC (*Help defray publishing costs*).
3. Add Director of the Oklahoma DOC or designee to membership of Oklahoma Sentencing Commission (*Current membership includes representation of all components of criminal justice system except corrections*).
4. Community Sentencing Statute Clean-up (*Initiative last year, expand eligibility criteria*).

5. Modify provision to deposit 20% of all monies received by inmates into mandatory savings passed last session (*Highly charged issue for inmate families*).
6. Remove Warden from mental health competency process for inmates sentenced to death (*Initiative last year*).
7. Establish statute to provide liability protection to providers in case of injury or death as a result of use of an electric fence system (*Necessary as we look at construction of lethal electric security fences*).
8. Establish two tier fee structure for inmate hospital care, network fee schedule (OSEEGIB rates) and the Medicaid fee schedule (*Significant reduction in hospital costs*).
9. Establish tier system for classification of sex offenses (*Differentiate requirements for registration, modify restrictions*).
10. Clarify process for psychological examinations of applicants for CLEET certification as peace officers (*This is necessary due to a new regulation passed by State Board of Examiners of Psychologists*).
11. Amend Title 57 § 566 which defines, “Frivolous,” “Inmate” and “Malicious” so these definitions apply to all sections of Title 57 (*This is clean up; will ensure consistency of definitions*).
12. Amend Private Prison Statute (*Contract termination for convenience of department solely*).
13. Amend Motor Vehicle Statute (*Authority for use of unmarked vehicles*).

Chairman Rainey recognized Earnest Ware as Chair of the Legislative Committee. Mr. Ware stated that the Legislative Committee met that morning and reviewed each legislative initiative in detail as outlined by Ms. Massie. The committee did recommend proceeding with these initiatives along with a few others. The committee will work with Ms. Massie to develop the additional initiatives.

Mr. Henneke asked for more specifics with regards to initiative #8. Ms. Massie noted this initiative did not speak to our internal charges, but rather addressed outside medical care. At this point some hospitals are in network and are paying at a reduced rate. Others are charging us rack rate, which is significantly higher. This would establish a two tier system where if a hospital joined the network, their fee would be reduced from rack rate, however, would be higher than the Medicaid rate. Failure to join the network would result in payment at Medicaid level, which is significantly less.

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

8. PROGRAM UPDATE – EDUCATIONAL SERVICES

Pam Humphrey was recognized to present the following educational program update. All educational programs are fully accredited, not only with the State Department of Education but also with the North Central Association Commission on Accreditation School of Improvement. Their teachers maintain the

same certification as public school teachers. More than half their teachers have a master's degree and some have doctorate degrees. Because their program is fully accredited they qualify for federal funding.

When offenders are received at Lexington Assessment and Reception Center, they are given a test on Adult Basic Education (ABE). These scores are entered on the department's on-line data base system. When the inmate transfers to any of our facilities, the education administrator can access these scores and know which program is best suited for that inmate. The Literacy program is for grade 0-5.9. The ABE program is for grade level 6.0 to 8.9. Once a person reaches the 9th grade level, they are moved into a General Educational Development (GED) program. Last year they gave 1,129 GED diplomas. Within the last couple of years the certificates changed from reading "GED diploma" to "High School Diploma." They have been told by the GED testing service that 1/3 of High School graduates across the nation could not pass the GED. They also had a 76.9% pass rate in their GED's which is better than the state rate of 70%. They are very proud of that. Each year anywhere from 1,085 to 1,250 offenders receive their GED's and they are proud of this accomplishment. Once they have completed the GED, they are eligible for a college program if they wish to pursue that.

They have a youthful offender grant that replaced the Pell grant. The requirements and eligibility for that federal money is that they must be within 5 years of release either through parole or discharge and they must be less than 26 years of age. There has been legislative action for the last several years to increase that age limit to 35 and the expenditure, which is now \$1,500 per year. With the increase in tuition fees, that has limited the number of hours inmates can take. The increase doesn't look hopeful this year but they will continue to pursue it.

Curriculum for Instructional Material Center is offered, which is a basic life skills program that provides offenders with functional life skills so when they leave DOC and move into the outside world, they will have skills that will help them function. Individuals who are the closest to release are targeted. The Training Ex-offenders as Entrepreneurs, is receiving a 4th year extension. It was originally a 3 year federal grant of \$1.6 million. They have had around 300 graduates from that program. The Corrections Learning Network is a program that the state of Washington received a \$5 million grant to implement. Oklahoma expressed an interest in participating so each of our 17 facilities as well as DOC's training department received free of charge, the hardware equipment to implement that. They have received a dish and receiver so they could provide the courses that are available through that venue. This is also available to staff. A college program offered through the state of California is also available to assist those pursuing an associate's degree through the Corrections Learning Network.

Leisure libraries are provided at all 17 facilities. They are in the process of receiving their library grant application and have been told they will receive about \$5,000 per facility for library books and software for automatic checkout. At least one computer lab is provided at each facility, with a minimum of 15 computers. Some facilities have two labs and it is the vision of Dr. Modeland to have three labs at every facility, (one for Literacy, ABE, and GED).

They partner with the Department of Education, Department of Libraries, Oklahoma Career Tech, the US Department of Education and the US Office of Safe and Drug Free Schools.

They host a graduation awards ceremony at least one time per year at every facility. Last year they had 7,443 participants in education programs. They are very proud of what they do and feel it's not just a job, but a calling.

Mr. Logan said he spoke to their organization last week and it was a great experience. He was impressed

with the enthusiasm and passion. He was very pleased and wishes more would attend these ceremonies. Mr. Luttrull commended the teachers for getting the offenders motivated to learn.

9. NEW BUSINESS

Mr. Logan had three issues to bring forth to the Board. 1) He is concerned about the wellness of DOC employees, while working for DOC and when they leave. He is concerned with people being overweight and that we don't have annual requirements as far as health for employees. He would like to see the establishment of a committee to put something in place to maintain good health standards. 2) Mr. Logan chairs the committee on Women Offenders and would like to see the department focus more attention on female offenders and thinks the best way to approach this would be to put someone in a high level position to implement this change. 3) The agency needs to look at how we treat visitors at institutions. He has received complaints that visitors are being treated like inmates. He knows this is the exception rather than the rule. However, we need to be better than that and he would like to see us put something in place to look at ways that would encourage facilities to treat visitors with respect. Mr. Luttrull was in agreement. We concentrate so much on programs and ways to make inmates healthier or better people, but ignore the very people who make it all possible.

Director Jones said he and Mr. Logan had briefly discussed these three topics before the meeting and felt he should respond to each one. Women Offenders - Director commended staff on their effort to address woman offender issues. He agrees with Mr. Logan that a lot more can be done in that area, but until we have the resources for programming and to implement best practices for female offenders, putting one person in charge of this would be setting that person up for failure. Employee Wellness - Like all agencies, we certainly care about our employees. There is a Wellness Newsletter that encourages proper diet, etc. Health equipment has been purchased through Canteen revenue. DOC used to have physical standards years ago, but the courts ruled that we could no longer do that because there was no correlation between physical ability and the job. Visitors - There's not much data available when you try to benchmark this issue. He is curious to see what the perceived issues are with visitation and the reality. Joyce Jackson and others are being proactive in looking at a university to do a research project on this.

Mr. Ware felt the stress factor is often times overlooked. Developing a program to help relieve stress would be a great opportunity and he doesn't want to see it pass by.

Chairman Rainey stated that under the open meeting act we could not formally take any action on these three items today, but that the issues are on record, and if at subsequent meetings, if properly listed on the agenda, the Board would be more than happy to take action on these items.

10. ANNOUNCEMENTS

None

11. ADJOURNMENT

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

Meeting adjourned at 2:20 p.m.

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

Approved by:

Secretary of the Board

Date: January 26, 2007

Submitted by: _____
Minutes Clerk