

**OKLAHOMA BOARD OF CORRECTIONS
REGULAR MEETING**

Oklahoma Department of Corrections
3400 N Martin Luther King Avenue
Oklahoma City, Oklahoma
March 12, 2015

1. Call to Order and Roll Call

Kevin Gross, Chair

Chair Gross called the regular meeting of the Oklahoma Board of Corrections (BOC) to order at 1:01 p.m. on Thursday, March 12, 2015, in the North Conference Room of the Oklahoma Department of Corrections (ODOC) at 3400 N Martin Luther King Avenue in Oklahoma City, Oklahoma. The final agenda was posted at 9:30 a.m. on Wednesday, March 11, 2015, at the Oklahoma Department of Corrections (ODOC), which is at least twenty-four hours prior to the commencement of the meeting. Chair Gross asked the clerk to call the roll:

Kevin Gross, Chair	Present	Linda Neal, Member	Present
Gene Haynes, Member	Present	Michael Roach, Vice Chair	Present
Frazier Henke, Secretary	Present	Earnest Ware, Member	Present

Calling of the roll reflected a quorum was present.

2. Old Business

Kevin Gross, Chair

There was no old business to discuss.

3. Discussion and Approval of Board of Corrections Meeting Minutes

Kevin Gross, Chair

- Regular Meeting on February 12, 2015

Chair Gross stated the minutes from the regular meeting on February 12, 2015, were provided to the BOC for review prior to the meeting this date. He requested a motion to approve the minutes as presented to the Board.

Motion: Mr. Roach made a motion to approve the minutes and Mr. Henke seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – abstain; Mr. Roach – yes; Mr. Ware – yes.

The minutes were approved by majority vote and there was no further discussion.

4. Director's Comments with possible discussion on the following:

Robert Patton, Director

- Year-end Review

Director Patton stated it had been one year since the BOC selected him to become the director of the ODOC and much had been accomplished since that time. He noted that when appointed, he was tasked with focusing on three major topics – population management, staffing, and budget – which would be detailed in his comments.

Director Patton stated in his first meeting with the BOC, they discussed the need to truly identify the offender population count, how offenders were classified and accurately projecting offender growth. He stated the goals for population management had been met in the following ways:

- Worked with the National Institute of Corrections to validate the agency's classification system as a whole. By implementing their recommendations, staff is certain that the offenders are placed at the appropriate classification level throughout the system.
- Moved offenders into lower security beds such as community corrections and halfway houses to free up much-needed bed space within the higher custody facilities.
- Moved offenders pending reception from county jails into the facilities, allowing the agency to truly know

how many offenders were within the system.

- Facility capacity analysis was completed and an update was provided to the BOC at a previous meeting. This analysis helped the agency determine the percentage of overcrowding within its facilities.
- As a result of offender movement from county jails into the system, the agency is better able to project future offender growth with current figures indicating approximately 1,200 offenders will be received each year.

Director Patton noted the agency's budget request was recently presented to the Senate Appropriations Committee. Part of the discussion included population management, projected offender growth and problems with overcrowding in the ODOC. He stated the agency was able to give them accurate data on the number of offenders sentenced to ODOC.

Director Patton stated his next focus was addressing staffing issues which was a long but extremely important process. The agency began determining what positions it had and where they were located. He noted there were many positions listed but staff was unsure where they were at or if they were funded and/or active. Administrative Operations staff was able to identify all valid positions, or full-time employees (FTE), within the ODOC. Staff then determined where the positions were assigned and if all proper paperwork was completed on the positions. Staffing patterns were established for correctional officers and priority postings were created to ensure the agency was staffing the most critical posts. Upon completion, the agency began reallocating correctional officer positions around the state. Field Operations is currently working on this last step to ensure the agency is utilizing the most important resource it has which is correctional officers. The correctional officer staffing analysis is currently being completed in community corrections after which the focus will move to other positions within all divisions.

Director Patton stated the BOC directed him to also address accountability and proper projections in funding needed for the agency. He stated when he began last year the ODOC was projected to be approximately \$23 million short for the annual budget. Through hard work by the members of the BOC as well as staff in Administrative Operations, approximately \$10 million was identified from various areas within the budget and applied to address the shortfall. The legislature authorized an additional appropriation of \$13 million to address the remaining shortfall. This year, the goal in mind was to present a balanced budget to the BOC. Budget areas which traditionally ran short were funded appropriately at the beginning of the year. Director Patton noted he was proud to report that as of this date, the budget projections are coming in very close, but it appears the ODOC will meet its budget expectations this year. He stated with the help of the associate directors and their staff, he believes the agency is living within its allocated budget.

Director Patton stated he wanted to highlight these three accomplishments although there were many to choose from over the course of the last year. He thanked the ODOC employees for their hard work and efforts. He also thanked the BOC for their support.

Mr. Haynes queried if there was an update on the Justice Reform Committee. Director Patton responded the committee held its initial meeting in February. The meeting consisted of introducing all of the committee members to each other and establishing various work groups within the committee. The committee is reviewing initiatives to implement over the next year which are no costs or low costs to the state agencies. The committee also hopes to address the rising population in Corrections. Director Patton noted it was very early in the process and there is another meeting scheduled in March.

Ms. Neal queried if the committee was using any of the information previously put forth by former Speaker of the House, Kris Steele. Director Patton stated it was a large part of the discussion when the committee met in February. He stated there was no need to reinvent the wheel, so to speak, and Speaker Steele's study as well as the follow-up study conducted by a Harvard student was referenced.

Mr. Ware queried about the \$10 million used to address the budget shortfall was pulled from staffing. Director Patton stated the funds used were from removing part of the OCI Revolving Account, the canteen revolving account and a few other areas. He noted that staffing was fully funded last year.

No other comments or questions were made.

5. Discussion and Approval of Board Policies

Robert Patton, Director

- P-050100, Emergency Plans for the Oklahoma Department of Corrections
- P-150500, Eight-Year, System-Wide Capital Improvement Program

Director Patton stated there were two policies requiring the Board’s approval this date and he outlined the changes as indicated below:

P-050100, Emergency Plans for the Oklahoma Department of Corrections:

- Throughout the policy, the term “department” has been replaced with “agency.” Also, the word “shall” has been replaced with “will.”
- Section I. B. has been changed from “hostage situations” to “crisis situations.”

P-150500, Eight year, System-Wide Capital Improvement Program:

- Throughout the policy, the length of the program was changed from “five years” to “eight years.”
- Staff and division titles were changed to reflect the current organizational structure.
- Throughout the policy, the term “department” has been replaced with “agency.” Also, the word “shall” has been replaced with “will.”

Director Patton recommended approval of the policies as presented.

Motion: Mr. Haynes made a motion to approve the policies and Ms. Neal seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The policies were approved by majority vote and there was no further discussion.

6. Monthly Update and Discussion of Agency Budget

**Ashlee Clemmons, Chief Administrator
Business Services**

Ms. Clemmons provided the following budget update as of January 31, 2015:

FY2014 Budget Work Program		
Appropriated		\$472,639,727
200 Fund		\$17,314,741
205 Fund		\$4,802,152
280 Fund		1,500,000
Total – Budget Work Program		<u>\$496,256,620*</u>
<i>*Excludes Prison Industries funds not part of the ODOC operating budget, Community Sentencing and Federal funds</i>		
Y-T-D Expenditures		\$(262,601,621)
Appropriated	\$(256,092,545)	
200 Fund FY 15	\$(5,410,551)	
205 Fund FY 15	\$(1,098,525)	
280 Fund FY 15	\$(44,702)	
Encumbrances		\$(107,418,386)
Committed		\$(410,423)
Remaining Payroll		\$(106,311,470)
Available Balance		\$19,514,720
Appropriated Operating Funds		
Budgeted		\$472,639,727
Expenditures Y-T-D		\$(256,092,545)
Encumbrance Y-T-D		\$(100,339,694)
Total Committed Y-T-D		<u>\$(255,382)</u>
Available Balance		\$115,952,106
Less:		
Payroll		\$(106,311,470)

Available Balance	\$9,640,636
200 Revolving Fund	
Beginning Cash Balance 7/1/2014	\$180,636
Revenue Received Y-T-D	\$9,220,009
Expenditures Y-T-D	\$(8,805,807)
Adjustments Y-T-D	\$(1,592.00)
Ending Balance	\$593,246
205 Revolving Fund	
Beginning Cash Balance 7/1/2014	\$1,721,954
Revenue Received Y-T-D	\$3,235,909
Expenditures Y-T-D	\$(4,426,285)
Adjustments Y-T-D	\$0.00
Ending Balance	\$531,578
280 Revolving Fund	
Beginning Cash Balance 7/1/2014	\$3,972,741
Revenue Received Y-T-D	\$15,248,512
Expenditures Y-T-D	\$(14,906,876)
Adjustments Y-T-D	\$0.00
Ending Balance	\$4,314,377

There was no further discussion of the budget update.

7. Discussion and Approval of Budget Fund Transfer

**Ashlee Clemmons, Chief Administrator
Business Services**

Ms. Clemmons stated in accordance with policy statement P-120100, titled Management of State Funds and Assets, she requests approval from the BOC to request a transfer of funds through the Office of Management and Enterprise Services. The transfer of funds will redistribute payroll funding to provide necessary payroll and operating funds to all divisions of the agency. Ms. Clemmons noted that at the beginning of each fiscal year, the available payroll budget is distributed evenly across all divisions. Towards the end of the fiscal year, the agency balances its surpluses against its deficits and redistributes payroll.

Mr. Henke stated the Audit/Finance Committee met earlier this date to discuss the budget fund transfer, and it was the committee's recommendation to approve the request as presented by Ms. Clemmons.

Motion: Mr. Henke made a motion to approve the budget fund transfer and Mr. Haynes seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The budget fund transfer was approved by majority vote and there was no further discussion.

8. Update and Discussion of Offender Population

**Laura Pitman, Ph.D., Division Manager
Field Support**

Dr. Pitman provided the population update as of December 31, 2014:

Total System Offender Population = 28,613	EMP = 17
DOC Facilities = 19,264	PPCS = 1
Private Prisons = 5,828	Probation Supervision = 21,831
County Jails with Contracts = 567	Parole Supervision Offenders = 3,129
Halfway Houses = 1,445	Total System Population = 53,573
Out Count (jails, hospitals, etc.) = 743	County Jail Backup = 217
GPS = 748	

Ms. Neal queried about PPCS as noted on the population report. Mr. Hines responded it is for Pre-Parole Conditional

Supervision, which is an old program the agency had many years ago. The program was discontinued several years ago, but there is still one active offender in the program. Ms. Neal queried where the offender was housed to which Mr. Hines responded that he was living in the community.

No other questions or comments were made.

9. Update and Discussion of Legislative Initiatives

Marilyn Davidson, Executive Assistant

Ms. Davidson stated this date was the deadline for all bills to be sent out of their house of origin. She noted that both chambers had already adjourned so the deadline is complete. The next step is to hear the bills on the Senate and House sides. On March 4, 2015, the ODOC provided a presentation to the Senate Appropriations Committee concerning the agency's budget for FY 2016.

Several bills Ms. Davidson is tracking have passed through both chambers. The ODOC initiatives:

- SB412 – regarding a single list of violent crimes; passed the Senate and has now been assigned to House Rules Committee.
- SB116 – regarding reception of offenders from county jails; passed the Senate and has now been assigned to the House but does not have a committee yet.
- SB54 – allows the inspector general agents and probation and parole officers to retain their weapons upon retirement; passed the Senate and is now in the House Public Safety Committee.

Other bills being followed:

- HB1687 – regarding costs of administering the High School Equivalency test to offenders; passed the House and is now in the Senate Education Committee.
- SB38 – regarding offenders with no reasonable risk to be considered for medical parole; passed the Senate and is now in the House.
- SB525 – regarding ODOC employees with a license to carry permit to have their firearm in their vehicle; passed the Senate and is now in the House.

Ms. Davidson stated the next deadline for reporting House bills by the Senate Committee and Senate bills by the House Committee is April 9, 2015.

Chair Gross asked Ms. Davidson to explain the county jail bill. Ms. Davidson stated it gives counties a little more flexibility when notifying ODOC that they have an offender waiting to transfer to assessment and reception. It also gives them the flexibility to use other sentencing documents to notify the ODOC. This will allow the agency to more accurately budget for offenders coming into our custody. Ms. Davidson stated there is also language allowing the counties to have first refusal when the ODOC is seeking private prison beds for housing offenders.

Mr. Roach asked for clarification on the first right of refusal. Ms. Davidson stated if the ODOC puts out a Request for Purchase (RFP) to contract for more beds, the counties receive it first. If the counties can meet the conditions of the contract, providing the requested the number of beds needed, then their contract will be renewed first.

No other questions or comments were made.

10. Committee Reports

Committee Chairs

Chair Gross asked the committee chairs for their reports.

- **Audit/Finance Committee**
Mr. Henke had nothing else to report.
- **Female Offender Committee**
Ms. Neal stated there was no report.
- **Public Policy/Public Affairs Committee**

Mr. Ware stated there was no report.

- **Population/Private Prisons Committee**

Ms. Neal stated there was no report.

- **Executive Committee**

Chair Gross stated the committee met on March 2, 2015, to review and approve the agenda for the meeting this date.

11. New Business

Kevin Gross, Chair

Chair Gross inquired if there was any indication of the outcome yet on the appropriation request for Fiscal Year 2016. Ms. Clemmons stated it was still early in the process, and there are many hypotheticals floating around at the moment. Chair Gross asked if the hypotheticals were mostly bad to which Ms. Clemmons responded she hoped not. Director Patton stated he and Ms. Clemmons were asked several times about the budget request at the Senate Appropriations Committee Hearing. He stated the hearing lasted several hours and the questions asked including what the agency would do if the budget was cut by three percent or six percent, or a cut of approximately \$24 million. Director Patton stated he felt the questions and the responses provided were encouraging for the agency.

No other questions or comments were made.

12. Announcements

Kevin Gross, Chair

There were no announcements.

13. Adjournment

Kevin Gross, Chair

There being no further business to come before the Board, Chair Gross requested a motion to adjourn the meeting.

Motion: Mr. Henke made a motion to adjourn the meeting and Mr. Roach seconded the motion. The results of the roll call were: Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware - yes.

The adjournment was approved by majority vote and the meeting ended at 1:23 p.m.

Submitted to the Board of Corrections by:

[signature on file]

Kimberley Owen, Minutes Clerk

Date

I hereby certify that these minutes were duly approved by the Board on the ninth day of April, 2015, in which a quorum was present and voting.

Approved by:

[signature on file]

Frank X. Henke IV, Secretary of the Board

Date