

**OKLAHOMA BOARD OF CORRECTIONS
REGULAR MEETING**

Dr. Eddie Warrior Correctional Center
400 Oak Street
Taft, Oklahoma
December 4, 2014

1. Opening and Roll Call

Kevin Gross, Chair

Chair Gross called the regular meeting of the Oklahoma Board of Corrections (BOC) to order at 1:00 p.m. at the Dr. Eddie Warrior Correctional Center (EWCC) in Taft on Thursday, December 4, 2014. Chair Gross asked the clerk to call the roll:

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

Calling of the roll reflected a quorum was present.

2. Welcome/Remarks

Sharon McCoy, Warden

Dr. Eddie Warrior Correctional Center

Warden McCoy greeted the Board and Director Patton, welcoming them to EWCC. She stated EWCC was the original site of Indian Missions School Haloche Industrial Institute. In 1909, Stephen Douglas Russell founded the Deaf, Blind, and Orphan (DB&O) Institute which housed deaf, blind, and orphaned children. Dr. Eddie Walter Warrior was the business manager for the institute and years later the facility would be named in his honor. The DB&O Institute was operated by the state under many different names until May 1986 when legislative action transferred the facility to the Department of Corrections (ODOC). During the 1988 special legislative session, the center was designated as a minimum security facility for female offenders to address prison overcrowding. Warden McCoy stated programs offered at EWCC included Helping Women Recover, Regimented Treatment Program, and Education along with Life Skills, HIV/AIDS Peer Education, Early Childhood Development classes, Anger Management and Seeking Safety groups.

Chair Gross thanked Warden McCoy and expressed the appreciation for hosting the meeting.

3. Old Business

Kevin Gross, Chair

There was no old business to discuss.

4. Approval of Board of Corrections Meeting Minutes

Kevin Gross, Chair

- Regular Meeting on October 23, 2014

Chair Gross stated the minutes from the regular meeting on October 23, 2014, were provided to the Board for review prior to the meeting this date. He requested a motion to approve the minutes as presented to the Board.

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

The minutes were approved by majority vote.

5. Director's Comments

Robert Patton, Director

Director Patton thanked the Board, his executive team and ODOC employees for the outpouring of support last month after the untimely passing of his family member. He stated the cards and letters helped him and his family

during a very difficult time. He expressed his gratefulness for everyone's support.

Director Patton stated there were several Interim Studies over the last month with several issues related to corrections. He noted he felt the most important Interim Study was held by Representative Charles Ortega and dealt with addressing county jails and county jail backup. Several ideas were discussed during the study and one of the central ones has become a pilot project in Oklahoma County. Implemented in September 2014, electronic notifications of judgment and sentences (J&S) are now being sent by the Oklahoma County Court Clerk's office to the Lexington Assessment and Reception Center (LARC). In the past, J&S were hand-delivered to the facility. With the courts now submitting J&S electronically, ODOC is able to schedule offender receptions almost instantaneously. This has significantly reduced the amount of time an offender spends in Oklahoma County Jail and is a tremendous cost-savings measure for ODOC. Director Patton stated the project will be introduced to Cleveland County in the next month and eventually will be implemented statewide.

Director Patton noted he represented the agency during the Pinning Ceremony for Public Safety Commissioner Michael Thompson. Commissioner Thompson was promoted to Brigadier General in the Army National Guard. Director Patton noted the agency received recognition in the ceremony and he was honored to be included in the event.

Director Patton stated Prison Rape Elimination Act (PREA) Audits began on December 1, 2014, at Bill Johnson Correctional Center. He stated he expected to receive the results of the audit within the next few days and the final report will be presented to Board in approximately sixty days. Director Patton advised there were four PREA audits scheduled in December and at least ten audits should be completed by the end of the fiscal year.

Director Patton stated a Future Visioning Workshop was held in November to address the offender management system needs. The agency is in the process of developing what an offender management system will look like and funding for future needs with the system.

6. Approval of Board Policy

Robert Patton, Director

- P-120100, Management of State Funds and Assets

Director Patton stated P-120100, Management of State Funds and Assets had several changes for the Board's approval:

- Section I.B.4.
 - Changed Agri-Services and Oklahoma Correctional Industries accounting reports presented to the Board from annually to quarterly.
- Section III
 - Subsection B added language regarding offender obligations which are in accordance with Oklahoma Statute, Title 57 Section 549. This includes adding a new attachment titled "Offender Deduction Matrix" which is referenced in this subsection.
 - Subsection C, referencing mandatory savings, was amended to reflect the changes in Oklahoma Statute, Title 57 Section 549. Effective November 1, 2014, offenders sentenced to life without parole are no longer required to have an established mandatory savings account.

Director Patton recommended approval of the changes as presented.

Motion: Mr. Burrage made a motion to approve the policy as presented and Mr. Haynes seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware - yes.

The policy was approved by majority vote.

7. Agency Budget Update

**Ashlee Clemmons, Chief Administrator
Business Services**

Ms. Clemmons provided the following budget update as of October 31, 2014:

FY2014 Budget Work Program	
Appropriated	\$470,900,943
200 Fund	\$17,036,030
205 Fund	\$4,802,152
280 Fund	1,500,000
Total – BWP	<u>\$494,239,125*</u>

**Excludes Prison Industries funds not part of the ODOC operating budget, Community Sentencing and Federal funds*

Y-T-D Expenditures		\$(141,883,702)
Appropriated	\$(140,091,836)	
200 Fund FY 14	\$(1,327,506)	
205 Fund FY 14	\$(464,360)	
Encumbrances		\$(159,051,176)
Committed		\$(175,897)
Remaining Payroll		\$(166,495,755)
Available Balance		\$26,632,595

Appropriated Operating Funds	
Budgeted	\$470,900,943
Expenditures Y-T-D	\$(140,091,836)
Encumbrance Y-T-D	\$(149,529,709)
Total Committed Y-T-D	<u>\$(21,494)</u>
Available Balance	\$181,257,904
Less:	
Payroll	\$(166,495,755)
Available Balance	\$14,762,149

200 Revolving Fund	
Beginning Cash Balance 7/1/2013	\$180,636
Revenue Received Y-T-D	\$5,208,385
Expenditures Y-T-D	\$(4,087,899)
Adjustments Y-T-D	\$0.00
Ending Balance	<u>\$1,301,122</u>

205 Revolving Fund	
Beginning Cash Balance 7/1/2013	\$1,721,954
Revenue Received Y-T-D	\$2,450,801
Expenditures Y-T-D	\$(3,657,353)
Adjustments Y-T-D	\$0.00
Ending Balance	<u>\$515,402</u>

280 Revolving Fund	
Beginning Cash Balance 7/1/2013	\$3,972,741
Revenue Received Y-T-D	\$8,312,614
Expenditures Y-T-D	\$(9,215,008)
Adjustments Y-T-D	\$0.00
Ending Balance	<u>\$3,070,347</u>

No further questions or comments were made.

8. Agri-Services and Oklahoma Correctional Industries (OCI) Budget Update

**Charles Groves, Business Services Coordinator
Agri-Services and OCI**

- First Quarter of FY 2015

Mr. Groves provided the following budget update as of September 30, 2014:

Oklahoma Correctional Industries Income Statement

July 1 – September 30, 2014

Sales Revenue	\$4,882,173
Cost of Goods Sold	<u>\$(2,378,230)</u>
Gross Profit or (Loss)	\$2,503,943
Overhead Expense	<u>\$(1,372,878)</u>
General and Administrative Costs	<u>\$(466,528)</u>
Net Income or (Loss)	<u><u>\$664,537</u></u>

Oklahoma Correctional Industries Balance Sheet

July 1 – September 30, 2014

Current Assets	\$15,109,327
Fixed Assets	<u>\$4,523,253</u>
Total Assets	<u><u>\$19,632,580</u></u>
Liabilities	\$1,648,383
Fund Balance	<u>\$17,984,197</u>
Total Liabilities and Fund Balance	<u><u>\$19,632,580</u></u>

Agri-Services Income Statement

July 1 – September 30, 2014

Sales Revenue	\$2,638,624
Cost of Goods Sold	<u>\$(1,228,615)</u>
Gross Profit or (Loss)	\$1,410,009
Expenses	<u>\$(1,486,400)</u>
Net Income or (Loss)	<u>\$(76,391)</u>
Cost Avoidance	<u>\$753,636</u>
Agency Benefit	\$677,245

Agri-Services Balance Sheet

July 1 – September 30, 2014

Current Assets	\$9,050,115
Fixed Assets	<u>\$2,109,259</u>
Total Assets	<u><u>\$11,159,374</u></u>
Liabilities	\$589,211
Fund Balance	<u>\$10,570,163</u>
Total Liabilities and Fund Balance	<u><u>\$11,159,374</u></u>

No further questions or comments were made.

9. Internal Audit Update

- First Quarter of FY 2015

Mr. Baksh stated the internal audit team closed and submitted twenty-two audit reports to the State Auditors during the first quarter of FY 2015 (July 1 – September 20, 2014). The Fiscal Management compliance and Internal Controls over the following financial activities were examined, to include: Accounts Payables, Accounts Receivables (Prisoner Public Works Projects), Purchasing, Receiving, Purchase Cards, Express Checks, Canteen (OBS and Inventory), Trust Fund, Warehouse Inventory, Factory Inventory, Probation Parole Restitution Receipts and Fixed Assets Management System. Areas where noncompliance was found included Purchase Cards, Accounts Payables, Prisoner Public Works Projects, Express Checks, Canteen Inventory, and Warehouse Inventory. Mr. Baksh stated he listed the risks associated with noncompliance in his full report to the Board and the exposure the agency faces if the items are not corrected. Mr. Baksh noted all deficiencies were addressed and resolved.

**Gharzuddin Baksh, Auditor IV
Auditing and Compliance**

10. Population Update

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

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

Total System Offender Population = 28,400	EMP = 18
DOC Facilities = 19,270	PPCS = 1
Private Prisons = 5,820	Probation Supervision = 21,553
County Jails with Contracts = 566	Parole Supervision Offenders = 3,178
Halfway Houses = 1,377	Total System Population = 53,131
Out Count (jails, hospitals, etc.) = 678	County Jail Backup = 261
GPS = 670	

No further comments or questions were made.

11. Committee Reports

Committee Chairs

Chair Gross asked the committee chairs for their reports.

- **Audit/Finance Committee**
Mr. Burrage thanked Ms. Clemmons, Mr. Groves and Mr. Baksh for their updates and stated he had nothing else to report.
- **Female Offender Committee**
Ms. Neal stated there was no report.
- **Public Policy/Public Affairs Committee**
Mr. Ware stated the committee met earlier this date to update on legislation for the next session.
- **Population/Private Prisons Committee**
Ms. Neal stated the committee met earlier this date and Dr. Pitman provided an update on the current population needs and issues.
- **Executive Committee**
Chair Gross stated the committee met on November 24, 2014, to review the agenda for the meeting this date.

12. New Business

Kevin Gross, Chair

There was no new business.

13. Announcements

Kevin Gross, Chair

There were no announcements.

14. Approval to Adjourn for Executive Session

David Cincotta, General Counsel

- Discussion of Investigation
 - Inappropriate Staff/Offender Relationship at Davis Correctional Facility (IG 14-208)
 - Staff-on-Offender Assault at Lawton Correctional Facility (IG 14-180)
 - Homicide of Offender Tory Czernecki #679882 (IG 14-217)
- Discussion of Pending Litigation:
 - *Warner et al v. Gross et al*, Oklahoma Western District Court, case number 2014-CV-00665

Mr. Cincotta was unavailable so Mr. Gary Elliott advised the next items on the agenda would require adjournment to Executive Session for engaging in confidential communication between the Board and its attorney. He recommended Chair Gross entertain motions to adjourn.

Motion: Mr. Ware made a motion to adjourn for Executive Session and Mr. Roach seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The adjournment was approved by majority vote and the Board adjourned at 1:25 p.m. to Executive Session.

15. Approval to Return from Executive Session

David Cincotta, General Counsel

The Board returned to the meeting room at 1:53 p.m. Mr. Elliott, on behalf of Mr. Cincotta, advised the Board of the approval needed to return from Executive Session.

Motion: Mr. Roach made a motion to return from Executive Session and Ms. Neal seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Ms. Neal – yes; Mr. Roach – yes; Mr. Ware – yes.

The return was approved by majority vote and the Board resumed the meeting at 1:53 p.m. Chair Gross advised there were not any actions to take after Executive Session.

16. Adjournment

Kevin Gross, Chair

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

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

The adjournment was approved by majority vote and the meeting ended at 1:54 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 eighth day of January, 2015, in which a quorum was present and voting.

Approved by:

[signature on file]

B. Steve Burrage, Secretary of the Board

Date