

**OKLAHOMA BOARD OF CORRECTIONS
REGULAR MEETING**

Oklahoma Department of Corrections
3400 N Martin Luther King Avenue
Oklahoma City, Oklahoma
May 1, 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 1:01 p.m. at the Oklahoma Department of Corrections on Thursday, May 1, 2014. Chair Gross asked the clerk to call the roll:

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

Calling of the roll reflected a quorum was present.

2. Old Business

Kevin Gross, Chair

No old business was brought before the Board.

3. Approval of Board Meeting Minutes

Kevin Gross, Chair

- Regular Meeting on April 3, 2014

Chair Gross stated the minutes were provided to the Board prior to the meeting this date for review. He requested a motion to approve the minutes from the Regular Meeting on April 3, 2014.

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

The minutes were approved by majority vote.

4. Director's Comments

Robert Patton, Director

Director Patton stated the Oklahoma Department of Corrections was saddened to report the death of Correctional Officer Ryan Peacock. At 6:59 a.m. on April 30, 2014, Lexington Assessment and Reception Center was notified by the Oklahoma Highway Patrol that Officer Peacock died of injuries sustained in a single-car accident on Highway 39 approximately 10 miles east of the facility. Officer Peacock was scheduled to work the day shift that date and was en route to the facility. Officer Peacock began his employment with the Oklahoma Department of Corrections in August 2013 and was noted as an outstanding officer. He was well liked by his coworkers and had a bright future with the agency. Officer Peacock was also an active reservist in the United States Marine Corps. He is survived by three children.

Director Patton then introduced Ms. Marilyn Davidson, who was selected as an Executive Assistant to the Director on April 24, 2014. She is a native Oklahoman, growing up in the Northeast part of the state. She received her B.A. from the University of Central Oklahoma and her M.B.A. from Oklahoma City University. While still in high school Ms. Davidson began volunteering on political campaigns and developed a passion for the process. Immediately after college she began working on campaigns and was hired as a legislative aide in the Oklahoma State Senate where she worked for both Senator Scott Pruitt and Senator Brian Crain. From there she served as the Government Relations Director for the American Heart Association, where she oversaw the passage of several pieces of legislation both locally and at the federal level. Her biggest accomplishment in this role was working with the Governor to pass a bill that would remove liability from schools who chose to open their facilities up for community use. It was the first

statewide bill of its kind. Most recently, Ms. Davidson worked at Saxum, a public relations and marketing firm, handling their public affairs. Director Patton then welcomed Ms. Davidson to the agency.

Director Patton also introduced Mr. David Cincotta, who has been selected as the General Counsel for the Oklahoma Department of Corrections as well as the Board of Corrections. He earned his Juris Doctorate from Oklahoma City University School of Law where he graduated with honors. Before law school, Mr. Cincotta earned a Bachelor of Science in Business Administration from Oklahoma State University with a major in Business Management. Before coming to work for the Oklahoma Department of Corrections, Mr. Cincotta was an Assistant District Attorney in Oklahoma County, and he was assigned to the Civil Division where he represented the county officials and the State of Oklahoma in a variety of cases. Director Patton welcomed Mr. Cincotta to the agency.

On April 16, 2014, Director Patton and executive staff toured Oklahoma State Penitentiary and Jackie Brannon Correctional Center. Additional facility tours are scheduled and Director Patton will continue traveling around the state to meet staff.

5. Approval of Board Policies

Robert Patton, Director

- P-030100, Provisions of Services/Offender Rights and Responsibilities
- P-050100, Emergency Plans for the Oklahoma Department of Corrections
- P-090200, Public Works Programs for the Oklahoma Department of Corrections
- P-110100, Uniform Personnel Standards
- P-120100, Management of State Funds and Assets

Director Patton stated there were five (5) Board policies in annual review this date. All policies were updated to reflect the current Board chair name and removal of the vice-chair signature line. Other wording changes were noted by Director Patton; however, none of the changes altered the intent of the policy. Director Patton recommended approval of the policies as provided to the Board.

Motion: Mr. Burrage made a motion to approve all five policies as noted and Mr. Henke seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Roach – yes; Mr. Ware – yes.

The policies were approved by majority vote.

6. Approval of Board Resolution

**Borman Stell, Recruitment, Retention &
Recognition Coordinator
Human Resources**

- 2013 Correctional Officer of the Year
Angelica Padilla, Oklahoma State Reformatory
- 2013 Correctional Officer Supervisor of the Year
Butch Davis, Hobart Community Work Center
- Public Service Recognition Week (May 4-10, 2014)
- Oklahoma Correctional Officers Week (May 4-10, 2014)

Mr. Stell stated each May, the State of Oklahoma and ODOC recognizes the hard work and dedication put forth by the public service employees who serve the agency with a week dedicated in their honor. The same week is also dedicated to the correctional officers who serve as the backbone of the agency. Mr. Stell noted the agency also marks the annual occasion by honoring the 2013 Correctional Officer of the Year, 2013 Correctional Officer Supervisor of the Year, and the 2013 Probation and Parole Officer of the Year before the Board of Corrections as well as the Oklahoma House of Representatives and the Oklahoma State Senate.

Mr. Stell requested and was granted approval to read the following four resolutions:

WHEREAS, correctional officers are trained professionals who unselfishly provide humane conditions of confinement while ensuring security of the state's correctional institutions and contributing to the rehabilitation of offenders; and

WHEREAS, the Oklahoma Department of Corrections is extremely fortunate to have correctional officers who are conscientious, dedicated, and committed to performing their duties in a professional manner; and

WHEREAS, each year one correctional officer is selected as the outstanding officer for her facility as

well as his division; and

WHEREAS, the Oklahoma Department of Corrections conducts a comprehensive interview process and selects an Agency Correctional Officer of the Year who exemplifies high standards and serves as a role model for others to follow in fulfilling the agency's mission of "Protecting the Public, the Employee and the Offender"; therefore, be it

RESOLVED, that the Oklahoma Board of Corrections does hereby announce and proclaim to all, its recognition of Angelica Padilla, Oklahoma State Reformatory, as the 2013 Agency Correctional Officer of the Year.

ADOPTED this first day of May, 2014.

WHEREAS, correctional officers are trained professionals who unselfishly provide humane conditions of confinement while ensuring security of the state's correctional institutions and contributing to the rehabilitation of offenders; and

WHEREAS, the Oklahoma Department of Corrections is extremely fortunate to have correctional officers who are conscientious, dedicated, and committed to performing their duties in a professional manner; and

WHEREAS, each year one correctional officer supervisor is selected as the outstanding officer supervisor for his facility as well as his division; and

WHEREAS, the Oklahoma Department of Corrections conducts a comprehensive interview process and selects an Agency Correctional Officer Supervisor of the Year who exemplifies high standards and serves as a role model for others to follow in fulfilling the agency's mission of "Protecting the Public, the Employee and the Offender"; therefore, be it

RESOLVED, that the Oklahoma Board of Corrections does hereby announce and proclaim to all, its recognition of Butch Davis, Hobart Community Work Center, as the 2013 Agency Correctional Officer Supervisor of the Year.

ADOPTED this first day of May, 2014.

WHEREAS, May 4-10, 2014, is Public Service Recognition Week; and

WHEREAS, the Oklahoma Department of Corrections has over 4,000 employees who dedicate themselves to providing countless hours of essential services to the citizens of the state of Oklahoma; and

WHEREAS, these employees provide these services with the highest degree of professionalism, proficiency, honor, and dedication and are committed to fulfilling the Department of Corrections mission of "Protecting the Public, the Employees, and the Offenders," 24 hours a day, 365 days a year; and

WHEREAS, this dedication and commitment to serve and the value of the services provided is worthy of the highest form of recognition and commendation; therefore, be it

RESOLVED, that the Oklahoma Board of Corrections does hereby announce and proclaim to all, its recognition of the employees of the Oklahoma Department of Corrections for the essential services they perform on a daily basis.

ADOPTED this first day of May, 2014.

WHEREAS, May 4-10, 2014, is Oklahoma Correctional Officers Week; and

WHEREAS, the Oklahoma Department of Corrections has over 1,500 officers who dedicate themselves to providing countless hours of essential services to the citizens of the state of Oklahoma; and

WHEREAS, these officers provide these services with the highest degree of professionalism, proficiency, honor, and dedication and are committed to fulfilling the Department of Corrections mission of "Protecting the Public, the Employees, and the Offenders," 24 hours a day, 365 days a year; and

WHEREAS, this dedication and commitment to serve and the value of the services provided is worthy

of the highest form of recognition and commendation; therefore, be it

RESOLVED, that the Oklahoma Board of Corrections does hereby announce and proclaim to all, its recognition of the correctional officers of the Oklahoma Department of Corrections for the essential services they perform on a daily basis.

ADOPTED this first day of May, 2014.

Mr. Stell requested the Board's approval of the resolutions as read this date.

Motion: Mr. Ware made a motion to approve all four resolutions and Mr. Haynes seconded the motion. The results of the roll call were: Mr. Burrage – yes; Mr. Gross – yes; Mr. Haynes – yes; Mr. Henke – yes; Mr. Roach – yes; Mr. Ware – yes.

The resolutions were approved by majority vote.

7. Approval of Board Resolution

**Eric Franklin, Division Manager
Health Services**

- National Nurses Appreciation Week (May 6-12, 2014)

Mr. Franklin stated he would like to request approval and recognition of National Nurses Appreciation Week, which is celebrated this year May 6-12, 2014. Mr. Franklin also asked the Board to recognize several nurses seated in the audience at the meeting. In attendance were Ms. Tammy Harland from William S. Key Correctional Center, Ms. Heather Knight from Mack Alford Correctional Center, Ms. Amanda Myers from Eddie Warrior Correctional Center, and Mr. Mark Hernandez from Joseph Harp Correctional Center. Mr. Franklin noted that Mr. Hernandez had been selected as the 2013 Nurse of the Year for ODOC. Also recognized in attendance at the meeting were Health Services Administrator Buddy Honaker from Joseph Harp Correctional Center, Medical Services Administrator Genese McCoy, and Chief Medical Officer Dr. Don Suttmiller.

Mr. Franklin then read the following resolution:

WHEREAS, the Department of Corrections employs 164 professional nurses across the state who work diligently, 365 days per year to provide nursing services to our offenders; and

WHEREAS, these dedicated staff are called on to provide nursing care to an underserved and challenging population, and respond to that vocation unselfishly; and

WHEREAS, the quality services provided by nurses continue to be a critical component of the Oklahoma Department of Corrections health care delivery system both now and in the future; and

WHEREAS, National Nurses Appreciation Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing. This year's theme "Nurses Leading the Way..." is in celebration of the importance of nurses in the lives of all U.S. citizens; therefore, be it

RESOLVED, that we, the Oklahoma Board of Corrections, affirm our appreciation for the accomplishments and efforts of our professional nursing staff to improve the lives and health of the offender patients under their care.

ADOPTED this first day of May, 2014.

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

The resolution was approved by majority vote.

8. Approval of Board Resolution

**Clint Castleberry, Chief Administrator
Program Services**

- National Teachers Appreciation Week (May 5-9, 2014)

Mr. Castleberry thanked the Board for considering a resolution recognizing and celebrating National Teachers Appreciation Week, which is May 5 – 9, 2014. Mr. Castleberry then recognized several education staff in attendance at the meeting: Pam Humphrey, Superintendent; Jack Bowers, Regional Principal; Kim Olsen Teacher; Megan Martin, Teacher; Nancy Harrison, Teacher; and Teacher of the Year, Deborah Owen, from John Lilley Correctional Center.

Mr. Castleberry then requested the Board's approval of the following resolution:

WHEREAS, the Department of Corrections employs 72 full-time certified teachers and administrators across the state who work diligently to ensure that the educational needs of offenders are served; and

WHEREAS, these certified, professional staff are called upon to provide educational services to offenders with more concentrated special needs in a challenging population who have, for the most part, been unsuccessful in the public school setting; and

WHEREAS, the education staff must meet and maintain rigorous standards to remain accredited through three entities: State Department of Education, AdvancEd, and the American Correctional Association; and

WHEREAS, the knowledge and academic skills provided to offenders through the services of the correctional education unit consistently prove to be one of the main deterrents against offenders recidivating back into the system; and

WHEREAS, the provision of education by the teachers in corrections proves to be a cost savings to the State of Oklahoma each year through reduction in incarceration services; and

WHEREAS, National Teachers' Appreciation Week will be celebrated from May 5-9, 2014, with May 6 known as National Teachers' Day, a day in which to "Thank a Teacher"; be it therefore

RESOLVED, that we, the Oklahoma Board of Corrections, request that all Oklahomans join us in honoring the professionalism, commitment, and compassion of the education staff of the Oklahoma Department of Corrections; and be it further

RESOLVED, that we, the Oklahoma Board of Corrections, affirm our appreciation for the accomplishments and efforts of our certified education staff to improve the academic achievements, job employability, and lives of the offenders under their care.

ADOPTED this first day of May, 2014.

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

The resolution was approved by majority vote.

9. Budget Update

Ashlee Clemmons, Acting Chief
Business Operations

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

FY2014 Budget Work Program	
Appropriated	\$471,443,633
200 Fund	\$18,772,094
205 Fund	\$2,985,595
Total – BWP	\$493,201,322*

**Excludes Prison Industries and Community Sentencing and Federal Funds*

Y-T-D Expenditures		\$(341,894,633)
Appropriated	\$(336,275,688)	
200 Fund FY 14	\$(4,562,227)	
205 Fund FY 14	\$(1,056,718)	
Encumbrances		\$(72,600,165)
Committed		\$(1,170,060)
Remaining Payroll		\$(63,965,343)
Available Balance		\$13,571,121

Appropriated Operating Funds	
Budgeted	\$471,443,633
Expenditures Y-T-D	\$(336,275,688)

Encumbrance Y-T-D	\$(64,522,851)
Total Committed Y-T-D	<u>\$(377,260)</u>
Available Balance	\$70,267,834
Less:	
Payroll	\$(63,965,343)
Available Balance	\$6,302,491

200 Revolving Fund	
Beginning Cash Balance 7/1/2013	\$8,847,121
Revenue Received Y-T-D	\$11,714,021
Expenditures Y-T-D	\$(19,868,151)
Adjustments Y-T-D	<u>\$(654)</u>
Ending Balance	\$692,337

205 Revolving Fund	
Beginning Cash Balance 7/1/2013	\$1,100,947
Revenue Received Y-T-D	\$4,430,139
Expenditures Y-T-D	\$(4,438,890)
Adjustments Y-T-D	<u>\$0.00</u>
Ending Balance	\$1,092,196

280 Revolving Fund	
Beginning Cash Balance 7/1/2013	\$4,307,972
Revenue Received Y-T-D	\$19,248,235
Expenditures Y-T-D	\$(16,619,946)
Adjustments Y-T-D	<u>\$(4,751)</u>
Ending Balance	\$6,931,510

No further questions or comments were made.

10. Population Update

**Laura Pitman, Ph.D., Deputy Director
Institutions, Division I**

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

Total System Offender Population = 26,484	EMP = 13
DOC Facilities = 17,837	PPCS = 1
Private Prisons = 5,825	Probation Supervision = 21,466
County Jails with Contracts = 535	Parole Supervision Offenders = 3,203
Halfway Houses = 1,086	Total System Population = 51,153
Out Count (jails, hospitals, etc.) = 639	County Jail Backup = 1,773
GPS = 548	

Dr. Pitman also provided an update from the Population Committee which met earlier this date to discuss recent changes in the population. She noted the report provided to the committee was somewhat dated as efforts to increase the number of offenders brought in from county jails had amplified since the date of the report.

Dr. Pitman stated reducing the population to accommodate growth of new receptions was accomplished by restoration of lost earned credits. ODOC has statutory authority to take away and restore earned credits. Beginning on March 10, 2014, facilities were presented with lists of offenders who would be eligible for discharge from custody if their lost earned credits were restored. These lists continue to be provided every week. As of April 25, 2014, approximately 740 offenders had discharged because of the restoration of earned credits.

With the reduction in the population, receptions from county jails could be steadily increased but additional beds were needed as well. Original estimates were that 270 minimum- and 400 medium-security beds could be added temporarily. Since the Board meeting on April 3, 2014, all Fire Marshal visits have been completed and 672 temporary beds were approved to be added to day rooms and program/activity areas at the following facilities:

Facility	Minimum Beds Approved	Medium Beds Approved
Charles E. "Bill" Johnson Correctional Center	20	
Howard McLeod Correctional Center	33	
Jess Dunn Correctional Center	105	
Jim E. Hamilton Correctional Center	24	
Northeast Oklahoma Correctional Center	24	
James Crabtree Correctional Center	24	100
Joseph Harp Correctional Center		106
Mack Alford Correctional Center		128
Oklahoma State Reformatory	28	80
TOTAL	258	414

Dr. Pitman stated as of April 25, 2014, offender receptions since March 1, 2014, has totaled 2,611 offenders (2,319 males, 292 females). On February 28, 2014, the county jail backup list showed 1,901 offenders ready for reception and on April 25, 2014, it was down to 781 offenders which is a net decrease of 1,120 offenders. As of April 30, 2014, the county jail backup list had only 682 male offenders.

Chair Gross stated Dr. Pitman and other staff are doing great work in terms of reducing the number of offenders in county jail backup. Dr. Pitman attributed the success to the efforts of uniform and non-uniform staff alike. Chair Gross stated it was very impressive to hear the county jail backup list was less than 700 and he commended the staff again. No further questions or comments were made.

11. Legislative Update

Neville Massie, Legislative Liaison

Ms. Massie stated the Board had received the bill monitoring lists and she had met with the Public Policy/Public Affairs Committee earlier this date to discuss the list. The deadline for the bills to be heard on the floor of the opposite chamber was April 24, 2014. Of the original 4,300 bills, fewer than 475 remain alive and eligible for further consideration. Ms. Massie then provided updates on the following specific initiatives:

- HB 2486, allowing Life Without Parole offenders to access their mandatory savings, has passed the Senate and is waiting for acceptance of the Senate amendment in the House.
- SB 1842, cleaning up the language of the delayed sentencing statute, was signed by Governor Fallin on April 21, 2014, and will be effective November 1, 2014.
- The two pension reform bills are expected to go to conference committee for development of a final version. These two bills will convert state employees' pension systems from a defined benefit to a defined contribution for new employees hired after November 1, 2015.
- HB 3293, the employee pay bill, and HB 3294, the merit system overhaul, are both advancing and going to conference.
- HB 2804, the county jail reimbursement bill, is going to conference.
- SB 1248, the \$100 uniform monthly allowance bill, passed the House and will also be going to conference.

Ms. Massie stated the session must end by May 30, 2014, but it is expected they will try to finish up by May 23, 2014. No further questions or comments were made.

12. Committee Reports

Committee Chairs

Chair Gross asked the committee chairs for their reports.

- **Budget Committee**
Mr. Burrage stated there was not a report.
- **Female Offender Committee**
Ms. Neal stated there was not a report.
- **Public Policy/Public Affairs Committee**
Mr. Ware stated the committee met earlier this date and the report was already provided by Ms. Massie. Mr. Ware also welcomed Ms. Davidson to the team.
- **Population/Private Prisons Committee**

Ms. Neal was absent so Mr. Roach provided the update. He stated the committee had met this date and everything discussed in the meeting had already been shared by Dr. Pitman. Mr. Roach stated he would also like to commend Dr. Pitman and staff for the phenomenal job on decreasing the number of offenders waiting to be received from the county jails. He expressed his gratitude for the continued efforts to reduce the waiting list numbers.

- **Executive Committee**

Chair Gross stated the committee met on April 21, 2014, to review the agenda for the meeting this date.

13. New Business

Kevin Gross, Chair

There was no new business discussed.

14. Announcements

Kevin Gross, Chair

Chair Gross noted there was great interest about the execution on April 29, 2014, and there would be discussion of the event during the executive session. Chair Gross noted Director Patton would be available for comments after the executive session.

15. Approval to Adjourn for Executive Session

Gary Elliott, Acting General Counsel

- Discussion of Investigation Regarding Offender Timothy Dunivan #492149
- Discussion of Investigation Regarding Offender Landers Jones #278993
- Discussion of Investigation Regarding Offender Deb Victor #235601
- Discussion of Investigation and Possible Litigation Pertaining to Execution of Clayton Lockett #206409

Mr. Elliott advised the next items on the agenda required a motion to adjourn the meeting for Executive Session to discuss several offender investigations and the investigation and possible litigation of the recent execution.

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

The adjournment to Executive Session was approved by majority vote and the Board adjourned at 1:31 p.m.

16. Approval to Return from Executive Session

Gary Elliott, Acting General Counsel

At 2:28 p.m., the Board returned from Executive Session. Mr. Elliott advised the Board of the approval needed to return from Executive Session.

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

The return was approved by majority vote and the Board resumed the meeting at 2:29 p.m.

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

The adjournment was approved by majority vote and the meeting ended at 2:29 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 fifth day of June 2014 in which a quorum was present and voting.

Approved by:

[signature on file]

B. Steve Burrage, Secretary of the Board

Date