

November 12, 2002

The regularly scheduled meeting of the Community Corrections Planning Council was called to order this 12<sup>th</sup> day of November, 2002, in the conference room of the County Office Building by Chairman Dave Stockwell. Roll was called by Dorinda Harvey, County Clerk/Secretary and those present were:

Dave Stockwell, Chairman  
Melissa Houston, Vice-Chairman  
Dorinda Harvey, Secretary  
William C. Hetherington, Member  
Libba Smith, Member

Members Waldo Blanton and Tim Kuykendall were absent and Members DeWayne Beggs and Leroy Krohmer were absent at roll call.

Others present were: Bill Yeager, Steve Nelson, Ed Kearns, Debbie Cox, Corry Flowers, Julia Curry and Tom Belusko.

Chairman Dave Stockwell asked if the Council was in compliance with the Open Meetings Act.

Dorinda Harvey answered in the affirmative.

After the reading of the minutes of the regular meeting of October 8, 2002, and there being no additions or corrections, Melissa Houston moved that the minutes be approved. Libba Smith seconded the motion.

The vote was: Dave Stockwell, yes; Melissa Houston, yes; Dorinda Harvey, yes; William C. Hetherington, yes; Libba Smith, yes.

Motion carried.

Chairman Stockwell called for discussion, consideration, and/or action on Assessor's who do LSI Assessments. Chairman Stockwell asked Ed Kearns if there was a new person certificated to do the LSI Assessments.

Mr. Kearns stated there was not a new person and that the man who works with Tom Belusko is still in the process of getting certified.

Chairman Stockwell asked that the item be tabled again.

Dorinda Harvey moved, seconded by Melissa Houston, to table discussion, consideration, and/or action on Assessor's who do LSI Assessments.

As the vote was being taken Judge Hetherington asked for discussion saying that this was taking too long and asked why. He stated it was taking too long to get LSI's done and get reports in.

Bill Yeager stated he will try and expedite the certification. The person has to send another tape in because a certain score has to be made to make sure he is qualified and Mr. Yeager will get him certified as soon as he can. Mr. Yeager asked how long it had been taking to get LSI's.

Chairman Stockwell stated that according to the minutes the results have to be back to the D.A.'s Office within seventeen (17) days. Mr. Stockwell stated that one of the problems is that the defense lawyers are not getting their clients over there. They are to be over there within twenty-four (24) hours and it is taking several weeks.

Mr. Kearns stated that a lot of them are going within the twenty-four (24) hours but it is not unusual that it is a week before he hears from the defendant. Mr. Kearns does not think it is always the fault of the defendant, he thinks it is more a case of how long it takes the attorney to get in contact with their clients.

Judge Hetherington stated that it is very simple, if they violate the order they don't get to do it. If they come in late then tell them you are sorry but they are in violation of the court order and good by.

(DeWayne Beggs entered the meeting at this time.)

Chairman Stockwell requested that the motion to table and the second be withdrawn (which it was) and vote to go ahead and accept Tim Quinn as soon as he is certified to do LSI's instead of waiting another thirty (30) days to accept him.

Melissa Houston asked if the Council has to certify him.

Chairman Stockwell stated that the Council has to approve him once he is certified and the Council is authorizing him to do LSI's. Chairman Stockwell moved to allow Tim Quinn to begin conducting LSI's on behalf of the Cleveland County Community Corrections Planning Council once he is certified by the State.

Melissa Houston seconded the motion.

The vote was: Dave Stockwell, yes; Melissa Houston, yes; Dorinda Harvey, yes; DeWayne Beggs, yes; William C. Hetherington, yes; Libba Smith, yes.

Motion carried.

Chairman Stockwell called for discussion, consideration, and/or action on Dollar Amount being charged for LSI's and the Consistency of pay for LSI's.

Tom Belusko stated that the issue was that three different people were doing LSI's. There was no set standard and everyone was doing different things. People were being told different amounts and it needs to be consistency. Now there are only two people doing LSI's he and Tamee Daniel. He talked with Ms. Daniel and they decide that it needed to be a sliding scale and it needed to go down to zero. So he and Ms. Daniel would like to run from zero to seventy-five dollars and they would like to use the DUI assessment scale that is already made up by the Department of Mental Health and Substance Abuse Services. More discussion took place as to who could pay and who could not pay and how the money would be collected and Mr. Belusko said it would be done the same way DUI assessments are done because it is based on Federal Standards that the Clients would have to bring in some proof of income.

Chairman Stockwell stated that Mr. Belusko would have a sit down session with the clients and go over everything and determine what they can pay, collect that money and bill the Council for the difference if any and that would be done on a monthly bill. Chairman Stockwell stated that if the Council votes on this sliding scale this information needed to be related to the District Attorney's Office so the clients will be prepared to pay a portion when they go for their LSI's so the process will not be delayed.

Judge Hetherington requested that the motion needed to approve the schedule for DUI assessments to be used by all of the LSI Assessor's and include in that motion that it might be easier to determine who gets to pay zero based up whether or not they have been found indigent by a magistrate and therefore entitled to representation.

Chairman Stockwell moved that a sliding scale will be used and that if a person has already been determined indigent by the court system in Cleveland County that they will pay zero and all other will be evaluated based on the DUI sliding scale evaluation that has been Federally approved and adopted by the Department of Mental Health.

Melissa Houston seconded the motion.

Melissa Houston asked if there was a possibility that someone would be determined indigent and still have the ability to pay something toward the LSI.

Judge Hetherington stated that the vast majority of these people are in jail and what happens procedurally if one post a bond there is a rule by OIDS (Oklahoma Indigent Defense System) that those attorney have to apply to the court to be allowed to withdraw. Statutes say then the burden is on the defendant to show proof or there is an assumption that they are not indigent at that point. So if they post a bond and get out they are assumed not to be indigent.

Chairman Stockwell stated that if it is determined that a person did post a bond, got out of jail, OIDS got out of the case and private council was hired and if anyone were to catch this then the court would order them as part of the court cost to reimburse the Council.

Chairman Stockwell called for the vote.

The vote was: Dave Stockwell, yes; Melissa Houston, yes; Dorinda Harvey, yes; DeWayne Beggs, yes; William C. Hetherington, yes; Libba Smith, yes.

Motion carried.

Chairman Stockwell called for discussion, consideration, and/or action on Clients paying for Drug Testing. Chairman Stockwell stated that Julia Curry's clients have to pay but Corry Flowers' do not have to pay and Mr. Yeager is here to explain.

Bill Yeager explained that anything that Mr. Flowers does and any money that he collects has to go back into his revolving fund. The solution that Mr. Yeager is proposing is to have Ms. Curry do the drug testing and collect the money. Mr. Yeager stated that the issue is, is that Mr. Flower's services are free.

Julia Curry stated that is the issue. It was decide that to help save money instead of her billing DOC to do the drug testing she would bill the clients and that has worked fine but her clients have to pay more then Mr. Flowers' clients. Ms. Curry stated that if she does all drug testing it takes away some of the random testing, but there is a program running in another county that might help, it is called the Clean Start Program and anyone on the program has to call in twice a week and her machine will tell them whether or not they have to drug test that day and if they do they have to be in her office at a certain time and that makes it a little bit more random. So Ms. Curry could do the random and Mr. Flowers could do anything he noticed was obvious. More discussion took place on this drug testing program and how it worked.

Melissa Houston moved that Julia Curry would do the drug testing and random UA's based on this system and Corry Flowers to do those that he feels necessary and not charge the client.

Chairman Stockwell seconded the motion.

The vote was: Dave Stockwell, yes; Melissa Houston, yes; Dorinda Harvey, yes; DeWayne Beggs, yes; William C. Hetherington, yes; Libba Smith, yes.

Motion carried.

Chairman Stockwell moved, seconded by Melissa Houston, to table discussion, consideration, and/or action to review previous months bills when the Council was told that two of the providers had not turned in their invoices. Chairman Stockwell stated that the Council wanted to keep tabs on this so it could see where the spending was and where it needed to be.

Mr. Yeager stated that he would have Mr. Kearns send the bills out next week.

Ms. Houston asked Mr. Yeager about the budget since the State is having such a problem and he stated that the latest word is that the money is not going to be touched. Ms. Houston stated that statutorily she does not think that money can be touched.

Mr. Yeager stated that technically she is corrected but he doesn't know the in's and out's. Libba Smith stated that she did not think it would be necessary for Mr. Kearns to sent the bills out next week that they could just come before the Council at the December meeting. Tom Belusko stated why he was late was because he has started the voucher system and he went on to explain the system. More discussion took place.

Chairman Stockwell called for a vote on the motion to table.

The vote was: Dave Stockwell, yes; Melissa Houston, yes; Dorinda Harvey, yes; DeWayne Beggs, yes; William C. Hetherington, yes; Libba Smith, yes.

Motion carried.

Chairman Stockwell called for Item #3 under New Business for discussion, consideration, and/or action on meeting dates and time for calendar year 2003. It was decided to keep the meetings at 8:00 A.M. on the second Tuesday of each month and that the Notice of scheduled meetings would be approved at next months meeting.

Chairman Stockwell moved, seconded by Dorinda Harvey, to keep the meeting at 8:00 A.M. on the seconded Tuesday of each month.

The vote was: Dave Stockwell, yes; Melissa Houston, yes; Dorinda Harvey, yes; DeWayne Beggs, yes; William C. Hetherington, yes; Libba Smith, yes.

Motion carried.

Chairman Stockwell called for Item #2 under New Business discussion, consideration, and/or action on reports of unsuccessful offenders in Cleveland County and Statewide.

Melissa Houston stated that just to refresh everyone this is information that Judge Hetherington had requested at the last meeting.

Bill Yeager stated that this was a large topic and he will try to rush through it. He would first like to commend this Council on looking at this. He asked if everyone had received the report that Mr. Kearns had prepared and said it was not easy reading. Mr. Yeager stated that it would be nice to have this in chart form and he may do that so the Council can have some better idea. Mr. Yeager went over the report and stated that DOC has a definition as to what success or failure is and he knows the court also has a definition. He thinks a good topic for discussion would be what success is if the Council does not have some idea. He continued to explain the report and stated that it was planned to jump start the evaluation and ideally that would be something that would answer a lot of the Council questions but with the State Budget the way it is, he had to put that off. Until there is more money he is probably not going to be able to contract for evaluations. Mr. Yeager went over some of the stats of unsuccessful offenders stating the average age, the number males and the number of females. Melissa Houston asked about grants to do this as research for evaluations. Ms. Houston stated that Cleveland County started with such good data that it would be a model pilot county as far as population wise, data wise, etc.

(Leroy Krohmer entered the meeting at this time.)

Mr. Yeager stated that after the Special Session on the 19<sup>th</sup> of November, DOC will know more about what the budget is going to look like. If there is more money it can be done because it is a legislative requirement.

Ms. Houston stated that she thinks Mr. Wright or some graduate students from the University of Oklahoma could take the data and look at it pretty easy.

More discussion took place and it was decided that more information was needed for the Council.

Melissa Houston moved, seconded by Dave Stockwell, to table discussion, consideration, and/or action on reports of unsuccessful offenders in Cleveland County and Statewide.

The vote was: Dave Stockwell, yes; Melissa Houston, yes; Dorinda Harvey, yes; DeWayne Beggs, yes; William C. Hetherington, yes; Leroy Krohmer, yes; Libba Smith, yes.  
Motion carried.

Chairman Stockwell called for Presentation on Status Report from Oklahoma Court Services, Inc., and Corry Flowers.

Julia Curry stated that on the back of the long report which she give to the Council it is broken down as far as failed to report, new charges, noncompliant, etc. and she will be glad to put on successful completion like the number of people that have successfully completed treatment, community service and thing like that. She thinks it will give a more positive look at the system. There were three incentive reports filed this month. There was also one incentive hearing and it was recommendation that the offender's supervision period be reduced and her cost be lowered a little bit as the offender is doing a great job.

Corry Flowers stated that there is a large incentive docket on November 26<sup>th</sup> and he will have six on it that has finished with everything. The defendants have hit the three quarters mark on supervision and he is recommending supervision be reduced.

Judge Hetherington stated that he would like the Council to come up with some sort of an award at these incentive hearings.

There being no further business to come before the Council, Melissa Houston moved that the meeting be adjourned. Dave Stockwell seconded the motion.

The vote was: Dave Stockwell, yes; Melissa Houston, yes; Dorinda Harvey, yes; DeWayne Beggs, yes; William C. Hetherington, yes; Leroy Krohmer, yes; Libba Smith, yes.  
Motion carried.