

November 18, 2003

The regularly scheduled meeting of the Community Corrections Planning Council was called to order this 18<sup>th</sup> day of November, 2003, 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  
Dorinda Harvey, Secretary  
F. DeWayne Beggs, Member  
Waldo Blanton, Member  
William C. Hetherington, Member  
Libba Smith, Member

Member Tim Kuykendall was absent at roll call. Vice-Chairman Melissa Houston and Member Leroy Krohmer were absent.

Others present were: Julia Curry, Jennifer Creecy, Debbie Cox, Steve Nelson, Wayne Barnes, Jodi Velasco, Carmen Jackson, Tom Belusko, Tom Brackett, and Tracy Ramirez.

Chairman Stockwell asked if the Council was in compliance with the Open Meeting Act. Dorinda Harvey answered in the affirmative.

(Tim Kuykendall entered the meeting at this time.)

After the reading of the minutes of the regular meeting of September 9, 2003, and there being no additions or corrections, Waldo Blanton moved that the minutes be approved. William C. Hetherington seconded the motion.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; William C. Hetherington, yes; Tim Kuykendall, yes; Libba Smith, yes.  
Motion carried.

Chairman Stockwell called for discussion, consideration, and/or action to review previous months (June) bills. Libba Smith moved, seconded by William C. Hetherington, to approve June's bills.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; William C. Hetherington, yes; Tim Kuykendall, yes; Libba Smith, yes.  
Motion carried.

Chairman Stockwell called for discussion, consideration, and/or action to review previous months (Aug.) bills. Chairman Stockwell was concerned that the bills were \$2700.00 less than the monthly allocation and Julia Curry stated that there were less people in the program at this time. It is down because there are some absconders and graduates. Dorinda Harvey moved, seconded by Waldo Blanton, to approve August's bills.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; William C. Hetherington, yes; Tim Kuykendall, yes; Libba Smith, yes.  
Motion carried.

Chairman Stockwell called for discussion, consideration, and/or action to comply with the new HIPAA Regulations. Chairman Stockwell stated that he has reviewed the DOC version that was provided for the Council to use and he is concerned that it does not have the statutory language in it that other HIPAA releases have that he has seen and would like to have this tabled. He will send both of the forms, (the one that DOC provided and the one that he uses) to a HIPAA expert attorney to let the Council know if it is going to be in compliance with what the law really says.

Dorinda Harvey moved, seconded by Waldo Blanton, to table.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; William C. Hetherington, yes; Tim Kuykendall, yes; Libba Smith, yes.

Motion carried.

Chairman Stockwell called for discussion, consideration, and/or action on “LSI” Problems and asked Jodi Velasco, with the District Attorney Office, if the LSI’s were back within the 17day time period.

Ms. Velasco stated that they are getting back pretty quick, she assumes about two weeks. Carman Jackson with DOC stated that one of the documents that she had given the Council Members was a spread sheet that is being maintained to tract the LSI’s (LSI Tracking Log) and she explained it along with the Court Status which is all of the LSI’s which have been submitted to the DA’s Office with the disposition dates that she has. Discussion took place.

Waldo Blanton moved, seconded by F. DeWayne Beggs, to strike this item from the agenda. The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; William C. Hetherington, yes; Time Kuykendall, yes; Libba Smith, yes.

Motion carried.

Chairman Stockwell stated that the Council would continue to monitor this to make sure it doesn’t get backlogged again.

Chairman Stockwell called for discussion, consideration, and/or action on Results Driven Supervision and asked Carman Jackson to explain briefly what DOC expects from Results Driven Supervision and what exactly it is.

Carman Jackson stated that they are in the process of trying to find Community Sentencing effectiveness and one thing is how people are getting supervised. There are four key categories, which are employment, substance abuse treatment, cognitive treatment, and education. She has gotten with the supervision entities and talked to them about the percentages that they need, to make sure that their caseloads are in compliance. She has gone back and given them some basic standards. She has what is called Supervision Outcome Measures and it is the same that is in the contracts, but what has been done now is tie that into their billing and how it is going to be monitored. What will be done is that she will get with the supervision people and they will go through their caseloads and find out if their people are in compliance and that is tied in with their invoices. As long as they have 75% of their caseloads in compliance they get total amount of their money if they go down then the amount of money that they bill will go down accordingly.

Julia Curry agreed with Ms. Jackson and explained some of her situations and stated some of the things that were getting worked out. Ms. Curry also stated that there are several different and new reports that she is learning how to do and get in on time, she thinks this is a transition period.

Ms. Jackson told the Council that this is being done because Community Sentencing Division (of DOC) has implemented it Statewide and more discussion took place.

Dorinda Harvey moved, seconded by Libba Smith to table.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; William C. Hetherington, yes; Tim Kuykendall, yes; Libba Smith, yes.

Motion carried.

Chairman Stockwell called for discussion, consideration, and/or action to review previous months Sept. & Oct. bills and Chairman Stockwell moved to table. F. DeWayne Beggs seconded the motion.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; William C. Hetherington, yes; Time Kuykendall, yes; Libba Smith, yes.

Motion carried.

(Tim Kuykendall exited the meeting at this time.)

Chairman Stockwell called for discussion, consideration, and/or action on paying the Sheriff an additional \$6.00 for incarceration of offenders from Administrative Fees. Chairman Stockwell stated that it was determined from the audit that was done by DOC several months ago that the payment of \$6.00 to the Sheriff's Office from the Council Administrative Fee was in violation of the law.

Carman Jackson showed Judge Hetherington the written audit report. Judge Hetherington read the audit report part of stated "the county sheriff is billing \$24.00 per inmate per day, however an additional \$6.00 is being received from the administration fees to additionally defray the cost of inmate incarceration for a total of \$30.00 per inmate per day effective that is the Cleveland County Sheriff maybe in violate of Title 57, 38.1 by receiving the additional \$6.00 per inmate for incarceration from administration fees...."

Chairman Stockwell went back to the July 10<sup>th</sup> and August 14<sup>th</sup> of 2001 minutes, discussion was held both times on this and what the Council was going to do was have offender pay which is allowable under cost of incarceration statute and instead of doing the offender pay it was discussed and agreed to by Mr. Kearns, Mr. Yeager and this Council to cut down on the paperwork that the Council would pay that additional amount out of administrative fees.

Ms. Jackson stated that procedurally the recommendation that she got was to either give the Sheriff the opportunity to pay it back in kind through additional services or to use it against future invoices without the Sheriff having to reimbursement anything.

Chairman Stockwell is not sure that what the Council is doing that it cannot continue to do so. There are two statutes that are in conflict with each other. Discussion took place.

Judge William Hetherington stated that one idea might be to make a written inquiry of Community Correction DOC how to do this, because the sheriff has to get \$30.00. And to discuss in the inquiry how incredibly complicated it would be administratively through the clerk to make it offender pay.

Ms. Jackson stated that the Sheriff's Association has asked several time for an increase and the legislature has turned it down.

Chairman Stockwell stated that maybe the easiest way would be when the Judge sentences offenders, to assess them the additional \$6.00 per day. Discussion took place as to how the Court Clerk would handle this and Chairman Stockwell will speak with her. Chairman Stockwell wondered if this was table to get the additional information does it have to wait till the next meeting before it can be implemented?

Dorinda Harvey stated that she thought that was a legal question.

Judge Hetherington stated that he did not think there was any impediment to start it if the Council says to do it he will start doing it. The form will get changed and he will do it. Chairman Stockwell asked about how long it would take to get an Attorney General's opinion about these conflicting statutes?

Judge Hetherington didn't know if as a Planning Council we could do it but a Senator could and Cal Hopson name was mentioned.

Judge Hetherington moved that since the audit report has been received and the report takes the position that it would be in violation that the Council assess the \$6.00 out of administrative fees that he moved that the Council start assessing it as offender pay and start that at the next community sentencing deposition docket after the procedure has been work through with the Court Clerk but table the issue on how to proceed further on guidance from either the Attorney General's Office or the Department of Corrections concerning what appears to the Council to be conflicting statutes. Libba Smith seconded the motion.

Ms. Jackson asked for one point of clarification and asked that the Judge also include in his motion the reimbursement portion in order that she does not have to do anything about it until the Attorney General's decision is received.

Judge Hetherington withdrew his motion and Libba Smith withdrew her second.

Judge Hetherington moved, seconded by Libba Smith, to implement offender pay, incarceration stance of \$6.00 per day beginning next sanction docket, and table that amount after they have visited with the Court Clerk about procedurally how to handle it administratively and table any further discussion or action on clarification from either the Department of Corrections or Attorney General's Office on the apparent conflicting statutes/provisions and table the issue of reimbursement by the Sheriff to the Department of Corrections as recommended in the audit report until the Council has determined legally how it believes it stands.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; William C. Hetherington, yes; Libba Smith, yes.

Motion carried.

Judge Hetherington wanted the record to reflect that because of this opinion he does not certainly think and he hopes the Planning Council does not take or have any kind of opinion that this wasn't any more than the Sheriff did what the Planning Council approved. That the Council thought it was legal and the audit is now saying maybe.

Chairman Stockwell wanted to add that this was done in July and August of 2001 with the advice and consent of Mr. Yeager and Mr. Kearns trying to resolve a problem to avoid offender pay.

Judge Hetherington added that they blessed it as being appropriate and the Council did it.

(Judge Hetherington exited the meeting at this time.)

Chairman Stockwell called for discussion, consideration, and/or action on Approval of Administrative Fees to Pay OCS (Oklahoma Court Services). Chairman Stockwell stated that last year there was a blanket to do a years worth of approval pending and baring any unforeseen irregularities he does not want to deal with this every month, so if anyone would like to made a motion to approve this to cover the rest of the fiscal year.

Dorinda Harvey moved, seconded by F. DeWayne Beggs, to approve.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; Libba Smith, yes.

Motion carried.

Ms. Jackson stated that when it was set up before it was excluding the \$6.00 for the Sheriff, now was the motion that was just passed for her to give Julia Curry the entire amount or to hold the \$6.00 in case the decision goes that she can reimbursement the Sheriff the \$6.00. The question is does Ms. Jackson pay the full amount of the administrative fees to Ms. Curry or does Ms. Jackson hold in reserve the \$6.00.

Ms. Jackson stated that she just wants to be sure that when the decision is made that the Sheriff can have the \$6.00, she wants to make sure she has it to give him because he will have some back invoices to pay. The way it is set up the whole amount goes to Ms. Curry and Ms. Jackson will be giving her everything and nothing will be held back.

Julia Curry asked if the Court Clerk will not be collecting the \$6.00 and Chairman Stockwell stated that he thinks so but that won't be known until this meeting is over.

Libba Smith moved, seconded by Waldo Blanton, to reconsider the motion.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; Libba Smith, yes.

Motion carried.

Libba Smith moved, seconded by F. DeWayne Beggs, that the inclusion into the last motion words to include that \$6.00 of the administrative fee be retained by the Department of Corrections until it is determined whether the Sheriff get it or the Oklahoma Court Services. Chairman Stockwell stated that he would urge the Sheriff's Office, (when the bill or invoice is submitted) to change it's name from bill or invoice to there were six offenders that stayed five days each, so Ms. Jackson will know how many \$6.00 amounts will be there without maybe the Sheriff continuing to violate the law in fact if the auditor is correct. Don't make it sound like an invoice, make it an advisory memo that the Sheriff has this many people at this many days.

Sheriff Beggs stated that also just to bring up that in going back over this and looking at the billing and stuff he thinks there are some discrepancies that need to be discussed with Ms. Jackson or the Department of Corrections. At this point it looks like the Sheriff's Office is under paid.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; Libba Smith, yes.

Motion carried.

Chairman Stockwell called for review status on Bench Warrant Executions and Arrest of Absconders and stated that the documents show that a couple were found.

Julia Curry stated that one was last month and the other this month.

Chairman Stockwell complimented Ms. Curry and her people.

Chairman Stockwell called for presentation on Status Report from Oklahoma Court Services, Inc., and Wayne Barnes. Ms. Curry stated that there are 65 in the program and one new case. Chairman Stockwell asked if it had ever been decided to have a shortened version of the Community Sentencing Probation Program Planning Council Report, which would just show the bad people?

Ms. Curry stated that to her knowledge it was decided to continue this way until the Council decided something else.

Wayne Barnes stated that he started out with 17 offenders, one has been incarcerated in Oklahoma City, one was discharged from the program, right now he is at 15, there is one here for Thursday, and one that needs to be put in treatment.

Chairman Stockwell asked how one offender was doing and was told horrible.

Chairman Stockwell stated that everybody that was on the Planning Council received a copy of next year's notice of regular meeting schedule. It has been brought to Chairman Stockwell's attention that the October 12<sup>th</sup> meeting was a day after a Monday holiday, which he would like the Council to consider making that meeting the 19<sup>th</sup> instead of the 12<sup>th</sup> and asked if anyone had a problem with that. He asked everyone to check their docket and calendars so this can be voted on next month.

Libba Smith wanted in the record that the sentiment of this Council is in support of the Sheriff and the additional payment and that this Council has full confidence in his procedures.

There being no further business to come before the Board, Dorinda Harvey moved that the meeting be adjourned. Dave Stockwell seconded the motion.

The vote was: Dave Stockwell, yes; Dorinda Harvey, yes; F. DeWayne Beggs, yes; Waldo Blanton, yes; Libba Smith, yes.

Motion carried.