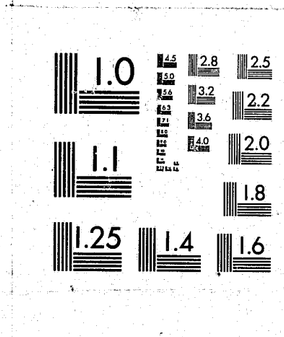

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3-22-82

BOARD OF CORRECTIONS RESPONSE TO THE REPORT OF THE SPECIAL COMMITTEE ON THE CORRECTIONAL SYSTEM

Wm. E. Thompson, President
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June 20, 1979

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INTRODUCTION

The Special Committee on the Correctional System released a majority report dated June 7, 1979, which was followed by a letter from Committee Chairman Carl Twidwell concerning the recommended firing of Corrections Director Dr. Ned Benton. Committee members Rodger Randle and John McCune issued a minority report.

After a preliminary analysis of both reports, the Board of Corrections felt compelled to issue a reply report based upon a careful analysis of the inquiry transcripts and the Committee's conclusions and recommendations.

The format of the Board's report will follow the order of findings and recommendations of the Committee's majority report, issues of the Twidwell letter, the minority report, recommendations and a statement of the position of the Board of Corrections.

RESPONSE TO MAJORITY REPORT

I. THE DISMISSAL OF DR. PAUL INBODY

FINDINGS

A. Dr. Inbody abused his position with the Department of Corrections by appropriating Department personnel, material, and transportation for his personal use. For this reason the Committee finds that the termination of Dr. Inbody from employment with the Department of Corrections was justified.

RESPONSE: The Board of Corrections unanimously supported this contention at its special meeting on April 6, 1979.

B. After Dr. Inbody's activities became suspect, Dr. Benton did not maintain closer supervision of his work nor did he dismiss Dr. Inbody at a time when circumstances clearly warranted termination.

RESPONSE: Dr. Benton admitted during his opening statement that he had made a mistake in regard to Paul Inbody: he did not fire him a year earlier. He also testified that he did not think he had sufficient concrete information at that time to justify termination and thought a stern warning would correct Inbody's problems. (Testimony of Ned Benton, April 24, 1979, pp. 19 - 20.) During the same testimony Dr. Benton explained that a year earlier he recognized that Dr. Inbody was giving an impression of conflict of interest but saw "a lot of smoke and no particular fire" until specific allegations were made by several employees in early March, 1979. Dr. Benton stated, under oath, that he did not know of the high level of impropriety and illegality until the evening of March 29. (Testimony, pp. 48 - 50.) In the interim, as Dr. Benton, Gary Parsons and Earl Brewer all testified, Benton had asked Brewer to investigate Inbody's activities. (Testimony of Ned Benton, p. 20; Testimony of Gary Parsons, April 30, 1979, p. 7; Testimony of Earl Brewer, May 1, 1979, p. 68.)

The Board feels that the Committee (1) totally disregarded the weight of the evidence on this finding and (2) spent extensive time arriving at the conclusion that Inbody should have been fired earlier, disregarding Dr. Benton's opening statement and admission to that effect. Hindsight is always better than foresight.

C. The performance evaluation by Dr. Benton was not sufficiently forceful in requiring Dr. Inbody to cease any activity or practice that was not job related.

RESPONSE: At the time of this evaluation in June, 1978, Dr. Benton was unaware of the seriousness of the activities in which Dr. Inbody had involved himself. The allegations of wrongdoing were made initially in late summer of 1978 and not again until early 1979. (Testimony of Gary Parsons, April 30, 1979, pp. 3 - 7; Testimony of Ned Benton, April 24, 1979, pp. 19 - 20.) The Board feels that it is unfair to penalize Dr. Benton for not knowing, months in advance of any definitive

evidence against Inbody or that stronger action was necessary on his part. It appears that the Committee's finding is again based on hindsight rather than the situation as it existed in June of 1978 between the Director and his Deputy. (Benton's letter to Paul Inbody of June, 1978, is Exhibit 43.)

D. The timing of Dr. Inbody's dismissal, leads the Committee to question the motives of Dr. Benton. The timing of the firing would suggest that such dismissal had been prompted by a desire to discredit Dr. Inbody's statements to the Legislature.

RESPONSE: The testimony of Ned Benton (April 24, pp. 20 - 22), Gary Parsons (April 30, pp. 11 - 26) and Earl Brewer (May 1, pp. 82, 87, 90) showed that Inbody would have been fired a week or two earlier but for Brewer's absence due to illness and a death in his family. (Leave record of Earl Brewer is Exhibit 53.) Brewer had been conducting an investigation of Inbody which was interrupted by his absence. Speaker Draper's announcement on March 29 of a full investigation of the Department of Corrections precipitated a meeting of Parsons, Brewer and Benton on the same evening. Both Parsons and Brewer feared that such an investigation would expose Inbody's activities and that Dr. Benton would be assumed to have had full knowledge of them. To avoid giving that erroneous impression, the meeting was held and consequently Dr. Inbody received his letter of termination on March 30. During the meeting, the possibility that Inbody's firing would be untimely if he had in fact talked to legislators, was briefly discussed. As Dr. Benton testified:

> "I felt that if I was to terminate Paul's employment, it would be perceived as an attempt to punish Paul for expressing his opinions to many people inside and outside of the Department. But, I also felt that if I didn't terminate him, the inquiry into the Department affairs would reveal that I had knowledge of misfeasance within the Department and that I did not choose to act on that information." (April 24, p. 21.)

The Committee seems to have ignored these parts of the sworn testimony in making this finding. The Board finds it more appropriate to base conclusions upon testimony of three individuals rather than misinformed speculation about what a situation "appears" to have been. The Board reaffirms its finding of the Special Meeting held on April 6, 1979, that regardless of the apparent untimeliness of Inbody's dismissal, it was nevertheless justified, and Dr. Benton's motives should not be questioned.

E. Employees of the Department who may have committed a crime within the course of performing their duties have been allowed the option of resigning rather than to be dismissed or to have evidence of possible criminal violations be given to the appropriate investigating agency or prosecuting authority.

RESPONSE: Again the Committee adopted the unsubstantiated opinion of Paul Inbody based upon his testimony that an employee was allowed to resign when suspected of criminal activity. (Testimony of Paul Inbody, May 1, 1979, pp. 9 - 10.) The employee was in fact terminated and the matter investigated by police. The Personnel Director testified that he directed that the individual be fired and to his knowledge the person was never offered the opportunity to resign. The transcripts also indicate that several individuals testified regarding the Department policy of allowing employees to resign, but not in cases of criminal violations. (Testimony of Gary Parsons, May 1, 1979, pp. 52 - 53, 56 - 57, 61; Testimony of Earl Brewer, May 1, p. 101; Testimony of John Grider, May 1, p. 109.) The Board would hope that no state agency would dismiss an employee who "may have committed a crime" unless the evidence was substantial enough to support the firing upon an appeal to the State Personnel Board. The Department's policy affords unclassified employees the same benefit in this regard. However, in the Inbody case, allowing his resignation was inappropriate due to the overwhelming evidence compiled during the March investigation. Department records substantiate the testimony that numerous employees have been fired and have been the subject of external criminal investigations where warranted by the evidence. The Board sees no reason to change this policy.

II. CONSULTANTS' AND ARCHITECTS' SELECTION AND THEIR INSPECTIONS AND ESTIMATES

FINDINGS

A. The Committee finds that the selection of the joint venture of Murray Jones Murray, Inc./Moyer and Associates was suspect and that the Board of Corrections lacked expertise and guidelines in choosing an architectural firm for this particular project.

RESPONSE: The Board cannot ascertain from this vague statement exactly what the Committee meant by "suspect." The Board followed the statutory provisions for architectural selections to the letter. If the legislature is not satisfied with this process, it is their perogative to change the law. Both Dr. Benton and Bill Thompson testified that the Board considered the architect's qualifications and were fully aware of Benton's prior association with Fred Moyer, as well as Moyer's expert testimony in the Battle case. (Testimony of Ned Benton, April 24, pp. 102 - 104; Testimony of Bill Thompson, April 30, pp. 3, 6.) The Committee could have considered the minutes of the Board Meeting to verify these statements, but failed to do so. The Committee also chose to ignore Mr. Moyer's statement that he would have "testified equally for the state" upon request and simply stated the facts. He also stated, "I have not considered myself aligned with the Department of Justice against the State of Oklahoma." (Testimony of Fred Moyer, May 7, p. 72.) Mr. Moyer was selected, although not unanimously, for his expertise as evidenced in an open Board Meeting. The Board stands by its selection as documented in the minutes of this meeting.

The members of the Board of Corrections were not appointed for their "expertise" in architectural selection. By statute the members are appointed and serve for nominal compensation for their time. They

represent various professions and assume the responsibility as civic-minded citizens, not as experts in correctional architecture. The Board resents the implication that it failed to meet its duties when all members have made personal sacrifices to serve the State in this manner.

B. The Committee finds that the estimated costs of the Supplemental Appropriations by Murray Jones Murray, Inc./Moyer and Associates are inaccurate and in some instances, grossly inflated.

RESPONSE: An estimate is defined as "an opinion or judgment" or "a rough or approximate calculation." Hence, by definition an estimate cannot be "inaccurate" since it is never intended to be perfectly accurate. As testimony reflected on several occasions, no one will know the costs of renovation and construction until bids come in. (Testimony of Ned Benton, April 24, pp. 5 - 6; Testimony of Smith Denman, May 17, p. 13.) The architects, who were experienced in correctional facility planning and standards, spent weeks computing estimates. Admittedly, they made mistakes in some calculations, but these mistakes were not deliberately deceptive. Dr. Benton readily acknowledged honest mistakes in his opening statement. (Testimony of Ned Benton, April 24, p. 4.) The Board also acknowledges these mistakes, but considering the extensive nature of the study and the limited time frame, we could not expect perfection. Their approach was reasonable under the circumstances. To refute estimates submitted by the architects, the Committee relied upon the uncorroborated statements of Mr. G. T. Tyner of the University of Oklahoma physical plant. Mr. Tyner was paid $100. The transcript does not indicate how much time Mr. Tyner spent on his calculations, nor do we know his background, qualifications, knowledge of prison conditions or knowledge of court-ordered requirements and standards. He is the only witness who was not subjected to cross-examination by the Committee. While Mr. Tyner should not be criticized for his efforts to assist the Committee, the Board finds it inconceivable that this evidence could totally refute the expertise and testimony of architects who have outstanding reputations and qualifications. Although Committee members may perceive themselves as "experienced estimators," the Board is appalled that they would totally disregard all other evidence in favor of their own self-styled expertise.

C. The Committee finds that there is no complete current audit of the Department of Corrections and its correctional institutions.

RESPONSE: The Board of Corrections agrees with this statement and has no objection to periodic audits of the Department by the State Auditor and Inspector as required by law.

III. THE STATE BOARD OF CORRECTIONS

FINDINGS

A. The Committee finds and is appalled at the obvious lack of knowledge on the part of members of the Board of Corrections on matters relative to appropriation bills and construction projects of the Department of Corrections which the Board has voted to adopt.

RESPONSE: The Board of Corrections consists of seven members who are appointed by the Governor to serve as civic-minded citizens and who agree to serve in this capacity out of a sense of duty to their state. They are not chosen for their architectural expertise or their knowledge of the complex workings of the appropriations process. Members receive $25.00 per month plus travel reimbursement to and from meetings. It is at a considerable sacrifice to themselves that Board Members give of their time to serve the State in this capacity. The statutory responsibilities of the Board of Corrections are stated in Section 504 of Title 57:

(1) To establish policies for the operation of the Department;

(2) To establish and maintain such institutions as are necessary or convenient for the operation of programs for the education, training, vocational education and rehabilitation of prisoners under the jurisdiction of the Department;

(3) To require the Director and any other personnel of the Department, when deemed necessary by the Board, to give bond for the faithful performance of their duties; and

(4) To appoint and fix the salary of the Director.

The Board voluntarily established Budget Standards in 1977. There has been no evidence before the Committee that this process is defective in any respect. Board members are already contributing of their time and efforts in a manner which is above and beyond the responsibilities stated in the law. The Board is shocked and surprised at this finding by the Committee when testimony and questioning from the inquiry shows that members of the Committee did not fully understand the appropriations process. (Testimony of Smith Denman, May 17, pp. 15 - 17.)

B. The Committee finds that Bill Thompson, President of the State Board of Corrections, has breached the spirit of the Oklahoma Code of Ethics for State Officials and Employees, Sections 1401 et.seq. of Title 74 of the Oklahoma Statutes, by participating as an insurer for the plasmapherisis program in state penal institutions and has established the appearance of impropriety by voting for an increase in insurance coverage for plasmapherisis contracts, when he is providing insurance coverage therefore.

RESPONSE: The Board strongly believes this statement to be unfounded and highly irresponsible. It should be an embarrassment to the Committee to cite a statute which does not apply to the facts of the situation. The conclusion is vague, and the Board can only surmise what portion of the law has allegedly been "breached in spirit." We assume the reference is to Section 1404(d) which prohibits the sale of goods or services to any state agency or to any

business entity licensed by or regulated by the state agency. At no time was insurance sold to a state agency. It was purchased by a private individual from an independent agent of the only company in the state which offered donor liability insurance at that time. No provision in the law prohibits a Board Member from dealing with private individuals or businesses which have a business connection with the Department, and certainly, the Department does not "license or regulate" the plasmapherisis business. If the Committee chose to allege violations of the law, at least the specifics should have been cited rather than loose accusations. One cannot be held liable for violating the "spirit" of the law, whatever that means. The fault obviously does not lie with the Board President but with the Committee's misinterpretation of the law. Legislators, as all citizens, are responsible for understanding the meaning of the law.

The Board also believes that the Committee overlooked important facts in concluding there was the "appearance of impropriety" in Mr. Thompson's vote to increase insurance coverage in a proposed contract. His testimony that such coverage is "of no consequence whatsoever" to a company with "$13,000,000 worth of business on the books" was not considered by the Committee and neither was the fact that he did not know until called to testify on May 30 that his company had rendered a quotation to McNatt's enterprise. (Testimony of Bill Thompson, May 30, p. 7.) Mr. McNatt testified that such insurance would cost about $20,000 if purchased from Thompson's company. (Testimony of Red McNatt, May 30, p. 30.) However, a large portion of this amount would be retained by McNatt's local agent resulting in only a few thousand dollars revenue to Landmark Insurance out of a total of $13,000,000 volume.

The Committee also ignored the fact that the Board's cumulative vote would have approved the increase in coverage had Thompson voted "no" on the issue, and in addition those contracts have not been executed nor has McNatt paid premiums for insurance coverage. Finally, and most important, the Committee ignored the fact that Mr. Thompson voted against the resolution establishing the plasma programs originally. For reasons unknown to the Board, there appears to have been a deliberate last-minute attempt to discredit the Board President by vague and unsupported allegations of law violations and impropriety. The Board will not attempt to analyze the Committee's motives.

IV. STATEMENTS AND ACTIONS OF DR. NED BENTON

FINDINGS

A. The Committee seriously questions Dr. Ned Benton's credibility when he stated that he did not fire Dr. Inbody for discussing Corrections matters with members of the Legislature.

RESPONSE: The Committee ignored the evidence presented and echoed the Speaker's opinion as stated prior to the inquiry. Testimony shows that Dr. Benton, Gary Parsons and Earl Brewer all stated under oath that Inbody's association with legislators was not the reason for his dismissal. This view was opposed only by testimony of Dr. Inbody. It is inconsistent for the Committee to question Benton's credibility on this point when they previously concluded that Inbody's firing was justified by the evidence. The Board rejects this finding as illogical and against the weight of the evidence.

B. The Committee further finds Dr. Benton's credibility is seriously questioned because of his testimony in relation to this telephone conversation with Mr. D. McNatt relating to the purchase of donor insurance from Mr. Bill Thompson.

RESPONSE: The evidence indicated only that Mr. McNatt and Dr. Benton had different recollections as to who initiated the conversation about insurance. (Testimony of Ned Benton, May 30, p. 3; Testimony of Red McNatt, May 30, p. 15.) As McNatt's attorney pointed out in the transcript (p. 29), recall was difficult due to the insignificant nature of the conversation. Neither Benton nor McNatt testified that coercion was involved. At the time of the conversation, the plasma contract was contingent only upon Attorney General approval, and it is illogical to infer that the contract was contingent upon purchase of insurance from Thompson when the Board had already approved the contracts. This finding was apparently reached without full consideration of all facts and testimony available to the Committee.

C. The Committee finds that Dr. Benton used the Federal Court order to request millions of dollars for new construction and renovation which was not required by the Federal Court order.

RESPONSE: At this time, there is no definite determination as to the amount of costs and number of projects necessary for compliance with the Court Order. Based upon the history of the Battle case, the Committee's opinion as to what is required to meet the Court's demands may well be less than what the Court will ultimately require. Futhermore, Benton's original request was based upon the Federal Court order as it was issued in September, 1978. In May, 1979, the Court modified the prior order to permit more flexible timetables which will now allow the use of inmate labor. It also allows more latitude in interpreting the Court's demands. This in turn has enabled the State to reduce the projected cost of compliance with the order. (Testimony of Ned Benton, April 24, pp. 121 - 122.) The evidence indicated (1) that Dr. Benton's change in position as to the amount of funds required was a direct result of the change in the Court's requirements for compliance and (2) that "inflated" requests were either a result of oversight by the architects or a difference of opinion between the architects and Committee members. There is no proof of this finding, and the Board strongly rejects this unfounded conclusion. In addition, the Board will address the central issue of the requirements of the court order in a separate section.

D. The Committee finds that Dr. Benton knew, or should have known, that there were items in the Supplemental Appropriation which were already constructed or which had already been funded.

RESPONSE: The testimony indicates that the architects may have recommended some projects which were duplicated in other recommendations. However, there is no evidence that the Department or Dr. Benton was responsible for these errors, nor was there any evidence of an intent to encourage misrepresentation to the Legislature on the part of the architects. The Board can find no basis for holding Dr. Benton responsible for mistakes made by the architects. His opening statement readily admitted that documents were not screened and reviewed as carefully as they normally would have been due to the time pressures involved and the complexity of 163 separate construction projects. (Testimony of Ned Benton, April 24, p. 7.) This is what Smith Denman referred to as "one awful, awful deadline." (Testimony of Smith Denman, May 17, p. 21.) Thus, this failure to review resulted from critical time limitations and not from an intent to hide mistakes. Had there been sufficient time to carefully scrutinize each individual project, we are confident that Dr. Benton and his staff would have discovered these errors earlier.

E. The Committee finds that Dr. Ned Benton failed to answer truthfully and in good faith when questioned by the Speaker of the House of Representatives on whether items could be cut from the Supplemental Appropriation Bill for the Department of Corrections.

RESPONSE: The Board cannot accept this conclusion since the Committee failed to call the Speaker as a witness and obtain his testimony for the record. The only testimony on the record is a statement by Dr. Benton which Mr. Twidwell also verified, that Dr. Benton told the Speaker the State could propose many projects to be waived by the Court but the Court would ultimately decide. The elimination of some items from the Supplemental Appropriation reflects the changes in the Court Order which occurred after Dr. Benton's conversations with the Speaker. As previously stated, Benton's change in opinion as to what projects could be cut resulted from the Defendant's proposed plan and the issuance of the new Court Order in May, 1979. Furthermore, additional projects which have been cut may ultimately be required by the Court at later dates if the Court refuses to waive them. There is simply a difference of opinion about the ultimate requirements of a very ambiguous Court Order which is not tantamount to deception or bad faith. The Board would hope that the Director of any State Agency can express his opinion in disagreement with legislators without being subjected to an inquiry which finds him guilty of "failure to answer truthfully and in good faith" without calling his chief accuser as a witness. Such unfair proceedings set a dangerous precedent for the conduct of state government in the future.

COMMITTEE'S RECOMMENDATIONS

I. THE DEPARTMENT OF CORRECTIONS

A. Department of Corrections' personnel evaluations should clearly delineate any improper conduct on the part of an employee and frequent checks should be made to assure that these deficiencies have been corrected.

RESPONSE: The Board agrees with this statement and recommends that the Department of Corrections continue its policy of full investigation of suspected criminal or unethical conduct of employees.

B. When the Department finds evidence that an employee may have committed a crime within the course of performing his duties, that employee should not be allowed the option of resigning, but should be dismissed. In such cases, all evidence of a possible criminal violation should be given to the appropriate investigating agency or prosecuting authority.

RESPONSE: The Board agrees that where there is sufficient evidence that an employee has committed a crime within the scope of employment, the employee should not be allowed to resign, and all evidence should be given to the proper authority. This is in complete accord with Department policy. However, the Board disagrees that one who "may have committed a crime" should be fired before a complete internal investigation of the allegations. To do otherwise would be to offend basic principles of justice.

II. CONSULTANTS' AND ARCHITECTS' SELECTION AND ESTIMATES - DEPARTMENT OF CORRECTIONS AUDIT

A. The Board and Department of Corrections should follow the statutory guidelines as established in Sections 61 et.seq. of Title 61 of the Oklahoma Statutes, establish any additional guidelines necessary and develop any in-house expertise available, in selecting architects for future contracts.

RESPONSE: The Board will continue to follow the statutory requirements of Title 61 as it has done in all previous architectural selections. Further, the Board resents the unsubstantiated implication that it has not done so in the past. The Board will certainly take full advantage of the in-house construction, engineering and maintenance positions which were recently made possible through legislative appropriation.

B. After the completion of Phase I and Phase II of Award of Contract No. 9110 to Murray-Jones-Murray, Inc./Moyer and Associates, no further services should be requested of the above mentioned architects by the Department of Corrections on this contract.

RESPONSE: The Board will adhere to the provision of the Department's 1980 appropriation bill which prohibits such a contract.

C. It is requested that Mr. Tom Daxon, C.P.A., State Auditor and Inspector, make a complete audit of the Department of Corrections and its correctional institutions as soon as possible.

RESPONSE: The Board has no objection to this recommendation since it is a statutory duty of the State Auditor and Inspector.

D. The Legislative Council should employ an Estimator to be assigned to the Fiscal Services Division to work in conjunction with post audit functions and any additional Legislative requests.

RESPONSE: The Board finds this recommendation would be useful and beneficial to all state agencies, as well as to the Legislature, although the Committee has failed to specifically define the term "Estimator" or the qualifications for the position.

III. THE STATE BOARD OF CORRECTIONS

A. That the Board henceforth scrutinize thoroughly any and all appropriation bills or construction projects of the Department of Corrections.

RESPONSE: The Board will continue its prior policy of reviewing all appropriation bills and construction projects to the best of its abilities and beyond its statutory duty. It is doubtful that the particular circumstances of the review of this year's Supplemental Appropriation will occur again. The normal Board procedure requires that a construction project be reviewed for several years before it is recommended for funding.

B. That any members of the Board who currently sell, offer to sell or cause to be sold, either as individuals or through any business enterprise in which they hold substantial financial interest, goods or services, shall cease doing business with the Department of Corrections or any business which operates as the result of or whose requirements for operation are established by, a vote of the State Board of Corrections.

RESPONSE: The Board rejects this recommendation for these reasons:

(1) Members of the Board who are wholesalers have no control over their goods or services being sold by independent agents to businesses that deal with the Department of Corrections.

(2) Bill Thompson did not sell or cause insurance to be sold. The sale was made by an independent agent to a private individual.

(3) The Committee ignored the fact that Bill Thompson was unaware until called to testify that an agent had given a quotation for insurance to Mr. McNatt.

(4) It is unreasonable to limit the market for donor liability insurance when only two carriers in the entire state currently provide such coverage, and Mr. McNatt expressed a definite preference for the Landmark Company.

(5) The Committee ignored Mr. McNatt's testimony that his local agent had already contacted Thompson's company for a quotation prior to the conversation between McNatt and Benton. (Testimony of Red McNatt, May 30, pp. 21-23).

IV. DIRECTOR OF THE DEPARTMENT OF CORRECTIONS

A. The Committee recommends that the Board of Corrections immediately terminate Dr. Ned Benton from employment as Director of the Department of Corrections.

RESPONSE: The Board unanimously rejects this recommendation and reiterates its full and continuing support of Dr. Ned Benton. After careful analysis of the transcripts and exhibits, it is obvious that in the face of strong evidence to the contrary, conclusions were reached which echoed the original allegations against Dr. Benton, and which reflected the Committee's original predispositions. The essential problem is that Benton does not agree with certain powerful legislators, and is being punished for the mere expression of his professional opinions. The Committee has not proven anything beyond this, and even in its recommendations and findings, chooses vague and evasive language reflecting the lack of hard evidence of serious wrongdoing.

This blatant "witch-hunt" flies in the face of justice and threatens all agency heads who refuse to be puppets, and all state employees who dare to disagree with political officials.

V. REQUEST FOR LEGISLATION

A. That a concurrent resolution be drafted to state that at this time the Committee believes that the State of Oklahoma and the Department of Corrections shall not seek American Correctional Association (ACA) accreditation without full Legislative approval.

RESPONSE: Although the Board favors ACA accreditation as a desirable goal and the best method of relieving the State of the jurisdiction of the Court in the Battle case, we will support Dr. Benton's pledge to the Committee not to seek accreditation without legislative approval. However, members of the Legislature should bear in mind that during the compliance hearing of last April, Speaker Draper stated to the Court, "I think that the (Defendants') plan as outlined to the Court is a reasonable plan which would comply with the constitutional standards prohibiting cruel and unusual punishment of inmates, and I am

committed to doing everything that I can to see that it is properly funded during the current session of the Legislature". To the Speaker's comments concerning the application of standards in the proposed plan, Judge Bohanon replied:

> "I am very glad you did this for the reason the Court thinks and plans in looking forward to having the institutions meet these standards, particularly the standards of ACA, as evidence has been introduced to the Court, so that when these standards have been met, this Court can step out of the picture, you see, and until these standards are reasonably met, this Court has a duty to stay with the job until they are met.
>
> This is the reason I asked last Friday to include these standards, because the evidence before me indicates that the standards of ACA are the most practical and most easily accomplished, and the most dependable. The others go off on certain specific areas which are in some ways more difficult and in some ways more easy; but the evidence before the Court is that the ACA comes nearer being the most appropriate and most desired by all penal institutions."

These comments cannot be ignored. The Board recommends that doubtful legislators should confer with ACA officials, as did Senator Randle and others, to obtain more complete information before making a final decision, and we urge support of ACA accreditation.

The Legislature should also apply a uniform standard and reconsider the expenditure of tax dollars for accreditation of schools, hospitals and other state - support institutions, so as not to discriminate against the prison system.

RESPONSE TO LETTER FROM COMMITTEE CHAIRMAN CARL TWIDWELL

The Board Chairman anxiously awaited receipt of Committee Chairman Carl Twidwell's well publicized letter enumerating 26 reasons for the dismissal of Dr. Benton. In reality, the letter contained 26 statements of basically indisputable facts with no allegations.

First, Dr. Benton's background qualifications were cited. Since no explanation or criticism was stated, the Board feels it is unnecessary to comment on the listing of his excellent educational and professional experience.

Second, all statements concerning Mr. Fred Moyer are true, except that his testimony "against the State" in the Battle case would have been the same regardless of which party called him as a witness. Mr. Moyer's testimony consisted of narrative explanations of photographs taken of the prisons and were based on facts. As an expert witness he could not ignore the facts of overcrowding and poor conditions. The Committee and Mr. Twidwell have tried to distort Moyer's testimony as an unfounded attack upon the Oklahoma prison system when in truth the conditions which he reported to the Court resulted from the failure of the State to provide constitutionally adequate living standards.

Third, in making statements concerning the Supplemental Appropriation, Chairman Twidwell failed to consider the differences between the court orders of September, 1978 and May, 1979, which accounted for the differences in Dr. Benton's statements as to what could be cut. This omission indicates a definite lack of understanding about what the State must accomplish under the order. For instance, inmate labor was not considered in calculations under the prior order since it requires more time to construct buildings using inmate labor, and the State was under stringent time limitations. Now that the new order has been issued allowing more flexibility, some inmate labor can be utilized. The Board has difficulty taking Mr. Twidwell's criticisms seriously when he stated to Dr. Benton that he had "read the Court order in the newspaper". The Board would hope that any legislator who has a serious interest in funding these court-ordered projects will take the time to read and carefully consider the text of all orders.

Finally, the statement concerning "elected officials sticking their heads in the sand" is well-taken, but the Board must disagree with the unfounded conclusion that the requested expenditures are "outrageous". Only time and contractors' bids will determine the true cost to the taxpayers, and procrastination will result only in increased costs. At least Mr. Twidwell recognized that other agency directors request more money than they expect to receive, but Dr. Benton is the only agency head who faces contempt proceedings if projects are not funded.

ISSUE OF REQUIREMENTS OF COURT ORDER

The major issue of the Committee's findings against Dr. Benton is misuse or misinterpretation of the court order. The key is interpretation, and the final outcome cannot be determined by Benton or the Committee. Only the Court will ultimately decide the requirements of its order.

An examination of the testimony in the recent compliance hearing and the court orders suggest the following conclusions:

(1) The legislative leadership has pledged a degree of compliance which appears to conflict with the Committee's position.

(2) Dr. Benton's position coincides with the testimony of the leadership during the compliance hearing in April and the State's proposed plan.

(3) The Committee does not appear to fully understand the State's plan or the latest court order.

The allegation that Dr. Benton misrepresented the court order, requesting items not required by an accurate interpretation of the order, is simply a matter of conflicting opinions at this point. There is a substantial record in the Battle v. Anderson case as to the interpretation of the court order.

The Tenth Circuit Court of Appeals, in its March, 1979 order, recognized that plans to renovate the Penitentiary were underway and stated that "an architectural firm had submitted schematics of a plan for renovation of the penal institutions at McAlester and Granite". The Court further stated:

> "We would be remiss if we did not recognize that the element of good faith is an important consideration in the sensitive area of weighty governmental interests involved. We are impressed that the District Court's order is not challenged in respect to its constitutional foundations. The challenge is rather directed to the remedial requirements of the order. In our view, the District Court has not "closed the door" to alternative remedies. The State of Oklahoma has not sought a modification or amendment to the order of September 11, 1978. It contends, however, that the District Court has denied alternative remedies set forth in its feasibility study which would adequately meet the deficiencies.
>
> It is our view that because the time frame for possible state action in relation to the LEAA grant, completion of detailed architectural plans for renovation, pursuit of various plans and programs designed to afford relief in many other areas of concern was so close at hand when the District Court proceeded to enter the compliance order following the August 14-15, 1978, hearings that it is important and in keeping with the sensitive balance required in the circumstances that the cause be remanded for supplemental proceedings to determine the current status of the State of Oklahoma's efforts to alleviate the various deficiencies and to provide satisfactory remedies therefor".

On remand, a hearing was held last April, and the State's proposed plan was submitted to Judge Bohanon. It provides in part:

"4. By November, 1979, the State shall have bid a contract for replacement of the East and West Cellhouses at the Oklahoma State Penitentiary.

5. By June, 1981, the East and West Cellhouses at the Oklahoma State Penitentiary shall be closed for habitation."

During the April compliance hearing, Dr. Benton testified as to the specifics of the plan and responded to questions from the Assistant Attorney General:

"Q: All right. Now paragraph 4 of this plan discusses the proposal for McAlester?

A: Yes.

Q: Can you explain what that proposal is, briefly?

A: Yes. It is a proposal to build three 100 man housing units at the penitentiary, so that then there will be 450 beds at the penitentiary. It will be a 400 man maximum security prison, which will meet all standards that we are aware of, and that this court has ever been presented.

This is the same proposal that the Court was presented in the architect's report approximately a year ago, and we are at a point where construction documents are being developed, and we expect to be able to go out for bids soon after the legislative session.

Q: Is there any real difference between this paragraph and paragraph 4 of the Court's September order?

A: No. They are precisely the same. The wording may be slightly different, but the project is the same project.

Q: All right. Now as you understand it, would you explain the current status of this project, what has been done towards this and if you know, what the funding status is?

A: Yes. The project has been designed. All the details of how it's going to work have been completed. They are in process of making a construction document right now and the bidding documents, so that soon after the Legislature goes home, we will put this out for bids and then award a contract."

To substantiate the State's position, Senator Howard testified as to his understanding of the plan, again in response to questions from the Assistant Attorney General:

"Q: Senator Howard, are you familiar with Defendants' Exhibit 1, which is a proposed plan?

A: I have been over the details that are contained in it in discussions, and I have glanced -- I have read, I have glanced through it and it does conform the best I can see to the discussions that I had had with others regarding it.

Q: In your position as State Senator and President Pro Tempore of the Senate, are you committed to the funding of this plan and to its implementation?

A: I have agreed to support it and use all I can legitimately to attempt to get it enacted through the Oklahoma Senate."

He further testified on cross-examination:

Q: I would ask you, if you will, the best laid plans of mice and men, et cetera, et cetera -- suppose it doesn't pass. What will happen to this lawsuit in your opinion?

A: Obviously the Court will then find us in contempt and we realize -- it's the same thing that any time a lawyer presents a plan and they do not carry it out -- we are asserting our good faith, asserting that we are going to do everything possible; and I know that the Court will act and I presume that there would be punitive action taken against the State of Oklahoma that could be very costly.

And recognizing that, we are still willing to make these assurances to the Court because I believe that in speaking from my vantage point that it will be passed and will be signed into law, and be completely complied with one hundred percent from the legislative standpoint and the Governor's."

Senator Howard assured the Court that the State would resolve all internal differences and present a "solid position" to the Court in the future in applying the APHA and ACA standards and the Life Safety Code:

"A: Might I point out that we have a variance between the two houses, and for that reason we have asked the Court to approve an oversight committee, which the Department of Corrections has assured me that they would accept, Dr. Benton, in order that those could be put on a one by one issue and come back into court in the event that we are unable to resolve those to our satisfaction and the plaintiffs' satisfaction.

Q: All right, but will the discrepancies betwen your opinion and the House, will that be forthcoming and then --

A: That will be resolved between us.

Q: All right. The resolution then will be a solid position of the State Legislature:

A: Yes, sir.

Q: And then back into this court showing those areas that you do not feel would be necessary under the Constitution?

A. Yes, sir. And that only applies for Life Safety standards, as you noticed."

He subsequently testified that this also applied to APHA and ACA standards:

"Q: You just stated, I believe, that this plan was only to apply to the Life Safety Code?

A: The $6 million would apply to the environmental standards and the Life Safety Code.

Q: Well, Senator, now let me read you the first paragraph of paragraph 10, or the first sentence.

> 'The defendant proposes to initiate projects to respond to deficiencies in relation to Life Safety Code and environmental standards of the OPHA for institutions, and of the ACA for community treatment centers by August of 1979.'

Senator, is the purpose of this plan to exclude institutions from the ACA?

A: No, sir."

The State's plan was subsequently clarified to reflect this position. Dr. Benton's testimony to the inquiry committee as to the requirements of the APHA and ACA standards and the Life Safety Code was completely consistent with Senator Howard's testimony to the Court.

During the compliance hearing, Speaker Draper also testified as to his support of the plan:

"Q: Speaker Draper, are you familiar with the defendants' proposed plan which has been submitted as Exhibit 1 in this case?

A: Yes, I am. I have spent quite some time going over it verbally with members of the House and Senate, and also examining the written document itself.

Q: Is it your position after reviewing that document that you are committed to the funding and implementation of that plan?

A: Yes, I -- I have spent a considerable amount of time during the current session visiting a number of the correctional institutions in Oklahoma, and I think that the plan as outlined to the Court is a reasonable plan which would comply with the constitutional standards prohibiting cruel and unusual punishment of inmates, and I am committed to doing everything that I can to see that it is properly funded during the current session of the Legislature.

But I think the overall plan itself is one that is fair and reasonable and one we can accomplish during the current session of the Legislature, insofar as funding is concerned."

Judge Bohanon specifically advised Draper as to the court's emphasis and support of the ACA standards:

"THE COURT: I am very glad you did this for the reason the Court thinks and plans in looking forward to having the institutions meet these standards, particularly the standards of ACA, as evidence has been introduced to the Court, so that when these standards have been met, this Court can step out of the picture, you see, and until these standards are reasonably met this Court has a duty to stay with the job until they are met.

This is the reason I asked last Friday to include these standards, because the evidence before me indicates that the standards of ACA are the most practical and most easily accomplished, and the most dependable. The others go off on certain specific areas which are in some ways more difficult and in some ways more easy, but the evidence before the Court is that the ACA comes nearer being the most appropriate and most desired by all penal institutions."

The Court Order subsequently issued in May 1979 reiterated emphasis on these standards as well as completion of proposed projects:

"4. By November, 1979, defendants shall let a contract for replacement of the East and West Cellhouses at the Oklahoma State Penitentiary.

5. By June, 1981, the East and West Cellhouses at the Oklahoma State Penitentiary shall be closed for habitation.

8. By October, 1980, defendants shall let a contract for the renovation or replacement of the Oklahoma State Reformatory at Granite, whose future inmate capacity will be determined by the legislature. This replacement or renovation must be made in compliance with the standards of the American Correctional Association, American Public Health Association and Life Safety Code.

9. By January, 1982, these projects shall be completed or the state reformatory shall be closed to habitation. As of that date, the reformatory shall not accept further transfers of prisoners into the facility absent compliance with the above standards.

10. Defendants shall initiate by August, 1979, projects designed to bring the penal institutions in this case into compliance with the applicable standards of the American Correctional Association, American Public Health Association and Life Safety Code. Compliance shall be attained without unreasonable delay. The defendants propose, with the support of the Sepaker of the House, the President Pro Tempore of the Senate and the Governor, an appropriation of approximately six million dollars ($6,000,000) to fund these projects. If these funds prove to be insufficient to achieve compliance, additional funds shall be requested in the 1980 legislative session.

VI. COMPLIANCE WITH COURT ORDERED STANDARDS

15. Twenty-four months from this date, defendants shall cause to be conducted an impartial audit of each prison facility. They shall file a copy of such with this court, demonstrating compliance with the applicable standards of the American Correctional Association, the American Public Health Association and the Life Safety Code. Plaintiffs and plaintiff-intervenor shall be authorized to conduct such interim audits as may be appropriate."

Hence, the leadership and Dr. Benton testified consistently and conveyed the State's intent to comply with the court order through the application of specific standards and through specific projects. This testimony so impressed the court that the subsequent court order essentially adopted the State's plan. Again Dr. Benton's testimony to the inquiry committee was consistent with the State's intent to obtain waivers for certain projects, as questioning by Mr. Twidwell indicates.

Q. The problems that you started having with the Speaker of the House, Speaker Draper, these mainly started over the Supplemental Appropriation; is that correct?

A. Yes.

Q. Speaker Draper, in my presence and your presence, had requested and and asked you the question two or three times, what items can you cut out of here in order to meet and satisfy the court order.

At that time, you stated none. I think the problem that we have to face, you and this Committee, is a working relationship with the Speaker of the House.

I think Speaker Draper was upset, Doctor Benton, because he didn't think you gave an honest attempt to cut things from this itemized list. Now that it has gone through the process of -- As you remember, we went through the Appropriation Committee and the House and they took an ax to it without any investigation to these items and cut it approximately seven million dollars.

We had them restore that when they did, and then the Committee looked at it. Do you feel like that the Committee was unfair in that cut in the Appropriation? The House Committee that cut the Supplemental Appropriation?

A. I think that -- The manner in which it was cut placed us in a difficult position. I think subsequently we had worked out a way to achieve the same objective in a way that I think the court will certainly be able to accept.

It certainly doesn't place us in an untenable position. I think that the solution that we all have worked out, the proposal that was made to the court is a solution that works towards that end in a way that I completely support.

Q. Doctor Benton, while I was working with you on this, did I not advise you to cut some of these things out and reduce the cost of some of these?

A. Yes.

Q. Do you not feel that if you had done that at that time, that we wouldn't have run into problems with Speaker Draper?

A. You have to remember the situation that we were in at the time, which was that we did not have -- We had to come up with our list of projects, and if you will remember, you and I were in the Speaker's office when I suggested to him in your presence that we come up with -- that I could tell many projects that we could propose for waiver to the court, but that the court would ultimately have to make the decision.

My difficulty was that I would be perfectly willing to come up with a list of projects for waiver, but that I could not come up with a list of projects which I unilaterally would say to you that were not going to be needed and that I was going to say to you that on my authority, we were going to say we didn't have to meet these standards.

Now, in retrospect, in listening to the testimony in this Committee, I think there certainly have been projects proposed by the architects which are mistakes. To that extent, I mean like someone would be rewiring a building that the other architect was going to replace. Something on that instance. Obviously, that kind of project could easily be cut.

Had I known of that kind of project at the time, I would have brought it to your attention. But he asked the question that I can say certain projects weren't going to be required or certain standards weren't going to be required, and I couldn't do that.

In contrast to the unified position which was presented by the leadership, the Governor, and Dr. Benton in court, the Inquiry Committee expressed throughout the questioning their own interpretations of the court order, and made recommendations based upon these interpretations, which are certainly not definitive court - supported interpretations. The following excerpt is a strong example of such interpretation:

BY THE CHAIRMAN:

Q. We are not -- using the present facilities that we have and renovating the "F" cell house to come in compliance with the court order. True?

A. Well, it would -- you know, it would depend. I wouldn't say that just cells and showers -- you would have to build day space. You would have to build circulation space. Well, the difference here is ultimately the court is going to audit this, and we're supposed to meet the A.P.H.A. and A.C.A. standards and you're asking me gamble ---

Q. I am just differing with you as far as the court saying that those new dining rooms won't serve as day space. I think that the old dining room will serve as day space so I think that we are -- that the court will go along with us using those as day space. Now, if they didn't go along with us, you know ---

A. Well, where would we be?

Q. We would have to build new additional day space.

A. What I would suggest is that maybe we could agree that because if

we go with this proposal the way you're proposing it, what you do is you cut our bill, and then we go into the year and we go into the Court, and if the Court says your idea is unacceptable, then I am in a position where I am violating the Court Order because I can't begin the replacement of the Penitentiary by next August.

Q. The Court Order simply says we must tear down the east and west cell house.

A. No, it says we have to initiate a project to replace the east and west cell house and it has to comply with the A.P.H.A. and A.C.A. and Life Safety Code. What I would suggest so that you can have your way because I want you to have your way, and I want you to have your day in court. You appropriate the funds necessary to do the project that I've described, and I promise you that before we accept the bids on that, you and I and the Attorney General and everybody else will go into Court with an alternative proposal that does -- that complies with your best ideas and my best ideas to help you with your best ideas. Okay. Then if you win, then we will bid your version of it and we will save the rest of the money and you can appropriate it for whatever next year.

The following is another example:

Q. Where in the Court Order does it say we have to change the way we are handling those people? It doesn't say a thing in there that we have to change the way we handle these people. We can still keep them locked up if they give us problems; can't we?

You are talking about moving them here and there. Why move them at all? Let them earn the right to be moved somewhere. Where does it say in the Court Order that we have to do anything besides leave them locked in their cells if they don't comply with the rules and regulations?

A. First, if you start way back in '74 Court Order, it requires that people get a minimal amount of exercise each week.

Q. Do you do that now?

A. Yes. We meet that minimum standard. Since then, we've been required to meet further standards. For example, the protection program requires that we bring the protection population up to the same level of exercise and work opportunity as is available for the rest of the population.

And that was specifically ordered by the Court. And that means that those people have to be exercised at least ten hours a week, and they have to work at least six hours a week.

And that was accepted by the Court as a temporary solution to how we deal with those people. But that in the long run, we were going to have to do a lot better than that.

Thus, the Committee members relied upon their own interpretations of requirements without regard to the testimony of the leadership and the Court Order. Their questioning revealed misconceptions about the basics of the State's plan and indicated that conclusions were reached by comparing Dr. Benton's persistent statements about the Court Order against their own judgments, rather than against the Order itself. The Board feels that it was a fundamental mistake for the Committee to use its own interpretations as the standard by which to measure Dr. Benton's position and to ignore the substance of Battle v. Anderson.

In summary, the ultimate determination of the requirements of the Court Order will be made by the Court itself. The Legislature is now on record in the Battle case as to the standards it proposes to meet, and the Court will at some time in the future determine the adequacy of this proposal. Until that time, it is impossible to define the exact requirements or to conclude that one viewpoint is more accurate than another. The Board commends Dr. Benton for strongly adhering to his position during the inquiry and reiterating the State's plan when confronted with such inexcusable misinterpretations.

RESPONSE TO MINORITY REPORT

The Board sincerely appreciates the statements of Senators Randle and McCune and their insights into the problems of the Department, as well as Dr. Benton's difficult position. We fully agree that "no professional can simultaneously please 149 masters" and that "the Department of Corrections has come a long way under Dr. Benton's leadership." It seems absurd that the majority would expect perfection from any administrator particularly when the agency is "large, diverse and geographically dispersed", and "some mistakes will be inevitable."

The Board concurs with the minority report and adopts its "vigorous dissent" from the majority report.

RECOMMENDATIONS OF THE BOARD OF CORRECTIONS

1. Prior to bidding any plans for the renovation or replacement of the Penitentiary, such plans should be submitted to the Court for approval. Unless this is done, the State may spend millions on a compromise plan which might ultimately fail to comply with required standards, and require further expenditures of funds to be renovated to achieve compliance.

2. The Legislature should consider, in reviewing renovation and replacement plans for the Penitentiary, that once space standards are met it will cost almost three times as much per prisoner to operate the Penitentiary as compared to new institutions such as Conner Correctional Center at Hominy. The Legislature appropriated 2.5 million dollars to operate Hominy for FY 80, with a standard-compliant capacity of 400. The Legislature appropriated about seven million dollars for the Penitentiary to operate the walled portion of the institution for a standard-compliant capacity of 450. Superficial renovation strategies will perpetuate the excessive cost per prisoner which results from outmoded design concepts from the nineteenth century.

3. The Legislature should reject any resolution which would impede American Correctional Association Accreditation of Department of Corrections Units. Such a decision should be made by the Board of Corrections, which has already passed a resolution authorizing accreditation over one year ago. According to Judge Bohanon's direct statements made in court to Speaker Dan Draper, accreditation would permit the court to end supervision of State's prison system, and that continuing failure to meet the standards would result in continued court control of the prison system.

4. The Legislature should review the provisions of the State Law on architectural selection, Section 61 et. seq. of Title 61 of the Oklahoma Statutes. If the Legislature is dissatisfied with the Oklahoma Board of Corrections' methods of architect selection, then the Law should be amended, since the Board complied fully and completely with the Law in each selection.

5. The Legislature should apply the same criteria, and the same intensity of review to the approximately thirty million dollars of capital improvements to be funded in two days next month. The Legislature should determine that architectural selection and fees are appropriate, and that estimates are not excessive. A failure to do so constitutes the application of an unfair double standard to correctional projects as compared to politically popular expenditures for other areas of government.

6. In future proceedings similar to this inquiry, the authorizing resolution should provide for a basic level of due process, to include:

   a. specification of the allegations under investigation,
   b. normal rules of evidence,
   c. normal rules of examination, and
   d. normal standards of proof.

This would avoid the impression and reality of an unrestricted witch-hunt which confirms vague accusations made with premeditation.

7. The Legislature should be prepared to appropriate additional funds to meet standards, due to the difficulty of interpreting standards, and the high cost of construction projects. For example, the recent low bidder of the contractors for a simple metal garage facility at Hominy bid sixty dollars per square foot. Considering such price levels, and the prevailing inflation rate, the Committee may have seriously underestimated the cost of necessary facilities and construction projects.

8. The Board of Corrections recommends that Dr. Ned Benton be retained as Director of the Department of Corrections and pledges support for his efforts to alleviate the State of the burden of the federal court order.

STATEMENT OF POSITION OF THE OKLAHOMA BOARD OF CORRECTIONS

The Board urges the Legislature to remember that the serious constitutional rights issues which led to federal intervention into the Oklahoma prison system resulted from decades of neglect and the perpetual failure of State officials to face their responsibilities without interference by the courts. As numerous decisions have held, "legislative intent to fund often comes too little, too late." With the inception of Battle v. Anderson and the riot in the early 1970's, we have had no alternative but to come to grips with these problems and work toward a constitutional prison system. It is immaterial whether we have agreed with various findings and orders of the court. The fact remains that under the continual supervision of the court we have made great progress toward alleviating unconstitutional conditions and violations of human rights. The road has been long and difficult, and the end is finally in sight. Both the State and Judge Bohanon are anxious to conclude the Battle case, and with the issuance of the new court order, full compliance could occur in the foreseeable future. For the past several years, the goal of the Board and Dr. Benton has been to act responsibly and alleviate the State of the burden of the Court Order.

It is the position of the Oklahoma Board of Corrections that personality conflicts and political maneuvering should not stand in the way of a unified effort to end the federal court intervention. The termination of Dr. Benton as Director of the Department will serve no useful purpose since a scapegoat can never provide a long-term solution. Furthermore, continuing hostility between the Director and members of the Legislature and resentful attitudes toward federal intervention may result in more extreme measures being taken by the Court. The Board urges all parties to keep in mind our mutual goals, to act with maturity and to rise above petty personal considerations before our disagreements result in total loss of control of the situation at the State level.

R E S O L U T I O N

WHEREAS, the Board of Corrections has reviewed the transcripts and the majority report of the Special Committee on the Correctional System of the State of Oklahoma, and

WHEREAS, the Board of Corrections, after such review, has determined that the findings and conclusions of the majority report of the Special Committee are not supported by the evidence, and in fact, are contrary to the great weight of the evidence, and

WHEREAS, the Board of Corrections has determined that it would not be in the best interest of the citizens of the State of Oklahoma to allow the majority report of the Special Committee to be left unanswered by the Board of Corrections, and

WHEREAS, the Board of Corrections has determined that it would not be in the best interest of the citizens of the State of Oklahoma for the State legislature to adopt the majority report of the Special Committee;

BE IT THEREFORE RESOLVED, that the Board of Corrections adopts the attached Response to the majority report of the Special Committee on the Correctional System of the State of Oklahoma, and

BE IT FURTHER RESOLVED that the Board of Corrections urges the legislature to reject the majority report of the Special Committee.

BOARD OF CORRECTIONS

Wm. E. Thompson, President

Chester T. Curtin, Member

Leroy W. Kirk, Vice President

Seth Millington, Member

Gary M. Cook, Member

James A. Kirk, Member

Maxine Looper, Secretary

ADOPTED THIS 20th DAY OF June, 1979.

END