

OKLAHOMA COUNTY

*Oklahoma County Office Building
320 Robert S Kerr Ave,
Oklahoma City, OK 73102*



Criminal Justice Authority Meeting Minutes

Monday, April 3, 2023

1:00 PM

***Ben Brown - Vice-Chair
Myles Davidson - Trustee
Steven Buck - Trustee
Derrick Scobey - Trustee
Tommie Johnson III - Trustee
Chad Alexander - Trustee
M.T. Berry - Trustee
Sue Ann Arnall - Trustee***

YouTube: https://www.youtube.com/channel/UCz_5jEcl6kV8f6Y71exwfJA

Call To Order

Roll Call

Present 7 - Ben Brown, Sheriff Tommie Johnson III, County Commissioner Myles Davidson, Sue Ann Arnall, M.T. Berry, Steven Buck, and Derrick Scobey

Pledge of Allegiance

Notice of the meeting was properly posted on March 30, 2023.

For purposes of this agenda, “Action” means any of the following: amending, approving, approving as amended, deferring, denying, giving instructions to staff, making a recommendation to another public body, receiving documents or presentations, referring to committee, reconsidering, re-opening, returning, or striking the item.

1. Public Comment.
SEE INSTRUCTIONS FOR MEMBERS OF THE PUBLIC ADDRESSING THE OKLAHOMA COUNTY CRIMINAL JUSTICE AUTHORITY AT END OF THIS AGENDA.

**Jess Eddy was called to speak
Mark Faulk was called to speak
Melissa Gray was called to speak
Sean Cummings was called to speak
Christopher Johnston was called to speak
Nynnette Cummings was called to speak
Sara Bana was called to speak
Hannah Royce was called to speak
Timothy Tardibono was called to speak**

Consent Agenda

Items on the Consent Agenda are routine in nature and may be approved with a single vote by the Oklahoma County Criminal Justice Authority (“Authority”). However, any item on the Consent Agenda is subject to individual consideration and discussion at the request of a Trustee.

Davidson moved, Johnson III seconded, to approve. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

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2. Discussion and possible actions to approve meeting minutes of:
 - a. March 6, 2023
3. Approval of invoices and claims list for April 3, 2023, with discussion and actions as desired by the Authority. List available for inspection in the office of the Oklahoma

County Criminal Justice Authority Secretary, Room 201, Oklahoma County Office Building.

4. Receive, accept, and discuss income statements and financial reports for Oklahoma County Criminal Justice Authority, with possible actions as desired by the Authority.

End of Consent Agenda

5. Receive, accept and discuss report by Interim Chief Executive Officer Brandi Garner and/or those persons designated by her, regarding operation of and improvements for the Oklahoma County Detention Center, which may include personnel recruitment initiatives, Oklahoma State Health Department matters, the housing of juveniles, medical procedures and matters, budgetary and financial matters, plans for improvement of operation of the Oklahoma County Detention Center, and regarding enhanced use of release of detainees through the Medical Own Recognizance Program, with possible actions as desired by the Authority.

Davidson moved, Brown seconded, to receive. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

6. Presentation by Hinkle and Company, P.C./Kirk Vanderslice, CPA, Audit Partner, regarding Oklahoma County Criminal Justice Authority Annual Financial Statements and Independent Auditor's Reports as of and for the Fiscal Year Ended June 30, 2022, with discussion and possible approval, acceptance and other actions as desired by the Authority.

Davidson moved, Johnson III seconded, to receive. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

7. Report regarding meetings of the Oklahoma County Criminal Justice Authority Citizens Advisory Board, with discussion and possible acceptance and other actions as desired by the Authority.

Johnson III moved, Brown seconded, to receive. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

8. Discussion and possible action to determine that the Chair and Vice-chair of the Oklahoma County Criminal Justice Authority ("Authority") shall be elected at the first meeting of the Authority in July of each year beginning in July of 2023, and repealing inconsistent existing election schedules and terms of office; and, determining (i) the length of terms of office and (ii) whether the Chair and Vice-chair shall be eligible for election to successive terms of office as Chair and Vice-chair.

Scobey moved, Johnson III seconded, to approve one 2 year term. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

9. Election of Vice-chair of the Oklahoma County Criminal Justice Authority ("Authority") to serve until the election of a new Vice-chair at the first meeting of the Authority in July of 2023.

Davidson moved, Johnson III seconded, to elect Steven Buck as Vice-chair. The motion carried by the following vote:

Aye: 6 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, and Scobey

Abstain: 1 - Buck

10. Report of status of request of Oklahoma County Criminal Justice Authority ("Authority") approved March 6, 2023, for the Office of District Attorney to provide legal services to the Authority, related discussion and possible actions, including possible approval of Memorandum of Understanding Between the Oklahoma County District Attorney's Office and the Oklahoma County Criminal Justice Authority, and related Memorandum of Understanding Between the Board of County Commissioners on Behalf of the Oklahoma County Clerk and the Oklahoma County Criminal Justice Authority.

Johnson III moved, Berry seconded, to approve. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

11. Discussion and possible actions to approve AMENDMENT NO. 1 TO MASTER ENGAGEMENT AGREEMENT ("Amendment") between the Oklahoma County Criminal Justice Authority ("Authority") and MGT of America Consulting, LLC., for consulting services for the purpose of providing a professional report and expert witness services, as described below, to be presented to Judge Natalie Mai to assist the Court in establishing an evidentiary record and to determine the cost of incarceration at the Oklahoma County Detention Center upon which the District Court of Oklahoma County may, in its discretion, assess incarceration costs against a defendant in a criminal proceeding, which determination by the Court is required by Hubbard v. State of Oklahoma, 2002 OK CR 8, 45 P.3d 96, and Administrative Order AD7-2002-21; and, determination by the Authority of whether it desires to choose Option #1 or Option #2 as offered by the Amendment, to wit:

Option #1: Daily Inmate Per Diem Rate Calculation

MGT shall perform a cost analysis to include both direct and indirect costs to determine the daily inmate per diem rate from intake to release based on the overall inmate population at the Oklahoma County Detention Center. This analysis will be based on an inflationary factor from the prior years approved per diem rate, with adjustments for known changes to FY 2022 actual costs and inmate population. MGT shall prepare a report summarizing the new proposed daily inmate per diem rate for presentation to the Oklahoma County District Judge and provide testimony in support of the cost analysis if needed.

Cost for Option 1 - \$5,100 plus travel costs if required.

Option #2: Daily Inmate Per Diem Rate Calculation

MGT shall perform a cost analysis to include both direct and indirect costs to determine

the daily inmate per diem rate from intake to release based on the overall inmate population at the Oklahoma County Detention Center. This analysis will be based on actual costs and inmate population statistics from FY 202. MGT shall also prepare a report summarizing the new proposed daily inmate per diem rate for presentation to the Oklahoma County District Judge and provide testimony in support of the cost analysis if needed.

Costs for Option 2 - \$8,100 plus travel costs if required;

and, authorizing the Interim CEO and/or the Acting-chair to execute the Amendment for and on behalf of the Authority.

Davidson moved, Brown seconded, to approve Option 2. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

12. Discussion and possible actions regarding the following based on presentation of Timothy Tardibono, Executive Director of Oklahoma County Criminal Justice Advisory Council ("CJAC"), to Oklahoma County Criminal Justice Authority ("Authority") on March 6, 2023:

a. Appointment by the Authority of a person to serve as member of the RFQ Review Committee of the Oklahoma County Citizens Bond Oversight Advisory Board which will assist with the selection of the architect for the new Oklahoma County Detention Center.

Arnall moved, Davidson seconded, to approve Brandi Garner to serve on RFQ and alternate Mandi Phelps. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

13. Discussion and possible actions to authorize, ratify and approve the following contracts, agreements, licenses and/or leases between the Oklahoma County Criminal Justice Authority and the following entities, which may include vendors, suppliers, and providers for the Oklahoma County Detention Center, and entities to which the Authority provides boarding and detention facilities services and other services and/or products, and authorizing the Acting Chair or the Chief Executive Officer of the Authority to finalize and enter into such contracts and agreements, all for and on behalf of the Authority:

a. None

No action

14. Discussion and possible actions regarding a Resolution requesting increased funding for competitive salaries to facilitate recruitment and retention of qualified personnel for the Oklahoma County Detention Center to address current and ongoing staffing needs.

Davidson moved, Buck seconded, to approve. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

15. Discussion and possible actions regarding Oklahoma County Criminal Justice Authority budget for Fiscal Year ending June 30, 2023, and subsequent years.

Berry moved, Brown seconded, to approve. Sue Ann Arnall had the stipulation on her Aye vote to increase the salaries. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

16. Announcement: Fifth Regularly Scheduled Meeting of the Oklahoma County Criminal Justice Authority in 2023 is on Monday, May 1, 2023, or as otherwise scheduled or held in accordance with the Oklahoma Open Records Act.

Executive Session

17. Consider and approve entering into proposed executive session regarding matters as authorized by 25 Oklahoma Statutes 2021, Section 307(B)(4), as amended, for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest; which advice of its attorney is hereby given; and, consider and approve determination that disclosure regarding these matters will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest; all regarding the following and other investigations, claims, or actions related to the Oklahoma County Criminal Justice Authority (collectively, "Litigation"):
- a. IN THE SUPREME COURT OF THE STATE OF OKLAHOMA, IN THE DISTRICT COURT OF OKLAHOMA COUNTY, IN RE: MULTICOUNTY GRAND JURY SCAD-2021-6, District Court No. GJ-2021-3, FINAL REPORT, filed in the District Court of Oklahoma County March 23, 2023, regarding Multicounty Grand Jury investigation into the Oklahoma County Criminal Justice Authority and the Oklahoma County Detention Center.
 - b. Administrative Compliance proceeding filed on June 24, 2022, in OKLAHOMA STATE DEPARTMENT OF HEALTH, PROTECTIVE HEALTH SERVICES, Petitioner v. OKLAHOMA COUNTY CRIMINAL JUSTICE AUTHORITY a/k/a OKLAHOMA COUNTY DETENTION CENTER, Respondent. Case No: PHS-2022-506.
 - c. Proceeding removed on July 20, 2022, from Oklahoma County District Court to the United States District Court for the Western District of Oklahoma, entitled Roy Lee Parkerson, Jr. v. Board of County Commissioners of Oklahoma, et al., CIV-22-607 -PRW.
 - d. Proceeding filed in the United States District Court for the Western District of Oklahoma on June 23, 2022, entitled Ta'Vion Murphy v. Board of Trustees for the Oklahoma County Criminal Justice Authority, et al., CIV-22-525-SLP.
 - e. Proceeding filed in the United States District Court for the Western District of Oklahoma on January 7, 2021, entitled Kelly Kirkendall-Heller, individually and as Special Administrator for the Estate of Krysten Mischelle Gonzalez v. Board of County

Commissioners of Oklahoma County, et al., CIV-21-11-F.

f. Proceeding filed in the United States District Court for the Western District of Oklahoma on September 14, 2022, entitled Billy Joe Alstatt, as brother and Guardian of Johnny Alstatt, an incapacitated person v. Board of County Commissioners, et al., CIV-22-811-D.

g. Proceeding filed in the United States District Court for the Western District of Oklahoma on May 16, 2022, entitled Michael A. Campbell v. William Monday, et al., CIV-22-399-JD.

h. Proceeding filed in the United States District Court for the Western District of Oklahoma on August 5, 2022, entitled Jazmine Monay Miller v. Oklahoma County Criminal Justice Authority, et al., CIV-22-665-JD.

i. Proceeding filed in the United States District Court for the Western District of Oklahoma on September 21, 2022, entitled Bruce Lynn Collins v. Greg Williams, et al., CIV-22-843-R.

j. Proceeding filed in the District Court of Oklahoma County on September 28, 2022, entitled Bennie Coffman v. Oklahoma County Criminal Justice Authority et al., CJ-2022-4844.

k. Proceeding filed in the United States District Court the for the Western District of Oklahoma on December 5, 2023, entitled Aaron Lemeal Cooper v. Oklahoma County Criminal Justice Authority, et al., CIV-22-1027-D

l. Proceeding filed in the United States district Court for the Western District on January 6, 2023, entitled Currin v. Oklahoma County Criminal Justice Authority et al., Case No. CIV-23-22-F.

m. Proceeding filed in the Western District of Oklahoma on January 3, 2023, entitled Austin Bond, as Personal Representative of the Estate of Brad Lane, Deceased, v. Oklahoma County Criminal Justice Authority, et al., CIV-23-0005-D.

n. Proceeding filed in the Western District of Oklahoma on February 2, 2023, entitled Laura Neal, as Special Administratrix of the Estate of Parker Stephens, Deceased v. Oklahoma County Criminal Justice Authority, et al., CIV-23-114-PRW.

p. Proceeding filed in the Western District of Oklahoma on March 27, 2023 entitled Chandra Graham v. Oklahoma County Criminal Justice Trustees; Oklahoma County Sheriff, et al, CIV-23-276.

(MOTION REQUIRED-to be voted on below)

Berry moved, Johnson III seconded, to approve 17-19 at 2:55 p.m. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

18. Consider and approve entering into proposed executive session as authorized by 25 Oklahoma Statutes, 2021, Section 307(B)(1), as amended, for the purpose of discussing employment, hiring, appointment, promotion, demotion, disciplining or resignation of the following individual salaried employee, to include evaluation with respect to employment and promotion: Brandi Garner, Interim Chief Executive Officer and Jail Administrator of the Oklahoma County Criminal Justice Authority; and, for the purpose of discussing employment, hiring, appointment, promotion of a permanent Chief Executive Officer and Jail Administrator of the Oklahoma County Criminal Justice Authority ("Authority"); to include receiving the report of the CEO Selection Committee of the Authority.
19. Consider and approve entering into proposed executive session as authorized by 25 Oklahoma Statutes, 2021, Section 307(B)(1), as amended, for the purpose of discussing employment, hiring, appointment, promotion, demotion, disciplining or resignation of the following individual salaried employee: Devin Resides.

(MOTION REQUIRED, recommended to state:

Move to enter into concurrent executive sessions regarding agenda items 17, 18 and 19 in accordance with and as described by these agenda items.)

20. Consider and approve leaving the above executive session(s) and reconvening in open session.

(MOTION REQUIRED)

Davidson moved, Berry seconded, to approve at 4:20 p.m. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

21. Discussion and possible actions as desired by the Authority with respect to matters arising from the above-described executive session(s), which may include the following:

a. Possible action regarding above Litigation.

b. Possible action regarding Devin Resides.

c. Possible selection and engagement of Brandi Garner as Chief Executive Officer and Jail Administrator ("CEO") of the Oklahoma County Criminal Justice Authority, which may include action as to report of CEO Selection Committee, establishing related CEO compensation, authorizing and approving a related CEO employment contract, and authorizing the Acting Chair, Vice-chair and others as determined the Authority to finalize and execute same for and on behalf of the Authority.

Davidson moved, Berry seconded, to approve a and b to proceed as discussed in executive session. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

Davidson moved, Brown seconded, to receive recommendation. The motion

carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

- 22.** Possible actions regarding Oklahoma County Criminal Justice Chief Executive Officer and Jail Administrator ("CEO") search, selection and engagement, and possible action to rescind, modify or amend the following Agenda item of the Authority approved December 16, 2022:

Discussion and possible actions to authorize and approve a Request for Proposal for Executive Recruitment Services ("RFP") to assist with the process of identifying, recruiting, evaluating and selection of a permanent Chief Executive Officer and Jail Administrator for the Oklahoma County Criminal Justice Authority ("Authority") and the Oklahoma County Detention Center, and authorizing the Chair or Vice-chair to modify and finalize the RFP, and to cause it to be issued for and on behalf of the Authority.

Davidson moved, Brown seconded, to rescind the motion. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

- 23.** Adjourn

Berry moved, Brown seconded, to adjourn at 4:26 p.m. The motion carried by the following vote:

Aye: 7 - Brown, Sheriff Johnson III, County Commissioner Davidson, Arnall, Berry, Buck, and Scobey

OKLAHOMA COUNTY CRIMINAL
JUSTICE AUTHORITY

Ben Brown, Acting
Chairman or Vice-
Chairman

ATTEST:

Kerrie Hudson,
Deputy County Clerk and Secretary to the Board