

# **Bond Case Briefs**

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## **PRISON FINANCE - OKLAHOMA**

### **Oklahoma Department of Corrections v. Byrd**

**Supreme Court of Oklahoma - October 10, 2023 - P.3d - 2023 WL 6564666 - 2023 OK 97**

Oklahoma Department of Corrections petitioned for review from decision of State Auditor as to “actual daily cost” for which county was entitled to reimbursement from Department for housing state prisoners.

The District Court granted county’s and State Auditor’s motion for summary judgment based on determination that it lacked subject matter jurisdiction to adjudicate any claim that would it to decide “actual daily cost” reimbursement.

Department filed petition in error. The Court of Civil Appeals reversed and remanded. Department’s and State Auditor’s petitions for certiorari review were granted.

The Supreme Court held that:

- Doctrine of issue preclusion did not apply to bar relitigation of whether “actual daily cost” included county jail’s fixed costs, based on order granting summary judgment in prior suit by county against Department;
- Whether “actual daily cost” included county’s fixed costs or was limited to consumable costs presented matter of statutory interpretation that did not implicate separation of powers, overruling *Board of County Commissioners of County of Seminole v. Oklahoma Department of Corrections*, 499 P.3d 33; and
- “Actual daily cost” meant any cost incurred by county that directly attributable to housing prisoner, including consumable costs and any portion of county jail’s operating expenses that would not otherwise have been incurred but for presence of prisoner.

Trial court’s order on summary judgment in prior suit by county against Department of Corrections that “actual daily cost” that county was entitled to reimbursement from Department for housing prison inmates was limited to consumables, i.e., actual costs of feeding, housing, clothing, and providing medical treatment to prisoners and did not include fixed costs, for purposes of Department’s statutory obligation to reimburse county for costs of housing inmates, did not have preclusive effect, and thus, doctrine of issue preclusion did not apply in Department’s subsequent petition for review of State Auditor’s determination that “actual daily cost” included county’s fixed costs, where State Auditor was not party to prior suit, and therefore did not have full and fair opportunity to litigate issue of meaning of “actual daily cost,” and prior order was non-final, interlocutory order.

Trial court’s determination of whether “actual daily cost” included county’s fixed costs or was limited to consumable costs, under statute governing Department of Corrections’ obligation to reimburse county for actual daily cost of housing state prisoner, presented matter of statutory interpretation that did not implicate separation of powers, and thus, trial court did not lack subject matter jurisdiction to interpret meaning of “actual daily cost,” on Department’s petition for review of Auditor’s calculation of county’s actual daily cost for which it was entitled to reimbursement, despite

State Auditor's assertion that statute conferred upon her office discretionary executive duty to determine "actual daily cost"; rather, State Auditor's statutory duties and discretion she had in performing those duties were predicated upon interpretation of statute, and by interpreting "actual daily cost," court was not interfering with State Auditor's performance of her executive duty.

"Actual daily cost," within meaning of statute governing Department of Corrections' obligation to reimburse county for costs of housing state prisoner, meant any cost directly attributable to housing prisoner, including consumable costs such as food, clothing, and medical care, and any portion of county jail's operating expenses that would not otherwise have been incurred but for presence of prisoner.