



State of Oklahoma
PARDON AND PAROLE BOARD

PARDON AND PAROLE BOARD
Business Meeting Minutes

Monday, December 7, 2020
9:16 a.m.

MEMBERS PRESENT: Adam Luck, Allen McCall, and Larry Morris were present at Kate Barnard Corrections Center; Kelly Doyle was present at Tulsa City Hall. All Board Members appeared via Zoom Webinar.

MEMBERS ABSENT: Robert Gilliland

STAFF: Tom Bates, Melinda Romero, Leroy Long, Jennifer Pando, and Kyle Counts. Tom Bates and Melinda Romero were present at Kate Barnard Corrections Center. All staff appeared as panelists via Zoom Webinar.

GUESTS: None

I. Call to Order – Vice Chair, Adam Luck

The Business Meeting of the Pardon and Parole Board (PPB) was called to order at 9:16 a.m. by Vice-Chair Adam Luck, on Monday, December 7th, 2020.

A. Roll Call

The members attending were Allen McCall, Larry Morris, Kelly Doyle, and Adam Luck. The voting order was announced as Larry Morris, Adam Luck, Allen McCall, and Kelly Doyle. Chairman Robert Gilliland was absent.

Assurance of Compliance with Open Meeting Act

General Counsel Kyle Counts provided assurance of compliance with the Open Meeting Act. The business meeting of the Pardon and Parole Board was convened in accordance with the Oklahoma Open Meeting Act. This meeting was preceded by advance notice of the date, time, and place filed with the Oklahoma Secretary of State on November 13, 2019. Notice of this meeting was also given at least twenty-four (24) hours in advance of the meeting by posting notice of the date, time, locations, Zoom information, and agenda of the meeting on December 2, 2020, on our website, www.ok.gov/ppb. The meeting is in compliance with the Open Meeting Act.

II. Business Meeting

A. Discussion and Possible Action on November Business Meeting Minutes

The November business meeting minutes were provided to the Board for review. Allen McCall made a motion to approve the November business meeting minutes, Larry Morris seconded. The Board approved the motion 4-0.

B. Discussion and Possible Action on November Parole Meeting Minutes

The November parole meeting minutes were provided to the Board for review. Mr. McCall made a motion to approve the November parole meeting minutes, Larry Morris seconded. The Board approved the motion 4-0.

C. Discussion and Possible Action on Agency Updates

1. Personnel Updates: New Hires and Separations– Deputy Director, Melinda Romero

Two new investigators were hired for the vacant North Fork and Maple Basset positions and they started on November 16, 2020. They are currently in training.

2. Field Updates – Field Director, Leroy Long

Mr. Long advised that Covid continues to create difficulties for investigators. Three facilities are locked down but they will attempt to get reports to the Board by January 2021.

III. Update on Status of Annual Reports – Tom Bates

Director Tom Bates discussed the outstanding 2019 and 2020 annual reports. There have been difficulties with IT issues and a meeting is scheduled with OMES to resolve those. The Board discussed resuming work with UCO to have interns assist with the data work. Director Bates advised he would update the Board on the progress.

IV. Update on Commutation Docketing and Outstanding Applications – Tom Bates

Director Bates updated the Board on the outstanding commutation applications. The staff has been diligently working through 3,000 pending applications and they are now set to be docketed over the next several months. The eligible and complete applications will be docketed over the next several months, concluding with a special meeting in March. Director Bates commended the work of the staff, and Mr. McCall concurred that the situation was handled quickly and well.

V. Presentation, Discussion, and Possible Action on the Administrative Rulemaking Process – Tom Bates and Kyle Counts

Director Bates discussed the process in putting together the rules including the meetings held with each Board member and with the Governor's office. Director Bates advised that the rules were drafted in order to prioritize the cases the Board would like to hear as well as reduce the burden on stakeholders such as victims and DAs. Mr. Counts advised that his intent with the rules was primarily to improve the language that was already in the rules and secondarily to address issues that were raised at meetings and by interested stakeholders. Mr. Counts advised the rules will be published in the January 4th register, triggering a 30-day comment period, and a hearing at the February meeting.

VI. Discussion and Possible Action on the Proposed Procedures of the Pardon and Parole Board Administrative Rules – Tom Bates and Kyle Counts

Mr. Counts discussed the proposed changes to Chapter 1 of the Pardon and Parole Board's Administrative Code. Vice-Chair Luck moved to approve the proposed changes, and Mr. Morris seconded. The Board approved the motion 4-0.

VII. Discussion and Possible Action on the Proposed Parole Procedures Administrative Rules – Tom Bates and Kyle Counts

Mr. Counts discussed the proposal to revoke Chapter 3 of the Pardon and Parole Board's Administrative Code and replace it with a new Chapter 25. Vice-Chair Luck moved to approve the proposed changes, and Mr. McCall seconded. The Board approved the motion 4-0.

VIII. Discussion and Possible Action on the Proposed Clemency Hearing Procedures Administrative Rules – Tom Bates and Kyle Counts

Mr. Counts discussed the proposed changes to Chapter 10 of the Pardon and Parole Board's Administrative Code. Mr. McCall asked if it is correct that in the past death row inmates were not able to view the entire clemency hearing. Mr. Counts advised that was his understanding of the death penalty commission report. Vice-Chair Luck moved to approve the proposed changes, and Mr. Morris seconded. The Board approved the motion 4-0.

IX. Discussion and Possible Action on the Proposed Commutation Procedures Administrative Rules – Tom Bates and Kyle Counts

Mr. Counts discussed the proposed changes to Chapter 15 of the Pardon and Parole Board's Administrative Code. Mr. McCall advised that this was the chapter with which he had the most difficulty with the proposed changes, but decided to approve it so that the current board was able to set its own rules and not be required to adhere to the previous board's rules. Mr. McCall believed the three-year rule had worked well but that it was time to adjust the rules for the current board and Governor. Ms. Doyle inquired if an inmate would be able to submit a new application if their petition for reconsideration was granted. Mr. Counts advised that the inmate would be able to submit a new application, but the most recent application on file would be the one considered at the time the case was docketed. Mr. McCall and Ms. Doyle briefly discussed how the proposed changes would operate in practice. Vice-Chair Luck moved to approve the proposed changes, and Mr. McCall seconded. The Board approved the motion 4-0.

X. Discussion and Possible Action on the Proposed Pardon Procedures Administrative Rules – Tom Bates and Kyle Counts

Mr. Counts discussed the proposed changes to Chapter 20 of the Pardon and Parole Board's Administrative Code. Mr. McCall advised that he would like to know information about the payment of fines and court costs for those with paper time who apply for a pardon under the proposed changes. Vice-Chair Luck moved to approve the proposed changes, and Mr. Morris seconded. The Board approved the motion 4-0.

XI. Discussion and Possible Action on the Proposed Revocation of the IT Accessibility Compliance – Tom Bates and Kyle Counts

Mr. Counts discussed the proposal to revoke Chapter 5 of the Pardon and Parole Board's Administrative Code. Vice-Chair Luck moved to approve the proposed changes, and Mr. Morris seconded. The Board approved the motion 4-0. Director Bates thanked the Board for and Mr. Counts for the help on the administrative rules. Vice-Chair Luck thanked Director Bates and Mr. Counts for their work.

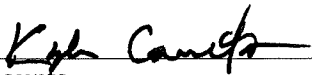
XII. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda – Adam Luck

Vice-Chair Luck asked if the Board had any items to discuss and hearing none, moved to adjourn the business meeting.

XIII. Adjournment of Business Meeting – Adam Luck

The meeting was adjourned at 9:56 a.m.

Respectfully Submitted,



Kyle Counts
General Counsel

The minutes for the December 2020 Pardon and Parole Board Business Meeting were approved by a majority vote on the 11th day of January 2021.