



State of Oklahoma
PARDON AND PAROLE BOARD

PARDON AND PAROLE BOARD
Business Meeting Minutes

Monday, September 14, 2020
9:00 a.m.

MEMBERS PRESENT: Robert Gilliland, Allen McCall, Larry Morris, Kelly Doyle, and Adam Luck. All Board Members appeared remotely via Zoom Webinar as panelist as authorized under HB 661.

MEMBERS ABSENT: None

STAFF: Tom Bates, Melinda Romero, Leroy Long, and Kyle Counts. All staff appeared remotely as panelists via Zoom Webinar.

GUESTS: None

I. Call to Order – Chairman, Robert Gilliland

The Business Meeting of the Pardon and Parole Board (PPB) was called to order at 9:05 a.m. by Chairman Robert Gilliland, on Monday, September 14, 2020, on the Zoom Webinar ID#91549999700.

A. Roll Call

The members attending as panelists via Zoom Webinar were Robert Gilliland, Allen McCall, Larry Morris, Kelly Doyle, and Adam Luck. The voting order was announced as Allen McCall, Robert Gilliland, Larry Morris, Kelly Doyle, Adam Luck.

B. 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 via Zoom Webinar in accordance with the Oklahoma Open Meeting Act as amended under HB 661. 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, virtual meeting place, and agenda of the meeting at 6:15 PM. on September 10, 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 August Business Meeting Minutes

The August business meeting minutes were provided to the Board for review. Allen McCall made a motion to approve the August business meeting minutes, Larry Morris seconded. The

Board approved the motion 4-0, with Chairman Gilliland abstaining.

B. Discussion and Possible Action on August Parole Meeting Minutes

The August parole meeting minutes were provided to the Board for review. Mr. McCall made a motion to approve the August parole meeting minutes, Mr. Morris seconded. The board approved the motion 4-0, with Chairman Gilliland abstaining.

C. Discussion and Possible Action on Agency Updates

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

Ms. Romero shared that there had been three new hires including one executive assistant, an investigator, and a data analyst. Chairman Gilliland asked about vacancies and Ms. Romero shared that there are two and that one is being filled. Ms. Romero shared that the newly hired investigator has already separated from the agency and that position will need to be refilled.

2. Administrative Staff Activities – Deputy Director, Melinda Romero

Ms. Romero updated the Board regarding the agency’s Covid plan. All staff have access to a VPN service allowing them to telework more effectively. At least one administrative assistant is in the office at any time, with the rest working remotely.

3. Field Updates – Field Director, Leroy Long

Mr. Long advised that he would be working to fill the investigator vacancy for Mabel Bassett as quickly as possible. The meeting was paused while Chairman Gilliland reestablished his connection. When Chairman Gilliland restored connectivity, Mr. Long continued that the October docket is complete and work on the November docket is in progress. Covid continues to cause issues with interviews and general field work. Mr. Long assured the Board that they are working around it as effectively as possible while protecting employee safety. Mr. Long updated the Board on a new way that paroled and suspended cases would be presented in investigative reports. The September administrative parole docket was passed in order to sync the DOC’s docketing with the work of the agency. This to reduce unnecessary work on investigative reports for inmates on the administrative parole docket. Mr. McCall and Mr. Long discussed the balance between quality and quantity of the staff’s work and current work levels. Kelly Doyle raised the issue of medical parole and inquired if DOC would be sending another docket related to Covid. Mr. Long stated that he didn’t know of a dedicated Covid docket but that the staff is current with all paroles, including medical.

4. Legal Update – General Counsel, Kyle Counts

General Counsel Kyle Counts provided an update on the temporary amendments to the Open Meeting Act, reminding the Board they will expire on November 15th and that in-person meetings will resume in December, at the latest. Mr. Counts provided an update on Open Records Act requests, reporting that we are current in our responses or awaiting information on how to proceed. Mr. Counts provided information regarding the Board’s inquiry about parties requesting exceptions to policies. The most frequent request is to have the three-year rule for reapplying waived. He reported that the rule went into effect in September 2018 and that the interpretation has gone back and forth regarding its application. Mr. Counts advised the interpretation that he has conveyed to staff is that it applies to anyone whose most recent commutation hearing was after the rule went into effect. Mr. Counts suggested amending the language in the code to clarify the rule. Mr. Counts briefed the Board on the status of rulemaking and his intent to work with the incoming Director to first address the commutation rules, but then to update other areas of the code that have not been revised since 2004, and are inconsistent with several statutory changes. The Board briefly discussed the interpretation of the three-year eligibility rule and Chairman Gilliland and Mr. McCall agreed

with the interpretation as presented.

5. Welcome Executive Director Bates – Executive Director, Tom Bates

Chairman Gilliland made a motion to hire Tom Bates as Executive Director, effective immediately, Mr. Morris seconded. The Board approved the motion 5-0. Chairman Gilliland introduced Director Bates and thanked him for accepting the position. Director Bates thanked the Board for the confidence placed in him. Director Bates said he had met with Ms. Romero and Mr. Counts, and would be present in the office for the September meeting. Director Bates stated that he wanted to understand the issues facing the agency, and immediately begin working on them.

III. Discussion and Possible Action on Resolution in Appreciation of Distinguished Service by Steven Bickley – Chairman, Robert Gilliland

Chairman Gilliland made a motion to approve the resolution, Ms. Doyle seconded. The resolution was approved 4-1, with Mr. McCall voting ‘no’. Chairman Gilliland read the resolution into the record:

RESOLUTION IN SUPPORT AND APPRECIATION OF STEVEN BICKLEY

WHEREAS: Steven Bickley has been the Executive Director of the Oklahoma Pardon and Parole Board for approximately one year. During that time, under his leadership, some of the accomplishments of the agency are as follows:

- The agency has operated under budget. For FY20, our agency was approximately \$400,000 under budget.
- The agency has been able to double docketed caseloads by increasing productivity, increasing automation, and eliminating unnecessary work without increasing overall staff levels. For example, in October 2019, the staff instituted the Serious Incident Report docket which has reduced the number of investigative reports required to be prepared by the field staff and, in turn, to be reviewed by the Board, by 25% monthly.
- Steven Bickley and the staff have been instrumental in managing an increased caseload of the agency. For example, from January through April of this year the Board has docketed 280% more cases than for the same period in 2019. In that four-month period the Board heard more cases than in the entire year of 2018 under the previous board.
- The Oklahoma Pardon and Parole Board was awarded the Governor’s Leadership Award for best overall agency performance for 2019. The agency was also awarded the CARE award by the Association of Paroling Authorities International (APAI.) Both of the prestigious awards were firsts for our agency.
- In November 2019 the Board recommended commutation of inmates based on the legislation that certain crimes that were once felonies have now been classified as misdemeanors. On November 1, 2019 Governor Kevin Stitt approved the commutation of the sentences of 462 inmates incarcerated for non-violent offenses. This was the largest single day commutation in United States history. Since that November 2019 special meeting, the agency has held numerous other 1269 dockets resulting in the release of more low-level, non-violent offenders under the efficient single-stage commutation docket approach.
- When the Pandemic hit, the agency was able to keep meeting while numerous other states cancelled or suspended their pardon and parole activities.
- Steven Bickley and the staff collaborated with DOC Director Crow to initiate a Medical Parole Docket in response to COVID 19.
- The agency developed the stage one commutation spreadsheet based upon DOC data extract reports providing the Board with more accurate data and a fuller picture of the offender at the first stage of the process, thus enabling a better decision-making process by the Board.

WHEREAS: Steven Bickley has honorably and professionally served the Oklahoma Pardon and Parole Board and the citizens of the state of Oklahoma:

BE IT RESOLVED: The Oklahoma Pardon and Parole Board gratefully acknowledges Mr. Bickley’s service to the Board and fully appreciates his service during his tenure as Executive Director.

IV. Discussion and Possible Action on Election of a Chairperson – Chairman, Robert Gilliland

Mr. McCall moved to reelect Robert Gilliland as Chairperson, Mr. Morris seconded. The resolution was approved 4-0, with Chairman Gilliland abstaining.

V. Discussion and Possible Action on Election of a Vice-Chairperson – Chairman, Robert Gilliland

Mr. McCall moved to reelect Adam Luck as Vice-Chairperson, Mr. Morris seconded. The resolution was approved 4-0, with Vice-Chairman Luck abstaining.

VI. Discussion and Possible Action on Commutation Docketing – Chairman, Robert Gilliland

Chairman Gilliland asked Ms. Romero for an update on commutation docketing. Ms. Romero stated that the Board currently had about 2,900 applications and had begun checking all applications for completeness as of August 14. Before that, the staff had deemed around 2,700 of those complete based only on being signed and notarized. Ms. Romero asked for clarification on how the Board wants the applications to be processed. Chairman Gilliland stressed that everybody needs to have the same rights and the same information in front of the Board, that it should be complete; otherwise there will be no clear line on what an applicant can or should leave off. Ms. Doyle expressed concern for applicants without attorneys who will have issues completing the application correctly without assistance. Chairman Gilliland agreed with this concern and asked Ms. Romero for information on omissions on the applications. Ms. Romero said she did not know specifically because those applications have not been screened beyond checking for a notarized signature. Ms. Romero states in general that applicants leave spaces blank such as their version of the offense, or do not include all their cases. Ms. Doyle pointed out that many applicants have literacy and writing issues. Chairman Gilliland suggested there be an ombudsman group that can help applicants with issues rather than staff. Chairman Gilliland said that staff could tell the ombudsman group what they expect on the application and the third party could go through the applications. Ms. Doyle stated that the decision-making matrix Board members receive has been invaluable and includes current and correct misconduct information. Chairman Gilliland said they should consider it and come to a resolution as soon as possible. Chairman Gilliland stated the staff understands the issue and has heard from the different Board members. Chairman Gilliland said staff should attempt to make a resolution for it and that the goal was to present the Board with the best information possible without committing the staff to unreasonable time requirements. Chairman Gilliland suggested that staff get together with the new Executive Director and come up with a solution to be presented at the next meeting. Director Bates assured the Board that he was aware of the issue and would do that. Mr. Luck stated that he would like an update on the process for ensuring that the appropriate amount of commutations is on the docket every month. Mr. Luck stated he would like to see the Board get through the backlog as quickly as possible, while balancing the interests of all parties. Chairman Gilliland agreed that should be part of the plan. No action was taken.

VII. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda – Chairman, Robert Gilliland


Mr. McCall raised the issue of the Board's annual training requirements. The Board discussed different options on completing the training including training from staff members. Ms. Doyle suggested that third parties should be brought in for training the Board and parole investigators on best practices, as well as to train the Board on death penalty issues in preparation for clemency hearings. Chairman Gilliland suggested that Ms. Doyle and a third party could put together training

on Level of Service Inventory (LSI) assessments. Ms. Doyle explained that an LSI assessment can be useful for determining conditions, but should not be determinative of release. Inmates receive a new and updated LSI when they are paroled to assess the necessary conditions for their success. Ms. Doyle does not add conditions based on the LSI in the investigative report, which is often years old and not useful. The LSI includes many factors that cannot be changed such as family history, which makes it unhelpful for making release decisions. Ms. Doyle stated that some investigators are using those LSIs incorrectly in their recommendations, as well as including value statements. Mr. Luck expressed that Richard Stroker's training is beneficial because he comes from the National Parole Resource Center and is familiar with the parole systems in every state. This gives him the perspective to assess where the Board is at and advise on best practices. The training they received in 2019 was helpful for team building. Mr. Luck suggested creating additional time at meetings to hear from staff regarding their concerns and experiences. Mr. Luck expressed agreement that the Board needs training on death penalty issues and clemency hearings. Chairman Gilliland proposed that the Board hear from judges, potentially jurors, defense attorneys, and prosecutors who work with death penalty cases at all levels in order to give a full picture on the procedures involved. Mr. Morris asked for an update on how the letters the Board received from staff have been addressed, or how to respond to the issues raised. Chairman Gilliland agreed this was important and suggested the Board discuss how to address the concerns in the best way for the staff and the Board. Mr. McCall suggested including Director Bates in that discussion. Mr. McCall stated that Director Bates brings a lot of experience leading government agencies that will be helpful to resolving the issues. Chairman Gilliland agreed.

VIII. Adjournment of Business Meeting – Chairman, Robert Gilliland

The meeting was adjourned at 10:15 a.m.

Respectfully Submitted,



Kyle Counts
General Counsel

The minutes for the September 2020 Pardon and Parole Board Business Meeting were approved by a majority vote on the 17 day of October 2020.