



State of Oklahoma
PARDON AND PAROLE BOARD

PARDON AND PAROLE BOARD
Business Meeting Minutes

Monday, May 3, 2021
9:00 a.m.

- MEMBERS PRESENT:** Allen McCall, Larry Morris, Adam Luck, Kelly Doyle, and Scott Williams appeared via Zoom Webinar as authorized under SB 1031.
- MEMBERS ABSENT:** None
- STAFF:** Tom Bates, Melinda Romero, Leroy Long, and Kyle Counts. All staff appeared via Zoom Webinar.
- GUESTS:** None

I. Call to Order – Adam Luck, Acting Chairman

The Business Meeting of the Pardon and Parole Board (PPB) was called to order at 9:01 a.m. by Acting Chairman Adam Luck, on Monday, May 3, 2021.

A. Roll Call

The members attending were Kelly Doyle, Larry Morris, Adam Luck, Allen McCall, and Scott Williams. The voting order was announced as Larry Morris, Kelly Doyle, Adam Luck, Scott Williams, and Allen McCall.

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 SB 1031. This meeting was preceded by an advance notice of the date, time, and place filed with the Oklahoma Secretary of State on November 17, 2020. 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 on April 29, 2021, on our website, www.ok.gov/ppb. The meeting is in compliance with the Open Meeting Act.

II. Business Meeting –Tom Bates, Executive Director, Melinda Romero, Deputy Director, Leroy Long, Field Director, and Kyle Counts, General Counsel

A. Discussion and Possible Action on April Business Meeting Minutes

The April business meeting minutes were provided to the Board for review. Scott Williams made a motion to approve the April business meeting minutes, Allen McCall seconded. The Board approved the motion 5-0.

B. Discussion and Possible Action on April Parole Meeting Minutes

The April parole meeting minutes were provided to the Board for review. Mr. McCall made a motion to approve the April parole meeting minutes, Mr. Morris seconded. The Board approved the motion 5-0.

C. Discussion and Possible Action on Agency Updates:

1. Personnel Updates – New Hires and Separations

Deputy Director Romero reported there were no new hires or separations but that interviews were underway for the administrative assistant and executive assistant positions with the intention to fill both positions by mid-May. Kelly Doyle confirmed with Ms. Romero that the investigator position and Mabel Bassett had been filled.

2. Field Updates

Field Director Leroy Long reported that his team finished the June docket and was moving on to the July docket. Mr. Long also advised that he had not heard anything major about the Department of Corrections being completely open again but would update the Board when he heard anything. Mr. Long believed that DOC was starting to allow visitation again and his team is still going in once or twice a week.

3. Director's Update

Executive Director Tom Bates reported that the new process for commutations continues to develop and that he is confident that it will be ready to go for the June meeting. Director Bates also stated the legislative budget process is moving along as expected. Ms. Doyle inquired about the number and pace of commutation applications coming in currently; Ms. Romero advised that the agency receives between 20 and 60 a week on average, and in the past it was up to 140 a week. Mr. McCall asked when the new rules would go into effect. Director Bates and General Counsel Kyle Counts reported they would go into effect in July or August. Director Bates advised he had not heard of any objections to the rules from either the legislature or Governor Stitt's office.

III. Discussion and Possible Action on Policy for Personal Appearances for Parole Hearings for Inmates with Nonviolent Offenses – Kyle Counts

General Counsel Kyle Counts advised that until the summer of 2019, the Board allowed personal appearances for nonviolent offenses when it was the inmate's first, second, or third incarceration for any kind of drug offense, and on the third incarceration based on any nonviolent offense. Mr. Counts further advised that staff will revert to that policy if it is the will of the Board. Ms. Doyle asked how misconducts affects that and Mr. Long stated that a misconduct within six months of the docket removes the personal appearance. Mr. Morris asked why the policy was changed and Ms. Doyle stated it was because of the influx of personal appearances for commutations. The previous policy would have resulted in meetings lasting more than a week. Ms. Romero stated that before the influx in commutations, the Board was averaging 60-90 personal appearances a month under the former policy. Ms. Doyle stated she would like to go back to the former policy for a couple of months and see how it works out, and then expand upon it if possible. The Board discussed how to balance the desire for personal appearances with time considerations. The Board asked staff to prepare information and data on how a potential change in policy would affect the length of meetings and to also consider legal changes around medical paroles that could potentially increase the Board's work. Mr. Long advised that medical paroles do not

receive personal appearances. Mr. Counts stated that the increase in staff demands would come from the resulting investigative reports. Chairman Luck asked that the information give an idea what the July meeting would look like under the former policy for personal appearances and, if the Board was comfortable with that, they could take action at the June meeting to reimplement that policy. Mr. McCall asked when the Board may go back to in-person meetings and Director Bates stated that the Board should discuss either in June or July the plan for going resuming in-person meetings. Director Bates also stated that the meetings would tentatively be at Kate Barnard but that negotiations were underway to secure new office space at a building that could also host the monthly meetings.

IV. Discussion and Possible Action on Policy for Personal Appearances for Parole Hearings for Inmates with Violent Offenses – Kelly Doyle

Kelly Doyle explained that when she began her service on the Board, she believed she would be interviewing more people with long prison sentences and cases that were more serious. Ms. Doyle stated that she did not have all of the data, but that based on her own analysis only five to 10% of violent offenders advance from Stage One to a Stage Two hearing, and that this leaves no real hope to all of offenders that they'll have the opportunity to speak before the Board. Ms. Doyle states this is the case even when many of the offenders have very good prison conduct and that the decisions are being based on old and limited information about the original offenses, some of which occurred more than 30 years ago. Ms. Doyle stated that she had discussed with Mr. Counts an idea to give personal appearances to some inmates, with violent offenses, that had good institutional records and asked Mr. Counts to brief the Board on the foundation. Mr. Counts stated there would be an expedited docket, similar to the SIR or administrative parole docket, in which inmates who fall within a certain criterion could advance to a Stage Two hearing based on a single vote from the Board. Mr. Counts stated the issue was that it seems it may be difficult to implement. Ms. Doyle advised that she believed it would still be individual votes but would be for individuals who had not had a personal appearance in nine years. Mr. Counts stated that the nine years would be the basis for the expedited docketed but that the Board would be able to strike inmates if they believed there were intervening factors that should preclude them from receiving the personal appearance. Mr. Counts also advised that, due to statute, the Board had to first vote to advance a violent offender to Stage Two if they were to receive a personal appearance, and that the interview could not be conducted at Stage One. Mr. McCall agreed with the intentions and concept behind Ms. Doyle's request but advised that he believed a change in the statute would be necessary to bring it into effect. The Board discussed potentially researching how other states handle policy around personal appearances before making changes. Ms. Doyle stated that the Board already considers special dockets that are not legislatively constructed and that it should consider a new one for individuals who have been eligible for at least nine years or at least marking that on the docket in some way. Mr. McCall reiterated his agreement with the concept but that he felt that would be dangerous without legislative authorization and feedback on the idea from other stakeholders. Chairman Luck suggested that this conversation be continued when the Board has better data, options, and information on how other states handle the issue. Director Bates stated that staff would investigate it and Mr. McCall asked that the research be focused on states in the region. Ms. Doyle advised that Arkansas would be a good state to research as it has several recent reforms. The Board discussed highlighting inmates who fall within the scope of Ms. Doyle's original suggested change as a short-term solution while the legislative and/or rule changes for inmates in that category is more of a long-term project.

V. Discussion and Possible Action on Policy for Conducting Personal Appearances – Adam Luck

Chairman Luck opened the discussion by thanking Judge Allen McCall for conducting the bulk of personal interviews during the last couple of years. Chairman Luck stated that it would be good for the Board to begin rotating this responsibility, but that he would like Director Bates and Mr. Counts to develop some standard questions for Board members to open the personal interviews so that they are consistent irrespective of which Board member is conducting the interview. Mr. Luck suggested the Board discuss this again in June to agree on the list of questions and a method for rotating the duty between Board members. Mr. McCall stated that any Board member would be capable of doing the interviews and that Ms. Doyle did a good job when she conducted interviews several months back. Mr. McCall stated that his goal is always to get the person to relax and talk to the Board. Mr. McCall also reiterated that all of the Board members are free to ask follow-up questions so the template is not meant to be limiting. Ms. Doyle expressed appreciation to Judge McCall for conducting the interviews and stated that she would also like to be involved in that process for a portion of the docket, and said it would be helpful to know ahead of time who each Board member would be interviewing so that they could prepare. Chairman Luck asked Director Bates and Mr. Counts to include a list of potential questions in the Board's materials for the June meeting, and also to think about a way that Board members could sign up either for particular dockets, days, or whole months through either a shared document or something maintained internally.


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

Chairman Luck opened the discussion for new business and the Board did not report any new business. Chairman Luck concluded the discussion and proceeded to the adjournment of the business meeting.

VII. Adjournment of the Business Meeting – Adam Luck

The meeting was adjourned at 9:59 a.m.

Respectfully Submitted,



Kyle Counts
General Counsel

The minutes for the May 2021 Pardon and Parole Board Business Meeting were approved by a majority vote on the 7th day of June 2021.