

J. Kevin Stitt
Governor



Tom Bates
Executive Director

State of Oklahoma
PARDON AND PAROLE BOARD

PARDON AND PAROLE BOARD
Business Meeting Minutes

Monday, August 9, 2021
9:00 a.m.

MEMBERS PRESENT: Scott Williams, Kelly Doyle, Adam Luck and Richard Smothermon

MEMBERS ABSENT: Larry Morris (Excused)

STAFF: Tom Bates, Melinda Romero, Leroy Long, and Kyle Counts

GUESTS: Representatives from U.S. Immigrations and Custom Enforcement - Justin Broughton

I. Call to Order – Adam Luck, Acting Chairman

The Business Meeting of the Pardon and Parole Board (PPB) was called to order at 9:00 a.m. by Acting Chairman Adam Luck, on Monday, August 9, 2021.

A. Roll Call

The members attending were Scott Williams, Kelly Doyle, Adam Luck and Richard Smothermon. The voting order was announced as Scott Williams, Kelly Doyle, Adam Luck and Richard Smothermon.

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 in accordance with the Oklahoma Open Meeting Act. 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

made a motion to approve the July parole meeting minutes, Mr. Williams seconded. The Board approved the motion 4-0.

C. Discussion and Possible Action on Agency Updates:

1. Personnel Updates – New Hires and Separations

Ms. Romero reported there were no new hires and no new separations.

2. Field Updates

Field Director Leroy Long reported that his team completed the September 2021 docket and will be moving on to the October 2021 docket. Mr. Long also stated he has all his investigators back on, except for one investigator. The investigator who is not on full-time is currently working on the document audit.

3. Director's Update

Executive Director Tom Bates reported that the last few months have been stable with the new additions to the team

III. Discussion and Possible Action on Records Request from District Attorney David Prater – Adam Luck

Chairman Luck reported that the Pardon and Parole Board received a records request for the upcoming commutation hearing for Julius Jones. The Board has retained outside counsel, David Cincotta who will be handling the litigation that was filed in March. Mr. Cincotta is in contact with Mr. Prater's office and will respond appropriately.

IV. Discussion and Possible Action on Tied Votes from December 2020 through March 2021 – Tom Bates

Director Bates stated that due to a vacancy on the Board from the end of 2020 through the beginning of 2021, the meetings in December, January, and March included tied votes. Mr. Bates reported that the numbers were provided to the Chairman via email. General Counsel Kyle Counts broke down the numbers into four categories, with paroles broken down by violent or non-violent, then pardons and commutations. Mr. Counts stated that for violent paroles the total across those three months were a little over 100 which includes stage one and stage two. Violent paroles are precluded by statute from being reconsidered short of three years. There were between 50 and 60 nonviolent paroles that were tied votes, and the Board's administrative code provides for reconsideration of any of those with the majority vote. The same investigative report would be used because of the short time frame, and they would just go through the standard process.

There were a total of 130 commutations with tied votes, with all the ties occurring at stage one. The Board would need a request from the Governor to reconsider those, unless there was a change in the law related to the sentences.

There were only three tied votes for pardons—two in January and one in March. Mr. Counts stated that the Board would just need to hold a vote and state on the record that they want to reconsider those pardon applications, Otherwise there is a one-year wait under the current rules before they would be reconsidered.

Chairman Luck stated the Board will consider the matter and vote on whether to reconsider tied votes at next month's meeting.

V. Discussion and Possible Action on Policies and Procedures for Pardon Hearings – Scott Williams

Scott Williams asked Mr. Counts if he could share his recommendation. Mr. Counts stated that for anyone who the Board unanimously is going to approve recommending for a pardon, the Board could summarily approve that portion of the docket. Mr. Counts explained that prior to voting to recommend the docket for pardon consideration, if a Board member wants to ask questions of an applicant or if the applicant themselves wants a personal appearance, then they would receive a personal appearance at the following meeting.

VI. Discussion and Possible Action on Policies and Procedures for Personal Appearances – Leroy Long

Field Director Leroy Long stated that in August there will be 28 personal appearances. Of those personal appearances, 25 will be first, second and third incarceration for drug actions and three would be for non-violent crimes. Mr. Long stated that in September there will be 38 more personal appearances.

Mr. Luck stated that there will be a vote at next months meeting regarding the decision on changing the pardon and personal appearance policies.

VII. Discussion and Possible Action on Policies and Procedures for Administrative Parole – Kyle Counts

Mr. Counts stated he sent a memo covering two different policy proposals on reconciling the different areas of the law when it relates to administrative parole. The first policy involves the ability of Board members to strike somebody from the docket , in the event that they would like to have an interview conducted and basically go through the regular parole process and have an investigator prepare a report.

The second policy would be to create a violent crimes list as a matter of policy for the Board to use that is more thorough than what is in Section 571 of Title 57. Mr. Counts explained that there are older internal documents with a lot of offenses that were considered violent prior to those changes in the statute, and also that statute is inconsistent with another part of Title 57 that identifies all the offenses that go to the Governor for approval.

VIII. Discussion and Possible Action on PPB's Re-Entry Docket Policy – Kyle Counts and Leroy Long

Mr. Counts described the new policy 124 for the re-entry docket, explaining that it's a formalized version of what was discussed last month. This policy states that the Pardon and Parole Boards will have a re-entry docket for offenders who are about to discharge a sentence and reenter the community. Inmates on the re-entry docket will complete a short parole form and will not receive an interview or personal board appearance. Only nonviolent offenders are eligible for the re-entry docket and must also meet the following requirements. The inmates must be on their first, second, or third incarceration. If the inmate is not on GPS, then the inmate must be projected to discharge within 12 months of the docket month, must not have any class X misconduct in the last year and no class a misconduct reports in the last six months, must not

have any consecutive cases with terms of incarceration to serve. Sex offenses, domestic violence and stalking charges are ineligible. Also, all GPS offenders with non-violent offenses are eligible, irrespective of the number of incarcerations.

Chairman Adam Luck made a motion to adopt Policy 124 regarding the Re-Entry Docket, Mr. Williams seconded. The Board approved the motion 4-0.

IX. Training: ICE Detainers – Representatives from U.S. Immigrations and Custom Enforcement

Justin Broughton conducted a one-hour training program, via Zoom, to educate the Board and the public on ICE Detainers.

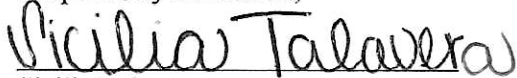
X. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda – Adam Luck

No new business.

XI. Adjournment of the Business Meeting – Adam Luck

The meeting was adjourned at 10:30 a.m.

Respectfully Submitted,



Sicilia Talavera
Executive Assistant

The minutes for the August 2021 Pardon and Parole Board Business Meeting were approved by a majority vote on the 13th day of September 2021.