



State of Oklahoma
PARDON AND PAROLE BOARD

PARDON AND PAROLE BOARD
Business Meeting Minutes

Monday, June 6, 2022
9:00 a.m.

- MEMBERS PRESENT:** Richard Smothermon, Scott Williams, Larry Morris, Edward Konieczny, and Cathy Stocker
- MEMBERS ABSENT:** None
- STAFF:** Tom Bates, Melinda Romero, Leroy Long, and Kyle Counts
- GUESTS:** Chrissie Underwood, Philip Whiting, Alexxandra Rosanelli, and Bryce Ward from the Department of Corrections

I. Call To Order – Scott Williams, Chair

The Business Meeting of the Pardon and Parole Board (PPB) was called to order at 9:00 a.m. by Chairman Scott Williams on Monday, June 6, 2022.

A. Roll Call

The members attending were Scott Williams, Richard Smothermon, Edward Konieczny, Cathy Stocker, and Larry Morris. The voting order was announced as Scott Williams, Richard Smothermon, Edward Konieczny, Cathy Stocker, and Larry Morris.

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 16, 2021. 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 June 2, 2022, on the Pardon and Parole Board's website, www.ok.gov/ppb. The meeting is in compliance with the Open Meeting Act.

C. Reading of Pardon and Parole Board Mission Statement

Scott Williams recited the Oklahoma Pardon and Parole Mission Vision and Values Statement.

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 May Business Meeting Minutes

The May business meeting minutes were provided to the Board for review. Richard Smothermon made a motion to approve the May business meeting minutes, Edward Konieczny seconded. The Board carried the motion 5-0.

B. Discussion and Possible Action on May Parole Meeting Minutes

The May parole minutes were provided to the Board for review. Richard Smothermon made a motion to approve the May business meeting minutes, Edward Konieczny seconded. The Board carried the motion 5-0.

C. Discussion and Possible Action on Agency Updates:

1. Personnel Updates – New Hires and Separations

Deputy Director Melinda Romero reported no new hires or separations.

2. Field Updates

Field Director Leroy Long reported that he had completed training with all of the investigators. Mr. Long provided updates on investigations for the July docket. Randall Gollhofer introduced himself to the Board.

3. Legal Updates

General Counsel Kyle Counts gave a brief update on revocations. Mr. Counts stated there had been an increase in revocations over the past couple of months. Mr. Counts reported in April there were 11 and for May there were 14. Mr. Counts stated he would continue to track if there was a trend.

Regarding the *Glossip v. Chandler* litigation, Mr. Counts reported as of last week, the final order is still pending regarding the execution protocol.

Mr. Counts explained the Special Commutation Docket. He stated those are applicants who are out of custody and applied for commutation prior to the change of the rules that allows for an out of custody applicant to apply for a pardon after five years of success. He also stated that the Special Commutation Docket will not be a recurring Docket.

Lastly, Mr. Counts reiterated that there was a new commutation application form that was approved last month. Mr. Counts stated that Pardon and Parole Board has 77 that are going to be docketed from now to August. He also stated there have been over 100 letters that were sent to anyone who submitted their application using the old form asking the applicant to supplement with new information. Each

letter has a return date of 60 days along with a request for the Judgment and Sentences.

Mr. Counts suggested that if the Board does not receive the supplemental applications within the 60 days, the old application will be docketed around September or October. All applications submitted going forward will need to be on the new application form.

4. Director's Update

Executive Director Tom Bates reported that the Judge in the Glossip litigation had just ruled that morning as the meeting was beginning. Dir. Bates stated there will be appeals but executions would likely be resuming and may require a special meeting to schedule clemency hearings dates.

Dir. Bates reported that the legislature approved the request for a budget increase of \$160,000 to hire additional staff in the future.

Dir. Bates reported on a project the investigators are working on per his request. Currently they are working on all pending Murder I cases that are not life without parole to confirm that there are DA narratives in the Board's records. In the past there had been cases where there were no DA narratives included. He also stated that the District Attorneys were made aware of the situation and asked to supplement that record.

Lastly, Dir. Bates discussed updates concerning Administrative Parole. Dir. Bates stated that in May a memorandum was issued to the field staff. There are now 13 additional offenses that would no longer be included in the Administrative Parole docket going forward. Dir. Bates explained that, as an example, many of those offenses are predicated on prior felony convictions and therefore need an investigative report. Dir. Bates also stated that inmates serving time based upon a Parole Revocation will be stricken from the Administrative Parole docket going forward.

III. Training and Discussion on Probation and Parole Services – Representatives from the Department of Corrections

Chrissie Underwood, Philip Whiting, Alexxandra Rosanelli, and Bryce Ward from the Department of Corrections provided 30 minutes of training to the Board regarding Probation and Parole services.

IV. Discussion and Possible Action on Recommendations from the Oklahoma County Grand Jury Report – Tom Bates, Executive Director

Dir. Bates reported that the Oklahoma County Grand Jury issued a report May 12, 2022 regarding their investigation into events at the agency, particularly the commutation of Lawrence Anderson.

The report contained numerous recommendations for the agency. The grand jury conveyed that they would like to see changes and practices moving forward. Dir. Bates stated that many recommendations were directed to the agency, and others were directed to the Oklahoma Legislature, and Governor's office.

Dir. Bates briefly went over the list of recommendations that were directed to the agency.

Regarding the required annual reports, Dir. Bates stated he was assured by Dr. McLeod that the first report should be complete by July's business meeting.

Dir. Bates thanked his staff, Ms. Romero, Mr. Long and Mr. Counts for their hard work and dedication through the process of the investigation.

Lastly, Dir. Bates request that the most important topic he would like to focus on from the report is setting objective criteria around commutation decisions. He stated he would be glad to provide the Board with proposals regarding the topic.

Vice-Chairman Richard Smothermon made a motion to direct staff to research and propose options for implementing recommendations from the Oklahoma County Grand Jury Report concerning new evidence and objective criteria. Edward Konieczny seconded, and the Board carried the motion 5-0.

V. Discussion and Possible Action on Pardon Policies and Procedures – Richard Smothermon, Vice-Chairman

There was a discussion regarding Pardon Policies and Procedures for pardon applicants who had been supervised on probation or parole in the last five years. Mr. Counts reported that the administrative rules had changed the previous fall to channel all requests for relief from out-of-custody applicants into the pardon procedure. Mr. Smothermon requested an update in the future that gives the Board information on the prior policies and options to adopt concerning applicants who were on supervision.

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

None

VII. Adjournment of the Business Meeting

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

Respectfully Submitted,

Sicilia Talavera

Sicilia Talavera
Executive Assistant

The minutes for the June 2022 Pardon and Parole Board Business Meeting were approved by a majority vote on the 18th day of July 2022.