



State of Oklahoma
PARDON AND PAROLE BOARD

PARDON AND PAROLE BOARD
Business Meeting Minutes
March 11, 2019

Monday, March 11, 2019
9:00 a.m.

MEMBERS PRESENT: Allen McCall, Acting Chairman, Larry Morris, Robert Gilliland, Kelly Doyle, and Adam Luck

MEMBERS ABSENT: None

STAFF: DeLynn Fudge, Melinda Romero, Justin Wolf, and Amber Briggs-Spell

GUESTS: Alina Sorrell, Office of the Governor

I. Call to Order – Acting Chairman Allen McCall

The Business Meeting of the Pardon and Parole Board (PPB) was called to order at 9:00 a.m. on Monday, March 11, 2019, at Kate Barnard Correctional Center (KBCC) in Oklahoma City by Acting Chairman Allen McCall.

A. Roll Call

Justin Wolf, General Counsel, announced the members attending as Allen McCall, Larry Morris, Robert Gilliland, Kelly Doyle, and Adam Luck. The voting order was announced as Allen McCall, Larry Morris, Kelly Doyle, Adam Luck, and Robert Gilliland.

B. Pledge of Allegiance

Mr. McCall requested a moment of silence indicating that no one was obligated to participate and then led the Pledge of Allegiance.

C. Assurance of Compliance with Open Meeting Act

The regularly scheduled meeting of the Pardon and Parole Board has been 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 9, 2018. 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, place, and agenda of the meeting at 9:20 a.m. on March 7, 2019, at the principal office of the Pardon and Parole Board, located at 2915 N. Classen, Suite 405, Oklahoma City, OK. The Board is in compliance with the Open Meeting Act.

II. Business Meeting – DeLynn Fudge, Executive Director

A. Discussion and Possible Action on February Business Meeting Minutes

The February Business meeting minutes were provided to the Board for review. A motion was made by Allen McCall and seconded by Larry Morris to approve the Business meeting minutes as presented. Allen McCall, Larry Morris, Kelly Doyle, and Robert Gilliland voted in favor of the motion. Adam Luck abstained. The motion passed.

B. Discussion and Possible Action on February Parole Meeting Minutes

The February Parole meeting minutes were provided to the Board for review. A motion was made by Allen McCall and seconded by Larry Morris to approve the Parole meeting minutes as presented. Allen McCall, Larry Morris, Kelly Doyle, and Robert Gilliland voted in favor of the motion. Adam Luck abstained. The motion passed.

C. Discussion and Possible Action on Agency Updates

1. Personnel Updates – New Hires and Separations

Director Fudge reported on the newest member of the administrative team. There is one vacant administrative assistant position to be filled and two investigator positions, one at Cimarron Correctional Facility and one at North Fork Correctional Facility. A posting and subsequent interviews have been held but candidates have not been found. Director Fudge discussed various options that could be employed to increase interest and response, including increasing the period for posting and adding the salary range to the email when scheduling interviews. General discussion was held but no action was taken.

2. Legislative Update

General Counsel Wolf and Director Fudge provided the Board an update on the request bills and a summary of the bills that the staff is tracking. General discussion was held but no action was taken.

3. Administrative Staff Activities

Secretary Mazzei, Cabinet Secretary of Budget, is meeting with all agency heads about the budget. The meeting for the agency will occur later this month. Director Fudge attended a meeting convened by Commissioner Osborn with the Department of Labor. The meeting included the Department of Corrections (DOC) and career tech. The task force is reviewing all licensing occupations and identifying any barriers that exist for individuals who are reentering the workforce after incarceration. The task force will then make recommendations for a variety of licenses that frequently come up during parole personal appearances were discussed. Commissioner Osborn also met with TEEM, ReMerge, and the Center for Employment Opportunities. Ms. Doyle spoke on how these groups are assisting. General discussion was held.

Director Fudge worked with DOC on their policies and addressing the fact that any revisions to our forms causes DOC to have to revise their policies. In an effort to assist DOC, PPB forms that DOC uses were added to the website so they can insert a link within their policies.

III. Discussion and Possible Action on Staff Reporting on Budget and Statistical Reports – DeLynn Fudge

Director Fudge indicated that during the two orientation meetings, there was some discussion about the budget and the monthly statistical reports. Normally, these are provided quarterly but Director Fudge inquired on the Board's preference. General discussion was held. The consensus of the Board was to receive these reports monthly.

IV. Discussion and Possible Action on Scheduling Training Date – DeLynn Fudge

Director Fudge reported that the Board is required to obtain twelve hours of training during the first year. Most of the training requirements are met during the business meeting. A document was distributed that contained the training topics that were provided over the last three and a half years including the statutorily required topics. Director Fudge indicated that allied agencies, such as the Department of Corrections, the Office of the Attorney General, the District Attorneys Council, and Immigrant and Customs Enforcement, have provided the training. She discussed some of the presenters and topics that have been contacted. General discussion was held on the preferred initial topics. Ms. Doyle inquired about attending the American Paroling Authorities, International (APAI) conference. Interested Board members were encouraged to contact Director Fudge. In addition, commitments have been secured from NPRC, CEPP, and CJI who will come to Oklahoma to provide training at no cost to the PPB. Generally, this training was held on a Thursday following the board meeting. The Board was agreeable to the Thursday training and Director Fudge will reach out to the providers to coordinate dates.

V. Presentation, Discussion, and Possible Action on Open Meeting Act Requirements – Justin Wolf

Mr. Wolf made a presentation to the Board regarding Open Meeting Act (OMA) compliance. The presentation was adapted from materials provided by the Attorney General's Office. Topics covered were general compliance with the OMA as well as the various processes for the different types of meetings and when each type of meeting is appropriate. Mr. Wolf responded to questions and general discussion was had. No action was taken.

VI. Discussion and Possible Action on Chairman Pay for Brett Macy for February 2019 Meeting – DeLynn Fudge

According to OMES, for a person to receive the Board Chairperson pay there must be a vote in the minutes. Director Fudge indicated that because of the timing of appointments, Mr. Macy chaired the February meeting but there wasn't a vote by the Board to appoint him as Chairperson. Director Fudge indicated that OMES confirmed that the increase in pay can be made retroactively. A motion was made by Allen McCall and seconded by Robert Gilliland to pay Mr. Macy the pay for serving as Chairman for the February meeting. Allen McCall, Larry Morris, Kelly Doyle, Adam Luck, and Robert Gilliland voted in favor of the motion. There were no votes against the motion. The motion passed.

VII. Presentation, Discussion, and Possible Action Revisions to the Commutation Application – Justin Wolf

Mr. Wolf presented a copy of the current and a proposed Commutation Application for the Board's consideration. Mr. Wolf explained that the current application was extensive and focused on an inmate's conduct while incarcerated. The number of questions causes many applications to be returned for incompleteness and the focus on conduct during incarceration distracts from the fact that an unjust sentence is still unjust if the inmate misbehaves. Mr. Wolf indicated that misconducts, like program participation, do not have a bearing on whether the sentence is excessive or unjust. General discussion was held on the misconduct section. A motion was made by Allen McCall and seconded by Robert Gilliland to approve the revised Commutation Application as revised. Allen McCall,

Larry Morris, Kelly Doyle, Adam Luck, and Robert Gilliland voted in favor of the motion. There were no votes against the motion. The motion passed.

- VIII. Discussion and Possible Action on Revisions to Aging Prisoner's Application – DeLynn Fudge**
Director Fudge provided a copy of the current and proposed Aging Prisoner's Application for the Board. Due to a concern from the Department of Correction's Legal Division, the application needed to be modified. When initially developed, DOC agreed to have the Records Officer verify all eligibility criteria. Staff worked with all parties and revised the application where the Records Officer will verify Questions 3-4 and the General Counsel Wolf will verify Questions 1-2. General discussion was held. A motion was made by Allen McCall and seconded by Larry Morris to approve the revised Aging Prisoners application. Allen McCall, Larry Morris, Kelly Doyle, Adam Luck, and Robert Gilliland voted in favor of the motion. There were no votes against the motion. The motion passed.

The application will be posted to the website and will be distributed to the law libraries within the DOC. The application will also be sent to a list of attorneys that frequently come before the Board

- IX. Discussion and Possible Action on Changing the May Meeting Date – DeLynn Fudge, Melinda Romero, Deputy Director, and Justin Wolf**

Director Fudge Reported that Mr. Gilliland has a conflict with the May meeting. DOC has been contacted and the room is available for May 6th-8th. Deputy Director Romero has reviewed the deadline schedule for the numerous tasks required prior to the meeting and indicated the meeting change can be accommodated. A motion was made by Allen McCall and seconded by Robert Gilliland to reschedule the May Meeting dates to May 6th, 7th, and 8th. Allen McCall, Larry Morris, Kelly Doyle, Adam Luck, and Robert Gilliland voted in favor of the motion. There were no votes against the motion. The motion passed. The regularly scheduled May meeting with the Secretary of State will be cancelled and the Business and Parole meeting will be rescheduled as Special Meetings.

- X. Update, Discussion, and Possible Action on Administrative Parole Process – DeLynn Fudge and Justin Wolf**

In anticipation of the first Administrative Parole docket scheduled for Wednesday, Director Fudge provided a summary of the purpose and criteria for administrative parole. In the planning stages, DOC thought the first list would be 2,000 – 3,000 inmates but the first list was much smaller than expected, totaling 138. After reviewing the eligibility criteria in depth, there were 74 inmates who were eligible for consideration. Four (4) categories eliminated individuals from consideration based on statutory criteria. These are: 1) the inmate hadn't served the required length of time; 2) the inmate had already been released; 3) the inmate had misconducts, which disqualified them within the eligibility criteria; or 4) the inmate was convicted of a violent offense. A follow-up meeting has been scheduled with DOC to work together to refine the list so less research is required in the future. For this list, Deputy Director Romero spent approximately 40 hours researching the list to ensure the individuals were eligible. Ms. Doyle asked whether the query of DOC's data eliminated inmates sentenced to consecutive sentences. Mr. Wolf responded that DOC indicated that they did not exclude inmates with consecutive sentences but that he would follow up. No action was taken.

- XI. Discussion and Possible Action on Election of a Chairperson – Acting Chairman Allen McCall**
Allen McCall made a motion and Larry Morris seconded the nomination of Robert Gilliland as the Chairperson. Allen McCall, Larry Morris, Kelly Doyle, Adam Luck, and Robert Gilliland voted in favor of the motion. There were no votes against the motion. The motion passed.
- XII. Discussion and Possible Action on Election of a Vice-Chairperson – Acting Chairman Allen McCall**
Kelly Doyle made a motion and Allen McCall seconded the nomination of Adam Luck as the Vice-Chairperson for the Oklahoma Pardon and Parole Board. Allen McCall, Larry Morris, Kelly Doyle, Adam Luck, and Robert Gilliland voted in favor of the motion. There were no votes against the motion. The motion passed.
- XIII. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda – Allen McCall**
There was no new business.
- XIV. Adjournment of Business Meeting – Allen McCall**
The meeting was adjourned at 10:33 a.m.

Respectfully Submitted,



Melinda Romero
Interim Executive Director

The minutes for the March 2019 Pardon and Parole Board Business Meeting were approved by a majority vote on the 6th day of May 2019.