

CJRCC Minutes 10.13.20

The Oklahoma Criminal Justice Reclassification Coordination Council held a special meeting on October 13, 2020 at 1:30pm via WebEx, and was held consistent with the amendments to the Open Meeting Act, 25 O.S. 2011, §301 *et seq.*, signed into law by Gov. J. Kevin Stitt on Wednesday, March 18, 2020. *See* Senate Bill No. 661, 2020 O.S.L 3, §3. The agenda was posted on the Attorney General's website 24 hours in advance in accordance with 25 O.S. §311. The meeting notice was sent to the office of the Oklahoma Secretary of State, also pursuant to 25 O.S. §311, and was date-stamped by that office on October 5, 2020 at 9:05am.

Members attending virtually: Attorney General Mike Hunter, District Attorney Steve Kunzweiler, District Attorney Mike Fields, Jessica Brown on behalf of Department of Corrections Director Scott Crow, Chief Public Defender Bob Ravitz, Oklahoma Indigent Defense System Chief of General Appeals Division Cindy Danner on behalf of Director Craig Sutter, Nisha Wilson on behalf of Department of Mental Health and Substance Abuse Services Commissioner Carrie Slatton-Hodges, Director of Oklahoma State Bureau of Investigation Ricky Adams, Bob Cook on behalf of Oklahoma Bureau of Narcotics and Dangerous Drugs Director Donnie Anderson, Administrative Director of the Administrative Office of the Courts Jari Askins, Oklahoma Coalition Against Domestic Violence & Sexual Assault Director Candida Manion, Emily Shipley-Crouch on behalf of the Oklahoma State Chamber of Commerce, Tim Tardibono on behalf of the Oklahoma City Chamber of Commerce, and Senator Wayne Shaw.

Call to order: 1:34pm

Attorney General Mike Hunter called the meeting to order and welcomed the members.

Roll call: 1:35pm

Assistant Attorney General Alexandra Adkins called roll and recognized a quorum. She noted that the meeting notice and agenda were posted in accordance with the applicable Oklahoma statute.

Approval of Minutes from Previous Meeting: 1:36pm

Director Jari Askins moved to approve the minutes from the Council's last meeting on January 22, 2020. District Attorney Steve Kunzweiler seconded the motion. It was then passed unanimously by the members.

Presentation on Status of the Reclassification Proposal by Deputy Attorney General Lori Carter: 1:37pm

Deputy AG Carter presented corrections and changes to the Reclassification Proposal since the last meeting and gave a brief summary of SQ780. DA Kunzweiler said the document has not been voted on and is not final, but they wanted to share with the group the most updated version and current discussions.

DA Kunzweiler asked if any member on this council was reached out to, consulted on, or assisted in the drafting of SQ805. He stated that such a proposal should have been presented to this council. No members stated that they were involved with SQ805.

Presentation by Master Patrol Officer Ricky Ford, Durant: 2:00pm

Officer Ford is a 14 year member of the Durant police force and veteran. He received the phone call on May 24, 2020 that his son was involved in an accident. His 14 year old son was in a vehicle with friends going to play Xbox and have a sleepover. At a stop sign, a drunk driver going twice the speed limit struck their car, pushing it over 600 feet. His son Hunter suffered numerous broken bones and a massive head injury, leading to his death.

Officer Ford stated that the driver of the vehicle that stuck the boys was identified. He had 31 outstanding warrants for his arrest, and his numerous felony convictions spanned back to the 1990s. He had four previous DUI convictions. Officer Ford asked why this man was not incarcerated. At the time of the accident, the driver was three times over the legal limit, and ran his car into a vehicle with four young men inside, killing each one. He said that if SQ805 becomes law, countless other families will be shattered. Attorney General Hunter expressed that he is profoundly sorry for his loss and appreciates his testimony as we attempt to appropriately empower law enforcement and judges to make decisions.

Presentation by Norm Smaligo, President OKRCA on the 2019 Uniform Crime Report and data from surrounding states on crime rates: 2:14pm

Mr. Smaligo explained that since he last spoke to the group he has received the latest crime numbers from Oklahoma as well as the FBI. He explained that numbers are trending up since 2014, and they just had the four highest monthly numbers of Aggravated Assaults in Tulsa. He stated that Oklahoma has a higher rate of aggravated assaults than the country as a whole, and it is continuing to go up. Mr. Smaligo stated that OKC and Tulsa larceny numbers are up and trending up since 2016. He explained that the downturn in 2017 was due to shutting down a large fencing operation, but the numbers have since rebounded and continue to increase. The larceny rate is higher than the US average based on reported numbers, while many larceny thefts go unreported. Mr. Smaligo reported that thefts involving property valued over \$200 have doubled in number since 2016. Attorney General Hunter asked for questions. Mr. Smaligo said the reporting rate is still three to 10%, and usually only the worst of the worst is reported.

District Attorney Steve Kunzweiler– Discussion and Possible Action to Alter or Adopt Amendments to the Reclassification Proposal: 2:47pm

DA Kunzweiler said no one in the group was involved in the drafting of SQ805, and he wants it noted in the minutes. He thinks Oklahoma needs a discussion and some hard calls on what it means to be called a non-violent or violent crime. Attorney General Hunter said we will not use the forum to take a position on SQ805, but it does make things difficult because if the state question were to pass, it would impact and strike out a large portion of our work. He suggested postponing the adoption or final action of the work until after the election. Director Askins said a bright line is important because of the constitutional change made in 2012 or 2014 regarding paroles. Public Defender Ravitz stated that he agrees with needing the bright line rule, but there are numerous crimes that cannot be considered violent or nonviolent without looking at the specific facts of the case. DA Kunzweiler recommended having a judicial recommendation to provide guidance to DOC on such crimes so DOC can properly evaluate.

Committee Announcements: 3:06pm

- A. Enhancements Committee, DA Kunzweiler
 - a. Nothing further to add
- B. Elimination of Crimes Committee, DA Fields
 - a. No committee report
- C. Legislative Committee, Rep. Harold Wright
 - a. No committee report. Deputy AG Lori Carter explained that his term concludes next month, and a new Representative will be appointed.

Adjournment

Deputy AG Lori Carter stated that the next meeting is scheduled for November 17, 2020 at 1:30pm at the Attorney General's Office. DA Kunzweiler moved to adjourn the meeting, and DA Fields seconded. The meeting was adjourned at 3:07pm.