

## CJRCC Minutes 4.2.21

The Criminal Justice Reclassification Coordination Council held a special meeting on April 2<sup>nd</sup> via WebEx, and the meeting 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 February 10, 2021. *See* Senate Bill No. 1031, 2020 O.S.L 3, §2. 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 March 24<sup>th</sup>, 2021 at 9:56am.

Members present: Attorney General Mike Hunter, District Attorney Steve Kunzweiler, Deputy Chief Dennis Larsen, Chief Donald Cluck, Justin Wolf on behalf of Director Scott Crow, Bob Ravitz, Cindy Danner, Nisha Wilson, Jari Askins, Tom Bates, Director Donnie Anderson, Shannon Desherow on behalf of Director Rick Adams, Tim Tardibono, Senator Darrell Weaver, Representative Ross Ford, Judge Kenneth Watson

### **Call to Order and Welcome: 9:34am**

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

### **Roll Call, Statement of Compliance with Open Meetings Act, Recognition of a Quorum, and Adoption of 3/5/2021 Minutes: 9:34am**

Alexandra Adkins, Assistant Attorney General, called roll and there was a recognition of a quorum. She confirmed that the meeting was in compliance with the Open Meetings Act. District Attorney Steve Kunzweiler moved to approve the minutes from the previous meeting. Director Jari Askins seconded. The minutes were approved at 1:37pm.

### **Discussion and Adoption of Amendments to the Reclassification Proposal and Discussion Adoption of Sending the Report to the Legislature: 9:38am**

Attorney General Mike Hunter explained to the group that the Department of Corrections indicated they are working on assessing the fiscal impact of the reclassification document and will need through the end of the fiscal year to finish that analysis. He opened discussion to allow the group to consider sending the current reclassification proposal to the legislature, subject to the statutorily required fiscal impact statement. DA Kunzweiler stated that the package is 75% complete, but the remaining 25% is informing the legislature of the necessary financial impacts and ensuring adequate funding. He highlighted the need for funding for treatment for people who enter the system, are in the system, and leave the system. He emphasized that funding is critical for success. Deputy Chief Larsen asked if the document could be submitted to DOC for them to begin the analysis. Senior Deputy AG Lori Carter stated that DOC already has the document and the analysis has begun. Mr. Tardibono asked about the effects of sending the document to the legislature now. Senator Weaver explained that staff could begin assessing the document and begin the drafting process. DA Kunzweiler asked about the financial impacts of *McGirt* on DOC, based on the inmates being released or potentially released from custody. Mr. Wolf stated that *McGirt* will have a profound impact on criminal justice in Oklahoma, but the long-term financial impacts on DOC and the inmate population cannot accurately be measured until all *McGirt* cases and issues are finalized.

Attorney General Hunter asked if there was a motion. Mr. Tardibono asked if a formal motion would be needed to share the draft with the legislature or if it could be shared as a matter of course. Attorney General Hunter said a vote would be needed to share formally or informally. Mr. Tardibono moved to share the document with the

legislature with the caveat that it be clearly designated as a working draft pending the work of the Department of Corrections. Judge Watson seconded. Mr. Wolf moved to table the motion and asked if a final recommendation needed to be adopted first. Motion was withdrawn for the time being. Director Askins stated that the motion may be appropriate later in the meeting under agenda item four. Attorney General Hunter asked if there was a motion to alter or amend the report. DA Kunzweiler moved to adopt the document as amended. Judge Watson, Mr. Tardibono, and Ms. Wilson abstained. The motion passed at 10:07pm.

**Announcement, Discussion, and Possible Action Regarding Department of Corrections' Pending Analysis on Effect of the Recommendation: 10:08am**

Mr. Wolf said DOC is working to evaluate the impacts of the proposal, and they will also be seeking third party verifications to ensure there are no blind spots in the evaluation. He anticipates having results by the end of the fiscal year. Ms. Wilson asked if DOC is looking at other states as models. Mr. Wolf said that DOC has pulled models from matrixes from other states with similar demographics, but most states operate very differently and comparison has not been effective. He explained that outside groups are looking at this as well. Judge Watson asked about 85% inmates, and Mr. Wolf explained that all inmates are given an assessment based on security level and earned credit level, thus 85% inmates can accrue credits but do not receive the credits until they are eligible. He stated that by the time most inmates reach 85%, they have usually accrued enough credits to discharge immediately, thus the Pardon and Parole Board does not address many 85% defendants since they usually have enough credits to discharge right away.

**Announcements: 10:26am**

Senior Deputy AG Lori Carter informed the group that the next meeting is scheduled for May 20<sup>th</sup> and will be in person at the Attorney General's Office. Attorney General Hunter explained that the legislature adjourns by the last Friday in May, and Director Askins highlighted that they sometimes adjourn earlier. Representative Ford mentioned having an interim study. Attorney General Hunter stated that there is a consensus to send the current product to the legislature, and an interim study is not necessary to send it along. Mr. Tardiobono moved to return to reopen agenda item four. Without objection, Attorney General Hunter reopened agenda item four. Mr. Tardibono renewed his motion to advance to the legislature a working draft of the current product, pending completion of the DOC report, only for the purpose of staff and committees beginning to work without any clear designation of a final product of the council. Judge Watson seconded. DA Kunzweiler stated that fiscal impact is important, but the most pressing issue is ensuring that DOC has the needed treatment programs in place and appropriate funding is allocated. He moved to amend the motion to forward the completed reclassification grid to the legislature in contemplation of staff generating appropriate legislative language, but to include a requirement that the forwarded language is strictly to be construed as a draft to help facilitate the legislature in its obligations and is being forwarded with the understanding and insistence that the legislature fully fund all treatment programs designed to provide rehabilitation services to inmates while incarcerated and during reintegration. Director Askins explained that treatment programs before incarceration are crucial as well. She agreed that funding is needed from the legislature because there is a history of criminal justice reform efforts not being properly funded, but she does not want to limit programs just to those in DOC. Attorney General Hunter explained that the goal of everyone is to ensure needed treatment funding, and as long as there is clarity that the current document is only a draft, further explanation is not necessary. The motion was adopted following a roll call vote at 10:49pm. Without objection, the Council approved a motion to forward an interim report of the current draft of the grid to the legislature, making it clear that it is only a draft. DA Kunzweiler emphasized his

trust that Senator Weaver and Representative Ford will highlight the necessity of appropriate funding. The Council returned to agenda item five at 10:50pm.

**Announcements: 10:50am**

The next meeting of the Criminal Justice Reclassification Coordination Council is scheduled for May 20, 2021 at 1:30pm at the Attorney General's Office, and it is scheduled as an in-person meeting.