



Oregon Board of Parole

& POST-PRISON SUPERVISION

Board Business Meeting Minutes Monday, January 27, 2014

Call to Order and Note of Attendance: The meeting was called to order at 10:12 a.m., and note of attendance made: Board Chair, Kristin Wings-Yanez; Vice-Chair, Candace Wheeler; Board member, Sid Thompson; Executive Director, Brenda Carney; Board staff, Kim Coons, Marshall Morales. Also in attendance were members of the public; Cindy Doison, Karen Cain, Autumn Wallis.

Meeting Minutes: Minutes will be provided at next meeting.

Chairperson Comments:

- Candace Wheeler's term here as a Board member is ending this month. Wings-Yanez is working with the Governor's Office on her replacement.
- Thompson has suggested creating a tracking form for these meetings to better track the Board's progress.

Executive Director's Update:

- Static99R training happened last week. Attendees were Board staff, PSRB, Oregon State Hospital, and DOC staff. Our agency will begin working on the approximately 4,000 assessments that need to be done on registered sex offenders who are no longer on supervision and have never been assessed under the Static99R. Current statute for the new HB2549 states the Board will be doing the assessments for PSRB cases.
- Met with Department of Justice on alternative funding. DOJ has done a pilot project with billing a flat fee for the legal work that is done for the agencies, rather than their current billing process. This may be something that could benefit our agency. Carney just advised them that our Attorney General bill for our agency does fluctuate at random. After three years, DOJ could take the rolling average cost which would allow our agency to budget more appropriately for this fee.
- Met with DOC Public Information Officer Group. They advised that one of the legislative concepts being introduced is a sex offender bill that would allow for lifetime sentencing for certain sex crimes.
- Jennifer Bjerke, Chief Information Officer & IT Administrator for DOC met with Carney, Harnden, and the Board's IT analyst, Marshall Morales to discuss the Board's information system (PBMIS). The system has been patched many times over the years; however, without a rewrite of our system or a new system, PBMIS will cease to function.

This information has been given to our Chief Financial Officer (CFO) and our Legislative Fiscal Officer (LFO). Bjerke recommended a rewrite in Java similar to OMS (Offender Management System) and be interfaced with the CIS (Corrections Information System). Wings-Yanez has already advised the Governor's Office of the situation, noting we may need to seek funding through the E-Board. Next step at this point is to get the approval from DOC's policy group to proceed.

DOC Update:

- DOC representative not available to provide updates.

Old Business:

- OAR 255-062-0011: Type of Hearing Eligible for a Deferral of More than Two Years. The rule as written does not encompass post 1989 convictions. Because of the statutory change needed (regarding deferring decision from projected release date, not hearing date) as discussed at earlier meetings, no action will be taken on the rule at this time. Wings-Yanez and Carney will work with the Governor's office and legislature and will pursue a statute change.
- Division 75 – Return to prison for certain offenders convicted of murder under the sentencing guidelines from 1989 – 1995. *Hostetter v. Board* case law advises those offenders cannot be returned to prison as a sanction. Wings-Yanez proposed a language change with a draft rule. Wings-Yanez moved to temporarily adopt the rule change and file permanent notice as well. Wheeler seconded. The Board voted to adopt the rule and proceed with filing.
- OAR 255-005-0005 (59) Definition of Victim: The issue of what individuals fall under our definition of a victim was brought to the Board over a year ago. Wings-Yanez has spoken with many stakeholders including district attorney's and victims' advocates regarding our definition, and the feedback has largely been that our definition is working, and it may be determined that no change in the rule is necessary. In the early summer of last year, Wings-Yanez sought advice from the National Crime Victim Law Institute to explore language that would make our rule more inclusive within the bounds of Oregon law. NCVLI is working together with the Oregon Crime Victim Law Center to evaluate the language and will make a recommendation about the definition.
- OAR 255-070-0003 Offender Return to County of Residence: As discussed at earlier meetings, this rule does not specifically provide that if an offender was on supervision at the time of the instant offense, he/she will be returned to the county where they were being supervised, as outlined in statute. This is the Board's practice, however, it is not clearly defined in our rules. Wings-Yanez provided proposed changes to the rules to ensure the rule clearly follows the statute and our practice. This item will be brought to the next meeting in February.

New Business:

- Wheeler re-raised the suggestion that inmate families would benefit from a contact or support person at board hearings, similar to the services our Victims' Specialist, Debbie Wojciechowski provides for crime victims. Board hearings and processes are very complex and some assistance to these families would be helpful.
- Carney advised DOC inmates have built a sculpture for Oregon to donate to the Association of Paroling Authorities International (APAI) auction. The money received from the auction goes to the operating budget of APAI. Many states donate to the auction, and we are very grateful to Jeff Premo and OSP for their work, which helps us support this professional association.
- Wings-Yanez advised that she and Board member Thompson have applied for a scholarship to attend a sex offender training on sex offender parole and supervision issues. This training will occur just before the annual APAI conference in May, and the scholarship would cover flight costs for both the training and the conference.
- Wings-Yanez received a scholarship to attend training on behavioral health issues involved in parole and supervision. The conference will be in Huntsville, Texas in February.

Future Board Meetings:

- February 24th @ 10:00 a.m.
- March 24th @ 10:00 a.m.

Meeting adjourned at 11:12 a.m.

255-062-0011

Type of Hearing Eligible for a Deferral of More than Two Years

OAR 255-062-0005 applies to the following hearings:

(1) *Murder Review Hearing*: If the State Board of Parole and Post-Prison Supervision denies a petition for a change in the terms of confinement filed by an inmate under ORS 163.105 or ORS 163.115, the Board may not grant the inmate a subsequent hearing that is less than two years, or more than 10 years, from the date the petition is denied.

(2) *Exit Interview Hearing: Crime Commitment Date prior to 11/01/1989 — but on or after 10/4/1977*: If the State Board of Parole and Post-Prison Supervision concludes, applying ORS 144.125(3), that an inmate suffers from a present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board may not defer the projected parole release date for less than two years, or more than 10 years, from the date of inmate's current projected parole release date.

(3) *Exit Interview Hearing: Crime Commitment Date on or between 1/29/1977 and 10/3/1977*: If the State Board of Parole and Post-Prison Supervision finds, based on the doctor's report and diagnosis, coupled with all the information that the Board is considering, and applying OAR 254-50-015 (1977), ORS 144.180, and pursuant to 144.175(1), (2), that deferral of the inmate's projected parole release date is necessary, the Board may not defer the projected parole release date for less than two years, or more than 10 years, from the date of inmate's current projected parole release date.

(4) *Parole Consideration Hearing*: If the State Board of Parole and Post-Prison Supervision finds, pursuant to ORS 144.228, that an inmate who was sentenced as a dangerous offender under 161.725 has a mental or emotional disturbance, deficiency, condition, or disorder predisposing the inmate to the commission of any crime to a degree rendering him or her a danger to the health or safety of others, and that therefore, the condition that made the inmate dangerous is not in remission and the inmate continues to remain a danger, and that the inmate cannot be adequately controlled with supervision and mental health treatment which are available in the community, the Board will conduct the next review hearing no less than two years, or more than 10 years, from the current parole consideration date.

(5) *Parole Hearing: Crime Commitment Date before 1/29/1977*: If the State Board of Parole and Post-Prison Supervision finds that there is not a reasonable probability that an inmate will, after parole, remain outside the institution without violating the law, and that the inmate's parole release is not compatible with the welfare of society, the Board may not grant the inmate a subsequent hearing that is less than two years, or more than 10 years, from the date the petition is denied.

255-005-0005

Definitions

(59) "Victim": Any person determined by the prosecuting attorney, the court or the Board to have suffered direct financial, psychological, or physical harm as a result of a crime that is the subject of a proceeding conducted by the State Board of Parole and Post Prison Supervision.

255-070-0003

Offender Return to County of Residence

(1) Unless the Board waives the condition, the Board shall order as a condition of parole or post-prison supervision that an offender reside for the first six months in the county where the offender resided at the time of the offense that resulted in the imprisonment.

(2)(a) The Board or the Department of Corrections may establish the county of residency by obtaining the last address of record at the time of the offense from all of the available information in the following records:

(A) An Oregon driver's license, regardless of its validity;

(B) The Department of Revenue;

(C) The Department of State Police, Bureau of Criminal Identification;

(D) The Department of Human Resources; or

(E) The Department of Corrections.

(b) If the records do not disclose the county of residency, the Board or the Department shall find the offender resided in the county where she or he committed the crime.

(c) If the offender is serving multiple sentences, the county of residence shall be determined according to the date of the last arrest resulting in a conviction.

(d) In determining the offender's county of residence for purposes of this rule, the Board may not consider offenses committed by the offender while the offender was incarcerated in a Department of Corrections facility.

(3) Upon motion of the Board, an offender, a victim, or a district attorney, the Board may waive the residency requirement after finding:

(a) The offender provided proof of a job with no set ending date in a county other than the established county of residence;

(b) The offender poses a significant danger to the victim;

(c) The victim or victim's family poses a significant danger to the offender residing in the county of residence.

(d) The offender has a spouse, registered domestic partnership, or biological or adoptive family, residing in other than the county of residence, who will be materially significant in aiding in the rehabilitation of the offender and in the success of the parole or post-prison supervision period;

(e) The Board requires that the offender participate in a treatment program which is not available in the county of residence;

(f) The offender desires release to another state or another state has a detainer; or

(g) Other good cause.