



# Oregon Board of Parole

## & POST-PRISON SUPERVISION

### Board Business Meeting Minutes Monday, February 24, 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, Shawna Harnden. Also in attendance were members of the public; Karen Cain.

**Meeting Minutes:** Minutes from December 2013 and January 2014, edits previously suggested.

#### Chairperson Comments:

- Candace Wheeler's term ends this week; her last day here at the Board will be Friday. Wings-Yanez gave thanks to Wheeler for her many years of service. Wheeler advised that she will be working for DOC and will remain in the Dome Building.
- Wings-Yanez attended training in Huntsville Texas on offenders with mental illness and/or substance abuse disorders. Majority of the focus was on risk and needs in conjunction with applying paroling conditions when mental health or substance abuse issues are involved.
- Association of Paroling Authorities International (APAI) conference will be held this May in Denver Colorado. APAI is also conducting a training on "Responding to the Risk and Needs of Sex Offenders," which will be held a day before their conference. Wings-Yanez advised she has applied for a scholarship to attend this training. Thompson has already received a scholarship to attend. The scholarship will pay for the transportation to the event which is being held at the same location as the annual conference.

#### Executive Director's Update:

- Static99R assessments have begun. The Assessment Specialists have been getting settled and are now compiling the documentation to proceed with the actual assessments. There are changes to the current rule that will need to be done fairly quickly. The current language, can lead to different interpretations. As it reads now, it doesn't clarify that the Static99R is not a tool that can be used on women or youth offenders. Harnden advised that rule changes regarding the Static99R and the current assessment process will require involving DOC's Rule Coordinator, Birdie Worley, as it is a joint rule. Wings-Yanez advised there will be other stakeholders that these rules will affect and those agencies will

need to be involved as well. A work group will need to be created to discuss what rules should be drafted, then another group to ensure that all affected agencies coordinate the filing of the rules properly as joint rules.

- Carney advised she previously sent our questionnaires to multiple public providers for information on their psychological evaluations. She has not received many responses at this point so she will continue with the search. In the meantime, she will also extend the current doctors to the end of the biennium, June 30, 2015.
- Post Sentencing Reports – Carney and Coons were collaborating on the creation of a set format for these reports. The draft format was sent to DOC for their feedback, so Carney will follow-up. Wings-Yanez advised that DOC was still trying to figure out where this additional workload would end up.
- Working closely with Jennifer Bjerke, Chief Information Officer & IT Administrator for DOC, the Board’s Chief Financial Officer (CFO), Michelle Lisper and Legislative Fiscal Officer (LFO) Tim Walker on the PBMIS rewrite project. LFO approved the request and Carney will take it the request to E-Board. DOC will hire three limited duration positions to rewrite PBMIS into a new system. They will take ownership of the system and continue to provide any management maintenance that is needed. Wings-Yanez gave thanks to Carney for doing such a great job with this issue and her work here at the Board.
- Sex Offender Supervision Network (SOSN) meeting, there was nothing specific for the Board. They are working on a standardized safety plans in regards to sanctions and special conditions that come along for any sex offender.
- Carney advised she was asked to be on Department of Public Safety Standards Training (DPSST) curriculum board. She has a meeting with them tomorrow February 25, 2014.
- Carney, Harnden and Fay Stetz-Waters, the Board’s Hearings Officer, are currently working on the details for the upcoming Hearings Officer training that will be held April 10, 2014 at DPSST. The last Hearings Officer training was 2011. There have been several inquiries on the training and expressing a need for existing and new employees to attend.
- Attended meeting with DOC on NIC to restructure the sanction grid.
- Still working on the electronic filing system, nothing new to add at this point. Harnden and Morales have been working with DOC to initiate a pilot project not only for our records filing but also for converting our Orders to electronic. Harnden advised with the news of the PBMIS system being in jeopardy, a hold was placed on these projects. Since the funding will be provided and PBMIS will be rewritten, Harnden will resume working on these projects.
- Budget preparations begin mid-March.

### **DOC Update:**

- Wings-Yanez spoke earlier with Jeremiah Stromberg, Assistant Director of Community Corrections, regarding the conditions the inmates are given when serving Short Term Transitional Leave (STTL). The Board will collaborate on a procedure so the conditions issued to the offender during the STTL period are in-line with what the Board’s conditions will be upon their completion of STTL and their release onto supervision.

## 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. Wings-Yanez advised there is no change or update on this.
- 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. At last month's Board Business Meeting, suggested language was provided. It was voted those changes be done as a temporary rule filing as well as notice for permanent rule change.
  - It is now determined that further analysis is needed on this rule and Wings-Yanez is proposing to suspend the temporary rule.
  - Wheeler moved to suspend the temporary rule. Wings-Yanez agreed.
- 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 current rules are reasonably including interested people who wish to speak at Board hearings. In the early summer of last year, Wings-Yanez sought advice from the National Crime Victim Law Institute (NCVLI) 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. We look forward to receiving their feedback.
- 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. At last month's meeting, Wings-Yanez provided proposed changes to the rules to ensure the rule clearly follows the statute and our practice. Wings-Yanez will discuss with DOC as this will be a joint rule, and will bring changes to a future meeting.
- Wheeler advised there is a reference manual that has been compiled over the years explaining how to score the Static99R for different situations. She has shown Thompson where to find this manual but felt it will also be helpful for the Assessment Specialists.

**New Business:**

- Sex Offender Tier System rules. The Board will be contacting stakeholders to create a workgroup for the creation of rules to govern the system to ensure we have public and partner agency input.

**Future Board Meetings:**

- March 24<sup>th</sup> @ 10:00 a.m.
- April 28<sup>th</sup> @ 10:00 a.m.

Meeting adjourned at 10:56 a.m.