



# Oregon Board of Parole

## & POST-PRISON SUPERVISION

### Board Business Meeting Minutes Tuesday, May 26, 2015

**Call to Order and Note of Attendance:** The meeting was called to order at 10:10 a.m., and note of attendance made: Board Chair, Kristin Wings-Yanez; Board member, Michael Wu; Board member, Sid Thompson; Board Executive Director, Brenda Carney; Board staff, Shawna Harnden.

**Meeting Minutes:** Minutes from April 27, 2015; edits previously suggested. Thompson moved to adopt, Wu seconded.

#### Chairperson Comments:

- Attended Association of Paroling Authorities International (APAI) conference that was held in Columbus, Ohio. The theme for the conference was “high risk, high needs, high profile.” It was a great conference with record attendance. Had break out discussions for the Western Region at the Chair’s Meeting. Washington and Colorado discussed their marijuana policies. Good sessions with multiple states/international authorities regarding risk, what risk means, how we communicate with the public, and how to make evidence based decisions.
- Board member Michael Wu will be attending the National Crime Victim Law Institute conference this week, May 28 and May 29, 2015.

#### Executive Director’s Update:

- Still in Legislative session and waiting for movement on the following bills:
  - HB3036 – Board can request more information about a case from the District Attorneys or Attorney General on upcoming parole hearings. Wings-Yanez believes this is just waiting for Governor Brown to sign.
  - HB3436 – Requests two additional Board members and the implementation of panel hearings with rotation of Board members.
  - HB2320 – Sex Offender Notification Level clean-up bill for HB2549 from the 2013 session.
- Intergovernmental agreements (IGA) for the Morrissey Hearings: Two more contracts have been picked up with Linn and Douglas Counties through DOC. All counties have agreed upon the new formula that determines the amount of funding each will receive. IGA’s take 70% of the professional services funding.
- The contracts department has requested a meeting to finalize the contract language on the psychological contracts for the new biennium. Wu spoke with Dr. Balduzzi who advised

there is a publicly maintained list of active practitioners. Wings-Yanez suggested drafting an example of an evaluation that can be included in the procurement process.

- Currently in the process of reviewing and updating the position descriptions for the Board members and Executive Director. These positions have not been updated in years and do not accurately portray the workload or the type of work that is being done by these positions.
- In the process of recruiting for the Victims' Specialist position with interviews in June. Hopeful to have position filled by July. Previous Victims Specialist, Debbie Wojciechowski, retired April 30, 2015, but is working as a part-time temporary employee.
- Kim Coons, Hearings Specialist, is celebrating her 30 years with the Board this month.
- PBMIS is still on track for rollout on June 30, 2015.
- Rules for Sex Offender Notification Level system are still pending the outcome of HB2320. Carney has created rough drafts of rules, which Wings-Yanez has been reviewing. We will be working closely with DOC and the Oregon Association of Community Corrections Directors as we go forward.

#### **DOC Update:**

- Nothing to report.

#### **Old Business:**

- Under HB2320, Sex Offender Notification Level system, the Board will be responsible for deciding what methodology to use for risk assessment. The Static-99R is the current risk assessment tool being used and is recognized internationally. Biggest questions, how do we give enough process for their classifications, and how do we translate a -3 to 10+ score into a 3-level system. Board will have to create policy decisions on what scores go to which level. Once the Board obtains statutory authority, we will have to move quickly. Wu questioned if the relief component will be a Board function. Wings-Yanez confirmed that it would be under the Board's authority. There are several stakeholders that will be participating in a workgroup to collaborate on the rules.
- OAR 255-005-0005 (59) Definition of Victim: Many different stakeholders were involved in the collaboration on the language. Wings-Yanez would like to proceed with the rule change process. Wu motioned to propose the rule change; Thompson seconded. Harnden advised filing it by June 15, 2015 will put the notice in July's newsletter.
- Marijuana – In past discussions, the Board considered whether to create a new special condition for the use of marijuana, similar to the no alcohol condition. Feedback from the field is that many are uncomfortable with any implied approval of the use of marijuana for some offenders, as it is still considered a controlled substance under Federal law and would be a federal law violation. Both Jeremiah Stromberg, DOC Assistant Director of Community Corrections, and Chris Hoy, President of OACCD, were interested in allowing the POs to use their judgment when dealing with use or possession of marijuana and not creating any new conditions. Wings-Yanez submitted request to DOJ asking for the parameters on use under federal law. Washington State models it similar to alcohol use; Colorado State is not doing anything regarding new

policies, but continues to address it as a federal law violation. Wings-Yanez is currently reaching out to stakeholders across the state to inquire with them on how they are handling the use of marijuana. Wu suggested contacting the Drug Courts across the state. Thompson suggested getting the research to utilize on whether the use of marijuana correlates with increase in criminal behavior to justify specific special conditions. If it is determined that use of marijuana is a criminal violation, the Board will need to be able to support that legally.

**New Business:**

- Nothing to report.

**Future Board Meetings:**

- Monday, June 22 @ 10:00 a.m.

Meeting adjourned at 11:01 a.m.

# BOARD OF PAROLE AND POST-PRISON SUPERVISION

## DIVISION 5

### DEFINITIONS

#### 255-005-0005

##### Definitions

(59) "Victim":

(A) 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.

(B) Any person determined by the Board to have suffered direct financial, social, psychological, or physical harm as a result of some other crime connected to the crime that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision. The term "some other crime connected to the crime that is the subject of the proceeding" includes: other crime(s) connected through plea negotiations, or admitted at trial to prove an element of the offense. The Board may request information from the District Attorney of the committing jurisdiction to provide substantiation for such a determination.

(C) Any person determined by the Board to have suffered direct financial, social, psychological, or physical harm as a result of some other crime connected to the sentence for which the offender seeks release that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision. The term "connected to the sentence for which the offender seeks release" includes other crime(s) which were used as a basis for: a departure sentence, a merged conviction, a concurrent or a consecutive sentence, an upper end grid block sentence, a dangerous offender sentence, a sentence following conviction for murder or aggravated murder. The Board may request information from the District Attorney of the committing jurisdiction to provide substantiation for such a determination.

Stat. Auth.: ORS 144.050 & 144.140

Stats. Implemented:

Hist.: 2PB 2-1986(Temp), f. & ef. 11-13-86; 2PB 3-1986(Temp), f. & ef. 12-2-86; PAR 6-1988, f. & ef. 5-19-88; PAR 7-1988, f. & ef. 7-1-88; PAR 8-1988, f. & ef. 7-1-88; PAR 9-1988(Temp), f. & ef. 7-14-88; PAR 12-1988(Temp), f. & ef. 7-20-88; PAR 13-1988(Temp), f. & ef. 8-5-88; PAR 14-1988(Temp), f. & ef. 9-20-88; PAR 18-1988, f. & ef. 12-6-88; PAR 4-1989, f. & ef. 11-1-89; PAR 5-1990, f. & cert. ef. 10-5-90; PAR 5-1991, f. & cert. ef. 10-15-91; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 1-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 11-1997(Temp), f. & cert. ef. 11-14-97; PAR 1-1998, f. & cert. ef. 5-1-98; PAR 4-2000, f. & cert. ef. 2-15-00; PAR 1-2005, f. & cert. ef. 4-25-05; PAR 4-2010(Temp), f. 7-2-10, cert. ef. 7-6-10 thru 1-1-11; PAR 10-2010, f. & cert. ef. 12-1-10