



# Oregon Board of Parole

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## & POST-PRISON SUPERVISION

### **Board Business Meeting Minutes Monday, July 22, 2013**

**Call to Order and Note of Attendance:** The meeting was called to order at 10:04 a.m., and note of attendance made: Board Chair, Kristin Wings-Yanez; Vice-Chair, Candace Wheeler; Board member Amber Kaatz; Executive Director, Brenda Carney; Department of Corrections Release Services Manager, Hank Harris; Board staff, Shawna Harnden. Public in attendance: Lynda Harrison.

**Meeting Minutes:** June minutes previously reviewed, edits suggested. Wings-Yanez moved to approve minutes. Wheeler seconded.

#### **Chairperson Comments:**

- We welcome Brenda Carney as the Board's new Executive Director.
- Board's budget did pass. Legislature mandated a 2% hold back. Carney and Wings-Yanez will be working on what that will mean for the Board.
- HB2549 Sex Offender Tier System did pass in an amended form. Legislature passed the bill noting that future legislatures will have to fund it. The Board has been funded 1.67 full-time employee (FTE) positions starting in January 2014. Those positions will be to conduct the approximately 4,000 risk assessments on the registered sex offenders that are off supervision and who have not undergone a risk assessment. All registered sex offenders will need to be scored by December 2016. For the 2015-2017 biennium, the Board will seek a fiscal package that includes enough support staff to write the rules that will govern this system. Without such funding, the policy cannot be implemented. For the 2017-2019 biennium, once the reclassification and relief hearings go into place, the Board will need additional fiscal resources to fund another Board member and other positions so that our office can handle the increased workload. Wings-Yanez and Carney will meet with Department of Administrative Services and Department of Corrections to discuss the addition of these positions and office space needed. Harris inquired whether the predatory designation will change with the implementation of this bill. Wings-Yanez advised the Board is still evaluating the bill, but it appeared that the predatory and Sexually Violent Dangerous Offenders (SVDO) will continue to exist and will be a separate process. Those designated as either predatory or SVDO will be registered as a Level 3 on the Tier System. There are five offenses that will not be allowed to petition for relief from registration, Rape, Sodomy, Unlawful Sexual

Penetration, Kidnap I, and Burglary I with Sexual Elements. The Board will be responsible for all relief and reclassification requests.

### **Executive Director's Update:**

- Carney advised she is happy to be here, excited for the opportunity.

### **DOC Update:**

- HB3194 is bringing many changes for DOC. The biggest change for Harris's team, release counselors, is the change from 30 days of trans-leave to 90 days. Wings-Yanez advised the part that affects the Board is the re-entry courts piece. The Board has the jurisdiction over the offender once released on supervision. Under HB3194, the judges can include re-entry courts as having jurisdiction as well.

### **Old Business:**

- Special Condition 10: still evaluating the policy with counsel. Wings-Yanez expects the Board will continue to impose sex offender packages but is hoping there will be room for the Board to continue to defer to the expertise of the PO in issuing directives.
- Victim Definition: OAR 255-005-0005(59) Wings-Yanez advised that nothing new has transpired on this topic. Wings-Yanez advised she is hoping to have some proposed language in August.
- Secretary of State's website does not reflect current changes to Division 30. Harnden to work with Secretary of State to ensure the proposed changes are being reflected accurately on the website.
- The Board previously became aware that the statutes governing length of PPS for certain sex offenders were potentially in conflict with our rules. In sum, the language of ORS 144.085(1)(d) may not have supported Board's rule OAR 255-094-0006 (2)(e) which requires active supervision to the expiration of sentence for certain crimes, meaning offenders with specified sex offenses would only serve 12 months active supervision. Wings-Yanez advised, based on the context of the statute and the Board's rules, the drafters clearly intended to provide for active supervision until sentence expiration. HB2549 amends ORS 144.085(1)(d) and ORS 144.103 to include the word 'active' thus resolving this issue.
- We have hired someone for our Hearings Officer position in a job rotation, Fay Stetz-Waters. Fay comes to us from Office of Administrative Hearings as an Administrative Law Judge for the State of Oregon. She conducted employment benefits hearings. She has a legal and law enforcement background. The recruitment for the Warrants Specialist position just closed and we will be working through the hiring process to get that vacancy filled.

### **New Business:**

- Harris advised that many times when an offender cannot read English, and an interpreter is needed, the institution uses a fellow inmate. Using a fellow inmate could create a

security issue as well as not a legally sound way to conduct business. Wings-Yanez asked what other languages Harris thought had a high population other than just Spanish. Harris suggested Russian. Wings-Yanez advised she will look into this further.

- Extended Deferral Rule Division 62 Section 0011: This rule leaves out the folks that are post 1989. Wings-Yanez advised that she wanted to amend this rule by August. This is a procedural rule.
- Wheeler inquired if there will be a Hearings Officer training this year. Wings-Yanez noted that plans had been for it to occur sometime late fall. Carney advised with the regular academy, the advanced academy and the weather, it may be best to push it out to spring.
- SMART Academy: Wings-Yanez advised that Stromberg had asked the Board to do a training. They are giving the Board a 90 minute block.

**Future Board Meetings:**

- August 19, 2013 @ 10:00 a.m.
- September 23, 2013 @ 10:00 a.m.

Meeting adjourned at 11:16 a.m.