



# Oregon Board of Parole & POST-PRISON SUPERVISION

## Board Business Meeting Minutes Monday, July 20, 2009

**Call to Order and Note of Attendance:** The meeting called to order at 8:10 a.m., and note of attendance was made: Vicki Walker, Nancy Sellers, Aaron Felton, Candace Wheeler, Darcey Baker, DOC Community Corrections Chief Mark Cadotte, Michelle Mooney, and guests Lynda Beecher, and Lori Tribett.

### **Introduction of new Board Chair and member – Nancy Sellers**

Welcome to the new Board Chair Vicki Walker who has joined the Board, resigning her position as a Senator. At the Governor's request, we welcome a new fourth Board member, Aaron Felton who is an attorney who has worked for City of Salem, and Polk County DA's Office.

**Approval of June 15, 2009 and June 25, 2009 minutes:** Minutes approved as submitted.

### **Chairperson's Comments – Vicki Walker**

- **First Week:** Vicki reported a busy first week learning the role of the Board in the Public Safety System and all of the duties that Board members are responsible for. On Friday Vicki spent time with Warrant Specialist Malinda Wilson, who showed Vicki the process for issuing warrants once the Board has voted them. Vicki plans on spending time with each staff member to learn what they do and what their role is in the Board's workload. Vicki recognized the hard work that the Board does and is pleased that the Governor appointed a fourth member to help carry out this workload.
- **New Board Member Felton:** Vicki welcomed Aaron and invited his input on his first week. Aaron is excited for the new opportunity and is thankful for the help and patience that Board members Wheeler and Baker have shown him. Aaron recognized the importance of the Board and the role it plays in public safety.

### **Department of Corrections Update – Mark Cadotte**

- **Legislative Changes:** DOC is busy with writing rules to address the changes that have occurred in this year's legislation. One change is that local control offenders, offenders sentenced to 12 months or less will now be allowed to go onto an inactive period of supervision. Previously there was no process to allow for this with local control offenders, only with Board offenders. The rules are being written to mimic the Board's rules and process. Another change along the same lines is that probation offenders will also now have

an opportunity to be moved to an inactive status. The bill initially started out at allowing earned time credit for probationers but eventually was changed to the inactive period. This will allow probationers who are in compliance that do not owe restitution, and are halfway through their sentence will be eligible for inactive status.

- **SB 74 Interstate Compact Arrest & Return Fund:** This was proposed by the Governors office to allow that offenders who apply for interstate compact must pay a fee that will go to the arrest & return fund. This will create a dedicated fund that will help to pay for mandatory returns. DOC is working on writing the rules for this process.

#### **Executive Directors update: Nancy Sellers:**

- **Legislative update:** The Board is working with the Governor's Office, DOC and Federal ICE Officials on the deportation and commutation of sentences of criminal aliens. Criminal aliens who will be eligible for deportation by ICE are offenders who are not incarcerated for a violent offense and who are within six months of their release dates. These commutations will be handled on a case-by-case basis by the Governor and the process will vary from the normal process and will move quickly. Eligible offenders will be given an opportunity to voluntarily sign up for a federal program that will allow for immediate deportation and removes all rights to any appeals relating to that deportation. DOC is working to identify these offenders in the system and is providing that data to ICE. If the Governor approves an offender, the offender's prison sentence and post-prison supervision will be commuted. This will mean that the Board will not issue any supervision orders for these offenders, only discharge orders upon commutation of the sentence and the Board will not have any authority over the offender. If the offender returns to the USA it will be a federal violation and it will be a federal responsibility to issue warrants.
- **Earned time credit:** Mostly non-violent offenders will now have the ability to earn 30% earned time credit. The legislation granted a 60-day delay of implementation to allow DOC to work out the rules and details. Each offender who is eligible for an increase in earned time credit will require some form of resentencing, so letters will go out to DAs and the inmates in early August advising of eligibility. This will be a cursory resentencing unless the DA or the judge wants a formal hearing. It will be the DA's responsibility to notify victims of the resentencing. Offenders who release immediately because of the increase in earned time will get a streamlined release plan with basic conditions. This will create an increase in work for a short period while the first group of offenders is released. Once the initial surge is over it should level out.
- **Budget update:** The Board has taken a significant reduction in Attorney General funding. The Governor's Office has provided direction that the Board should cautiously continue to use the AG at current levels. The Board has an unfunded liability with the appointment of a fourth Board member. The Governor had the legal authority to appoint the fourth member but not the fiscal authority to provide funding for the position. In September or December it is likely that the Board will be going to the E-Board to address the projected shortfalls.

- **Staff update:** The Board is reallocating an Administrative Specialist 1 position that was vacated by Tami Jarnport who is on a job rotation. It is expected that Tami should be able to successfully compete in the permanent hire of the Hearings Officer position. Nancy is planning on shifting duties and splitting the current victim specialist position. Pat Zeigler, who is currently an OS1, is processing all of the discharges and will be re-classed to an OS2. Michelle Mooney is continuing to get lead work for working as an office manager. Her position will be evaluated and re-class will be sought.

## **Old Business:**

### **Parole Hearings workgroup recommendation:**

- **Sequence of a hearing:** Candace and Darcey are working on the language for all of the scripts currently used. Donna is writing the victims piece that will be posted on the website. Materials will be prepared and change will be implemented on August 5, 2009.
- **Communication Plan:** Nancy and Donna have been working on a communications plan. The plan is on hold until the victim language pieces have been completed.
- **Psych Examiners:** The Board previously voted to adopt the recommendation to establish a professional workgroup that would deal with recommendations for psychologist examinations. The Board of Psychologist Examiners is fully supportive in assisting the Board with this workgroup however due to the busy time of legislation, meetings have not been held yet. It is hopeful that in the near future the boards will meet to proceed with the workgroup. In the meantime, the Board issued new contracts with existing contractors for the next biennium. Nancy will begin working on the standards and guidelines that will be used in the next biennium so that when it is time to renew the contracts, the Board can issue an RFP for contracts with psychologists under the new specifications.

**Victim Key Performance Measure:** April will be the first opportunity to propose new key performance measures (KPM) to BAM and the Legislative Fiscal Office. The Board will then have until the following September to finalize the proposal. At the February Board meeting it was discussed that the KPM for measuring victim satisfaction with board services was not a true measurement. The Board is working on making the KPM as relevant and meaningful as possible.

**Parole Board Advisory Committee:** The Board needs to work on what the membership to the committee will be. The old group came together loosely to provide advice on the new chair interviews with the understanding that it was just adjoining the one time. Nancy and the Board members will be meeting prior to the next Board meeting to discuss the standards.

**How to Read a Supervision Order:** This is a guide that Darcey uses when teaching new Parole and Probation officers at the academy. This is a great tool that helps the Board to educate the public and families of offenders. The guide is almost complete, pending the implementation of the new conditions. Once this document is finalized it should be sent out to all interested parties and posted on the Board's website.

**Restitution Schedule update:** Darcey and Mark are working on the language relating to the rule that covers restitution schedules. The new language could result in a rule change. In September they will present it to OACCD Meeting.

#### **Rulemaking Process and Timelines:**

- **SVDO:** Department of Justice has provided advice to the Board on how to proceed with rulemaking. Nancy and Aaron will jointly work together on this with DOC.
- **Parole Deferral Process:** The Board needs to develop the rules on the parole deferral process that will go into effect after the first of the year. There are several legislators that want to be involved with the rulemaking process. This is a topic that the Board would also like to see the Parole Advisory Group consulted on.
- **Murder Review:** Nancy and Candace will work on this so that the rules can be filed, hopefully by the end of August.

#### **New Business:**

- **Quorum of the Board:** With four Board members, a quorum is a majority of three or more. Two members may meet without calling a public meeting. Social gatherings do not fall under the purview of the public meeting laws so long as work topics are not discussed.
- **Board members' eligibility to vote:** Candace and Darcey have discussed this extensively and have consulted with DOJ General Counsel to avoid a situation that opens the Board to litigation. Previous advice from DOJ is to not allow non-confirmed members to vote or make decisions until after confirmation. A court decision declares that if the Board membership drops below three members, then two members constitute a full Board in hearings. Based on what is prudent and practical for the Board, it was decided that Vicki and Aaron will attend hearings as observers only and will not make decisions or vote until after they have been confirmed by the Senate. The Senate should reconvene in September and confirmation should be scheduled then.

#### **Future Board Meetings:**

August 17, 2009

September 21, 2009

October 19, 2009

Board meeting adjourned at 9:32 a.m.

Minutes respectfully submitted by Michelle Mooney