



Oregon Board of Parole

& POST-PRISON SUPERVISION

Board Business Meeting Minutes Monday, June 18, 2012

Call to Order and Note of Attendance: The meeting was called to order at 9:16 a.m., and note of attendance made: Aaron Felton, Shawna Harnden, Jeremiah Stromberg, Candace Wheeler, DOC Assistant Director of Community Corrections Ginger Martin, and Jay Scroggin. No members of the public in attendance.

Meeting Minutes: Minutes from May 29th meeting reviewed, edits suggested. Felton made motion to approve the minutes as amended, Wheeler seconded. Passed.

Chairperson Comments:

- Felton gave thanks to all who assisted with the Gilmore hearing.
- Felton and Scroggin will be giving presentation of the budget to the new procurement team on June 19th.
- Thursday, June 21st, Felton will be giving presentation at the Department of Public Safety Standards & Training's (DPSST) cluster meeting.

Executive Director's Update:

- Presentation to procurement team show who we are, what we do and the last section showing the measurements that are linked with the Governor's 10 year plan. Those measurements are recidivism rates, sanctions, warrants, and victims.
- Hearing Officer Training will be in late September at DPSST. First half of the training will be a power point education piece and second half will be role play.
- Suggested discussing at a future meeting if the Board needs to have Spanish conditions for Spanish speaking/reading offenders.
- Scroggin and Wheeler to attend next Oregon Association of Community Corrections Directors (OACCD) meeting in Newport on July 12th.

DOC Update:

- May E-Board reduced Community Corrections central office staff by three positions which have resulted in the layoff of 3 DOC Community Corrections positions. DOC will

have to stop doing Measure 57 and Senate Bill 267 program reviews due to the loss of those positions. Ginger Martin put in her resignation to take another position.

Old Business:

- OAR 255-030-0035(2): Information the Board shall consider at a prison term hearing. Scroggin advised we don't have rules giving the victim a deadline for submitting information, but that there is a current rule that the offender has the right to get the packet within 14 days. Scroggin suggested holding off on writing a new rule until Board examines it more. Stromberg asked to package this review when the Board reviews other victim rules. Wheeler advised it would be part of Division 30. Felton suggested tabling this topic until work begins on Division 30.
- Progress of projects and goals: Almost done with everything on the list with the exception of the victim notification process and Division 75. Training is going well. The outreach to stakeholders is going well and we are building stronger relationships.

New Business:

- OAR 255-080-0008 Specifications for Administrative Review Request. Wheeler advised she received an administrative review from an offender with the font size of 8 which was very difficult to read and wanted to discuss whether or not to amend the rule to be more specific on the font size. After discussion, Wheeler suggested putting this topic on the table to wait to see if this problem becomes significant enough to require a rule change.
- OAR 255-075-0035(3) Representation/Ability to Pay Attorney Fees. Scroggin advised the Board's current dollar-per-hour rate figure is \$60 with the maximum of \$300 per case. Felton suggested moving forward to amending the rule to reflect the increase of \$100 to a maximum of \$500. All agreed to adopt the rule amendment. Passed.
- ORS 144.107(4) Exhibit R. Wheeler advised the section of the statute regarding the an extension of return to prison for longer than one year requires the application of *Morrissey* procedures, which is cumbersome, difficult to apply, and not consistent with the procedural requirements for any other type of Board hearing. However, any changes would need to be done through a legislative concept process. Scroggin advised there is still time to present to the legislature. Felton asked Scroggin to at least advise our public safety team of the need for a change.
- OAR 255-075-0025 Rights at Hearing. In a recent decision by the Oregon Court of Appeals (*Smith v. Board of Parole, 250 Or App 345 (2012)*), our Notice of Rights forms were found to be invalid because they were not adopted through the rule-making process. Wheeler advised that amending the rules to include the forms will make the forms valid. There is no change to the form itself other than added a reference to the specific rule that the form relates to. Wheeler moved to adopt the amendment, Felton seconded the motion. All agreed to adopt as a temporary rule. Passed.
- OAR 255-032-0022 Murder Review Hearings Notice. Wheeler proposed to adopt amendments to improve the NOR and incorporate the notice of rights form into the rules. Stromberg seconded. Felton advised adopted as proposed with amendments. All agreed to adopt as temporary rule. Passed.

- OAR 255-030-0013 Notification of Hearing. Wheeler proposed to adopt amendments to improve the NOR and incorporate the notice of rights form into the rule. Felton and Stromberg suggested waiting on any amendments to Division 30 with the exception of incorporating the notice of rights form. Wheeler proposed to adopt the amendments to the definition page for the notice of rights form and the incorporation of form itself at this time, Stromberg seconded. Felton advised adopted as proposed with amendments. All agreed to adopt temporary rule. Passed.
- Scroggin advised issues posed at OACCD, regarding local control. Under Division 75, local control shows up frequently. When there is dual supervision of local control and post-prison and the post-prison drops off, the county gets the local control back only after submitting letter to the Board. It was proposed to have the Board automatically send the local control case back to the county of supervision without the need of the letter. OACCD liked the idea. The second issue is the actual language of Division 75 to clean up the rule. Both of those issues will be addressed when Division 75 is reviewed for rule amendments. Current process of the county submitting letter requesting the local control back will remain in place.
- Clarification on when an offender is discharged: The Board considers an offender discharged effective 12:01 a.m. of the actual expiration date.
- Stromberg brought up that Board Action Forms (BAFs) were being produced in two different manners when the minority vote was for an extended deferral. Stromberg produced two examples that showed in one instance the factors for the extended deferral were listed and in the other instance, they were not. Board agreed that the minority decision would not list the factors substantiating that Board member's decision. Instead, the standard language would be used.

Future Board Meetings:

- **August 17, 2012 @ 10:00 a.m.**
- **September 17, 2012 @ 10:00 a.m.**
- **October 15, 2012 @ 10:00 a.m.**

Meeting adjourned at 11:01 a.m.