Welcome & Introductions: Director Mike Crim welcomed the group to Coos County.

Review Minutes: Judy Bell stated that on page 2 in the last paragraph, it should say “outcome” measures, not “outcount.”

DOC: Trish Michaelson from Shutter Creek attended the SOON meeting to clarify how DOC determines the county of record for prison releases.

If the offender was on felony supervision at the time of the crime, they will release to the last county of supervision. If the offender was not on supervision, they will release to the county where they lived at the time of the offense.

To determine where an offender lived, DOC looks at DMV records, DOR records, police reports, and DHS records. If the offender was a transient, then he/she will release to the county where the crime was committed.

If the offender has convictions from multiple counties, county of residence is determined based on where the offender lived at the time of the last arrest that resulted in a conviction.

Waivers can be requested if the offender has a valid employment option in another county; if the offender is a significant danger to a victim who lives in the county of residence; if the offender has family in another county; if the offender needs treatment that is not available in their county of residence; if the offender requests to release to another state; or if there is another good reason. A conditional waiver will state that if the offender violates within 6 months they will be transferred to the county of record; this can be done if the plan is questionable.

Trish went through a case study to demonstrate the process DOC goes through in determining the county of release.

If the victim of a sex offense requests it, the offender can’t live within 3 miles of the victim. The exceptions to this would be if the county is too small for that to be feasible, if the offender can prove to...
the board that he never threatened or intimidated the victim, or if the offender is living in a halfway house. If the victim moves within 3 miles of the offender, the offender does not have to move.

Tina asked who POs can contact if they disagree with the county determination. Trish said that the PO can communicate his/her concerns to the release counselor, and they will then staff it in the release counseling group. Then, if for some reason the PO and release counselor can’t ultimately agree, they would go to Hank Harris for a resolution.

Sharie asked if the county of residence is always established before a release plan is developed, and if there is somewhere we can look it up in CIS. Trish said that yes, county of residence is always established first, and that sometimes there will be a chrono detailing the process of determination.

Michael asked about offenders who were on misdemeanor probation when they went to prison – would that count toward determining the county of record? Trish said that it would not, but that probation records may help to determine where the offender lived at the time of the crime.

Mary and Lee stated that they think it would be helpful to have this presentation given at a FAUG meeting.

**OISC:** Sharie said that Dianne asked her to mention that there were some “I” names that weren’t getting sealed, but that issue has been fixed.

**Compact:** Ruby was not able to attend. Lee mentioned that Mark Patterson is the new Deputy Compact Administrator. Mary stated that she has an upcoming meeting with Compact and Hank Harris regarding Compact release plans and making sure that the information in ICOTS and CIS matches up.

**Parole Board:**

Shawna stated that they have a new Board member, Michael Woo, who came from the Clackamas County DA’s office. There shouldn’t be any more Board member changes for a few years. They also lost some employees in records and assessment, but the positions have been filled. The updated roster is correct.

Shawna had a meeting with IT from DOC two months ago, and apparently PBMIS will cease to function in about a year. DOC will be rewriting the program, and it will be web-based and much more user-friendly. Lee stated that DOC has wanted to rewrite their warrant and release plan programs for quite some time, but they were unable to because of incompatibility issues with PBMIS. Now that they will have a new program, DOC can do some updating as well.

Debra Zwicker, who is the Order of Supervision specialist, asks that we email her instead of faxing.

Shawna talked about HB2549, which established the new sex offender designations as a system where they will be designated as Level 1-3 (1 is low and 3 is high). They had previously thought the new system would not be effective until January 2017, which would give the Board time to classify everyone. However, it was discovered that it actually became effective in January 2014. Nothing changes for the POs or Community Corrections, they are to continue doing the SO evaluations. The predatory designation will no longer be used as of January 2014, but previous predatory designations stay in effect.
Michael asked what would happen if the court designated an offender as predatory in 2012, but he didn’t release from prison until January 2014. Would that offender have the predatory designator? Shawna said that the Board would honor the designation.

There will be no new EPRP records entered in LEDS, because there won’t be any new predatory sex offenders. There will be a discussion regarding if they want to make a designator in CIS for Level 3 offenders.

Kelly asked what will determine if a sex offender gets listed on the OSP website. Shawna said that she thinks that will evolve as they go, and that there will probably be a legislative rule at some point.

Michael asked if it was possible for probationers to be designated as predatory prior to January 2014. Lee responded that the courts could have done that designation if they chose, but that going forward the courts will probably not be designating any more. The new process will be that Community Corrections will do an assessment and assign a level. Judy asked how those who get Bench Probation for sex offenses will get a level assigned. She suggested that the Courts should still have a way to designate. Shawna thinks that the assessment should still be done at Community Corrections, and Michael wonders if we would have any authority over those people. This point has not been clarified and will require further research.

The Static-99 is the tool that will be used to determine an offender’s level; however, this tool does not work for women. Another SO risk assessment will need to be used, but no decision has been made yet on which one it will be.

Email question: Sharon from Columbia County asked why she has needed to request Certificates of Expiration lately. Shawna said that she will check with Pat.

**DOC:**

Mary talked about Earned Discharge and handed out updated drafts of the EDIS forms, as well as a list of FAQs and a handout that Multnomah County made.

The tri-fold handout from Multnomah County is an example of the info we can give out during intake.

EDIS is an incentive program, not a right. If a PO determines that an offender doesn’t qualify and the offender disagrees, it should be handled through the county’s grievance process.

The Earned Discharge rule has been temp adopted, but we can still make amendments and changes. At this point, the only change we are asking for is to section 291-209-0040, paragraph (1) (d), which will be a change in verbiage. Janet asked if we can also add the definitions of incarcerations vs. sanctions.

Mary talked about the draft for the review form. It will be redone so there are Yes or No check boxes instead of bullet points next to each item in the “Compliance Status” section.

Offenders will not be eligible for EDIS if they are convicted of any new crimes, including misdemeanors. Judy asked if that also includes new convictions that aren’t entered into CIS, like new bench probations. Mary said she will find out.
Mary wants to rearrange the order of the items listed under compliance status, and have the first and last items in their own section, with the other three items below them. This is because if the answer to the first question is no, or the answer to the last question is yes, no further review will be needed because the offender is not eligible.

The grid section on the back of the review form is a worksheet for the PO to mark the length of supervision they are dealing with, to write the review date at the midpoint, etc. It’s a tool for the POs to use if they want to.

The back of the review form lists the rules for determining time credits.
- For incarcerations that are not sanctions, the offender would lose 30 days for any portion of the month that they are in jail. We would like to know if they lose time credits based on actual days served, or if it’s based on the calendar month (for example, if an offender served a 30 day sentence from Apr 15 – May 14, would he lose 30 days of time credits, or would it be 60 because his time served spanned two calendar months?). Mary will get clarification on this.
- For absconds, the offender would lose 30 days for any part of a month he was on abscond status.
- For sanctions, it says that 30 days shall be retracted for any month or portion of a month in which the offender has been sanctioned. We asked if we should subtract 30 days for each sanction if there is more than one sanction in a month; Mary says no, only do one 30 day subtraction per month. Also, if a sanction is for less than 30 days but it’s broken up and served over 2 months (for example, on weekends), we should just do one 30 day subtraction. 30 days should be subtracted for any sanction (to jail, work crew, or CSW), but not for interventions. There is no retraction of time credits for interventions.
- 30 days will also be subtracted for any violation of a court-ordered no contact order. No time credits are subtracted for violation of a PO-directed no contact order, unless the PO gets it added to the court order.
- If an offender is arrested for a person-to-person crime, all time credits are retracted. However, they can be restored if the charges get dismissed.
- Restoration of time credits can be done based on extreme good behavior, at the PO’s discretion. In the institutions, inmates only get recommended for restoration if they save a life. The time credits restored can’t be more than the amount that was taken away.

Emma asked – if an offender is sanctioned based on criminal charges which are later dismissed, should they get time credits restored for the sanction? Mary will add that to her list of questions for the EDIS workgroup.

If an offender is on LC PPS and absconds, the INOP time does NOT change the sentence length; it pushes out the max date. Sentence length does change when probation is continued & extended. Does that change the offender’s eligibility date for EDIS? Mary is not sure and will ask for clarification.

Only one review form needs to be done on each case/docket. If an offender has been convicted of multiple counts on the same case/docket, the review should be done on the longest running sentence. The review is an in-house form and does not go to the Court or the offender.

When deciding whether the offender is in compliance, it will be a PO decision. They can staff it if they are unsure. The PO can add specific compliance requirements to the case plan, such as “complete
treatment,” so the offender will need to have finished treatment before he/she can be considered for EDIS. This type of thing will be a county-by-county decision.

When reviewing, the PO should look at the probation as a whole. If an offender is supervised on two different dockets and he is incarcerated on one case for a certain length of time, he will lose the time credits on the reviews for both cases.

Emma gave an example of a 12-month probation, which is reviewed at 6 months. At that point, the offender has 3 months of retracted time credits. Should the case be reviewed again at 9 months? Mary says no, once a case has passed the midpoint, it should be reviewed every 60 days. It can be reviewed sooner if the PO wants to.

Mary reviewed the types of offenses that are eligible for EDIS (felony probation and LC PPS only). Judy reminded everyone that if an offender qualifies for EDIS on their felony case but still has a misdemeanor probation, the misdemeanor can be returned to the Court for early termination or conversion to Bench. Conditional Discharges and Diversions do not qualify for EDIS because they are not convictions (unless they violate and get converted to Felony Probation). FMPs are not eligible because those sentences are treated as misdemeanors. A case would also not qualify if the judgment states that the felony conviction will be reduced to a misdemeanor partway through the probation. However, a case would be eligible for EDIS if the felony will be reduced to a misdemeanor upon successful completion of probation. Also, if an offender was sentenced prior to 8/1/13 but then was resentenced with a new begin date, that case would still not qualify for EDIS.

Janet says that some offenders have been told by releasing institutions that they will be eligible for EDIS. This is not correct because Parole Board cases are never eligible. The only way an offender releasing from an institution would ever be eligible is if the Board case expires, the Board closes interest, and the offender has another LC PPS or FPR case. In that eventuality, the offender would be evaluated on the entire length of the supervision on that case, not just from the time that the board closed interest.

We will be receiving EDIS Review Reports with a list of cases for the POs to review. The report will be sent to the same person in your office who currently receives the Inactive Probation and UNSU Review Reports. Compact cases will show on the EDIS reports; IMMI cases will not. Janet asked if UNSU cases will be on the report; Mary will find out.

If a case is closed to EDIS, the Earned Discharge Closure form needs to be completed and forwarded to the Court. One form should be filled out for each docket that is being closed. It is suggested that we CC the Court, DA, file, and OISC. Michael asks if it should go to OISC as a 3-year or 75-year form; nobody knows, we will ask Cathy.

Angie stated that she had a case that qualified for EDIS, but when she tried to do the release in CIS she got an error message that said it was not valid because the probation case started prior to 8/1/13. However, the probation had been revoked and the LC PPS start date was after 8/1/13, so the case should qualify. She submitted a ticket to the help desk and was told it was a programming error that should be fixed soon.

There will be changes to all of the EDIS documents in the near future, except for the Earned Discharge Closure form. The FAQ page will also be added to and clarified; if we think of any more questions, e-mail Mary.
Lee talked about the upcoming Support Staff Academy, which will be held on October 14th/15th and October 29th/30th at DPSST. There will not be individual classes; the two sessions will have the same courses, they are just having two sessions so that hopefully all support staff can attend one of the sessions and no county offices will be left unattended. There is no possibility of advanced or beginner classes. The classes will be held in the Hall of Heroes, and we should have room for about 90 people per group. We will be staying in a hotel, and then the counties will be reimbursed for meals and lodging (lunches will be free at DPSST). We will need to send invoices out and get them paid before the end of December. The academy has been approved by Jeremiah Stromberg, and he is encouraging all of the directors to be supportive.

We went through the list of topics that we would like to have presented at the Academy. Lee asked for volunteers to present some of the subjects. Once the curriculum is firmly established, a registration form will be sent out (hopefully within the next 2 months).

Denise did a budget presentation at OACCD; Lee asked if we would like to have that presentation at a future SOON meeting. We said yes.

LEDS/WEBLEDS:

Angie brought up the issue of some counties entering conditions on EPRs while others don’t. She wanted to know if we could institute a policy of always having the sending county delete the conditions before transferring the EPR. We decided not to do this as a rule, but those counties who do not want conditions in their EPRs can request to have them removed when they send the IRT acceptance. Otherwise, the receiving county can just delete and reenter the EPR.

Michael said that we have a request in to have WEBLEDS display the code used next to the condition description. This will make it much easier to remove or edit conditions from an EPR.

OPS Manual: Judy talked about how the whole manual is now a PDF, so it’s really easy to use and search through. Eventually it will be accessible through the website. The manual committee will meet next in August in Lincoln County.

Emma discussed a past issue that she never got a clear answer on, where the offender was supervised but then the conviction was vacated. She asked if we wanted to put this in the odd scenarios section; Judy said that she will handle it.

Local Control: Tina brought up a scenario where an offender was being supervised by another county and probation was revoked. Tina did the release plan and forwarded it to the supervising county, and the release plan was denied. Tina wanted to make sure that the supervising county still has to take the offender when he releases from jail. That is correct; they can deny the plan, but they still have to take the offender.

OPS Related Issues: Scenario where a misdemeanor diversion was convicted, and there was no supervision or jail time ordered. The closure code should be RTNS.

Email Decisions:

The office calendar in CIS is being looked at; we’ll let everyone know if/when it gets fixed.
There was a scenario where county A direct transferred a file to county B. The offender reported to county B and stated that he actually lives in county C. B wanted to return the file to A, but A said that there was a new rule that said B could just transfer it to C. This is not true; A needs to back out the release to B and rerelease the file to C.

Angie had sent out an email asking if we should create an EPR for a new LC case who did not show up to serve his jail time. No EPR should be created until PPS starts; until then the Court is responsible for any LEDS entry (warrants, etc.).

Kerri had sent out an email about verifying deportation on offenders who have been detained by ICE. We need to always wait until we have received a valid removal date from an IAQ in LEDS, only then can we release an offender to IMMI status.

Diane asked about a new case entry where the offender had an FBI#, but no SSN. She got an error message when she tried to enter the case. Tina said that the SSN field has been recently updated, and maybe something got unintentionally changed. Mary said to make sure a ticket has been submitted to the help desk, because SSN should not be a required field.

There was a request that we use teleconferencing for SOON meetings. We will table that discussion until the next meeting.

**Round Table:** No further issues.

The next SOON meeting will be on August 14th in Lincoln County. There will also be an FSN meeting in Coos County in July.