



Oregon Board of Parole

& POST-PRISON SUPERVISION

Board Business Meeting Minutes Tuesday, January 22, 2013

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; Vice-Chair, Candace Wheeler; Board member Amber Kaatz, attending by teleconference; Executive Director, Jay Scroggin; Board staff, Shawna Harnden; and DOC Assistant Director of Community Corrections, Jeremiah Stromberg. Guests in attendance: Linda Harrison.

Meeting Minutes:

December 17, 2012 minutes approved with suggested edits.

Chairperson Comments:

- Board and Executive Director met last month regarding scheduling, training, workloads and non-business topics. Also wanted to reiterate that training for the Board and staff is an important goal in the coming year (on victims' issues, ODOC programming, other topics).

Executive Director's Update:

- Scroggin and Wings-Yanez attended Oregon Association of Community Corrections Directors (OACCD) two weeks ago and discussed with the directors a recent case. A matrix offender violated with new crime and received prison conviction. Board practice was discussed—for all matrix offenders, the Board wants to review the sanction rather than doing an auto-revoke.

DOC Update:

- No update

Old Business:

- OAR 255-062-0016 Factors to be Considered in Establishing a Deferral Period Longer Than Two Years: Public hearing was held on January 10, 2013. Several members of public attended and gave testimony on proposed rule changes. Positive feedback was

received from the community regarding the proposed changes. Also received email from Tricia Hedin at Public Defenders Services of Lane County. She was not able to attend hearing but did want to submit her opinion that the Board should not implement the proposed rule changes. She also urged the Board to not add the refusal to participate in Board-ordered psychological evaluation(s) and/or refusal to participate in Board hearing as a factor. No further written submissions were received on the proposed rule changes. Wheeler advised Ms. Hedin's email is the only opposition the Board has received regarding the proposed changes. Wheeler also advised she did not believe Ms. Hedin provided compelling argument on why the changes should not be considered. Wheeler stated she was surprised nothing was received from the inmate community or defense bar to provide any opposition. Winges-Yanez moved to adopt the proposed changes. Wheeler seconded. Rule adopted. Scroggin gave thanks to DOC for allowing us to utilize their conference room for our public hearing.

New Business:

- Winges-Yanez and Kaatz attended a Release Counselor meeting last week with DOC to discuss some confusion on the conditions being imposed by the Board. They questioned whether the Board is imposing packages or only the special condition 10 (SC10) ("Submit to assessment and evaluation to develop a case plan for supervision and/or treatment"). Kaatz advised that initially most packages were being removed and replaced by the new SC10. Recently, the Board asked legal counsel to review the use of the new SC10. Pending that review, the Board decided to temporarily stop removing any old packages when voting sanctions or release plans following revocation. The SC 10 condition does continue to be imposed moving forward. Winges-Yanez advised she will follow-up with legal to get an opinion on this matter.
- Interstate Compact advised at the Release Counselor meeting that the psychological and psychosexual evaluations must be provided as part of the transfer request packet or the receiving state can automatically reject the transfer. The question was raised as to who owns these documents and who can give permission to allow for their distribution. These documents are the Board's and if the offender wants to request a compact transfer, the release counselor will have to ask the Board for permission to include these documents in the transfer request packet. This process is the same for the field. If the PO wants or needs either of these documents, the PO has to submit a request to the Board asking to use these documents.
- Winges-Yanez advised the legislative bills were filed last week. Scroggin advised there are five bills that have the Board's name in it. There are other bills that he will continue to monitor as some may have a collateral effect on the Board.
 - House Bill 2549: This bill, from House Judiciary, is an effort to change the current sex offender registration system to a tier system. This is consistent with the Adam Walsh act at the Federal level. It asks that all sex offenders in the state of Oregon go through a risk assessment which will be determined by the Department of Corrections and the Board. Currently that risk assessment is the Static-99R. Based on the results of the risk assessment, each person will be identified as either level 1, 2 or 3. Each level will determine what process that

person must adhere to for registration purposes. The most serious offenders will be classified as level 3, which is the equivalent of “predatory sex offender” now. There will be a webpage that will be operated by the Oregon State Police. The Board is named as the agency to complete the Static-99R on the people in Oregon who are not assessed. The Board would notify everyone what tier each person is at, conduct the hearing process to challenge the score, handle any petitions from offenders for a review on level changes, and handle all petitions from offenders to be removed from designations. There is a start date of 2015. Scroggin advised Legislature of the fiscal and workload impacts and that the Board is neutral on this bill.

- Senate Bill 81: This is from Senate Judiciary. This modifies the minimum term of incarceration for offenders convicted of aggravated murder from 30 to 31 years. Scroggin advised he has not had the opportunity to discuss this bill with Legislature as of yet.
- House Bill 2375: This is filed from Representative Thatcher from Keizer. This bill authorizes the Board to extend the period of time between parole hearings based on majority vote, rather than a unanimous vote. This bill will put in statute the Board’s proposed rule changes as discussed earlier on the OAR 255-062-0016 Factors to be considered in Establishing a Deferral Period Longer Than Two Years. Scroggin advised he has remained in contact with Representative Thatcher on the Board’s action on this rule so far and will keep the Board advised of Representative Thatcher’s future intentions with this rule.

{ off record for small break at 11:03 a.m. - back on record 11:13 a.m. }

- House Bill 5035: This bill appropriates moneys from the General Fund to the Board for biennial expenses.
- House Bill 2564: This is from House Judiciary. This bill grants the Board rulemaking authority for purposes of determining whether a predatory sex offender who is no longer under the Board’s jurisdiction may lawfully enter or remain on premises where persons under 18 years of age regularly congregate. Currently a sex offender on supervision may only be allowed to visit premises where persons under 18 years of age congregate if granted permission by the LSA/Board. Once the offender is off supervision, ORS 163.476 makes it a Class A misdemeanor for certain sex offenders to be in a location where children regularly congregate even if they had been allowed to while on supervision. The potential issue with the language is that the proposed statute provides that the Board of Parole or releasing authority can give an offender permission for this, but the Board does not have authority over persons who are off supervision. It does not outline a good process on how we make the determination. Scroggin believes bill is trying to give the Board the legal authority over predatory sex offenders once they are off supervision, and to establish a process by which predatory sex offenders who are not under supervision may petition the Board for

written approval to be in or upon specific premises where persons under 18 years of age regularly congregate. Scroggin suggested bringing this to legal for further discussion.

Future Board Meetings:

February 25, 2013 @ 10:00 a.m.

March 18, 2013 @ 10:00 a.m.

April 15, 2013 @ 10:00 a.m.

Meeting adjourned at 11:39 a.m.