



# Oregon Board of Parole

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## & POST-PRISON SUPERVISION

### **Board Business Meeting Minutes Monday, September 23, 2013**

**Call to Order and Note of Attendance:** The meeting was called to order at 10:03 a.m., and note of attendance made: Board Chair, Kristin Wings-Yanez; Vice-Chair, Candace Wheeler; new Board member, Sid Thompson; Executive Director, Brenda Carney; Department of Corrections (DOC) Assistant Director of Community Corrections, Jeremiah Stromberg; DOC Release Services Manager, Hank Harris and Board staff member, Shawna Harnden.

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

#### **Chairperson Comments:**

- Welcome Sid Thompson. Amber Kaatz is now with DOC and we look forward to working with her in her new capacity.
- Legislature has started up again for a few days.
- Wings-Yanez attended the Re-Entry Council Meeting; there was some discussion about changing the way the council is structured. Wings-Yanez sits on that council and will continue to provide updates on the new structure they are talking about.
- Wings-Yanez & Carney presented at the Basic PO Academy on Friday, September 20th. The class was split into two smaller groups. It was great opportunity to discuss what the Board does and answer questions about sanctions and other Board decisions.
- Several big hearings coming up. The Sidney Porter hearing, which has attracted public interest and which was reopened in June, is scheduled for next Monday, September 30, 2013. The Board will make its decision after that. Wings-Yanez wanted to say thank you to DOC for all their help with the logistics of that hearing.

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

- Carney advised the process for the Porter hearing is going smoothly. She, too, wanted to thank DOC for their assistance.
- Basic Academy went well. There was a really good Q&A session after the presentation. It is her understanding that Department of Public Safety Standards and Training (DPSST) is doing an overhaul of all current curriculums. Carney and Wings-Yanez will continue to present the current Board presentation, but will use this time to modify the presentation to bring it up to date.

- The Inter-Governmental Agreements (IGA) have been reviewed and finalized. Carney advised over the next year and half, the counties will be contacted to advise them of the new formula that will be used. This formula allots the appropriate amount of money the Board pays to each county for their service of conducting the Morrissey hearings for the Board. Wings-Yanez advised that for this biennium, all the counties were affected by the overall 3.75% decrease in the Board's budget. Stromberg inquired if the Board developed a new formula. Carney advised they came up with two viable options, but due to the existing contracts already being expired, the new formula will not be implemented until the next biennium. Each county will be contacted over this biennium to discuss the two options and what it means for them.

### **DOC Update:**

- Stromberg advised that DOC's budget has a 139 million dollar reduction, of which, 97 million is unspecified. Legislation advised the requirements DOC had to work within: there are to be no reductions in staff and no closing of prisons. DOC's primary costs are the prisons and staffing at those prisons. In order to comply, DOC would have to eliminate all contracted services, reduce health care, and cut all programming. Over the last couple of weeks, all of DOC's Executive Management team have been called together to establish how they will be able to make their budget. All options are being explored at this time.
- Next week is the Advanced Community Corrections Academy. The Board has 90 minutes to present. This is the first of two scheduled academies, with a desire to add a third in the spring, and potentially a fourth next summer. Stromberg is hopeful that all POs will have availability to attend one of these classes. There will be a key note speaker next Monday. The focus will be working with mentally ill offenders. It is an all-day session and is open to anyone and everyone. Stromberg advised he will provide an agenda for all the upcoming academies to the Board, should any Board member or staff decide to attend. There will be a gender-specific component at one of the upcoming academies, and his hope for the third academy is cultural responsivity in working with our offender population. He has been working with some national speakers, trying to get them within a price range the grant will allow.
- With the passage of HB3194, the Department now has the authority to transition inmates out on short-term transitional leave 90 days prior to their release date. In the past, for those who were statutorily eligible, we had 30-day transitional leave. This is a big component of the overall goal to flat line the prison population. There is some sentence reform to allow judges to do shorter prison terms for property and/or drug crimes. DOC currently has approximately 200 offenders who meet the requirements and go out on 30-day transitional leave. To make this successful, and to meet prison growth capping and to flat line our prison beds, DOC needs to expand that to 750-1000 inmates a year at 90-days transitional leave. The Board will see an increase of release plans where the inmate is already out on transitional leave. They have been working with their institutions with changing of the criteria. This is about balancing the public safety approach and who is ready to go, utilizing it as an incentive and reinforcement model within our institutions, and meeting a requirement that the Legislature has put forth in regards to capping our prison growth. DOC will be doing a great deal of work with Community Corrections

partners, institution counselors, and our superintendents to determine which inmates are right to move forward. The institutions will check to see if the inmate is statutorily, and by DOC policies, still eligible for release. Community Corrections will make a recommendation on whether or not they feel they can adequately supervise the inmate. Then Stromberg will make the determination of whether or not the inmate is appropriate for transitional leave based on the factors that present themselves: their behavior & programming in the institution, a viable parole plan and stability in the community, and if they are the person we want to move forward or not. Harris advised that currently, and by statute, the Board does the release packet 60 days, now 75 days, prior to release. For an inmate eligible for transitional leave, the institutions will be sending the packets to the counties approximately five months prior to the transitional leave begin date, which is basically eight months prior to release from prison. In regards to this new process, Wheeler inquired if there will be specific requirements for inmates to participate in some transitional leave components. Stromberg advised that not everyone would. It will be based on what was available for that particular inmate in the amount of time they served. Under statute you are required to serve a minimum of 6 months in custody before you are eligible to go out on transitional leave regardless of the length of your sentence. Harris advised the transitional leave components, like 'Road to Success' are optional programs. If the inmate refuses to participate, it will not necessarily prevent the inmate's availability to do transitional leave. Harris inquired if the process of writing the transitional leave date in red ink on the upper corner is still working for the Board. Wings-Yanez advised it is working.

- Stromberg wanted to discuss the topic of sexually violent dangerous offenders (SVDO) either today or put it on the agenda for future meetings. Statute requires these offenders be supervised at a level higher than that of high risk. All 36 counties have different contact standards. The counties actually receive additional funding for these types of offenders to accommodate the higher level of supervision and the needs for that supervision. DOC allocates the additional funding to the counties for these types of offenders. DOC tracks each offender the Board designates as SVDO, and then pays the counties the additional funding, quarterly. DOC has gone so far as to withhold funding from a county. Not only did this county fail to demonstrate the level of higher supervision statutorily required for an SVDO offender population, after several attempts by DOC to address the issue, they took no corrective action. It wasn't until payment was withheld that the county finally took steps to change their process. Stromberg advised he started contemplating if it should be his responsibility, the Board's, or both to communicate with the counties regarding the level of supervision that is required for this population to remain in compliance with statute. Stromberg asked if there was time to discuss this topic at today's meeting or if it should be scheduled for a future meeting. Wings-Yanez acknowledged Stromberg has the means to track fairly well, but since the Board's role is as the supervising authority, the Board should take some initiative on setting some standards. Wings-Yanez advised she would like to investigate what standards the Board might be looking for, and would also like to continue the conversation with Oregon Association of Community Corrections Directors. Carney wanted to clarify that the counties have to be supervising the offender higher than their county policy states for their highest risk offender. Wings-Yanez advised this item will go on the agenda for future meetings.

- Harris advised the face-to-face all staff meeting is on Wednesday. Wings-Yanez advised she will be discussing the change of Board policy for the Sex Offender Package B per PO conditions. The Board will no longer be routinely giving offenders this special condition package when there is no sex conviction on record, although it will be imposed under specific conditions (*e.g.*, current crime has a sexual element, sex crime charges dismissed as part of plea deal). She is working on creating a statement from the Board to send out to everyone.

#### **Old Business:**

- Harris inquired on the status of special condition #10. Wings-Yanez stated that since 2011, the Board has moved away from adding large special condition packages on the release plans and began imposing the special condition of “Submit to assessment and evaluation to develop a case plan for supervision and/or treatment.” There was some concern about whether the Board was delegating too much authority to the field, and whether the Board was delegating tasks that should remain with the Board. Wheeler advised the Board still uses some of the package pieces. Harris advised that it might be helpful for another memo to be sent out clarifying the packages. Wings-Yanez agreed. Wheeler advised she still has the old memo that had been sent out by previous Board Member, Darcey Baker, signed by previous Board Chairperson, Aaron Felton. She will utilize that document and update it to current processes and advise the appropriate people. Harris is asking the Board to support his directive to his staff to continue to write out the special condition #10 if they are recommending it. There has been some confusion in the past that this condition was being automatically added. Harnden advised that it is a boilerplate in the Parole Board’s data system, making it an automatic addition to the release order, but only when the condition is selected. Harris advised he will continue to direct his staff to select that condition if they are recommending it.
- Victim definition – Wings-Yanez advised she had previously reached out to NCVLI and Oregon’s Crime Victim Law Center for proposed language on a rule change. A Legislative workgroup was formed in June by the House Judiciary Committee, and she met with the workgroup on September 9th. They wanted to talk about how to fix any issues they identified with the Parole Board’s business. The discussion turned to our victim definition. We have very few cases where there are people who are self-identified as victims and who do not fall under the current victim definition, or who would not be allowed to speak at a hearing under current rules. Wings-Yanez advised there may not be a need to do a rule change on this topic after all. This is true for the public voting. She will keep us advised. Any proposed public safety legislation would not happen until the 15-17 Legislative session.

#### **New Business:**

- We have a new warrants specialist, Marron Easley-Holmes, and she is doing very well. She comes to us from DOC where she was a correctional officer for several years. Wheeler inquired about the status of Fay Stetz-Waters’ as she is currently on a 6-month job rotation. Wings-Yanez advised the Hearings Officer position will be open for

recruitment again prior to the end of the job rotation and Fay will have the ability to apply if she chooses.

- We are members of Association of Paroling Authorities International (APAI). At the conference each year they hold an auction. Wheeler inquired if there was a way to get something to donate for the auction. The money received from the auction goes to help support the event and Oregon has definitely benefited from the event.
- There has been some mention in the past meetings of possible upcoming rule changes; however, we are evaluating the legal language and will keep this an agenda item.
- Wheeler asked if all the institutions have access to the Board's old and current rules. Harris suggested discussing this Randy Geer.
- Wings-Yanez proposed making the Board Business Meeting to the 4<sup>th</sup> Monday of each month. Wheeler seconded. Passed.

**Future Board Meetings:**

- October 28th @ 10:00 a.m.
- November 25<sup>th</sup> @ 10:00 a.m.

Meeting adjourned at 11:16 a.m.