



Oregon Board of Parole

& POST-PRISON SUPERVISION

Board Business Meeting Minutes Monday, February 25, 2008

1. **Call to Order and Note of Attendance:** The meeting was called to order at 9:05 a.m., and a note of attendance was made.

Present: Steven Powers, Darcey Baker, Candace Wheeler, Nancy Sellers, Max Williams, Peggy Barber, Kim Gonzales and Debbie Wojciechowski.

Guests: Paul Bellatty, DOC Research & Evaluation Administrator; Nichole Brown, DOC Inmate Workforce Development and Education Programs Administrator; and Lori Tribett.

2. **Review and approval of December 17, 2007, minutes:** The Board reviewed and adopted the meeting minutes of December 17, 2007.

3. **Introduction of DOC Director Max Williams** - Upon research of the Board's statutes, Steve noted that since at least 1969 the Director of the Department of Corrections has been an ex-officio non-voting member of the Board. It has been many years since the Director of the Department of Corrections has attended a Board meeting. The Board welcomed Max to this and future Board meetings. Max expressed that Board meetings will provide an opportunity for him to be able to see what issues the Board has both from an administrative and policy standpoint relating to DOC, since both agencies are so closely linked, and to ensure those issues are addressed.

4. **Chairperson's Comments** –

- **Increasing transparency and availability of information to public:** (1) Presentation to the Oregon Commission on Asian Affairs, which is holding a series of public focus meetings and will put together a written report; (2) In-depth press interviews with *The Oregonian*, *Statesman Journal*, and KXL radio; (3) DOC graciously loaned us the services of Shellí Honeywell of the Office of Legal Affairs for the crime-commit date research project for the Board. In turn, Shellí recruited local attorney Michael Duane Brown, who agreed to volunteer his time for the project, which focuses on organizing BOPPPS' administrative rules by date, allowing ready access to all the applicable rules including those for an EIPS or PRCP hearing, FD hearing, or discharges.

- **Serving warrants on tribal lands:** Nancy and Steve had a teleconference with Jeff Lichtenberg, the community corrections director in Jefferson County, and other officials about a recent Warm Springs tribe change in policy of recognizing Board of Parole warrants. After meeting with other state officials, Steve plans to talk to the tribe's counsel this week and will keep the Board updated on any progress.
- **Changes in Division 32 Rules:** Steve and Nancy met with Caylor Roling, Prison Program Director; and David Rogers, Executive Director; of the Partnership for Safety and Justice to discuss the changes in Division 32 to address the non-contested case proceedings. They also have met with Becky Duncan and Bronson James of the Office of Public Defense Services, Legal Services Division, to discuss the proposed rules.
- **February Legislative Session:** A legislative alternative to IP 40 will also go before the voters in November to address property crimes. Also of interest to the Board was HB 3633, which encompassed the statutory changes embodied in the Article I, sections 39, and 40 of the Oregon Constitution. In May, there is a legislative referral to amend the Oregon Constitution to provide for enforcement of those rights. This measure did not pass, but is expected to be discussed in other forums.
- **Post-Sentence Reports:** Post-sentence reports (PSRs) were previously completed by DOC's Community Corrections staff. After meeting with Ginger Martin to explain the importance of this information, the responsibility to complete PSRs has now moved to intake at OISC. Janae Davis-Saunders, who also coordinates the collection of police reports, will be the Board's main contact for PSRs. They also will expand information included in prior PSRs so that the Board will have as much information as possible about the offender at intake, including much of the criminogenic information DOC collects at intake.
- **Upcoming Meetings:** Steve and Nancy will attend the Governor's Re-Entry Council on Wednesday, February 27. Steve and Nancy also will attend the Tribal Relations Public Safety Cluster Meeting on March 18.

5. **DOC's Automated Criminal Risk Assessment (ACRS)** - DOC Research & Analysis Administrator Paul Bellatty and Inmate Workforce Development and Education Programs Administrator Nichole Brown discussed DOC's Automated Criminal Risk Score (ACRS) system. ACRS is a mathematical equation that uses static variables designed to predict the likelihood of an offender recidivating. Scores range from 0.0 to 1.0, with scores approximating zero identifying those offenders least likely to recidivate. Offenders with high scores are more likely to re-offend. ACRS is coupled with the criminogenic assessment to determine the proper programming for each offender. ACRS will be used to help DOC prioritize higher-risk offenders into treatment and other programs designed to reduce future criminal behavior. Offenders with low scores will be much less likely to be placed in these programs. ACRS uses seven risk factors: age, earned time, sentence length, revocation, number of prior incarcerations, prior theft

convictions and type of crime (person, property or statutory). When inmates are admitted at the Intake Center, DOC looks at their ACRS scores. If they score medium or high, they are given a criminogenic assessment. The criminogenic assessment helps determine what types of services each inmate will receive while in custody, as well as recommendations for programs in the community after release from prison.

Steve questioned whether all inmates were eligible for programming (i.e., dangerous offenders, aggravated murders). Nichole said that priority is given to inmates who are within six to nine months of release. It is difficult for DOC to schedule inmates who do not have release dates into programming. There is no current plan to go back and evaluate the matrix cases. No treatment is available at the minimum security institutions. There are not enough programs available and DOC does have to prioritize which inmates get programming.

Nichole mentioned DOC's Counselor Case Management Initiative, which will give the counselors the opportunity to participate in the referral process. The counselors know best what programs would work for which inmates in referring them to programming. Nancy will invite Deputy Director, Mitch Morrow or Sonya Hoyt, Project Manager to a future meeting to give the Board an overview on the Counselor Case Management Initiative, which is scheduled to go into effect in July 2008.

The Board questioned asked if an offender who is revoked by the Board and brought back to prison would have his or her ACRS score and criminogenic assessment updated. Max replied that yes, this could be done if the Board wished. Nancy will work with DOC Intake to develop a process.

Currently ACRS scores are not part of the hearing packet, and the Board discussed the value of adding this information. The Board would likely use the tool to determine if an offender has programming available to them, not for release purposes.

IMU and DSU inmates receive programming different from general population inmates.

Nancy will invite Nichole back to the March meeting to discuss what programs are actually available to inmates.

6. Executive Director's Update – Staff

- **Staff Schedules and Meetings:** Effective March 1, 2008, all staff will work standard business hours schedules to improve office coverage. Nancy's intent is that any staff member who chooses will be allowed to flex either a Friday or a Monday off to allow for a three-day weekend each month. The flex time will comply with BOLI laws and labor contract. Nancy has held regular weekly staff meetings since she started working for the Board.
- **Training:** Nancy is offering training opportunities for all staff based on their individual needs.

- **Policies:** The Board is following DAS/BOPPS policies and procedures. Nancy made it clear with staff that unless superseded by a specific Board policy, the applicable DAS policy is in effect.
- **Hearings Officer:** Eric Rosentreter, the Board's Hearings Officer plans to retire June 30, 2008. It is Nancy's intent to have him continue on a temporary employee until December 31, 2008. At the end of the year the Hearings Officer position will revert to the Board's offices in Salem. Recruitment is expected to begin in September 2008, with an anticipated start date in December 2008.
- **Job rotations:** Order of Supervision Specialist Nicole Kellogg's job rotation to DOC Interstate Compact will continue into August 2008. Nancy plans to rotate Warrants Specialist Abbie Firestone into that position and to fill the Warrants desk vacancy through a temp hire or other means.
- **Oregon 150 involvement:** Each agency is required to participate. Nancy will work with staff to write the Board's history. The Board's 100th anniversary is in 2011.

Media

- Nancy and Steve are working to build the Board's relationships with the media.

Outreach/Education:

- Nancy is working on master presentation materials, including a presentation that gives a general overview of the Board and is working with Darcey on adapting that for DPSST curriculum.
- Nancy and June have been working with DOC on various projects. Computer issues, designators, use of the flags that appear in CIS and what DOC can take from PBMIS. DOC has many emergency response issues which may come up and the Dome building may be turned into a command center/media center. Nancy talked with staff about how we would support DOC if necessary in the event of an emergency.

Budget:

- Nancy advised that there is a shortfall in the Board's 2007-09 budget due to the salary increases for represented and management staff and Attorney General costs. Nancy asked the Board Members to be aware of expenses. Travel may need to be limited, dependent on June revenue projections and DAS decisions.

Other:

- January BOPPPS Workload Stats were distributed to the Board Members and staff.

7. **Old Business:**

Board Action Needed:

The Board went off the record for an Executive Session at 10:25 am and asked the guests to leave the room for this part of the meeting.

Back on the record for the regular Board meeting at 10:40 am

- a. Medical Marijuana Policy: The Board reviewed communication from its DOJ General Counsel regarding the violation of GC 10/Oregon Medical Marijuana Act. The Board will finalize the advice received back from the Attorney General's office. Steve will convey this back to General Counsel.

Additionally, the Board will formalize a policy for this advice and have Steve carry the following message on to OACCD:

- If the PO brings the violation of the condition to the Board's attention, the Board will find it a violation of GC 10, even if the offender has a valid medical marijuana card in their possession. The Board will no longer order as a special condition of supervision that the offender is not to use medical marijuana.

Steve will draft a policy to bring back to the March Board meeting.

Darcey questioned whether or not the Board wished to have June run a query seeking how many offenders have the medical marijuana condition ordered under SC 10. Nancy to check with June and report back.

- b. How to Read a Board Action Form (BAF): The Board reviewed a draft of the BAF key dated February 25, 2008. Nancy to follow up on the clarification and if staff uses the following fields: #30, 33, 36, 39 and #67 (field not in use).

Approved effective February 25, 2008. The Board agreed to allow Nancy to make any non-substantive changes in the future. Peggy will update the document and send it out via e-mail to CCB-All, Institutional Counselors, DOJ Counsel, Institutional Law Library's, post it on the Board's website, and send a notice to the institution newsletters. Nancy and Peggy will draft a cover letter to send out with the key.

Informational Only:

- a. DOC's County of Residence Policy: The Board reviewed a draft of the new DOC policy on the County of Residency Policy, which will go to the DOC policy group on Tuesday February 26, 2008, for their approval. The Board had asked Heidi Steward to add the reference to the Board's rules to their policy. Heidi and Darcey have been having discussions with the release counselors relating to the new policy. POST NOTE: DOC Policy Group approved the proposed policy on February 26, 2008.
- b. Release of Police Reports: No changes to current staff procedures at this time. A redacted stamp is ordered and will be stamped on the reports. The un-redacted original report will be placed in a clearly marked envelope and placed in the inmate/offender's file along with the redacted report, which will be clearly marked redacted. Nancy plans that reports will be redacted upon receipt.

Does the Board want or need police reports? Darcey often requests for copies of police reports for predatory determinations or for sanctions. This will be brought back as an action item for next month's Board meeting to determine if the Board wishes to receive copies of unsolicited copies of police reports.

8. New Business:

Board Action Needed:

- a. Victim notification discussion: Debbie Wojciechowski, the Board's Victims Specialist, and Kim Gonzales, Hearings Specialist, were present to discuss their processes relating to notification of hearings and disclosure of documents considered by the Board at hearings.

ORS 144.120(7) states that the State Board of Parole and Post-Prison Supervision must attempt to notify the victim, if the victim requests to be notified and furnishes the board a current address and the district attorney of the committing county at least 30 days before all hearings by sending written notice to the current addresses of both. The Board does not have the resources to search out current victims' address when victim letters are returned in the mail. Nancy will review the current notification letters and documents for plain language compliance.

If victims wish to attend a hearing, they are directed to contact Kim. If the victim wishes to view the hearings materials, they contact Debbie who will prepare a packet for the victims to view before the hearing. A procedure needs to be developed for what victims are allowed to view and what is part of the hearing packet that the Board considers for the hearing. Nancy will schedule a meeting with affected staff, Steve and DOC.

- b. Hearings Notice of Rights/Definitions: Nancy had asked for clarification on the definitions. The Board will review the documents giving any feedback to Nancy before the March Board meeting.

Informational only:

- a. The Board received an e-mail from Denise Sitrer, DOC's Oregon Compact Administrator, regarding an offender's access to treatment programs in other States. Denise would like Board Members to review the e-mail and submit any comments back to her.

9. Future Board Meetings:

The next Board business meetings are scheduled for Monday, March 17, 2008, at 9:00 a.m.; and Monday, April 21, 2008, at 9:00 a.m.

10. Additional items for Consideration:

None.

Adjourned at 12:19 p.m.

Minutes submitted by Peggy Barber, Management Assistant.