



Oregon Board of Parole

& POST-PRISON SUPERVISION

Board Business Meeting Minutes Monday, December 8, 2008

1. **Call to Order and Note of Attendance:** The meeting called to order at 9:00 a.m., and note of attendance was made: Steven Powers, Candace Wheeler, Darcey Baker, Nancy Sellers, DOC Community Corrections Chief Mark Cadotte, Abbie Firestone, Malinda Wilson, Kim Gonzales, Tami Jarnport, Shawna Harnden, Pat Zeigler, Debbie Wojciechowski, Shawn Forsythe, Michelle Mooney, and guest Lori Tribett.
2. **Approval of November 24, 2008, Minutes:** Mark noted that on page 1 the correction to the previous meeting minutes were still not accurate. It should reflect the LSCMI model. Steve wanted to note that on page 4, the Board's decision to start exploring discussions with the psychological examiners was a full Board decision. Darcey wanted to make note that on page 5 under Sex Offender Resource, that it should be Jeff Premo. Minutes were approved as corrected. Minutes will be printed out hardcopy for the notebook, and e-mailed out to members.
3. **Chairperson's Comments – Steven Powers**
 - **Education and Outreach:** At the last Board meeting, Steve mentioned that he made contact with Eileen Kennedy, a Board member of Oregon CURE, to discuss a time when the full Board could meet with them to discuss how to update their parole hearing booklet and talk about hearings. Ms. Kennedy said they are too booked in December and January and suggested meeting in April in Salem or anytime after the legislative session in Portland. She also said that she will asked ~~that~~ the Oregon CURE BOPPPS webmaster to pull off the parole booklet until corrections can be made.
 - **CLE Presentation:** Following the recent CLE presentation to the Multnomah County District Attorney's office, Nancy and Steve will meet with three Deputy District Attorneys and Rob Persson, Administrator of DOC's Offender Information and Sentence Computation Unit (OISC), on December 11, 2008. They will discuss setting up a system for augmenting the post-sentence reports (PSRs) that we currently get for those recently convicted offenders under the Board's release authority. As the DA's office closes the case, the Board would benefit from more information being transferred from the criminal-trial file to the Board's file (*e.g.*, victim impact statements, sentencing judge's comments). Key questions include: (1) Does that information – be it a letter or something else – follow the offender for every hearing before the Board? (2) When will the offender

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have an opportunity to rebut the contents of that information: now or at the first hearing in 2020 or beyond?

- **NIC Visit:** Following her visit on December 2-3, Susan Yeres, Ed.D., sent the following note: “On behalf of our project team and the National Institute of Corrections, thank you so much for allowing me to observe your hearings and for taking time to talk with me about the issues you face and the training parole board members need. I appreciated your attention to thorough and thoughtful interviewing. The overall climate you set in the hearings for offenders was respectful and fair... What I learned from the observation and from our group discussion will be invaluable in our curriculum development process.” She also sent a note to Candace to let her know that she had never seen an interviewer do a better job of using motivational interviewing skills. Dr. Yeres remarked, “Needless to say I have observed and worked with many professionals who conduct hearings and interview offenders, and by far your skills, temperament, and perseverance were exceptional.”
- **Budget Update:** At our last meeting, Steve noted that the revenue forecast was down (\$140 million) and that there will soon be a Department of Administrative Services (DAS) rule to balance the current 2007-09 biennium. DAS expects the rule mid-December, so Nancy and Steve will continue to monitor the situation for the remaining biennium and have articulated a plan for deeper cuts if necessary at the request of the Legislative Fiscal Office that includes shifting costs to the next biennium by scaling down or not appearing at all in court proceedings where the Board’s order is challenged.

The Governor released his recommended budget (GRB) on December 1, 2008, and it made strategic investments in his priorities. In the public safety area, the overall GRB for 2009-11 is \$3.6 billion, which represents a 24.8 percent increase over the 2007-09 Legislatively Approved Budget (LAB). The General Fund (GF) part of that is \$2.2 billion and is a 17.5 percent increase over the 2007-09 LAB. Obviously, that’s good. The problem is the shortfall in the essential budget level (EBL), which calculates the cost to continue legislatively approved programs into the next biennium. When comparing the GRB allocation of GF dollars with the EBL for the public safety area, there is a reduction of 1.1 percent or \$25 million. The shortfall could have been much bigger if DOC did not self-fund much of the cost needed to implement Measure 57.

As ~~was noticed in~~ Director Max Williams’ e-mail ~~stated~~, the GRB ~~may mean~~ DOC will reduce its operational costs and do things differently (i.e., GRB proposes that DOC take back its Basic Correctional Officer Training from DPSST). For the Board’s part, the GRB is \$4.3 million, which represents a 16.5 percent increase from the 2007-09 LAB. The GRB recognizes that the Board’s continuing work with evaluating the Parole Hearings Workgroup recommendations and that this agency has reached its limit in applying efficiencies such that it needs additional resources. To that end, the GRB recommends adding a paralegal/hearings officer. This is a critical addition, as the Board has not had staff increase in several biennia despite the rise in the PPS population and the increased complexity of the release hearings.

Commented [srp1]: If I had to sign this document, I’d add this. I’m a firm believer in the apostrophe s after *any* name, even if that name ends in an “S”--but Nancy or others may have said otherwise and I’m fine with it being whatever way as long as it is internally consistent.

And, although I normally do not edit the minutes for stylistic suggestions like this one (or the serial comma), it was too hard to pass up.

The GRB makes trade-offs, including consolidations and efficiencies: for example, Jackson County apparently had two 911 call centers across the street from each other. Others cuts appear more challenging, such as despite the expected growth in probation, parole, and PPS offenders, Community Corrections funding is 7.3 percent lower than the EBL. Steve asked Mark Cadotte to keep the Board updated on the status of a potential cut to the maximum sanction from 90 to 60 days. One other trade-off that more directly affects the Board is the proposed eight furlough days for all state agency employees in the coming biennium, which translates into one unpaid day of leave a quarter. This would save \$35 million GF. Further, there would be no cost-of-living adjustments, but step increases would be preserved and health insurance premiums would be fully funded (assuming increases no greater than 5 percent in 2010 or 2011).

- **Attorney General Review of Victim Services:** Attorney General Myers and DOJ staff are still working on the finalizing the report. Plans are for it to be ready for the January Board Business Meeting.

4. Executive Director's Update – Nancy Sellers

- **Staff Update:** Nancy extended a formal welcome to Shawna Harnden, who is on job rotation as the new Revocation Specialist, and welcomed back Abbie Firestone who returned from Maternity leave. Nancy expressed her gratitude to all staff for their outstanding attitude and the willingness to continue to work through the challenging times. The office has been in flux since Nancy began almost a year ago, and staff continues to provide input and help with creative suggestions. Nancy is extremely grateful for all of the help and the great team of employees at the Board.
- **Release Plans:** The Board is in discussions with DOC about how to streamline the release plan process in a manner that continues to protect public safety. This will save DOC time and allow them to focus on presenting issues and criminogenics. With this it will be a priority to teach parole officers to review release plans in the 30-day window, and notify the Board in that period of any recommended/requested changes.
- **Victim Notification:** Nancy and Debbie Wojciechowski met with DOC regarding duplication of notification letters to victims. Heidi Steward will seek approval from Ginger Martin for DOC to discontinue its separate notification letters, with the Board continuing its victim notifications at 90 days.

5. Old Business:

- **Parole Hearings Workgroup Recommendations:**
 - **Status Tracker:** Nancy prepared a table that will track the recommendations and notes. This will become a living document that can be viewed at anytime and used to answer questions and to see the status of each recommendation. The tracking report is prepared in the same order as the Parole Hearing Workgroup Final Report.

- **Statements made at release hearings:** The Board's current practice is historical; it is developed on how things have been done. Some of it is embodied by rule, but mostly embodied by ~~best~~historical practice. The piece regarding statements is governed by rules and statute. The first recommendation was to eliminate the three-minute rule and allow victims, DAs and offender supporters to speak for up to 15 minutes. This recommendation was made with the intent to allow the speaker adequate time to present information and not feel pressured. However, the presiding Board member could ask the presenter to end sooner if their information is redundant. Steve does not ~~want see the need for~~ this to be written in the rules; he would like to see ~~it~~any time limitation or suggestion included in the hearings procedure informational documents. Debbie agreed with this approach, as it would be friendlier and kinder towards the victims. The Board voted to adopt this as policy/practice beginning January 1, 2009, with rule changes to follow. This will mean that the three- minute rule will be deleted from the rule, and all supporting documents will be changed to reflect this practice of a general recommended time limit not to exceed 15 minutes. This will apply to anyone who makes a statement to the Board.
- **Allow more than one victim to speak:** The workgroup recommended allowing more than one victim to speak. The Board is agreeable to allowing more than one victim speak; however before a firm decision can be made, the Board will need to determine the definition of a victim. This will be on the agenda at the January Board meeting.
- **Definition of a Victim:** The Board discussed the need to look at using the same custody cycle to determine actual victims, and then evaluate using expired crimes, and unindicted crimes. This will be on the agenda at the January Board meeting.
- **Sequence of Hearings:** The workgroup recommended that the sequence be changed to make the flow better and to be less traumatizing for victims by not allowing the offender to rebut directly after each victim. The Board voted to adopt the change as recommended ~~as a procedure change~~; no rule change will be required. The change in sequence will be embodied in the Board's hearing script and in the supporting materials. This will take effect once the supporting materials are prepared, and proper notice is out to participants, ideally in the first quarter of 2009.
- **Written Closing Remarks:** The workgroup recommended the Board allow parties an opportunity to provide written closing remarks following the hearing. They wanted victims and the DA the ability to address what the offender said in response to their statements. This presents many challenges in timing and the Board's ability to discuss decisions with victims and offenders. Board discussed an alternate option to allow an open forum for all parties to make comments at the end of the hearing prior to the Board making a decision. This would accommodate the interests of everyone at the hearing, and the Board would emphasize that anyone who wishes to speak again is stating something new, not just reiterating what they previously stated. Only in special circumstance cases would the Board leave the record open for seven days for written closing remarks. The Board voted to adopt by practice the procedure of checking back with parties at the end of the hearing to provide any further statements

if new and, if it becomes a special case, the Board will have the authority to close the hearing and leave the record open for seven days.

- **Victim Research Request to District Attorney:** This is the process of compiling lists by county of all DOC inmates under the Board's release authority and providing them to the DAs to research the victims and their current addresses. Adopting this recommendation will first require the Board to adopt the definition of a victim, as there must be a distinction between victims and stakeholders. Immediate concerns include who would be contacted under what circumstances, such as for sanction hearings. If the Board adopts the constitutional definition of a victim, it may ~~take~~ ~~any~~ authority away from the Board to designate a party a victim unless provisions are made. Another area of concern is when there are split families (*i.e. some of the family supports release and other members oppose release*) and who gets designated as the victim. The Board is leaning towards the constitutional definition with some added changes. The Board will re-visit this at a future meeting, and will discuss these issues with DAs.
- **Assistance to Board by Linn & Douglas County Hearings Officers:** Mark had previously mentioned the possibility of these counties providing back-up hearings officer services to the Board. Mark and Nancy will involve invested parties to discuss the workload, and return to the conversation at the January Board Meeting.

6. New Business:

- **Static-99 Evaluations for Dangerous Offenders:** Darcey would like to propose to DOC that the ~~static~~ Static-99 be completed prior to the first release hearing. Currently it is only done once there is a firm release date. The Board would add this as a new as part of the request to DOC for institutional reports. Kim will prepare an advance list for all offenders coming up in 2009. Nancy and Kim will update the form, and Nancy will work with DOC to implement this change.
- **Budget Reduction Proposals:** The Board was required by LFO to submit 5 percent reduction plans for the current biennium and propose cuts of up to 20 percent for the 2009-11 biennium. Nancy has discussed this with staff already and is keeping them updated.
- **Mission Statement:** On October 28, Board staff held a planning retreat and discussed the Board's mission statement, including what the mission should represent and translate to. Several key concepts were discussed and then two attempts were made at re-writing the Mission statement. Darcey would like to see something that reflects best practices. Steve said the Board appreciates the hard work and likes the direction that this is going. The staff will continue to work on this at a future retreat and bring back the changes to the Board. It is the goal to have the updated mission statement in place by the start of the new biennium.

- **Board Staff Retreat:** The Board appreciated this opportunity to learn things from the staff, and they appreciate the level of open communication. Tami appreciated the prompt response that the Board showed in response to the list of items that staff had put together of items needing action.

7. Additional Items for Consideration:

- None

Meeting adjourned at noon.

Future Board Meetings:

January 26, 2009 (MLK Day is January 19, 2009), 9:30 a.m.

February 23, 2009 (Presidents Day is February 16, 2009), 9:00 a.m.

March 16, 2009, 9:00 a.m.

Minutes respectfully submitted by **Michelle Mooney**

Commented [srp2]: Very nice work with these.