



Oregon Board of Parole

& POST-PRISON SUPERVISION

Board Business Meeting Minutes Monday, August 18, 2008

1. **Call to Order and Note of Attendance:** The meeting was called to order at 9:03 a.m. and a note of attendance was made: Steven Powers, Darcey Baker, Candace Wheeler, DOC Director Max Williams, Nancy Sellers, Susan Deschler, DOC Community Corrections Chief Mark Cadotte.
2. **Approval of July 21, 2008 minutes.** Darcey noted on page 4 under new business second item titled "General Conditions Review," should be changed to "Special Conditions Review." The minutes were approved as corrected.
3. **Chairperson comments:**
 - **Victim Services Review:** Steve and Nancy are following up with Attorney General Hardy Myers tomorrow (August 19, 2008) regarding the Board-requested victim services review. They will meet with Cynthia Stinson and Carol Schrader to start this process and discuss how it relates to the Parole Hearings Workgroup.
 - **Corrections Population Forecast Committee:** The committee had its first meeting starting the new cycle, and there will be an updated forecast in October. However it will be tentative given the November ballot measures. These numbers will be used for budget tracking. Mark inquired if there was a Community Corrections representative. Troy Claussen was not present but there was no communication with him and apparently the official letters had not gone out.
 - Steve stated that Richard Stoker will be in Oregon for the OACCD leadership seminar. Ginger Martin suggested that the Board use Richard Stoker's expertise and create something for a review of conditions of supervision and that is tentatively scheduled for October 6 and 7. Steve feels this will dovetail nicely with what the Board is doing with respect to the conditions for supervision review. More details will come later.
4. **DOC Update:** Max Williams and Craig Prins of the Criminal Justice Commission gave a presentation to the Portland City Club Measure Review Subcommittee, which evaluates each of the ballot measures and make a recommendation. As Max went through the handouts he discussed DOC demographics, Ballot Measures 61 and 57, and the options that were presented to the Price Tag Committee. Max explained that Measure 61 would lead to substantial crowding of women in CCCF, require a temporary conversion of SCI to a female facility and the rental of 800 female beds. DOC also would need to add 2,100

temporary beds for males in existing facilities and rent another 2,000 beds. DOC would build a new minimum facility at Deer Ridge, a new minimum at Powder River, an expedited construction schedule at Junction City, an added unit at Two Rivers, and would request construction for a 1,600-bed facility for females at an undetermined location.

Max reported that Measure 57 would be have less impact on DOC. DOC will have a Legislative Concept to ask for approval to rent out-of-state beds in both public and private prisons. There are more private prison beds than publicly operated prison beds available out of state. The goal would be to keep female inmates housed in Oregon.

DOC's debt service will increase from \$130 million to \$280 million with Deer Ridge debt added and COP sales associated with construction for Junction City. Max discussed inmate work camps, as Measure 61-sponsor Kevin Mannix believes that DOC could house inmates in tents. Max explained the complexities of this including a higher staffing ratio and the requirement for inmate jobs. Money could be saved on infrastructure with work camps but there is more spending on staffing. Max presented the Financial Estimate Committee projected costs, which are the direct costs and are primarily DOC-related costs associated with the two measures.

Candace asked about the response by the City Club? Max said it was good, and they asked some excellent questions. Scott Taylor from Multnomah County talked about county impacts. There is a portion of Measure 61 that says that the state will reimburse the counties for pretrial incarceration for those convicted of these crimes, which sounds like a great deal except it will drive up the current settlement value when these cases plead out. There will be a lot of unanticipated impacts how this will flow through the system. There will be more people who will come in through the system and more PPS for the Board. The caseloads will decline in supervision on the probation side and counties will likely have to let employees go. Then, after 18-36 months, another wave of offenders will hit the system. Steve asked about Deer Ridge timeline. Max said the opening of the medium is still on hold because DOC is below the budgeted forecast. If the actual numbers continue to track where they are now, then the opening will be delayed until next biennium. The minimum at Deer Ridge is nearly full and there is 24/7 medical care available.

Max inquired about the Lane County situation regarding revocations. Steve explained the Lane County jail-space issues and how they matrix offenders out. Max asked if they are booked and then released. Steve said this depends on the how they fall on the grid of dangerousness. The Board is working with the structured sanction process and trying to ensure that the sanctions they are receiving will be served. Max offered the DOC Research Unit to tag these people in the system, noting that it would be interesting to see what happens to the people who could not be revoked compared with the difference in outcomes compared to the counties where they are revoked. Candace suggested looking into the Portland State Research Center to do the research. Paul Bellatty might be able to link someone in for the Board to connect with. Mark stated that Springfield is going to building their own correctional facility.

5. Executive Director Update:

- **Staffing Update** – B.J. Foster will be out for two months following surgery. Temporary employee Shawn Forsythe will work full time during her absence. Nicole Kellogg will return to the Board soon, pending DOC’s recruitment for her job rotation position. Tami Jarnport and Michelle Mooney are preparing for their internal job rotations and Nicole will cross-train on their jobs. Abbie Firestone is expected to go out on maternity leave in mid-to-late September. Steve inquired if Nicole will be on the sanctions desk and Nancy stated there is no final plan yet for Nicole.
- **Policy Option Packages** – Five packages were sent to DAS Budget and Management for approval:
 - Package 101: Attorney General/Professional Services rebase.
 - Package 102: Establish a new Board member position.
 - Package 103: Reclassify two Board staff positions.
 - Package 104: Establish a paralegal/hearings officer position.
 - Package: Funds the Board’s sole legislative concept granting PERS Police and Fire status to Board members.
- **Hearings** – Nancy is working on the Diane Downs parole consideration hearing tentatively scheduled for December 9 at Chemeketa Community College. Mark asked if the media has information on this hearing? Nancy said that the Register-Guard did a big story earlier this summer.

6. Old Business:

- **Special Conditions Review**– Darcey and Candace met and discussed the special condition review. It is in process and will be forwarded to Nancy for formatting. Mark inquired about any recent rulings out of the Ninth Circuit Court on polygraphs and on the computer-use prohibition issue in terms of changing the Board’s language regarding federal probation. The ruling does not relate to the Board’s condition but it can relate to how the Board will redo its conditions. Darcey stated that the Family Violence Supervision Network would like to see something about domestic violence offenders not being able to text message their victims. Darcey might roll it into another enhanced computer condition. Nancy asked if this might already be covered in existing “no contact” provisions and warned that being overly specific with conditions could be problematic. Darcey suggested saying no second or third party communication or electronic communication.
- **Amendment to Exhibit Q-V** – Filed on May 15, 2008, for amendment. The Board received no comments, so it is available for adoption. Candace stated that on the “Rights After Hearing,” that the first bullet should read “Within 10 days after an out-of-custody hearing...” instead of “Within 10 days after the hearing...” Darcey requested that the Board’s address should be on the Order of Supervision. We will make a note of this as it deals with the Board Notice of Rights. Exhibit Q-V it was adopted unanimously as amended.

- **Parole Hearing Workgroup Update** – The workgroup met on August 8 and the draft minutes were distributed. Overall the first session went well. On page four of the minutes is a list the topics the group expects to discuss, including victim and public notification, psychological evaluations, and the Board’s values and mission. If there are unresolved issues, the Board may choose to invite further discussion, as the Board is always interested in stakeholder input. The workgroup is meeting every other week. The final report will be at the November Board meeting, which will be held on November 24 at 9:00 a.m., in Dome 108. Steve will give updates at future Board meeting on the workgroup’s progress.
- Update on Lane County meeting: Nancy sent to Lane County the documentation on the agreement regarding voting revocations in Lane only by special request confirming the offender will serve the sanction time. Steve would like to revisit this in about six months with Lane County.
- Clearing warrants: How does the Board want to handle these warrants regarding the lift? There is an in-between system, Steve questioned why couldn’t the sanction be processed? Darcey stated why they couldn’t process the sanction. Mark asked if there is a withdraw on code on the screen? Steve said to continue to see them as lifts. The Board should do the lift and should encourage Lane County to use the withdraw function. Steve will communicate to Michelle Mooney and Mark will communicate to Susan McFarland at Lane County.

7. **New Business:**

- **Notice of Rights** – Darcey had a conference call with Eric Rosentreter and Tami Jarnport regarding an offender’s refusal to sign the notice of rights. Eric views it as an automatic waiver, and says that should be clarified during hearing officer training. When an offender refuses to sign the Notice of Rights, that needs to be documented by the hearings officer. It is a separate decision of whether they want to have a hearing or not, the hearings officer still needs to determine based on the offender’s articulated desire or conduct whether they can still proceed with the hearing. Mark said when he was in the field, if the person could be under the influence or have mental health issue to waive a hearing, how does a hearings officer make that judgment? What should be stressed in the hearings officer training is that when there is any doubt, hold the hearing. The notes will go into the hearings officer training. The other part of the hearings officer training should include something on compact hearings. Mark will ask Denise Sitler if she would like to make the presentation at the training. Steve requested Mark to ask Denise if she could clarify about the notice of rights on compact hearings. There are four different types of Notice of Rights: Probation, Parole, Local Control and Compact.
- **Designator screen** – Darcey asked if the Board should have Kim print out the designator screen. The details of the designator are not public information. Darcey asked if there is anything in the designator screen that the offender and public should not see at the Parole Hearing. Nancy will follow up on this question.

- **ICOTS** – Mark stated that ICOTS stands for is Interstate Compact Offender Tracking System which is a nationwide electronic vehicle to replace paper moving from one state to another. Apris is building this and is set to go on line on October 6. There will be training on ICOTS. The content will be all the same. It will walk you through screen-by-screen. It is rolling out to the whole country on the same day. Char McCarthy will be the lead trainer.

8. Future Board Meetings:

September 15, 2008

October 20, 2008

November 24, 2008

December 15, 2008

9. Additional items for consideration:

- Steve will be gone the first part of September for APAI training. Tony Thompson will be a facilitator.
- Steve said another point of clarification that the Board needs from CJC on calculation of PPS and consecutive nature and concurrent it will be on their agenda for August. Steve will bring it to another Board meeting for clarification.
- Candace said there is an issue regarding the status of the rules in house. She would like to see a book of our current rules. Who updates the rule books in the library? Candace would like someone to update the three Board members' books so they all have a completed update of the rules. OSP has a completed set. Staff also need to understand the rules behind their work.
- Candace would like to observe Darcey when she does sex-offender reach in at OSP Minimum. Susan will post notice that is a public Board meeting and Candace can do the minutes. It is scheduled for November 4, 2008.
- Candace went on the record about an offender who was in for murder has been out for a year and has been very successful on parole, in part due to the institution working with this individual and doing on-the-street visits.
- Darcey is on a workgroup for release process and packets. The next meeting is Monday. There will be some modification on this as the workgroup started three years ago and now there are new forms and new counselors. More news to come on this workgroup. One concern was the heavy representation from Multnomah County. There are now representatives from Washington, Linn, Umatilla and Marion counties.
- Darcey and Abbie are going to DPSST to meet with the new release counselors on August 19 to train them on release packets. They are putting the release plan in the packet, which is a big job with a lot to cover. She said we can remind people about what to put in a written document and why the Board needs it. Eventually Darcey would like to put the training on the U drive.

- Darcey reported an issue that came up last Friday regarding looking up data on why she receives a Consent to Modify with no explanation of why a modification is needed. Darcey would like to have something in written format attached the Consent to Modify explaining why they are requesting it. She would like the Board to consistently send back to the PO any that lacks proper justification. Darcey attend the August 21 Board staff meeting to discuss this issue. Mark suggested a form modification and reason.

The meeting adjourned at 11:09 a.m.

Minutes submitted by Susan Deschler, Executive Assistant