



# Oregon Board of Parole

## & POST-PRISON SUPERVISION

### Board Business Meeting Minutes Monday, September 15, 2008

1. **Call to Order and Note of Attendance:** The meeting was called to order at 9:02 a.m. and note of attendance was made: Steven Powers, Nancy Sellers, Candace Wheeler, Darcey Baker, Susan Deschler, Michelle Mooney, DOC Community Corrections Chief Mark Cadotte, DOC Director Max Williams.
2. **Approval of August 18, 2008 minutes:** Candace noted minor typos. Susan will make the corrections. The minutes were approved as corrected. Steve requested that the meeting minutes be posted on the shared drive in PDF format to protect the document from changes. Susan will post all future meeting minutes this way and will work with Nancy to change past meeting minutes into PDF format.
3. **Chairperson comments – Steven Powers:**
  - **Information on local supervisory authorities (LSAs):** At the request of the Lane County Public Safety Coordinating Council, an analysis of how urban and rural counties allocated the 2007-09 Grant in Aid funds (also known as SB 1145 or Community Corrections Act funds) was completed from information gathered through OACCD and Dawn Persels.
  - **Governor's Re-entry Council:** The Council met on August 27, 2008, and heard a report by Marion County Re-Entry Program, who, among other things, is looking to replicate the Sponsors model in Lane County.
  - **Margaret Carter Skill Center:** At the Governor's request, Max, Nancy, and Steven toured the Margaret Carter Skill Center at Portland Community College's Cascade campus, which helps students learn the skills they need to enter the Oregon workforce. The program includes classes in life skills, technology, and the trades. Future possibility of partnerships with PCC, using it as a resource. Possibility that as DOC advertises this program that the Board will begin seeing requests for these programs during release hearings.
  - **Chairs meeting of the Association of Paroling Authorities International (APAI):** Approximately 30 chairs attended and the two major topics were strategic planning for APAI in terms of training and resources for the future and motivational interviewing (MI) and the future of parole supervision. On the latter topic, Steve found that although we may not have had formal training on MI, the Board does a good job of evaluating an

offender's change process. This Board may want to consider technical assistance grants from National Institute of Corrections (NIC) for both its own training and that of hearings officers and other Board staff. Issues arising in other jurisdictions include formulating parole guidelines for revocation decisions, risk-assessments used at release hearings, use of positive sanctions, partnering with faith-based initiatives locally, and services for offenders with developmental disabilities and services for the aging prison population.

- **Legal Fee Budget:** At the last budget presentation to the Legislative Assembly, the Board committed itself to working with the Department of Justice (DOJ) on our legal fees. Steve reported that the Board made presentations and offered CLEs to those attorneys who handle our cases. This past month Nancy and Steve met with Solicitor General Mary Williams and DOJ fiscal staff to look at ways to better forecast our legal fees for each budget cycle. There will be follow-up meetings to work on the data points and to gather more information.
- **DOJ Communication with Third Parties:** DOJ has been having conversations with third parties about pending or historical cases. Steve has been tracking this and having discussions with DOJ to ensure that they are not waiving attorney/client privilege, and that the Board is not creating an appearance of impropriety.
- Steve will be vacationing October 2 –13, returning to the office on Tuesday October 14, 2008.

#### 4. DOC update – Max Williams:

- **Reentry Council:** DOC is working with the Center for Effective Public Policy (CEPP) to facilitate meetings with all four of the workgroups. Having someone at the meeting who took the lead worked well and produced good results. From that, DOC is now working with CEPP to find funding to hire someone on a consultant basis to be the paid facilitator of all of the work groups. The hopes are that this consultant can help to lead and direct the groups and build the matrix of the issues, and put it into more a project management format. CEPP believes they can find monies through the JHET Foundation.
- **Grants:** DOC is preparing for various grants expected to open through the federal Second Chance Act by having strategies in place and some of the grant documents crafted in advance.
- **Employment Re-entry Conference:** DOC is partnering with Marion County as a test market for an employment re-entry conference. This would bring various stakeholders and interest groups, practitioners from community corrections and state agencies together. The conference will allow outreach to people in the business community to help them understand the issues, and to find out who might be interested in becoming a felon-friendly employer. Target time for this conference is spring 2009. If this conference goes well, DOC will use this as a model to transition the conference into other communities. DOC is inviting the Board to participate in this project. Darcey wanted to know if any DAs or victim services groups are participating in the committee. Max does not know about any victim services participating, but advised that ODAA is on the council. DOC also is working with Laurie Warner from the Employment Department to re-create a

program that would allow the Employment Department staff to go into the prisons to do job readiness and prep work with inmates prior to release.

- **10% Reduction Budget:** DOC is preparing their 10 percent reduction budget. They believe some of it will go into effect this time around. The first 5 percent would not have an impact on prison closures, and would require law and policy changes as it relates to supervision issues in community corrections. The second 5 percent would require prison closures. It is estimated that the average daily prison population would need to be reduced by 1,000 offenders and require the closure of SCI, Mill Creek, Columbia River, and South Fork for a total of 1,400 beds. Approximately 400 offenders would be absorbed into remaining facilities. The other 1,000 would need to be reduced by an increase in transitional leave programs or changes in policy with respect to earned time, or a variety of other options. Closing prisons without releasing the associated inmate population does not provide any relief to the budget because staff would need to be moved to those other facilities to supervise the larger population. DOC has prepared two other plans, and within the next month will finalize all three budgets that will be ready for the Governor, dependent on the November ballot measure outcome.
- **E-Board:** At the end of September, DOC will go before the E-Board for a re-balance. They are not asking for money at this time, simply asking to move funds among the divisions to support operations.

#### 5. Executive Director Update – Nancy Sellers:

- **Chronos:** Nancy met with Chane Griggs and Shellí Honeywell to discuss the information in the Board's hearing and release packets. One item of concern was the use of chronos, which historically were not disclosed or released. Jef Valkenburgh of DOJ has advised DOC and the Board that chronos are disclosable public records, but may have shielded information hand redacted. For now, DOC's records office will continue to provide the redaction. If the number of requests becomes an issue, Nancy will revisit with Chane.
- **Inter-Agency Agreement with DOC:** Steve will send a letter to DOC Director Max Williams requesting a meeting to discuss overall interagency cooperation and support.
- **Hearings:** Nancy continues to work on the Diane Downs parole consideration hearing that is tentatively scheduled for December 9, 2008, at Chemeketa Community College. Nancy will contact the victims and the DA this week, and then the VINE notifications will go out.
- **Budget:** Nancy attended the Small Agency Heads meeting last week. DAS announced that small agencies will not be looking at across-the-board cuts, but may be required to take line-item cuts. The Board prepared a 10 percent reduction plan as part of the budget process, but it is not expected that it will have to be carried out. All General Fund policy option packages will likely be denied, with the appeals process to commence soon.
- **Tillamook County Hearings:** Tillamook County submitted a request to the Board to opt out of the intergovernmental agreement that they conduct their own Morrissey hearings.

This will not require a formal Board action, as it is an administrative decision. Tillamook will be asked to refund any balance left on the IGA. The Board's Hearing Officer, Eric Rosentreter, will work with Tami Jarnport and begin jointly conducting Tillamook County Hearings effective immediately. This will be a good experience for Tami as she transitions into her rotation as the Board Hearings Officer. The Board will monitor the workload and if any other counties begin opting out the IGA, the Board will consider private contracting.

- **Private Counseling:** The Board had recommended to an inmate that he pay for private counseling while in the institution to help overcome some of his issues. The Board recommended that he use some of the money that his wife had been putting on his books for canteen to pay for this private counselor. When the offender attempted to do this, staff at the institution blocked him from using private interview rooms. Nancy has since spoken to DOC and they have agreed to allow this to happen. DOC requested the Board make a list of those offenders whom they recommend obtain private counseling. The Board does not agree with this, they do not want to create unequal benefits for offenders who will meet the Board over those offenders who will not. The Board would prefer that this opportunity be open to all offenders that wish for this help and have the money to pay for it. The Board will keep a list of those offenders, but it will be left up to DOC and the offender to work out the details. The Board will not take an official stance or advocate for any offenders. Should DOC want to talk about it further the Board is open to discussions.
- **Intern Ashley Freeman-Pruen:** A senior at University of Oregon who aspires to be a Parole and Probation Officer will work with the Board to help with the flow of information between the Board, Community Corrections and Parole and Probation. She will also do some reach-in work with Multnomah County.
- **Staffing Update:** Tami Jarnport is training Susan Deschler on administrative reviews. BJ Foster is out on leave, Shawn Forsythe is working full time to cover the records office, Nicole Kellogg is back from her job rotation, and Abbie Firestone will be out soon on maternity leave. The AS1- Order of Supervision Specialist recruitment closed and the applications will be graded soon. The Warrants Specialist position will close on the 19<sup>th</sup>, and Nancy is preparing to recruit for a half time IS position and possibly another AS1 position.

## 6. Old Business:

- **Parole Hearings Workgroup Update:** Workgroup discussions are going well. In the beginning of November, the Board will begin mapping a plan on how the Board will process the recommendations/issues that come out of the work group. The workgroup discussions this week were surrounding victim notification issues and are beginning to move into the hearings process. The workgroup at this point is looking at more notice for victims before hearings, less than six months, more than 30 days. Also giving more notice to the inmate and getting the packet out sooner. Another idea was to post the hearings on the website with the inmate name and the hearing date. A likely recommendation will be that Nancy work with DOC to pull a list by county of all

offenders under the Board's release authority for the DAs to research and certify victims in these crimes. Steve will discuss this at the next workgroup as there is no guaranteed accuracy on the list that is pulled since DOC does not track offenders under the Board's release authority separately from other offenders. Another issue being discussed in the workgroup is the request to define who is a victim for the purpose of making statements to the Board at hearings, and should there be more than one victim be allowed to speak. The next workgroup meeting will discuss the hearings process, psychological exams and the details surrounding them.

- **September E-Board request:** Next Thursday, Steve and Nancy will go before the E-Board to request funds to cover the shortfall in the Attorney General and professional services costs. DAS will separately request money to cover the salary pot distribution shortfall.
- **Affirmative Action Plan 2009-2011:** The plan has been completed and turned in. The Board overall does well by being well represented in most areas. This is also to be included in the hiring packet for all new employees.
- **Order of Supervision Conditions:** Darcey has requested that the document that explains how to read a Board Order be updated and evaluated for accuracy. This document is something that was created several years ago as a guide for the Parole Board; however it is now being sent out to parole officers and is being used in training. Susan will e-mail out the document with the request to submit changes to Susan by November 3. [This was e-mailed by Steven Powers on September 16, 2008]
- **NEW CIS Designator Menu:** Darcey wants to know if this information can be included in the hearing packet, and asked if offenders know what their designators are. Mark Cadotte will follow up on this and find out if the information is confidential from the inmate. If the information is not confidential, the Board will create a process to include this in the hearing packets. This process will be brought to the Board before the process is implemented so that the Board can prepare to handle issues that may arise when presenting this information to the offenders.
- **Special Conditions:** Darcey and Candace have been updating the special conditions to get rid of old verbiage that is no longer used. When Nancy receives their draft, she will distribute it for comments to OACCD Directors, staff, release counselors, Heidi Steward, and Family Supervision Network. This will become an annual process.

## 7. New Business:

- **Procedure for auto-revoking:** Review of policy that states that auto-revoking and imposing a sanction on the same violation is not considered double dipping. The Board's practice is currently to impose a sanction or an auto-revoke, not both. Auto-revoke is better for the offender because it allows their time to run, but it will still affect their risk assessment. Candace will re-write the policy to match current Board practice. Board members will enter a chrono when voting to make it clear whether future action can be

taken or not. When re-written, the new policy will be distributed to staff and then approved in the Board minutes.

- **Double dipping on probation and PPS cases:** Confusion in the field regarding the issue of violating an offender on both a PPS case and a probation case. Violating on both is seen as double dipping. The rule is that one case has to be chosen to sanction on, not both. Steve and Mark will discuss this further.
- **Post-Sentence Reports:** Informational only, Steve would like to gain additional information in reports for future murder review hearings. There is a concern that in the future the current level of information collected will not be sufficient to make accurate decisions. Steve would like to look at using assessment reports, substance abuse reports, criminogenics, etc. Mark Cadotte agreed to look into this and report at the next Board meeting.
- **Calculating one year of supervision:** Recent discussion of when an offender expires from supervision: 12:01 a.m. or midnight the day of. Agreement that it is meant that the offender is on supervision for the entire last day of their supervision. Staff will have a reminder to ensure consistency across the Board.

#### 8. Future Board Meetings:

- October 20, 2008
- November 24, 2008
- December 15, 2008 [post-note, changed to December 8, 2008]

#### 9. Additional Items for consideration:

- **Offenders being transported east to west:** Concern about offenders who are losing their housing or jobs when they are transported for Board purposes. Is there any way to have DOC use a code that protects their housing? Nancy will contact DOC and report at next meeting.
- **DAs and Hearings:** Candace would like to know if there is a way that the Board can improve the process to make it better for the DAs who are appearing for hearings. Steve would like to evaluate this and look at the expectations held by the Parole Board and determine what information is being given out to victims. Steve wants better information on the website that explains the hearings process. We have already begun educating and speaking with individual counties as they are encountered.
- **Multnomah County DA:** Steve and Nancy will schedule a time to speak with Multnomah County for outreach and education.
- **Future Disposition Hearings:** The Board was hoping to have more information from DOC for future disposition hearings in regards to whether inmates can go to different programs, whether they are eligible, or if the Board's recommendation will be followed. After the initial presentation six months ago, Steve has not seen any changes so far in the packets. Steve would like this to be something to consider in a future Board meeting to re-visit.

- **Compact Notice of Rights:** If there is anything that the Compact Office would like presented at the hearings officer training in November, the Board would like notice soon. Denise Sitler may present a piece at this training. Mark will speak with Denise and report.
- **Reach in:** The reach in at OSP-M that Candace and Darcey will attend in November needs to be posted on the website.

*Meeting adjourned at 11:41 am*

*Minutes submitted by Michelle Mooney*