



Oregon Board of Parole

& POST-PRISON SUPERVISION

Board Business Meeting Minutes Tuesday September 27, 2011

Call to Order and Note of Attendance: The meeting was called to order at 1:36 p.m., and note of attendance was made: Aaron Felton, Jay Scroggin, Jeremiah Stromberg, Candace Wheeler, Michelle Mooney, and DOC Community Corrections Chief Mark Cadotte. There were no guests in attendance.

Chairperson Comments

- **New Board Member:** The Board welcomes Welcome Jeremiah Stromberg who will be filling the third Board member position. Jeremiah is a former Executive Director of the Board, and has more than 16 years experience in the public safety field. Jeremiah was confirmed by senate on September 23rd.
- **Better People Graduation:** Tomorrow evening is the Better People Graduation. Aaron will be the emcee for the event and other Board members and staff will be attending.
- **Public Safety:** In December of last year the Governor signed an executive order to create a new Public Safety Commission. At the end of the month the Governor will host a large public safety event which will include introducing the new Commission and the release of the new prison population forecast.

DOC Update

- None

Executive Director's Update

- **Community Partners:** Jay has been spending time reaching out to community partners including Oregon Cure, Parents of Murdered Children, and Crime Victims United. Oregon Cure invited him to speak at a gathering a few weeks ago. There was an audience of thirty people, most family members of inmates/offenders, and he advised that there were a lot of good questions and discussions where he was able to help them better understand the processes and conditions.

- **Re-Entry Steering Committee:** Marion County had a presentation about the program that their pilot program. Jay noted that the direction they are going really falls into line with the direction the Board is going with supervision and conditions.
- **OACCD:** Jay attended the last meeting and a topic of interest was the discussion of a workgroup that will be looking at sex offender registration issues and the predatory designation process. Jay is a part of this group and has been attending the meetings. Jay spoke to the directors regarding the new SC10 assessment condition that the Board implemented several months ago. Jay established a list of criteria to help determine if the new condition is effective, or achieving what the Board and the field want. Jay will continue to check in at each OACCD meeting regarding the condition. Aaron would like Jay to formalize the criteria and bring it to a future meeting to be adopted by the Board.

Old Business:

- **Out of Country Travel Policy:** A form has been drafted that the field will be able to use to submit out of country travel requests to the Board. The Board reviewed the policy and updated the definition of what level of management/supervisor will need to sign off on the request before it is sent to the Board. The Board adopted the updated policy and the form. Both will be posted online.
- **Hearings Notice of Rights:** Candace presented the notice of rights drafts for general hearings and murder review hearings. The Board reviewed the final updates and approved the revisions to each notice of rights and the definitions page.
- **OAR 255-032-0035:** The 2009 OL Ch 660 amended ORS 163.105(4) specifying the interval of time that must pass before an inmate convicted of aggravated murder is allowed to petition for a change in the terms of confinement. The Board voted to amend these rules to bring the Board's rules into compliance with the statute(s), stating that the Board may not grant a subsequent hearing that is less than two years, or more than 10 years, from the date the petition is denied. The amendments provide the procedures for implementing the statutory changes. Voted for permanent adoption.

New Business:

- **OAR 255-032-0036:** The Board voted to permanently adopt this new rule which they drafted at the May Board meeting. The rule was written to comply with the Oregon Supreme Court ruling (*Janowski/Fleming v. Board of Parole*, 349 Or 432 (2010); *Severy/Wilson v. Board of Parole*, 349 Or 461 (2010)) that has found that for each inmate who has been convicted of aggravated murder and subsequently been found likely to be rehabilitated within a reasonable period of time under ORS 163.105, the Board must hold a hearing, using the procedures it deems appropriate, to set the inmate's parole release date according to the matrix in effect when he committed his crime. This rule establishes the procedure and rules to be applied under the court ruling.

- **Sanctions Imposed on PPS/Probation Cases:** The Board has been receiving sanctions for offenders who have been sanctioned on their probation case and the parole officer is also asking that the Board sanction for the same violations. The Board will not sanction an offender if the offender is sanctioned on the probation cases unless the Board deems it necessary to properly address the violations. Jay will prepare a memo to send out to the Board staff and to the field.
- **Final Action for Sanctions:** Candace wanted to bring up the subject of the final action and the notice of action taken when the Board imposes a sanction. She recently found out that not every offender was being given a copy of the SRF report showing the hearings officer recommendation or a copy of the amended order of supervision. Candace would like to begin searching out solutions and address this at a future meeting.

Executive Session: At 3:34 p.m., Aaron announced that the Board will now meet in executive session for the purpose of considering information that is exempt by law from public inspection and for consulting with counsel concerning the legal rights and duties of the agency. The executive session is held pursuant to ORS 192.660(2)(f) and (2)(h), which allows the Board to meet in executive session to consider information that is exempt by law from public inspection and to consult with counsel concerning the legal rights and duties of the agency. Representatives of the news media, if any, and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any deliberations during executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the public back into the room. At 3:45 p.m., the Board ended the Executive Session and opened the meeting to the public.

Future Board Meetings:

October 25, 2011

November 22, 2011

December 20, 2011

Meeting adjourned at 3:47 p.m.