



# Oregon Board of Parole

## & POST-PRISON SUPERVISION

### Board Business Meeting Minutes Monday, April 28, 2014

**Call to Order and Note of Attendance:** The meeting was called to order at 10:04 a.m., and note of attendance made: Board Chair, Kristin Wings-Yanez; Board member, Michael Wu; Board member, Sid Thompson; Executive Director, Brenda Carney;; Board staff, Shawna Harnden. Also in attendance were members of the public; Karen Cain, Autumn Wallis.

**Meeting Minutes:** Minutes from March 2014, edits previously suggested. Wings-Yanez moved to adopt, Wu seconded.

#### Chairperson Comments:

- In the process of going to E-Board to seek funding for our computer system.
- Several upcoming hearings are significant cases that may potentially hold public interest.
- Sex Offender Tier System –All offenders releasing from prison after January 1, 2014 need to be assessed using the tool adopted by DOC (legislative history reflects it will be the STATIC 99R) and assigned a level by DOC. That information will be supplied to Oregon State Police who will do the appropriate notifications to the community and the sex offender website along with community corrections. Our agency is currently working on the approximately 4,000 registered sex offenders who are off supervision but have not had an assessment done in preparation for the 2016/2017 classification of those offenders. The Board is also responsible for designating those individuals leaving the custody of PSRB or any sex offender new to the state of Oregon. Throughout the legislative process, the agencies involved understood this system to become effective until January 1, 2017. Additionally, the way the statute is codified; it replaces the predatory sex offender designation statute. The Board is no longer designating predatory sex offenders as of January 1, 2014. This has been a huge workload and will continue to be so until rules are adopted. We are working closely with DOC, community corrections, OSP, and the PSRB on these issues. We have decided not to request additional funds for the implementation of this system at this time.

#### Executive Director's Update:

- We have had numerous staff undergo trainings via iLearn. Supervisor Harnden & Carney are looking into some general agency improvement for work related communication and customer service. We are hoping to integrate this training into a staff meeting to save time and coordinate with the various schedules.

- Met with Jeff Clabaugh from Oregon State Police (OSP) sex offender registration unit, to discuss what the process will look like in order for the Board and DOC to pass on the information to them. Once the assessments are completed and a level is designated, that information will be sent to OSP where they will enter the information into their website and the Law Enforcement Data System. There is a software process in the works, but it is not ready for use at this time. They will be entering the information by hand.
- Hearings Officer training was held April 10, 2014, at Department of Public Safety and Standards (DPSST) with positive feedback. The last training was over three years ago. Wings-Yanez gave thanks to Carney and Harnden for coordinating that training. Carney advised that Fay Stetz-Waters, the Board's new Hearings Officer, also presented and did a fantastic job. Carney and Harnden are trying to make time to go through the evaluations and update the Hearings Officer distribution email list.
- The Board taught a session at Basic Parole & Probation Academy at DPSST on April 18, 2014, and the feedback was really good. This was the last academy that was done with the old curriculum. DPSST is doing a complete overhaul of all curriculums, making them more hands-on.
- PBMIS, the Parole Board's computer software system rewrite project is beginning. DOC posted for the limited duration ISS-7 positions last week. They are hoping to have good recruitments and get people hired by the end of May. If they don't get outside applicants, they are looking at offering up job rotations from other state agencies for employees who are established and maybe want to get this type of experience. They will be rewriting the system in small modules, then allow the primary users of that particular section to test. Carney will go before E-Board in September to request funding for this project.
- Oregon Association of Community Corrections Directors (OACCD) meeting is coming up, May 14<sup>th</sup> and 15<sup>th</sup>, in Lakeview. Due to the hearing schedule, Wings-Yanez, Carney and Cindy Booth, DOC Transition and Re-entry Administrator, will be appearing via videoconference with the group. They will try to give the Directors an overview of what's been happening with the language clarification on HB2549, Sex Offender Level System. There will likely be updates to the legislators involved in moving the bill forward as well.

#### **DOC Update:**

- No updates to report.

#### **Old Business:**

- OAR 255-062-0011: Type of Hearing Eligible for a Deferral of More than Two Years. The rule as written does not encompass post 1989 convictions. Wings-Yanez advised there is no change or update on this. Review continues.
- Division 75 – Return to prison for certain offenders convicted of murder under the sentencing guidelines from 1989 – 1995. *Hostetter v. Board* case law advises those offenders cannot be returned to prison as a sanction. Review on the language continues; we expect to vote on this in May.
- OAR 255-005-0005 (59) Definition of Victim: The issue of what individuals fall under our definition of a victim was brought to the Board over a year ago. Wings-Yanez has

spoken with stakeholders including district attorney's and victims' advocates regarding our definition, and the feedback has largely been that our current rules are reasonably including interested people who wish to speak at Board hearings. We look forward to receiving additional feedback from victims' rights advocates and legal organizations. Wings-Yanez advised there is no change or update on this.

- OAR 255-070-0003 Offender Return to County of Residence: As discussed at earlier meetings, this rule does not specifically provide that if an offender was on supervision at the time of the instant offense, he/she will be returned to the county where they were being supervised, as outlined in statute. This is the Board's practice; however, it is not clearly detailed in our rules. Wings-Yanez will discuss with DOC as this will be a joint rule, and will bring changes to a future meeting. Review continues.
- Sex Offender Level System: Over the next month, DOC needs to make a rule that adopts the risk assessment tool that will be used for this system. The Board is going to be adopting the exhibits that will be used for offenders to object to their static score. A process will also need to be created for PSRB offenders. Thompson inquired if we can look into other states' sex offender classification systems.
- The notice of rights for our hearings and its language regarding timelines for submissions for hearings has been on the agenda in earlier months. It is unclear; the current notice of rights form states to get the documents to the Board within 7 days, where the rule states to get your documents to the Board within 14 days. Our agency has not held people to the 14 day requirement, because that is not what it states on the notice of rights form. The Board wants as much information as they can obtain, so it is rare for them to deny anybody their submission of documents. We are working on a revised notice of rights form and will discuss at a future meeting.
- OAR 255-060-0012: This rule change has been discussed at earlier meetings. Before our last business meeting, we received one letter from the public on the proposed rule requesting a hearing. The letter was signed by one person but that individual listed the names of additional people. Those additional individuals did not sign the letter or send in their own request for a hearing. Carney attempted to make contact with that person to provide additional information on the proposed amendments and to request those additional people to either sign the letter or send in their own letter requesting a hearing. No response from that individual or any others was received, and the Board will thus move forward with the rule. Wings-Yanez moved to permanently adopt these changes. Thompson seconded.

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**New Business:**

- No new business, covered above.

**Future Board Meetings:**

- May 27th @ 10:00 a.m. (Tuesday)
- June 23th @ 10:00 a.m.

Meeting adjourned at 10:37a.m.