



# Oregon Board of Parole

## & POST-PRISON SUPERVISION

### Board Business Meeting Minutes Monday, June 23, 2014

**Call to Order and Note of Attendance:** The meeting was called to order at 10:02 a.m., and note of attendance made: Board Chair, Kristin Wings-Yanez; Board member, Sid Thompson; Board member, Michael Wu; Executive Director, Brenda Carney; Board staff, Shawna Harnden; Department of Corrections, Community Corrections Coordinator, Denise Sitler; Department of Corrections, Release Counselor, Patty Cress.

**Meeting Minutes:** Minutes from June 9, 2014, edits previously suggested. Wings-Yanez moved to adopt, Wu seconded.

#### Chairperson Comments:

- Division 80 rule modifications; an email was received from an individual that did not request a hearing but wanted it on record that he did not agree with the modifications.
- Wu attended the National Crime Victim Law training on June 20 – June 21, 2014. Wu advised the training was informative.
- Wu will also be attending the National Corrections Academy in Denver, Colorado in July. Wings-Yanez advised her and Thompson were unable to attend in the previous year. This is a great training opportunity and she is excited that a representative from Oregon will be able to attend.
- Carney and Wings-Yanez attended a brown-bag lunch at Metro Public Defenders in Hillsborough and gave training on the Board's processes. She would like to consider the Board to travel to counties that do not see the Board often --- this fall we will look at ways to reach out.

#### Executive Director's Update:

- Harnden and Morales are attending regular meetings with DOC on the PBMIS rewrite project. DOC developers have met with all the staff individually. Recently they have met solely with those involved with the warrants piece, which is their first module to build.
- HB2549, Sex Offender Notification Tier System. We continue to work with DOC and are still waiting on some feedback on the exhibits that will be needed for the rule. We are still evaluating how the predatory offenders will fit in with this tier system. Wings-Yanez advised once the feedback is received, the Board will hold a business meeting to begin to vote in our rules.

- Pat Ziegler, the Board's receptionist has given her resignation, effective July 7, 2014. The duties will be dispersed among the existing staff until the position is filled. Carney plans to post the position by mid-July, if possible. Thompson inquired on the classification of this position. Harnden advised it is an Office Specialist 2; however, Ziegler has been working out of class covering for other duties out of her normal scope of duties. Carney advised she is looking at the option of reclassifying this position to encompass the additional duties plus some other clerical duties that would further assist other positions that could use the assistance.

### **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. This rule revision simplifies the language of our rule by following the statutory language more closely. ORS 144.125(2) and 144.228. The Board's current practice as to murder review hearings, exit interview for pre-1989 crimes, and parole consideration hearings for dangerous offenders will not change. The change clarifies that extended deferral is available for all hearings on inmates convicted of aggravated murder (regardless of crime commitment date), which is clear in statute but formerly unclear in our rules. In most cases, the Board will continue to set new parole release dates from the current projected parole release date or parole consideration date. What this rule language means is that the new projected release date must fall within the parameters of between 2 and 10 years from the date of the hearing. Wings-Yanez proposed to vote these amendments through the normal rulemaking process with the last date for public comment being August 22, 2014. Notice of proposed rulemaking should go out immediately. Thompson seconded.
- 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 continues to await further feedback from victims' rights advocates and legal organizations. The Board continues to hold these discussions, and there is no update at this time.
- 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 outlined in our rules. Wings-Yanez will discuss with DOC, as this will be a joint rule, and will bring changes to a future meeting. This is a topic that was brought forward to the Board by DOC. For now, the Board will remove this item from the agenda for the next meeting, as this will allow us time to talk with DOC before bringing it back before the Board.
- Sex Offender Level System: Over the next month, DOC will be drafting 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 risk assessment score. A process will also need to be created for PSRB offenders and out-of-state registrants entering Oregon. The Board will follow the DOC rulemaking closely so that our language can track with theirs.

- The notice of rights for our hearings and its language regarding timelines for submissions for hearings has been on the agenda in earlier months. 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 to clean up the discrepancy and will discuss at a future meeting. Will move this item on the priority list for this summer.

**New Business:**

- Nothing to report.

**Future Board Meetings:**

- July 28th @ 10:00 a.m.
- August 25th @ 10:00 a.m.

Meeting adjourned at 10:24 a.m.