



# Oregon Board of Parole

## & POST-PRISON SUPERVISION

### Board Business Meeting Minutes Monday, November 24, 2014

**Call to Order and Note of Attendance:** The meeting was called to order at 10:05 a.m., and note of attendance made: Board Chair, Kristin Wings-Yanez; Board member, Sid Thompson; Board member, Michael Wu; Department of Corrections, Release Services Manager, Hank Harris; Board Executive Director, Brenda Carney; Board staff, Shawna Harnden. No attendees from the public.

**Meeting Minutes:** October Board Business Meeting was cancelled due to schedule conflicts. Minutes from September 29, 2014, edits previously suggested. Wings-Yanez moved to adopt, Wu seconded.

#### Chairperson Comments:

- Everyone is getting ready for Legislative Session that begins first week in February. We expect several bills that will be of interest to the Board. One of those pertains to the statewide discussion on marijuana and how it will affect those on supervision. Another is the workgroup-created proposal to move the Board to a mandatory full five member Board. This is the workgroup started by the House Judiciary Committee during the 2013 session. Current statute states the Board can consist of three to five members and it's up to Legislature to decide how many members they will fund. In early 90's, the funding provided reduced the Board to three members, which has continued to this date. This workgroup recommendation will be proposing a mandatory five member Board at full time with all hearings conducted by panel. Wings-Yanez advised a process would need to be created to allow a full Board to decide a case. Thompson advised he wanted to hold further discussions about what cases get selected for the panel. Wu suggested it appeared the idea of having a panel Board was to create opportunity for the Board to have more comprehensive hearings or allow them to review more documentation in preparation of upcoming hearings; however, the Board is not an investigatory agency. When additional information is requested by the Board, it's up to the other agency to determine if and how much information they want to provide. Wings-Yanez wants to continue conversations in preparation of upcoming legislation. A second piece of this particular bill will be regarding setting standards for our psychologists. The Board has four psychologists. Our present rate for the doctors is \$425.00, the going rate in the community ranges up to and exceeding \$3000. It's difficult to find new doctors due to the low rate of pay and the high expectation of litigation. The final item of this bill would be proposing the Board

must have a written decision on each case. The next workgroup meeting is Monday, December 1, 2014.

- The Governor's Reentry Council has moved to a model of implementation teams. Wings-Yanez is the Chair for the Sex Offender Level System team, whose goal is to provide information to offenders, public safety partners, crime victims, and the public regarding this new policy. The implementation team plans to meet in early December.

### **Executive Director's Update:**

- Currently in the process of recruiting an Office Specialist 2/Reception position, our current incumbent is a temp and leaves at the end of December. The announcement closed on Sunday, but recruitment advised Carney there is a secondary layoff list under AFSCME with an individual on it. Carney met with this individual this morning. He will have to make decision on if he wants to take the position or not.
- Last month, we had name badges made for all employees of the Board. We have implemented requirement for every employee to wear them every day.
- Carney and Wings-Yanez will be doing a presentation and Q&A at the Citizens United for the Rehabilitation of Errants (CURE) Board meeting, Saturday, December 6<sup>th</sup>, to discuss what the Board does, how are conditions decided on, what information is taken into consideration when making release decisions.
- We were part of the Charitable Fund Drive. In October we held a potluck that allowed anyone in the Dome Building to buy lunches. We made over \$200 from the potluck itself, and including addition to private donations, it was an increase of 172% from 2013. We are gearing up for the Toy Drive in December and the Governor's Food Drive in February.
- Electronic filing and storage. Carney is waiting for some additional information from DOC on piloting an additional drive. It would be a place to store electronic filing. We are also looking at what the cost would be to use the same system the Secretary Of State's office uses. Carney advised the final goal being that of having electronic offender files, electronic hearings process, electronic release plans.
- PBMIS rewrite is going well. The developers have created the warrants & sanctions pieces. There will still be some adjusting as other sections are developed but the new system is user friendly and will have greater long term potential. Workgroups for the orders and parole hearings sections have begun to meet.
- Budget information: we will have a short fall in funding this biennium. We will only have enough funding for personnel expenses until May 2015. Carney is hoping to have more information on this in December or maybe in January. We have some very strong legislative and financial support to get the necessary funding for our agency Governor's Recommended Budget will be given to us in December.

Key Performance Measure – Carney and Harnden have been working with DOC Research on compiling this data. Our final piece was our Customer Service KPM. We sent a survey out to our stakeholders. Carney has some ideas on getting more specific results from this survey. We have a 96.8% satisfaction. We also did an inter-agency survey to get an idea of how employees feel about the agency as a whole, work satisfaction, management satisfaction. Carney is working on compiling the results on this. Carney also advised we are currently working on creating Board policies. We fall

under some DOC policies and DAS policies; therefore, it is unclear to employees as to which policy is to be followed.

### **DOC Update:**

- The new Short Term Transitional Leave (STTL) process will go live as of December 1<sup>st</sup>. Thompson advised he is currently voting those in mid-December. Thompson advised the overall product from the Release Counselors is really good and continues to improve. Harris advised the workload seems to be leveling out.
- Harris advised past timeframe for when submitting release plans to the Board was at 60 days prior to release; however, the last legislative session had added language into HB3194 requiring an additional 15 days taking the timeframe from 60 days prior to release to 75 days. That additional time has created a workload issue for his people. He inquired if the new timeframe affected the Board at all. Thompson and Wings-Yanez advised it did not.

### **Old Business:**

- 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. National Crime Victim Law Institute (NCVLI) submitted their input. They are recommending we change our definition of a victim to include more people. They are also recommending we change our rule, 255-030-0026(4)(f), to allow statements from anyone who has been victimized by the offender. Wings-Yanez has proposed this item remain on the agenda while awaiting legal review and further input from other stakeholders. This topic was discussed with the Parole Board workgroup as well. Russ Ratto of Multnomah County DA's office has offered to draft some language and get some proposed language to us for review.
- Sex Offender Level System: Our agency is waiting for DOC to move forward with their rules on this topic. We have exhibits that will need to be included with our rule adoption when that time comes. The goal is for all affected agencies have the same process. The draft rules that DOC has created are currently at DOJ for their review. The Board will then begin drafting our own rules.
- The documents sent to inmates regarding submissions for hearings were created many years ago. Wings-Yanez has been reviewing these forms. All the letters submitted to inmates state to give us their submissions one week before a hearing. Our rules state they need to get their submissions to us two weeks before a hearing. Any information the inmates submit, the victims have a right to review and provide rebuttal. Wings-Yanez proposes that the NOR forms and all the letters be amended to reflect that inmates get the documentation to the Board by 14 days prior to the hearings. The NOR amendment will need to be a formal rule change. We can initiate this rule change at the December meeting, and we will need to do outreach to inmates and their attorneys to notify them of the change.
- The Board was made aware that one of the documents sent to victims states the victims only have 3 minutes to speak at the hearings. Wings-Yanez will be directing the Victim Specialist, Debbie Wojciechowski, to locate and amend that document.

## **New Business:**

- Special Conditions of supervision—Sex Offender Package B: Wings-Yanez advised she understood that sex offender package B included special condition 12 (SC12), Consent to search of computer or other electronic equipment upon the request of the PO or their representative, if the PO has reasonable grounds to believe that evidence of a violation will be found, Thompson advised this condition has not been an automatic condition when sex offender package B is imposed. Carney advised with her experience as a sex offender PO, adding SC12 with the sex offender package B is a reasonable practice. Full membership determined that including SC 12 was appropriate and in line with historical Board practice.
- Recent election—Marijuana legalization. We expect changes in the 2015 session. The Board's business will be affected because of supervision conditions (controlled substances). Wings-Yanez suggests we look at it like SC 9 (alcohol). When an offender shows vulnerability or past behavior with marijuana, the Board would impose a special condition. Wings-Yanez suggests we wait while the statewide discussion continues, and flag this to be an agenda item for the March 2015 meeting.
- Federal law passed that states law enforcement have to obtain a search warrant in order for them to search cell phones. At the Sex Offender Supervision Network (SOSN) meeting in October, PO's wanted to know if that law included those that were on supervision. Carney was questioned whether SC12, computer search condition, included cell phones or tablets and cloud storage. The Board will examine and discuss further.
- Carney brought up topic of PO's not getting information from the treatment providers due to offender not signing a medical release. While it is not a special condition for offenders to sign a release of information to any treatment providers, it can be a directive based on their caseplan, which is created after risk/needs assessments. It could also fall under failing to participate in treatment as directed, if the provider requires offenders to sign a release for their PO (i.e., contracted providers).

## **Future Board Meetings:**

- Monday, December 29, 2014 @ 10:00 a.m.
- Monday, January 26<sup>th</sup> @ 10:00 a.m.

Meeting adjourned at 10:39 a.m.