



OREGON BOARD OF PAROLE & POST-PRISON SUPERVISION

PRISON TERM REDUCTION HEARINGS FOR AGGRAVATED MURDERERS

Inmates convicted of aggravated murder who have had their sentences converted to life in prison with the possibility of parole and who have recently had a prison term hearing at which they were given a prison term, may be eligible for a reduction in that prison term under Board rules. Following is the information about this process.

First of all, a “prison term” represents how much of the sentence an offender must serve before being eligible for release onto parole supervision. Anyone who has already *completed* his prison term (and that applies to several of these inmates) is no longer eligible for a reduction in prison term. Once the prison term is completed, the inmate will be seen for an exit interview and a decision made as to whether he is safe to be released into the community. At an exit interview the parole release date may be affirmed or deferred to a future date.

ORS 144.050, generally, and ORS 144.780 and 144.785, in particular, confer on the Board the authority to advance a projected parole release date by granting a reduction in prison term. The Board’s rules governing PT reduction are in Division 40.

An inmate who committed his crime *before* October 4, 1988, falls under a slightly different set of rules than those whose crime was committed after that date. The difference is that the pre-October-1988 inmate may choose whether the initial period to be considered will be five years or three years. Other than that variation, the periods of review are always three years. The review period begins on the original adjusted commitment date on an uninterrupted period of incarceration.

Before October 4, 1988, the rule permits a maximum 20 percent reduction. After, the maximum reduction is 7 months. As a point of information, the reductions granted in recent years have ranged from no reduction to 4 months.

The type of hearing to consider a reduction in prison term is called a “personal review” hearing, and the process starts when the inmate submits a request to his institution counselor for a recommendation. The Board will only conduct a personal review after it has received a positive recommendation for a reduction in the prison term from the Department of Corrections.

Inmates may want to know that a reduction in an established prison term is solely at the discretion of the Board, pursuant to OAR 255-40-025. There is no “right” to a reduction. Under OAR 255-40-025(4), the inmate has the burden of demonstrating that his conduct meets the criteria for a reduction. The current administrative rule as to criteria considered is not significantly different from the historical rules, and is included here, but inmates

may want to use the resource of the law library to read the rules specific to their crime commitment dates.

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Resetting the Parole Release Date to an Earlier Date

(1) For inmates with an established prison term greater than 36 months who demonstrate an extended course of conduct indicating outstanding reformation, the Board may grant a reduction of up to seven months for each three-year period under review. The inmate shall first serve the three-year period before the Board will review it.

(2) The purpose of a personal review hearing shall be to determine:

(a) Whether continued incarceration is cruel and inhumane;

(b) Whether resetting the release date to an earlier date is compatible with the best interests of the inmate and society; and

(c) Whether the inmate's progress indicates outstanding reformation so as to warrant a reduction in the prison term under the following criteria:

(A) The individual merits of each case;

(B) The seriousness of the crime;

(C) The protection of the public;

(D) Demonstrable achievement in dealing with problems present at the time of incarceration and associated with criminal conduct (e.g., psychological disorder, drug or alcohol dependency, lack of educational or vocational skills);

(E) Documented cooperation with authorities while in custody where a substantial benefit is derived by the authorities; and

(F) The absence of disciplinary actions resulting from violation of rules within the review period.

(d) That appropriate supervision and services are available for the particular inmate and to order supervision conditions.

An inmate should be prepared to address the criteria in the rule at his hearing. If there are several time periods to be considered, each period will be discussed separately from the others. For example, if there were DRs in the first and the third time blocks, but none in the second time block, the inmate would not have them counted against him in deciding whether to grant a reduction for the second time period.