



# Oregon Board of Parole

## & POST-PRISON SUPERVISION

### Board Business Meeting Minutes Monday April 21, 2008

1. **Call to Order and Note of Attendance:** The meeting was called to order at 10:04 a.m., and a note of attendance was made.

Present: Steven Powers, Darcey Baker, Candace Wheeler, Nancy Sellers, Peggy Barber,  
DOC Community Corrections Chief Mark Cadotte

Excused: DOC Director Max Williams

Guests: Lori Tribett

Presenter: DOC Workforce Development Administrator Nichole Brown

2. **Approval of March 17, 2008, and April 1, 2008, minutes.** The Board reviewed and adopted the meeting minutes of March 17, 2008 and April 1, 2008.

3. **Chairperson's comments:**

#### **Increasing transparency and availability of information to the public and stakeholders**

- **Tribal Council:** Steve and Nancy met with the Tribal Relations Public Safety Cluster. Under state law certain agencies are required to provide the Commission on Indian Affairs with quarterly reports. Out of that commission there are several clusters. The Board attended the public safety cluster and gave an overview of the Board and its responsibilities.
- **Partnership for Safety and Justice:** Steve and Nancy had a follow-up meeting with Partnership for Safety and Justice (PSJ) including two members of its Legal Advisory Committee to give them a general Board presentation and respond to specific issues including the psych eval process, administrative review timeframes, and Division 32 rule updates.
- **District Attorney Updates:** Steve extended an invitation to the Marion County DA Walt Beglau to meet with DDAs who will appear at Board hearings to give them an overview of the hearings process and what information is helpful to the Board at various types of hearings. The same invitation will be extended to Multnomah County, as their DDAs also often attend Board hearings.
- **New Legislative Fiscal Office (LFO) Contact:** The Legislative Fiscal Office assignment for the Board has changed from Doug Wilson to Erica Kliener.

- **Community Corrections Commission:** Keith Benefiel's structured sanction project will train the trainers soon and will update DOC's structured sanction administrative rules. At Steve's request, the group also will look at the Board's sanction rules (Division 75) to determine if there are similar updates needed. The Commission discussed the differences in the local control recidivism rate vs. the parole/PPS rate. Also, Mary Elledge, President of Parents of Murdered Children, advised that they are creating a memorial in Oregon City.
- **Local Control Recidivism Rates:** Multnomah County submitted informational handouts. Data shows that local control offenders have a higher rate of recidivism than parole or probation offenders. Steve is working with DOC Research on analyzing the recidivism rate for those offenders under the Board's release authority to determine the sanctioning history of those offenders and possible best-practice interventions.

**Upcoming meetings and other business:**

- **APAI Annual Conference:** Steve will attend the Association of Paroling Authorities International (APAI) annual meeting at the end of April.
- **DOJ Presentation:** On May 1, Steve will present a Department of Justice Appellate Division CLE specifically to our counsel representing the Board in the appellate courts. A follow-up CLE on May 15 will give more in-depth coverage of the Board's legal issues, by the Board's current lead counsels AAGs Erin Lagesen and Ryan Kahn, with Steve as a panelist.

**4. Executive Director's Comments:**

**Staff:**

- **DAS Audit Draft:** Nancy is working with staff to implement the changes noted in the audit.
- **Rotations for Supervision Orders and Warrants Desks:** Nancy plans to have Abbie Firestone rotate into the Order of Supervision office. Malinda Wilson is finishing up with the LEADS Certification process and then will be hired as a temporary employee to cover the Warrants Desk. These changes will be effective May 1, 2008.
- **Administrative Reviews:** Tami Jarnport is now processing Administrative Review Requests on behalf of Candace. Tami also will job-shadow Hearings Officer Eric Rosentreter and draft his desk manual.

**Media:**

- **Oregonian/BAFs:** Nancy is sending The Oregonian copies of the Board Action Forms on hearings as requested by reporter Tony Green.
- **Statesman Journal:** Alan Gustafson from the Statesman Journal is working on a Raymond Roy release article. Nancy and Steve had met previously with Ruth Liao, who is writing a more general story on the Board.

**Outreach/Education:**

- **DPSST Curriculum.** Nancy and Darcey will meet to update the curriculums for DPSST.
- **DOC Communications Manager:** Matt Conens was selected to succeed Perrin Damon. He will be briefed by Nancy and will attend a parole hearing.
- **Re-Entry Council Steering Committee Workgroup:** Met April 9, 2008, to establish four workgroups for different areas of offender re-entry: Employment, One-Stops, Continuity of Medical Care and Mental Health and Housing.
- **AG's Restitution Reform Collections Workgroup:** Met April 9, 2008. There are a number of issues that cross-over with the Board.

**Budget:**

- **New LFO,** Erica Kleiner is succeeding Doug Wilson as the Board's Legislative Fiscal Officer. She will meet with Nancy and Steve today.
- The 2009-2011 Budget planning process has begun. Nancy submitted a legislative concept regarding PERS Police and Fire status for the Board Members.

**Other:**

- **DOC CIS Replacement:** Nancy met with DOC Development Project Coordinator Sarah Miller and explained the Board's increasing workloads and need for technology interfaces with DOC and other public safety agency information as both agencies look to replace outdated systems. The Board will work with DOC to ensure cost-effective and mutually acceptable technology solutions.
- The Board's Legal Research Project is on hold, following the dismissal of the volunteer researcher. Nancy will follow-up as options allow.
- A statewide Researching Agency History training was held April 3, and attended by Abbie Firestone and Nancy, who will take the lead in preparing the Board's history for Oregon 150 in 2009 and the Board's centennial in 2011.

**5. Presentation by Nichole Brown, DOC Transitions Services, Workforce Development Administrator: Prioritization of programs available to DOC inmates.**

When the Board conducts hearings with inmates, a frequent question is: "What programs are available to inmates who are not close to their release dates?" Nichole presented on how the Automate Criminal Risk Score will be used with inmates, including those who have been returned on parole violations.

Counseling and Treatment Services and Religious Services programming are separate from programs available through Transitional Services.

Substance Abuse Programs: These are intensive residential A&D treatment programs. Workforce Development Support staff look at ACRS, the inmate's release date, custody

level (most facilities that have treatment are minimum-custody facilities). These programs are generally only offered six months prior to the release date.

**Adult Education:** Adult Basic Skills Education programs are statutorily mandated programs. ESL, ABE, GED, Special Ed are targeted for specific groups of those under the age of 22; this group is sponsored by a federal grant. Cognitive Skills programs are designed to assist inmates in developing pro-social thinking patterns and are not statutorily mandated. Work Based Education requirements/programs; there are five available at this time and there are requirements before inmates can enter (GED/HS diploma, reading and math above 10<sup>th</sup> grade level). DOC is working to revive apprenticeship programs. Apprenticeship manager Andrew Parker is working with BOLI to ensure that the programs are in compliance. Programs such as Intarsia and cabinet making types will likely not return, as they are not statutorily mandated and do not have evidence-based effectiveness in reducing recidivism. There are a few colleges that have correspondence courses available to inmates who can self-pay for higher education.

**Prioritizing inmates for programs:** Inmate eligibility for programming is based primarily on ACRS. Motivation to change and the release date may be used as consideration to prioritize inmates for programs.

**ACRS:** This is a tool that shows the statistical measure of risk to recidivism as developed by ODOC Research Unit. The ACRS uses several criteria including prior incarcerations, theft convictions, age and prior revocations. The closer the ACRS number is to one the higher the probability that the inmate will re-offend.

**Collateral Interventions:** These are activities/interventions that affect the inmates' ability to transition to the community, but which may not be linked to criminality (criminal risk). These include mental health, religious services/Home for Good, inmate activities, work, developmentally disabled connections (Life Skills/Independent Living), and alcoholics anonymous/narcotics anonymous.

**Children of Incarcerated Parents:** The goal of this project is to help improve outcomes for children who have incarcerated parents. This program is not available to sex offenders.

The Board expressed interest in how the matrix and revocation inmate populations can be reevaluated for programming criteria. These offenders are at a higher risk to re-offend and the priority for programming should also be higher for them.

The Board requested that Religious Services and CTS program information be presented by DOC in future Board meetings.

## 6. **Old Business:**

### **Board Action Needed:**

- a. **Medical Marijuana:** The Board reviewed a written policy drafted by Steve and will submit any comments back to Steve who then forward the policy to Peggy who will then forward to it on CCB-ALL by e-mail once it is finalized.

**Informational only:**

- a. **Hearings Officer NOR/Definitions:** Nancy asked the Board Members to review the document and submit edits to her. Nancy will tailor the document for the Board's different audiences before she distributes it.

7. **New Business:**

**Board action needed:**

- a. **Amendment to OAR 255-060-0011 and 255-060-0016 (Exhibit Q-V):** The Board reviewed a draft Exhibit Q-V. When the Board conducts a predatory designation hearing with an inmate prior to their release, the Board makes the decision at that time. For offenders out of custody, a Hearings Officer conducts the hearing and sends the recommendation to the Board for final decision. The offender is given 10 days to submit written exceptions to the findings of the Hearings Officer for the out-of-custody hearings only. Darcey wants the form changed to reflect this language so it is clear that the 10-day period only applies to the out-of-custody offenders. The Board's goal is to get the designation made prior to the offender's release from DOC custody.

The Board approved the amendments to file with the Secretary of State's Office as a Notice of Proposed Rulemaking. **Post Note: Peggy filed on 05/15/2008.**

- b. **Delegation of Rules Coordinator & Rulemaking Authority with SOS's Office:**

Peggy will continue to be the Agency Rules Coordinator. Steve will be the Authorized Rulemaking Authority. Peggy will change the forms and sends them to SOS. Non-substantive changes to Board rules do not need to be brought to a Board meeting for the changes to be made (i.e., amending typos, rule numbering).

- c. **ASR/SSR Letter:** Steve updated the standard letter which is sent out automatically with the monthly ASR/SSR and TPD Reports each month. These reports were created by Shawn Miller of DOC Research and are designed to be sent out automatically via CMIS monthly. Please submit comments to Steve, who will finalize the letter, and then forward it to Shawn to incorporate it into the CMIS reports. The letter will also be sent out to CCB-ALL.
- d. **Sanctions where offender owes time:** Board Sanction Specialist Michelle Mooney was present to discuss this issue. The Board reviewed a memo Steve drafted regarding the issue where the Board has issued a sanction where an offender owes time from a previous sanction. The question is, should the new sanction run concurrent or consecutive to a previous sanction? The Board agreed that the new sanctions should run concurrently to any previous sanction unless the Board specifically designated it be run consecutively. Steve will update the memo and forward it to Michelle for her Desk Manual.

**Informational only:**

- a. **Sex Offender Treatment Board rules:** Steve is now on the Sex Offender Treatment Board mailing list for receiving updates to their administrative rules. Pat Schriener is the chair. The SOTB oversees the licensed sex offender treatment providers. Steve will request that he receive his copies electronically and will route these to the other Board members for review/comment.

**8. Future Board Meetings:**

The next Board meetings are scheduled for May 19, 2008, and June 16, 2008. Because Darcey has a scheduling conflict on June 16, this meeting may be re-scheduled.

The Board will travel to the east side of the state May 27-30, 2008, to conduct institutional hearings at SRCI, go to Umatilla County Community Corrections in Pendleton to meet with East-Side Community Corrections Directors, and then to the Warm Springs Reservation to meet with the Tribal Counsel members. Nancy is finalizing the agenda for this trip.

**9. Additional items for Consideration.**

Nancy asked if Mark Cadotte wished to be added to the Board's meeting agenda as re-occurring topic. Mark responded no, and that he would advise Nancy if he had any items he wished to discuss at the meeting.

The meeting was adjourned at 11:38 a.m.

Minutes submitted by Peggy Barber, Management Assistant