



# Oregon Board of Parole & POST-PRISON SUPERVISION

## Board Business Meeting Minutes Monday June 28, 2010

**Call to Order and Note of Attendance:** The meeting was called to order at 9:04 a.m., and note of attendance made: Aaron Felton, Jeremiah Stromberg, Candace Wheeler, Darcey Baker, Michelle Mooney, DOC Director Max Williams, DOC Community Corrections Chief Mark Cadotte, and guests Lori Tribett, and Laurie Byerly.

**Approval of May Minutes:** Minutes adopted as submitted.

### Chairperson's Comments – Aaron Felton

- **Governor's Reset Cabinet Report:** On Friday the Governor released the recommendations report. The report contained recommendations to increase Board Membership to the statutory maximum of 5 members, and to shift administrative duties from the Board to DOC. This recommendation was made in the efforts to allow the Board to concentrate more on dangerous offenders.
- **National Crime Victims Law Institute Conference:** Aaron attended the conference at the beginning of June in Portland. The theme of the conference was due process rights. The conference was well attended with participants from across the United States, and provided for a variety of conversations on the different processes being used.
- **DA Victims meeting:** Aaron and Jeremiah met with the Executive Committee of the District Attorney's Association to discuss the victim's notification process. Jeremiah will be spearheading this project, working with the DA's and DOJ.
- **Gillmore Hearing:** The hearing was completed a few weeks ago. Aaron wanted to extend his gratitude to DOC, and Oregon State Police for their assistance in running the hearing. Their assistance helped to make the hearing run smoothly.

### DOC Update

- **Budget:** DOC has been dealing with the challenge of preparing their 9% allotment plan which is approximately 52 million from their budget. They were able to gain approximately 34 million without closing prisons. To get to the full 52 million prisons would have to be closed. The Governor advised that he would not close prisons and would seek for the Legislature to find the money somewhere else. DOC is now carrying

out the plans from their allotment that the Governor approved. This will include cutting treatment funding, using Measure 57 dollars that had been held in reserve, using all additional reserves, and converting OSP minimum into a female facility. One of the largest areas that will be cut is the outside work crews. The Governor has also instructed DOC to not take action on the cuts to Community Corrections.

- **Governor's Reset Cabinet Report:** The Governor gave a speech at the Portland City Club on Friday and released the recommendations report. There were a variety of issues covered in the report with the four larger areas looked at being public safety, health and human services, k-12 education, and higher education.

### **Executive Director Update – Jeremiah Stromberg**

- **Budget:** The Board has submitted their 9% allotment plan to the Governor's Office. The plan includes not filling the Legal Specialist position, cutting all overtime, reducing Attorney General costs, and reducing the office supplies budget. The Board is also beginning to prepare the agency request budget for 2011-13. The Board will be proposing a few policy packages including requesting a fourth Board Member, funding to cover the re-class of an AS1 position to an AS2, and additional funding for contract services. The budget is due to the Governor's Office by August 2, 2010.
- **Morrow County:** The Morrow County Sheriff has announced that they will be separating from Umatilla County and will be creating their own community corrections department. The Board has reached out to the Sheriff to offer assistance and training once the department is staffed and operating.

### **Old Business:**

- **SVDO Rules:** Legal advice has been provided to the Board regarding the language of these rules. Jeremiah and Mark will work together to go over the recommendations and prepare a final draft. Aaron would like that draft presented at the next Board meeting for approval prior to being submitted to the DOC Policy Group.
- **LSA Sex Offender Predatory Designation:** A request was made by Multnomah County asking the Board if they will honor a predatory designation made by the county. In the past the Board has not upheld predatory designations made by any county. Darcey is working with the Oregon State Police, DOC, and the counties to discuss this issue. DOJ has been asked for advice on the ramifications/obligations of the Board upholding these designations.
- **Static 99 R:** Clinicians are moving towards using the new static 99 R form. One of the few differences is the age related points. In order for the Board to begin using the new form there are several steps that must be taken which include rule changes, programming changes, and agreement with stakeholders. If the change is approved, it will be approximately nine months before the Board is able to implement it. Mark Cadotte will present the idea to OACCD, and Katie Gotch will be addressing it at SOSN. Darcey will continue working on this and will bring an update to a future Board meeting.

- **Victim Notification Process:** Jeremiah is working on this project with the DA's and DOJ. The goal of the project will be to do a one time reach out to every victim of every case under the Board's authority (matrix only). At this time there are 1700 inmates under the Boards authority. The project will include identifying all of the victims of these 1700 inmates and then sending them a letter advising them of their rights and what their choices are, and allowing them the opportunity to register with the Board as a victim if they want to.
- **Rule Updates:** The Board voted to amend the definition of a victim to: Any person determined by the prosecuting attorney, the court, or the Board to have suffered direct financial, psychological, or physical harm as a result of a crime that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision. The Board also voted to update all rules where the definition of a victim is listed. The Board voted to adopt these changes to division 30: changing the time limit for statements at hearings from three minutes to fifteen minutes; and changing the time frame for when the Board notifies victims and the District Attorneys from 30 days notice to 90 days notice.

#### **New Business:**

- **Deferral rule update:** Upon notice by the Board that OAR chapter 255 division 62 would be made permanent, the Board received multiple notices requesting a rule making hearing. The Board will hold a hearing to be scheduled sometime in August. Because the hearing will delay finalizing the rule, the rule that is currently temporarily adopted will need to be filed again as a temporary rule. This will allow the Board time to hear all public comments and then make a decision on the rule.
- **<sup>1</sup>Confidential Victim Letters:** In the past, the Board used to deem all letters regarding offenders as confidential. Some of the documents that were kept confidential under former practices were received from people who do not qualify as victims under the current definition. The question Candace raised is, would these letters continue to be submitted to the Board for consideration at each subsequent hearing for the offender, and if so would they still be confidential? The Board recently had a public records request that addressed this same issue and received advice from the Department of Justice. The Board went into executive session in order to review the legal advice. There were no decisions made while in executive session. Once back on the record the Board discussed how they would like staff to handle these letters. The Board concluded that letters that qualify under the current definition of a victim will continue to be considered at upcoming hearings and will remain confidential. Letters received from people that do not meet the current definition of a victim will no longer be considered for upcoming hearings as the Board will not be able to keep them confidential. However, the Board will continue to defend the former consideration of them as confidential documents.
- **Release Plan Project:** With the recent budget cuts and the current workload levels of the Board, the Board is looking at changing the way release plans are processed. The Board

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<sup>1</sup> At the July 26, 2010, Board Business Meeting the Board adopted into practice that it will no longer consider at hearings any letters that were submitted for prior hearings but will only consider letters that have been submitted no more than 6 months in advance of the hearing date.

will be piloting a project to issue release plans for most offenders that will only include general conditions. All special conditions and packages will be left off and it will be at the parole officer discretion on how to supervise the offender, and if needed, the parole officer can request modifications. The Board will continue to vote release plans on sex offenders with conditions appropriate by statute for sex offenders. Aaron will be discussing this at the next OACCD meeting, and will meet with DOC prior to implementing the project.

**Future Board Meetings:**

August 23, 2010

September 27, 2010

October 25, 2010

Meeting adjourned at 12:05 p.m.