

FAUG MEETING MINUTES

Lane County

Lane County Community Conference Room

Public Services Building (basement)

125 E 8th Ave, Eugene, OR 97401

February 15th, 2017– 1:00 p.m. to 5:00 p.m.

February 16th, 2017 – 9:00 a.m. to 12:00 p.m.

MEETING LOCATION:

DAY ONE:

Introductions/Welcome/Housekeeping

Larry/Greg Rikhoff

Minute Review

Group

The minutes of the last meeting were approved without changes.

Attendance

Charles

In attendance: Shawna Johnson (Benton); Marne Pringle (Clackamas); Barry Hazel (Clatsop); Justin Bendele (Deschutes); Andie Cortes (Douglas); Michael Elkinton (Jackson); Denise Easterling (Jefferson); Danielle Dickerson (Josephine); Allen Bergstrom (Klamath); Rachel Frederick (Lake); Larry Evenson (Lane); Joe Swope (Lane); Bonnie Timberlake (Linn); Paula Fata (Multnomah); Angela Beier (Polk); Tina Potter (Tri-County); Dan Madore (Umatilla); Lena Watson (Wasco); Christopher Swayzee (Washington); Lee Cummins (DOC-CC); Mary Hunt (DOC-CC); Shawna Harnden (Parole Board); Ruby McClorey (DOC-Compact); Jay Scroggin (Multnomah – OACCD); Kyle Hacker (Wallowa); Abby Sale (Wallowa).

OSP Forensics/DNA

Heidi Stetson

Heidi brought samples of good DNA samples and of those which are not acceptable. Heidi is the only person processing the samples, so she sees all samples coming through. She demonstrated the proper techniques of doing a DNA sample. She said the quality of samples has improved substantially since the last time she presented at FAUG. The biggest issues include: Not enough sample on the FTA Paper (no color-change on it); rubbing the paper on the FTA Paper (rather than rolling it); submissions with a card but without the FTA Paper (sample) ... or the sample without the submission card. She reminded the group that the FTA Paper should have the name/DOB/SID on it. Heidi is also reaching out to POs who have submitted incomplete samples to ask for recollection.

Heidi passed out a copy of the quarterly report. There have been some unsolved case matches (including a murder and sex offense cold cases) to new DNA submissions. Property crimes are not being prioritized at the moment, so there aren't as many hits as

there have been. There are over 208K profiles on file with over 190K as offender profiles. There are a total of 8,088 hits (a quarterly increase of 94).

Parole Board

Jaime Ferguson/Shawna Harnden

Shawna passed out a copy of the new policy regarding Medical Marijuana use. The Board has recently changed their policy (which has been taken to OACCD). This policy is available on the Parole Board website. A copy of the policy is attached (see pgs. 10-11).

The Board's Position on Predatory EPR designations is that there is no push to remove that designation until the offender has been assessed at a level. The Board also does not want any extra comments (i.e. "The offender scores at a level 3"). This may create more confusion. They are attempting to create a mask in EPR for Sex Offenders.

A Hearings Officer Training will be held 3/22 to 3/23 at Hall of Heroes.

Compact

Ruby McClorey

Summary sent by Ruby:

Upon approval of a Request for Reporting Instructions (RFRI). Compact agent checks the DOC400 and if the offender is assigned to a county (maybe has a warrant or is on active supervision), the report-to directive will be given for the offender to report to the county in the DOC400 even if the client is proposing to live in a completely different county. It is Compact's understanding that all POs follow county IRT processes detailed in chapter 9 of Operations and Policy Manual. Oregon is only approving the offender to come back to Oregon. Compact is not approving the offender to reside at another address. The client is directed to report to the county of supervision and when they report as directed then the supervising county will send the NOA and at that time will either allow the offender to proceed to proposed residence and work with the receiving county to conduct the investigation or tell the offender they may not live in another county. The sending county is responsible to work with receiving county if they decide to allow the offender to reside in the county the client has proposed while the investigation takes place. If the supervising agent decides the offender may not live in proposed county and client has to find another place and agent may reject the transfer and tell the sending state what the new address is for another transfer but the offender remains in the sending county on the approved RI's until the sending county address is investigated. If IRT approved, then it is the supervising agents responsibility to complete Reply to Transfer in ICOTS and also make sure the ICOTS supervision is transferred after changed in the DOC400. If a PO finds themselves in an IRT situation that is not going well, please do let Compact know so we can help direct where to get information and Compact may be contacted just to review and be advised of the situation as it may affect the reply to transfer time and response. OR Compact has to approve the RI's to return supervision.

In June, a new violation process will come into effect (after ICOTS automation is complete). There will be training set up as the rollout date approaches.

A question raised whether the Compact Office has a preference on what date is used for outgoing cases to move to the CMPO outcount. The Notice of Arrival date is what triggers supervision formally in the other state.

SOON Update

Lee/Mary

A PO submitted a ticket to the Help Desk regarding an offender who is currently on Probation but previously was on a PPS supervision (the case is currently in PR status). The offender's record had warrant requests made during PPS and the PO wanted to view those requests for additional information about the offender's history. However, the PO could not view the old warrant requests. When they tried to view the requests, it was blank. Mary says that this has been noticed in the past and took the issue to Diane Routt. Diane said it was due to "old programming from 1996", which only allows the user to view if the offender's record was in a PPS status. Diane added 'PR' in the list of status that allows viewing of past warrants. So this issue has now been fixed.

The Service Request to add the email address has been assigned to Emmanuel. It is not yet ready. It is likely that another job has taken priority. The hope is that it will be done soon.

Update regarding the DOR Collection Assignments issue: The characters that should not be used are commas and quotation marks. They act as a 'delimiter'. It should follow USPS rules with a city/state/ZIP (no punctuation should be used). The number sign was not mentioned. If a person is homeless, just use any city/state/ZIP. POs can check their caseloads to see which cases need city/state/ZIP info entered. The 'PPO HV BY ZIP CODE' report can be run to determine which cases on that caseload need that info entered. Those records without a ZIP code will appear at the top of the report.

If a PO has received a Release Plan and notices that it is sitting as secondary on their caseload and not primary, they need to take it to clerical to admit a primary to their caseload. Not doing so can cause that case to be excluded from the funding pool. The direct-compact from DOC to another state and ICE pickups (directly from the institution) are the most common case-types that are not admitted in a timely manner.

Question from SOON: On the Offender Description Screen, in the license number field, the (DMV-issued) ID number is entered if there is no driving license. They want to know if that is a problem for FAUG. FAUG say that we want the DMV number in that field; regardless of status (OID or ODL) and regardless of whether it is valid, suspended or revoked.

Roundtable

Group

Andie (Douglas) – Question about the To Do List ... if another PO enters a chrono and enters a new appt date/time, the appt shows up on that PO's (the author) To Do List ... and not the supervising PO's To Do List. If the supervising PO wants it to be on their To Do List, they can go into chronos and enter the date/time again (both must be entered for it to register). Is there a way to fix this? Lee recommends sending it in as a ticket to development. It was noted that a lot of offices are moving away from CIS functionality in favor of OMS. Nevertheless, many POs are still using features in CIS.

Paula (Multnomah) – Their office is receiving documents from OISC asking for decision dates on sanctions. Lee pointed out that Bethany Smith had talked with FAUG about that at a past meeting. DOC does need a decision date, which is used for time-served credits. On Board cases, the board's date will override the date entered. FAUG Meeting Minutes from November 2014 were referenced:

OISC (Offender Information & Sentence Computation) BETHANY

Bethany Smith from OISC/DOC was invited to the meeting to help clear up the ongoing confusion regarding the decision date on the structured sanction forms. Her hope coming in is to learn more about our processes to help her better understand the issues relating to this topic, and then to take the discussion back to their legal counsel to help resolve any pending issues. It is hoped that a consensus can be reached soon about how this should be working.

The relevance of the decision date for the purpose of OISC is the impact it has on time served credits for inmates sitting in a county jail on pending charges that later become DOC sentences. Inmates are ineligible per statute for any pre-sentence time served credit if, while sitting in the county jail, they are serving a previously imposed sentence. For OISC's purposes, a previously imposed sentence are the obvious things where the offender goes to court and the judge gives them so many days in jail, or the parole board revokes the offender and gives them so many days in jail. But it also includes the probation jail sanctions and the local supervisory authority post-prison supervision revocations.

When an inmate comes through intake, it is OISC's process to take a look at the information in CIS to see if there are any structured sanctions that reflect a probation jail sanction or an LSA PPS revocation, and if there are, do they fall during relevant time periods. If they do, then the structured sanction form is printed out and if the decision date is included on the document then OISC simply uses that information and will deny credit for time served as appropriate for incoming inmates.

If there is no decision date provided on the structured sanction form, or if there are questions because sometimes the narrative of the sanction might reflect something that seems to contradict the decision date provided, then OISC will need to obtain further information from the field. This is done by sending a form requesting the decision date to the SOON rep in the last supervising county who is then requested to forward this to the last supervising PO. OISC then waits for that response to come back from the field. At times there has been confusion by OISC about the information that gets returned on those forms.

Q: If the issue revolves around credit for time served, why would the decision date not just be the custody begin date?

A: Because the way the statute reads, it very specifically says if they are '*servicing a sentence*' then they can't get pre-sentence credit for another case. When an offender is just taken in on an arrest, they are not yet serving a sentence. If the DOC sentence is consecutive to that jail sanction or PPS revocation, then any days applied to it would also be denied which would include that arrest time. If it is a concurrent sentence, then OISC could only deny the days from when it became a sentence and that would be from when it was officially ordered.

Q: It is generally the case in the field that the offender will get any credit for time served since initial arrest and placement into custody. Is it true that OISC does not give an offender credit for time served since their arrest, even if the court does?

A: The relevant date for OISC is the date that he was sentenced. The county and OISC calculate sentences differently. The county calculates the sentence from the arrest day and OISC is not involved in this calculation. Where it is relevant to OISC is once the offender is serving a DOC sentence, they cannot apply pre-sentence credit to the DOC sentence.

Q: If a PO is doing a basic sanction for say 5 days and it is not served until the third day, would the decision date be the first day that the PO decided to sanction the offender or the third day when the offender accepts the sanction?

A: This is the big question. When an offender is brought in on a violation, at some point a decision is made that the offender will serve a certain sanction. What OISC needs to know is at what point it is official. Is it official when he accepts it, or what if he does not agree and challenges it? At some point the jail has to be notified that the offender is doing so many jail days so that they know when to let him out.

Q: Each county has different levels of where a PO can impose a sanction and when it has to go higher up for approval. If it has to go to a supervisor for approval, would the decision date be when the offender says that he will accept the sanction or would it be when the supervisor approves the sanction?

A: It should be when the supervisor approves the sanction. This would be the official date.

FAUG's recommendations regarding decision date:

- When the PO has the authority to impose sanction, the decision date will be the date the offender accepts the sanction and it is officially imposed.
- When an offender accepts a sanction but supervisor approval is required, the decision date will be the date the supervisor approves the sanction.
- When the supervisor approves the sanction prior to the offender accepting it, the decision date would be the date that the offender accepts the sanction and the PO officially imposes it.
- When it is a local post-prison revocation case and the offender has a hearing in front of the hearings officer, the decision date will be the date that the LSA approves the decision of the hearings officer.

- If a PO has the authority to impose a sanction and the offender does not accept it, it would then go before the hearings officer and the decision date would be the date that the hearings officer approved the sanction.
- If a sanction is sent to the board or the judge and it gets overridden, the decision date would be the date that the final authority imposes the sanction, either the court or the board.
- In a nutshell, the decision date is the very *final* date when the sanction is officially approved; no matter how many people or steps that it has to go through in the review process; and fully completed.

Danielle (Josephine) – What is the practice on handling PV Pending cases which expire whilst the PV is still pending? The majority are continuing to supervise the cases until resolution of the pending PV. Only if ordered by the Court that this practice is not allowed in that county are counties considering the case to be expired. Mary said that SOON got approval from LEADS to use a PV Pending code on such (PV Pending) cases; thereby pushing the date of expiration (in LEADS) out. Their suggestion is to do so in 90-day increments. This will allow Law Enforcement to continue to know that this case is still monitored and not have the EPR auto-purge.

Danielle (Josephine) – Question regarding when ICE picks offenders up and the case is moved to IMMI. If the offender returns and is stopped by Police, can we detain for Illegal Reentry (a Federal charge)? Different counties have differing rules on utilizing county resources for enforcing Federal laws. If the offender has committed a violation of Probation/PPS, then can detain for that and have ICE pick up the offender after the sentence/sanction is served. Depending on the situation, the offender may be in violation for failure to report to PO and changing of address.

DAY TWO:

DOC Update

Lee/Mary

Reminder for FAUG to take back to POs: Release Plans need to be completed. Institution Counselors cannot generate a Release Plan if there is an open Local Control Plan. Many times, the Release Counselors will try to use the open plan and that effectively “overwrites history”.

WRNA: It is in the works of being developed for automation. It is hoped that it will be rolled out in the Fall of this year. The override (to the PSC) is not in yet. Many are using the “Policy” override reason.

OMS Timeout has been moved to 3hrs to prevent users from having to log back in so often. This matches the timeout for CIS. No issues have been reported recently on OMS.

There have been some Distribution List issues. If the county is using newer spam-prevention protocol, it will prevent DL emails from going through. Yamhill County has had a lot of issues with it. Because the counties can make up their own protocols, there is not much of a cure for that. SOSN uses a ListServe system. There will be a demo on this system soon for DOC. It needs to determine that it is CJIS-compliant (security). There will be a lot of work on this coming up. Lee will be keeping FAUG/SOON apprised and may be asking for responses to let her know that the messages were received.

SONL: Went into production for Community in CIS. It can be viewed, as can other designators. Put cursor on flashing designator flag and hit 'F4' to view. Using '2' or '5' can also allow to go into the sub-screen to see more info.

New Treatment Codes: OACCD have authorized the use of 'Max Benefit' and 'Expired'. Lee believes that they can be added to the table, but the reporting is not yet working correctly. It still needs to be defined whether the codes meet "successful", "neutral" or "unsuccessful" designations for the reporting to work correctly. Max Benefit will be "successful". Lee will keep FAUG apprised of updates on this.

URICA: Not all counties are getting M57 supplemental funds. However; it was mentioned that in order to do so, the county must use the tool. Question was raised as to whether it was meant to be the TCU that is required, as some counties are getting the money and not using the URICA.

PSC Cleanup: A few cleanup sheets have been sent out. A new one came out that shows that not all were cleaned up and this represents a \$3.7M deficit in DOC budget allocations. The latest report shows that 435 offenders not assessed. This can also affect the time-study.

Questions have been raised to DOC as to why "R" (OTTO) codes have not been raised on this. The response they received was that the programmers thought the cleanup lists went out, so current cases were left out. This has been corrected.

Reminder that "R" codes are not done on outcounts. Please do a new PSC and if a new conviction was entered, reminder to wait until the next day to do the PSC for that new conviction to count and the PSC to be accurate. Also, doing a new PSC (rather than deleting an override) shows history of how the case has been supervised.

Sanctions: Sanctions Workgroup (to move sanctions-related functions into OMS) –

Issues put into Service Request:

- Open Sanctions need to be closed. FAUG made the suggestion at the last FAUG Meeting to create an edit to the sanction status to disallow creating a

new sanction when an open sanction is 30d or over in DEFR, PEND, RETU or SUPV status. FAUG approved this to go into a Service Request.

- OTTO message (which will put a review notification at 15 days and an action designator at 30 days).
- Auto-emails need to be sent correctly. The piece where the PO is acting as the HO in the NOR screen. There was discussion at last FAUG meeting to create a line as a visual aide on that screen.
- RETU status – asking for a different code to allow FAUG Rep to complete those sanctions.
- Using the BOARD user-id to send sanctions to the Board. Send them to the BOARDHO user-id (this may be a ticket to fix, rather than a SR).
- NOAC – need to be removed from the counter
- STTL needs to be made into a location (this may be removed if the STTL SR takes care of it).
- Auto-email to jail on Board override (not getting to all POs)
- The 120-day lock has been asked to be put back in.
- New status Post Parole/LC (unsure where this came from) – FAUG Reps cannot complete sanctions on records in this status.
- Revisit all authorities in sanctions.
- Started given portion with a sanction, but then ultimately gave a sanction. It does not change the “S” to “V”.
- In the NOR section – can enter an incorrect date. A ticket will be asked to fix that screen to require a valid date.
- Exception Sanction – this is an old function. It was learned that this referred to sanctions for time under the grid; it was considered an exception sanction. However, now every grid starts at 0, so there’s no need for it. This is to be removed.

New manuals are being created to update the aging current manuals.

OACCD Update

Jay Scroggin

Legislative Budget: Grant/Aid Money: The Governor’s Recommended Budget has been done \$271M. The Governor came in at \$239M. Opt-out triggered when Legislative Adoptive Budget is below the GRB service level ... but changed to \$252M because of a “reduced workload”. JRP Budget: \$52 proposed, but Governor came in at \$32.

Legislation: Bills being looked at:

- PCS Bill (Conditional Discharge is a statutorily option – may become a requirement on 1st time).
- Three different bills for child sex trafficking to add “pimps” to registration.
- Stalking bill for DV – allows judges to impose a 3-mile radius residence restriction. This may be a problem for small-area counties.

- Bill to having DOC youth (under 25 and still in OYA custody). If released during that time, they would be supervised by OYA.
- Sex Offender Board issue – defining who is a SO Tx Provider.
- Lethality Assessment Bill – Arresting officer would have to complete the lethality assessment at the scene. NOTE: The ODARA is not a lethality assessment tool.

FAUG Rep/CIS Manual

Group

NEXT MEETING:
May 17th and 18th
Klamath County

August meeting tentatively to be in Wallowa County.



Oregon Board of Parole and Post-Prison Supervision

Title: Medical Marijuana Use	Policy:
Effective Date: 2-1-17	Supersedes: March 25, 2011
Signature: <i>Michael Wu</i>	

I. PURPOSE

To establish policy and procedures governing the possession and use of marijuana by offenders who have a valid medical marijuana card.

II. DEFINITIONS:

- A. **Offender:** A person who is serving a period of parole or post-prison supervision under the authority of the Oregon Board of Parole and Post-Prison Supervision.
- B. **General Condition 2:** Condition of supervision that states offender is not to use or possess controlled substances except pursuant to a medical prescription.
- C. **General Condition 10:** Condition of supervision that states offender must obey all laws, municipal, county, state and federal.
- D. **Medical marijuana card:** A registry identification card issued by the Oregon Health Authority under ORS 475B.415.
- E. **Special Condition:** A condition of supervision specifically written to apply to an individual offender.

III. POLICY:

Board policy is to treat medical marijuana the same as a prescription drug if the offender has a valid medical marijuana card. An offender who holds a valid medical marijuana card may use medical marijuana unless the Board imposes a Special Condition to preclude it.

Effective 02/01/2017

The Board will not find a violation, or support a local violation, that is based only on a finding that a valid card-holding offender's use of medical marijuana violates federal law and, in turn, General Condition #10 or General Condition #2.

The Board will restrict the use of marijuana by offenders who have a valid medical marijuana card by adding a Special Condition to the Orders of Supervision Conditions if individual circumstances make it appropriate and the condition is supported by the record. This Special Condition will be imposed in the same manner as the conditions of supervision of a person sentenced to probation or post-prison supervision related to prescription drugs.

When a supervising officer is aware that an offender is using medical marijuana and has obtained a medical marijuana card or is intending to apply for a medical marijuana card, the supervising officer may request that the board amend the offender's Order of Supervision by adding the new special condition after having the offender sign a *Consent to Modify* form for that purpose. The request to amend the offender's order of supervision to add this new special condition must include information addressing why the offender's use of medical marijuana would have a negative impact on the offender's reformation or on public safety. If the offender refuses to sign the consent form, the supervising officer will issue notice to appear to conduct a show cause hearing for the offender to show why the condition should not be added.

Some of the reasons a Special Condition prohibiting medical marijuana use or possession will be imposed include, but are not limited to: marijuana use is prohibited by the offender's treatment program; marijuana would be a significant criminogenic risk factor; or marijuana use was a significant factor in the offender's commission of any crime of conviction.

The policy is intended as a permissive one. An individual county may determine how it wants to handle the medical use of marijuana, and each offender's individual circumstances will help determine whether a specific condition violation is alleged by the supervising officer. The Board will support a local violation of the Special Condition if it is alleged by the supervising officer and otherwise substantiated.

Effective 02/01/2017