

## **Oregon Board of Parole and Post-Prison Supervision Hearings Process**

### **Scheduling of Flagged Hearings**

- The victims' specialist runs a report for hearing dates flagged for 3 months prior to a hearing month.

### **Preparation Prior to the Institution Hearings**

- The hearing specialist schedules institutional and video conference hearings being held at Oregon State Penitentiary.
- The hearing specialist schedules institutional hearings being held at Oregon State Correctional Institution.

### **Hearing Notifications to District Attorneys**

- District attorneys' offices are notified in advance of Board hearings scheduled for adult offenders remanded to the custody of the Oregon Department of Corrections.
- A report runs on the 1<sup>st</sup> and 15<sup>th</sup> of each month listing offenders scheduled for a hearing in each individual county.
- Originally, the report listed the hearings scheduled for the next two months – recently, the Board has upgraded the report to include hearings scheduled for the next three months.
- For example, a district attorney report run on May 15, 2013 lists all hearings scheduled for that county from May 16, 2013 through August 16, 2013. The report run on June 1<sup>st</sup>, lists hearings scheduled from June 1, 2013 through August 31, 2013.
- Once the Board's hearing specialist schedules a hearing, it appears on the district attorney report until the actual hearing date. Thus, the district attorneys' office is notified twice a month until the hearing is held.
- The report is mailed individually to each county, with a cover letter and a 4-page document of hearing definitions.

### **Hearing Notifications to Victims**

- The Board's hearing specialist notifies the victims' specialist when the hearings schedule is set for each new month.
- For example, the hearing specialist sets the hearing schedule for August, 2013 by the first of May, 2013. Once the hearing schedule is set, the victims' specialist notifies the victims of hearings scheduled for August.

- The victims' specialist prints the hearing letters and accompanying report for hearings scheduled for the next month (for example, in May 2013 the letters are printed for the August 2013 hearings).
- The victim letters include the date, location, and hearing type, with a brief explanation of the hearing process.
- When the victim letters are sent, the hearing notice, hearing definitions, the "Guide to the Oregon Board of Parole and Post-Prison Supervision," and a map to the hearing location are included.
- The victims' specialist notifies the hearing specialist when the victims have been notified of Board hearings through a particular date. If the hearing date is rescheduled prior to that date, the hearing specialist alerts the victims' specialist to send a new hearing notice to the victim.

#### Preparing Victims for Hearings, Debriefing with Victims after Hearings

- Once the victim is notified of the upcoming hearing, the victim has the opportunity to participate in the hearing process. The "Guide to the Oregon Board of Parole and Post-Prison Supervision" assures the victim that, "the Board is aware that being the victim of a crime can have a significant impact of your life and emotional well-being. We do not want to contribute to your pain. We encourage you to participate in hearings only to the extent appropriate for you and to seek information as needed. If you have any questions, please do not hesitate to contact us." The victims' specialist is sensitive to the re-victimization that occurs for the victim each time a hearing is scheduled.
- The victim has several options regarding the level of involvement they wish to have in the hearing process. The first option is to attend the hearing in person with the victims' specialist. While attending in person, the victim may make a statement to the Board or designate someone to make a statement of their behalf. The statement may outline the seriousness of the crime and its impact on the victim, their family, friends, and the larger community.
- The second option is for the victim to attend the hearing by teleconference. If attending by teleconference, the victim may be identified for the record or may listen to the hearing anonymously. The identified victim or their designee may make a victim impact statement to the Board.
- The third option is for the victim to submit a written statement to the Board. The victim may request that their statement be kept confidential and reviewed by the Board only. Or the victim may request that their statement be viewed as a public document, with their contact information redacted. Choosing to send a written statement does not preclude the victim from attending the hearing in person or by teleconference.
- The local district attorney may make a statement to the Board. The district attorney's statement does not exclude the victim from speaking.
- The Board's hearing specialist notifies the victims' specialist when a victim is attending the hearing in person. The Board hearings are public and anyone may request to attend. Those attending must submit their legal name, date of birth, and driver's license or state identification number to the hearing specialist. DOC

institution staff will verify that the visitor may enter the institution for the hearing. Any number of victims and their support may attend the hearing. Only those recognized by the Board as victims, district attorneys, or relevant witnesses, may make a verbal statement at the hearing. The victims' specialist provides emotional and professional support to the victim during the hearing process. For example, the victim may be prepared to address the Board and yet find themselves overwhelmed by seeing the offender in person. The victim may request that the victims' specialist make the victim impact statement for them.

- Documents that the Board consider in the hearing are contained in the Board's hearing packet. A copy of the packet, without any confidential victim information, is sent to offender 14 days prior to the hearing. The hearing specialist prepares the hearings packet. The victims' specialist may share the hearing packet with the victim. The victim specialist refers to the public records law to determine which documents may be copied for the victim and which may only be viewed. The victim may have the hearing packet mailed to them in advance of the hearing. Many victims choose to meet with the victims' specialist at the institution prior to the hearing to review the documents in the packet. Following the hearing, the victims' specialist may release the appropriate documents to the victim for their file.
- The victims' specialist debriefs the victim during the Board's deliberation process and following the Board's decision. One member of the Board joins the debriefing after the Board's decision is final.

#### Ordering Psychological Evaluations

- The hearing specialist orders a psychological evaluation by one of the five contracted psychologists.
- The offender and the offender's institution counselor are notified of the upcoming evaluation.
- The victims' specialist may share the psychological evaluation with the victim. An accompanying notice reminds the victim that the evaluation is confidential and may not be released without the Board's written permission.

#### Ordering Institutional Reports on Dangerous Offenders

- The hearing specialist orders a psychological evaluation for those offenders sentenced as a dangerous offender
- The offender and the offender's institution counselor are notified of the upcoming evaluation
- An institutional report is requested of the DOC counselor, the report must be read and approved by the Superintendent of the institution

#### Hearing Packet Preparation

- The hearings specialist mails hearing packets to the offender, and to district attorneys upon request, about 25-35 days prior to the scheduled hearing date

- The hearing specialist assigns a lead Board member for each hearing on a rotating basis
- The hearing specialist assembles the Board and DOC documents for the hearing packet.
- The hearing specialist prepares copies of the hearing packets for the Board members and, upon request, the victims' specialist.

Oregon Board of Parole and Post-Prison Supervision  
Some Historical Case Law

AGGRAVATED MURDER: CONVERSION OF LIFE SENTENCE

*Janowski/Fleming v. Board of Parole*, 349 Or 432, 456 (2010)

Re: Matrix aggravated murder cases (Court overturns Board action in which Board upheld judicial minimum after finding the inmate “likely to be rehabilitated within a reasonable period of time.”)

... “To summarize, we conclude, based on our review of the text of ORS 163.105 (1985), its context, and our case law, that ORS 163.105 (1985) gave the board the authority to override the 30-year mandatory minimum sentence for aggravated murder, and to consider releasing a prisoner on parole after 20 years, upon a finding that the prisoner is likely to be rehabilitated within a reasonable time.

“... we think that the relevant statutes suggest that the legislature intended that the board employ the matrix system to set release dates for those prisoners whom it has unanimously determined are capable of rehabilitation.

... “In light of the facts that the matrix provided the only available mechanism for the board to make parole release decisions at the time that Janowski and Fleming committed their crimes, ... we conclude that the legislature intended the board, having converted the terms of a prisoner's confinement to life in prison with the possibility of parole, to set a release date in accordance with the parole matrix in place when the prisoner committed his offense.

“... the Board must now conduct a hearing, using whatever procedures it deems appropriate, to set each prisoner's release date according to the matrix in effect when he committed his crime.”

SUBSTANTIAL REASON FOR BOARD DECISIONS

*Castro v. Board Of Parole*, 232 Or. App. 75 (2009)

The court stated, “In sum, petitioner argues that, by his conduct since his incarceration, he has exceeded every requirement that the court and the board imposed on him as a condition for release, yet the board has nonetheless denied release — based [solely] on one psychological report that, according to petitioner, is of dubious questionable validity.” The court in *Castro* then emphasized that under their earlier decision in *Armstrong v. Asten-Hill Co.*, 90 Or App 200 (1988), substantial reason does not exist “when the credible evidence apparently weighs overwhelmingly in favor of one finding and the [b]oard finds the other without giving a persuasive explanation.”

## PSYCHOLOGICAL EVALUATIONS AND BOARD FINDINGS

*Weidner/Merrill ~ Weidner v. Armenakis*, 154 Or App 12, vac'd and rem'd, 327 Or 317 (1998), dismissed by order, July 13, 1998, reasoning readopted and reaffirmed in *Merrill v. Johnson*, 155 Or App 295, rev den, 328 Or 40 (1998)

"We held in *Weidner* that the Board could consider all of the evidence in the record to determine whether a prisoner's psychological condition satisfied the standard set by ORS 144.125(3) to defer his release, and that the Board was not limited to considering only whether the psychiatric or psychological evaluation alone met the standard."

We do not believe that the legislature's choice of the phrase 'severe emotional disturbance' reflects an intention that a psychiatrist or psychologist, rather than the Board, make the final determination whether a prisoner's release should be deferred." The Court concluded by saying, "It is apparent from the text and context of ORS 144.125 that the determination as to whether a prisoner suffers from a severe emotional disturbance such as to constitute a danger to the health and safety of the community is a judgment that the legislature intended for the Board to make. Although a psychiatric or psychological diagnosis is a prerequisite to the Board's consideration of whether the statutory criteria have been met, that diagnosis alone does not dictate the results. ORS 144.125(3) allows the Board to consider both the psychiatric or psychological diagnosis and other pertinent evidence in the record on exercising its judgment as to whether the prisoner's release should be deferred."

Thus, *Weidner* held that under the 1991 version of the statute (identical to the earlier versions) the Board is responsible for determining whether an inmate's release should be deferred, not the psychologist.

***Daniels v. Cogswell*, Civil No. 79-651 (D Or Nov 28, 1979)**

*Daniels* prohibited the Board from denying parole based only on a finding that an inmate had a "severe emotional disturbance." In 1981 ORS 144.125(3) was changed to state that the present severe emotional disturbance must be "such as to constitute a danger to the health or safety of the community." On May 20, 1980, the Board amended OAR 255-60-010(1) to specify that the Board "may order postponement of the scheduled release of a prisoner found to have a present emotional disturbance which the Board finds poses a threat to the health or safety of the community."

Here is the information that you requested:

- Sentenced 01/10/1994 to Aggravated Murder in Grant case number 9204148CR
- Crime commit date 04/08/1992
- On 02/13/2013, Board affirms parole release date of 06/07/2013 following 254 months
- Time served credit is 642 days
- 01/04/2000, 1st prison term hearing
- 07/18/2012, murder review hearing
- 11/21/2012, 2nd prison term hearing
- 02/13/2013, Exit interview with psychological evaluation hearing.

5/23/13  
14:01:57

OREGON DEPARTMENT OF CORRECTIONS  
Institution Division FACESHEET

PAGE: 001  
OPS532B  
WOJCIECP

Location: OSP

SID#: 07430532

Court Name: PORTER, SIDNEY DEAN

Due Name:

Birth Date: 11/12/1959

Sex/Race: M/W

Hair/Eyes: BLOND/BLUE

Height/Weight: 6'05"/200 lbs

Orig Adm Date: 01/10/1994

Curr Adm Date: 01/10/1994

Proj Rele Date: 06/07/2013

Phys Rele Date:

Maximum Date: \* Life \*

Parole Release: 06/07/2013 F

Good Time Date:

SG Earned Date:

SG Proj Date:

01 SG  
Offense (abbrev) MURDER AG  
137.635/137.700 N/N  
Sent Reduct/Ovrd E-00/N  
Sentence yy-mm-dd \* Life \*  
Court docket# 9204148CR  
Docket county/count GRAN/01  
Name of judge POPE  
Date convicted 01/07/1994  
Sentence begin dt. 01/10/1994  
Time served credit 00642  
Murder minimum 30-00-00  
Murder min date 04/07/2022  
GT-ET credit/Lost  
Inop/Merit GT  
MAX sent date  
SG earned date  
Proj rele/GT date  
Termination date  
Termination code  
PPS sent length LIFE

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## **District Attorney Notifications Regarding Sidney Dean Porter**

### Notifications to Grant County District Attorney

- Murder review hearing dated 07/18/2012
  1. Hearings scheduled between 05/01/2012 and 07/31/2012
  2. Hearings scheduled between 05/16/2012 and 08/16/2012
  3. Hearings scheduled between 06/01/2012 and 08/31/2012
  4. Hearings scheduled between 06/15/2012 and 09/15/2012
  5. Hearings scheduled between 07/01/2012 and 09/30/2012
  6. Hearings scheduled between 07/16/2012 and 10/16/2012
- Prison term hearing dated 11/21/2012
  1. Hearings scheduled between 09/01/2012 and 11/30/2012
  2. Hearings scheduled between 09/15/2012 and 12/16/2012
  3. Hearings scheduled between 10/01/2012 and 12/31/2012
  4. Hearings scheduled between 10/16/2012 and 01/16/2013
  5. Hearings scheduled between 11/01/2012 and 01/31/2013
  6. Hearings scheduled between 11/15/2012 and 02/14/2013
- Exit interview with psychological evaluation hearing dated 02/13/2013
  1. Hearings scheduled between 12/01/2012 and 02/28/2013
  2. Hearings scheduled between 12/16/2012 and 03/16/2013
  3. Hearings scheduled between 01/01/2013 and 03/31/2013
  4. Hearings scheduled between 01/16/2013 and 04/15/2013
  5. Hearings scheduled between 02/01/2013 and 04/30/2013

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	MR	OSP	IPER	07/18/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote 01MAY12.rtf							

East	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	MR	OSP	IPER	07/18/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote_mid 15MAY12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	MR	OSP	IPER	07/18/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote 01JUN12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	MR	OSP	IPER	07/18/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote_mid 15JUN12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	MR	OSP	IPER	07/18/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote 01JUL12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	MR	OSP	IPER	07/18/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote_mid 15JUL12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	PT	OSP	IPER	11/21/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote 01SEP12.rtf							



Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	PT	OSP	IPER	11/21/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote_mid 15SEP12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	PT	OSP	IPER	11/21/2012
1 offender(s).							
Source: Research and Evaluation Unit-PARO danote 01OCT12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	PT	OSP	IPER	11/21/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote_mid 15OCT12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	PT	OSP	IPER	11/21/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote 01NOV12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	PT	OSP	IPER	11/21/2012
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote_mid 15NOV12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	EIPS	OSP	IPER	02/13/2013
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote 01DEC12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	EIPS	OSP	IPER	02/13/2013
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote_mid 15DEC12.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	EIPS	OSP	IPER	02/13/2013
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote 01JAN13.rtf							



Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	EIPS	OSP	IPER	02/13/2013
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote_mid 15JAN13.rtf							

Last	First	Middle	SID	Hearing Type	Hearing Location	Hearing Method	Hearing Date
PORTER	SIDNEY	DEAN	7430532	EIPS	OSP	IPER	02/13/2013
1 offender(s)							
Source: Research and Evaluation Unit-PARO danote 01FEB13.rtf							



# Oregon

John A. Kitzhaber, MD, Governor

## Board of Parole and Post-Prison Supervision

2575 Center St NE, Ste 100

Salem, OR 97301-4621

(503) 945-0900

FAX (503) 373-7558



Attached, you will find a computer listing that will provide you with information on all inmates from your county who have hearings scheduled with the Board of Parole within the next 35 days. The list is arranged in chronological order, according to the hearing dates. If it is necessary for the Board to change the scheduled hearing date, the rescheduled date will be reflected on subsequent lists. These reports are updated and mailed to you every two weeks. To assist you in identifying information on the attached list, the codes and explanations are provided for you on the right side of this page.

The Board cannot change the time and date of the hearing should it be in conflict with your schedule. If you decide to appear for a hearing at the Oregon State Correctional Institution (OSCI), please telephone the institution several days prior to the hearing to receive clearance. While at the institution you will be subject to all Department of Corrections rules, regulations, and policies regarding conduct while in a correctional facility. All hearings are held either at OSP or OSCI. For inmate's not housed at OSP, the hearings will be conducted by videoconference at OSP. For all video hearings you may be present at the institution, or be connected via telephone.

If you wish to attend a hearing, please contact the Board's Hearing Clerk at 503-945-0902 so that arrangements can be made.

Should you wish, you may submit rebuttal information or evidence either in writing, or if you attend the hearing, you may be granted a brief period of time at the hearing to express your views or concerns.

Correspondence must be received by the Board ten (10) days prior to the hearing. Please include the inmate's name and state identification number (SID#) on all correspondence, as provided on the list.

Materials the Board will use in determining the prison term are contained in the Board Review Packet. The packet is available at the Board offices for your review between the hours of 9:00 a.m. and 4:00 p.m. Please call our records office at 945-0915 prior to viewing to make an appointment.

You may purchase a copy of this packet at the cost of fifty cents per page, payable by postal money order, trust account check or cashier's check. We cannot accept cash payments. The copy can be mailed to you; however, the copying charge and mailing expense must be paid before your request can be processed.

We would like to hear from you if this listing presents a problem or if you have an idea of how to improve the notification.

### HEARING TYPE

AR.....Administrative Review  
ARPS.....Administrative Review / Psy  
CH.....Courtesy Hearing  
EI.....Exit Interview  
EIPS.....Exit Interview / Psy  
EIRP.....Exit Interview / Report  
FA.....Field Activity Approved  
FD.....Future Disposition  
FDAR.....Future Disposition / Adm. Review  
FDRP.....Future Disposition / Psy  
FH.....Future Disposition / File Pass  
IH.....In House Activity  
IHPS.....In House Activity / Psy  
IHRP.....In House Activity / Report  
JV.....Juvenile Agg. / Murder Review  
JVAS.....Juvenile Agg. Murder Prison  
JVPS.....Juvenile Agg. Murder Review / Psy  
JVVR.....Juvenile Agg. Murder Review / Report  
MA.....Aggravated Murder  
MRPS.....Agg. Murder Report / Psy.  
MRRP.....Agg. Murder Review / Report  
PC.....Parole Consideration  
PCPS.....Parole Consideration / Psy.  
PCRP.....Parole Consideration / Report  
PH.....Parole Hearing (discretionary cases)  
PHPS.....Parole Hearing / Psy  
PHRP.....Parole Hearing / Reports  
PI.....Personal Interview  
PP.....Parole Postponement  
PPPS.....Parole Postponement / Psy  
PR.....Personal Review  
PRAD.....Administrative Personal Review  
PRPS.....Personal Review / Psy  
PRRP.....Personal Review / Report  
PT.....Prison Term  
PTPS.....Prison Term / Psy  
WH.....Waiver of Prison Term Hearing

### LOCATION/INSTITUTION

OSCI ... 503-373-0100  
Oregon State Correctional Institution  
3405 Deer Park Drive SE  
Salem, OR 97310-9385

Hearings scheduled for inmates at the following institutions are conducted by video/teleconference at the Oregon State Penitentiary, 2605 State Street SE, Salem, OR 97301. Telephone calls should be directed to the Board's offices at 503-945-0900:

CCCF: .. Coffee Creek Correctional Facility  
CRCI.....Columbia River Correctional Institution  
EOCI.....Eastern Oregon Correctional Institution  
PRCF.....Powder River Correctional Facility  
SCI.....Santiam Correctional Institution  
SOI.....Shutter Creek Correctional Institution  
SRCI.....Snake River Correctional Institution  
TRCI.....Two Rivers Correctional Institution  
WCCF.....Warner Creek Correctional Facility

## **HEARING DEFINITIONS**

**Applies to Offenses Committed Prior to November 1, 1989**

### **PRISON TERM**

The Board conducts a hearing within a year of the prisoner's admission to prison to establish a parole release date, deny parole or set a parole consideration hearing date. The Board makes findings regarding the adjusted commitment date, crime severity rating, history/risk score, matrix range, aggravating and mitigating factors, and minimum sentences. The Board may set parole conditions.

At least two weeks prior to the hearing, the prisoner should submit documented evidence regarding history/risk score, credit for time served, criminal history and aggravating and mitigating factors, if the prisoner believes the Board needs more information. The victim and the District Attorney should submit information adequately and reasonably expressing any views concerning the crime and the prisoner at least two weeks prior to the hearing.

A person of the prisoner's choice may accompany the prisoner and may speak for three minutes. The victim and the District attorney may speak for three minutes each.

ORS 144.035, 144.050, 144.054, 144.079, 144.110, 144.120, 144.123, 144.130, 144.135, 144.185, 144.228, 144.260, 144.270-275, 144.780-787. OAR 255, Div. 15, 25, 30, 35, Exhibits. AI, AII, AIII, BI, BII, C, D, EI, EII, EIII, F.

### **EXIT INTERVIEW**

The Board reviews the prisoner's release plan, psychiatric or psychological reports, and behavior while imprisoned. The Board may set community supervision conditions. The Board may postpone parole release up to two years upon a finding of severe emotional disturbance such as to constitute a danger to the health or safety of the community. Release may also be deferred for up to ninety days in order to develop an adequate release plan.

ORS 144.085, 144.096, 144.098, 144.102, 144.125, 144.185, 144.223, 144.270-275. OAR 255, Div. 15, Div. 60, 65, 70, Exhibit J.

## **PAROLE HEARING**

The Board interviews a prisoner who is under the Discretionary Parole System (pre-1977 crime).

The Board reviews the prisoner's personality, responsibility, intelligence, training, family and community support, employment history, past use of drugs or alcohol, disabilities, prior criminal record, attitude toward law and authority, conduct in the institution, program participation, performance during previous parole or probation and the release plan. Parole Hearings occur every two years.

## **PAROLE CONSIDERATION HEARING**

The Board conducts a hearing on the date the prisoner would have been released, if not for the dangerous offender sentence. The Board considers a psychiatric or psychological evaluation and releases the prisoner if the condition which made the prisoner dangerous is absent or in remission. The Board also considers the prisoner's behavior and programming while imprisoned. If the dangerous condition remains, the Board schedules another hearing for two years later.

ORS 144.226, 144.228, 144.232. OAR 255, Div. 36 & 37.

## **PAROLE POSTPONEMENT**

The Board conducts this hearing to determine whether to postpone the parole release date due to prisoner misconduct or refusal to submit to a Board ordered psychological evaluation. The postponement can be from 10% to 100% of the prison term, but no more than five years. The parole release date may be postponed to two days before the statutory good time date. The Board will add to the prison term inoperative time accrued while on escape or unauthorized departure.

ORS 144.125, 144.223, 144.245. OAR 255, Div. 15, 50, Exhibit G.

## **AGGRAVATED MURDER REVIEW**

Fifteen, twenty, or twenty-five years after certain aggravated murder sentences to prison, the prisoner may petition for a hearing to determine whether or not the prisoner is likely to be rehabilitated within a reasonable period of time so that the sentence may be converted to life with the possibility of parole. The rules of this hearing are the rules of a contested case hearing.

ORS 163.105. OAR 255, Div. 15, 30, 32.

## **PERSONAL REVIEW**

Either administratively or in a hearing, the Board reviews the prisoner's progress to determine whether it indicates outstanding reformation so as to warrant a reduction in the prison term of up to seven months for a prisoner serving more than thirty-six months and up to 20% for a prisoner serving thirty-six months or less. At least two weeks prior to the review, the prisoner should submit evidence of achievement in dealing with problems present at the time of imprisonment and associated with criminal conduct, e.g. substance abuse treatment, anger management, sex offender treatment, education, etc. The Board also considers seriousness of the crime, and protection of the public.

The Board may also grant prison term reductions based upon the Director of the Department of Corrections' and a physician's opinion that the prisoner has a severe medical condition.

ORS 144.122, 144.123, 144.126. OAR 255, Div. 15, 40.

## **VIOLATION HEARING**

The Board or a Hearings Officer conducts a violation hearing to determine whether an offender has violated conditions of parole or post-prison supervision and if so, whether the offender should be returned to imprisonment or some other intervention applied such as local sanctions, modification of conditions or extension of active supervision (also known as a Morrissey hearing or revocation hearing). Oregon has combined the "probable cause" hearing and the dispositional hearing.

ORS 144.106, 144.108, 144.315, 144.317, 144.331, 144.334, 144.340, 144.341, 144.343, 144.345, 144.346, 144.347, 144.349, 144.350-144.395, . OAR 255, Div. 70, 75, 90, 92, Exhibits H, I, J, K, L.

## **FUTURE DISPOSITION HEARING**

Ordinarily, the Board administratively orders a rerelease date after a return to prison. On less frequent occasions, the Board conducts a hearing within 60 days of readmission to prison after a parole revocation to decide whether to deny rerelease on parole or to set a new release date. Board rules allow up to a 90 day sanction for a technical violation and up to 180 days for new criminal activity.

ORS 144.343, 144.346, 144.395. OAR 255, Div. 15, 75.

### **ADMINISTRATIVE REVIEW**

When the Board has found that a prior Board finding is not supported by evidence in the record, is inconsistent with its rules or policies and the inconsistency is not explained, is in violation of constitutional or statutory provisions or is a misinterpretation of those provisions, is outside the Board's statutory grant of authority or pertinent information was not available or considered and the matter is substantial enough to warrant a hearing, the Board will conduct an administrative review hearing to reconsider its previous finding.

ORS 144.335, 183.482(8). OAR 255, Div. 80, Exhibit O.

### **PRED SEX OFFENDER DESIGNATION:**

Hearing to determine if an offender who meets the criteria to be designated a Predatory Sex Offender is currently exhibiting behavior that warrants the designation.

ORS 181.585. OAR 255, Div. 60, Exhibits QI-QV.

## **Victim Notifications Regarding Sidney Dean Porter**

### **Notifications to Victim's Family**

- Ben Ward, brother of the victim
  1. Notification for 07/18/2012 murder review hearing sent 04/12/2012.
  2. Notification for 11/21/2012 prison term hearing sent 08/03/2012.
  3. Notification for 02/13/2013 exit interview with psychological evaluation sent 11/26/2012.
  
- Deborah Ward, widow of the victim – confirmation of new address 06/25/2012\*
  1. Notification for 07/18/2012 murder review hearing sent 06/25/2012.
  2. Notification for 11/21/2012 prison term hearing sent 08/03/2012.
  3. Notification for 02/13/2013 exit interview with psychological evaluation sent 11/26/2012.

The victims had contact with the victims' specialist to be involved in the hearing process at the level most comfortable to them.

\*Victim choose not to be involved in the hearing process.



VICTIM:

VID#:

OFFENDER:

SID#:

Dear \_\_\_\_\_ :

This letter is to notify you of a hearing scheduled for the above-named offender. You can participate at the hearing personally, have a representative attend, or you may want to participate by telephone.

Please do the following if you or your representative want to participate in the hearing process:

1. Call the hearing location shown below and let them know how many, if anyone, will be accompanying you. While Board hearings are public, space is limited and each institution has their own rules and regulations on how many may attend.
2. Call the Board's Hearing Clerk at 503-945-0902 and let her know how you will be participating. She will need to get some information from you and give you more details about the hearing.

If you are not able to attend the hearing in person or by telephone, you may write a letter to the Parole Board Members. Under Oregon Public Records Law only those written materials provided by registered victims of the inmate or offender's actual crime can be held as confidential. The Board will release those materials to the inmate and the public only if the victim has specifically waived the confidentiality of that particular item.

HEARING DATE:

HEARING TYPE:

HEARING LOCATION:

HEARING LOCATION PHONE:

Sincerely,



Debbie Wojciechowski, Victims' Specialist



*This guide was developed by the Oregon Board of Parole & Post Prison Supervision/Crime Victims Task Force. The Board wishes to thank the citizens on the Task Force who volunteered their time and energy to make this guide a source of support for crime victims throughout the state.*

## GUIDE TO

## THE OREGON BOARD OF PAROLE AND POST-PRISON SUPERVISION

### **Mission Statement**

The Board's mission is to protect the public and reduce the risk of repeat criminal behavior through incarceration and community supervision decisions based on applicable laws, victims' interests, public safety and recognized principles of offender behavioral change.

### **How to reach us**

The Board is located at 2575 Center Street NE, Suite 100, Salem, Oregon 97301-4621. Our phone number is (503) 945-9009 and our FAX number is (503) 373-7558.

**For assistance, call our Victim Representative at: (503) 945-0907**

## Background

The Board has authority over offenders sentenced under three different sets of laws. **Discretionary** (crimes committed before 1/26/77), **Matrix** (crimes committed between 1/26/77 and 10/31/89) and **Sentencing Guidelines** (crimes committed on or after 11/1/89). **Parole** only applies to Discretionary and Matrix cases. **Post-Prison Supervision** only applies to Sentencing Guidelines cases. Being on parole or post-prison supervision means that once an offender is released from prison he/she must follow certain rules (known as "conditions").

The Board's control is different depending on which three sets of laws apply. Some offenders have crimes sentenced under more than one law. The Board has no power over sentence time served for Sentencing Guidelines cases. In these cases, the Board is not involved until the offender is released from prison. In all three cases, the Board decides the rules ("conditions") of supervision upon release from prison. The Board can return an offender to custody if those conditions are broken ("violated").

## Victim Notification

You must notify the Board if you want to be notified of hearings and/or an inmate's release. If you notify the Board, your name will also be provided to the Department of Corrections. The Board and the Department of Corrections will notify you 30 days prior to any type of release if we have your address. The Board will notify you about hearings if we have your current address. The Board and the Department of Corrections will keep your address and telephone number confidential (for their use only). **You must keep the Board informed of any changes in address or phone number.**

## Attending Board Hearings

*The Board is aware that being the victim of a crime can have a significant impact on your life and emotional well-being. We do not want to contribute to your pain. We encourage you to participate in hearings only to the extent appropriate for you and to seek information as needed. If you have any questions, please do not hesitate to contact us.*

Victims and interested citizens are always welcome to attend Board hearings. Victims may choose to attend a hearing in person, ask to be connected via telephone, or send a letter to the Board expressing

their thoughts in writing. Because many hearings are held in the prisons, some arrangements beforehand are necessary. If you want to attend a hearing, you must call the Board's Hearings Specialist so arrangements can be made. Prisons have certain restrictions for members of the public entering the prison. The Board's Hearings Specialist can give you information about rules for entering a prison to attend a hearing. Please note that you cannot wear blue jeans into any prison.

The Board is not able to travel to all prisons. When the Board does not go to a prison where the inmate is housed, hearings are held by telephone or video at the Oregon State Penitentiary or the Oregon State Correctional Institution in Salem. The Board's Hearing Specialist can tell you where the hearing will be held. The Hearings Specialist can be reached at (503)945-0902 or (503)945-9009.

## Scheduling

Oregon law requires the Board to hold hearings within a certain time period. Unfortunately, this means that we cannot always schedule hearings at the most convenient times for people who want to attend.

Sometimes the Board needs to change a hearing date. If you have told us that you want to participate in a hearing, the Board will make an effort to re-schedule the hearing when you are available. **You must keep the Board informed of any change of address or phone number.**

## Information Considered by the Board

The Board welcomes letters from victims and the public regarding hearings or supervision conditions. If you want the Board to consider a letter at a hearing, it needs to arrive at least 7 days before the hearing. Please include the inmate's name and SID# (state identification number), if you know it.

Under Oregon Public Records Law only those written materials provided by registered victims of the inmate or offender's actual crime can be held as confidential. The Board will release those materials to the inmate and the public only if the victim has specifically waived the confidentiality of that particular item.

Despite prior practice, the Board can no longer routinely shield from disclosure written materials sent by non-victims, including victim relatives, community members and the general public [ORS 192.502 (4)(5)]. These written materials will not be redacted in any way except

for the removal of addresses and phone numbers that may have been listed in the letter or e-mail. These materials will be included in the inmate's hearings packet and will be made available to the public and to the news media upon request under Oregon's Public Records Law [ORS 144.130].

Documents (reports, etc.) that the Board will consider during a hearing are contained in a packet. A copy of the packet, *without confidential information*, is sent to the inmate 14 days prior to the hearing. The release of documents contained in the packet, and in the official Board files, is controlled by public records laws.

Documents released for a victim to view may not be available for view by the general public. For that reason, not all material can be copied and supplied through the mail.

Anyone may purchase a copy of the materials that are considered public. Victims who want to view file materials should make an appointment by calling the Board's Records Office at (503) 945-0915, weekdays between 9:00 am and 4:00 pm.

**Remember to keep the Board informed of changes in your address or phone number.**

A video entitled "Victim and Survivor Impact on the Board of Parole & Post-Prison Supervision" is available for viewing prior to attending a hearing. It is also available for viewing at all Victim Assistance Offices which are located at the County's District Attorney's Office.

# VICTIM SERVICES

**Board of Parole and Post-Prison Supervision**  
503-945-0907 Victim Advocate

**Child Abuse and Neglect Hotline**  
800-422-4453

**Crime Victims' Compensation Program**  
503-378-5348

**Crime Victims United**  
503-635-2245

**Domestic Violence Line**  
800-799-7233 (800-787-3224 - TTY Line)

**Elder and Disabled Abuse**  
800-232-3020

**FBI (Federal Bureau of Investigation)**  
503-224-4181 Victim Advocate

**Financial Fraud Division**  
877-877-9392

**Governor's Citizen Representative**  
503-378-4582

**IRS (Internal Revenue Service)**  
800-908-4490 Victim Advocate

**MADD (Mothers Against Drunk Driving)**  
503-908-1509 and 877-MADD-HELP (877-623-3435)

**National Center for Victims of Crime**  
202-467-8700

**National Organization for Victim Assistance**  
800-TRY-NOWA (800-879-6682)

**Oregon Department of Justice**  
503-378-5348

**Parents of Murdered Children**  
**Crime Victims' Assistance Section**  
503-656-8039

**Statewide VINE Administrator**  
541-922-6091

**U.S. Attorney's Office - Victim Advocate**  
503-727-1000

**ODOC Victim Services offers the following programs to crime victim/survivors:**

## FACILITATED DIALOGUE PROGRAM (FDP)

The Facilitated Dialogue Program is a victim-initiated service for crime victims and survivors who wish to have contact with the inmate convicted of a crime against them.

The program gives strong consideration to each victim's interest and understanding of what is needed for personal healing, up to and including face-to-face contact with the inmate. Participation is completely voluntary for all participants.

An intensive preparatory and assessment period helps ensure the victim/survivor does not experience additional harm. The facilitated dialogue process often helps victims regain a sense of control in their lives and make their own decisions about how to move forward. The process may also help alleviate victim concerns about the inmate's release from prison and can be a positive influence in preparing the inmate for successful reentry.

## VICTIM/SURVIVOR IMPACT PANEL

Victim/Survivor Impact Panels provide a venue for crime victim/survivors to share their experience with inmates in a correctional setting.

This setting gives crime victims a voice by providing a safe and respectful atmosphere to express their feelings, validate their suffering, and promote healing. This setting also provides inmates the opportunity to see the crime from a different perspective, the perspective of the victim, and to be accountable and take responsibility for the crime they committed.

**For more information, contact the ODOC Victim Services Office at 888-749-8080 or 541-922-6091.**

**Appriss®**

R 04/12

# VINE

VICTIM INFORMATION & NOTIFICATION EVERYDAY



# VICTIMS HAVE THE RIGHT TO KNOW

## Oregon VINE Service

Access to Information & Notification for  
Offender Custody Status

# 1-877-OR-4-VINE

Toll-free 1-877-674-8463

TTY 1-866-847-1298

[www.vinelink.com](http://www.vinelink.com)



A service provided by the:  
Oregon Department of Corrections  
Oregon Department of Justice



In cooperation with the:  
Oregon Sheriffs' Association  
Oregon Youth Authority

# OREGON VINE

## VICTIM INFORMATION AND NOTIFICATION EVERYDAY

VINE is an automated service that lets you track the custody status of offenders in jail or prison. By calling the toll-free number or visiting [www.vinelink.com](http://www.vinelink.com), you can find out the custody status of an offender. You can also register to be notified by phone and email if the custody status of an offender changes.

### Information

Call 1-877-674-8463 or visit [www.vinelink.com](http://www.vinelink.com) and follow the instructions to access custody information.

### Registration

If the offender is in custody, you can register to receive notifications.

If registering a phone number, you will be asked to create a four-digit personal identification number (PIN) that will be used to confirm that the call was received. Make sure your PIN is easy to remember.

### Notification

You will be notified about the following events:

- Release
- Transfer
- Escape
- Change in parole or probation status
- Death

When VINE calls, listen to the message, then enter your PIN followed by the pound (#) key when asked. Entering the PIN lets VINE know that you received the call and will stop the service from calling you again.

- If you feel you are in danger, call 911 immediately.
- Since VINE calls automatically when an offender's custody status changes, you may get a call from VINE in the middle of the night.
- If you do not answer a notification call, VINE will leave a message and will continue calling back until you enter your PIN or until up to 48 hours have passed.
- Do not register a phone number that rings to a switchboard.
- VINE is confidential. The offender will not know you are registered with VINE.
- You can register multiple phone numbers and email addresses for notifications.
- If you forget your PIN, call the toll-free number and press zero. You will be transferred to an operator who can help you reset your PIN or cancel notification.
- Operators are available 24 hours a day, seven days a week to assist you.

[www.vinelink.com](http://www.vinelink.com)

# 1-877-OR-4-VINE

Toll-Free 1-877-674-8463

**Write down the following information, tear off this panel, and keep in a safe place:**

Offender name

Offender state ID number

JUIS number (Oregon Youth Authority)

Your four-digit PIN

## USING OREGON VINE

### Information

Call 1-877-674-8463 or visit [www.vinelink.com](http://www.vinelink.com) and follow the instructions to access custody information.

### Registration

If the offender is in custody, you can register to receive notifications.

If registering a phone number, you will be asked to create a four-digit personal identification number (PIN) that will be used to confirm that the call was received. Make sure your PIN is easy to remember.

### Notification

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- Release
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- Death

When VINE calls, listen to the message, then enter your PIN followed by the pound (#) key when asked. Entering the PIN lets VINE know that you received the call and will stop the service from calling you again.

Do not rely solely on VINE for your safety. If you feel that you may be at risk, take precautions as if the offender has already been released.

## **HEARING DEFINITIONS**

**Applies to Offenses Committed Prior to November 1, 1989**

### **PRISON TERM**

The Board conducts a hearing within a year of the prisoner's admission to prison to establish a parole release date, deny parole or set a parole consideration hearing date. The Board makes findings regarding the adjusted commitment date, crime severity rating, history/risk score, matrix range, aggravating and mitigating factors, and minimum sentences. The Board may set parole conditions.

At least two weeks prior to the hearing, the prisoner should submit documented evidence regarding history/risk score, credit for time served, criminal history and aggravating and mitigating factors, if the prisoner believes the Board needs more information. The victim and the District Attorney should submit information adequately and reasonably expressing any views concerning the crime and the prisoner at least two weeks prior to the hearing.

A person of the prisoner's choice may accompany the prisoner and may speak for three minutes. The victim and the District attorney may speak for three minutes each.

ORS 144.035, 144.050, 144.054, 144.079, 144.110, 144.120, 144.123, 144.130, 144.135, 144.185, 144.228, 144.260, 144.270-.275, 144.780-787. OAR 255, Div. 15, 25, 30, 35, Exhibits. AI, AII, AIII, BI, BII, C, D, EI, EII, EIII, F.

### **EXIT INTERVIEW**

The Board reviews the prisoner's release plan, psychiatric or psychological reports, and behavior while imprisoned. The Board may set community supervision conditions. The Board may postpone parole release up to two years upon a finding of severe emotional disturbance such as to constitute a danger to the health or safety of the community. Release may also be deferred for up to ninety days in order to develop an adequate release plan.

ORS 144.085, 144.096, 144.098, 144.102, 144.125, 144.185, 144.223, 144.270-.275. OAR 255, Div. 15, Div. 60, 65, 70, Exhibit J.

## **PAROLE HEARING**

The Board interviews a prisoner who is under the Discretionary Parole System (pre-1977 crime). The Board reviews the prisoner's personality, responsibility, intelligence, training, family and community support, employment history, past use of drugs or alcohol, disabilities, prior criminal record, attitude toward law and authority, conduct in the institution, program participation, performance during previous parole or probation and the release plan. Parole Hearings occur every two years.

## **PAROLE CONSIDERATION HEARING**

The Board conducts a hearing on the date the prisoner would have been released, if not for the dangerous offender sentence. The Board considers a psychiatric or psychological evaluation and releases the prisoner if the condition which made the prisoner dangerous is absent or in remission. The Board also considers the prisoner's behavior and programming while imprisoned. If the dangerous condition remains, the Board schedules another hearing for two years later.

ORS 144.226, 144.228, 144.232. OAR 255, Div. 36 & 37.

## **PAROLE POSTPONEMENT**

The Board conducts this hearing to determine whether to postpone the parole release date due to prisoner misconduct or refusal to submit to a Board ordered psychological evaluation. The postponement can be from 10% to 100% of the prison term, but no more than five years. The parole release date may be postponed to two days before the statutory good time date. The Board will add to the prison term inoperative time accrued while on escape or unauthorized departure.

ORS 144.125, 144.223, 144.245. OAR 255, Div. 15, 50, Exhibit G.

## **AGGRAVATED MURDER REVIEW**

Fifteen, twenty, or twenty-five years after certain aggravated murder sentences to prison, the prisoner may petition for a hearing to determine whether or not the prisoner is likely to be rehabilitated within a reasonable period of time so that the sentence may be converted to life with the possibility of parole. The rules of this hearing are the rules of a contested case hearing.

ORS 163.105. OAR 255, Div. 15, 30, 32.



## **PERSONAL REVIEW**

Either administratively or in a hearing, the Board reviews the prisoner's progress to determine whether it indicates outstanding reformation so as to warrant a reduction in the prison term of up to seven months for a prisoner serving more than thirty-six months and up to 20% for a prisoner serving thirty-six months or less. At least two weeks prior to the review, the prisoner should submit evidence of achievement in dealing with problems present at the time of imprisonment and associated with criminal conduct, e.g. substance abuse treatment, anger management, sex offender treatment, education, etc. The Board also considers seriousness of the crime, and protection of the public.

The Board may also grant prison term reductions based upon the Director of the Department of Corrections' and a physician's opinion that the prisoner has a severe medical condition.

ORS 144.122, 144.123, 144.126. OAR 255, Div. 15, 40.

## **VIOLATION HEARING**

The Board or a Hearings Officer conducts a violation hearing to determine whether an offender has violated conditions of parole or post-prison supervision and if so, whether the offender should be returned to imprisonment or some other intervention applied such as local sanctions, modification of conditions or extension of active supervision (also known as a Morrissey hearing or revocation hearing). Oregon has combined the "probable cause" hearing and the dispositional hearing.

ORS 144.106, 144.108, 144.315, 144.317, 144.331, 144.334, 144.340, 144.341, 144.343, 144.345, 144.346, 144.347, 144.349, 144.350-144.395, . OAR 255, Div. 70, 75, 90, 92, Exhibits H, I, J, K, L.

## **FUTURE DISPOSITION HEARING**

Ordinarily, the Board administratively orders a rerelease date after a return to prison. On less frequent occasions, the Board conducts a hearing within 60 days of readmission to prison after a parole revocation to decide whether to deny rerelease on parole or to set a new release date. Board rules allow up to a 90 day sanction for a technical violation and up to 180 days for new criminal activity.

ORS 144.343, 144.346, 144.395. OAR 255, Div. 15, 75.



### **ADMINISTRATIVE REVIEW**

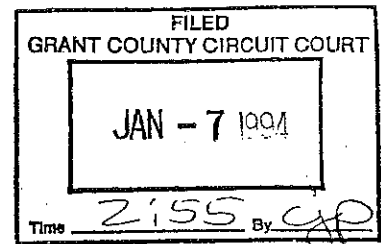
When the Board has found that a prior Board finding is not supported by evidence in the record, is inconsistent with its rules or policies and the inconsistency is not explained, is in violation of constitutional or statutory provisions or is a misinterpretation of those provisions, is outside the Board's statutory grant of authority or pertinent information was not available or considered and the matter is substantial enough to warrant a hearing, the Board will conduct an administrative review hearing to reconsider its previous finding.

ORS 144.335, 183.482(8). OAR 255, Div. 80, Exhibit O.

### **PRED SEX OFFENDER DESIGNATION:**

Hearing to determine if an offender who meets the criteria to be designated a Predatory Sex Offender is currently exhibiting behavior that warrants the designation.

ORS 181.585. OAR 255, Div. 60, Exhibits QI-QV.



CIRCUIT COURT FOR OREGON  
EIGHTH JUDICIAL DISTRICT  
GRANT COUNTY

STATE OF OREGON,

Plaintiff,

vs.

SIDNEY DEAN PORTER,

Defendant.

Case No. 92-04-148 cr

JUDGMENT AND SENTENCE

Defendant having been indicted of the crime of Aggravated Murder and having been convicted of the crime of Aggravated Murder by plea,

IT IS HEREBY ADJUDGED that the defendant Sidney Dean Porter is convicted of Aggravated Murder on January 7, 1994, and defendant having knowingly waived the statutory delay before sentence, this being the time set for sentence, the State appearing by Douglas B. Dawson, the defendant appearing in person and through Duane McCabe and William Cramer, Jr., of counsel, these proceedings were recorded by Carol Page, Trial Court Clerk, and the court being fully advised, it is

ORDERED that defendant is sentenced to the custody of the Corrections Division of the State of Oregon for a term of life imprisonment to serve a minimum term of 30 years. This sentence is imposed pursuant to ORS 163.105(1)(c).

Defendant is remanded to the custody of the Grant County Sheriff for transportation to the Corrections Division of the State of Oregon for service of this sentence.

It is further ORDERED AND ADJUDGED that Count II of the indictment is dismissed.

Dated: January 7, 1994.

  
Milo Pope, Circuit Judge

CERTIFIED TO BE A TRUE COPY  
OF THE ORIGINAL DOCUMENT  
CONSISTING OF 2 PAGES  
CIRCUIT COURT  
GRANT COUNTY, OREGON  
DATED 1-7-94  
BY C. Pope