



Oregon

Governor Kate Brown

Board of Parole and Post-Prison Supervision

1321 Tandem Ave. NE

Salem, OR 97301

(503) 945-0900

FAX (503) 373-7558

<http://egov.oregon.gov/BOPPPS>



February 24, 2021

The Honorable Representative Janelle Bynum, Chair
House Judiciary Committee, Members

Re: Testimony for HB 2002

Dear Chair Bynum and Members of the Committee,

The Board of Parole (Board) is responsible for discharging supervision, setting conditions of supervision, and administratively reviewing sanctions for individuals who are on parole or post-prison supervision. The Board generally agrees in early discharge from supervision for good behavior, limiting the number of conditions imposed, and clarifying under what conditions the parole board can revoke supervision. However, we have some differing recommendations about how to achieve those goals. The Board's priority is to implement evidence-based practices that promote rehabilitation while holding individuals accountable. With this priority in mind, we believe improvements can be made to Section 30, Section 32, and Section 37 of this bill.

Section 30

Section 30, subsection 3, provides that a person who has successfully completed an alternative incarceration program or short-term transitional leave shall have the person's term of post-prison supervision reduced to one year beginning on the date of the person's release from custody. The Board's concern is that the changes proposed in Section 30, would create a "one size fits all" approach to reductions in the terms of post-prison supervision. Such a change is not consistent with the evidence-based principle that risk, need, and responsivity issues are unique to each individual.

Recommendation:

The Board prefers an approach that is the same as the earned discharge structure currently described in ORS 137.633. The Board would suggest amending the language in subsection (1), (2), and (3) of ORS 137.633 to change "local control post-prison supervision" to "post-prison supervision" instead of making changes described in Section 30 of this bill. The Earned Discharge program has been a highly successful outcome of HB 3194 (2013). During the 19-21 biennium alone, more than 3,000 individuals were discharged from supervision due to substantially complying with the terms of their supervision. Oregon's program is currently being studied for its effectiveness by the Crime and Justice Institute, with support from the Urban Institute and has already been exemplified nationally as one of the most progressive models of ensuring individuals do not remain on supervision longer than necessary.

Section 32

Section 32 would amend ORS 144.102(2) to add the modifier that the Board shall determine the conditions of supervision “if necessary and appropriate for a particular case.” The Board imposes both general conditions of post-prison supervision that apply to all individuals on post-prison supervision and parole, as well as special conditions of supervision that are tailored to the individual risk concerns and needs of the individual. The Board is concerned that this language could impair the Board’s ability to impose general conditions of supervision, if it is determined that the Board needs to make a “necessary and appropriate” finding for those conditions in each case.

Recommendation:

The Board would suggest removing that language altogether as the Board intends to work with our stakeholders and partners to form a project to reduce the number of general conditions of supervision in the next biennium. Many jurisdictions have reduced their overall numbers of general conditions of supervision in recent years, and the Board thinks that is a better way to move forward.

Section 37

Section 37, subsection 3, specifies the board or supervisory authority may not revoke post-prison supervision unless the person on supervision has willfully absconded or committed a new felony or person Class A misdemeanor. Most of the Board’s revocations already follow the limitations prescribed by Section 37, subsection 3. However, these limitations may not be responsive to other circumstances where revocation may be appropriate. There are situations where revocation may be necessary and important for public safety because they can present an elevated and unacceptable risk to the safety of victims, children, and other vulnerable populations such as

- a person who has sexual offender conditions and has contact with minors without the permission of their supervising officer,
- a person who engages in conduct related to their sexual offending,
- a person who has contact with a protected victim.

Recommendation:

The Board would suggest an amendment Section 37, subsection 3 to allow for revocation of post-prison supervision in circumstances where the risk of harm to minors, victims, or vulnerable populations is elevated and revocation is important for public safety.

For the reasons explained above, the Board respectfully requests the legislature consider the Board’s concerns, and we are willing to engage with all criminal justice stakeholders on implementing our suggested recommendations.

Sincerely,



Michael Hsu, Chairperson



Greta Lowry, Vice Chairwoman