

Oregon's parole process is desperately in need of reform.

Today, we're talking about the parole process for people:

- Convicted of Murder or Aggravated Murder; and
- Sentenced to life imprisonment with the opportunity for release after serving a minimum term of 25 or 30 years in prison

Traits of a Well-Serving Parole Process

PREDICTABLE

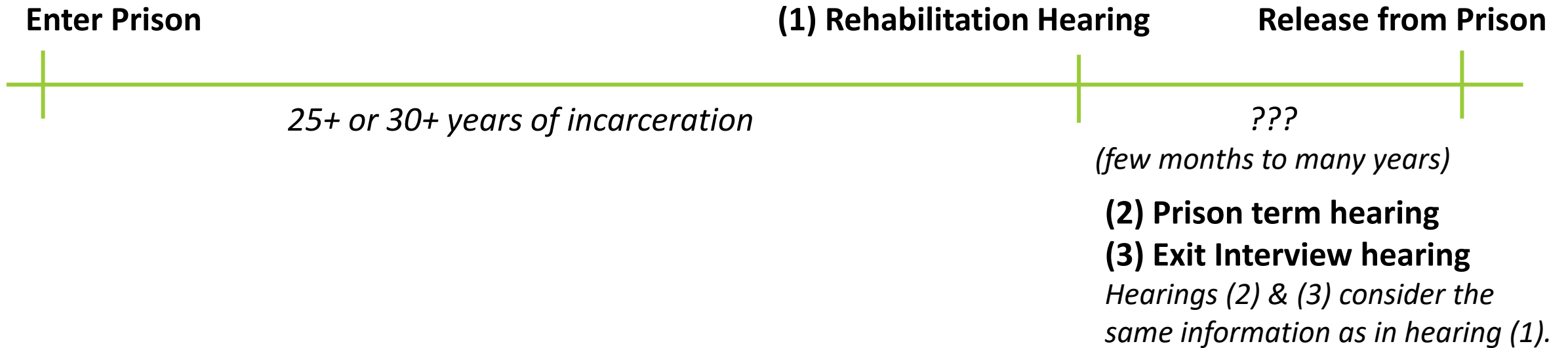
CLEAR EXPECTATIONS

FAIR & TRANSPARENT

FOSTERS HOPE

ENCOURAGES REHABILITATION

Parole Process Timeline



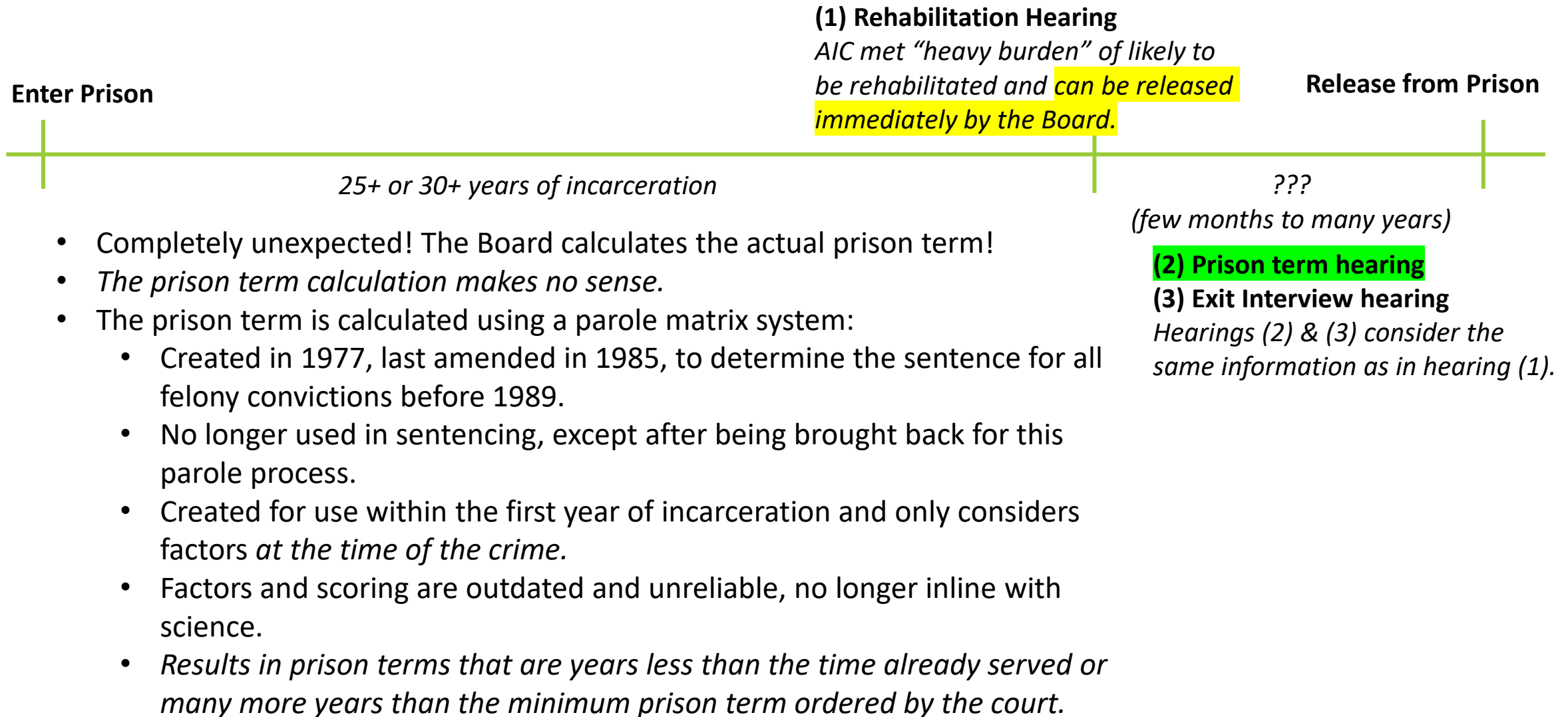
(1) Rehabilitation Hearing

AIC has a “*heavy burden*” to show “*likely to be rehabilitated within a reasonable period of time*”

Non-exclusive Criteria (OAR 255-032-0020)

- 1) The inmate’s involvement in **correctional treatment, medical care, educational, vocational or other training** in the institution which will substantially enhance his/her capacity to lead a law-abiding life when released;
- 2) The inmate’s **institutional employment history**;
- 3) The inmate’s **institutional disciplinary conduct**;
- 4) The inmate’s **maturity, stability, demonstrated responsibility, and any apparent development** in the inmate personality which may promote or hinder conformity to law;
- 5) The inmate’s **past use of narcotics or other dangerous drugs**, or past habitual and excessive use of alcoholic liquor;
- 6) The inmate’s prior **criminal history**, including the **nature and circumstances of previous offenses**;
- 7) The inmate’s conduct during any **previous period of probation or parole**;
- 8) The inmate does/does not have a **mental or emotional disturbance, deficiency, condition or disorder** predisposing them to the commission of a crime to a degree **rendering them a danger to the health and safety of the community**;
- 9) The adequacy of the inmate’s **parole plan** including community support from family, friends, treatment providers, and others in the community; type of residence, neighborhood or community in which the inmate plans to live;
- 10) There is a **reasonable probability that the inmate will remain in the community without violating the law**, and there is substantial likelihood that the inmate will **conform to the conditions of parole**.

(2) Prison Term Hearing/Calculation by the Board



Parole Matrix System

Last amended in 1985

Jan. 2001: Incarcerated

EXAMPLE



Murder
Sentenced to life
with a 25-yr min.
prison term

Jul. 2026: (1) Rehabilitation Hearing



Found likely to be rehabilitated



Nov. 2026: (2) Prison term hearing/calculation:

= 120 months, release date in **Jan. 2011**

⋮

= 396 months, release date in **Jan. 2033**

Difference in length of prison term is based almost entirely on factors at the time of the crime, 25+ years ago.

EXHIBIT E-2 MITIGATING FACTORS
ORS 144.120, 144.785, OAR 255-35-013-014

A. Evidence that misconduct by victim:

EXHIBIT E-1 AGGRAVATING FACTORS
ORS 144.120, 144.785, 144.787, OAR 255-35-013-014

A. Threat or violence toward witness or victim by producing or using any weapon representing by word or conduct threats of death or physical injury. (11/1/89)

EXHIBIT A CRIME SEVERITY RATINGS
ORS 144.120, 144.780, OAR 255-35-013-014

CRIME	FELONY CLASS	RATING	PERSON
Abandonment of Child	C	2	Yes
Abuse of Corpse	C	2	Yes
Act by Registrant	C	3	No
Aggravated Murder	U	1	Yes
Conspiracy to Commit Aggravated Murder	A	6	Yes
Aggravated Theft I			

EXHIBIT D GUIDELINE MATRIX
STANDARD VARIATIONS FROM THE RANGES UNDER RULE 255-35-016
ORS 144.120, 144.785
5/1/91, temporary: 10/15/91

CRIME CATEGORY	STANDARD VARIATIONS	CRIMINAL HISTORY/RISK ASSESSMENT SCORE
1. (Panel)	3*	11-9 Excellent
2. (Panel)	3	8-6 Good
3. (Panel)	3	5-3 Fair
4. (Panel)	3	
5. (Panel)		
6. (Panel)		

EXHIBIT C TIME TO BE SERVED UNDER DIVISION 35 - CHAPTER 255
ORS 144.120, 144.780, OAR 255-30-035, 255-35-013-014, 255-35-021-022, 255-35-025

(All Ranges in Categories 1 - 8 Shown in Months)

CRIME CATEGORY	CRIMINAL HISTORY/RISK ASSESSMENT SCORE			
	11-09 Excellent	08-06 Good	05-03 Fair	02-00 Poor
Base Range				
06-06	06-06	06-10	12-18	
06-06	06-10	10-14	16-24	
06-10	10-14	14-20	22-32	
10-16	16-22	22-30	32-44	
16-24	24-36	40-52	56-72	
30-40	44-56	60-80	90-130	
96-120	120-156	156-192	192-240	
120-168	168-228	228-288	288-Life	

EXHIBIT B - PART I CRIMINAL HISTORY/RISK ASSESSMENT UNDER RULE 255-35-015
(ORS 144.120, 144.780, OAR 255-30-035, 255-35-013-014)

(A) No prior felony convictions as an adult or juvenile:
One prior felony conviction: 3
Two or three prior felony convictions: 2
Four or more prior felony convictions: 1

(B) No prior felony or misdemeanor incarcerations, (i.e., executed sentences or 90 days or more), as an adult or juvenile:
One or two prior incarcerations: 2
Three or more prior incarcerations: 1

(C) Verified period of 3 years felony conviction free in the community prior to the present commitment:
Otherwise: 1

(D) Age at commencement of behavior leading to this incarceration:
26 or older and at least one point received in Items A, B, or C: 2
26 or older and no points received in A, B, or C: 1
21 to under 26 and at least one point received in A, B, or C: 1
21 to under 26 and no points received in A, B, or C: 0

(E) Present commitment does not include parole, felony probation, failure to appear, release agreement, escape or statutory violation:
Present commitment involves felony probation, release, escape or custody:
Statutory violation:
Longer violation:
Escape or custody:
2
1
0

(3) Exit Interview Hearing

Enter Prison

(1) Rehabilitation Hearing

AIC met "heavy burden" of likely to be rehabilitated and **can be released immediately by the Board.**

Release from Prison

25+ or 30+ years of incarceration

???

(few months to many years)

(2) Prison term hearing

(3) Exit Interview hearing

Hearings (2) & (3) consider the same information as in hearing (1).

- At this point, the person is presumed ready to safely return to the community.
- *Discretionary hearing, not required by law.*
- Considers the same factors considered in the rehabilitation hearing:
 - 1) Whether the person has a severe mental or emotional disorder;*
 - 2) Whether the person has a record of serious misconduct; and
 - 3) The person's release plan.

*The board usually orders a psychological evaluation, which is not required by law and can be ordered for the rehabilitation hearing.

ALL information considered in the (2) Prison Term Hearing and the (3) Exit Interview is considered in the (1) Rehabilitation Hearing.

The (2) Prison Term Hearing and the (3) Exit Interview Hearing are held at unpredictable times over a span of months to many years.

Hearings in the Current Parole Process		
(1) Rehabilitation Hearing	(2) Prison Term Hearing	(3) Exit Interview
Usually held after 25+ years of incarceration. 2 to 8 hours long	Usually held 4 to 6 months after Board finds person is likely to be rehabilitated. 30 minutes to 1 hour	Held a few months to 10 years after the prison term hearing. 1 to 3 hours
The Board assesses an individual's rehabilitation, change, and readiness to join the community.	The Board determines the prison term using a parole matrix system.	The Board determines whether to release the individual.
<p>The Board considers:</p> <p>Whether the prisoner has a mental or emotional disturbance... rendering them a danger to the health and safety of the community</p> <p>Criminal history, including nature and circumstances of previous offenses</p> <p>Release plan</p> <p>Institutional conduct and employment</p> <p>Treatment, education, and other training while in custody</p> <p>Person's maturity, stability, demonstrated responsibility, and development</p> <p>Prior periods of parole or probation</p> <p>Past use of narcotics or other dangerous drugs, or past habitual and excessive use of alcoholic liquor</p>	<p>The Board considers:</p> <p>Whether the record includes a psychiatric or psychological diagnosis of severe emotional disturbance such as to constitute a danger to the health or safety of the community</p> <p>Nature of the crime and prior criminal history of felony convictions</p>	<p>The Board considers:</p> <p>Whether the prisoner has a present severe emotional disturbance such as to constitute a danger to the health or safety of the community</p> <p>Release plan</p> <p>Institutional conduct</p>