



Oregon

Governor Kate Brown

Board of Parole and Post-Prison Supervision

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May 6, 2015

The Honorable Jeff Barker, Chair
House Committee on Judiciary

RE: Senate Bill 199

Chair Barker and members of the committee, I am unable to attend today's hearing but wanted to provide information regarding Board procedures for medical release.

The Board may consider reductions in prison terms when any inmate, regardless of whether they committed their crime before or after November 1, 1989, is suffering from a severe medical condition or is elderly and is permanently incapacitated and is unable to move from place to place without the assistance of another. *OAR 255-040-0028*.

The Board reviews such requests only after the Department of Corrections submits a report containing a medical authority's report, the Director's recommendation, and other information regarding the case, including eligibility, crime history, institutional history, sentencing judge and DA input, and release plan.

The Board has historically reviewed such cases by administrative file pass, i.e. without a hearing. Our rule provides: *if a hearing may threaten the health and safety of the inmate or the Board, the Board shall consider the reduction administratively and may grant it upon an affirmative majority vote. OAR 255-040-0028 (2)*. The inmate may not be medically able to attend a hearing, and the inmate's prognosis provides a sense of urgency.

Due to both medical and sentencing eligibility restrictions, the Board has only received three of these requests in the past five years, and none since my time at the Board began at the end of 2012. In those three requests, no victims had requested Board notification.

The A-Engrossed version of SB 199 changed the original bill by removing specific timing obligations and process on notification and participation. DOC also expressed concerns regarding protected medical information. The amendment will allow the Board and the Department of Corrections to be sensitive to medical urgency and end-of-life considerations, while still formalizing the appropriateness of victim notification of these decisions.

Please feel free to contact me or my office if there are any questions regarding Board processes.

Sincerely,

Kristin Winges-Yanez
Chairperson