



Administrative Offices

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Senator Jackie Winters, Co-Chair
Representative Duane Stark, Co-Chair
Joint Committee on Ways and Means
Subcommittee on Public Safety
900 Court St. NE, S-301
Salem, OR 97301

Follow Up to HB 5029 Public Hearing

Dear Co-Chairs:

Below are the Board's responses to questions asked by the Committee during the public hearing for HB 5029, relating to the agency and budget overview.

How long does it take to complete the Static-99R?

The Board continues to research and develop ways to reduce the time spent on the entire classification process.

The majority of the time estimated in completing a Static-99R includes the time it takes to acquire the necessary documents to accurately score the assessment. Documents for registrants who may be incarcerated for their sex crime tend to be more readily accessible; however, for those registrants whose crimes are 10 or more years old, or whose crimes are out of state, records are often difficult to locate and may take 30 days or longer to obtain, if at all.

The actual time to score a Static-99R varies based on the amount of criminal history the Board Assessment Specialist (BAS) must review and accurately score. Once records are received and reviewed, it may take as little as 30 minutes to 1 hour to score an assessment for a registrant with little to no criminal history. However, for registrants with lengthy criminal histories and/or multiple sexual or violent crimes, scoring becomes more intensive and may take 3 or more hours, due to the nuances of scoring historical information.

Scoring the Static-99R requires training by an expert who has been approved and certified to train the methodology; it cannot be facilitated by someone who has only been through training to score the assessment.

Why so much money?

a. What is the actual cost of the BAS positions?

Administrative Specialist 2 (C0108, SR 19: \$3489 – \$4792) \$210,428.80/biennium
(This includes all salary, benefit and tax costs for the biennium.)

b. Why were they funded at AS2?

We developed position descriptions with the assistance of Human Resources.

In determining the appropriate classification, we reviewed the DAS descriptions of Administrative Specialist (AS) 1 and 2. The determining factors for the AS2 classification were:

- a. Level of responsibility to interpret laws, rules, policies, and procedures and to explain them to agency stakeholders, including registrants, law enforcement, corrections staff, and the public at large.
- b. Assisting management with coordination of programs, and compiling and analyzing program statistics.
- c. Ability to work with a high degree of independence and receiving general supervision and workload assignments from program management.

Duties and responsibilities of an AS1 did not meet the requirements of the position.

The Board researched the possibility of contracting with outside resources, but was only able to locate out-of-state agencies who conducted such services. Although there were possibly minimal cost savings, there is no way for the Board to ensure inter-rater reliability, appropriate training, and quality assurance in the completion of the assessments by outside assessors.

What are the requirements for the psychological evaluators? Why can't we use LSCWs to complete the forensic psychological evaluations for lower costs?

ORS 144.223: The State Board of Parole and Post-Prison Supervision may require any prisoner being considered for parole to be examined by a psychiatrist or psychologist before being released on parole.

American Psychological Association, "Specialty Guidelines for Forensic Psychology":

"Psychologists practicing in forensic settings or psychologists who can reasonably expect that their services or assessment will be used to make legal determinations are normally expected to apply higher standards which are demanded of forensic psychology. This usually involves incorporating collateral sources of data such as records or interviews of others, and use of psychological test instruments which include or incorporate measures of response bias and test validity. Considerable extra time is required for careful review of records and preparation of a detailed report. Forensic psychologists are usually expected to maintain more detailed contemporaneous notes and records of their evaluations as the basis of their opinions must be open to review when conclusions of their evaluations are presented in a legal setting."

Per current contract:

Contractor shall conduct complete mental and psychiatric or psychological examinations of inmates referred by the BOARD, and the report shall include, at a minimum, 1) the substantive content of the examination; 2) any personality test results, risk assessment results, observations, other resources or risk factors considered in the diagnosis or opinion; 3) a statement of diagnoses under the Diagnostic and Statistical Manual of Mental Disorders; 4) any other information which the contractor believes will aid the BOARD in the Board's determination of whether the examined person suffers from a present severe emotional disturbance such as to constitute a danger to the health or safety of the community or, for those sentenced as dangerous offenders, whether the person presents any mental or emotional

disturbance, deficiency, condition or disorder predisposing the person to the commission of any crime to a degree rendering the examined person a danger to the health or safety of others; and 5), the progress or changes in the condition of the examined person, as well as any recommendations for treatment or conditions of supervision.

Evaluation Costs:

Based on a poll of licensed forensic psychologists and psychiatrists in Oregon, the reported time spent on a forensic evaluation conducted for public safety or government agencies was 15 to 20 hours, with a cost of \$120-\$150 per hour. Total evaluation costs ranged from \$2000 to \$2500, with an average of \$2263.

Prior to the 2015-17 biennium, the Board paid only \$425 per evaluation and had only five contracted forensic psychologists and/or psychiatrists. The current contract was increased to a maximum of \$850 per evaluation in the hope additional providers would be more interested in a contract; however, we only received interest from the providers that had been on contract with the Board since at least 2009. Currently, the Board has contracts with only three forensic evaluators.

How is the psych eval used in the Board’s decisions?

The Board orders psychological evaluations as part of any exit interview hearing, which is a hearing that could result in the parole release of the inmate. The Board considers the report along with all the other evidence that is submitted to the Board. The legal standards for parole contain psychological elements and the evaluations are necessary in determining those elements.

a. Concern about cultural/diversity consideration with evaluators.

The Board understands and shares this concern, and we continue to try to gain interest in contracting with the Board from providers with more varied experience. Our current three evaluators consist of two white males and one African-American male.

b. How long have the psych evaluators been on contract?

Records show contracts with the same evaluators since 2009, but at least two of the current evaluators have been with the Board for much longer.

What is the age range of the 8% of inmates for whom the Board has release authority?

<u>Population</u>	<u>18 – 24 YOA</u>	<u>25 – 30 YOA</u>	<u>31 – 45 YOA</u>	<u>46 – 60 YOA</u>	<u>61 and older</u>
Matrix (pre-1989)			9.5%	51.5%	39%
Dangerous Off.		1.61%	19.4%	48.4%	30.6%
Life	1.73%	6.93%	34%	37.8%	19.6%

Do you accept input from DOC?


The only statutorily mandated report DOC prepares for the Board in anticipation of a Parole hearing is for Dangerous Offenders pursuant to ORS 144.228(2)(b). The Board does request and DOC provides information about inmate discipline, work, spending, and programming. Inmates can request from DOC additional reports regarding their work history, program completion history, medical history, or mental health history and submit them to the Board, and the Board routinely accepts and reviews these records.

Why keep an offender's file after he or she is deceased?

The Board will discuss this retention question with DOJ to determine the Board's ability to change its retention schedule and to discuss potential ramifications of any changes.

If there are any additional questions, please let us know.

Thank you,


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