

The Problem

Oregon's parole process, used to determine the release of individuals convicted of aggravated murder and murder, desperately needs reform. The current process is archaic, confusing, inefficient, and resource intensive. The process starts after an individual serves their minimum sentence, usually 25+ years after the crime, and involves three hearings held throughout an unpredictable period of time – sometimes over the course of months to many years. The hearings, which can last for hours, consider redundant information. One of the hearings is a remnant of an old parole process and its current use can't really be explained. The vast majority of attorneys and public officials do not understand and cannot explain the parole process, which results in inaccuracy and confusion about sentencing amongst all those involved: judges, attorneys, adults in custody (AIC), and victim family members.

Because this process determines the release of individuals convicted of the most serious offenses that caused great loss for the victims' families, we should be concerned that the victims' families do not know what to expect from this process, have their lives unpredictably disrupted and are retraumatized over multiple hearings that are redundant.

The entirety of this parole process is unnecessarily convoluted for individuals receiving hearings, creates additional work for the Board of Parole, and subjects victims' families to repeated traumatization.

See the next page for a chart of the three hearings, showing the unpredictable timing of the hearings, the length of the hearings, and the redundancies in the hearings.

“Listening to district attorneys and parole board members talk about our loved ones not once, not twice, but in three separate hearing just causes us unnecessary pain and suffering. Please really think about that harm and how it can be lessened in passing SB 1027. One hearing is enough for any victim of a crime to have to go through.”

The Solution

SB 1027 reduces the parole process to one hearing – the rehabilitation hearing, the first hearing in the current process. Upon a finding of rehabilitation by the Board, the Board sets a release date 60 days from the determination by the Board. The rehabilitation hearing is the most comprehensive assessment of the three hearings. The non-exclusive criteria considered by the Board includes: the persons' involvement in treatment, education, and vocational training, employment history, disciplinary history, maturity, drug use, prior criminal history, the nature and circumstances of the homicide for which they are incarcerated, conduct on previous periods of probation, whether the person has a mental or emotional disturbance rendering them a danger to the community, likelihood that the person will not commit a new crime and follow their parole requirements, and the person's release plan. These criteria encompass all the same concerns that the board addresses in the two hearings that SB 1027 would eliminate.

The board retains the authority to require individuals to undergo a psychological evaluation. ORS 144.223.

The rehabilitation hearing is also the only hearing in the current process where the AIC has the burden of proof, meaning the AIC must prove their rehabilitation. One legislator who participated in the drafting of the bill creating the rehabilitation hearing expressed that the burden on the AIC is a “heavy burden.”

In short, there is a comprehensive inquiry by the Board to determine whether the AIC will be safe in the community.

SB 1027 will greatly reduce the workload of the Board, would be a more humane experience for victims' family members, and encourage rehabilitation and successful return to the community for those who have proven themselves ready for release.

Hearings in the Current Parole Process

Hearings in the Current Parole Process		
<p>(1) Rehabilitation Hearing</p> <p><i>Held after the incarcerated person's minimum sentence is served, usually 25+ years.</i></p> <p><i>2 to 8 hours long</i></p>	<p>(2) Prison Term Hearing</p> <p><i>Usually held 4 to 6 months after a rehabilitation finding favorable to the incarcerated person.</i></p> <p><i>30 minutes to 1 hour</i></p>	<p>(3) Exit Interview</p> <p><i>Held a few months to 10 years after the prison term hearing.</i></p> <p><i>1 to 3 hours</i></p>
<p>The Board assesses an individual's rehabilitation, change, and readiness to join the community.</p> <p>Note: To improve the chances of success for a person who has proven themselves to be rehabilitated and ready to join the community, the release date should be set in short order, not years after that finding is made.</p>	<p>The Board determines the individual's prison term using a parole matrix system from 1985, originally meant to assess someone within six months to a year after their incarceration. The term can be more than the minimum sentence ordered, but is often less than the minimum sentence ordered.</p>	<p>The Board determines whether to release the individual.</p>
<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>

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