

OFFICE OF THE SECRETARY OF
STATE

BILL BRADBURY
SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR

800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 378-4118

**Board of Parole and Post-Prison Supervision
Administrative Overview
December 2006**

Introduction

The Board of Parole and Post-Prison Supervision works in partnership with the Department of Corrections and local correctional authorities to protect the public and reduce the risk of repeat criminal behavior through incarceration and community supervision decisions. Those decisions are based on applicable laws, victims' interests, public safety, and recognized principles of offender behavioral change. The governor appoints board members to four-year terms and also appoints the chair and vice-chair.

Under the authority of ORS 144, the board imposes prison terms and makes parole decisions on offenders whose criminal conduct occurred prior to November 1, 1989; who have been sentenced as "dangerous offenders;" or sentenced for aggravated murder and are eligible for parole.

Parole is a period of supervision in the community following release from prison. Offenders on parole are released from prison by the board before their sentences are completed, and serve the remainder of the sentence under community supervision. Parole was abolished in 1989 and replaced by sentencing guidelines.

For most crimes committed on or after November 1, 1989, the sentencing court and the Department of Corrections (using statutory guidelines) establish the length of prison terms. Discharge from post-prison supervision for offenders sentenced under sentencing guidelines for crimes committed since November 1, 1989 occurs automatically upon expiration of the statutory period of post-prison supervision.

Post-prison supervision is a sentence of correctional supervision in the community following a prison or jail sentence. A court determines how long the sentence will be and the board, or local jurisdiction, determines the conditions which must be met by the offender during the sentence.

The board sets conditions of community supervision for offenders being released from prison or whose sentence is 12 months or more, imposes sanctions for violations of supervision, and determines whether discharge from parole supervision is compatible with public safety. The board also registers crime victims, responds to inquiries concerning offenders, and notifies victims about the release of offenders.

History

In 1905, legislation was enacted providing sentencing guidelines for felonies for indeterminate periods (bench parole) and giving authority to the Governor to parole prisoners. The superintendent of the State Penitentiary was to keep a record of all paroles and discharges.

The State Parole Board, consisting of three members, was established in 1911. The Governor appointed two of the members while the superintendent of the Oregon State Penitentiary held the third position. The board investigated all cases where prisoners were confined under indeterminate sentences and reported parole recommendations to the Governor. The Parole Board was required to keep in communication with all persons released on parole.

In 1915, the board was increased to five members. One member was to be the superintendent of the State Penitentiary, one was to be the secretary to the Governor, and one the newly created parole officer. Other members were appointed by the Governor to serve at his pleasure. The same legislation created the office of parole officer with the duty to administer the parole law. He was to be an officer of the penitentiary and, in addition to regular duties, was to keep a register of all paroles and conditional pardons. He was to enforce the conditions of parole and require all parolees to report to him. He had power to retake and return parole violators, whether in or out of the state. Courts were allowed to have parole officers, and were required to report paroles to the state parole officer.

In 1917, the board was reduced to three members. One member was to be the secretary to the Governor, the other two to be appointed by the Governor. Other legislation that year required courts and district attorneys to fill out Parole Board forms on each parolee and their crimes, and send the forms to the state parole officer. Minimum sentences for felonies were abolished - except for murder and treason.

The "Modern Probation Act" was passed in 1931. The State Parole Board was continued, but a new and separate State Probation Commission was established consisting of five members appointed by the Governor. Commission members were prohibited from being connected with any law enforcement agency or penal or reformatory institution. The Commission was to endeavor to secure the effective application of the probation system and the enforcement of the probation laws, and among other things, to report annually to the governor.

In 1931, all courts including circuit, district, county and justice courts were given power to parole persons convicted of crimes before they had been turned over to the penitentiary. Other legislation that year authorized the courts to suspend a sentence and gave them power to place defendants on probation for a period of time not to exceed five years.

In 1939, a "new" State Board of Parole and Probation of three members was formally created replacing the existing State Parole Board and State Probation Commission. That legislation prohibited more than two board members from belonging to the same political party. Terms were to be six years, and members were to be given travel expenses. The board had the duty to supervise all persons on probation, parole, or conditional pardon. The board was authorized to appoint a director of parole and probation to be the executive and administrative agent of the board. The director was to serve as the chief parole and probation officer, employ assistant parole and probation officers and staff, and keep records on all persons on parole, probation or conditional pardon. The board was directed to prepare case history records of prisoners to

determine if they should be paroled or released on probation. The board was given power to establish rules and regulations about conditions of parole and probation. All public officials were directed to cooperate with the board. There were twelve parole cases.

The board was authorized to accept funds, gifts, equipment and supplies from the federal government or other parties, and to contract with local governments to provide parole and probation services. The board was allowed to maintain work camps for persons released on parole or probation to perform public works for six months or less under the supervision of the State Board of Forestry, State Highway Commission or other state agency.

Legislation in 1941 outlined powers of the board to establish rules covering parole of all county jail or penitentiary prisoners confined for six months or more. Such prisoners were to be in the legal custody and under the control of the board. Committing magistrates were given power to establish rules covering parole of county jail prisoners confined for less than six months. Such prisoners were to be in the legal custody and under the control of the court.

In 1951, the State Board of Parole and Probation had three field offices plus a field agent stationed at his home. Two program sections assisted with parole and probation - the Institutional Section and the Employment Section. There were twenty-three full time and two part time staff.

In 1955, a Correctional Classification Board was created. Members were to be the Chairman of the State Board of Parole and Probation, the Director of Parole and Probation, the Warden of the Oregon State Penitentiary, the Superintendent of the Oregon State Correctional Institution, and the Superintendent of the MacLaren School for Boys. This board was to establish a modern system of classification for persons committed to any correctional or reformatory institution with the purpose of reducing disciplinary and administrative problems in those institutions. It was to supervise and control the transfer of inmates between institutions. The same legislation extended the Board of Parole and Probation's responsibilities to persons sentenced to the new Oregon State Correctional Institution as well as Penitentiary inmates. In 1965, the Correctional Classification Board was abolished and its duties transferred to the newly created Corrections Division.

Other 1955 legislation gave the board responsibility to supervise all persons placed on probation by a circuit or district court; released from the state penitentiary on parole or conditional pardon; or released on parole, probation or conditional pardon from other states.

In 1959, board membership was again increased to five and terms were changed to five years. No more than two could belong to the same political party. All incumbent board members were terminated and the Governor was to appoint new members.

The board was made full-time in 1969 as part of a major government reorganization. The old five-member State Board of Parole and Probation was abolished and the terms of its members were terminated. A new three-member State Board of Parole and Probation was to be appointed by the Governor for four-year terms, and confirmed by the Senate. The Administrator of the newly created Corrections Division was to be an ex officio nonvoting member. The Corrections Division was given the responsibility to supervise field parole and probation staff and to retake and return parole and probation violators.

In 1973, the board was given power to appoint attorneys to represent indigent parolees at state expense under certain conditions. In 1981, the board was directed to determine whether the

indigent person was able to pay a portion of the attorney fees, and to make payment a condition of parole. Persons under the supervision of the board who were adversely affected or aggrieved by an order of the board related to granting, revoking, or discharging parole, was given the right to judicial review. The person had to appeal to the Court of Appeals within sixty days.

During 1975, the board was again enlarged to five members with the stipulation that at least one member must be a woman. The board was allowed to sit together or in panels, except when making decisions about persons sentenced to life imprisonment or convicted of a crime involving the death of a victim. Other 1975 legislation outlined timing requirements for board hearings, setting release dates, and other actions regarding parole decisions. These requirements and other technical provisions of board duties were periodically revised in subsequent years.

In 1977, an Advisory Commission on Prison Terms and Parole Standards consisting of eleven members was established. Five members were to be the voting members of the State Board of Parole. Five were to be circuit court judges appointed by the Chief Justice of the Supreme Court. The legal counsel to the Governor was to serve as an ex officio member, not voting unless necessary to break a deadlock. Terms of office were four years and the commission was to meet at least annually. The State Board of Parole and Probation provided support staff. The commission's mandate was to propose rules to be adopted by the State Board of Parole and Probation establishing ranges of duration of imprisonment and variations from those ranges.

In 1981, the Governor was given the power to select one of the board members as chairperson and another as vice-chair. From July 1983 through September 1984, 6,033 hearings were held for inmates to set prison terms or decide on parole dates.

In 1985, the Legislative Assembly began to take steps to develop a system to provide consistent and uniform sentences which would result in proportional use of state and local correctional resources at a level the people of the state were prepared to provide. Legislation established the Oregon Criminal Justice Council consisting of twenty members, one of which was the chair of the State Board of Parole. This council had a broad mandate to study and make recommendations about the function of various parts of the criminal justice system, including matters affecting parole and probation to the Legislative Assembly.

1987 legislation elaborated on the 1985 mandate of the Oregon Criminal Justice Council. A State Sentencing Guidelines Board was also created composed of those members of the Oregon Criminal Justice Council who serve by virtue of their respective offices in the Executive Branch of state government, and members appointed to the council by the Governor. The State Sentencing Guidelines Board was to adopt sentencing guidelines and submit recommendations to the Legislative Assembly. Guidelines adopted by the board and enacted by the Legislative Assembly were to control the sentences for all crimes committed after the effective date of the guidelines. The guidelines were to be mandatory and constitute presumptive sentences.

Significant legislation in 1989 changed the name of the board from the State Board of Parole to the State Board of Parole and Post-Prison Supervision. It also changed the way sentences were computed and imposed for felonies committed on or after November 1, 1989. In effect, parole was abolished and post-prison supervision was instituted. Courts were instructed to impose sentences in accordance with rules developed by the State Sentencing Guidelines Board.

In 1991, board membership was changed to "at least three but no more than five" members.

During the 1990's the Legislative Assembly adopted a community corrections philosophy and allocated funds for local law enforcement and corrections agencies to take more responsibility for housing and supervising convicted criminals. A clearer division of responsibility between state and local agencies was instituted by giving local jurisdictions all responsibility, including post-prison supervision, for persons sentenced for 12 months or less. The state Department of Corrections retained responsibility for persons sentenced for more than 12 months. State and local corrections agencies, including the State Board of Parole and Post-Prison Supervision, were instructed to cooperate and jointly adopt rules covering inmates and offenders on parole and post-prison supervision. In 1997, the Legislative Assembly stipulated that persons could ask the board to review sanctions imposed on them by local supervisory authorities. Local supervisory authorities were also allowed to request the board to impose sanctions in some circumstances.

In addition to the many substantive changes to the state's system of parole and related organizations and administrative agencies, the Legislative Assembly through the years, has made many changes to sentencing guidelines, minimum periods of incarceration, and conditions for parole and probation for persons convicted of various types of crimes. Legislation also was enacted, amended, and repealed regarding a variety of technical and procedural factors directly or indirectly affecting the board and its operations. Such changes not altering the mission or organization of the board are not reflected in this document.

Current Organization

In addition to the three full-time board members, current staff includes the Executive Director, a Hearings Officer, and twelve professional, technical and support staff.

Major functions performed by the board and program staff include: set parole and release dates for offenders who committed felony crimes prior to November 1, 1989; determine when, or if, offenders sentenced as "dangerous offenders" or for aggravated murder who are eligible for parole, should be released from prison; establish conditions of community supervision (parole and post-prison supervision) for all offenders being released from prison; issue arrest warrants for absconders and sanctioning violators of community supervision; notifying eligible victims of hearings and releases; respond to public, media and offender inquiries; respond to offender appeals; adopt administrative procedures and rules in accordance with statutory and policy changes.

The board's computer system is integrated with the Department of Correction's information system, enabling community parole officers and correctional institution staff to access, enter and print appropriate information in the board's database.

Accounting, facilities management, information systems, payroll, purchasing, and other support functions are provided by the Department of Corrections.

Primary Agency Statutes and Administrative Rule Chapters

Oregon Administrative Rule 255: Board of Parole and Post-Prison Supervision

Oregon Administrative Rule 213: Oregon Criminal Justice Commission

Oregon Revised Statutes:

137 - Judgment and Execution; Parole and Probation by the Court

144 - Parole; Post-Prison Supervision; Work Release; Executive Clemency; Standards for Prison Terms and Parole; Pre-sentence Reports

Chronology

1905 Governor given power to parole prisoners. Courts given sentencing guidelines for "bench parole."

1911 State Parole Board established.

1931 "Modern Probation Act" passed. State Probation Commission established.

1939 "New" Board of Parole and Probation created, Director of Parole and Probation position authorized.

1969 Board became full-time paid agency. New members appointed.

1989 Board name changed to State Board of Parole and Post-Prison Supervision. Parole abolished and sentencing guidelines enacted for felonies committed after November 1, 1989.

Bibliography

History of State Administrative Agencies in Oregon. 1843-1937, Oregon State Planning Board, 1939.

Oregon Blue Book. Secretary of State. 1917-2006.

Oregon Laws. 1905-1997: O.L. 1905 c. 187; O.L. 1911 c. 108, c. 127; O.L. 1915 c. 176; O.L. 1917 c. 116, c. 302; O.L. 1931 c. 214, c. 333, c. 396, c. 397; O.L. 1939 c. 265, c. 266, c. 482, c. 492; O.L. 1941 c. 386; O.L. 1951 c. 105; O.L. 1955 c. 660, c. 688; O.L. 1959 c. 101, c. 327, c. 343, c. 550; O.L. 1965 c. 616; O.L. 1969 c. 597; O.L. 1973 c. 242, c. 694, c. 836; O.L. 1975 c. 217, c. 564; O.L. 1977 c. 372, c. 382; O.L. 1981 c. 547, c. 644; O.L. 1985 c. 558; O.L. 1987 c. 619; O.L. 1989 c. 790; O.L. 1991 c. 126, c. 455; O.L. 1995 c. 202, c. 423, c. 520, c. 343; 1997 c. 525.

Oregon Revised Statutes. 1997.

Oregon Board of Parole and Post-Prison Supervision Strategic Plan 2003, The Leadership and Employees of the Board of Parole and Post-Prison Supervision. 2003

State Government Organization. Second Report of the Legislative Interim Committee on State Government Administration, 1951.