

Oregon Voices News

News from Oregon that you can use

Oregon Voices Supports Justice, Fairness, and Rational Laws

Oregon Voices is committed to justice and rationality in policies regarding sex offenses and will continue to work toward supporting legislation that will positively impact the lives of registered citizens and their families. OV strives to provide up-to-date information about such things as seeking relief from the registry and Oregon's use of the Static-99R to establish classification risk levels. Recently, the early release of some Oregon AICs from our state prison facilities has gotten our attention.

Governor Kate Brown Accused of Unlawfully Commuting the Sentences of Nearly 1,000 Oregon Inmates

A recent article appearing in *The Oregonian* claimed that Oregon Governor Kate Brown unlawfully commuted sentences of nearly 1,000 inmates. A new legal challenge has been filed that seeks to halt the proposed commutations of an additional 70 inmates.

The two district attorneys who have filed the lawsuit, along with relatives of three homicide victims, are Patricia Perlow of Lane County and Doug Marteeney from Linn County. The lawsuit filed in Marion County Circuit Court, claims that Brown "violated clemency procedures that require victim notification." The lawsuit also asks a judge to halt Brown from allowing those convicted of crimes as minors from applying for commutations in the future.

In a letter written in June 2021 to state lawmakers, Brown noted that 912 inmates who were commuted were deemed medically vulnerable and at heightened risk of contracting COVID-19. They had also completed at least half of their sentences served for crimes that were not against people. An additional 41 inmates were commuted to assist those fighting the Oregon wildfires. Those inmates also didn't "present an unacceptable safety, security or compliance risk to the community."

Aliza Kaplan, Lewis and Clark Law School professor, commented that the Governor had acted in good faith, and her actions were in line with historical standards. She stated, "These people have been punished significantly and, even in a place like prison, they have managed to rehabilitate themselves and the governor is offering them mercy."

The lawsuit also seeks to stop Brown from reconsidering any of the sentences of youth offenders. This concern came about when the Oregon Department of Corrections announced this past October that approximately 250 youth offenders would be eligible for commutation if a law enacted in 2019 that gives youth offenders the opportunity to apply for “second look” hearings halfway through their sentences could be applied retroactively. As it stands, this law is not retroactive as written but could be amended during future legislative sessions.

In October 2021, Brown had allowed 73 inmates convicted as juveniles to petition the Oregon Board of Parole and Post-Prison Supervision for commutation once they serve 15 years of their sentence. There has been no action taken as of yet on this matter.

The article, written by Zane Sparling, appeared in *The Oregonian* on January 20, and can be accessed by visiting the following link:

<https://www.oregonlive.com/crime/2022/01/lawsuit-claims-gov-kate-brown-unlawfully-commuted-sentences-of-nearly-1000-inmates.html>

OV Volunteers Monitor Bills Introduced During The 2022 Legislative Session

The Oregon State Legislature convenes every January and in odd-numbered years may last 160 days while in even-numbered years, only 35 days. This year is a short session that has already begun and is scheduled to end on the 5th of March.

Oregon Voices has always been active in watching for bills that might adversely affect registered citizens. We are so fortunate to have Ken, a longtime OV board member, who has spent many hours educating lawmakers and other key players about protecting the rights of registered citizens. He, along with other diligent volunteers, has kept us abreast of bills introduced, what they are about, and what actions we need to take in order to either support or discourage their passage.

This year, eight individuals have offered to serve on the OV Legislative Committee and will alert us of any bills that are introduced that merit our attention so that we can spring into action by testifying at hearings or writing letters to our constituents. We are obviously grateful for the service of these individuals.

A Handbook Will Soon Be Available To Assist Those Preparing An Application for Relief From the Registry

A handbook to assist those preparing an application for relief from registration should be available by June 2022. The Table of Contents has been prepared and volunteers have selected different sections to develop into narrative giving advice and direction. The handbook will serve as a comprehensive guide, especially for those who cannot afford a lawyer. Gwen, who heads up this project, stated just because it is being prepared to assist

those petitioning for relief from registration, it doesn't prevent an individual from retaining a lawyer, should he or she prefer to do so.

Gwen and other members of the committee reiterated that the main purpose of preparing the handbook is to try to reduce the anxiety levels and increase the success rates of those petitioning for relief from the registry.

Ken added that the Table of Contents of the OV Handbook is designed to set you up for the process. Law drives the application itself. The Oregon BPPPS website has instructions on what it must contain and how your relief packet should look.

Data Gathered Following Relief Hearings Reveals Mostly Positive Outcomes

The 2021 hearings have been more positive than any time so far. There were 60 relief hearings held, and relief was granted in 55 cases, denied in 4 cases, and while there was no comment on the discrepancy, it may mean that something was holding up the decision in one case. But whether it turns out to be a yes or a no, the decisions were positive in more than 90% of the hearings in 2021. The cumulative numbers are rising because of those numbers, and at the end of December, there had been 156 relief hearings with 131 positive decisions for a cumulative success rate of almost 84%.

Panel Presentation by Three Who Were Granted Relief From the Registry

During our last General Meeting (October 2021) three individuals shared their success stories about the process that they had to go through in order to be granted relief from registration. Their panel discussion certainly gave RCs attending this virtual meeting encouragement and hope. Because it was such a productive event, much can be gained by sharing the minutes of that particular portion of the meeting:

Jan moderated the discussion and began by giving an overview about how OV became involved in the "relief" process. Before 2013, there was a whole different process. Now there is a risk-based system that allows for the possibility of getting off the registry. After getting out the information in 2019, not many people who were eligible applied for relief.

The first thing that we did was to develop a Flow Chart (check it out on the OV website) so that you could figure out if and when you could apply. And, once again, people were not signing up in droves. Many lacked information or were often fed misinformation. Some were told that they needed to have a lawyer and others consulted lawyers who didn't know anything about the law and often told clients that they would need to undergo a psychosexual evaluation as well as complete full disclosure polygraphs. None of this was true.

Many in OV have recognized that there is a certain amount of fear that everyone experiences when getting ready for their hearings; however, Ken has met with the Parole Board and he reminded us that those who serve on the Hearing Committee are committed to a fair relief process and he believes that all applicants have been treated with courtesy and respect.

Bottom line: The Hearing Committee is **most interested** in what kind of a person you are today.

Jan introduced Kevin, John E., and John Z., three individuals who have gone through the process and **have been granted relief** from registration. One used an attorney, one used a paralegal, and one prepared his own application. The three were asked to talk about their experiences before opening up discussion time.

Kevin

Kevin felt very reluctant about the whole process because his case had been a “high profile” one. Now that he was eligible to apply for relief, he was afraid to apply because it might get publicized and negatively impact his life. He was now a business manager, had a personal business on the side, and had a very supportive partner, so he was afraid to put himself at risk. He was also one of the first thirty registrants to apply for relief so there wasn’t a lot known at the time about what to expect at the hearings.

Kevin’s lawyer was very thorough, asking many questions and reminding him to focus on “who I am now and not who I was then.” When he got ready to go into the hearing he was scared to death but everyone involved reassured him that he would do just fine. Once the hearing got underway, he found that panel members were respectful and thoughtful. They listened. They had follow-up questions. It didn’t seem like they had an agenda. He thought the interview was fair and he ensured others that it wouldn’t be anything like what they experienced in court.

Having gone through the relief process, Kevin recognizes the value of the Relief Handbook that Oregon Voices is developing and says that it is going to be extremely helpful for a lot of people.

How did it change his life? It is a psychological thing where he feels like a weight has been lifted off his shoulders because he doesn’t have to go to the police station every year on his birthday. It opens the door for him to potentially get the crimes expunged. He also noted that it really helped to have his wife speak on his behalf during the hearing and to also include several letters of support.

John Z.

John felt that going through the process was very daunting. He learned that those on the Hearing Committee/Panel aren’t there to get you. They ask the real serious questions. It was uncomfortable going through it as well as having to go back into the past to dig up the information.

He was initially concerned about whether the parole board wanted to get past records directly from him or from the police. When he tried to get them from the police, he was told, “No, it’s confidential, you can’t have it.” So, he hired a paralegal from a firm in Eugene, who experienced the same results...the police department refused to release any records. John then pointed out that the parole board is not looking for exact, complete, perfect records and he encouraged people to not give up and decide not to finish the application simply because they were unable to obtain all of the required documents. When asked what the most

surprising thing was about the process, John announced that when he started gathering up records, it opened up all the old wounds, such as court days, etc. He realized that he had compartmentalized that part of his life and tucked it away not wanting to remember it. All of that came rushing back so it was definitely not a happy time.

His advice to others is that if you can manage to go through the process of preparing and presenting your application, it will be worth it. You can have another person at your hearing. Having his partner there to give support and testimony meant a lot. He mentioned that his biggest concern before the hearing was that his polygraph record was not really clear as to whether he had passed with full disclosure. He commented that sometimes you have to go another route and get confirmation from someone like your former treatment provider in order to provide clarity for the Parole Board.

John E.

John E. confessed that he procrastinated since he had very little hope going into the process. Before completing the application, he spent a lot of time building community. He told his story to people that he knew and felt like they would still be accepting of him. He would no longer have to pretend that things were fine.

John believes that if more people are open and inform their friends that they are registered citizens, they will be more inclined to advocate against unfair laws and practices. You can begin to change beliefs. One out of every fifty men in Oregon are RCs and if each one of them told three or four people in their lives, that would be like a small little army that can go to their representatives or start forming opinions and thinking about RCs in different ways other than just, “sex offenders are bad, dig a hole and fill it in.”

Jan reminded John that when she and Ken talked to him the night before the hearing, he was extremely nervous. John replied that it was all for naught! It turned out that there was only one member of the hearing committee that was present and she was very friendly! At no point did he feel like there was a “them vs. me” mentality. She didn’t talk down to him and he said he was treated like a human being. She was truly interested in his answers. There were no trick questions or surprises. He said that he was shown much more empathy and compassion than he ever would have guessed.

John E. advises applicants not to be afraid of your hearing date. “We have done all we can do to become who we are now.” Start building your community. Start telling people. Start being honest which means also being vulnerable. After telling your story, your friendships with others can become more open and solid. Then, you can ask some of them for letters of support when it comes time to submit your application.

Jan concluded by stating that some of the nicest people she knows are on the registry and now, some of them can be classified as those who have successfully gained relief from registration. Note: Thanks to Jan, Ken, and Gwen, all members of the OV Board, who have spent many hours mentoring and coaching RCs as they get ready for their hearings.

i	n	s	i	d	e	r	s
c	o	r	n	e	r		

Oregon Voices Makes Final Decision About Communicating with AICs through CorrLinks

If you recall, in the last newsletter it was noted that OV board members had discussed participating in CorrLinks as a way to communicate with AICs and had agreed to commit to a trial period of six months and then evaluate usage. Unfortunately, this won't be happening due to the need to create a new email address as well as to find OV individuals who could respond to messages from AICs; therefore, please note the following disclaimer: *Due to limited resources, Oregon Voices does not currently plan to participate in the CorrLinks email system and we regret that we cannot accept email invitations from adults in custody.*

If you would like to communicate with Oregon Voices please write to: Oregon Voices, P.O. Box 13175, Salem, OR 97309.

Call For Submissions:

The newsletter is soliciting contributions of artwork, poetry, or short pieces up to 250 words for inclusion in future newsletters. You don't have to be an AIC in Oregon. Remember that some Oregon AICs are housed out of state in military detention facilities or federal prisons. Your artistic contributions are also welcome. We reserve the right to edit pieces to fit the constraints of the newsletter, and when possible, we will consult with authors about proposed changes. We would like to continue to feature the voices of our readers who are on the inside.

OV is grateful that a previous contributor has allowed us to feature another wonderful sketch entitled "Bear On Ice".



Insiders Corner (cont'd)

An AIC in military detention sent an OV correspondent the following poem, commenting that, although he didn't write it, its message meant a lot to him. Note: *The title was not included.*

This is one of those poems where I feel like
 I need to give myself permission
 to stand still,
 looking from one side to the other,
 up and down,
 looking at my neighbors,
 and I mean that in a very global sense,
 experiencing what people are going
 through
 asking myself,
 is there a place for me
 to be a kindred support to them right now?
 I'm asking myself,
 what does it mean to be human
 inside of this season
 where we are all facing
 tremendous trepidations?

-Jaki Shelton Green

A Court Victory For Registered Citizens

Last week, the 11th Circuit Court of Appeals ruled that signs placed by the Sheriff of Butts County, Georgia in front of sex offender's homes in order to warn individuals not to trick or treat at those addresses on Halloween was a violation of First Amendment rights. This is the latest ruling tied to this matter and is considered a win for the three plaintiffs who are registered citizens. The attorney representing the three plaintiffs who sued the sheriff's office in 2019, said, "We are thankful and gratified that the 11th Circuit saw the case in the same way that we did. Our clients are members of a particularly vulnerable group of people politically because frankly, no one really cares what happens to them."

It is good to see some traction made in eliminating a few of these draconian laws. Let's hope that this latest court ruling will have a rippling effect nationwide and get rid of crazy, unjust laws that negatively impact RCs in other towns around Halloween time.

Thousands of Federal Inmates to be Released Under 2018 Law

The Council of State Governments Justice Center recently shared a news item from ABC News (January 13, 2022) that the Justice Department will begin transferring thousands of inmates out of federal prisons this week as part of a sweeping criminal justice overhaul signed by President Donald Trump more than three years ago. The department, in a rule being published Thursday in the Federal Register, is spelling out how “time credits” for prisoners will work. The bipartisan law is intended to encourage inmates to participate in programs aimed at reducing recidivism, which could let them out of prison earlier. It also eases mandatory minimum sentences and gives judges more discretion in sentencing. While the transfers are expected to begin this week, it isn't clear how many inmates will be released. The department would only say that “thousands” of inmates are being affected.

Plans To Hold the Next General Meeting In February

OV board members have tentatively scheduled the next OV General Meeting to take place on Sunday, February 20, 2:30 - 4:30 via Zoom. How nice it would be to gather at Hilltop in Oregon City but it is highly unlikely that we will be able to meet in person due to the spreading of the Omicron variant. Check the OV emails or the updated OV website for further information.

Last, But Not Least

Oregon Voices is committed to working with other organizations within our state sharing a common goal of creating better support for our registered citizens and their families. We invite you to join us in our efforts. Help is always needed to work on such things as housing, employment opportunities, legal resources, the website, legislative issues and the OV newsletter.

If you are reading this newsletter and would like more information about Oregon Voices or wish to volunteer in some capacity, please call 971-317-6868, or email: info@oregonvoices.org

OREGON VOICES
P.O. BOX 13175
SALEM, OREGON 97309
971-317-6868