

**Minutes of the Board of Pardons and Parole**  
**Executive Session**  
September 20, 2010  
8:00 a.m.

Present: Clark A. Harms, Chairman; Angela Micklos, Vice Chair; Curtis L. Garner, Board Member; Jesse Gallegos, Board member; Robert Yeates, Board Member; John Green, Administrative Coordinator; and, Kim Allen, Senior Hearing Officer.

1. The Board held its Open Public Meeting. Having no agenda items, the Board closed the meeting.
2. The Board opened its Executive Session and approved Minutes of September 13, 2010.
3. Kim Allen, Senior Hearing Officer, provided an overview of the recent interview process during which he was a panel member. It was suggested that non-scored introductory questions be asked as an ice-breaker at future interviews. The Board also discussed scheduling training for staff regarding interview techniques. The Board expressed appreciation for Mr. Allen's input.
4. The agency will pay for a Mount Olympus water dispenser in the Board hearing room at the prison.
5. Additional offenders will be scheduled on two hearing calendars in October and seven in November. This will necessitate the use of pro tem Board members in November and hearing officers may be required to conduct additional hearings.
6. Several Board members will be attending the Prosecutor's Fall Conference scheduled for Wednesday, September 22nd through Friday the 24th.

**Minutes of the Board of Pardons and Parole**  
**Executive Session**  
September 27, 2010  
8:00 a.m.

Present: Clark A. Harms, Chairman; Angela Micklos, Vice Chair; Curtis L. Garner, Board Member; Jesse Gallegos, Board member; Robert Yeates, Board Member; and, John Green, Administrative Coordinator.

1. The Board held its Open Public Meeting. Having no agenda items, the Board closed the meeting.
2. The Board opened its Executive Session and approved Minutes of September 20, 2010, subject to changes.
3. Jim Hatch, Hearing and Public Information Officer, will notify Angie Welling, Governor's Director of Communications, when parolees are arrested on new charges and the media has made an inquiry to the Board. He will "cc" Ron Gordon, Executive Director, Commission on Criminal and Juvenile Justice, and Board members. Jesse Gallegos, Board member, will speak with Mr. Hatch regarding the assignment.
4. The Board scheduled two pardon hearings for Monday October 25th at 9:00 and 10:30 a.m.
5. The Board discussed personnel issues and decided to recruit for a vacant Program Specialist position to the public. Kent Jones, Senior Hearing Officer, will be on medical leave and his duties will be temporarily re-assigned to staff.
6. Two hearing calendars in October and seven hearing calendars in November at the Draper facility will contain approximately 28 hearings. Pro Tem Board members will assist with the additional hearings.
7. Department of Corrections' representatives will present to the Board information relating to Corrections' new drug testing vendor, ETG Global Testing. Parolees will need to sign a waiver to pay for testing costs and Adult Probation and Parole are to be made aware of the process.
8. Next week the Board will discuss whether it will issue warrants state wide or NCIC. It was suggested the warrant contain a box that can be checked for either state wide or national (NCIC) processing.
9. Approved minutes will be placed on the agency Intranet site for staff access.
10. Representatives from the Department of Corrections' Cook Program have been invited to present program guidelines to the Board on October 11, 2010.

**Minutes of the Board of Pardons and Parole**  
**Executive Session**  
October 4, 2010  
8:00 a.m.

Present: Clark A. Harms, Chairman; Angela Micklos, Vice Chair; Curtis L. Garner, Board Member; Jesse Gallegos, Board member; Robert Yeates, Board Member; and, John Green, Administrative Coordinator.

1. The Board held its Open Public Meeting. Having no agenda items, the Board closed the meeting.
2. The Board opened its Executive Session and approved Minutes of September 27, 2010, subject to changes.
3. Loren Snodgrass, Computer Specialist, will see if a check box for state or national (NCIC) warrants can be added to the Board's warrant processing computer program, and if so, the cost involved.
4. Technicians will enter Board orders and dismiss allegations as ordered by the Board on the routing form. Hearing officers are reminded to list allegations as they appear in the warrant and add allegations that appear in the Amend Warrant Request that Adult Probation and Parole wishes to pursue.
5. Ben Peterson from the Commission on Criminal and Juvenile Justice will be invited to discuss a proposed Parole Termination Survey with the Board. The survey will be given to offenders to complete after their sentence is terminated along with a stamped self-addressed envelope.
6. The Board asked for a copy of the criteria used when determining early releases.

**Minutes of the Board of Pardons and Parole**  
**Executive Session**  
October 11, 2010  
8:00 a.m.

Present: Clark A. Harms, Chairman; Angela Micklos, Vice Chair; Curtis L. Garner, Board Member; Jesse Gallegos, Board member; and, John Green, Administrative Coordinator. Robert Yeates, Board Member, excused.

1. The Board held its Open Public Meeting. Having no agenda items, the Board closed the meeting.
2. The Board opened its Executive Session and approved Minutes of September 4, 2010.
3. Representatives from the Department of Corrections will meet with the Board on Monday, October 11<sup>th</sup> at 2:00 p.m. and provide an overview of the Cook Program. The Board will review the information and decide the criteria for possible incarceration modification.
4. The Board discussed criteria for time cuts.
5. The Board staffed a legal issue.

**Minutes of the Board of Pardons and Parole**  
**Executive Session**  
October 18, 2010  
8:00 a.m.

Present: Clark A. Harms, Chairman; Angela Micklos, Vice Chair; Robert Yeates, Board Member; and, John Green, Administrative Coordinator. Curtis L. Garner, Board Member, and Jesse Gallegos, Board member, excused.

1. The Board held its Open Public Meeting. Having no agenda items, the Board closed the meeting.
2. The Board opened its Executive Session and approved Minutes of October 11, 2010, subject to modification.
3. A DTS employee will be temporarily housed at Board offices subject to availability of office space.
4. Clark Harms, Chairman, will schedule a meeting with Brent Butcher, Director of Field Operations, and Geri Miller-Fox, Deputy Director of Field Operations, to further discuss issues relating to the Cook Program.
5. It is estimated that hearing officers will not prepare summaries after November 1, 2010.
6. A pardon hearing was scheduled for Michael Mc Donald on Monday, November 22, 2010, at 9:00 a.m.
7. Sharel Reber, Assistant Attorney General, will meet with the Board on Monday, November 8th to discuss the Open Public Meeting Act.
8. The Board will not revoke parole when an offender engages in the legal use of the “spice” drug. However, it will accept waivers and treat such incidents as alternative events. The Legislature will address the “spice” issue during the 2011 legislative session.

**Minutes of the Board of Pardons and Parole**  
**Executive Session**  
October 25, 2010  
8:00 a.m.

Present: Clark A. Harms, Chairman; Angela Micklos, Vice Chair; Curtis L. Garner, Board Member; Jesse Gallegos, Board member; Robert Yeates, Board Member; and, John Green, Administrative Coordinator.

1. The Board held its Open Public Meeting. Having no agenda items, the Board closed the meeting.
2. The Board opened its Executive Session and approved Minutes of October 18, 2010, subject to modification.
3. The Accident Review Committee examined the circumstances surrounding a recent accident involving an employee and agreed with the position taken by the State and concluded no internal action was warranted.
4. Before setting a parole date for a mentally ill offender, the requirements of Utah Code Annotated, section 77-16a-205 must be met. Clark Harms, Chairman, will meet with Steve Turley, Director of Institutional Operations, Department of Corrections, regarding information to be submitted to the Board. Robert Yeates and Jesse Gallegos, Board members, will determine information required from the prison and Adult Probation and Parole.
5. Parole termination survey questions were reviewed. Robert Yeates, Board member, will ask Ben Petersen, Commission on Criminal and Juvenile Justice, to meet with the Board to finalize any additional questions. Reply envelopes used to return the survey should be addressed to CCJJ, which will process the data. The Department of Corrections will receive a copy of the survey after it is finalized.
6. A pardon hearing was scheduled for Michael Luce for Monday, November 6, 2010, at 9:00 a.m.
7. The Board will adopt the Sentencing Guidelines amendments effective November 1, 2010. Curtis Garner, Board member, will speak with Cathy Charlesworth, Case Analyst, about the changes.
8. The Utah Retirement System will be asked to propose legislation to correct issues relating to the Public Safety Retirement eligibility status of agency employees. The legislation will allow Board employees to continue to participate in the Public Safety Retirement System and provide an option for Board members to participate in the Public Safety Retirement System without being POST certified.

**Minutes of the Board of Pardons and Parole**  
**Executive Session**  
November 1, 2010  
8:00 a.m.

Present: Clark A. Harms, Chairman; Angela Micklos, Vice Chair; Curtis L. Garner, Board Member; Jesse Gallegos, Board member; Robert Yeates, Board Member; and, John Green, Administrative Coordinator.

1. The Board held its Open Public Meeting. Erlando Montoya attended the meeting and asked for verification that the agency had received a letter he sent regarding his son, Greg Lee Montoya. The Coordinator was asked to process the request and call Mr. Montoya after the meeting. Having no agenda items, the Board closed the meeting.
2. The Board opened its Executive Session and approved Minutes of October 15, 2010, subject to modification.
3. The Board determined that upon the expiration of the trial period involved on newly purchased GM vehicles, the On Star service will not be renewed.
4. In line with previous Board practice, and until we hear from the Attorney General's office, when pro tem members are asked to conduct hearings, the Chairman will determine whether a pro tempore member will take the place of a full time Board member (the usual case) or fill in for a hearing officer. Pro tempore Board members filling in for hearing officers function as hearing officers when conducting hearings.
5. The Board reviewed the recommendation from the interview panel to fill a vacant Program Specialist position. Following the solicitation of input from our hearing officers, the Board extended an offer of promotion to Tatiana Karaivanova for the Program Specialist position. She accepted the offer and will begin her new duties on November 15, 2010.

**Minutes of the Board of Pardons and Parole**  
**Executive Session**  
November 15, 2010  
8:00 a.m.

Present: Clark A. Harms, Chairman; Angela Micklos, Vice Chair; Curtis L. Garner, Board Member; Jesse Gallegos, Board member; and, John Green, Administrative Coordinator. Robert Yeates, Board Member, excused.

1. The Board held its Open Public Meeting. Having no agenda items, the Board closed the meeting.
2. The Board opened its Executive Session and approved Minutes of November 8, 2010, subject to modification.
3. Clark Harms, Chairman, reported on a meeting he had with Brent Butcher and Geri Miller-Fox, administrators with Adult Probation and Parole. The Board's warrant format will be changed to a general warrant without specific allegations. The warrant will also be modified so Board members can check a box making it either state wide or NCIC. Agents can call Board members with questions regarding special conditions of parole. Pursuant to Utah Code Annotated, §77-16a-205(5), agents must present specific information to the Board before a guilty and mentally parolee can have his sentence terminated. A letter is to be drafted to agents explaining the criteria of the statute. Adult Probation and Parole are revising eligibility criteria for offender participation in the Cook Program and will provide an outline to the Board. The Board will only consider participants for the Cook program if they already have a parole date and will review each request on a case by case basis. The Chairman will meet with hearing officers this week to discuss new allegations presented at parole revocation hearings. The Board will wait until Robert Yeates, Board member, returns from vacation before it discusses timely receipt of amended allegations at parole revocation hearings. Board members and hearing officers are invited to attend a meeting with field operations' administrators to discuss the LSI instrument, scheduled for Monday, December 20, 2010, at 10:00 a.m.
4. The Board determined it would not make a finding of guilt based solely on the results of a polygraph examination.
5. The Board discussed legal interpretations of Utah Code Annotated, §76-3-401 and reviewed an e-mail from its counsel. The Administrative Coordinator was asked to keep a copy of the opinion for future reference.
6. The Board asked that its 2010 report be placed on the agency web site.
7. The Christmas party is scheduled for Monday, December 20, 2010. Angela Micklos, Board member, will speak with staff about the activity.
8. Based on a discussion regarding the cost of copying documents, the Administrative Coordinator will modify the draft Disclosure of Documents policy and send it to Jesse Gallegos, Board member.
9. Sharel Reber and Eric Peterson, Assistant Attorney Generals, met with the Board and presented an overview of the Utah Public Meeting Act (Utah Code Annotated, §52-4-101). The Board

determined it will have an open public meeting on the first Monday of each month and asked that appropriate notice be given in the Board's foyer, on its web site, on the State's Open Public Meeting Website and via e-mail to the media. Cancellation of a meeting will require 24 hours notice. Discussion relating to the adoption of agency administrative rules and policy, including those affecting other agencies, awarding of contracts and money spent on contracts, and scheduling matters will be discussed at the Board's open public meeting. Minutes will be taken and the meetings recorded for public review. The Administrative Coordinator was asked to find out costs for additional microphones and memory cards. Board counsel will attend Executive Session meetings. The chairman will sign an affidavit each time a meeting is closed in compliance with Utah Code Annotated, §52-4-205. Based on the Board's quasi-judicial status, legislative modifications may be required to the Open Public Meeting Act. The Board will discuss polygraphs at its next Open Public Meeting scheduled for Monday, December 6, 2010, at 8:00 a.m.

## **Minutes of the Chairman's Administrative Conference**

December 6, 2010

8:00 a.m.

Present: Clark A. Harms, Chairman; Angela Micklos, Vice Chair; Curtis L. Garner, Board Member; Jesse Gallegos, Board member; Robert Yeates, Board Member; and, John Green, Administrative Coordinator.

1. The Board opened its Administrative Conference and approved Minutes of December 6, 2010, subject to minor changes.
2. The Board may order offenders to pay specific amounts of restitution each month. Clark Harms, chairman, will speak with Kent Jones, Senior Hearing Officer, about ordering offenders at parole violation hearings to pay specified amounts of restitution. The Board would like the Warrant Request to identify a monthly restitution obligation amount for each offender along with the amount paid. Each offender should be required to pay no less than \$50.00 per month. The chairman will speak with Brent Butcher, Director of Field Operations, regarding the request.
3. When Adult Probation and Parole requests toll time, case analysts can verify if the time requested is accurate. Senior Hearing Officers are delegated authority to order toll time when a parolee is an absconder or when the parolee has spent time in custody in another jurisdiction on a new violation committed while on parole. If, however, toll time results from a separate state and federal sentence not committed while on parole, it is to be routed to the Board. The Chairman asked that this issue be carried over to the Board's next meeting so he can speak with the case analysts, after which he will report back to the Board.
4. The Chairman and Vice Chair, Angela Micklos, will meet at 3:00 p.m. today with the interview panel to discuss the Office Technician II recruitment.
5. A meeting has been scheduled for Monday, January 10, 2011, with representatives from the Department of Corrections to discuss a new Mental Health Board process.
6. The Board discussed the Government Records Access Management Act appeal in the Mark Hoffman case scheduled for a hearing before the State Records Committee on Thursday, December 9th at 9:30 a.m.
7. The Board will meet with its counsel on Wednesday, December 15, 2010, to discuss Administrative Rule R671-312 Commutation Hearings for Death Penalty Cases.
8. Cases are to be routed to the Board within four months of an offender's arrival at the prison to determine the month and year when the original hearing will be conducted. The Administrative Coordinator will speak with the Records Technician and Case Analysts about the procedure.