

Testimony in Support of HB 3380

Submitted to the House Committee on Judiciary
By Shannon Wight, Deputy Director, Partnership for Safety and Justice
April 5, 2017

Chair Barker, members of the committee:

Partnership for Safety and Justice (PSJ) is a nonprofit organization that advances solutions to crime that ensure justice, equity, accountability, and healing. We do this by advocating for proven strategies that achieve safe and strong communities, prevent crime, and provide opportunities for both victims and people who commit crimes to rebuild their lives.

PSJ worked with Representatives Williamson and Olson to pass the Family Sentencing Alternative Program in the 2015 session with broad bipartisan support. Oregon's Family Sentencing Alternative Program (FSAP) is modeled after a program in Washington State that has shown success in creating better outcomes for children and parents. Like the Washington program, under Oregon's program parents convicted of certain drug and property crimes can be diverted from prison and into intensive probation combined with services like addiction treatment and skill building classes to improve their parenting.

The program is driven by an effort to keep custodial parents united with their children as they are held accountable for drug or property crimes. The Family Sentencing Alternative Program is changing lives of the parents who participate and their children.

FSAP passed as a pilot program in five counties: Jackson, Marion, Multnomah, Deschutes and Washington. We are here today to bring some modifications to the original legislation to align implementation of the policy with the intent of the bill. We are proposing the following changes informed by our own visits to four of the five program's and by the DOC report on FSAP. HB 3380 with the -1 amendment would:

1. **Remove prior crime exclusions:** As reflected in the DOC report and based on our own interviews there is a need to remove prior criminal history exclusion from the law. Everyone we talked with about the program reported being unable to refer more parents for participation that they felt would be good candidates because of the exclusion for certain prior crimes. That is why we, like the DOC, are proposing amending the language to maintain the restrictions on the crime the person is being convicted of at that time, but to remove prior convictions as a barrier.
2. **Allow pregnant women to be eligible:** Counties reported that excluding

pregnant women did not fit with the overall goals of the program to keep families united, children out of foster care and to strengthen parenting skills.

- 3. Allow program eligibility to be a reason for a downward departure:** One of the reasons for creating this program in 2015 was to help address the rise in the women's prison population. The legislature allocated two million dollars to five counties, DOC and DHS to divert eligible parents from prison into intensive supervision and services. It became apparent from our visits that because of the many restrictions in the bill, rather than diverting parents from prison, the investment has been used to enhance services to people already destined for probation. This is not a bad thing -anecdotally it appears that many people who would likely have been revoked from their probation and sent to prison were instead successful in this program. However, unlike Washington's program, our program is not getting at the prison-bound population for which it was intended. It is therefore not reaching as many people, nor is it seeing the cost savings predicted, , That is why we have included a change to the law in this bill that would allow for a downward departure for people eligible for the program to try to reach otherwise prison-bound potential participants. This allows for the conversation about eligibility for the program to happen with the judge at sentencing.

HB 3380 and the -1 amendment also reflect changes suggested by the Department of Corrections that allow DOC to enact rules for the program and work with the counties to determine which counties would best be able to use the program as intended.

The original version of HB 3380 allowed the DOC to grant access to the program to eligible participants in their custody as they do in Washington. While we feel this would be a beneficial expansion to the existing program, we have removed this portion of the legislation in the -1 amendment to address concerns voiced by the District Attorneys Association.

The FSAP program focused on supporting children and families. The changes to the law in HB 3380 are reflective of our efforts to do the important work of assessing and amending legislation so that the policy and intent are aligned. Like Justice Reinvestment, the Family Sentencing Alternative Program represents the forward thinking public safety policy that is rooted in achieving and measuring the best outcomes, supporting children and families and creating stronger and safer communities. The original bill passed almost nearly unanimously in 2015 and we hope will gain your support this session.