



# WASHINGTON COUNTY

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## OREGON

### Senate & House Committee on Judiciary Hearing on Community Corrections Funding September 18, 2019

Chair Williamson, Chair Prozanski and members of the Senate & House Judiciary Committees, my name is Steve Berger and I am providing testimony in support of increased funding for Community Corrections, along with support for the Actual Cost Study (ACS) on behalf of Washington County and the Oregon Association of Community Corrections Directors (OACCD).

There have been several state mandated initiatives since the state transferred responsibility of Community Corrections to the counties. In 2003 the Oregon Legislature passed Senate Bill 267 (ORS 182.525) requiring that state funded programs use "evidence-based programs" for drug and alcohol treatment, mental health treatment, adult recidivism prevention and juvenile crime prevention. Nationally, Oregon was an early adopter in the implementation of evidence-based practices (EBP) in both treatment and case management. As such, Oregon continues to be a leader in this work. The time study portion of the ACS captured the additional workload associated with the adoption of EBP in general.

Measure 57 was passed in 2008 upon the strategy of incorporating a prompt initial response with jail or prison, followed with the long-term response of community supervision and funding for evidence-based drug treatment. Further, incorporating mandated principles of Risk, Need, and Responsivity has improved the long-term effectiveness of Community Corrections services.

Today, we are investing in evidence-based strategies founded on scientific research; our work is more effective and comprehensive, delivering long term change. I will highlight the success as evidenced by the success within two unique programs implemented in Washington County as part of the state's Justice Reinvestment Initiative (JRI): **Integrated Re-Entry Intensive Supervision and Services (IRISS)** and **Short-Term Transitional Leave**.

The Washington County IRISS program provides the Court an enhanced community supervision alternative to prison utilizing concepts of Risk, Need, and Responsivity to determine viable sentence options; enforcing Evidence-Based conditions of supervision; and holding offenders accountable through improved matching of supervision, services, and sanctions based upon the needs of offenders.

Using the definition of recidivism as "any new conviction - misdemeanor or felony - within three years of completing IRISS", the program boasts an **84% success** rate since January 2014 with correlating recidivism of only 16.2%. Further, the five-year recidivism rate for IRISS is only 19.35%.

Short-term transitional leave (STTL) was developed to enhance the transition planning process for inmates. STTL provides an incentive to successfully complete recommended programming, excel at work assignments, maintain good behavior, and create a more effective plan for a successful

transition. In addition to improving the transition process, STTL has been successful in providing a huge cost savings for the State of Oregon.

In Washington County the **STTL program has a 93.4% success** rate accounting for state Department of Corrections (DOC) prison cost **avoidance of over \$4.5 million**, based upon the DOC daily rate of \$110 per day less the cost of local jail sanctions imposed during STTL:

Short Term Transitional Leave					
All STTL January 2014 to March 2019					
Releases to STTL	Prison Bed Days Saved	Jail Bed Days Used	Successful Completion	Unsuccessful	Unsuccessful w/New Crime
611	42,462	334	93.6%	6.4%	0.7%

As a part of the transfer under SB 1145 and HB 3489 (1996), DOC is required to submit an Actual Cost Study (ACS) to the Legislature every 6 years (ORS 423.486). The ACS determines the daily rate it costs to supervise a client. This study, by design, is the mechanism through which the state determines the time required to manage community corrections cases of various types and reset rates used to determine the budgeted costs of managing the community corrections population for the next three biennia. This is unlike state agencies who receive the calculated increases for costs every two years.

Successful completion of the **2018 Actual Cost Study (ACS)** required more than a year of planning, active participation of community corrections partners in all 36 counties, and statewide coordination and leadership from DOC. The 2018 ACS Planning and Implementation Workgroup, made up of Community Corrections Directors, Parole & Probation Officers, and support staff representing ten county community corrections agencies, in addition to representatives of DOC's Community Corrections Division and Research Unit, began meeting in September of 2016.

There are two components to an ACS: a **time study** and a **financial study**. The **time study** component, completed in fall 2017, included tracking time spent managing a randomly selected group of offenders on supervision in each of Oregon's 36 counties for a period of nine weeks. The **time study** was broken out into five categories, capturing offenders involved in pre-sentence assessment, intake, high/medium/low supervision, investigation, and prerelease planning. Time was recorded electronically and reported to DOC on a weekly basis. Each county's data was then compiled by DOC and returned for validation before being used in the overall **time study** calculation.

The **financial study**, which is considerably less time-intensive than the **time study**, involved gathering and compiling Fiscal Year 2018 budget details by funding source from all 36 county community corrections agencies. Costs were broken out into four categories: supervision, sanctions, services, and treatment.

The data and information gathered from these two components of the ACS were then used by DOC to establish the current actual cost to provide case management services to more than 30,000 Oregon offenders on supervision.

There were several improvements made to the 2018 ACS **time study** portion of the most recent ACS, all of which were designed to increase data quality. Although the Statewide Planning and Implementation Workgroup was very careful to design the **time study** in such a way that enabled comparison to previous studies (2006, 1993, et al.), the group incorporated a number of process improvements in an effort to improve study accuracy. Improvements included:

- *Offender-centric rather than PO-centric* – A statistically significant sample of offender cases were randomly selected in each of the categories studied by DOC’s Research Unit. Previous time studies involved counties hand-picking POs whose caseloads were studied.
- *Incorporated all case management work* – The work of modern-day offender case management is a collaborative effort between management, POs, PO Techs, Case Aides, and support staff.
- *Use of electronic data tracking and collection* – **Time study** data was collected and compiled electronically for the first time in 2017, significantly improving efficiency and data integrity. Previous studies involved the use of paper tracking instruments.
- *Statewide, face-to-face training* – Recognizing one of the keys to good data collection in a study of this size is clear and consistent instruction. As such, a training group was formed for the purpose of developing and delivering in-person training to over 700 community corrections staff statewide.
- *Weekly troubleshooting* – Weekly statewide phone meetings were held throughout the study for the purpose of staffing unforeseen questions or concerns and ensuring statewide consistency in the response.
- *Precise data validation* – Individual county data was compiled and reviewed by DOC before being distributed to each county on a weekly basis for additional review and correction.

The validity of the ACS has been recognized by previous Oregon legislative assemblies going back many years, and the overall methodology has remained largely the same. Even when the 2012 ACS results were rejected, the rejection was based on the data sources used (national vs Oregon **time study**), not the mechanics of the ACS itself. The cost study elements followed standard methodology and included DOC’s Research team to ensure uniformity with state expectations and acknowledged research practices. The diverse makeup of the statewide Planning and Implementation Workgroup was designed specifically to ensure methods were consistent with expectations and acknowledged research practices. Additionally, DOC presented the ACS methodology and outcomes to their peers around the nation at the American Parole & Probation Association’s 2019 Winter Training Institute, which has continued to generate interest from several states wishing to conduct a similar study.

DOC and the workgroup worked hard to ensure the process was open and transparent from the planning stage until completion. From Parole and Probation Officers, County Directors, DOC’s community corrections leadership and Research teams, to the Legislative Fiscal Office, all parties participated or were kept informed in the planning and vetting process from start to finish. The result was a valid, comprehensive study that included 100% participation from all partners in both the statewide **time study** and **financial study** components of the ACS.

Today I am here, in part, due to the fact the State of Oregon, through the DOC, has not fully funded the supervision, services, or sanctions provided by Community Corrections for well over a decade. The last time an ACS was fully funded by the Legislature was in 2006. The 2012 ACS was only partially funded, and the 2018 ACS was ignored entirely. Failure to provide actual current service level funding limits the county's ability to maintain Community Correction's full continuum of supervision, services, and sanctions while complying with legislative mandates. It is the position of Washington County that the ACS should establish current service level.

Moreover, as a result of the funding reductions in state Grant-in-Aid (GIA), Washington County is closing our residential Treatment and Transition Program, a secure 36-bed residential drug and alcohol program for sentenced and sanctioned offenders; a program specifically designed to address the legislatively mandated evidence-based strategies of SB 267 & M57.

The Treatment and Transition Program offers intensive residential 90-day treatment designed to address criminogenic risk factors for medium and high-risk corrections offenders. There are 24 beds designated for men, and 12 for women. On average over 100 offenders participate in the program annually.

Consistent with the Evidence Based Principles outlined in SB 267, the Treatment and Transition Program utilizes validated risk assessment tools and curriculum addressing each individual's Risk, Need, and Responsivity. Program services include cognitive restructuring, pro-social skills training, motivational enhancement, family participation, relapse prevention skill building, assistance with employment, mentor services, aftercare groups, and drug and alcohol-free housing.

Demonstrating program excellence and fidelity, our Treatment Program ranked in the top 8% nationally based upon evaluations utilizing the University of Cincinnati's Corrections Program Checklist (CPC). The CPC identifies that an ideal treatment completion rate is between 65% - 85%. Being directly in line with best practices, this past year (2018), 71% of participants successfully completed the program.

The foundation for successful offender transition and recovery is built upon treatment, clean and stable housing, and, mentor services. The closure of the residential substance abuse treatment program will result in the delay of treatment and increasing offender wait-lists for community residential treatment.

I would like to highlight one of our program graduates as an example of the program's success:

- Jimmy Williams:
  - 52 previous arrest cycles
  - 2 prison terms and numerous jail sentences
  - 29 felonies
  - On felony supervision from 1978-2003
  - 32 years of substance use before entering treatment
  - Participated in 12 previous drug treatment programs
  - Clean and sober since entering the CCC Tx Program in November of 2002
  - **First Washington County Drug Court Mentor**
  - **Previous Program Manager for Oxford housing**
  - **Current Program Manager at Bridges to Change**

Further, the reduction in state GIA is forcing a reduction in subsidy housing for the state DOC Short-Term Transition program (STTL) and offenders under community supervision. The reduction of Transition Housing and Services for prison inmates will increase risk and prison populations, as inmates otherwise eligible for release will have limited options. STTL is being impacted: in just the first 30 days of this new biennium Washington County has denied 14 STTL requests and delayed others representing 1622 prison days. 1622 additional prison days amounts to a cost of \$178,420 (1622 x \$110 per day DOC Daily Rate = \$178,420). These were cases Washington County should have been able to accept.

I am confident there are solutions to this funding shortfall, and I believe strongly in the state/county partnership. We look forward to continuing our collaborative participation with the state legislature and Department of Corrections in determining the next steps for Community Corrections services and funding.

Thank you for your consideration.

All My Best,

A handwritten signature in blue ink, appearing to read "S. Berger", with a horizontal line extending to the right.

Steve Berger, Director  
Washington County Community Corrections