



February 18, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Chris Gorsek, Vice-Chair
The Honorable Sherrie Sprenger, Vice-Chair
House Judiciary Committee Members

**Re: Testimony in Support of HB 2631
From Julia Yoshimoto, Oregon Justice Resource Center**

Dear Chair Williamson and Members of the Committee,

On behalf of the Oregon Justice Resource Center's Women's Justice Project, **I respectfully request your support of HB 2631**, which will fund a pilot program to provide reentry-focused civil legal assistance to women incarcerated in Coffee Creek Correctional Facility (CCCF) to help them resolve and navigate civil legal issues during incarceration and better their opportunities for a more successful return to the community.

I am the attorney and project director for the Women's Justice Project at the Oregon Justice Resource Center.

The Oregon Justice Resource Center (OJRC) is a public interest law firm that represents incarcerated and formerly incarcerated individuals in Oregon who would otherwise not have access to legal assistance. The Women's Justice Project (WJP) is one of the OJRC's several distinct projects. The goals of the WJP are to ensure that the criminal justice system treats women fairly, protects their health and safety, and makes it possible for them to successfully rejoin their communities when they are released. We work to achieve these goals by providing reentry-focused civil legal help to women incarcerated in CCCF; hearing directly from family of incarcerated individuals and concerned community members; and facilitating research and public education efforts to lift up these voices.

Since December 2013, I have been providing reentry-focused civil legal services to women incarcerated in CCCF. I assist the women with civil (non-criminal) legal issues that they are struggling with while incarcerated and that will impact their efforts to be successful and contributing members of the community after release from prison. Over the past five years, we have seen the meaningful impacts and benefits of this assistance to women and their families. **We strongly believe that the state's investment in reentry-focused legal assistance during incarceration (HB 2631) can lead to transformative work, which can help to stabilize women upon release from prison and in turn improve the health and safety of Oregon families and communities.**

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I first began providing these legal services as a one-year pilot project of Red Lodge Transition Services (Red Lodge), a Native American led organization that provides culturally focused programs for women releasing from prison, jail or treatment. The pilot project had the purpose of supporting the organization's core programs by addressing legal needs of Native American women incarcerated in CCCF to reduce barriers to reentry and empower women to successfully return to their communities. The project was created in response to Red Lodge clients who, soon after release, faced civil (non-criminal) legal issues and were unable to get legal help in the community.

In the pilot year, we learned a lot from the women about the great need that exists and the great interest women have in this legal help; the significant impact this help can have on women and their families; and about the beneficial opportunity that exists in assisting individuals while in prison. I personally learned about the unique issues that women are struggling with during incarceration and are preparing to face upon reentry; and the profound lack of access to necessary legal help while incarcerated and in the community. As this was a pilot project, I tracked information about my work, conducted evaluations and exit interviews with each client, and documented my observations. *Enclosed are highlights from the project's outcomes.*

In 2015, the Red Lodge Legal Service Program's meaningful work evolved into the Women's Justice Project at the OJRC. Now as the attorney and project director for the OJRC's Women's Justice Project, up to one-half of my workload is spent on continuing to provide reentry-focused civil legal services to women in CCCF, primarily with Native American women through the continued partnership with Red Lodge.

The legal issues that I assist with are incredibly varied and include: family-related matters, such as child custody and parental rights; debt and financial issues; obtaining important documents, such as identification, birth certificates, and adoption records; employment-related issues; issues with property; and correcting clerical errors of significance in sentencing judgments.

Over the past five years, we have learned of the **benefits to providing legal help during incarceration and specifically in CCCF**, Oregon's only women's prison:

- ◆ Reentry legal needs exist well before release from prison. Legal issues unaddressed during incarceration can impact women's children and families and can continue to grow into larger obstacles to be faced upon release.
- ◆ We have a statewide impact by providing assistance to women returning to counties throughout Oregon.
- ◆ Prison can provide a relatively more stable environment for women to focus on their legal issues and make better decisions. Upon release, individuals are overwhelmed by the

adjustments, numerous demands, and lack of stable resources; and can find themselves operating in a “survival mode” and responding out of crisis.

- ◆ Addressing legal needs occurring during incarceration and discussing reentry legal issues can positively shift the way women serve their time in prison and think about reentry. Women can be encouraged to engage in other programs offered in CCCF, and encouraged to modify their actions or decisions as they think about setting themselves up well for a more successful return to the community.
- ◆ Women have unique needs, for example, as mothers and survivors of domestic violence, and attorneys dedicated to working solely in CCCF will be able to better recognize and address these needs.

There are about 1,260 women in CCCF. Currently, because of limited capacity, I am only able to individually assist about 20 women per year. I receive many letters and phone calls from women in CCCF, or from their family members, asking for legal assistance. I turn down most requests for legal help because we do not have the capacity.

Over the past five years, we have learned that there is a great demand for reentry-focused civil legal services. HB 2631 will allow us to expand the scope and quality of legal services currently being provided to the women in CCCF. This investment will positively impact women, their families, and communities across Oregon.

We strongly urge a “yes” vote for HB 2631. Thank you for your consideration.

Sincerely,



Julia Yoshimoto, MSW, JD

Attorney & Project Director, Women’s Justice Project
Oregon Justice Resource Center

Enclosed: Highlights from Red Lodge Legal Services pilot project, Dec. 2013-Dec. 2014

Highlights from Red Lodge Legal Services Pilot Project December 2013 – December 2014

The Red Lodge Legal Services pilot project provided the following services to over 30 primarily Native women in CCCF's minimum-security unit, from December 2013 to December 2014:

- 1) Individual Legal Assistance: **Attorney Julia Yoshimoto** assisted women in identifying legal issues that were or could become barriers to successful reentry, and then provided direct legal assistance to resolve those issues or assist in planning around those barriers.
- 2) Reentry & the Law Speaker Series: Guest attorneys educated and facilitated discussions with groups of incarcerated women about relevant laws, procedures, and practical tips and recommendations regarding reentry issues.

Individual Legal Assistance

- Assisted 15 women (3 were in the community)
- Age Range: 23-56 years
- 10 women were mothers of minor children
- Education range: GED to some college (11 had some college education)
- Release Counties: Jefferson, Josephine, Lane, Marion, Multnomah, Washington, Wasco

Types of matters, grouped in general categories:

Financial

- Court fines
- Debt
- Bankruptcy
- Potential victim of identity theft
- Child support
- Social Security benefits
- Bank accounts

Related to Family Relationships

- Child custody/parenting time
- Open adoption mediation
- Understanding legal status of relationship with children
- DOC visitor list
- Passport for minor child

Driver's License/State ID

- Birth Certificates
- Adoption records
- Certificate of Citizenship
- Understanding pathway to reinstatement of driver's license

Related to the Criminal System

- Amending errors in sentencing judgments
- Explaining sentences (re detainers, jail sentence, release date, good time, etc.)
- Arrest warrants
- Expungement eligibility

Education

- Student loans
- Enrolling in community college
- Assistance for learning disabilities

Property

- Recovering seized personal property
- Lien on real property

Other: • Tribal enrollment • Land deed on tribal land • Inheritance • Housing grant for domestic violence survivor

Case Example:

“Lisa,” sentenced to 71-months in prison, was the mother to two minor children and a survivor of years of terrible abuse, perpetrated by the father of her children. Lisa’s children were in the custody of Lisa’s mother, who Lisa had a positive relationship with. Although Lisa talked to her children every other day, wrote to them several times a week, and received cards and letters from them regularly, she had not seen them in two years since her incarceration. Despite her persistent efforts to have her children added to her visitor list and despite Department of Correction’s attention to the matter, DOC denied her request to add her children to the visitor list and then denied her appeal because Lisa could not articulate a misunderstanding that DOC had about an out-of-state custody judgement, which included a restraining order.

Ms. Yoshimoto advocated for Lisa with DOC and after a few phone calls and a letter clarifying the situation, with supporting regulations and documents, Lisa’s children were added to her visitor list. Soon after, her children participated in a CCCF program that allowed her to see them every two weeks for extended visits and activities.

Lisa had already anticipated difficulty integrating back into her children’s lives after release. But she described how much more difficult that integration would be if she did not see her children for her entire 71-month sentence.

Furthermore, Lisa’s mother wanted to return custody of the children to Lisa when she was released from prison. Lisa and her mother did not know how to do so and could not afford an attorney to help with the matter. As the custody order was out-of-state, Ms. Yoshimoto put Lisa and her mother in touch with an attorney in that state who told me she would help them for free.

Ms. Yoshimoto also assisted Lisa with a plan for getting her driver’s license reinstated. Her driver’s license was suspended because she owed fees to two courts, and both balances were in collections. Fortunately, one debt was with a court with a special program and the other was in collections with a specific program to address balances that suspended driver’s licenses. Ms. Yoshimoto provided her with the information about who to contact at the programs when released and we planned how she would address her debt to reinstate her driver’s license.

Finally, Lisa insisted that there was an error in her sentencing judgment, which prohibited her from being eligible for “AIP” in CCCF. AIP programs are intensive 6-month treatment programs, which also allow a participant earlier release from prison upon completion. Lisa felt she really needed this treatment. Also, completion of AIP would allow her to be home with her children sooner. Before Ms. Yoshimoto met Lisa, she had already three times filed a motion with the court to amend her sentence. All of her motions were denied. Ms. Yoshimoto was able to file a motion for her to get her appointed counsel for resentencing. Through the assistance of appointed counsel, her judgment was corrected. Ms. Yoshimoto later learned from the Executive Director of Red Lodge that Lisa completed AIP, was reunited with her children after release, and was doing well.

Sample Exit Interview Responses from Clients

- **“Did the assistance help you better prepare for release? How?”**

Yes. Now, I know where I stand. I know where to go. I am not unsure. I have solid answers. The uncertainty is scary. It's like walking into a forest when you're afraid of the dark. Now I know where to go, where I'm walking. I am not insecure.

Yes. Now I know that I have some kind of plan. There are a lot of obstacles in front of you when you're in here and getting out. And, you don't know how to handle them. It can be overwhelming. This helps with preparation. I know what to do to handle it.

Very much so. It takes the stress out of reentry because I have an idea of where to focus and what to do. You gave me steps that I would have struggled with on my own for much longer. I am more relaxed about reentry. I'm still nervous because I have a lot to do and will have to take the steps, but it will go a lot easier. I am so grateful for your help and feel fortunate to get your help.

Gave me focus, big time stability – I don't know how to explain it – it helped me ground myself. Before, I didn't know what I was doing. It calmed me down – makes it very hopeful. ...By coming in and asking about plans and goals – I started thinking about planning. I never thought about it before. I was thinking about getting through each day. When you asked about plans and talked about things – I was like, hey I want that, I want to do that.

- **Did the individual assistance help you? How?**

Absolutely. It helped with so much – leg work for answers. When you're in here you're stressed with no outlet, no way to contact, and all the questions. This help was major cool. Awesome. Especially for people with no one on the outside. This is very important. It's very comforting to know someone else is there – focus on what to do and can help get answers.

Yes. I received a lot of information that will help me further pursue the issues on my own. This is information that I could not get on my own. When you're in here, you are cut off from everything else. I know I would have gotten frustrated if I had to do this all on my own after I got out. I know myself. I know I would have gotten frustrated.

Yes. I would not have gotten this far with getting information on my own. And, although my family could help, I don't want to rely on them. My family has their own life and they do enough for me already. My mom – it would be hard to ask her to do this for me.

Yes. ... everything helped with my plans. Without it would've added stress – extra things to think about. It's really stressful thinking about things by yourself. ... Also, the knowledge of who to call, what to do – I didn't know.

- **Anything else you would like to share?**

I really appreciate your help and that you don't look at us like garbage. I can tell that you care about us. It's hard to come out and feel no self worth and feel that people look at you like you're nothing.

It's a trip to be incarcerated and not get anything resolved. Makes a big difference to have someone helping. I can't even tell you. Everything is so secret here. Not being able to get answers is cruel. Their policy of keeping us in the dark is beyond security; it's cruel. The way they dangle information is cruel....It's important to have someone hear you on the outside. You help made my time doable – I can tell the difference from before you came.

Stress relief – that's for sure! I went from not knowing to knowing. The stress doesn't go away because I haven't taken the steps yet, but now I know what steps to take.

It's not just the legal help – it helps to know that someone is helping me. It gives us more hope and we know we're not alone.

I appreciate how thoroughly you answered my questions and you always followed through on what you said you would do. You came when you said you would come and more often than I thought you would. It was excellent.

Natives do not like asking for help. You have to understand that the white man moved all of us on reservations. So we have a hard time trusting and asking for help. We want to do it on our own. I asked for help for this because it was through Trish and I trust Trish. It's easier to open and ask for help for something that comes through Trish. If this program had just been offered, but not through Trish, I don't know that I would have done this.

Now I feel at ease. I am so appreciative of the help. I would get really frustrated without the help and would not know what to do.