

ANALYSIS

Item 11: Criminal Justice Commission Smart Probation

Analyst: Julie Neburka

Request: Approve, retroactively, the submission of a federal grant application to the U.S. Department of Justice in the amount of \$714,722 over a period of three years to increase successful completion of probation and post-prison supervision.

Analysis: On May 3, 2021, the U.S. Department of Justice, Bureau of Justice Assistance (BJA) made \$5 million available on a competitive basis to state, tribal, and local government community corrections agencies to develop, implement, and test strategies to reduce the rate of recidivism for those under corrections supervision. Particular objectives of the “Smart Probation: Innovations in Supervision Initiative” grant program include developing innovative tools to predict recidivism and/or share information with criminal justice partners and promoting or increasing collaboration among agencies and officials who work in the fields of probation, parole, pretrial, treatment, reentry, and other community corrections fields.

The Criminal Justice Commission (CJC) applied for this grant on behalf of the Oregon Department of Corrections, which plans to partner with the Oregon Association of Community Corrections Directors (OACCD) to implement and use a technology platform to aggregate criminal justice data from currently fragmented systems in order to analyze Oregon’s earned discharge processes, supervision violations and revocations to jail or prison, and geographic availability of services and resources for offenders. Project goals include safely increasing the rate of earned discharge, reducing the use of jail and prison revocations, and improving the availability of resources for community corrections programs statewide.

The Department of Corrections asked the CJC to apply for this grant on its behalf after encountering problems using *JustGrants*, the U.S. Department of Justice’s (USDJ) new grant portal. The Legislative Fiscal Office notes that there have been widespread problems using this new system, which reportedly generated more than 38,000 requests for tech support in the first six months after its launch in October 2020, and which delayed the submission of both this grant and the Project Safe Neighborhoods grant. Nevertheless, the Legislature was not notified prior to the agency’s grant submission at the end of June 2021. The three-year period of performance begins on October 1, 2021 and there are no match requirements. If successful, the agency will return to the Legislature to request additional Federal Funds expenditure limitation for expenditure of the grant award.

Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means approve the request.

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Criminal Justice Commission
McDonald

Request: Retroactive authorization to apply for a grant of \$714,722 from the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance (BJA) provided through the Smart Probation: Innovations in Supervision Initiative, intended to improve supervision and reduce recidivism.

Recommendation: Approve the request.

Discussion: The Criminal Justice Commission (CJC) is seeking retroactive authorization to apply for a federal grant from BJA's FY 2021 Smart Probation: Innovations in Supervision Initiative. In total, the Initiative will award up to \$5.0 million, with a maximum grant of \$715,000, to state, local, and tribal community corrections agencies. CJC applied for funding totaling \$714,722 to support data analysis of factors contributing to rising recidivism rates and identification of opportunities to improve and shorten supervision.

If retroactive authorization is granted and CJC is awarded funding, the grant will pass through to the Department of Corrections (DOC) and the Oregon Association of Community Corrections Directors (OACCD) who will partner with the technology non-profit, Recidiviz. DOC could not apply for the grant themselves due to technical challenges with the recent rollout of the new federal JustGrants system. No DOC employee could gain access to the grant portal, so the Department reached out to CJC for help, since CJC is the State Administering Agency for BJA grants.

Together, DOC, OACCD, and Recidiviz will implement a technology platform designed to analyze criminal justice data from multiple systems and calculate recidivism metrics on an ongoing basis. DOC and OACCD will convene a working group to assist and oversee the implementation. The data and reporting will enable:

- Analysis of the earned discharge process to identify opportunities;
- Analysis of supervision violations to identify opportunities to safely reduce revocations, where appropriate;
- Geographical analysis to understand where Oregon individuals are succeeding in community corrections, and where they are struggling;
- Automated reports and tools for parole and probation officers (PPOs) to identify intervention, earned discharge, and programming opportunities;
- Examination of the PPO's use of graduated sanctions and incentives to understand the impact on supervision success; and
- Ongoing, real-time feedback to PPOs on the outcomes and needs of those supervised.

BJA is currently supporting work by Recidiviz aimed at providing states with cloud-based platforms for analyzing supervision violations. Using a method already developed for this purpose, the platform will sit on top of the State's existing data storage systems, and there will be no need to upgrade current data infrastructure. There is no match requirement, and no additional FTE will be needed for CJC to administer the grant. The performance period is three years; starting October 1, 2021.

This grant opportunity was posted by BJA on May 3, 2021, with a closing date of June 29, 2021. CJC was contacted by DOC on May 28, 2021, requesting help with the application. Four days later, on June 1, a statewide notice went out informing agencies of a shift to the interim process for federal grants, effective immediately. CJC did not provide either notification to the legislative assembly or a 10-day notification to the Legislative Fiscal Office (LFO) and the Chief Financial Office (CFO) prior to their grant application submission on June 3, 2021. In recent discussions regarding CJC's retroactive grant requests, the agency's leadership expressed sincere regret about the oversight and assured both CFO and LFO this won't happen again. If retroactive authorization is granted and the grant application is successful, CJC will return to seek additional Federal Funds expenditure limitation in accordance with the interim guidelines.



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8/23/2021

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Dear Co-Chairpersons:

The Oregon Criminal Justice Commission (CJC) is seeking retroactive approval to apply for a federal grant from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), and Bureau of Justice Assistance (BJA).

The U.S. DOJ has issued a competitive grant solicitation announcement from the BJA for FY 2021 Smart Probation: Innovations in Supervision Initiative. This grant will be passed through to DOC and the OACCD who propose to partner with technology non-profit Recidiviz to achieve the following goals: (1) Analyze factors contributing to rising recidivism rates; and (2) Increase successful supervision completions.

Goal 1:

- Implement a technology platform (the "Recidiviz Platform") designed to ingest criminal justice data from across multiple fragmented existing systems, link and normalize siloed data, and automatically calculate criminal justice metrics, including revocation, violation, and other recidivism metrics, such as rearrest or reconviction, on an ongoing basis;
- Convene a working group across three levels of DOC/community corrections staff (leadership, management, and line staff) as well as the OACCD to oversee and assist with the integration and interpretation of data and to collaboratively design and use the resulting tools and analysis;
- Analyze the earned discharge process end-to-end to understand where and when it is occurring and where, when, and why it is denied in order to identify opportunities to safely increase the rate of earned discharge from supervision when appropriate;
- Analyze supervision violations to understand where, when, and why they are occurring to identify opportunities to safely decrease the use of revocations when appropriate;
- Conduct geographical outlier analysis to understand where in Oregon individuals are succeeding on community corrections, where individuals are struggling, and how success and failure is correlated to specific needs and geographical availability of resources; and
- Build off the earned discharge and geographical analyses to expand capacity for the DOC and the OACCD to generate executive-level reports to support future initiatives requiring cross-collaboration.

Goal 2:

- Automated reports, alerts, and tooling for PPOs that highlight individuals on a PPO's caseload who may benefit from specific interventions, such as research-based programming opportunities or earned discharge;
- Ongoing, real-time feedback to PPOs on the success and failure of the individuals they supervise and the criminogenic needs of the supervisees; and
- PPO use of graduated sanctions and incentives and their impact on supervision success.

This work builds on work that the Bureau of Justice Assistance is currently supporting to provide states with a cloud-based analytical platform for analyzing supervision violations. Using a method that's already been developed through that work, the platform will sit on top of states' existing data storage systems. States will not need to upgrade their current data infrastructure to benefit from it.

The competitive award amount for this project is \$714,722. The grant does not specify a date by which the grants will be announced, there is no match requirement, and CJC will need no additional FTE to administer the grant. The project period will be 36 months.

The Criminal Justice Commission is seeking retroactive approval to apply for a grant of \$714,722 to the U.S. DOJ, OJP, and BJA to be administered through the CJC.

This grant opportunity was not anticipated in the Commission's 2021-2023 Legislatively Adopted Budget. If the grant application is successful, the CJC requests additional federal funds expenditure limitation.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Sanchagrin", with a stylized flourish at the end.

Kenneth Sanchagrin

Executive Director, Criminal Justice Commission