

ANALYSIS

Consent Agenda – Various Agencies Requests to Acknowledge Receipt of Agency Reports

Item 27: Department of Corrections – Office of Inspector General and Key Performance Measures

Analyst: John Terpening

Analysis: The Department of Corrections (DOC) submitted a report on the Office of the Inspector General (OIG) and updates to Key Performance Measures (KPMs) as directed by a budget note approved in HB 5006 (2021).

The report outlines the history and initial establishment of the OIG and provides a brief overview of the six units that comprise the OIG. These six units, which are the Special Investigations Unit, Security Threat Management Unit, Central Intelligence Unit, Hearings Unit, Special Programs Unit, and Research Unit, include approximately 60 employees spread across the state to provide oversight and determine compliance with federal, state, and DOC rules and policies throughout the corrections system.

Additionally, the report includes a preliminary look at the development of some new metrics around KPMs #4 and #7. The goal of these additional metrics would not be to replace the current KPMs but to provide more data on the interactions between staff and adults in custody. Any proposals to revise or supplement existing KPMs will need to be brought forward during the 2023 legislative session as part of DOC's 2023-25 budget for discussion and potential approval.

Item 28: Department of Corrections – Parole and Probation Communications System

Analyst: John Terpening

Analysis: The Department of Corrections (DOC) submitted a report on the Parole and Probation Officer Communications System as directed by a budget note approved in HB 5004 (2021):

Parole and Probation Officer Communications System: *The Department of Corrections shall work with the Department of Administrative Services, Enterprise Information Services to develop a cost, schedule and budget estimate for the acquisition and deployment of an application that allows Parole Officers to securely communicate with individuals under their supervision. The Department shall report back to the Interim Joint Committee on Ways and Means with those estimates and a plan for deployment prior to the February 2022 legislative session.*

During the COVID-19 pandemic, DOC moved from in-person communication between Parole Officers and their clients, to utilizing a variety of options like email, texts, or phone calls, as well as conducting “virtual visits” through video applications like FaceTime for treatment and programming. At this point, most community corrections agencies have reopened to the public and are resuming in-person contacts while many have continued to also utilize electronic communications. In response to the budget note, DOC staff first developed a workgroup with county community corrections staff and DOC's IT unit to

determine what enhancements would be necessary for a potential communications system, as well as what systems might already be available on the market. Additionally, the workgroup was able to survey some other states for the types of systems being utilized.

The workgroup had three major findings: 1) the market of existing applications is vast and competitive, 2) there are a variety of options other states have utilized, from commercial off-the-shelf to building their own internal applications, and 3) the most significant response from other states was that any application should link directly to the primary case management system to avoid duplication, loss of information, increased workload or issues tracking progress.

The report also outlines the next steps DOC will take, which is to continue to work with all 36 counties to understand their needs and requirements while also making sure any new application would integrate with the Corrections Information System (CIS). If an application is determined to be a potential fit, DOC will engage with Department of Administrative Services, Enterprise Information Services to determine requirements, cost, and implementation timelines and bring forward a policy package for consideration as part of DOC's 2023-25 budget during the 2023 legislative session.

Item 29: Criminal Justice Commission – Family Preservation Project

Analyst: John Terpening

Analysis: HB 5006 (2021) included a budget note directing the Criminal Justice Commission (CJC) to report on the outcomes of the Family Preservation Project (FPP) at least annually during a legislative session. The FPP operates within the Coffee Creek Correctional Facility and seeks to promote family ties by providing services and supports to incarcerated parents and their minor children. This program is administered by the YWCA of Greater Portland and HB 5006 (2021) provided \$650,000 General Fund to the CJC to administer payments to YWCA to support this program.

CJC reports that the monies for the FPP will be distributed in two installments, the first at the end of 2021 and the second no later than July 31, 2022. As part of the contract, the YWCA will submit both progress and financial reports every 6 months during the project period. The first progress and financial reports are due January 25th, 2022 with the final report anticipated to be in late January 2023. Due to the timing of the first financial distribution and subsequent timeline of expected progress reports from YWCA, it is too early in the biennium to provide a material report on program outcomes. It is anticipated that CJC will be able to provide a more comprehensive progress report during the 2023 legislative session, per the budget note instructions.

Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means acknowledge receipt of the agency reports, en bloc.

27
Department of Corrections
McDonald

Request: Report on the Office of the Inspector General and Key Performance Measure updates by the Department of Corrections, per a budget note in House Bill 5006 (2021).

Recommendation: Acknowledge receipt of the report.

Discussion: The budget report for House Bill 5006 (2021) included a budget note directing the Department of Corrections (DOC) to return to the Public Safety Subcommittee of the Joint Committee on Ways and Means during the 2022 Legislative Session with a written report providing an overview of the Office of the Inspector General (OIG), including roles and responsibilities. Additionally, the budget note directs DOC to revise Key Performance Measures #4 and #7 “to include statistics on the number of complaints brought by adults in custody [AIC] against DOC staff, the outcomes of those complaints, and any disciplinary actions required.”

OIG: The DOC report outlines the history and purpose of the OIG establishment. The role of the Inspector General was originally stated in this manner: “In the whole of DOC’s organizational structure there is no position whose primary role is to inspect the various institution/divisions to determine the degree of compliance by personnel with the Department of Corrections rules and procedures. The evidence of departures from the DOC rules and procedures that have come to light in 1986 and since demonstrates a need for some oversight.” Today, approximately 60 employees make up the OIG. They are dispersed throughout the state and fulfill the current needs for oversight and collaboration to maintain compliance with changing federal and state laws and agency rules and policies. The office is broken into six teams which support each other and fulfill their specific missions. These include the following:

- Special Investigations Unit – works with the Oregon State Police to provide independent investigations of high-risk illegal activities within the department.
- Security Threat Management Unit – a statewide team focused on promoting positive behavior of AICs most likely to engage in violence or serious misconduct.
- Intelligence Unit – gathers, analyzes, verifies, and disseminates intelligence information throughout DOC.
- Hearings Unit – provides procedural fairness through administrative hearings for AICs alleged to have engaged in misconduct.
- Special Programs Unit – assures compliance with the Prison Rape Elimination Act (PREA) and the Americans with Disabilities Act (ADA). The unit conducts internal audits, reviews grievances, assists in litigation, and other related activities.
- Research Unit – provides centralized administrative data and analysis to guide DOC.

KPM Revision: During the 2021 Legislative Session, the Legislature directed DOC to revise KPM #4 and #7 for consideration by the Public Safety Subcommittee during the 2023 legislative session. KPM #4 currently reports the number of times AICs commit a level one assault on staff at DOC. DOC proposes a complementary measure to report data on AIC safety and staff behavior. This additional measure will report the number of times staff are charged and convicted of a criminal assault with an AIC as the victim. KPM #7 currently measures AIC misconduct. DOC proposes a complementary measure tracking the total number of planned or reactionary uses of force and the number of incidents reviewed and found to be excessive.



Oregon

Kate Brown, Governor

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December 13, 2021

The Honorable Elizabeth Steiner-Hayward, Co-Chair
The Honorable Dan Rayfield, Co-Chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

The Oregon Department of Corrections (DOC) respectfully asks you to accept this letter as a report on the Office of Inspector General (OIG) and Key Performance Measure (KPM) updates to the Oregon Legislature as required by a Budget Note contained in House Bill 5006 (2021).

Background

The Legislative Fiscal Office (LFO) Budget Report associated with HB 5006 passed during the 2021 Legislative Session included the following Budget Note:

The Department of Corrections is directed to return to the Public Safety Subcommittee of the Joint Committee on Ways and Means during the 2022 legislative session with a written report on the Office of the Inspector General (OIG). This report is to provide a broad overview of the OIG's role and responsibilities within the Department, and detail the missions, activities, and outcomes achieved in each of the OIG's operating programs: the Special Investigations Unit, the Security Threat Management Unit, the Central Intelligence Unit, the Hearings Unit, the Special Programs Unit, and the Research Unit. Additionally, the Department is directed to revise its Key Performance Measures #4 and #7 to include statistics on the number of complaints brought by adults in custody against DOC staff, the outcomes of those complaints, and any disciplinary actions required. The revised Key Performance Measures are to be developed and established for consideration by the Public Safety Subcommittee during the 2023 legislative session.

OIG Overview

DOC created the Inspector General position following the murder of DOC Director Michael Franke in the parking lot of the administrative building on January 17, 1989. In a September 1989 executive order, the Governor tasked Judge John Warden with conducting an inquiry or investigation into "whether there are reasonable grounds to believe that Department of Corrections officials are involved in any significant illegal activities..." linked to Mr. Franke's murder, and "whether existing means of investigation and enforcement are adequate to respond to any such activities..."

Judge Warden concluded there were reasonable grounds to believe DOC officials were involved in significant illegal activities or other wrongdoing, but that there were not reasonable grounds to believe Mr. Franke's death was connected to these activities. Additionally, Judge Warden found the existing means of investigation and enforcement were inadequate and recommended major institutional changes to address the inadequacy.

Judge Warden filed his report in December 1989, in which he recommended creation of the OIG. The role of the Inspector General was originally stated in this manner:

“In the whole of the DOC’s organizational structure there is no position whose primary role is to inspect the various institution/divisions to determine the degree of compliance by personnel with the Department of Corrections rules and procedures. The evidence of departures from the DOC rules and procedures that have come to light in 1986 and since demonstrates a need for some oversight.”

To meet this need, DOC created an “Inspections Branch” headed by an Inspector General who would have the authority of an Assistant Director and report directly to the DOC Director. The Legislative Emergency Board approved funding and the existing DOC “internal affairs” team was placed under the Inspector General. This was the genesis of the role of Inspector General and the beginning of the responsibilities of the office.

Judge Warden made several other key recommendations in his report. Notably for this budget note, he spoke to changes he recommended to the “Hearing Officer Corps,” the investigation of supplying of drugs or use of drugs within DOC, and the creation of “an intelligence operation designed to learn, in a timely manner, of the conditions and activities that militate against the effective operations of the Department.”

While the genesis of the role and responsibilities of the Inspector General can be traced back thirty years, the role of the office has changed over time as well. While the focus of the office has remained on providing oversight and an independent cadre of employees who serve outside the authority of the separate institutions which house Oregon’s adults in custody (AICs), the need for the objective view for the Director has morphed to respond to environmental factors both inside and outside the agency. Today, approximately 60 employees make up the OIG. They are dispersed throughout the state and fulfill the current needs for oversight and collaboration to maintain compliance with changing federal and state laws and agency rules and policies.

The office is broken into six teams which support each other and fulfill their specific missions. The activities of each team will be explained to respond to this budget note. Each of the teams supports the overall operating function of DOC, and the Inspector General leads the teams and serves on DOC’s Executive Team to provide perspective and insight to the entire department.

Special Investigations Unit

The Special Investigations Unit (SIU) most closely encompasses the vision Judge Warden had when DOC blended an existing internal affairs team with the newly funded “Inspections Division” created by the legislature in response to Judge Warden’s report. The team’s mission is to provide specialized investigative services, guidance, and support to DOC and its stakeholders to promote safety and security in DOC facilities and the community. SIU works pursuant to DOC policy and an intergovernmental agreement with the Oregon State Police to provide independent investigations of high-risk illegal activities within the department. This can include investigations of staff and AICs. The outcome of these investigations are captured in reports provided by the Oregon State Police or a DOC investigator to the local prosecutor for consideration of formal charges, to the functional unit manager for staff discipline, or to a hearings officer for consideration of AIC discipline. Between July 1, 2020 and July 1, 2021, SIU

initiated 705 investigative cases. Cases included evidence handling cases, staff investigations (both administrative and criminal), and AIC and civilian investigations (both administrative and criminal). SIU consists of a supervisor, eight investigators, and two evidence technicians.

Security Threat Management Unit

The Security Threat Management (STM) Unit was not part of the recommendations in the Warden Report. DOC created STM in 2005 to form a statewide team focused on promoting positive behavior of AICs who are most likely to engage in violence or other serious misconduct. Individuals found responsible for serious misconduct by a hearings officer or identified at intake to be statistically likely to engage in violence while in prison are placed on this caseload. Many of these AICs are young, gang-affiliated, and serving a sentence for a person crime. This team manages individual behavior and monitors group dynamics within Oregon's prisons. The goal of this unit is to keep high-risk individuals in general population and not commit violence – forgoing the need for segregation placement. When segregation is necessary, the STM Unit reintroduces an individual on the STM caseload into general population. When a larger disturbance occurs, this unit responds and helps the institution respond to the disturbance. The outcomes of this unit are individual plans to promote good behavior, informed housing decisions, and the ability to move or sanction individuals if necessary. DOC is contemplating solutions, which may require a request for funding to provide additional cognitive programming to this population upon entry to DOC custody to reduce violence and segregation. The STM unit currently consists of a supervisor and six Correctional Lieutenants who manage approximately 700 high risk individuals.

Intelligence Unit

This unit was contemplated by Judge Warden and mentioned in his 1989 report. Their mission is to gather, analyze, verify, and disseminate intelligence information throughout DOC. The team meets this mission predominately by monitoring AIC phone calls, AIC urine testing, and AIC social mail. Once the intelligence is verified, the team shares it throughout DOC in a monthly briefing and with law enforcement partners. Recently, with the shift to a new communication system, the intelligence unit has richer resources and enhanced abilities provided by new technology, including capabilities like voice recognition and the power to search for key words in calls. The unit consists of six analysts and is supervised by the STM supervisor.

Hearings Unit

The Office of the Inspector General includes Hearings Officers with the mission to provide procedural fairness through administrative hearings for AICs alleged to have engaged in misconduct. The objective of the hearings is to hold AICs accountable for misconduct while incarcerated, and to promote and reinforce pro-social behavior of those in custody. Disciplinary segregation is used only when needed to ensure the safety and security of DOC's institutions. The unit conducts approximately 12,000 hearings each year. In December 2020, the procedural rules governing the hearings was updated with the goal of greater discretion to apply sanctions and eliminating mandatory segregation sanctions. The hearings unit is the largest unit in the Inspector General's Office consisting of a supervisor, six support staff, and 11 Hearings Officers.

Special Programs Unit

This is a new unit that was created in 2017 as an expansion of the Office of the Inspector General's role in compliance with DOC rules and policies. Specifically, the mission of this unit includes compliance with two federal laws created after the Warden report: the Prison Rape Elimination Act (PREA) and the Americans with Disabilities Act (ADA). This unit works with institution staff to review 8,500 AIC grievances and over 550 AIC discrimination complaints annually. It conducts internal audits to assist in DOC compliance with PREA standards and conducts PREA audits of other states. It collaborates with Department of Justice and Department of Administrative Services Risk Management to address litigation across the department with the objective of timely and complete production of documents as all three agencies address high-risk DOC cases. It manages public records requests related to the Inspector General's Office functions and serves as the liaison to the Governor's Constituents Services Manager. Finally, the unit includes the rules coordinator for DOC, ensuring department rules and policies are updated and promulgated in accordance with state law. This team consists of a supervisor, six analysts, and two auditors.

Research Unit

This unit was not contemplated in the Warden Report as part of the Office of the Inspector General. Until 2019, the Office of the Inspector General and the Research Unit were separate components of the Director's Office. Pursuant to an organizational change, the Research Unit's mission of providing centralized administrative data and analysis to guide the entire department shifted to the Office of the Inspector General. This shift was in line with the Inspector General's role of independence and objectivity within the DOC system. This mission has been critical as DOC continues to rely on data to meet its important objectives, specifically in answering key questions related to the pandemic. The current Inspector General has the capacity and experience to direct this unit and assure DOC decisions are data informed. The Research Unit consists of a Chief of Research, four Research Analysts, and a Business Systems Analyst.

Revision of Key Performance Measures (KPM) #4 and #7

During the 2021 session, the Legislature directed DOC to revise two KPMs for consideration by the Public Safety Subcommittee during the 2023 legislative session. Following the 2021 Legislative Session, the Inspector General met with Senator Gorsek to clarify the purposes and needs of the Public Safety Subcommittee for these revised measures. In that meeting, Senator Gorsek discussed the goals of the revised measures and DOC-proposed metrics to meet those goals.

KPM #4 is a report of the number of times AICs commit a level one assault on staff at DOC. The goal of the revised measure will be to provide a complementary measure to report on AIC safety and staff behavior. This revised measure will report the number of times staff are charged and convicted of a criminal assault with an AIC as the victim. DOC illustrated past circumstances which would meet this definition and found several such cases. These are incidents in which staff intentionally caused physical injury to an AIC without a correctional purpose for the use of physical force. Rather than revising KPM #4, this measure would be in addition to KPM #4. DOC's Research Unit will work with SIU to provide this data and report on this KPM.

KPM #7 measures AIC misconduct. In the meeting with Senator Gorsek, DOC proposed a metric to monitor the number of times staff use excessive force to gain compliance. This is seen as a

complementary measure to the AIC misconduct, which is already tracked. The new measure would track the total number of planned or reactionary uses of force and the number of incidents reviewed and found to be excessive. In October 2021, DOC rolled out a new training designed to reduce the overall number of use of force incidents. This will be accomplished with risk assessment training and a decision-making model designed to maintain order without force in most incidents. Additionally, the training will place an emphasis on an employee's obligation to intervene in a use of force situation.

DOC will continue to work with its data systems and coordinate with legislative staff to develop and establish these revised metrics for approval in the 2023 session.

The agency is happy to answer any questions you may have and will return to the next meeting of the Interim Joint Committee on Ways and Means if required.

Sincerely,

A handwritten signature in cursive script, appearing to read "Colette S. Peters". The signature is written in black ink on a white background.

Colette S. Peters
Director

cc: George Naughton, Chief Financial Officer
April McDonald, CFO Policy and Budget Analyst
Laurie Byerly, Legislative Fiscal Officer
John Terpening, LFO Principal Legislative Analyst
Steve Robbins, DOC Chief Financial Officer
Rem Nivens, DOC Communications Administrator

Request: Report on the Parole and Probation Communications System by the Department of Corrections, per a budget note in House Bill 5004 (2021).

Recommendation: Acknowledge receipt of the report.

Discussion: The budget report for House Bill 5004 (2021) included a budget note directing the Department of Corrections (DOC) to take preliminary steps toward planning and deploying an updated communication system to securely connect Parole Officers and adults under supervision. DOC is further directed to report back to the Interim Joint Committee on Ways and Means with cost estimates and a plan for deployment prior to the February 2022 Legislative Session. The impetus for this budget note arose from the need for a secure and reliable alternative to in-person communication between Parole Officers and their clients during the COVID-19 pandemic. During the pandemic, officers contacted their clients through email, text, phone calls and “virtual visits” of their homes. Although most community corrections agencies have re-opened to the public, many continue to balance in-person contact with electronic communication. DOC developed a workgroup including both DOC and county community corrections staff as well as DOC Information Technology representatives to consider secure enhancements above standard electronic communication. The following components were identified as critical:

- Automated appointment reminders
- Pre- and post-visit surveys
- Written, verbal, and visual connectivity
- Document sharing
- Access or links to local resources
- Adaptability to individual county needs and priorities

The workgroup researched available technologies and applications on the market, and explored options currently utilized in other states. The market of available options was found to be vast and competitive. Some states opted against commercial off-the-shelf products and built their own systems to assure integration with their case management system and serve unique needs. Many commercial applications were costly, with ever increasing fees for amendments or enhancements. It became even more expensive for jurisdictions opting not to charge clients for any portion of the cost, which DOC and county community corrections considered because they opt not to charge clients whenever possible. The most significant response from the states contacted, and through the RFI process, was advice to ensure any application links directly to an agency’s primary case management system. This would avoid duplication of data entry, loss of information, increased workload, and problems tracking progress.

DOC recommends continued work with all 36 counties to understand their requirements, and parallel work with the Corrections Information System (CIS) upgrade to assure integration. In next steps, DOC will work with the Department of Administrative Services (DAS) Enterprise Information Services (EIS), as required in the budget note. The evaluation did not reach a conclusion requiring DAS involvement at this time; however, EIS would be a critical partner in the determination, cost, and implementation. If a desired application is found, DOC shall submit a policy package request for the 2023-25 biennium outlining a budget for both start up and ongoing maintenance.



Oregon

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December 13, 2021

The Honorable Elizabeth Steiner-Hayward, Co-Chair
The Honorable Dan Rayfield, Co-Chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

The Oregon Department of Corrections (DOC) respectfully asks you to accept this letter as a report to the Oregon Legislature as required by a Budget Note contained in House Bill 5004 (2021).

Background

The Legislative Fiscal Office (LFO) Budget Report associated with House Bill 5004 passed during the 2021 Legislative Session included the following Budget Note:

Parole and Probation Officer Communications System: The Department of Corrections shall work with the Department of Administrative Services, Enterprise Information Services to develop a cost, schedule and budget estimate for the acquisition and deployment of an application that allows Parole Officers to securely communicate with individuals under their supervision. The Department shall report back to the Interim Joint Committee on Ways and Means with those estimates and a plan for deployment prior to the February 2022 Legislative Session.

Current Communication System

In March of 2019, as Oregon began to respond to the COVID-19 pandemic, the Community Corrections Division's approach shifted from being primarily an in-person contact – either in an office setting or in the home of the individual on supervision – to an electronic and virtual connection. Email, text messaging, and phone calls became a normal course of communication between Officers and their clients. Video and facetime applications were utilized for treatment and programming, as well as allowing officers to conduct “virtual visits” of their client's homes. While most of community correction agencies have reopened to the public and returned to in-person contacts, most have continued the practice of balancing in-person with electronic communications. This has raised the question and the purpose of this budget note to determine: *Is there a more effective and secure way to communicate electronically than utilizing the established applications on most smart phones and computers?*

Research

To answer this question, DOC developed a workgroup consisting of both DOC and county community corrections staff, along with representatives of DOC's Information and Technology (IT) Unit. This group considered what enhancements, above standard electronic communications,

would be necessary to allow secure yet simplistic engagement between an officer and their clients, with the least amount of additional work or instruction for both parties. The following key components were identified as critical for any application to be considered:

- Automated appointment reminders
- Pre- and post-visit surveys
- Written, verbal, and visual connectivity
- Document sharing
- Access to local resources (think 211 navigation guide)
- Adaptability to individual county needs and priorities – no one size fits all

In addition, the workgroup researched current available technologies and applications currently on the market and what other states are utilizing at this time. This research was done in a variety of ways, primarily through the following means:

- Internet research of relevant systems
- Review of current systems at the American Parole & Probation Association Summer Institute
- Request for Information (RFI) process to solicit information directly from applicable companies
- Request to the National Institute of Corrections to assist in compiling feedback from other states and the types of systems used in community corrections and pre-trial agencies

Findings

There are three major takeaways from the work conducted to answer the request of this budget note. First, the market of existing applications designed to assist with case management and client monitoring is vast and competitive. As more community corrections agencies seek electronic improvements to their service delivery, there is no shortage of individualized and off-the-shelf systems available for consideration.

Second, in reviewing results from the states that responded to the request for information, the responses were mixed. Some had built internal applications, unique to their case management systems and needs. Most found the current applications were costly, with ever increasing fees for any amendments or enhancements. It became even more expensive for those jurisdictions that did not want to charge clients for any portion of the cost. As it is a value of DOC and county community corrections not to charge clients whenever possible, this must be considered in the overall assessment. Some states have returned to utilizing the basic text, email, and video capabilities found on most smartphones as this has limited cost, and most people are familiar with their usage and capability. This limits the ability to meet the other demands, as listed above, such as surveys, document sharing, and customization.

Third, the most significant response, from all states and through the RFI process, was to ensure any new application links directly to an agency's primary case management system to avoid duplication of data entry. Without this feature, information is lost, workload is increased, and tracking progress can be problematic.

Conclusion and Next Steps

DOC appreciates the Legislature's interest in understanding the emerging needs of community corrections and ensuring that available technology supports behavior change, successful completion of supervision, and public safety. Community Corrections must have a wide spectrum of resources to ensure there is meaningful engagement with clients and greater ability to keep individuals engaged in their supervision, to lessen the number of absconds and warrants issued each year. To that end, DOC recommends the following:

- Continue further engagement with all 36 counties to ensure any new application meets the needs of each local jurisdiction.
- As DOC upgrades the current Corrections Information System (CIS) as funded by the Legislature in 2019, consider which applications would integrate with the highest degree of accuracy, timeliness, and avoid duplication of data entry.
- If an application is critical to improve communications, DOC will work with DAS EIS, as required in the Budget Note to ensure all processes and requirements are completed to implement a statewide system. (Although the Budget Note required DAS EIS engagement, the evaluation did not reach a conclusion that required DAS involvement at this time. DAS EIS would be a critical partner in the determination, cost, and implementation should DOC decide to pursue a system further.)
- If a desired application is determined, DOC shall bring forward a POP request that outlines a budget for both start up and ongoing maintenance of the application.

The agency is happy to answer any questions you may have and will return to the next meeting of the Interim Joint Committee on Ways and Means if required.

Sincerely,

A handwritten signature in black ink, appearing to read "Colette S. Peters". The signature is fluid and cursive, with a large loop at the end.

Colette S. Peters
Director

cc: George Naughton, Chief Financial Officer
April McDonald, CFO Policy and Budget Analyst
Laurie Byerly, Legislative Fiscal Officer
John Terpening, LFO Principal Legislative Analyst
Jeremiah Stromberg, DOC Assistant Director, Community Corrections Division
Steve Robbins, DOC Chief Financial Officer
Rem Nivens, DOC Communications Administrator

29
Criminal Justice Commission
McDonald

Request: Report on the Family Preservation Project by the Criminal Justice Commission, per a budget note in House Bill 5006 (2021).

Recommendation: Acknowledge receipt of the report.

Discussion: House Bill 5006 (2021) provided the Criminal Justice Commission (CJC) \$650,000 General Fund to support the Family Preservation Project (FPP), administered by the YWCA of Greater Portland. The FPP operates inside the Coffee Creek Correctional Facility and seeks to promote “individual and system level change to reduce collateral consequences of parental incarceration on children, families and the community.” Further direction was provided to CJC in a budget note for House Bill 5006 as follows:

“...The Criminal Justice Commission (CJC) is directed to work with the Department of Corrections (DOC) and the YWCA of Greater Portland to track the program’s outcomes for incarcerated adults and their minor children, its effect on successful parent re-entry into society upon release from prison, its effect on reducing recidivism, and any other pro-social program outcomes as determined by DOC, CJC, and the YWCA of Greater Portland. CJC shall report to the Legislature on Family Preservation Program outcomes at least annually during a legislative session.”

The CJC will distribute a total of \$650,000 to the YWCA of Greater Portland for the FPP in two installments. The first distribution of \$325,000 is anticipated before the end of 2021 and the final installment no later than July 31, 2022. As part of the contract, the YWCA will submit progress and financial reports every six months during the project period. The first progress and financial reports are due January 25, 2022, with the final report for the biennium anticipated January 25, 2023. Given this schedule, the report CJC has provided to the January 2022 Interim Joint Committee on Ways and Means is too preliminary to provide program metrics and outcomes. Instead, it contains a description of the FPP and services provided, details regarding the contracting process, and a description of the evaluations CJC will be conducting in partnership with FPP staff and the DOC.

As the FPP matures, the YWCA, CJC, and DOC will collaborate on collecting performance measures and post-release outcomes to evaluate the program’s performance. This will include program participation data with demographic and criminal history information for incarcerated women who participate in FPP. Post-release outcomes will include criminal recidivism and family reunification measures. Future reporting, allowing enough time to collect at least a year of post-release criminal recidivism data, will include actual program participation information and meaningful outcome measures.



Oregon

Kate Brown, Governor

Criminal Justice Commission

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Kenneth Sanchagrin
Executive Director

December 7, 2021

The Honorable Elizabeth Steiner Hayward, Co-chair
The Honorable Dan Rayfield, Co-chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

COMMISSIONERS

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Sebastian Tapia
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*Non-Voting

Dear Co-Chairpersons,

Nature of the Request

The Oregon Criminal Justice Commission (CJC) respectfully ask you to accept this Letter of Request to submit a report on the Family Preservation Project to the Interim Joint Committee on Ways and Means during the January 2022 Legislative Days specific to the following Budget Note contained in HB 5006 (2021):

The Family Preservation Project strengthens family ties by providing services and supports to incarcerated parents and their minor children. The program operates at the Coffee Creek Correctional Facility in Wilsonville and is provided by the YWCA of Greater Portland. The Criminal Justice Commission (CJC) is directed to work with the Department of Corrections (DOC) and the YWCA of Greater Portland to track the program's outcomes for incarcerated adults and their minor children, its effect on successful parent re-entry into society upon release from prison, its effect on reducing recidivism, and any other pro-social program outcomes as determined by DOC, CJC, and the YWCA of Greater Portland. CJC shall report to the Legislature on Family Preservation Program outcomes at least annually during a legislative session.

Agency Action

CJC intends to provide a written report by January 3, 2022, and if requested, public testimony in compliance with the Budget Note.

Action Requested

The agency is requesting acknowledgement of the report when submitted.

Legislation Affected

HB 5006 (2021)

Thank you for your consideration.

Sincerely,

Kenneth Sanchagrin
Executive Director, Criminal Justice Commission

cc: George Naughton, Chief Financial Officer
Laurie Byerly, Legislative Fiscal Officer
April McDonald, CFO Policy and Budget Analyst
John Terpening, LFO Principal Legislative Analyst

Family Preservation Project Report

January 10, 2022



Oregon Criminal Justice Commission

Ken Sanchagrin
Executive Director

The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

1. Background

During the 2021 Legislative Session, Senate Bill 720¹ was introduced and assigned to the Senate Judiciary and Ballot Measure 110 Committee. The bill sought to fund the Family Preservation Project (FPP), which is administered by the YWCA of Greater Portland, through a grant administered by the Oregon Criminal Justice Commission (CJC). In brief, the FPP is a program operating inside the Coffee Creek Correctional Facility in Wilsonville, Oregon, which seeks to promote “individual and system level change to reduce collateral consequences of parental incarceration on children, families and the community.”² SB 720 sought to fund the FPP in the amount of \$650,000 for the 2021-2023 biennium and laid out the services to be provided as well as a structure for assessing the success of the program, which was to be coordinated by the CJC in partnership with the FPP and the Oregon Department of Corrections (DOC).

A public hearing and work session were held for SB 720 in March 2021 and the bill was referred to the Joint Committee on Ways and Means on March 23, 2021. After this referral, SB 720 did not progress any further in the legislative process, however, the funding for the FPP that was contemplated in SB 720 was included in House Bill 5006§8.³ In HB 5006§8, the Legislature provided the CJC with \$650,000 for the FPP operated by the YWCA of Greater Portland. Along with HB 5006, a budget note was included, which stated the following:

The Family Preservation Project strengthens family ties by providing services and supports to incarcerated parents and their minor children. The program operates at the Coffee Creek Correctional Facility in Wilsonville and is provided by the YWCA of Greater Portland. The Criminal Justice Commission (CJC) is directed to work with the Department of Corrections (DOC) and the YWCA of Greater Portland to track the program’s outcomes for incarcerated adults and their minor children, its effect on successful parent re-entry into society upon release from prison, its effect on reducing recidivism, and any other pro-social program outcomes as determined by DOC, CJC, and the YWCA of Greater Portland. CJC shall report to the Legislature on Family Preservation Program outcomes at least annually during a legislative session.⁴

This report contains the information available as of this time regarding the funding of the FPP by CJC and is intended to satisfy the reporting requirement described above. It is important to note, however, that the work supported by the funding provided by CJC to FPP has only just begun and it is too early to report program metrics and outcomes. As such, this report will provide a description of the FPP and services provided, details regarding the contracting process, and a description of the evaluations CJC will be conducting in the future in partnership with FPP staff and the DOC.

¹ <https://olis.leg.state.or.us/liz/2021R1/Downloads/MeasureDocument/SB720>

² <https://www.ywcapdx.org/what-we-do/family-preservation-project/>

³ <https://olis.leg.state.or.us/liz/2021R1/Downloads/MeasureDocument/HB5006>

⁴ <https://olis.leg.state.or.us/liz/2021R1/Downloads/CommitteeMeetingDocument/246418>

2. The Family Preservation Project

Over the past 30 years, incarceration rates for women in the US have steadily increased, which impacts not only the women who are incarcerated, but their families, and especially their children. It is estimated that 64% to 84% (state/federal prison rates) of incarcerated women are mothers to school-aged children who resided with their children prior to incarceration and will likely resume parenting roles once released.⁵ According to an Annie E. Casey Report, more than 68,000 Oregon children have had a parent in prison.⁶

Children who are impacted by maternal incarceration are at risk for a number of interpersonal and developmental challenges such as: stigma, shame, low academic performance, increased poverty, attachment and insecurity issues, anxiety, depression, aggression, delinquency, feelings of confusion, fear of abandonment, and vivid memories associated with their mother's incarceration. Children of incarcerated mothers experience a disproportionate amount of disrupted home and school placements, as they were primarily in the physical care and custody of their mother prior to her incarceration. Further, criminological research demonstrates that close parental bonds with children are one of the chief protective factors that prevent children from engaging in delinquent and criminal behaviors.⁷

The Family Preservation Project began its work in the Coffee Creek Correctional Facility in 2010, taking over responsibility for reentry work that had previously been done by Portland Community College. The mission of the FPP is to “interrupt the intergenerational cycle of criminal involvement, poverty, and addiction” found among female adults in custody by mitigating the negative effects of parental separation that occurs during incarceration, supporting successful reentry for parents exiting DOC institutions, and repairing/sustaining the parent-child bond in an effort to reduce recidivism as well as the chances for future criminal justice system involvement by the children of incarcerated mothers. Since March 8, 2020 all services have been adapted to accommodate the need for remote service delivery.

To accomplish these ends, the FPP provides three tiers of programming. The first tier is FPP's Intensive Family Reunification Program, which is designed for families with a child facing educational and/or emotional barriers. FPP assists participants in this program by coordinating between mothers, children, care givers, and family members by engaging in therapeutic visitations, intensive transition planning, caregiver support, and interventions based on bio-psychological assessments. FPP services in this tier reach approximately 15 incarcerated mothers, 30 children, and 20 caregivers annually. Children of program participants are able to have parental involvement in essential school related functions and decision making, including parent/teacher and IEP meetings, as well as enrichment activities. Caregivers participate in a bimonthly support group, receive support in navigating available community and government

⁵ <http://aspe.hhs.gov/basic-report/effects-parental-incarceration-young-children>

⁶ <https://assets.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf#page=7>

⁷ Costello, Barbara J., and John H. Laub. 2020. “Social Control Theory: The Legacy of Travis Hirschi's *Causes of Delinquency*.” *Annual Review of Criminology* 3:21-41.

resources, are provided respite opportunities, and are supported during facilitated family meetings with the incarcerated mother.

Services for the incarcerated mothers participating in the Intensive Family Reunification Program are based upon a bio-psychosocial assessment given to participants upon acceptance into the program. This assessment is designed to identify and assist participants with goal setting and forms the basis of weekly meetings where participants are connected with FPP services as well as services within Coffee Creek designed to repair family relationships, address histories of trauma, and address histories of substance abuse or dependence. Services received by program participants also include bimonthly therapeutic visits between the mothers and their children, twice-weekly parenting support and education, and weekly intensive transition/reentry planning.

The second tier of programming offered by FPP is its Family Resource Center, which serves approximately 300 women per year and consistently has a long wait list of a few hundred hopeful participants. The Family Resource Center provides several types of services, including support and education groups; facilitated contact between program participants and family members, children, lawyers, and community agencies; pro-bono legal support and representation for family law and juvenile law issues; civil legal support; case management for participants with open DHS cases or other non-DHS issues; and weekly individual coaching sessions and group parenting from prison classes. It is estimated that these services impact approximately 600 children and 300 caregivers in addition to the program participants.

Finally, the third tier of programming includes other support services. For instance, within this tier is the Speaker Series, which brings speakers monthly into Coffee Creek to present on self-identified topics provided by community partners as well as formerly incarcerated women. There is also an alumni association that provides peer support and guidance along with providing support to program participants post-release.

3. Funding and Grant Reporting

The CJC will distribute \$650,000 to the YWCA of Greater Portland for the Family Preservation Project. The first distribution of \$325,000 is anticipated before the end of 2021, and the final installment no later than July 31, 2022.

The contract is finalized, and includes progress and financial report requirements to the CJC. YWCA of Greater Portland is scheduled to submit progress and financial reports every 6 months during the project period. The first progress and financial report are due January 25th, 2022, with the final report for the biennium anticipated January 25th, 2023.

4. Outcomes Measurement, Metrics, and Tracking

The YWCA, CJC, and DOC will collaborate on collecting performance measures and post-release outcomes, including recidivism, to measure program performance. This will include program participation data with demographic and criminal history information for incarcerated women who participate. Post-release outcomes will include criminal recidivism and family reunification measures. Later reports will include actual program participation data, and as the

needed follow-up time of at least a year allows, will also include criminal recidivism outcome measures. It is important to note that the work supported by the funding is just beginning, and it is too early to report on program measures and outcomes.

The following table shows the estimated program participation by the specific program areas and types of participants: incarcerated women, children of incarcerated women, and families or caregivers. The Intensive Family Reunification program is estimated to serve 15 incarcerated women, 300 children, and 20 families or caregivers. The Family Resource Center is estimated to serve 300 incarcerated women, 600 children, and 300 families or caregivers.

Estimated FPP Participation

Program Area	Incarcerated Women	Children of Incarcerated Women	Families or Caregivers
Intensive Family Reunification	15	30	20
Family Resource Center	300	600	300
Total	315	630	320

The YMCA has an initial plan of program performance measures that will be provided to CJC. The YWCA will also provide program participant information to CJC for additional analysis. CJC can provide ancillary demographic and criminal history information, in addition to criminal recidivism outcomes. This information will be provided in a later report, as the needed follow-up time is allowed for to provide at least a year of post-release criminal recidivism measures.

The following performance measures are planned for incarcerated women and mothers who participate in the FPP including: length of program participation, race/ethnicity, age, county, number of minor children including DHS and OYA involvement, and number of caregivers. For children of incarcerated mothers who participate in the FPP, the following performance measures are planned: age, race/ethnicity, county, special needs, primary caregiver prior to mother’s incarceration, primary caregiver during mother’s incarceration, and type of placement (foster, post-adoptive, court-order guardianship, information guardianship, other custodial parent). In addition to post-release recidivism outcomes, the following family reunification measures are planned to evaluate changes in: contact with children and families, engagement with DHS child welfare, involvement with schools, contact with service providers, confidence in parenting skills, and social support measures.