



## Legislative Testimony

### OREGON DEPARTMENT OF CORRECTIONS

February 21, 2022

The Honorable Barbara Smith Warner, Chair  
House Committee on Rules

#### **Re: House Bill 4050 -1**

Chair Smith Warner and members of the committee, my name is Kelly Rath, and I serve as the Acting Assistant Director of the Correctional Services Division for the Oregon Department of Corrections (DOC). I am providing written testimony on the anticipated impacts of the dash-one amendment to HB 4050 as it relates to the department.

#### **What the Bill Does:**

The dash-one amendment requires DOC, in cooperation with the Criminal Justice Commission, to establish a pilot program to provide legal services to adults in custody (AICs) serving sentences at Coffee Creek Correctional Facility (CCCF) who are re-entering and reintegrating into local communities. The expressed intent of the pilot is to reduce vulnerability to domestic violence and help releasing AICs obtain employment, housing services, and other benefits. The amendment specifies CJC will award monies to the Oregon Justice Resource Center (OJRC) sufficient to fund three attorneys and support staff to further extend the pilot program.

#### **Background Information:**

In the 2019 session the Legislature passed [HB 2631](#) and provided \$800,000 to fund what was called the Re\*Membering Program. DOC worked closely with OJRC to facilitate the provision of these resources to AICs. During the 2021 regular session, the Legislature considered [HB 2912](#), nearly identical to the dash-one amendment to HB 4050 being discussed today. While HB 2912 did not pass, an increase of \$500,000 in general fund appropriation was provided to the CJC in [HB 5006](#) (2021) to grant to OJRC to extend the pilot program.

HB 2631 required an evaluation of the program operations and success to be reported to the legislature by September 15, 2021. DOC supports the requirement for a program evaluation report.

DOC provides legal libraries, staff-arranged attorney/AIC client telephone calls, and other resources and supplies at each correctional facility to adequately assure access to the courts. In accordance with [Oregon Administrative Rule 291-139](#), priority access to legal library resources is given to AICs raising a legal challenge to their conviction, sentence, or conditions of confinement. DOC has worked with defense attorney organizations to develop mutually agreed upon methods to implement this prioritization system. Generally, legal counsel is assigned to AICs raising such legal challenges. With limited exception, DOC lacks the resources to prioritize the civil legal matters which are the expressed focus of the pilot program.

Similarly, DOC in partnership with community corrections, state agencies, community partners, and others provides comprehensive release supports in the areas of employment, housing, and other benefits.

**Potential Impacts:**

Should this legislation pass, DOC will look to OJRC for continued collaboration in this pilot like their last pilot to avoid duplicative efforts and unnecessary expenditures for those services already provided by DOC. For example, DOC provides a full range of transition classes to AICs, and successfully provides important documents for re-entry such as identification, social security cards, and birth certificates. Over 70 percent of people leave DOC custody with both a birth certificate and social security card as a result of DOC policy implementation. OJRC's continued facilitation on the more complicated remaining 30 percent in need of other documentation would be beneficial to releasing AICs.

Whether this legislation passes or not, OJRC attorneys will be able to continue to access their clients through the same methods available to all attorneys: professional in-person visits, staff-arranged phone calls, and the United States Postal Service (USPS). From conversations over the last two years with OJRC, DOC understands these methods meet their needs and the professional visit process is a more efficient way for them to see their clients; even more so than the pre-pandemic process.

This point is important. As the agency recovers from the pandemic and moves to endemic COVID-19 operations, CCCF staff will be prioritizing their limited energy and space on the return of consistent visiting, higher education opportunities, existing release and legal services, supports for children and parents, and other religious, cultural, and recreational opportunities for AICs.

Thank you for your time and consideration.

*Submitted by:*

Oregon Department of Corrections

Kelly Raths, Acting Assistant Director for Correctional Services

Kelly.A.Raths@doc.oregon.gov