

Oregon Association of Community Corrections Directors

Bi-Monthly Committee Meeting

Date: September 8 – 9, 2021

Location: Hybrid – Running Y, Klamath Falls & Zoom

In Person Attendees: Aaron Hartman, Dennis Holmes, Alicia Robinson, Malcolm McDonald, Tanner Wark, Kevin Karvandi, Dale Primmer, Kurt Symons, Larry Bennett, Ryan Downing, Jeremiah Stromberg, Denise Sitler, Maureen Robb, Erin Welch, Eric Guyer, Joe Garcia, Jake Greer, Jessica Beach, Amy Bertrum

Zoom Attendees: Travis Miller, Mark Patterson, Tracey, Tina Potter, Kristen Hanthorn, Judy Bell, Karleigh Mollahan, Justin Carley, Jamie Hepner, Kelly Kuklenski, Traci Hubler, Lodi Presley, Megan Becker, John Bailey, J. St. Mitchell, Joel, Jodi Merritt, Stu Walker, Tony Campa, Joe Simich, Tim, Marci Nelson, Lara Smith, Betsy Jones, Lisa Lewis, Kathryn Sofich, Abraham Griswold, A. Seaholm, Andrew Watson, Denise Pena, Jay Scroggin, Mike Crim, Erika Preuitt, Fritz Bachman, Nate Gairan, Hank Harris, Brian Rucker, Megan Becker, Chris Enquist

Communications Group. Tanner Wark opened the group meeting as Eric Guyer was unable to make it. The group is continuing to work on the same communications video that they did on the time study.

CCR Review. Tanner Wark talked about what the group has been working on. Denise Sitler has built a mock CCR dashboard on a sanctions data set. They are also building queries to begin dissecting the data. Klamath, Deschutes, and Multnomah have been able to run the same queries as DOC. Clackamas is working on it.

Aaron Hartman said there are two ways this review should go. The data group looking at the story the data tells and the CCR group looking at what to do with that story and make recommendations for measurements and standards.

Wark said a good example of standards would be the measurable contacts for supervision level. There are five counties working with data sets that can already pull this data. He would also like to get a list put together of who is going to be on the CCR group so they can start providing feedback.

Kevin Karvandi asked if there is an established timeline for this.

Wark said there isn't one but one should be sketched out soon.

Kurt Symons talked about making sure everyone knows what the route will be so they can be following along and making sure they are doing what they need to in order to not get graded down by the CCR.

Wark hopes there will be a pilot coming out soon that the directors can look at and validate the information.

Dale Primmer asked if there is any conversation around removing lows from being measured. Wark believes there hasn't been.

OACCD Meeting Day 1

Welcome. Aaron opened the meeting, gave some instructions for the hybrid meeting. He asked for the July minutes to be approved. Eric Guyer motioned to approve the minutes. Tanner Wark seconded. Virtual participants voted on a poll, in person participants voted. Approval was unanimous.

DOC Budget. Jeremiah Stromberg gave a summary on the new budget building process and Denise Sitler gave a presentation for the 21-23 budget build.

The capitated rate is built by taking a snapshot of the population and risk level in October, November, and December of odd numbered years. These are broken into categories and a daily rate is applied to each. The daily rate is determined by the time and cost study. The daily rate is multiplied by the cases in each category for a cost per day. This is divided by total population for the capitated rate. The capitated rate for 21-23 is \$12.426. Stromberg pointed out that this is built off forecasted numbers, not the actual supervised population, but DOC does go back and review after the biennium. Historically the forecast and the actual have been fairly close, and in the last 9 years the forecast has been slightly higher than the actual population. While DOC does not do a mid-biennium review and take money away if the forecast is higher than the actual, it would be to the counties detriment if the forecast is ever lower than the actual. Recently, it's been rather tricky to forecast due to the number of factors impacting the population at the moment.

There were several additional changes to the budget this biennium: the personal services inflation package (\$32.7 million), the supervision fee enhancement (\$10 million), and the designated misdemeanors (\$7 million).

Jay Scroggin asked if these additional funds would then change the original capitated rate. Sitler answered that she believes these two policy packages are unique and so would not change the capitated rate already set. The capitated rate does not change due to inflation, it's based on the snapshots that have already been taken. But next summer the daily rates will be recast and that will be the new starting rate.

Jeremiah Stromberg talked about the personal services \$32.7 million infusion into the DOC budget. This is the \$25 million ask from the 17-19 time and cost study and a new salary pot amount. Historically Community Corrections did not receive a salary pot like other departments do. The legislature agreed to fund whatever the salary pot would have been for 19-21 and 21-23. DOC did a study and determined that 65.8% of the overall budget is for personal services. This will be the number moving forward until the next cost study. An exception inflation rate was applied to the personnel percentage and the total received subtracted from the total DOC would have received on the inflation to come up with the difference amount. This was done for both 19-21 and 21-23 and the differences added together to come up with the \$32.7 million.

Eric Guyer talked about the 2017 cost study, the energy that went into it, and the negative feelings that came out of it not getting funded. He thanked Stromberg for all the effort that went into getting this biennium funded.

Erika Preuitt wants to know if there are any risks with this new model. Stromberg believes there is less risk with this model than with the old model. With the old model increases were not considered until the cost study every six years and this caused legislature less willing to absorb the new amounts. With the new model the adjustments are more often and are smaller amounts the legislation can be more comfortable with.

The inmate welfare fund has gone away. DOC has received \$1 million in transition funding. DOC has also increased the minimum grant funding a county could receive from \$75,000 to \$100,000.

FSN / SOON Recommendations. Judy Bell brought two recommendations to the group.

1. Regarding appeals and data entry: when an appeal is handed down after discharge no data entry will be changed unless they are ordered back onto supervision and then counties will just track and SOON will add a FA note to indicate what the sentencing involved or included. The closure code will be left as it was when the sentencing was finished.

This recommendation was approved.

2. Regarding supervision past expiration when there is a PV pending: DOJ and county councils say there is no authority for Community Corrections to supervise if the sentence has expired even if there is a PV pending. The recommendation is to create two new codes: a line closure code and an outcount. If the only active case is a PV pending then the body would be put on outcount. If there is only one case that is PV pending, but other cases still being supervised, then only the sentence line would be closed out with the PV pending code.

Kurt Symons asked about court orders that say to check in daily with the PO when someone is set out 90 days on their PV and the expiration has occurred. Bell said that SOONs recommendation was if courts provide an order to extend probation while PV is pending counties would do the data entry and continue to have the authority to supervise.

Bell mentioned that some courts are creating orders that say supervision is extended until PV is adjudicated. This causes an issue on the data entry side as there is no way to enter that without an expiration date. SOON felt that if there was no expiration date the data entry would be left as is. If the probation was extended to a particular date, they would alter the sentence line as they do with any other probation extension.

Malcolm asked what is done now if a case expires on the same day as the PV and the JII doesn't show. Bell said that historically counties have continued to supervise and left the expiration date as is. Once the PV was adjudicated they would make the changes to the sentence line. But now that the understanding is there is no authority to supervise, SOON is looking for some data solutions.

Aaron asked what the group would like: leave as is or modify to change the date. Malcolm made the recommendation that it goes to the last PV date unless the court gives a specific date. OACCD agreed on this recommendation. SOON will determine what the code will be.

Parole Board Updates. John Bailey gave a few updates.

- They are hiring for positions that had been cut in the last biennium. They were able to be funded for them this biennium.

- They are also expecting to hire a fifth board member.
- They are working on the rule making for the bill regarding post-prison early release due to medical reasons.
- They are involved in a work group for the SB 835.
- There has been some development on the boards site to appear project. DOC is currently working on making changes to DOC400 so those can be issued.
- The Board would like to look for opportunities to provide trainings to corrections officers and staff in the field. There is a transgender and gender identity training on September 28th by Adrian Lawyer. The Board would like to open up trainings like this statewide if there is interest. They are working with DPSST to see about getting DPSST credit for these.

Legislative Updates. Lara Smith gave an update.

- Virtual roadshows started today to get public feedback for redistricting. They are required to come back on September 27th and have a special session to decide if they will pass or not.
- Legislative days are happening in September, middle of November, and middle of January. November 19th is the deadline to drop bills. Legislative session begins February 1st and runs through March 7th.
- There is talk about bringing HB 2002 back and focusing on pieces that didn't pass around arrests and justice reinvestment.

Jessica Beach and Jay Scroggin sat on the workgroup for SB 835 and discussed what was happening there.

Nate Gaoiran gave an update on BM 110. He had a presentation that showed population data.

SB 620 letter. Aaron read the letter received by Rep. Sollman regarding SB 620 and the supervision fee collection stop date and opened this up for discussion. There are several points to be considered:

1. When should supervision fees stop being collected? The letter said the intent of the bill was to stop collecting fees immediately. The bill said the effective date was January 1, 2022. Some counties believed the ability to collect stopped July 1, 2021.
2. DOC400 automatically charges clients on the 1st of every month and you can't just turn that off. You can reduce the amount to \$1 and then waive it. Or you can go in and manually delete the fee account for each individual person.
3. What is considered a supervision fee? Is it just the monthly supervision charge or does it also include things such as polygraph fees, UA fees, DOR, etc.

Hartman would like to respond to the letter and wants OACCD to come to a consensus if possible.

Jay Scroggin asked if the law stated that this is effective for anyone sentenced January 1 and after or if it's that the law goes into effect January 1.

Jeremiah Stromberg says the language is written that it is for anyone sentenced on or after January 1st. He believes the letter was stating that the intent of the law was to cease collection at the beginning of the biennium – July 1st – even though the language said for those sentenced

on or after January 1, 2022. He also believes that the legislative fix they have been talking about for February would be to make the bill retroactive to July 1, 2021. This would require refund checks to anyone who paid supervision fees in this biennium.

Eric Guyer talked about how to work to avoid things like this and how practitioners were not involved and how they could be in the future. He also asked how Multnomah was able to stop collecting fees when the law before had stated that counties shall collect fees. Jay Scroggin answered that they moved to charging \$1 a month and then waived it in order to stay in compliance with the law but also stop charging fees since that was the intent of the bill.

There were several opinions and concerns discussed:

1. Supervision fees hold JIIs accountable.
2. If the intent is to also clear all balances owed, how is that fair to wipe the debt of the JIIs who did not pay when there were many JIIs who did stay on top of their fees?
3. What about DOR fees? Would counties cancel all DOR debt or try to parcel out supervision fees?
4. The bill did not clarify billing versus collecting. What would be the difference here?
5. Many counties rely on these fees as revenue, especially when they do not receive general funds from the county.

Judy Bell offered several options for dealing with the supervision fee accounts:

1. Counties could change the monthly supervision fee to \$1 for all clients at once, but waiving would have to be done individually.
2. An expiration date could be added to the fee account or the fee account could be administratively closed but both of these would have to be done individually.

Eric Guyer made a recommendation that all counties stop collecting supervision fees as of October 1st. Mike Crim seconded this recommendation.

Judy Bell said she could ask IT if it's possible to have an automation to turn off all billing on September 30th.

Eric would like to amend his recommendation that counties will not collect or bill on supervision fees as of October 1st.

Jessica Beach clarified that this was for all supervision fees, not just those on or after January 1st.

A doodle poll was sent out to the directors to vote.

DPSST. Chris Enquist gave a few updates.

- The next P&P classes are scheduled for January and July.
- The next armed program is scheduled for February 28 – March 11.
- There have been a large number of positive COVID cases on campus. DPSST is still working to decide how the classes will be done. At this time there is no requirement for students to be vaccinated in order to attend classes at the academy.
- DPSST staff are required to be vaccinated and they are expecting some disruption with staff resigning or being terminated.

- DPSST is going to be standing up a P&P revision work group. There is some discrepancy language regarding training hours.

HB 3265. Aaron Hartman discussed the immigration bill regarding law enforcement interaction now requiring policy and procedures. He thinks OACCD should build a model policy that can be posted on the website. If any county already has a policy, please share it so other counties can see what is out there.

Data Group Update. Tanner Wark gave an update on the CCR review and using the OACCD data group to test out the models. He also discussed the CIS tool upgrade which will be web based, have the ability to copy and paste, more mouse driven utility, have a spell check function, have the DOC400 reports, and be more menu and user friendly. Other features will need to go into a pop package.

Logo and Awards Program. Aaron Hartman talked about the rebranding process, showed the latest logo designs, and discussed what he would like to do with a formal awards program for recognizing OACCD members. He would like to recognize Shanna Greene, who helped with the DV bill, at the next OACCD meeting.

Closing. Jessica Beach asked if any directors, who do receive general allocation funds, have been approached by commissioners about SB 497 and had discussion about being funded by the state for misdemeanor supervision.

Larry Bennett introduced Amy Bertrand, the new DOC reentry administrator.

Aaron Hartman closed the meeting.

OACCD Meeting Day 2

Safe Zones Training. Valeree Lane, Klamath County, gave an equity and diversity training on the LGBTQ population.

Aaron Hartman asked about how to reach out to individuals in the community who do identify in this group in order to engage them in services. Lane had a list of resources.

Sup Group Report Out.

SOSN – Malcolm McDonald gave an update of some changes due to COVID. The associations cost for training has gone to \$0 as individual departments have been paying for online trainings themselves.

Case Management – Larry Bennett said they are transitioning to a virtual platform due to COVID. The next meeting is on September 23rd.

FVSN – Denise Pena gave an update. There will be another virtual advanced academy. Jeremiah Stromberg asked if FVSN would be interested in making a recommendation regarding earned discharge rules as it relates to supervision of DV JIIs. Pena said she would communicate that to the group.

Supportive Housing – No updates

FAUG – No updates

MH Supv network – No updates

Pretrial – Jessica Beach gave an update about the CJC presentation given at the last meeting in regards to the most updated Oregon Pretrial justice legislation SB 48. The work group is working through what the bill is and what it's intended to do. The next meeting is November 18th.

A&D Taskforce – Nate Gairan gave an update. The terms will be up in September and officers will be re-voting. They are revisiting the strategic plan to qualify what exactly the A&D group is working on. They are working on a letter to the Governor regarding BM 110 and workforce.

Jeremiah Stromberg asked if it's correct that there have been over 900 citations since February 1st and only 3 confirmed treatment assessments. Gairan said yes.

Jessica Beach asked if JIIs can be cited multiple times. Gairan said yes and that all they have to do to avoid adjudication for conviction for the violation is to call the hot line. SB 755 is the BM 110 implementation bill if anyone wants to look through it.

Joe Garcia asked how much money was provided to the call centers as part of BM 110 and since JIIs aren't calling the hot line what is the council doing and discussing about that level of funding. Gairan believes OHA has a significant amount of money and is having a hard time identifying where to put it. One suggestion is to increase salaries for A&D counselors to ensure good people are coming in.

Jay Scroggin suggested funneling some of that money to DOC for CPCs. He asked if there is any progress shown as to lessen criminal histories from growing as the bill was also written to do. Gairan said it is working in reducing the criminal footprint – down about 5000 people since February 1st; however, it is a complete failure for getting people engaged in treatment.

Beach asked about having a peer support group or some form of community support to help facilitate engagement. Gairan said the workgroup has discussed options like this, but there are not a lot of resources as many local agencies are closing.

Erika Preuitt asked about tracking individuals to see if they are escalating to higher crimes. Gairan said they are looking into this.

SOON – Judy Bell talked to DOC IT and they can automate the stopping of supervision fees and zero out the supervision fee balances, and still be able to pull reports on that if the future if need be. They would need a decision by Friday, September 24th. The balance would wipe out on September 30th. The script can be written on a county by county basis if need be. A survey will be sent out to see what each county would like to do.

SOON met virtually August 12th, the next meeting is October 14th. The CCR manual workgroup just finished an appeal chapter and are hoping to have it out for review and approved in the next meeting. They have also decided that the regular manual committee should be revived due to changes in chapters needing to be made.

A discussion was also had regarding JIIs who's probation is revoked and the PPS has not started yet. This leaves them in a state of limbo and there is no data practice for that besides leaving the record open as is but there is no open supervision line because the case is closed. The majority of SOON didn't want to address this and bring a recommendation to OACCD.

FSN – Judy Bell gave an update. FSN met July 22nd virtually, the next meeting is October 28th. They looked at the new fee system and talked about unclaimed property.

TX Eval – Jodi Merritt talked about identifying ways in the DOC TX modules to carve out EVAL only situations. Option 1 includes a max benefit. Option 2 only has successful, not successful but there would be a note added and a new line opened. OACCD is in favor of option 1.

There was also discussion on whether to eliminate the EVAL line and only have a TX line when TX is recommended or to modify the EVAL and add in a TX line. Merritt suggests not eliminating the EVAL line because then you get all the data and can see the work being done. OACCD is in favor of leaving the EVAL.

Agency Updates. Aaron Hartman, Klamath County, started off the agency updates. He talked about Project Homefront and the Restorative Justice Center – Klamath County Community Corrections newest transitional housing project and treatment/focus group facility.

Larry Bennett, DOC, gave a few updates.

- The legislation gave DOC \$1 million for transition purposes to help offset the inmate welfare subsidy dollars. These dollars are for assisting the transition of DOC releases only for up to six months following their release. They are discussing splitting the money 80/20. 80% would be allocated to the counties based on prison release numbers. 20% would be held by DOC for non-county specific needs such as public transportation or compact fees. Any unspent DOC funds at the end of the biennium would be distributed through a grant process. Approved uses would be housing, incidentals (clothing, work boots, ID card, food, technology), transportation, and treatment cost. The allocation would be by reimbursement – counties would submit an invoice to DOC quarterly.
- There are a number of active COVID cases right now: CCIC, Shutter Creek, Coffee Creek, and Snake River. They are seeing some stabilization though.
- DOC is conducting an abscond study – there are currently 20,000 JIIs on abscond status. The goal is to see how to get JIIs back on supervision without doing jail time.
- DOC is undertaking a rapid and extensive expansion of MET and are adding Narcan doses to their smart release packs.

Jeremiah Stromberg, DOC, gave a few updates.

- In regards to sentence computation, for those with a Measure 11 case and a non-mandatory minimum case at the same time, DOJ advises that earned time should be run on the non-mandatory case and not just the Measure 11 case so that they remain concurrent.
- There is an earned discharge workgroup being put together. The goal is to have rules drafted by January 1st.
- Aaron Hartman and Stromberg are going to co-facilitate a SB 1145 workgroup. The model has been going for 25 years and they feel it is time to review and revise.
- John Hansen will be overseeing a DOC workgroup regarding telecommunication between POs and their clients.
- DOC point people:
 - Jeff Hansen for training needs such as case management, risk assessment, creative evidence-based approaches.
 - Tracy Kaufman and John Hansen for CPCs.
 - Mark for compacts and statewide programs such as EDIS, STTL, FSAP
 - Lee Cummins is retiring and DOC will need to hire a replacement.

Jay Scroggin, Multnomah County, gave updates on new staffing, hiring, and COVID reopening.

Closing. Aaron Hartman gave information about the next OACCD meeting which will be in Eugene in November. The agenda is still being built and will be sent out.

He closed the meeting.