

**CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS**  
**Study Session Worksheet**

**Presentation Date:** November 5, 2013 **Approx Start Time:** 9:00 am **Approx Length:** 30 min

**Presentation Title:** Justice Reinvestment Funding

**Department:** County Administration

**Presenters:** Nancy Newton, Deputy County Administrator

**Other Invitees:** John Foote, Clackamas County District Attorney; Clackamas County Sheriff Craig Roberts, Chris Hoy, Community Corrections Director

**WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

Staff is requesting that the Board of County Commissioners designate and approve Clackamas County programs to be funded from the Oregon Criminal Justice Commission (CJC) Justice Reinvestment Grant.

**EXECUTIVE SUMMARY:**

The Justice Reinvestment Grant Program was established by House Bill (HB) 3194. The funds and language of the measure allow the CJC, in consultation with the Justice Reinvestment Grant Review Committee, to award grants to counties that establish a process to assess offenders and provide a continuum of community-based sanctions, services and programs designed to help offenders who are at risk of going to prison avoid that outcome through demonstrated success in the community. The goals of HB 3194 are:

- Reduce recidivism;
- Decrease the county's utilization of imprisonment in a Department of Corrections institution;
- Protect the public; and
- Hold offenders accountable

**FINANCIAL IMPLICATIONS (current year and ongoing):**

Statewide, 15 million dollars have been appropriated to assist counties in meeting the goals of HB 3194. The funding distribution to each county is determined in accordance with the formula used to distribute baseline funding under ORS 423.483.

**Clackamas County's initial funding award is \$961,758 for the 2013 – 2015 biennium.**

During the first biennium the CJC will release the funds contemplated by HB 3194 and will work with the Governor's appointees on the grant committee to build the rules for implementation going forward.

**LEGAL/POLICY REQUIREMENTS:**

In order to receive funds, the Clackamas County Board of Commissioners must sign the 2013 – 2015 Participation Agreement with CJC. Once the Participation Agreement is submitted, Clackamas County will receive the full 2013 – 2015 biennium funding of \$961,758.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

The use of these funds is at the discretion of the Board of County Commissioners as required in HB 3194. The funds can be used for community-based sanctions; community based services or community based programs.

**OPTIONS:**

Funding for three programs were requested by Community Corrections and one program was requested for funding by the District Attorney. The programs submitted are:

Community Corrections (in priority order):

- Transition Services/Housing Expansion
- Corrections Substance Abuse Program (CSAP) Expansion
- Day Reporting Center

District Attorney:

Honest Opportunity Probation with Enforcement Demonstration Enforcement (HOPE).

1. The Board may approve staff's funding recommendations for Clackamas County fiscal year 2013 – 2014 and fiscal year 2014 – 2015 as described in the Fiscal Impact Form.

*Staff's recommendation is based on full funding for the top two of three programs submitted by Community Corrections.*

2. The Board may approve full funding for all three community corrections programs in fiscal year 2013 – 2014 of \$582,000. This would leave \$379,758 remaining for the fiscal year 2014 – 2015 budget process – greatly impacting second year Community Corrections funding.
3. The Board may defer their recommendations to a later date. This will delay the receipt of funding from the CJC.

**RECOMMENDATION:**

Staff respectfully recommends:

- That the Board approve Option One with staff's funding recommendations for Clackamas County fiscal year 2013 – 2014 and fiscal year 2014 – 2015 as described in the following Fiscal Impact Form.
- That the entire Board of County Commissioners sign the Participation Agreement with the Oregon Criminal Justice Commission as required to receive \$961,758 to fund programs as delineated in HB 3194.
- That remaining funds be considered during the fiscal year 2014 – 2015 budget process.

**ATTACHMENTS:**

- Description of Community Corrections and HOPE programs
- Participation Agreement (to be completed upon Board recommendations)

**SUBMITTED BY:**

County Administrator Approval \_\_\_\_\_

## Fiscal Impact Form

**RESOURCES:**

Is this item in your current work plan and budget?

YES

NO

This is a new source of State funding.

**START-UP EXPENSES AND STAFFING (if applicable):** n/a

**ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):** n/a

**ANTICIPATED RESULTS:** Reduction of individuals that are at risk of going to prison.

**COSTS & BENEFITS:** There is no cost to Clackamas County during the current fiscal year and there will likely be a remaining balance for the 2014 – 2015 fiscal year depending upon Board directives. The benefit is of statewide significance with the reduction of incarceration costs, which will be determined by the CJC.

It is the Board's policy that once funding is expended programs are adjusted accordingly. However, it is anticipated that the Justice Reinvestment Grant Program will continue at minimum for a subsequent biennium with amounts to be determined by the State budget.

Clackamas County Fiscal Year 2013 – 2014	TOTAL
<b>Community Corrections</b>	
Transition Services/Housing Expansion	182,000
Corrections Substance Abuse Program (CSAP) Expansion	94,000
<b>Total: Community Corrections</b>	<b>\$276,000</b>
<b>CJC funding available for 2013 – 2015 biennium</b>	<b>\$ 61,758</b>
<b>Balance Remaining for Clackamas County 2014 – 2015 fiscal year</b>	<b>\$ 85,758</b>

**CARRY FORWARD: Clackamas County 2014 – 2015 fiscal year \$685,758**

Clackamas County Fiscal Year 2014 – 2015	
<b>Community Corrections</b>	
Transition Services/Housing Expansion	182,000
Corrections Substance Abuse Program (CSAP) Expansion	94,000
<b>Subtotal: Community Corrections</b>	<b>276,000</b>
<b>District Attorney – Honest Opportunity Probation with Enforcement</b>	

## 2013-2015 Participation Agreement

Clackamas County's initial funding award is \$961,758 for the 2013-2015 biennium.

Justice Reinvestment Grant Program funds must be spent on community-based sanctions, services and programs.

Please indicate how your county intends to use these funds:

Community-based sanctions (Please describe below or in an attachment)

Community-based services (Please describe below or in an attachment)

**Community-based Programs:**

Work release programs

Evidence-based programs designed to reduce recidivism that include a balanced administration of sanctions, supervision and treatment

Structured transitional leave programs

Reentry courts HB 3194 §29

Specialty courts aimed at medium-risk and high-risk offenders

\_\_\_\_\_ County intends to participate in the Justice Reinvestment Grant Program and requests an award in the amount of \$ \_\_\_\_\_ for use during the 2013-2015 biennium.

\_\_\_\_\_  
Signatures of County Commissioners

\_\_\_\_\_  
Printed Names of County Commissioners

\_\_\_\_\_  
Date

\_\_\_\_\_  
Federal Tax ID Number

\_\_\_\_\_  
State Tax ID Number

**Approved by Criminal Justice Commission**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Printed Name/Title



## JUSTICE REINVESTMENT GRANT PROGRAM

The Justice Reinvestment Grant Program was established by House Bill (HB) 3194 (2013). HB 3194 §52-54 sets out how the funds will be disbursed and utilized this biennium and in future biennia. The funds and language of the measure allow the Oregon Criminal Justice Commission (CJC), in consultation with the Justice Reinvestment Grant Review Committee, to award grants to counties that establish a process to assess offenders and provide a continuum of community-based sanctions, services and programs designed to help offenders who are at risk of going to prison avoid that outcome through demonstrated success in the community. The goals of HB 3194 are to:

- Reduce recidivism;
- Decrease the county's utilization of imprisonment in a Department of Corrections institution;
- Protect the public; and
- Hold offenders accountable.

Ten million dollars has been appropriated to assist counties in meeting these goals, with an additional five million dollars available upon Legislative approval during the February 2014 session contingent upon a higher revenue forecast. In addition, the CJC is pleased to target the 2012 & 2013 Byrne Justice Assistance Grants to the Justice Reinvestment Grant Program and Drug Courts providing an additional five million in funding.

The distribution to each county will be determined in accordance with the formula used to distribute baseline funding under ORS 423.483. Each county entering into a participation agreement will receive at least \$50,000, even if the baseline formula would provide less than that amount. The CJC plans to make funds available to participating counties in September and October of 2013.

Please use the participation agreement on page 2 as your **letter of intent to participate** in the Justice Reinvestment Grant Program, as required in HB 3194 §53 (5). County Commissioners who wish to access these funds should fill out the form, sign it, and return it to the Oregon Criminal Justice Commission electronically or by mail.

The CJC is committed to supporting you as you rebuild and improve your public safety system in this time of economic scarcity and rebalance. The attached county fact sheet includes important data regarding your county's recent prison use, recidivism rates and crime rates. We hope this information can be helpful in planning for use of Justice Reinvestment Grant Program funds. Counties are encouraged to collaborate with CJC staff as well as local and state partners to thoroughly assess local resources and programs to implement sanctions, services and programs with these funds that will result in meeting the outcomes mentioned in the legislative measure and by Governor Kitzhaber. CJC staff are available to help you target these funds and assure they are used effectively. The fact sheet includes CJC staff contact information.

During the first biennium the CJC will release the funds contemplated by HB 3194; we will work closely with the Governor's appointees on the grant committee to build the rules for implementation going forward (District Attorneys, Chiefs, Sheriffs, Community Corrections and County Commissioners); and CJC will be able to provide technical assistance to counties to ensure that these funds are used successfully to meet the goals of this legislation. We believe the success or failure of this reinvestment program depends on our collaboration. We look forward to that journey with you, and again thank you for this partnership. We applaud all the effort you have made to pass HB 3194, and we are committed to the long term success of this measure.

Justice Reinvestment Grant Program -- Funding Submittals		
<b>Community Corrections</b>		
<b>Program</b>	<b>Alignment with HB 3194</b>	<b>Outcomes</b>
<b>Transition Services / Housing Expansion</b>		
<p>Short Term Transitional Leave (STTL) from prison is currently a 30 day program. HB 3194 expands this to 90 days which will dedicate 14 beds to STTL clients (10 males and 14 females) who are returning to our community.</p>	<p><b>Reducing Department of Corrections population:</b> This program serves people in transition beds <i>at any one time</i>. As they transition into the community it will <b>free up beds for others to be released</b>. Approximately 100 people will be served annually. Historically, 50% of applicants were denied due to lack of housing. Program includes peer mentors provide support/accountability, job placement and connection to social services if needed.</p>	<p><b>Reduction of prison beds needed for offenders:</b> The goal is to approve 90% of eligible clients; currently only 50% are approved. A higher percentage of recommended applicants will reduce the use of prison beds for offenders. Clients will receive support in maintaining sobriety, finding employment and successfully participating in supervision. This will reduce the likelihood of offenders returning to prison.</p>
<b>Corrections Substance Abuse Program (CSAP) Expansion</b>		
<p>Expansion of CSAP by 4 beds for men and 4 beds for women will decrease evaluation waiting time for clients needing intensive residential substance abuse treatment.</p>	<p><b>Reducing Recidivism:</b> Effective substance abuse treatment <i>with a focus on criminal thinking and conduct</i> reduces the risk of recidivism. The wait time for men is up to two months and is typically longer for women. Overall, wait time is approximately 2-3 months; expansion anticipates wait time to be virtually eliminated.</p>	<p><b>Reduction in CSAP wait time, reducing recidivism:</b> The Clackamas County CSAP program is in the top 94th percental of all programs studied nationwide as determined by the Corrections Program Checklist. This is the tool the State of Oregon uses to determine whether a program is evidence based.</p>
<b>Day Reporting Center</b>		
<p>A day reporting center would provide a structured, intermediate, non-custodial sanctioning and supervision option for clients.</p>	<p><b>Reducing Recidivism:</b> Programs offered include case management and referral to programs such as services to veterans, education, community service, outpatient drug and alcohol treatment, employment readiness and assistance, cognitive skills classes and monitored urinalyses.</p>	<p><b>Decrease Department of Corrections Utilization:</b> Providing non-custodial sanctioning outcomes will decrease the reliance on scarce jail and prison beds. Clients will be monitored daily on a more intense schedule than regular supervision.</p>
Justice Reinvestment Grant Program -- Funding Submittals		
<b>District Attorney</b>		
<b>Program</b>	<b>Alignment with HB 3194</b>	<b>Outcomes</b>
<p><b>Honest Opportunity Probation with Enforcement Demonstration Field Enforcement (HOPE DFE)</b> In order to successfully complete the remaining months of the HOPE DFE. The central tenet is that a brief, but virtually certain jail sentence will be the consequence for every probation violation or other noncompliance.</p>	<p><b>Diverting offenders from Department of Corrections Institutions:</b> The HOPE model originated in Hawaii and is sometimes called the "Hawaii Model." The HOPE DFE establishes or expands locally based sanctions, services and programs that will annually divert a larger percentage of offenders relative to previous years and from Department of Corrections Institutions.</p>	<p><b>Decrease Department of Corrections Utilization:</b> A recent <i>national study</i> by the National Institute of Justice evaluation found that compared to probationers in a control group, after one year the HOPE probationers were 55% less likely to be arrested for a new crime; 71% less likely to use drugs; 61% less likely to skip appointments with their supervisory officer; and 53% less likely to have their probation revoked. Although this data is nationally based, its outcomes in Clackamas County will be determined over the duration of the HOPE DFE program. HOPE DFE meets the statutory definition for an evidence based programs and incorporates practices based based on scientific research. This research has shown the reduction of the propensity of a person to commit crimes, the likelihood of recidivism or the need for emergency mental health services.</p>