



OREGON CRIMINAL JUSTICE COMMISSION

Wednesday, July 17, 2009 ♦ 1:00 pm – 3:00 pm

ARCHIVES CONFERENCE ROOM
800 SUMMER STREET NE, SALEM

MEMBERS PRESENT

Darryl Larson, Chair
Lee Ayers (phone)
Walt Beglau
Greg Hazarabedian
Mike Burton (phone)
Eva Temple
Rep. Olson

MEMBERS ABSENT

Floyd Prozanski
Mark Eddy

STAFF PRESENT

Liz Skinner
Devarshi Bajpai
Mark Werner
Lorin Dunlop

GUESTS PRESENT

Ross Sheppard
Dave Factor
Ann Hanus for Paul Snider
Scott Macy (phone)

HANDOUTS:

- 1) Drug Court Funding
- 2) SB385

Chair Larson introduced the Commissioners and the CJC staff for the record. A quorum being present the meeting was called to order.

07-09 Biennium:

Devarshi reviewed the General Fund Grants from the 07-09 biennium of \$5.5 million which covered 22 programs in 18 counties. The grants started in July 2008 with \$2.5 million with an additional five funded programs in 2008 and administered by CJC. Byrne Grants had \$3 million in 12 programs which were funded in 06-08 and received a 1 year extension that ended in June 2009. These grants were administered by OSP and focused on meth-use of women with children.

09-11 Biennium:

In the legislatively adopted budget, the CJC General Fund Grants were cut by \$1.5 million. There were two cuts HB5054, one for \$853,207 in federal money, and an additional cut of \$700k with no increase in federal limitation.

Devarshi explained four options for consideration to fill the fund reduction gaps. Option 1-Fill the \$500k (net cut from the \$700,000), with 2009 JAG funds; or fill cut with Stimulus JAG from M57 programs.

Option 2-or cut \$500k from drug courts. If the option is to cut the drug courts it would be an even cut across the board to all programs; or selected cuts in Deschutes, Multnomah and Jefferson/Crook. Complete cuts in Grant Co., (they only had four people in the program and used \$20k from \$100k), and Hood River and Wasco expended about the same. The best option would be to do the complete cuts since the program is 15 months in progress and there is no increase in people in the programs.

Devarshi explained where the money would come from to fill the gaps. Take \$500k from the \$3.5 million 2009 JAG funds CJC will receive, or take \$500k of the \$5.5 million Stimulus JAG funds for this biennium. There are a total of \$13.5 million Stimulus JAG funds of which \$11 million was allocated toward M57 treatment programs for the next two bienniums.

Walt questioned whether there had been any communication with the counties regarding their accountability for the funds and having their programs cut as an option to use their funds to fill other programs. Devarshi stated that there has not been any communication with them but that funding would continue for several months in order for them to close out the programs.

Eva asked for clarification on the different funds, how much money is allocated and the options proposed if a combination of those could be used. Another member questioned the phase in or reduction of M57 sentencing fees when it is implemented. Devarshi stated the phase in time would be beneficial to saving money.

Chair Larson asked what the timing issues were that affected the decision to cut programs at today's meeting such as the JAG Grant application. Devarshi stated that the agreements for the drug court funding from the prior year expired June 30th, and the 2009 JAG Grant application narrative needs to be sent in by July 27th.

Chair Larson stated that the OJD BRAC Committee meeting discussed what they were going to do with the drug court funding and coordinator funding. Dave explained that the budget reduction implementation committee makes a recommendation to the chief justice. The budget currently has a 15% reduction but HB 2287 is a fee bill to add back fees and fines to court filings, which is intended to fill the 15% gap by 7.5%. The overall OJD reduction would only be 7.5%. HB 5054 was an additional \$6.5 million cut to the OJD budget. Drug court coordinators are among the cuts and not mentioned as part of adding back in the court budget. Drug courts will not run the same without the coordinators. Devarshi explained that there is \$2 million in JAG Grant carry over funds from 07 - 08. His recommendation would be to open these grants to allocate them among programs that have lost funding through CJC, Judicial Dept of local budget cuts. He suggested looking at currently funding the coordinators.

Devarshi clarified the different funds and how they are allocated.

Federal Funding

*Justice Assistance Grant which covers multiple years.

*Stimulus JAG - \$13.5 million from April 2009 - March 2013

Breakdown from the Stimulus \$13.5 million

- \$11 million for HOPE/M57
- \$1.3 for administration
- \$600k Alcohol and drug commission - Requested by AG
- \$400k evaluation of HOPE program

*JAG 2009 - \$3.5 million to September 2012

State General Funds

*\$4.2 million 2009-0211

The M57 treatment court will be funded but the HOPE bill did not pass and the state will not be implementing the HOPE model. The funds for the M57 treatment program will be through community corrections and working with the DA's office, presiding judge and all parties involved in the program.

Walt stated that the drug courts are fully established and should be kept whole and to be sure there are drug court coordinators while building and implementing the infrastructure for M57. If the drug courts are not using the funding, take it back for other programs.

Eva suggested a review or analysis of the drug courts to verify which courts are effective and which ones are not. Devarshi stated that he and Mike Wilson have been doing an evaluation for over a year and went back to 2000 before there was funding for courts. Drug courts reduce felony recidivism by 15% per drug court per offender, and he is currently working with an outside resource company in Portland to do a complete analysis of all sites.

Chair Larson mentioned that all the drug court data is collected by OJD who will be losing the staff that maintains the data needed to maintain the data collection. The drug court data is in a separate data base than the drug court coordinators input. Currently there are 27 drug court coordinators statewide at approximately \$2.7 million for salaries. If there are no coordinators the work is spread out to other people within the program, it is easier to rely on one person who is the manager to maintain the data. It would be more difficult to have reliable data if the work is spread out. The coordinator works for the court not the treatment agency.

Dave stated that the coordinators are essential and that the court could function and provide treatment without a coordinator, but it wouldn't be as efficient and would be missing the compilation of statistics and revenue for the legislature and other interested parties, and to show the impact of the drug courts. Coordinators monitor the contract, work with providers and negotiate contracts with the county to keep the program functioning. In a way they are in the position of program administrator and not just keeper of the data and moving files to the judge.

Walt commented he is on the drug court and that the judge, PO, provider and the coordinator are necessary and is the core team and the main elements in a drug court across the state, we need to fund the drug courts to maintain and sustain court programs that are functioning, not start new court programs. We need to preserve this for the drug court model. Regarding M57, the HOPE model or any model needs to

have a judge at the top to be the driving force for quick and immediate decisions if we create a blended M57 model.

Chair Larson stated the commission should start with setting priorities to keep drug courts functioning, provide coordinators to perform the work necessary to maintain the integrity of the data on a consistent and reliable basis. And if a court shuts down its drug court program the money that was allocated to them would go back to the M57/HOPE program.

Devarshi stated that he needs the commission to agree to a motion in order for him to finish the federal grant application process. He needs an agreement on the General Fund drug court and the 2009 JAG that he needs to complete the narrative by the end of the week for submission.

Rep. Olson commented to leave the HOPE alone because of the fund issue, can make a strong case for drug courts. He believes there is an untapped resource of the asset forfeiture funds. The Corvallis PD and Benton Co. Sheriff's Office worked a big case, Benton County's percentage was \$63K and Corvallis PD's percentage was \$100k toward the drug court. He questioned how many more cases like this are within the state that needs to be worked on to help salvage the drug courts and coordinators. Devarshi said that 20% of civil forfeiture will be coming to CJC for drug courts.

Chair Larson observed that the consensus of the commissioners agreed to maintain the drug court funding is a number one priority.

Devarshi asked the commission's permission to fill the \$853 Thousand gap per legislative cut with federal funds.

*Motion by Eva, Walt seconded, 6 ayes, no nays, motion passed

Devarshi proposed a second motion to commission to use \$2million of JAG grant for competition among programs that have lost funding through CJC, Judicial Dept or local budget cuts and a portion of an unknown amount of the \$5.5 million to maintain the current infrastructure and core function of drug courts.

*Motion by Greg, Lee seconded, 6 ayes, no nays, motion passed.

Devarshi recommended options for the remaining \$510k to use some funds to fill and maintain the one statewide drug court coordinator's position which is approximately \$96k a year. With the position vacant the data will not be accurate and no data coming in from the drug courts. Or use the \$510k to maintain drug court infrastructure.

Devarshi discussed the \$1.5 million for the Re-entry Resource Centers (SB385) directed by the Governor, Senator Prozanski and Ross Sheppard to fund the Re-entry centers. Ross explained he was appointed to the Governor's Re-entry council almost two years ago and also Judge McShane from Multnomah County. They were surprised to find out that when an offender is released from prison after finishing their sentence they are given second hand clothes and \$25.00. The Resource center is a place for parolees and post prison supervision clients to go for basic needs such as food, clothing and housing if developed in that county. The Re-entry council identified certain items to reduce recidivism to allow these clients to have a

successful transition back to civilian life. The Re-entry council by its charter could not sponsor the legislative. Senator Prozanski asked him to present the bill before legislation which was well received in the Senate Judiciary and received bi-partisan support and a combination of support from the Governor's office and key legislators. It was decided to direct \$1.5 million of JAG funds to be directed to the use of these programs to establish resource centers in Multnomah County, Lane County, and Jackson/Klamath County. In Multnomah County Mercy Corps has organized several non-profit organizations for re-entry and have a physical site, the Mallory Center. Lane County has been providing transitional housing for 30 years, and Jackson/Klamath County still needs a site to be developed. This project is a joint State Federal partnership which attracted the legislators because of federal funding. Judge Ann Aiken is the new presiding judge in Portland and is the Head of Parole and Probation for the Federal Government for this district. She has the authority to direct available funds to this effort and should be receiving Federal funds along with Parole and Probation. There has also been an inquiry to the Bureau of Justice Assistance in Washington, D.C. for further financial aide and to be directed to the CJC as the recipient of the funds. He is going to Washington, D.C. to try to get funds for this project. Chair Larson reviewed the allocation of funds that from the remaining \$2.864 million \$1.5 million would be taken for the Re-entry program and \$853K for the drug court backfill.

Greg asked Ross if there were bodies that would administer the three programs or if it would be the Commission staff? Ross stated he thinks that function would be subcontracted out to sponsors and he will make that the initial recommendation. The data gathering needs to be the same as well as the protocol. He suggested that Mercy Corps sponsors be coordinator of the three sites. Devarshi thought CJC would be sub-granting to the three sites. The Byrne Grant allows 10% to cover the cost of administration which is approximately \$386k it will also cover the research analyst position to evaluate the program.

Judge Aiken has an idea to use a testing protocol called Test OI as a tool which is a standardized testing like the MMPI but more sophisticated which covers brain function, vision, cognitive behavior and human behavior. It predicts future behavior and how to deal with the person's problems, their strengths and weaknesses. This tool is a possibility.

Chair Larson stated the motion of the \$1.5 million for the Re-entry Resource Centers directed by the Governor to approve.

*Motion by Mike Burton, Lee seconded, 6 ayes, no nays, motion passed.

Further discussion - Walt serves on the steering committee and the DA's are very supportive of the re-entry concepts and it was one of three top priorities in terms of inmates coming out of institutions. The DA's are supportive of this concept and model that has been put together. He also wanted to know if there were other gaps that were analyzed that came out of session from the prioritization that the commission did that might not have been filled. If they were filled what amount of funds are available to address those gaps.

Chair Larson addressed Walt's questions, the statutory creation of the commission which states that the Criminal Justice Commission is to improve the effectiveness and

efficiency of the state and local criminal justice systems by providing centralized and impartial forum for statewide policy and planning, etc. If it's not a legislative directive the funds will be spent for other things that they have the ability as an independent commission to make decisions as to how the money will be spent.

Lee gave an example for Walt - the recommendations from the legislature are regarding the sentencing guidelines, if the commission is asked to change the guidelines the commission will because the legislature approves of the rules. The commission may also be asked by the legislature to perform research.

Mike Burton stated that any requests that come to the commission would have already gone through a process before it reaches the commission and the commission would make any decisions based on priority.

Second portion of the motion would be to utilize the \$510k remaining be held to use to fill as needed to support the existing drug courts with emphasis on ensuring there is analyst support needed to gather evidence from the drug courts.

*Motion by Lee, Greg seconded, 6 ayes, no nays, motion passed.

August 14th commission meeting was rescheduled to September 18th, 1-3 pm, place TBD.

Meeting adjourned.