



**Agenda/Notes**  
**Office of Governor Tina Kotek — RJC Criminal Justice Reform Committee**  
**October 22, 2024 – Zoom**  
**3:00 pm – 5:00 pm**  
**Moderator – Javier Cervantes**

**MEMBERS**

x	Paul Soloman	x	Tristen Edwards	x	Nansi Lopez
x	Babak Zolfaghari-Azar	x	Sterling Cunio	x	Shay Huber
E	Michelle Love	x	Shaylie Pickrell		

**OTHER ATTENDEES**

x	Yasmin Solorio	x	Trish Jordan	x	Billy Anfield
x	Jacob Bell	x	Shannon Wright	x	Valerie Colas

Topic/Lead	Notes/Main Points	Decisions/Action Items
<b>Introductions</b> of new Policy Advisor, Valerie Colas and RJC member, Shay Huber (10 Minutes)	Paul opens meeting. Introduces Valerie Colas.  Valerie Colas share's introduction. Constantin will keep the Office of Public Defense Commission. Valerie will be supporting CJRC.  Paul prompts roundtable introductions and what excites members to be on Criminal Justice Reform committee. Committee members respond.  <b>Paul:</b> Been great to see us pass new legislation and be a lens for state agencies (OYA, DOC, Criminal Justice Commission).	
<b>Find a new December meeting date</b> (moving date from December 24, 3 PM to earlier in the month) (10 minutes)  • Ask the committee if this ought to be a standing two-hour meeting rather than 90 minutes.  • Legislative Long Session meeting	<b>Paul:</b> Should we make this a standing two-hour meeting?  <i>Consensus from committee to make all future meetings two-hours.</i>  <b>Javier:</b> Starting in January, Andre would like to have monthly meeting in case there are things to address. If we don't need it, we can cancel.  <b>Paul:</b> These will still stay at the two-hour slot.	Yasmin to send doodle poll for a new date – in the second or third week of December.

calendar options		
<p><b>Determining and setting the committee's budget priorities</b> from the Summer's Policy Option Packages presentations (60 minutes)</p>	<p>Javier shares "RJC Committee Budget Priorities Report Out Template" and discusses the questions listed. Committee co-chairs will attend October 29th RJC meeting with Governor.</p> <p><b>Paul:</b> DOC and Mia shared GIPA report with focus on women's prison at Coffee Creek. Included in the POP was funding for five body scanners to avoid strip search when moving throughout the institution. We were a little disappointed to learn DOC reduced the body scanner request to two.</p> <p><b>Tristen:</b> They have a variety of different POPs that they submitted for us. 101 through 108 these POPs are related to basically addressing the unrepresented crisis. POP 103 and 108 is around recruitment and retention.</p> <p>POP 101 is referring to the creation of a financial and case management system. One thing that is important to know about the way that Oregon is structured, in terms of their public defense system, is that the Oregon Public Defense Commission contracts with various agencies some of those agencies are public defenders' nonprofit offices where lots of attorneys all work together. Other contractors are private attorneys that take contracts from OPDC as solo practitioners or sometimes there are two or three attorneys working together. Primarily to ensure a quality control or some degree of oversight for folks who are practicing not within a public defender's office.</p> <p>The trial division has typically been restricted to the state agency operations, as well as the appeals division, but they in the last two years have developed a trial division. Trial division has opened a couple different offices across the state to specifically targeting areas where the unrepresented crisis is the most severe. That POP is related to trying to build out the trial division even further. I believe there's a goal in 2030 that the trial division is taking like 30% of cases. The trial division is following the ABA (American Bar Association) standards regarding caseloads.</p> <p>The trial division gets paid more than public defenders at nonprofit offices; they also have lower caseloads. Part of the discussion was around recruitment. I think it's important that OPDC focus on recruitment.</p>	<p>Valerie to coordinate presenter from OYA to share on segregation reliance for December meeting.</p>

Very tempting to just call up the existing public defenders and say “hey do you want to make more money and have a lower case load?”. Important that they focus on outside recruitment because we're trying to address the deficit of public defenders, not just shuffle public defenders to a bunch of different offices.

**Paul:** Do you want to take the CJC POP?

**Tristen:** Restorative Justice POP 106. Passed in 2021 and in 2022 the CJC created the restorative justice grant program which is a pilot program funding about 7 different programs across the state to develop restorative justice alternatives to prosecution. The POP amount for this is \$4 million. Critical as we are trying to create a situation where there is stability and funding for the restorative justice programs.

Currently need to request funding every two years, which means all providers that are running small nonprofits that are trying to build their capacity have a dramatic degree of uncertainty about whether funding will continue for their organization and if they will even be able to continue the work. It's difficult to agree to take a job when you don't know if funds will exist in two years. That instability can impact the way that system partners engage with those organizations and the willingness to send cases to those organizations.

Luckily in the last 2-2.5 years since this has been going, we've seen dramatic levels of commitment from the people that are doing this work and a continuation of those services. We have not seen the budget impact on the willingness of system partners to engage with those agencies, which I think is largely attributable to the fact that the agencies themselves are very committed and doing what they can to make it work and stick with it. We also want these organizations to be able to grow and remain stable features within their community.

In early conversations in the RJC and this committee around supporting even just the concept of the restorative justice grant program a lot of those conversations revolved around change in the way that we address harm in our society. We are trying to create some distance between those kinds of cases and criminal legal system that is based in racist foundations. What reform do we make to a system that is really working the way that it was intended to?

The restorative justice grant program is not isolated to

this POP. The restorative justice coalition of Oregon is also advancing a policy bill that would seek some amendments to the original statute that would signal to Ways and Means and to the legislative office that long term funding is the presumption of for restorative justice. This POP is kind of one piece of a bigger puzzle.

**Paul:** Number of things we identified in the last meeting that were topics of interest including expungement reform, Representative Kropf's workgroup on expungement reform with idea that we should be looking for ways to automate the process. Reentry programs – no dedicated funding for prisoner reentry and lack of funding in rural counties. Personally passionate about this. Continued tracking on public safety bills we may want to weigh in on. The Miranda decision by Oregon Supreme Court. Oregon public defense Commission has so many POPs I wouldn't want us to put too many eggs in that basket because we didn't get to see all the POPs that DOC had or all of the POPs that the CJC or OYA had. When they're asking us for the top five priorities, Javier these can be POPs or they can be other things, correct?

**Javier:** It doesn't have to necessarily be a POP or a legislative concept itself, it was things that they wanted to work on over the next long session. It can be a mix of POPs plus areas of interest. For example, keeping track of the public safety bills and if there's something that emerges that you might want to work, support, learn more about, or engage in some way. It doesn't necessarily have to be a POP itself, but you know maybe a mix of a POPs or areas of interest.

**Paul:** Let's start with restorative justice. How do we feel about addressing restorative justice as one of our priorities?

*Consensus by members.*

**Paul:** Let's jump back to DOC. What's the POP number?

**Javier:** Not certain.

**Paul:** Original request was for 10 million dollars of funding, was reduced to 5. Members had concerns about adding more staff to DOC. Support for scanners there was pretty universal.

**Tristen:** Those two positions were cut from the POP.

**Javier:** Are there other issues related to DOC that we want to identify to work on?

**Tristen:** Having hard time on how we would meld the two together. Not something that would need to come out of legislative session.

**Paul:** Maybe we leave the subcommittee work off the list since it'll continue either way.

**Tristen:** What support is available to expand the visioning of DOC subcommittee.

**Paul:** We have CJC restorative justice program, DOC funding for POP to address staffing shortage and body scanners.

What do folks Think about addressing the funding crisis or unrepresented crisis in OPDC because I think that kind of casts a fairly wide net and allows us to continue to talk to OPDC. If there are certain things that we want to weigh in on the future we can do that but it won't limit us to a specific POP.

*No opposition from committee members.*

**Paul:** The other issue on the expungement reform I really see this as a racial justice issue.

**Nansi:** Yes this is really important to BIPOC community.

**Tristen:** Indigent defense is already listed. The ODC POP that's one of our top five, I would think ongoing commitment to tracking indigent defense and the policies related to that, and any funding allocation could be a secondary thing. Tracking the other public safety bills that's going to be important but it doesn't need to be one of our top five, and then the third one the Aranda decision by the Supreme Court, I don't know I think that that almost fits under the category of tracking public safety bills be just because I'm not actually aware if there has been a proposal yet to address the Aranda decision. For a recap of the Aranda decisions - in Oregon if somebody is a witness in a case, most commonly the defendant in the case, and they take the stand to testify in their own trial. There is a rule of evidence that says that that person can be impeached with any prior felony conviction within the federal standard. When I say impeached, I mean it can be brought up when they're testifying by the opposing counsel. There's basically the ability to impeach with crimes of dishonesty or with any

felony with the court making the decision if that probative value, being like how much it speaks to their actual credibility. The issue when it comes to an impeachment versus the prejudicial value of course when someone is testifying, and it comes out that they have had a previous conviction that can be very prejudicial especially if it doesn't carry a lot of weight in terms of their level of credibility. In Oregon, you can be impeached as defendant in a criminal case with any prior felony conviction within the last 15 years and that 15 year mark is actually broader because if you served a prison sentence that 15 years is calculated from the date of release, as opposed to the date of conviction, so you could have a conviction that is 20 - 25 years old and then you know pick up a maybe it's an assault, if it was self-defense you want to be able to get on the stand and talk about how it is self-defense but it's going to be brought up at some point in your history you were convicted of some felony. Can be highly problematic for populations of color that are disproportionately policed, disproportionately ending up with felony convictions, and then when they are back in the system being put in the situation where they essentially are their ability to testify on a full defense is severely compromised. In many ways an illogical law. The reason that this is called the Aranda decision it's because a couple years ago the Court of Appeals took up this issue and they basically undid the evidence code that allows this and said that no you cannot use people's prior convictions in this way and there must be some balancing of the probative value versus the prejudicial effect before you can admit evidence of this nature into a trial. And then this year the Supreme Court took review of the Court of Appeals decision and overturned that decision and so basically brought us back to where we were before, which is where people can just be impeached than any prior felony conviction with regardless of whether it actually says anything about somebody's credibility. I know that there have been some rumblings that the legislature may step in to try and fix this issue, but I don't know for fact that that has been an issue that's been submitted as a policy bill. I believe it is very important and it has a real-life impact at the trial court level, I don't know if we need to add it to our top five because I'm just not sure if that has been advanced as a policy issue even though I've heard some folks talk about it.

**Paul:** It sounds like this might be a good one to keep under our priorities that are “important but didn't make the top list”. We got four priorities – Racial Justice, DOC funding for GIPA, Funding for OPDC, and expungement

reform. Let's take off the indignant defense.

**Sterling:** People in custody are given chances and opportunities to better themselves. But when they exit, they face barriers and all of the time and development that that they put into themselves slowly erodes away, then we see recidivism. And yet we wonder why the recidivism rate historically really hasn't changed, yet we see historical investments in all these other sectors. If you want to change your culture, you got to you got to empower the leaders. We're missing a lot of opportunities to make a difference.

**Paul:** You're singing my song. The return on investment is huge. If DOC was making widgets and was a private business and 2-3 widgets failed, they'd be out of business. Would love to see re-entry up there.

**Tristen:** We live in a world where a lot of people are ending up in prison and we are missing out on human potential that can improve our society in unimaginable ways.

**Paul:** I feel like we got our five. The next box is "other things that are important that didn't make the top list". Just want to marinate on any other issues that people are concerned about or would like us to think about in the coming year.

**Tristen:** I have one- this goes with tracking and public safety bills. One thing I've noticed in variety of legislative efforts. Any kind of trade organization identifies a problem. There's impulse to correct problem by creating a new criminal code and it hasn't proven to be effective. Ex: making hospital worker crime from misdemeanor to felony without any proof that it will be successful. People in that moment aren't thinking of that and are likely not mentally stable. Would like for us to be attentive to bills that fall, into that category to provide option on those.

**Javier:** How would I capture that?

**Paul:** Every year there are enhancements or new laws created in the criminal code. Sentencing enhancements often occur due to heinous crime committed – but we use that as the model without relying on basic science. Making sure we are tracking sentencing enhancement bills to provide feedback.

**Tristen:** Identifying bills that are seeking to solve

problems through further criminalization.

**Babak:** Could you say more about the overuse of disciplinary segregation.

**Paul:** People get identified and tagged by security staff as being problematic for people with mental illness and wind up in in disciplinary segregation for long periods of time. It makes it really hard for people to get out of the hole. The byproduct is trauma. The UN considers disciplinary segregation to be a form of torture, yet we use it routinely in this country. The last time I heard someone at DOC, Director Peters, talking about disciplinary segregation they were prodding out statistics that showed that they were using it less, but I would argue that it's still being overused and that we have people that are still serving very long sentences in and disciplinary segregation.

**Tristen:** Yeah, and I think one thing that you often see as well is calling it different things to make it seem like segregation is not being used and kind of masking it under different names which creates confusion.

**Babak:** I have an example of a person with mental illness and how segregation is being used. A young man that I worked with who had a developmental disability was ending up in isolation or in the hole for like very petty things. This was at the jail local level but if it's happening at the local level, I wouldn't be surprised if it's happening in the prisons too. A majority of the incident incidents that were leading to this individual being in isolation were like literally like childish behavior, nothing like fighting. I have particular interest in how we can advocate for less use of segregation and to have more data around how it's being used, who it's being used on, how long it's occurring for, how much time people are spending in isolation. When I would check in with the staff there, they would word it 'like it's just a week". There are 24 hours in a day right and seven days in a week. A week is a long time to be by yourself isolated segregated. There's a lot around this. There are maybe some organizations that focus on this teaching on jail conditions. We don't want to help build better cages. Reality is that there's some really nasty things that happen within the jails and segregation and disciplinary actions are one of the big ones.

**Tristen:** A lot of that impulse to use these kinds of disciplinary tactics ultimately finds its roots in toxic power and control prison culture.



**Nansi:** This is in reference for more to juvenile but is for our #1 box. Are any of those POPs including the juvenile component? I know that is one of the POPs. Centro has worked and is continuing to work with the DA out in Washington County, getting to know our metropolitan public defender's office and the juvenile department. I know that the DA's mentioned that there are certain parts of Washington County that have a large populace of the Latino community that they're seeing. These numbers increase where youth are getting a higher-level crime of assault. I'm very concerned about this that we're seeing these numbers trending upward and again it's impacting our BIPOC community. I don't know if this is something that could potentially be an area that we could identify as a priority. I've heard often it's like the DA, police officers, and juvenile department are blaming each other and not really identifying the issue. I'm wondering if this is something that could be a priority, I want to think about this more.

**Tristen:** I'm curious to hear, do you feel like you know or can identify what the source of this is? Is the issue that there truly is an increase in assaultive behavior by youth, or is the issue that policing is becoming even more exaggerated for young people? Where do you think the problem needs to be addressed.

**Nansi:** I feel like one of the things that we consistently talk about as Centro is making sure that we're connecting with our community partners, and partners in general, so people know what to look for when coming into contact with any of these agencies. A large part is education - informing people of their rights and especially parents so that they know how to navigate these systems when they're in contact with them. I think most often Latino parents, coming from that background, don't understand these systems and so often more so than not when we're in contact with them we defer to the professional to tell us what is happening and what needs to happen. Just really trying to create space for our Latino community to really understand these systems and knowing how to navigate them.

**Tristen:** I've included what you said in the notes to report to the RJC. I'd offer connecting with MPD on getting that education. Want to pass it over to Shaylie.

**Shaylie:** Thank you for the juvenile portion. Back on isolation topic, from experience working with a program called Steps, which was supposed to be an in between

as an alternative to isolation for folks that were being over isolated due to small behavioral issues but then they for some reason “lost” resourcing for that so even just like on the isolation topic you could track what programs have been implemented. There were youth sitting in ICU for months just because the case management couldn't decide where to put them. There's just an addition to the juvenile/isolation portion.

**Tristen:** Maybe we can invite someone from OYA or McLaren to speak on that. Would be interested to hear from folk's at OYA on overreliance on segregation.

**Javier:** This is where we partner with Valiere. Would you like that for December meeting? December will be more of a workplan going forward.

**Tristen:** Yes, December meeting.

**Paul:** Restorative Justice is an alternative to punishment and a system that perpetuates crime. I think expungement reform. BIPOC communities are disproportionately impacted. Tristen how might you think about kind of the racial equity there?

**Tristen:** I think you can probably speak to it better than I could. It's very similar to expungement reform in terms of over policing, overcharging disproportionately communities of color. It strikes me with the huge difference in how every other arm of our public safety system is funded. Arresting, prosecuting, incarcerating people of color - there's no limit to those budgets and yet public defense, which is the one area where you know, people who are being charged with crimes can be advocated for and can fight against their charges, has been underfunded forever.

**Paul:** If you want to send these back to Tristen and I can wordsmith.

**Tristen:** Send to both and we can get it back to you.

**Shaylie:** Brainstorming this idea because we use restorative justice as a preventative measure, and it's been seen solely as that. There is a community approach towards the reentry aspect. It could be used as reentry into the community for restorative justice, as a preventative measure for rehabilitation, or for recidivism, but I just wanted to get that thought out there so I can connect with Tristen and Sterling maybe make it sound better.

<b>Justice Reinvestment Equity Program (JREP) Presentation</b> (20 minutes)	<p><i>Babak introduces Trish Jordan.</i></p> <p><b>Trish:</b> Director for Red Lodge Transition Services. Working in reentry for 16 years. We have transition center for women in Oregon City.</p> <p><b>Billy:</b> Employed with Central City Concern and am the advocacy coordinator for Flip the Script.</p> <p><b>Jacob Bell:</b> Lobbyist on behalf of Safety and Justice.</p> <p><b>Shannon Wight:</b> Deput Director for Safety and Justice. We've been around 25 years.</p> <p><i>Shannon shares presentation on Justice Reinvestment Equity Program</i></p> <p>HB 3194 passed in 2013 invested millions into counties and nonprofits to reduce overreliance on incarceration and to promote local solutions. JRE over the past ten years or more than 10 years has prevented the need for a state to open new prisons and has kept the criminal justice systems growth by investing in critical programs including housing, behavioral health, and treatment beds, instead of prison beds. JRE had a truly fatal flaw and it did not reach all Oregonians by not investing in culturally specific organizations that are best suited to serve communities of color in particular. Based on a report by the CJC not a single dollar of main justice reinvestment resources went to culturally specific organizations that specifically serve communities of color. Because of that, during 2022 legislative session, SB 1510 created the justice reinvestment equity program. Through that, the Northwest Health Foundation distributed \$10 million in culturally specific funds to culturally specific organizations across the state that provide housing and reentry services for those leaving incarceration. It also funded victim and survivor services. We're able to provide rigorous Technical Support to the eighteen programs that receive JREP funding. The work to fund these programs and to support historically underfunded communities is not done and that is why we are here asking for continued funding.</p> <p>JREP served these eighteen programs, they are in nearly</p>	

all of Oregon counties are being served.

**Billy:** Will present the importance of the justice reinvestment equity program, joined by community partners. As the advocacy coordinator at Flip the Script, culturally specific reentry programs, and as someone with lived experience, in the justice system that without funding for culturally specific services people of color like me are left behind and do not have the resources and supports they need to reach self-sufficiency. We feel strongly that JREP is the answer to fairness and equity for people of color and have an opportunity to be self-sufficient and to find their way to have a fair chance at life. Investment is effective in serving black and brown communities across the state.

**Trish:** If the state of Oregon is serious about equity and inclusion then they need to include communities of color, and the communities of color require autonomy, technical assistance, and financial support. JREP grantees are small grassroots programs. Grantees need the time and support to become the organization that their communities envision and truly will profit and prosper from. Nonprofit organizations do not grow without money and technical assistance. We went to Denver and we saw what happened in Denver in regard to what's possible for communities of color and we'd really like to replicate a lot of that here in Oregon. Communities of color have been left out for a very long time people need services, provided by people that look like them, think like them, and can communicate with them. Technical Support includes being mentored. To do the work that we're passionate about, most of us have no formal training as nonprofit administrators yet we passionately continue to work long hours serving our communities. Red Lodge is looking at doubling our budget in the next two years, we're opening a men's program we're really excited about that. We hope to have a small housing program that goes with that that men's program. Incarceration impacts not just individuals but entire families and communities. It causes generational trauma and everybody that we work with has trauma. 95% have substance use disorders, 70% have Co-occurring mental health disorders. In 2018 it cost Oregon state prisons \$38,540 to incarcerate one inmate for one year. In 2024 it now costs \$63,466, that is a 39% increase over just six years.

**Jacob:** 12 Million for the continuation of the JREP and this is essentially what would be considered just above the inflationary mark. Our current service level for the

2025 to 2027 biennium based on the funding that was received previously for both the startup and beginning of the implementation of the JREP back in 2022 had advanced and had requested a policy option package through the Criminal Justice Commission for the governor's recommended budget process ahead of the GRB release. We were recently told the POP that we requested would not be moving forward as part of the GRB process. In additional conversations with the agency it was recommended that we continue our work directly with the governor's office and in part we wanted to make sure that we reached out directly to this council to brief you about the work that has been ongoing over the past couple of years since the passage of SB 1310. Really hopeful that this \$12 million appropriation will ultimately end up in the GRB and would greatly appreciate any support.

**Billy:** We echo not just our convictions but the convictions of all the individuals we serve through our programs and through JREP dollars. JREP is a critical state program that makes our community safer. It reduces the size of the criminal justice system in budget cycles where funding is limited. Investments prioritizing equity are often the first to be cut out, and that cuts us out. In 2025 session where funding may be limited, your council support and advocacy for this program that centers the needs of communities of color impacted by the criminal justice system will be needed much needed.

**Babak:** Was JREP a priority before for RJC?

**Jacob:** Yes, in years past it.

**Paul:** When you met with CJC staff, what info did they give on why it got pulled? Was it more from Gov office or fiscal staff?

**Jacob:** Our understanding is its mostly a decision on the budget and the different way the executive branch is handling it. We often see investments that prioritize equity as the first to be affected by budget shortfall.

**Paul:** Was this a POP or is there a sunset?

**Jacob:** With POP not moving forward we moved an LC forward.

**Paul:** What kind of support were you hoping you could get ultimately?

**Jacob:** A recommendation to the governor's office and to the governor's staff who are helping to build the GRB that this is something that the RJC would very much appreciate and support. We ultimately would defer to this council on what you think is the best way to make that happen, but I think that's the ultimate goal that we were hoping to achieve.

**Tristen:** Thank you for the incredibly thoughtful presentation. When it comes to the touch point with the system, curious where these dollars are landing or is this like reentry programming? Is this keeping people out of prison to begin with and on probation? Is this pre all of that? Where do these dollars end up?

**Jacob:** There's three buckets. The first is those types of reentry dollars and work that happening on a daily basis. Second is investments into programs that support victims and survivors. The last piece was more upstream investments into behavioral health, housing, employment support, and youth support. Things designed to really prevent someone's involvement with the criminal justice system in the first place.

**Paul:** Add JREP within that bucket understanding that it is more expansive than that. I would support you know adding a little more. You have my vote in support for moving this forward and again thank you all for showing up today it's great to see you.

**Tristen:** Paul and I are going to be presenting to the full RJC next Tuesday we've been spent this meeting filling out a template of what our top priorities are and then what are some other things that we kind of want to work on during session so we will add JREP to one of our top priorities.

**Javier:** There will be additional cadences in the odd-months during session. Thank you all everybody for staying.