



Agenda/Notes

Office of Governor Tina Kotek — RJC Criminal Justice Reform Committee

December 16, 2024 – Zoom

3:00 pm – 5:00 pm

Moderator – Javier Cervantes

MEMBERS

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

OTHER ATTENDEES

X	Andre Bealer		Jacob Bell	X	Valerie Colas
	Billy Anfield		Shannon Wright	X	Yasmin Solorio
X	Danny Moran		Trish Jordan		

Topic/Lead	Notes/Main Points	Decisions/Action Items
Welcome	Tristen provides welcome.	
GRB update and CJRC Priorities	<p><i>Andre provides overview of items that made it into the GRB:</i></p> <ul style="list-style-type: none">• \$4 million for continuing Restorative Justice Grant Program.• \$10 million for Justice Reinvestment Equity Program (JREP).• \$800 thousand for Gender Informed Practices Assessment (GIPA) to add three additional body scanners, bringing total to five.• \$6.3 million to continue funding priority actions for GIPA.• \$2.8 million for eight positions at OPDC for financial and case management.• \$38.9 Service Provider Rate Stabilization. <p>Paul: I think there was \$40 million for deflection, correct?</p> <p>Babak: Correct.</p> <p>Paul: But there wasn't funding for \$10 million for the impacts grants, which has traditionally been funded. Want to know why that is?</p> <p>Babak: Not sure for \$10 million impacts.</p> <p>Andre: Can look into that and get back to you.</p>	<p>Andre to gather information on impact grants funding (historically funded at \$10M) and JRI amount.</p> <p>GO to reach out to OPDC re: budget, state positions, and caseload standards.</p>

Paul: What did JRI come in at?

Andre: Will get back to you.

Paul: I think MOUD funding got bumped up. Medication for Opioid Use Disorder Funding. That's another one in the CJC.

Valerie: MOU is at \$15 million.

Tristen: Public defender hourly program can create problems; it incentivizes enormous caseloads to bill as much as possible. It's incredibly expensive and it's not recruiting any new attorneys, it isn't training new attorneys, and in some situations, it's leading to attorneys who are working on their own who maybe need supervision. We need to be really cognizant of the different models and what kind of funding models we want to support to ensure quality is met. OPDC is getting a lot of political pressure to just have somebody that is there so we can process people through the system. Both goals need to be considered at the same time - how do you make sure that we have an adequate workforce and how do you make sure that workforce is providing quality representation? We've talked about having OPDC come in and talk to us about this. It would also be a benefit to have other representatives, from within the defense field, to talk about the different models of defense. It will be hugely important when we think about what part of the OPDC budget are we advocating for here, because personally I would not advocate to increase any funding, and I would hope to strongly reconsider this hourly program. Would love to see additional funding going to trial divisions, going to nonprofit offices, going to oversight of solo practitioners. ODC budget is very complicated.

Andre: Appreciate that, more to come. Unfortunately, Constantin wasn't able to attend for today.

Paul: Maybe we get an advance on some materials that looks at what the Governor's budget is and look at the details. One of the things they've tried to do is create state funded positions for three offices. In theory its good, but it also has unintended consequence of pulling people from non-profit to work for the state. We then then get inequity. Data from providers is very limited. Would like to understand caseload standards as well. These are crucial points and knowing where we want to be advocating behind.

	<p>Andre: Understood, we will reach out to OPDC to see what we can get for you.</p>	
<p>Gov Office Legislative Team work overview - Opportunities for engagement during session</p>	<p><i>Danny Moran, He/him, Deputy Legislative Director for Governor's Office, provides legislative teamwork overview.</i></p> <ul style="list-style-type: none"> - Last Friday was the pre-session filing deadline. This is the deadline by when all legislators and agencies need to submit LC's either to the Chief Clerk's Office in the house or the Secretary of the Senate's Office. - Legislators can continue to introduce new bills all the way through February. Leadership offices have a little more flexibility. - Browse bills that have already been filed: <ul style="list-style-type: none"> ▪ https://olis.oregonlegislature.gov/liz/2023I1/Committees/SHDEV/2024-12-10-11-30/MeetingMaterials ▪ https://olis.oregonlegislature.gov/liz/2023I1/Committees/HHOUSH/2024-12-11-11-30/MeetingMaterials - We're still waiting on new committee assignments. - With capitol construction still ongoing, there is opportunity to continue engaging with public testimony in a virtual way. - Important to note both legislation you want to see passed, as well as legislation you do not want to see pass. Flagging possible issues early on is important. <p><u>Important Dates</u></p> <ul style="list-style-type: none"> • January 13: New legislators are sworn in. State of the State address from Governor. • January 21: Session starts • April 09: First chamber Work Session deadline • May 14: File revenue forecast • May 23: Second chamber Work Session deadline • June 29: Session concludes, Constitutional Sine Die <p>Paul: One question I have is around the things in the GRB that this committee is supportive of and what your role is in advancing those priorities, and how we can coordinate with the governor's office around those things where there's universal agreement?</p> <p>Danny: Identifying those components early is always a good start. A lot of what I was focused on in this lead up was obviously policy, the budget operates in a different space with the various subcommittees meeting, hearing from agencies, getting a sense of what is in the GRB versus in agency requests budgets, and then figuring out</p>	

	<p>how that all fits together with any kind of new revenue raising or shifting that the legislature wants to do. I think identifying key components early and just recognizing the timeline on that.</p> <p>Tristen: Last legislative session, everyone was talking about ballot measure 110. Is there anything similar in big deal this session?</p> <p>Danny: Outside of Governor's three main priorities, it feels like every year there is always big issues. Transportation package, ODOT has a big deficit that needs to be completed from 2017 session. Need to modernize how that agency is funded. Wildfire funding, stabilization process is ongoing. 2019 was the last time provider tax was passed to provide OHP. As time has gone on it's been pretty clear it is important and for folks to take into account for coverage.</p> <p>Tristen: Thanks for highlighting the point on keeping an eye on both bills we do and don't support. There may be more in the Criminal Justice space. Trying to identify bills where people use bills as a criminalization tool – adding penalty when it shouldn't be.</p> <p>Paul: Danny, what does your day-to-day work entail?</p> <p>Danny: It is more internal, working with advisors. Also, a bit of Natural Resource related, forestry Marshall. Involves coordination for agencies and advisors, ensuring that both groups are on the same page. Maintaining legislative relationships, ensure folks are in alignment with what governor wants to do. Giving folks a sense of what the Governor is interested in and wants too.</p> <p>Paul: Thank you.</p>	
<p>LC 453 update from Andre</p>	<p>Andre: This is modifications to JRI on their grant review committee and the process for grant reviewing applications. Is that correct?</p> <p>Danny: Yes, and if there are any specific questions, I'd defer to Kent since his agency is moving it forward. JRI is needing technical changes and making it more equitable and stating that in its statutes. Specifically, 2019 HB 364 that lead to recommendations.</p> <p>Adding members to Justice Reinvestment Grant committee – a defense attorney and two individuals with lived experience in criminal justice system.</p>	

	<p>LC 453 has a goal to give clear direction, in the grant making process there wasn't always equity embedded into the investment and it maybe didn't meet the goals of what was specifically stated in JRI. These are some technical changes, but I think at least from the commission's perspective it's following through on some past legislation, some recommendations, that I think align more with initial goals of that program.</p> <p>Paul: I'll share as chair of the commission that these are housekeeping changes that we believe are necessary. Also implied in here is the relationship between the grant review committee and the Commission itself and how the process of approving grants actually flows through those two bodies to make it a little more streamlined and clearer in statute.</p>	
<p>LC 1988 update from Tristen</p>	<p>Tristen: LLC 1988 is for the Restorative Justice Grant Program. It is essentially seeking three different amendments. The primary goal for this legislative session is to have it be included within the current service level budget of the CJC. The Restorative Justice Grant Program being funded through one-time funds from the legislature, which creates instability. The LC in and of itself cannot achieve that stable funding, it that must come from a lot of different things. There's kind of a three-part approach to trying to achieve that goal.</p> <p>The first is just the relationship with the governor's office the fact that you know are restorative justice was included within the governor's recommended budget. It is necessary but not sufficient to achieve this goal of current service level budget.</p> <p>The second is having a lot of conversations with legislators to make sure that folks in Ways and Means, whoever's on the Judiciary Committee, or our supporters, know that our goal is ongoing funding. Knowing how to have those conversations with their colleagues so that we don't get flagged as one-time funding anytime through session or through the Ways and Means process.</p> <p>The third is these legislative concepts. The LC seeks three different amendments to the original statute that created the Restorative Justice Grant Program. Two of those amendments are more technical fixes.</p> <p>The first is amending eligibility criteria for the grant</p>	

	<p>program to allow the Restorative Justice Coalition of Oregon to draw from the grant as well. It is not possible to write into a statute a specific organization, so the LC will state something like “a statewide coalition that works in collaboration to support the development of these funded programs” or something along those lines.</p> <p>The Second Amendment is to create more explicit confidentiality provisions for data collected from programs. Hesitancy is understandable but it impacts the ability of the CJC to assess recidivism data for statistical purposes.</p> <p>The third is this language about the fund will signal to Ways and Means signal to LFO this is meant to be ongoing funding at the same time we don't need a separate fund.</p> <p>Met with Senator Prozanski on Thursday and had a conversation with him about pre-filing. We were ready to do it but opted to wait for two reasons. One, Senator Prozanski guaranteed us that this bill will get filed. The second reason is that we wanted to give some time for people on the House of Representatives side to sign on as sponsor.</p> <p>Luckily, we've gotten four legislators that have signed on as sponsors. Hoping for a few more before ideally filing by mid-January.</p> <p>Paul: Will it be introduced as a committee bill?</p> <p>Tristen: Will be one of Senator Prozanski's.</p> <p>Paul: Who are the four legislators that signed on?</p> <p>Tristen: Senator Pham, Rep. Chaichi, Rep. Grayber and Rep-Elect Chotzen.</p>	
Workplan Template	<p>Andre: Reminder to please leave yourself wiggle room to add things. Note what actions need to be taken to achieve/advocate for the goal/objective?</p> <p>Javier: For example, having folks in DOC subcommittee write a letter.</p> <p>Tristen: Really like that.</p> <p>Javier: Whatever movements we make, ensuring legislative team is aware.</p>	<p>Valerie to work with Legislative Team to track DOC budget hearings that come up.</p> <p>Tristen and Paul to update work plan. Javier to send updated plan to committee for possible edits.</p>

Committee reviews priority focus two

Paul: We want to be strategic. Would like to see the DOC body scanner be included. We can weigh in with letter or testimony, as DOC will have a budget hearing in front of Ways and Means.

Tristen: Writing letter when there is a budget hearing makes sense. Can't think of anything else past that. Any other thoughts?

Paul: Babak, curious if you have any questions?

Babak: Don't want to give more money to DOC but also need funding for the body scanners.

Paul: Would make more sense if the folks doing this GIPA work weren't reporting directly to DOC, as they are working through complaints being reported.

Can Gov office keep us updated when DOC has budget hearings that pop up?

Javier: Valerie, how can we track that best?

Valerie: Will work on tracking that and work with Bob.

Tristen: Potentially remove "A." under number two, as it should be a one-time cost.

Paul: Hopefully this will be a recommendation even in the male prisons because they also get subjected to strip-searches repeatedly.

Tristen: Would be interesting if there was a way to track how much staff time was saved by NOT having to do multiple strip-searches.

Paul: That might be something that Mia is paying attention to anyway. Might be good to follow up with her if its funded.

Michelle: How do we how do we hold DOC staff accountable to using the scanners? Just because they have something that is supposed to boost equity, and justice doesn't mean they're going to use it. Does funding allocate for maintenance costs, training staff to use it correctly, implementation costs, and assurance its being used as intended?

Paul: Great questions. I don't think we have good

Connecting with Mia upon her return regarding body scanner implementation, and possible data on staff time savings.

answers to those questions. My guess is they've built in money for maintenance and they will be doing training on how to use them, but beyond that I really don't know. The fact that they're talking about as I understood it, the five were going to cover the whole institution. The expectation would be that they are using them, especially if they have them enough to cover the whole prison. Would be good to talk o Mia when she is back.

Tristen: I would *like* to believe correction officers will use them. There is an advisory committee tasked with overseeing GIPA. We can communicate with them if body scanners are implemented, that they are doing what they can to ensure they are being used. Excellent point that this will not solve implementation.

Paul: Should we move on to OPDC?

Tristen: We need to have a goal of *having* clearer goals.

Paul: On the next goal for expungement reform - Big lift to align all data systems in Oregon. Have big challenges in being able to do that. There is also opposition in automation, particularly around State Police, to verify someone is who they say they are. Fingerprinting breaks automation. You have to identify people through data systems we have. There are several technical fixes and there's things that will put us in better position. Those are some of the things that have been talked about recently. Our goal is to advance expungement reform this session through technical fixes and efforts to align data systems.

Michelle: In the work that I do, I get inquires several a week asking about expungement and sometimes people can't pay filing and fingerprint fee. How would an automated system work? Would it work on expungements for everything - from arrests to landlord tenant convictions to criminal convictions? I think this is more narrowly focused on criminal convictions. Would it displace the work done by organizations, like CLEAR Clinic, whose sole focus is expungements?

Paul: The PCC CLEAR clinic was on the steering committee and advocating strongly for automation. They don't see this as putting themselves out of work, they see this as a great thing. When we passed our first set of reforms in SB 397, it reduced the filing fees and the wait times. It's easier to file now, which is why there are so many more expungement self-petition cases and

automation is one of the ways that you fix that. The issue is only about 5% of people who are eligible get their records expunged once they reach the statutory requirements.

Michelle: Are there other conversations we've had as expungement reform, aside from automated bill?

Paul: SB 3970

Michelle: Flip the Script is helping in kind of all aspects of reentry - everything from housing, substance use disorder treatment, clothing, food, to whatever social service resources they might need. I've heard from so many folks who are being released and they feel that DOJ doesn't give them adequate information, even when they work with the coordinators there. I don't have a lot of firsthand knowledge, but DOJ coordinators are supposed to help with reentry. Whatever we can do that is feasible.

Tristen: Flip the Script is grant recipient of JREP. Would suggest putting you and Paul as co-lead for expungement reform and put you and Babak as co-lead for JREP. Would help us with more familiarity with folks experiencing the system.

Shaylie: I can help you Tristen with restorative justice goal.

Tristen: Scott and Cameron have been great at joining meetings related to JCO, would you like to be added?

Shaylie: Yes, please add me starting January.

Tristen: Nansi, anything for you you'd like to add?

Nansi: Good with listed priorities. Can you send it out and we can confirm if people have edits or changes?

Tristen: Yes, will send to Javier to send out.

Tristen: I have two things to add. First is adding bills that expand criminal code – so we can oppose them. Valerie, will you be in charge of tracking criminal justice bills or is that something more done by Danny and his team?

Valerie: It's both; it will be a joint effort.

Tristen: Can I put you and Danny as leads?

Valerie: Yes

Paul: Maybe we can add Babak too.

Tristen: We will track these throughout session. The other item is the Aranda fix.

Paul: Its complicated, do you have a brief write up on Aranda that could make the info stick?

Tristen: Maybe we can bring Willy in to talk about it? We just talked about it recently. We can maybe work on something together. Agree, an infographic or write up would be great.

Aranda has to do with impeachment to prior convictions. It is trying to attack that person's credibility. Right now, in Oregon there is a rule of evidence that says you can impeach someone with a prior felony conviction or a prior conviction for a crime of dishonesty. It creates a situation where somebody who has had prior felonies now has less of an ability to testify in their own defense. It perpetuates that racial disparity by using those prior contacts within the system against them in their own trial.

It's called Aranda is because there was a Court of Appeals decision a couple years ago. The Supreme Court then took that up on review and reversed it.

I don't know what the like the bill that is going to be advancing this session proposes. If it proposes a return to what the Court of Appeals opinion said or if it proposes just being in alignment with the federal rule of evidence. I can learn more about that I'm happy to take lead on this one.

Paul: Interested in staying on top of what's going on. One thing I might throw in there is deflection. Deflection is an experiment in Oregon under HB4002. Where my mind goes is wanting to hear from CJC on what does the data tell us, what are we learning on who is and isn't getting deflection, are there racial inequities in the new system? It would be within our groups wheelhouse to pay attention to.

Tristen: Would be beneficial for Ken Sanchagrin to give presentation on that. My office has been really involved as well as Grant, Rep Kropf.

Paul: Maybe track and monitor deflection.

	<p>Tristen: Paul, can I put you that as lead?</p> <p>Paul: Sure</p> <p>Tristen: Great. Thanks all for engagement.</p> <p>Michelle: Will the updated doc be sent out or can we do a google docs for a live doc?</p> <p>Paul: Maybe we can make it a standing agenda item to revisit any edits for the workplan.</p> <p><i>Unanimous agreement. Committee concludes.</i></p>	
--	---	--