



## Governor's Re-entry Council, Steering Committee Minutes – Meeting #19 – April 7, 2010

Steering Committee Members Attending: Cindy D. Booth, Mark Cadotte, Ron Chase, Val Conley, Ginger Martin, Pegge McGuire, Camille Preus, Scott Taylor

Guests: Paula Bauer, Patty Katz, David Rogers, Paul Solomon, Craig Keyston, Ted Swigart, Teresa Cox, Megan Churchill, Debra Giard, Kimberly Allain, Lorin Dunlop

Item	Discussion	Action
Welcome and Introductions		
Review of Minutes from the February 3, 2010 Meeting		Copies were distributed with the agenda via e-mail for review. The attendee list was corrected prior to posting to the webpage.
Announcements and Updates from Members	<p>Ginger Martin asked members to share those items that are being worked on in relation to re-entry outside the priorities of the steering committee and workgroups.</p> <p>Craig Keyston with the Employment Department reports the Federal Bond Program is being reinstated in Oregon for offenders who are offered a position but are not eligible to be bonded by the employer's insurance company. He will check on the criteria for eligibility. Arbor Employment and Training has purchased 25 of these bonds and has them available for the high risk, out-of-school youth aged 17-21 they serve in Region 3 (Marion, Polk and Yamhill counties) and is working with employers toward issuance. The DOC transition training, Road to Success will begin including information about this option in their curriculum after further information is provided.</p> <p>Mr. Keyston also brought a brochure, Quick Job Search for Ex-offenders, which is available at all Employment Department offices. This brochure has much useful information in a concise format.</p> <p>Pegge McGuire followed up on the information she shared at the last meeting around messaging. Patrick Bresette of the non-profit, Dēmos, has received funding from a group of foundations to work for 18 months on messaging issues in Oregon. It was also decided during the legislative concepts workgroup meeting earlier today</p>	

Item	Discussion	Action
	<p>to have Mr. Bresette involved in developing the value-based messaging around the legislative concepts early in the process.</p> <p>Kimberly Allain asked for input for a proposal she is writing for the Oregon Anti-crime Alliance on ways the private sector may be able to assist through services, promotions or partnerships or ideas on legislation to make programs easier to implement.</p> <p>Ms. Martin distributed an article published in the December 2009 issue of Corrections Today written by Max Williams on the Oregon Re-entry Council. (attached)</p> <p>Patty Katz reported that the Partnership for Safety and Justice has been working with a speakers bureau and developed a program addressing barriers to employment. They are currently putting together a panel with Portland State University to address 5 different corrections topics.</p>	
<ul style="list-style-type: none"> <li>▪ Second Chance Act Grant Proposal: DOC</li> </ul>	<p>Ms. Martin distributed the Project Abstract and the Re-entry Council's Transitional Housing Initiative (attached), which was developed by the Steering Committee's Housing Workgroup and met the criteria of the 2<sup>nd</sup> Chance Act Grant. The housing initiative was conceived as an incentive program for jurisdictions to develop transitional housing on a 50/50 basis. The grant originally required a 50/50 cash commitment, but the current economic conditions motivated the federal Department of Justice to encourage applicants to request a waiver of that requirement and that was done for our application. The grant is intended to target areas which would provide the greatest impact. The Portland metropolitan area of Multnomah, Clackamas and Washington counties and Lane County are participating in the grant. The in-kind matches are the community services provided to those in the new housing. The grants will be awarded by late summer or early autumn.</p> <p>Ms. Martin said that DOC is preparing a budget policy package to fund the housing initiative in the Agency Request Budget. When Ms. Martin asked the legislative body for permission to apply for this grant, she did say on the record that the intention is to create a track record and request state funding at the end of the federal funding.</p> <p>Ms. Martin distributed 2 graphs (attached), which indicate the success rate of inmates with housing at release and those homeless at release. Data indicates that housing alone does not make a significant difference, but is one component in a multi-service need for those in transition. Ron Chase reported that the Social Learning Center is conducting a study with the Department of Justice to look at the issue retrospectively 20 years and into the future, which will be provide reliable data.</p>	
<ul style="list-style-type: none"> <li>▪ Second Chance Act Grant Program: OYA</li> </ul>	<p>Paula Bauer opened a discussion on the Re-entry Steering Committee also acting as the steering committee for the OYA 2<sup>nd</sup> Chance Act. Additional members would</p>	

Item	Discussion	Action
	<p>need to be included. Ms. Bauer will provide the criteria for the role of the OYA steering committee. The consensus is to have the OYA steering committee meet immediately following the Re-entry Steering Committee meetings when necessary and include the additional members required by the grant.</p>	
<ul style="list-style-type: none"> <li>▪ Funding Proposal: Vouchers for State-issued ID Cards</li> </ul>	<p>Lorin Dunlop from the Criminal Justice Commission explained the program being developed to pay for State-issued ID Cards prior to or after release. The funding will come from interest earned on Byrne Grant funds. A process for payment to the DMV needs to be developed. According to the DOC, 50% of inmates near release have their birth certificate and 28% have the required 2 documents needed to get the ID Card. These funds could also be used to provide documents for those already on parole or probation.</p>	
<ul style="list-style-type: none"> <li>▪ Legislative Concepts: Limited Liability for Employers and Landlords, Rules for Job Applications, Certificate of Rehabilitation</li> </ul>	<p>Cindy Booth distributed the agenda (attached) from the Steering Committee's Legislative Concepts Workgroup which met earlier today. The idea of presenting a legislative concept that addressed mitigating 3<sup>rd</sup> party liability for employers and housing providers was discussed. Presenting these two concepts separately appears to be the most prudent approach; although they will mirror each other in many ways. They have examined examples from other states of how they have addressed limiting liability for landlords.</p> <p>David Rogers explained how the "certificate of relief" would be helpful to the people with a criminal history who have made significant changes in their lives to reintegrate successfully into their communities.</p> <p>Ms. Booth said this workgroup would like to continue working on the details of the certificate of relief proposal and present to the Steering Committee at the May meeting. The changes DOC is making in the institutions to the inmate job application process, job performance evaluations and resumé creation support the certificate of relief concept. The members directed the workgroup to continue work on the issues.</p>	
<ul style="list-style-type: none"> <li>▪ WorkSource Oregon Internet Access at OSCI</li> </ul>	<p>Cindy Booth reported that there is currently a pilot program ongoing at OSCI that allows inmates limited internet access to the Employment Department's WorkSource Oregon website. DOC ITS staff and Employment Department ITS staff worked closely to achieve this goal. The hardware is secure as are the allowed sites. (Photos attached) DOC ITS staff members are checking daily the IPS addresses accessed to confirm security. The goal is to replace the stand alone employment kiosks at the releasing institutions with the limited internet access.</p>	
<p>Next Meeting</p>	<p>The next meeting will be held May 5, 2010.</p>	



# Oregon Reentry Council Is Tasked With Improving Offender Transitions

By Max Williams

**E**nsuring that offenders are successful after release from state custody is a fundamental public safety interest in Oregon. The successful reintegration of offenders returning from custody requires work by multiple state and local agencies; no single agency can accomplish the goal alone. A long-term commitment to public safety requires that correctional agencies address reentry through focused leadership and engagement of many local and state-level partners.

Recognizing the importance and complexity of this task, Oregon Gov. Ted Kulongoski created the Governor's Re-entry Council in May 2007. The council met initially in November 2007 and now meets on a quarterly basis. The council's goal is to analyze and improve the effectiveness of offender reentry from incarceration to community. The group is actively working through statewide policies, practices and laws to identify and remove barriers to successful

offender reentry and to develop state-level strategies for improved reentry.

Council members include state agency heads from parole, courts, human services, employment, housing, veterans, motor vehicles and community colleges. Oregon legislators are represented, as are directors of statewide associations for community corrections, sheriffs, chiefs of police, district attorneys and social service providers.

The first task on the council's agenda was to understand more about the offenders being released from custody and the types of problems they face when returning to community life, such as lack of education, unemployment, homelessness, addiction and mental illness. Each council member agency identified how its mission and services could contribute to helping former inmates be successful and crime-free after release. Most important, each member agency realized its part in the success or failure of

Oregon's new statewide approach to reentry. As a result, the council immediately began to identify specific barriers to successful reentry. There were many ways in which reentry improvements could be made in Oregon, so the council had to prioritize.

In addition, members wanted to demonstrate quick success. Improvements that could be made immediately were pursued, followed by a more careful analysis of the larger and more challenging barriers such as improving employment rates and access to housing.

## First Reentry Improvements

**Reentry wiki.** The Oregon Department of Corrections took the lead on establishing a Web-based directory of reentry services, programs, resources and information listed by county and statewide program area. The Oregon Re-entry Wiki is an online, dynamic resource for offenders and their families who are looking for assistance in transitioning back into the community after being incarcerated. The site is particularly useful because information and content can be updated and added by member counties and agencies without designating one point of contact to oversee the whole site. The wiki can also be used as a resource for members of the general public who desire to gain a better understanding of the reentry process and the ways in which they can help offenders successfully reintegrate into society. (Visit the Wiki at <http://oregonreentry.wikidot.com/start>.)

**Statewide transition network.** A statewide network, including prison and community corrections officials, was revived to work on reentry and transition. The network's purpose is to improve release planning and information-sharing. Network members set the following goals, which they are working on now:

- Improvement of the content of release plans;
- Consistent processes for reach-ins (visits while offenders are still incarcerated) by parole officers; and
- Provision of training on electronic case files and data entry guidelines.

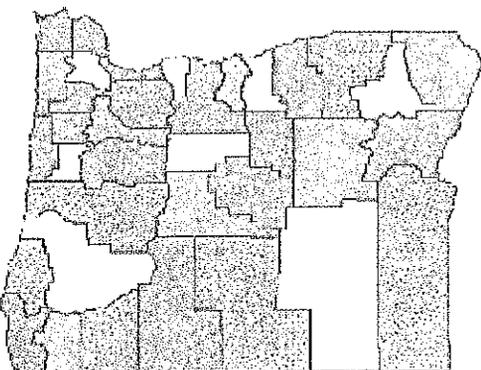
**Personal identification documents.** For offenders who do not have a birth certificate, the DOC and the Oregon Department of Human Services has partnered to provide these documents to offenders prior to release from prison. For offenders who do not have a social security card, the Social Security Administration and the DOC signed a memorandum of understanding so that replacement cards are provided to offenders prior to release. In addition, the DOC and the Oregon Department of Transportation-Driver and Motor Vehicles Services Division (DMV) began a pilot program in which selected offenders are transported to a DMV office where they are issued state photo ID cards prior to release.

**Reentry programming.** The DOC now offers a transition curriculum in all regional release facilities. Topics include employment skills, success on supervision, family relationships, financial management and being a good renter. Also, a faith-based reentry curriculum has been introduced within DOC prisons. This program is designed to assist participants preparing for the challenges and opportunities of reentry by tapping into sacred stories, teachings and traditions in various faiths. As a resource for female offenders transitioning from prison, a new gender-specific cognitive change/reentry program for women was launched in 2008. Each offender completes a minimum of 197 curriculum hours. Programming includes three hours of facilitated class and one hour of homework four days per week for six months. Transition planning is an important component of the program.

**Veterans services.** All veterans known to the DOC are contacted by the Oregon Department of Veterans Affairs prior to release so that the array of veterans services available can be tapped during transition.

**Continuity of health and mental health care.** Through improving internal processes, the DOC now provides 30 days of needed medications at release. In addition, a prequalification process has been put into place through a cooperative effort between the Seniors and People with Disabilities Section of the Oregon Department of Human Services and the DOC so that offenders who qualify for federal disability benefits can begin receiving them immediately at the time of release.

### Oregon Reentry Wiki Is Up and Running



#### Wiki provides information for those returning to the community

The Oregon Re-entry Wiki is a "one-stop-shop" approach to providing information on state- and county-level services and resources available to offenders who have been released from Oregon Department of Corrections custody. The site allows state agencies and local community partners to easily post relevant information on the Web, and gives offenders, their families, release counselors and parole officers a single place to identify resources available to them upon return to their home communities. The wiki can also be used as a resource for members of the general public, who desire to gain a better understanding of the reentry process, and the ways in which they can help offenders successfully reintegrate into society.

Visit the Wiki at <http://oregonreentry.wikidot.com/start>.

**Increased opportunities for college education.** Scholarships for college courses are available from a private foundation connected to one of the community colleges that serves Oregon's prisons. Eighty-one students participated in classes during 2007-2008; 59 were supported by scholarships and an additional 22 were self-funded.

**Employment.** Employment kiosks, with information provided by the Oregon Department of Employment, have been installed in each of the regional reentry prisons to assist inmates in looking for work prior to release.

**Housing.** Funding from Oregon Housing and Community Services was used to create new transitional housing for offenders. The grant will bring 45 new units of housing and 62 additional transition beds into the community.

**Reentry service site model.** An Oregon model for one-stop transition service centers was approved by the council. The governor identified \$1.5 million in Edward Byrne Justice Assistance Grant dollars to fund three pilot reentry service sites.

**Oregon Board of Parole and Post-Prison Supervision.** Members of the Oregon Board of Parole and Post-Prison Supervision, working in concert with community corrections, the DOC and a national expert on evidence-based practices and parole, reviewed the conditions of supervision imposed at the time of release from custody. Release conditions have been revised so that they focus on the most important requirements and support successful reentry.

**DOC agency reorganization.** Release counselors working within the DOC institutions have been moved into a centralized and specialized unit to better focus their work on transition planning and community reintegration.

**Community engagement.** The council agreed to focus initial work in four priority areas: employment, housing, continuity of health and mental health care, and reentry resource centers. Workgroups were convened with subject matter experts in each of the four areas to assess barriers and develop strategies to overcome them. To date, more than 100 individuals from both the private and public sector have joined together to work on the successful transition of offenders moving from incarceration to community living. This work is unfolding as a true collaboration, with only about one-quarter of the participants representing the correctional system. Those participating in the community engagement process are from other state agencies, local service providers, employers, health care experts and landlords. Successful transition also depends on what happens in individual communities to reduce the barriers there. Several counties have created local reentry councils to identify and address the barriers where the real solutions are local.

## Next Steps

Work programs within the institutions are creating real-life processes for hiring and evaluating workers. When an inmate applies for a job, he or she fills out an application similar to those in use in the community. Inmates receive performance evaluations on soft skills such as responsibility, effort and relationships with inmate co-workers. Employers who have participated in the employment workgroup have advised that these soft skills are perhaps even more

important than specific job skills, although this initiative will also include capturing specific job skills learned and certifications achieved in prison. The information needs to be packaged in a way that will be useful to potential employers.

Offenders leaving prison need government-issued identification to find work and housing. The DMV and the DOC have been challenged to find a way to issue state identification cards to inmates prior to release. The next step on this front will be to explore models of locating the necessary DMV equipment inside a DOC facility or developing a mobile unit to service this population.

The Oregon Employment Department has a wealth of career and job-oriented resources available on the Internet. The DOC and the Oregon Department of Employment information technology staffers are now in the process of addressing security concerns inherent in bringing Internet resources inside a prison so that these resources can be used by offenders prior to release. If security risks can be overcome, the goal would be to provide limited access to the Internet so offenders could look for work before release.

With regard to housing, the council has approved an innovative program to provide incentive funding to communities that wish to develop new transitional housing options for offenders leaving prison. This initiative will require additional funding that has not yet been developed.

As for health and mental health care, the DOC mental health and release staff members have improved internal processes for summarizing the information necessary to facilitate a transfer of care and appropriate supervision for those receiving mental health care or who have serious health problems. The department will now begin to reach out to county mental health providers to improve access to care as well as coordination of care. The goal is for every offender who has a serious health or mental health problem to leave prison with a doctor's or mental health services provider's appointment in their home community, and for the doctor/mental health services provider to have needed information to continue care after release.

## A Great Motivator

Early achievements aimed at improving the reentry process statewide have been a motivating force for the Governor's Re-entry Council and for the many partners that have engaged with the council in developing strategies for improvements. Many improvements did not require new resources, but instead have relied on emphasizing shared agency missions along with reprioritization of staff and resources. There is much work remaining. Progress on Oregon's reentry initiatives will depend on state and local agencies working together to address more complex barriers and provide additional resources to effect real change.

*Max Williams is director of the Oregon Department of Corrections.*

**STATE OF OREGON**  
**GOVERNOR'S RE-ENTRY COUNCIL**  
**TRANSITIONAL HOUSING INITIATIVE**

**Project Abstract**

The Oregon Department of Corrections (DOC) and the Governor's Re-entry Council propose this transitional housing initiative to improve outcomes for men and women released to post-prison supervision from DOC correctional facilities. On behalf of the Governor's Re-entry Council, DOC is requesting \$747,541 from the Office of Justice Programs, Bureau of Justice Assistance to help address a substantial lack of transitional housing in the communities to which the majority of inmates are released. This expanded transitional housing will serve as the foundation for a comprehensive array of services designed to support a stable and crime free life in the community such as alcohol and drug treatment, access to appropriate mental and physical health services, education/vocational training, employment, independent living skills, and other re-entry services needed for positive re-engagement.

With grant resources, DOC will operationalize the Governor's Re-entry Council initiative to create incentives for local jurisdictions to develop transitional housing wrapped with transitional support services. Specifically, the grant-funded services will target higher-risk adults who are homeless at release. The key measure of project success is a comprehensive re-entry strategy that leads to a 50% reduction in recidivism in the target population after five years.

# **OREGON GOVERNOR'S RE-ENTRY COUNCIL TRANSITIONAL HOUSING INITIATIVE**

## **1. STATEMENT OF THE PROBLEM**

Because of the continuing growth in Oregon's prison population (now nearly 14,000), inmates are returning to communities in record numbers. Practitioners and policy-makers have become increasingly concerned with how to manage the re-entry process to best protect the public and how communities can absorb and reintegrate returning prisoners. More than 97% of those incarcerated will someday return to our communities; approximately 4,200 inmates will be released in the next year. The state faces a growing challenge of how to help these individuals re-enter society as productive, law-abiding citizens.

Approximately 1 in 3 adults sentenced to prison in Oregon will be convicted of a new felony crime within three years of release. Repeat crimes and failure on supervision is a costly problem for local and state governments, and is a risk to the safety of Oregon's communities.

Governor Kulongoski, recognizing the public cost and public safety impacts of those who fail to transition successfully from prison, established the Governor's Re-entry Council by executive order in May of 2007. The Council began by assessing the most serious barriers to re-entry and set as priorities reducing barriers to housing, employment, and continuity of health and mental health care following release from prison.

The relationship between stable housing and recidivism has been long established. A study conducted on parolees in Georgia finds that arrest rates increase by 25% with every address change. DePaul University studies find that community based recovery homes result in low substance abuse rates--87% were drug free after one year—as well as higher incomes and lower incarceration rates for program participants.

### **Housing First**

Stable housing is recognized by the Re-entry Council as a necessary foundation to all other strategies to improve the success of those leaving prison. Safe and drug free housing supports essential components of transition such as job seeking, employment, recovery from drug and alcohol dependence, mental health.

### **Need Profile of Releasing Population:**

- 45% do not have housing.
- 68% have a substance abuse disorder. Only a third of the high/medium risk group receive treatment in prison.
- 21% have a serious mental health condition.
- 22% leave without a high school credential.
- 95% do not have a job on the day they are released from prison

### **Target Population:**

Sixty four (64%) of all offenders are released to just five jurisdictions out of 36 jurisdictions in the state, one of whom (Marion County) received a 2009 Second Chance Act grant. This program targets the remaining high impact jurisdictions. The target population will be assessed at a high or medium risk to recidivate and will be homeless at the time of their release from prison.

### **2010 Releases:**

County	High/medium risk to re-offend	Annual Need for Transitional Housing at 50% of Total
Multnomah	580	290
Lane	300	150
Washington	238	119
Clackamas	117	58
TOTALS	1235	617

### **Current Re-entry Process**

The risk to re-offend and an assessment of criminal risk factors is conducted at admission to prison. The risk tool is the Oregon Automated Criminal Risk Scale which was normed and validated on Oregon prison inmates. Inmates with a high or medium risk to re-offend are assessed using the LS-CMI, a validated risk and need assessment, to determine their specific criminal risk factors. Each inmate is also screened for education, health, and mental health treatment needs.

A corrections plan is then developed that addresses criminal risk factors and other needs such as education and mental health. Treatment programs and education are provided during the prison stay according to this plan, with priority being placed on those offenders with a higher risk to re-offend. Unfortunately, not all inmates requiring treatment will receive treatment due to inadequate program funding and availability.

Inmates are transferred to a releasing facility closest to their county of release when they have six months left to serve. During this time, DOC release counselors begin the individualized re-entry planning process and initiates contacts with key service providers and community corrections agencies prior to an inmate's discharge.

Inmates are offered transition programming that addresses an array of topics such as employment readiness and job-finding skills, how to succeed on supervision, family relationships, budgeting, and being a good renter. Reach-in from community corrections agencies is facilitated, either in person or by phone.

Counties offer the following post-release program and services: alcohol/drug treatment, cognitive change programs, mental health treatment, employment assistance, and some transitional housing. Resources are limited and not all offenders who need these services will receive services.

Multnomah and Clackamas Counties use the Level of Service and Case Management Inventory (LS/CMI) to determine risk and need for all offenders released to their counties. The Transitional Housing Initiative will require Lane and Washington Counties to be trained in the LS/CMI and administer the LS/CMI on offenders participating in the program.

As a matter of policy, DOC collects data and analyzes outcomes for all programs to determine effectiveness. Data sources used are the comprehensive DOC Corrections Information System, data provided by assessment tools, and data provided by partnering agencies.

## **2. PROJECT/PROGRAM DESIGN AND IMPLEMENTATION**

The Transitional Housing Initiative will support the expansion of comprehensive re-entry services that include transitional housing to approximately 200 high/medium risk offenders, all of whom are homeless at release from prison. This project will serve as a pilot for the state in carrying out one of the recommendations of the Governor's Re-entry Council.

### **Re-entry Task Force**

The Governor's Re-entry Council (established in 2007) will function as the required re-entry task force. The Re-entry Council consists of representatives from state and local government who have a role in promoting the success of prison to community re-entry and who also have the authority to address system-level barriers to successful re-entry. Membership includes the Department of Corrections, a member of the House of Representatives, a state senator, the Board of Parole and Post-Prison Supervision, the Department of Human Services (the state agency responsible for health care, addictions treatment, mental health services, and child welfare), the Employment Department, Oregon Housing and Community Services, the state Veteran's Department, the Driver and Motor Vehicle Services Division of the Department of Transportation, the Department of Community Colleges and Workforce Development, the Oregon Association of Community Corrections Directors, the Oregon State Sheriffs Association, the Oregon District Attorneys Association, Oregon Criminal Defense Lawyers Association, the Judicial Department, the Oregon Association Chiefs of Police, and a non-profit community service provider that provides services to offenders transitioning from incarceration. In addition to the members, over 100 individuals have been engaged on workgroups by the Council. These participants include ex-offenders and their families, employers, landlords, and community service providers.

The Governor's Re-entry Council has been charged with planning, developing, implementing, and overseeing an improved and multi-agency transition approach for Oregon. Tasks of the Council will include, but not be limited to:

- Creating a common vision for transition and re-entry;
- Provide coordination at the executive level of re-entry initiatives across the state;
- Conducting a thorough review of existing policies and practices that need to be corrected and making specific recommendations for system improvement;
- Creating an implementation plan for improvements in policy and practice and monitoring that plan;

- Establishing regular and continuing communication among stakeholders;
- Removing or minimizing barriers that impeded successful transition and re-integration;
- Reviewing agency budgets and priorities for alignment with policies supporting successful transition and with evidence-based practices;
- Recommending changes in funding to further support the reformed transition process;
- Reviewing policies relating to institutional case planning, institutional transition planning and preparation, information sharing, continuum of services following release, social services in the community, housing and employment; and
- Establishing implementation groups to work on the operational aspects of system reform, the procedures and practices that will require change in the many agencies involved in the re-entry process.

The Re-entry Council will oversee the project, addressing state level issues (statutes, administrative rules, state agency policies) that impede the ability of the system to provide re-entry assistance. Local community corrections agencies will be responsible for identifying local gaps in resources, to develop a plan for addressing the gaps, and to develop links with existing community-based services to support offenders throughout re-entry.

### **Prison Phase**

Risk to re-offend and criminal risk factors are assessed at admission to prison and used to develop a case plan to reduce recidivism as described above (page 3).

Oregon prison sentences are determinate sentences, so a firm release date can be calculated making the release planning process predictable. The Department of Corrections release counselor identifies offenders from the target group during the last six months of the prison term. The release counselor will work together with the offender on a transition plan, including assisting eligible offenders in identifying housing resources. If there are none, then the release counselor will collaborate with the county community corrections parole officer to consider the individual for participation in the program.

A transition plan is developed by the release counselor in consultation with the offender and the parole officer. This plan facilitates access to appropriate services immediately upon release from the correctional facility, and provides for transitional housing and other needed services to promote community stability and success. Assessments, treatment plans, and documentation of progress made while the person was incarcerated will follow him or her to the parole officer, who will act as the case manager and service broker.

For those inmates who may be eligible for state and federal benefits, the release counselor will follow procedures set up by DOC mental health providers and the state agency that oversees disability benefits to prequalify those who are eligible prior to release. Oregon Department of Veteran's Affairs will make in-person contact to review benefits with those who may be eligible.

### **Community Phase**

Immediately upon release from the facility, the offender will be transported to the transitional housing by a family member or other support person, a mentor or a corrections' professional.

Comprehensive service coordination by the county parole officer will ensure that housing, treatment, and other support needs are available, removing impediments and allowing the offender to focus on long-term stability (job and permanent housing). At this phase, offenders will be engaged in education, vocational and employment assistance, ongoing mental health or addictions treatment, and pro-social support depending on their needs.

In addition to safe, drug-free transitional housing, the following services are part of the proposed program:

- Pre-release contact with PO will occur to improve collaboration between prison and community in developing a transition plan. Beginning the supervisory relationship prior to release also serves to reduce anxiety on the part of the releasee and thus to improve success on supervision.
- Each program participant has been identified as having a high or medium risk to re-offend. The parole officer will use the LS/CMI assessment to identify the specific criminal risk factors that form the basis for creating a case plan to address those risk factors.
- Employment services such as job training and placement will be provided
- Assistance with enrolling in education will be provided by the parole officer.
- Mentors will be engaged to provide pro-social support and coaching.
- A flexible fund account will be managed by each jurisdiction to cover individual one-time needs such as work-appropriate clothing, tools needed for a job, transportation, medication, and so on.
- Collaborations with local mental health and addictions treatment agencies will be developed to facilitate access to treatment for those program participants needing ongoing interventions.
- In two jurisdictions, Multnomah County and Lane County, Byrne funds are being used to develop one-stop re-entry centers. Program participants will be referred to these sites for needed transition services in these communities.
- In order to better respond to crime victims, the parole officer will develop and monitor a plan to repay any restitution ordered, once the program participant is employed.
- Use the swift, sure, and short imposition of intermediate sanctions to deal with violations of supervision for minor technical violations so that offenders are held accountable while still preserving supports for community stability. Oregon's administrative sanctions process gives the parole officer the authority to handle many violations immediately.

The grant will also support training for parole officers, release counselors, and community providers in specialized case management skills aimed at addressing criminal risk factors as well as coordinating and brokering transition support services.

# DOC Proposal for 2011 Legislative Concept

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Date: February 26, 2010

Submitted by: Ginger Martin

Division/Program: Transitional Services

Reviewed and approved for submission by Deputy/Assistant Director: Yes

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**Concept Subject/Title:** Mitigation of Third Party Liability for Employers and Housing Providers who Extend Employment or Housing Opportunities to Individuals with a Criminal History; Prohibits public employers from asking about criminal history on a job application form.

**Brief description of this concept:** More than 4,000 Oregonians who have been incarcerated will be released to return to their home communities throughout our state in the next year. Without stable housing and employment, studies show that nearly one third of these individuals will commit new crimes and return to prison or jail. The housing and employment opportunities for this population rely on private market housing providers and local employers. Due to concerns of third party civil liability, in the event that the employee or housing resident reoffends, the majority of local businesses and housing providers refuse to consider applications from anyone with a criminal history. Employers who ask about criminal history in a job application may automatically screen out otherwise qualified persons at the outset of a hiring process.

Addresses barriers to employment and housing by limiting the liability landlords and employers take on when hiring someone with a criminal history and by preventing public employers from automatically screening out people with criminal histories during the application stage of recruitment.

**Purpose of this concept (describe in detail the problem you are trying to solve and your suggested solution):**

Landlords and employers may be reluctant to house or hire people with criminal histories because of the real or perceived liability they might take on if that person victimizes someone.

Prevents an automatic rejection for a public job based on criminal history. Potential employers may still inquire about criminal history in a job interview.

**How great is the scope of this problem (i.e., the number of incidents per year, number of inmates affected, etc.)?:**

4,000 people are released from Oregon prisons each year. 30,000 people with felony convictions are on supervision in the community.

**Please note any supporting documentation you have (attach copy):**

Sample legislation attached

**What will happen if the state does nothing to change statute/fix this problem?**

Having a criminal history will continue to be a barrier to housing and employment

**Please list possible administrative remedies short of legislation that could solve all or part of this issue:**

Education of landlords and employers

**What partners or other agencies might/would be affected?**

Agency:  
All employers  
All landlords

Contact name:

Phone:

**Known/Anticipated support for this concept and why:**

Governor's Re-entry Council; reduce barriers to re-entry  
Community Corrections Directors; reduce barriers to re-entry  
Landlords and employers would likely support limited liability for themselves

**Known/Anticipated opposition to this concept and why:**

Some public employers may object; they may feel they need this information up front

**Where did the idea for this concept originate?**

Employment Workgroup of the Governor's Re-entry Council

**With whom have you discussed this concept?**

Employment Workgroup, Re-entry Steering Committee

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**This concept:**

Revises or repeals ORS:

Adds new sections to ORS Chapter:

Directly revises statutes other than those belonging to DOC: No  Yes

Will require companion revisions to other parts of the ORS: No  Yes

Will require administrative rule (OAR) or DOC policy/procedure change(s): No  Yes

Is a (check one):  Major program change  Minor program change  Technical correction/housekeeping only

Is the same as or substantively similar to a concept that was previously proposed? No  Yes

If yes, in what year(s)?

As Bill No(s)?

Why are you proposing it again (what has changed)?

Is needed because of a legal decision?: No  Yes  (if yes, case cite/date and attach copy):

Raises fees or assessments? No  Yes  (if yes, attach fiscal impact estimate)

Imposes or adds to unfunded mandate on local governments? No  Yes  (if yes, attach fiscal impact estimate)

Has other fiscal or position impacts? No  Yes  (if yes, attach fiscal impact estimate)

Will require an emergency clause? No  Yes

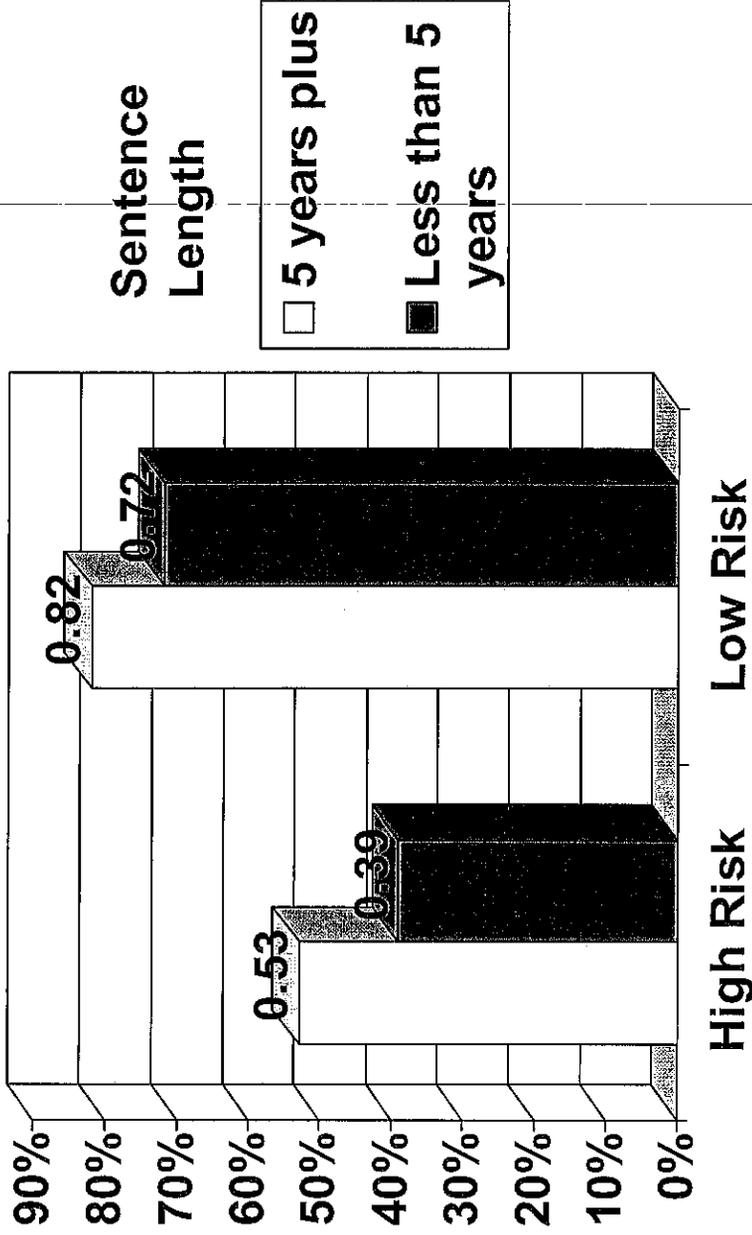
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Is this concept complete? Yes  No  (if no, expected date of completion and reason not yet completed):

**APPROVED FOR CONSIDERATION**  
Public Affairs Administrator \_\_\_\_\_ Date \_\_\_\_\_

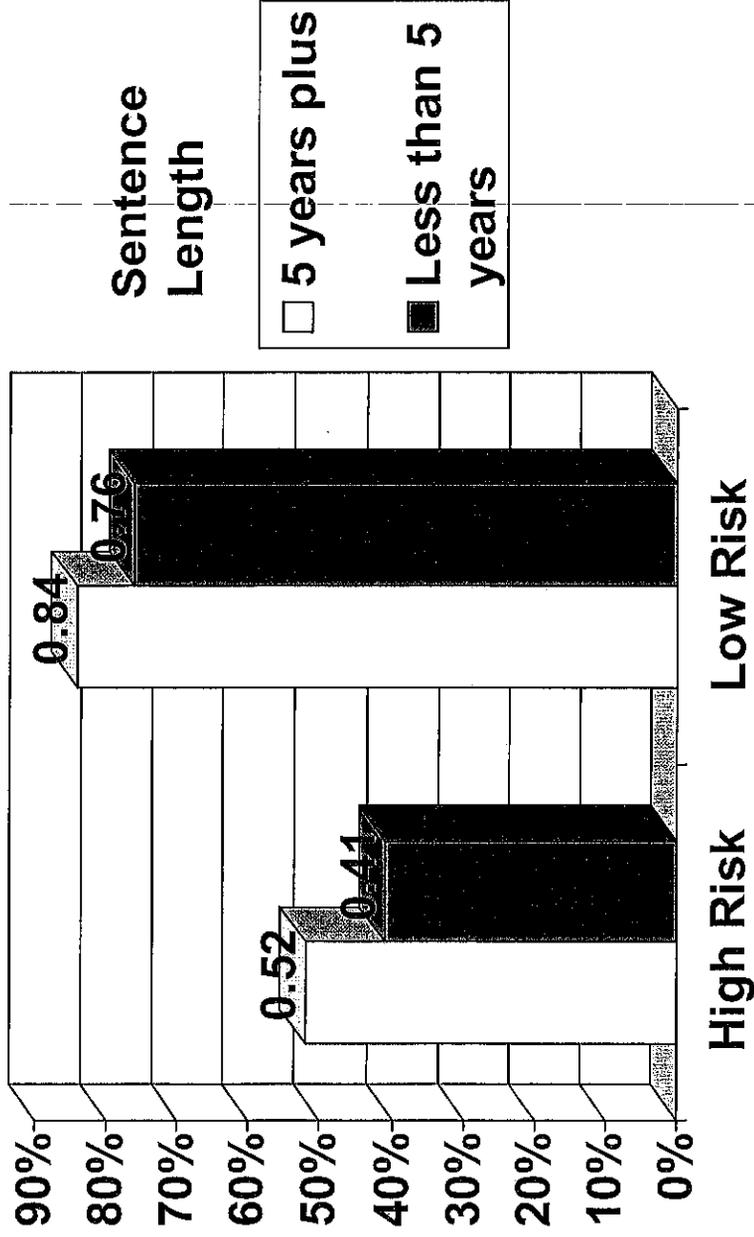
**APPROVED FOR SUBMISSION TO DAS**  
Director \_\_\_\_\_ Date \_\_\_\_\_

### Success Rate of Inmates Homeless at Release (2006 Releases)



Failure defined as being reconvicted, revoked, or absconding from supervision within 3 years of release

### Success Rate of Inmates with Housing at Release (2006 Releases)



Failure defined as being reconvicted, revoked, or absconding from supervision within 3 years of release

## Summary of Some State Laws

- **Arizona:** For first time offenders who have not previously been convicted of any other felony, civil rights that were lost or suspended, including occupational bars, are automatically restored if the offender completes all of the sentencing terms: probation, imprisonment, and/or payment of fine or restitution. For offenders with two or more felonies, civil rights are restored only by application to the judge who discharges the offender at the end of the probation period or the judge by whom the offender was sentenced. To see Arizona's law, [click here](#).
- **California:** A certificate of rehabilitation may be obtained that declares that an individual convicted of a felony is rehabilitated and may relieve an individual from registering as a sex offender. The offender can apply for the certificate after completing a prison sentence or being released on parole. In addition, the offender must reside in California for three years, must not have been since imprisoned, and must live an "honest and upright life," conduct himself or herself with "sobriety and industry" and must "exhibit a good moral character and shall conform to and obey the laws of the land." While a certificate alone cannot remove occupational bars, it is a prerequisite to obtaining a pardon, which may relieve such a bar. To see California's law, [click here](#).
- **Illinois:** Certificates of Relief from Disabilities (CRDs) can be issued by the Prison Review Board or by a court to anyone convicted of a nonviolent crime or offense, but not more than one felony. CRDs serve to restore eligibility for fifteen specified occupational fields that otherwise bar people with criminal convictions. The statute requires the occupational licensing agencies to consider eight enumerated factors to determine whether there is a direct relationship between the previous conviction and the license being sought or if issuing the license would pose an unreasonable risk to people and property. To see Illinois' law, [click here](#) .
- **Nevada:** Individuals can apply for restoration of civil rights once they have served the sentence and been released from prison. Individuals may also apply for restoration of civil rights six months after being granted an honorable discharge from probation or parole. Finally, an offender may apply for a pardon, which may or may not include restoration of civil rights but does not lift occupational bars. To see Nevada's law, [click here](#).
- **New Jersey:** If not incompatible with the welfare of society, the Parole Board may grant certificates of good conduct to assist an individual's rehabilitation that preclude licensing authorities from disqualifying or discriminating against an applicant based upon a criminal conviction. To be eligible, the applicant must have been paroled by the Board, and two years must have elapsed since any similar application was denied. To see New Jersey's regulation, [click here](#).
- **New York:** Certificates of rehabilitation take two forms: Certificates of Relief from Disabilities ("CRDs") and Certificates of Good Conduct ("CGCs"). Both lift occupational bars.
  - CRDs are available to individuals with any number of misdemeanor convictions but no more than one felony conviction. Separate CRDs are

necessary for each conviction. Temporary CRDs may be granted while an individual is on probation or parole, and at completion of the sentence it becomes permanent unless revoked. The sentencing court and the Board of Parole have the authority to grant CRDs. As of February 2003, approximately 99,070 CRDs were granted.

- CGCs are available to individuals with two or more felony convictions and any number of misdemeanor convictions. Availability of CGC varies depending on the severity of the offense. One CGC will cover an individual's entire criminal history. As of February 2003, the Board of Parole granted approximately 1,826 CGCs.

## **WHY CERTIFICATES ARE VALUABLE - WHAT NEEDS TO BE DONE**

Occupational licensing and employment laws regulate many professions as well as unskilled and semi-skilled occupations. Examples of regulated occupations include barbers/cosmetologists, healthcare professionals, engineers, embalmers, waste management workers, real estate professionals, accountants, contractors, security guards, and many others. The statutory requirements for obtaining occupational licenses vary among the states and according to the type of license. Generally, however, occupational licensing statutes have two types of requirements: competency and character.

Although individuals with criminal records may be able to fulfill the competency requirement through training, experience, or education, the character component creates a more difficult obstacle. Under many licensing laws, a felony conviction is an automatic disqualification. In other instances, a felony conviction is evidence of the lack of "good moral character" which may also be a disqualifier. No matter how old their conviction record or how qualified they are for the job or license, these individuals are blocked from entering those occupations.

Of the more than 600,000 individuals released from state and federal prisons each year, nearly two-thirds are rearrested within three years of their release. Most experts agree that employment is key to the successful reintegration of people with criminal records, and thus critical to reducing recidivism and promoting public safety. In the absence of employment, an individual is much more likely to commit another crime. The automatic bars to many types of employment and licensing only worsen the shortage of jobs for people with criminal records.

Certificates of rehabilitation offer a way to make those individuals employable and help them reintegrate into society. Yet only 6 states – Arizona, California, Illinois, Nevada, New Jersey and New York – offer certificates of rehabilitation (or a similar mechanism) to remove occupational bars that prevent people with conviction records from being employed in certain occupations.

In addition to encountering bars to employment and licensing, individuals with criminal records often face other barriers, such as in housing or voting. Certificates of rehabilitation can also be used to lift these barriers as well.

### **The Value of Certificates of Rehabilitation**

Certificates of rehabilitation benefit job seekers, employers, and the state in a number of ways:

- Employers retain their discretion to individually assess every applicant and do not have to forego an opportunity to hire qualified employees because of some federal, state, and local laws and regulations that exclude people with certain criminal records.
- Individuals with criminal records who have completed relevant job training and education programs can be eligible for those jobs.
- Criminal records remain accessible for law enforcement purposes.
- Certificates can offer a presumption of rehabilitation for job applicants--or at a minimum an individual's commitment to rehabilitation--and shift the burden to the

employer and licensing agency to demonstrate that the individual is not suitable for the job or license sought.

- Certificates can provide clear guidance to occupational licensing agencies or employers when considering an applicant's suitability for a particular license or job. For example, New York and Illinois have enumerated in their laws the factors employers must consider when evaluating a job applicant with a criminal history. These factors include:

1. the state's public policy of encouraging the employment of people with criminal records;
2. the specific duties of the job;
3. the bearing, if any, the criminal offense(s) will have on the applicant's fitness to perform such duties;
4. the time elapsed since the conviction;
5. the age of the job applicant at the time of the offense;
6. the seriousness of the offense(s);
7. any information regarding the applicant's rehabilitation and good conduct; and
8. the safety and welfare of a specific individual or the general public.

- *who would administer ?*
- *How would it be administered ?*
- *Admin cost ?*
- *How would a revocation process work ?*

Suggested by: (Name) Pegge McGuire, Cindy Booth, David Rogers  
(Organization) Re-Entry Council

*Draft developed  
by David Rogers  
4/2/2010*

PROPOSAL FOR  
2011-2013 LEGISLATIVE CONCEPT-PLACE HOLDER

CREATE A CERTIFICATE OF RELIEF THAT WOULD OFFICIALLY ACKNOWLEDGE SUCCESSFUL  
REHABILITATION EFFORTS OF PEOPLE WITH A CRIMINAL HISTORY AND WHEN RECEIVED WOULD  
ELIMINATE OCCUPATIONAL AND EMPLOYMENT BARRIERS

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**NEED:**

More than 4,000 Oregonians who have been incarcerated will be released to return to their home communities throughout the state next year. Without stable employment and housing, studies show that nearly one third of these individuals will commit new crimes and return to prison or jail. After someone has a conviction record, a number of employment barriers can be experienced which make it harder for people to find work at all, let alone in their area of experience or interest. Currently Oregon has over 400 professional and occupational based licenses that can be denied to people based on conviction records, therefore making a wide range of employment opportunities difficult if not completely impossible to access for people with conviction histories. There is no statewide process that allows people to prove they have done the hard work of rehabilitation and paid their debt to society, a process design to remove employment barriers.

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**REQUEST:**

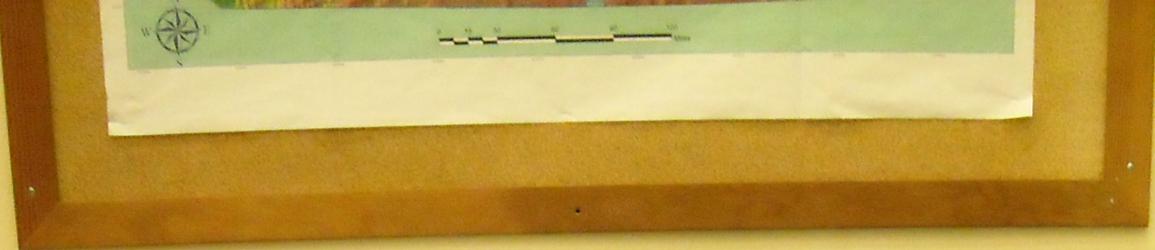
A number of states have adopted legislation that provide "certificates of relief or rehabilitation" which lift occupational barriers to employment based on conviction record when clear evidence and history of rehabilitation has been demonstrated. These certificates provide clear criteria and a process for people who have earnestly worked to re-build their lives to earn the right to work in their preferred profession.

In order to create opportunities for all Oregonians to thrive, we request that legislation be considered that would create a "Certificate of Relief" that Oregonians with conviction histories could apply for and that would remove employment barriers including access to professional licenses.

**OUTCOMES:** By creating a process to officially recognize people's rehabilitation, Oregon would be opening important employment opportunities for qualified and hard working Oregonians who deserve a second chance. By reducing unnecessary employment barriers for people with conviction histories, the state will help reduce recidivism, increase re-entry success, build safe communities, and reduce criminal justice cost to tax payers.



08.29.2010



03.29.2010