



OREGON LEGISLATIVE ASSEMBLY

May 18, 2021

Chair Bynum, Vice-Chairs Power and Noble and Members of the Committee:

SB 836A comes to you from the Senate Judiciary Committee. It directs the Department of Corrections to consider all other alternatives before suspending, terminating, or taking other specified action concerning alternative incarceration programs in its entirety for more than five consecutive days.

Alternative Incarceration Programs were first established by the legislature in 1993 with the purpose of addressing criminal risk factors among select adults in custody. Ten years later in 2003, the legislature directed the Department of Corrections to establish AIPs with an emphasis on intensive alcohol and drug treatment. Upon successful completion of this 270-day program, of which approximately 6 months is spent in intensive treatment inside a prison, and three months in “transitional leave” in the community, adults in custody are eligible for early release.

Experience has shown that those who go through these programs have much lower recidivism rates than the general population.

Since alternative incarceration programs aim to provide intensive treatment within a limited amount of time with a set early release date, any disruptions to these programs have negative effects on those who are enrolled in them and on those on the outside planning for their loved ones return home.

The need for this bill became apparent soon after the beginning of the COVID pandemic that began last spring. In an effort to reduce the chances of the virus entering facilities—an effort that ultimately sadly proved impossible---the Department of Corrections immediately prohibited the outside counselors and teachers providing AIP from entering facilities. This was a sensible decision at the time, but unfortunately there was no preexisting plan for how to handle such a situation. No alternatives for how to keep the programs going were in place for consideration and communication with those involved was poor.

As a result, friends, families, advocates, and legislators were oftentimes in the dark with what was going on inside these facilities and on the status of these programs. AICs experienced long pauses in their treatment plans with unclear or minimal updates from ODOC on when or whether

these programs would resume and what the impact on their release dates would be. These unknowns brought trauma not only to AICs but to their families and friends who planned to finally welcome these AICs home.

SB 836 seeks to bring clarity to the decisions that DOC is making relating to AIPs. It comes to you following substantial discussions with the Department to eliminate the fiscal, hence the A3 amendment.

Under this bill and A3 amendment, DOC will need to consider all other alternatives before suspending or terminating an AIP program for more than five consecutive days. With the A3 amendment, if an AIP program is suspended or terminated, DOC will have to report to the legislature within 30 days of such an action taking place. Additionally, this bill calls for regular reporting on disruptions of these programs and the length of those disruptions, and if these disruptions cause delays in the release dates and the length of those delays for AICs participating in these programs.

We hope that these changes bring more clarity to AICs, friends, families, advocates, and legislators so that we are all on the same page when it comes to what changes are being made and what direction these programs are heading in. AICs have little control over their daily lives, and these treatment programs that provide structure and valuable resources to AICs must not be pushed to the side as we continue to navigate uncertain times.

Thank you for your time and **I urge your support for SB 836A and the -A3 amendment.**

Sincerely,

Senator Michael Dembrow
Senate District 23