



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

February 11, 2025

The Honorable Jason Kropf, Chair
House Committee on Judiciary

Re: House Bill 2233

Chair Kropf and members of the committee, my name is Larry Bennett, and I serve as the Assistant Director of the Correctional Services Division for the Oregon Department of Corrections (DOC). I am providing written testimony on the anticipated impacts of HB 2233 as it relates to the department.

What the Bill Does:

HB 2233 requires the Criminal Justice Commission (CJC) to establish a program, through the Oregon Justice Resource Center (OJRC), to provide legal services to adults in custody (AICs) serving sentences at Coffee Creek Correctional Facility (CCCF). These services assist AICs to reenter and reintegrate into local communities; reduce vulnerability to domestic violence; to obtain employment, housing services, benefits, and to help with any other legal issue facing an adult in custody. The bill appropriates \$1.2 million to CJC for the purpose of making a grant to OJRC to restart the program previously referred to as the Re*membering Program.

Background Information:

In the 2019 session, the Oregon Legislature passed HB 2631 and provided \$800,000 to fund a pilot of the Re*membering program. DOC worked closely with OJRC to facilitate the provision of these resources to AICs. During the 2021 regular session, the Legislature considered HB 2912. While HB 2912 did not pass, an increase of \$500,000 in general fund appropriation was provided to the CJC in the HB 5006 (2021) budget omnibus bill to grant to OJRC to extend the pilot program. During the 2022 session, HB 4050 was passed to continue the pilot program. While it was reported in committee that HB 4050 had no fiscal impact, an additional \$300,000 was subsequently allocated for the program in that year's omnibus budget bill, HB 5202.

DOC's Responsibilities:

Preparing AICs for release can be challenging, as they face greater barriers to housing and employment after release. DOC, in partnership with county community corrections agencies, state agencies, community partners, and others, provide comprehensive release supports.

These supports include obtaining replacement state driver licenses and identification cards, birth certificates, and social security cards. DOC also provides in-person appointments for people preparing to release to complete the application and approval process and ensure state

benefits such as the Oregon Health Plan and SNAP are in place when they release. DOC also partners with The Family Preservation Project, which aids with family law support, and DOC's Family Advocates assists CCCF parents with children involved in the Child Welfare system with meeting the Department of Human Services' family reunification plan and other parenting requirements. Additionally, DOC partners with the Oregon Workforce Partnership and Oregon Employment Department (OED) to install WorkSource Centers inside our facilities that provide in-person OED employment services before release through which they also identify and address barriers to employment and housing.

This committee may not be aware of an addition to DOC-provided civil legal resources since the conclusion of the last OJRC CCCF pilot program. In late 2023, DOC began working with the Portland Community College (PCC) Legal Resource Center to provide legal services such as criminal record expungements, eviction expungements, and reduced court fines and fees as part of the Bureau of Justice Assistance federal grant-funded "Big Machines Heavy Equipment" training program. These legal services specifically focused on removing barriers to securing employment and housing after release and were provided as part of our wraparound employment services. Piloted in three of our facilities, the program was highly successful, and our grantor not only expressed praise for DOC's innovative approach, but also indicated this could become a national model.

The Portland Community College Legal Resource Center partnership has proven to be effective in securing needed outcomes for our adults in custody and remarkably efficient on a cost-per-matter basis. As part of its Gender-Informed Practices Assessment (GIPA) response at CCCF, DOC began contracting with the PCC Legal Resource Center in September 2024 to pilot providing monthly clinics for these services. During the first four monthly clinics, PCC assisted **46** clients and addressed **331** matters, including **148** criminal record expungements, **13** eviction expungements, and **170** motions for nearly **\$160,000** in waived or modified court fines and fees.

Access to legal resources and services is provided in all DOC facilities. DOC is legislatively mandated to provide legal libraries, staff-arranged attorney/AIC client telephone calls, and other resources and supplies at each correctional facility to adequately assure each person's access to the courts. In accordance with Oregon Administrative Rule 291-139, priority access to legal library resources is given to AICs raising a legal challenge to their conviction, sentence, or conditions of confinement. DOC has worked with defense attorney organizations and private attorneys to develop mutually agreed-upon methods to implement this prioritization system. Generally, legal counsel is assigned to AICs raising such legal challenges.

In addition, the department provides family/civil law resources and assistance to all AICs through the existing institution libraries across the state. While some criminal priority/deadline scheduling and some indigent services take priority, AICs are still able to utilize Thin Client

computers, work with AIC Legal Assistants, and receive indigent resources and priority scheduling for library use if they have a civil case deadline.

Potential Impacts:

DOC recognizes there are some potential impacts from this bill. The bill, as introduced, departs from the original pilot program in several ways. For one, while it indicates it is a grant and again requires an evaluation report to the legislature, the bill no longer specifies this is a pilot program. DOC is uncertain whether this was an oversight or if this is intended as permanent funding.

In addition, HB 2233 does not limit the scope of legal services to the original intent of the program. Previously, the program has been limited to specified civil law matters. However, in addition to the original list of legal services included in previous sessions' versions of this bill, HB 2233 adds, “. . . **and to help with any other legal issue facing an adult in custody.**” This leaves the bill open-ended and well beyond the scope of civil law assistance. This change would expand program services to include criminal law, which is already prioritized and provided through other state resources and DOC legal libraries. It could even potentially allow use of state funds to sue the state for remuneration. DOC assumes LPRO has already conferred with the Department of Justice regarding the potential implications of allocating state funds for this purpose.

Further, since there are additional DOC-provided legal, housing, and employment services in place since the Re*membering program was last piloted at CCCF, organizational structure would need to be put in place to avoid confusion and duplication of services. One way to address this potential problem would be for this committee to consider amending the bill to include funding a collaboration between OJRC and PCC and directing their areas of focus. We believe this type of partnership would serve the needs of a greater number of AICs in a more efficient manner. Joining forces, PCC could do what they do so well already, which is removing impediments to housing and employment through expungements and motions to waive or modify court fines and fees. OJRC could focus its efforts on civil legal issues such as family law, which is also very much a need at CCCF.

An additional impact of the bill to consider is the creation of a disparity between the legal services made available to a primarily female population at CCCF, versus the primarily male population in the other 11 DOC facilities. Many fathers and grandfathers, especially those in releasing facilities, also deal with family law matters. DOC provides many family law resources and assistance through its legal libraries, but thus far through the history of this pilot program, only the women's facility has been offered legal professional assistance with civil legal matters. The inequality of this is difficult to explain to the AICs housed in the 11 other DOC facilities.

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If HB 2233 passes, OJRC attorneys will be able to restart accessing program clients through the same methods available to all attorneys: professional in-person visits, staff-arranged phone calls, and the United States Postal Service (USPS). From conversations over the previous years with OJRC, DOC understands these methods meet their needs and the professional visit process is their preference and the most efficient way for them to see their clients.

Thank you for your time and consideration.

Submitted by:

Oregon Department of Corrections

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