

Deschutes County Justice Reinvestment Program
Competitive Grant Application 2023-2025 Biennium

1. **Target Population: What target population(s) is this downward departure program designed to serve? As applicable, make sure to include any underserved populations as defined in HB 3064 (2019), including racial and ethnic minorities; women; lesbian, gay, bisexual, transgender, queer and other minority gender identity communities; and other historically underserved communities.**
 - a. **Gender Identity**
 - i. Men
 - ii. Women
 - b. **Race/Ethnicity**
 - i. All
 - c. **Other Historically Underserved Communities**
 - i. LGBTQIA+
 1. Gender responsive programs will work with trans-women in a responsive and trauma informed manner.
 - d. **Risk Level**
 - i. High
 - ii. Medium
 - e. **Which crime types does this downward departure program target?**
 - i. Driving Offenses (generally ORS chapters 811, 813)
 1. If a Driving Offense receives a downward departure, they enter our JRP program.
 - ii. Property Offenses (generally ORS chapters 164, 165)
 - iii. Drug Offenses (generally ORS chapters 471, 475)
 - f. **Residency Requirements**
 - i. Other: We generally require that they are a resident/live in Deschutes County or are willing to commit to living in Deschutes County so they can participate in the program.
 - g. **Criminal History: Are there any criminal history factors, which would result in automatic exclusion from the program?**
 - i. No, we do not have any blanket exclusions.
2. **Downward Departure Program Design:**

- a. Briefly describe your downward departure program: Describe how the requested key personnel position(s) and/or training(s) are important to your downward departure program and their purpose therein.**
- i. Deschutes County JRP is a partnership between Deschutes County Parole & Probation and the Deschutes County District Attorney's office to safely increase the number of individuals (with drug and property offenses) sentenced to probation in lieu of prison through robust pre-sentence identification, assessment, and recommendation to the courts, and effective community supervision for those sentenced to probation.
 - ii. Identification: The District Attorney's office supports the use of a downward departure and many individuals are routinely identified and processed as such, particularly those with limited criminal history. The JRP program assists the DA with identifying others who without dedicated attention may be overlooked as potential downward departure candidates, for example, those with chronic or severe criminal history but may still be candidates for good chance of success on community supervision. While Parole & Probation and the District Attorney's office have made tremendous strides in identifying downward departure candidates over the past four years, this biennium we seek to widen the scope of who is identified through investments in dedicated analysis, process and coordination time (see below).
 - iii. Assessment and Recommendation: Once an eligible candidate is identified, currently the District Attorney asks for an assessment by Parole & Probation staff who utilize a comprehensive array of assessments to provide a clear picture of the individuals' history and potential success if recommended for a downward departure and JRP. This packet of assessments is called the Defendant Assessment Report (DAR), and currently is comprised of basic client information, the instant offense, an LSCMI or WRNA assessment, Responsivity Targets, Risk Reduction Targets, External Controls, Children, Housing, Housing Barriers, Military Service, History, Past Supervision History, and a summary. For this biennium we seek to increase the number of DAR's requested and provided (see below). Currently, the P&P division completes and provides the DAR with limited or no recommendation as to likelihood of success or division capacity to supervise the individual. This is a vestige of the earliest days of JRP, and a community desire to center the discretion and judgement of prosecution and ultimately the judge. While this discretion and authority clearly remains center to any sentencing recommendation or decision, the public safety partners have expressed a wish for more consistency in recommendation and a desire to understand Parole & Probation's assessment of likelihood of success. This biennium therefore we seek to create a more streamlined recommendation and case coordination process so that the Circuit Court and all Deputy District Attorney's (DDA) who may be reviewing information, see the professional recommendation for success on supervision, and continue to learn of progress through regular staffing's and briefings.
 - iv. Community Supervision: Once a client is admitted to supervision on a downward departure they are placed on a designated JRP caseload. JRP clients receive priority access to client support services, housing funds, and other

barrier reduction resources. We also prioritize these services for our AIP and STTL clients. Historically JRP clients are supervised in mixed gender caseloads, based on their criminogenic risk and needs, using best practices. Parole and Probation officers (PPOs) provide effective and consistent responses to violations including effective use of disapproval, verbal/written reprimands, community services, increased reporting, electronic monitoring, work crew, increased UA's, and jail. PPOs are trained in University of Cincinnati (UCI) Core Correction Practices (CCP), Motivational Interviewing, and other evidence based tools. They regularly utilize these tools with clients on supervision and incorporate into case planning and office visits. PPOs can also access a small, but flexible funding resource to provide basic needs assistance such as transportation assistances, DMV identification help, or other resources that help the clients in meet their case plan and behavioral change plan goals. Medium or high-risk clients based on the LS/CMI or WRNA, are enrolled in in-house cognitive behavioral treatment (CBT) services, as these programs are evidence-based and require a minimum of 16 weeks to complete therefore providing additional quality dosage. This biennium we seek competitive grant funding to improve supervision for JRP downward departure clients who identify as women. Parole & Probation recently completed the Gender Responsive Policy and Protocols Assessment (GRPPA) process through a technical assistance grant from the National Institute of Corrections. The assessment demonstrated that there are significant gaps and opportunities for success. While the science for "what works" from a gender neutral perspective remains generally accurate, we are eager to see what happens when we implement gender-responsive and gender-specific techniques in our JRP case management model, including new emphasis on gender-specific caseloads, cultural responsiveness, trauma-informed practices, relational and strengths-based practices. We are also cognizant that Deschutes County prison utilization for women has over the last seven years reduced less than male prison utilization. Previous attempts to address and improve work with women has not garnered the success we would like and we are eager to dedicate FTE and program development to creating a robust gender-specific program for all women on supervision including JRP downward departures.

- v. This biennium DCJRP is proposing to utilize competitive grant funds to support FTE that provide direct support to our JRP program. This includes an administrative analyst position that will provide administrative support to improve the JRP identification process, and manage our vital housing relationships for sober beds and managed contracted beds. These contracts have roughly 20 contracted beds and allow for overages based on need. It requires extensive planning and coordination for AIP/STTL prison release and for clients on DD who will be utilizing housing services.
- vi. We also propose utilizing competitive funding to increase our coordination and support with the district attorney's office. Currently, we do not have a specific parole and probation supervisor providing coordination and support for this program. This includes managing the DAR request, reaching out when DDAs have specific questions for certain clients, and also working with the DDA and

Courts to ensure that the DAR is meeting their needs to help ensure clients are considered for the JRP program. We would like to utilize funding to support half of a PO supervisor to provide this level of support and coordination, including to support program development whereupon the DAR process also includes a recommendation from P&P on likelihood of success on community supervision, which will likely necessitate occasional presence in court to represent or provide information.

- vii. We would also like to expand our JRP program this biennium to include a gender specific caseload for clients (1 PPO FTE) who self-identify as female entering our program. The goal will be to provide trauma informed gender responsive supervision as well as restart our gender responsive CBT services.
- viii. Finally, we would also like to expand our JRP program to include a contracted FTE (1 client support specialist) to directly support JRP as well as clients on STTL and AIP with culturally responsive recovery support. Deschutes County is still considered rural in that we have limited public transportation options as well as limited community supports to help clients with access to resources and services. This recovery support specialist would be provided through a contracted provider, but is an FTE that would directly support downward departures and clients in our JRP program. They will help with transportation, connecting to treatment, connecting to housing, and other barrier reduction services. This work will be done through a consciously culturally responsive provider. In Deschutes County, Black, Indigenous, Latinx, Asian and people of color on supervision often find themselves to be the only person from their community in waiting rooms, treatment rooms, P&P office visits, or other prosocial community spaces such as those of worship or recreation. Parole & Probation has created several strong partnerships with individuals and providers who, through community based organizations, are eager to and skilled in working with individuals in a way that honors and uplifts the traditions, communities and supports from where individuals come, including marginalized communities. This level of support would ensure that we have client support services that are culturally responsive for all clients who call Deschutes County home and require enhanced recovery or reentry support on their journey back to wellness and safety.

b. Which assessments will be used to inform downward departure sentencing?

i. PSC

1. How is the PSC used to inform downward departure sentencing?

- a. It is part of the defendant assessment report (DAR) that goes to the district attorney, defense counsel, and the Court to help a judge when considering a client for a downward departure in lieu of prison.

2. When is the PSC assessment completed?

- a. The DAR is conducted pre-adjudication. The DAR with the client's basic information, the instant offense, an LSCMI or WRNA assessment, Responsivity Targets, Risk Reduction

Targets, External Controls, Children, Housing, Housing Barriers, Military Service, History, Past Supervision History, and a summary of all the pieces. The goal of the DAR report is to explain what the client risk and need factors are, any specific barriers, and if released on supervision how community corrections would work with the client.

3. Who receives the results of the PSC assessment?

- a. Community corrections does the assessment. The assessment is provided to the district attorney (through the downward departure DDA), the defense counsel, and the court.

ii. LS/CMI

1. How is the LS/CMI used to inform downward departure sentencing?

- a. It is included in the DAR that goes to the district attorney, defense counsel, and the Court to help a judge when considering a client for a downward departure in lieu of prison. The LSCMI lays out the criminogenic risk and needs of the client and provides responsivity targets and risk reduction targets. It also help provide information about barriers that may exist for the client.

2. When is the LS/CMI assessment completed?

- a. The DAR is conducted pre-adjudication. The DAR starts with the client's basic information, the instant offense, an LSCMI or WRNA assessment, Responsivity Targets, Risk Reduction Targets, External Controls, Children, Housing, Housing Barriers, Military Service, History, Past Supervision History, and a summary of all the pieces. The goal of the DAR report is to explain what the client risk and need factors are, any specific barriers, and if released on supervision how community corrections would work with the client.

3. Who receives the results of the LS/CMI assessment?

- a. Parole & Probation completes the assessment. The assessment is provided to the district attorney (through the downward departure DDA), the defense counsel, and the court.

iii. TCUDS

1. How is the TCUDS used to inform downward departure sentencing?

- a. It is part of the DAR that goes to the district attorney, defense counsel, and the Court to help a judge when considering a client for a Downward Departure in lieu of prison. We conduct the screening to provide the information on the defendant assessment report in terms of likely SUD services the client may benefit from.

2. When is the TCUDS assessment completed?

- a. The DAR is conducted pre-adjudication. The DAR starts with the client's basic information, the instant offense, an LSCMI or WRNA assessment, Responsivity Targets, Risk Reduction Targets, External Controls, Children, Housing, Housing Barriers, Military Service, History, Past Supervision History, and a summary of all the pieces. The goal of the DAR report is to explain what the client risk and need factors are, any specific barriers, and if released on supervision how community corrections would work with the client.

3. Who receives the results of the TCUDS assessment?

- a. Parole & Probation completes the assessment. The assessment is provided to the district attorney (through the downward departure DDA), the defense counsel, and the court.

iv. WRNA

1. How is the WRNA used to inform downward departure sentencing?

- a. It is part of the DAR that goes to the district attorney, defense counsel, and the Court to help a judge when considering a client who identifies as a woman for a downward departure in lieu of prison. The WRNA lays out the criminogenic risk and needs of the client and provides responsivity targets and risk reduction targets. It also help provide information about barriers that may exist for the client.

2. When is the WRNA assessment completed?

- a. The DAR is conducted pre-adjudication. The DAR starts with the client's basic information, the instant offense, an LSCMI or WRNA assessment, Responsivity Targets, Risk Reduction Targets, External Controls, Children, Housing, Housing Barriers, Military Service, History, Past Supervision History, and a summary of all the pieces. The goal of the DAR report is to explain what the client risk and need factors are, any specific barriers, and if released on supervision how community corrections would work with the client.

3. Who receives the results of the WRNA assessment?

- a. Parole & Probation completes the assessment. The assessment is provided to the district attorney (through the downward departure DDA), the defense counsel, and the court.

v. URICA

1. How is the URICA used to inform downward departure sentencing?

- a. It is part of the DAR that goes to the district attorney, defense counsel, and the Court to help a judge when considering a client for a downward departure in lieu of prison. We conduct the screening to provide the information on the defendant assessment report in terms of the client's stage of change. This helps assess motivation and could be used later as a good indication of where a client may need to start in terms of services.

2. When is the URICA assessment completed?

- a. The DAR is conducted pre-adjudication. The DAR starts with the client's basic information, the instant offense, an LSCMI or WRNA assessment, Responsivity Targets, Risk Reduction Targets, External Controls, Children, Housing, Housing Barriers, Military Service, History, Past Supervision History, and a summary of all the pieces. The goal of the DAR report is to explain what the client risk and need factors are, any specific barriers, and if released on supervision how community corrections would work with the client.

3. Who receives the results of the URICA assessment?

- a. Parole & Probation completes the assessment. The assessment is provided to the district attorney (through the downward departure DDA), the defense counsel, and the court.

c. Referral Process: If a defendant meets all eligibility requirements to participate in the downward departure program, who is the decision maker at each step in the process? For example, the following steps may exist in your process where a decision maker should be identified: candidate identification, assessment, follow-up specialized assessment, sentencing recommendation, and sentencing.

- i. The Deschutes County district attorney employs one Deputy District Attorney (DDA) dedicated to downward departure (DDep) review and coordination. If the case is a prison eligible drug or property offense the DDep-DDA completes an additional review, confirming the defendant is a Deschutes County resident or is willing to live in Deschutes County. If the defendant is found to be JRP eligible the DDep-DDA either takes the case or works closely with the assigned DDA to that case. The DDep DDA is generally the first entity to request that a DAR be completed on a defendant, however sometimes a defense counsel will make a request through the DDep DDA. If a client is already being recommend as a downward departure a DAR will likely not be completed as they generally take a minimum of 4-8 hours to complete, but this is determined on a case by case basis. However, if the DDep DDA is uncertain whether a downward departure is the best recommendation they will request a DAR in order to better inform their recommendation and to go to the defense counsel and Court. The DDep DDA regularly meets with the P&P staff who completes the DAR after its completion

to get a better understanding of the report and services available for the client. Ultimately, the Judge makes the final determination if a client is given a downward departure. If they receive a downward departure and are a drug or property client they will automatically be admitted to the JRP program once admitted to community supervision. If we have a client who needs connections to services such as housing before the sentencing has taken place we will work with the DDep DDA or defense counsel to put resources in place to help with this transition even before they are officially sentenced to a downward departure.

d. Supervision: What is the caseload ratio for probation officers to clients in this downward departure program? If this caseload ratio is different from standard supervision in your county, please note how.

- i. JRP caseloads are maintained at approximately 35 clients or less. This runs about 10-15 less than a normal street crimes caseload. This is because it is JRP P&P staff who conduct DARs and also spend quite a bit of time on services and barrier reduction ensuring that clients have access to necessary services. Dependent on client activity, JRP PPO's may also engage more intensively with clients at the front end, or when negative and risky behavior begins to emerge, in effort to safely maintain in the community.

e. Supervision: What is the process when a client violates a condition of their supervision? If this process is different from standard supervision in your county, please note how.

- i. Currently, JRP PPO's investigate the violation and evaluate the seriousness of the violation. If the violation ends up being a recommendation for some form of custody, then supervisors review all levels of custody sanctions and probation violations to the court for additional oversight. Those clients that participate in the JRP program are provided opportunity to correct behavior if behavior is not too egregious or aggregating. JRP receives additional review by the supervisor compared to traditional caseloads. This is completed on a case by case basis depending if it is a new crime or technical violation. The goal of the JRP PPO is to work with the client using motivational interviewing and behavior change techniques to reduce technical violation and ensure that clients are completing their conditions of supervision. Clients are given multiple chances for technical violations and when receive new crime allegations, PPO's work closely with the district attorney's office and the Court. Our goal has been to provide a balanced supervision approach where we manage violations as much as possible, but retaining a level of accountability and ensuring public safety is upheld for our community.
- ii. While this approach has merit in the best practice literature, and has resulted in the county's continual ability to remain below benchmark on prison utilization for the duration of the JRP program thus far, we see room for improvement and readiness with P&P staff and stakeholders to do so. This biennium we seek JRP competitive funding to coordinate and collaborate with the District Attorney

and other stakeholders to identify a more transparent, consistent and coordinated violation response strategy that we hope will assist with our goal to decrease the number of revocations. Coordination will first come in the form of a written protocol created by all stakeholders describing system responses to violations by JRP clients and other protocols aimed at safely maximizing downward departure clients in the community. Next will be regular staffing's and briefings between P&P staff and District Attorney staff, and other stakeholders, to gauge how violation response and other program protocols are working overall, analyze program results, and assess for areas that need strengthening, or for unintended consequences that require adaptation or revision.

- f. Service Capacity: Competitive Grant Funding may not be used to support wraparound services or sanctions for program participants, such as treatment, housing, or peer mentors. Applicants are strongly encouraged to use their Formula Grant Justice Reinvestment Program funding to build appropriate local service and sanction capacity.**
- i. Does your county have the capacity to provide the appropriate levels of service listed below to downward departure clients?**
1. Substance Use Treatment: Yes
 2. Housing: Yes
 3. Peer Mentors: No
 - a. We have SUD providers who have recovery mentors for their services. However, when we have a client just releasing from prison on AIP or STTL or a new downward departure we do not have support services FTE to provide transportation and support in getting resources. Also if the client does not have SUD treatment they do not have this support that is why we are asking for a contracted FTE position to fulfil this role.
 4. Mental Health Treatment: Yes
- g. Local Sanctions: Describe your county's capacity to provide the appropriate level of local sanctions necessary to serve the downward departure clients. For example, you could address the availability of jail beds, community service options, monitoring equipment, etc.**
- i.** Deschutes County has capacity and varied types of interventions and sanctions to address violation behavior of clients on a downward departures. This includes but is not limited to community service, electronic monitoring, increased reporting, and jail.
- h. Local sanctions: Are structured sanctions used for every downward departure?**
- i.** Yes – Depending on the violation behavior, for technical violations the full range of sanctions maybe used. When a new crime is committed then revocation to prison may be considered.

i. Revocations: Describe the process for revoking program participants.

- i. Multiple factors are considered when determining whether to make a recommendation of revocation to the court. This includes, but is not limited to the number of sanctions received, the type of category of the sanction, severity and victim impact of any new crimes, treatment and supervision compliance and progress, housing transitions, behavior change plan progress, cognitive behavioral therapy progress, and other relevant factors. Supervisors review and approve all probation revocation reports, where they provide oversight in recommendations. The DD-DDA reviews all JRP case revocation recommendations from Parole and Probation. The DD-DDA also contacts the PO to discuss the recommendation in detail. This is an added level of collaboration between agencies that other clients outside of JRP don't always receive.
- ii. This biennium we seek JRP competitive funding to coordinate and collaborate with the District Attorney and other stakeholders to identify a more transparent, consistent and coordinated violation response strategy that we hope will assist with our goal to decrease the number of revocations. Coordination will first come in the form of a written protocol created by all stakeholders describing system responses to violations by JRP clients and other protocols aimed at safely maximizing downward departure clients in the community. Next will be regular staffing's and briefings between P&P staff and District Attorney staff, and other stakeholders, to gauge how violation response and other program protocols are working overall, analyze program results, and assess for areas that need strengthening, or for unintended consequences that require adaptation or revision.

3. Downward Departure Program Impact: You are encouraged to use the following resources when projecting the number of prison intakes given program implementation: The Justice Reinvestment Program Prison Usage Dashboard looking specifically at the Number of Prison Intakes chart in the bottom right corner of the dashboard. Consult the Justice Reinvestment Program Sentencing Dashboard and look at the intakes broken down by crime type and time (first sentence v. revocation).

a. If you received 2021-23 Competitive (Supplemental) Grant funding, refer to last biennium's application. Did you meet your goal for anticipated decreases?

i. No

1. We aimed for a 5% decrease across the board. In 2019-2021 we had 148 intakes. For the 21-23 biennium Deschutes County supervised 206 downward departures clients and 187 AIP and STTL clients.
2. Unfortunately, we did not achieve our goal of a 5% reduction in first sentence intakes and probation revocations. For 2019-2021 we had 148 total prison intakes and for 2021-2023 we had 173 prison intakes (126 first sentence and 47 revocations). This represent about a 17% increase. We attribute some of this to COVID 19 rebound. Law enforcement practices resumed much more like normal and cases that had been held up due to COVID 19 restrictions started to be processed. However, this is also likely due to the fact that we did not change our current practices in a manner that really targeted a decrease for first

sentences and revocations. Basic program components have not changed since we initially were granted JRP funding. While those program components have made a lasting impact, and our prison utilization remains below baseline, it appears that, as designed, they may also have reached a saturation point and reached maximum benefit. If we seek additional decreases in first sentences and revocations in future, we need to adapt our program. This competitive grant describes our plan to do so through coordinated structured referral and review between P&P, the District Attorney and other stakeholders, and two significant improvements in case management techniques.

3. Improvements in structured coordination include additional P&P staff capacity to work with our key stakeholders to create programmatic and structural changes aimed intentionally at increasing downward departure recommendations and decreasing first sentences; and once on supervision, decreasing revocations. A P&P Supervisor (.5 FTE) will take a primary role in this through facilitating regular, data-driven staffing's and briefings between P&P, District Attorney and other decision makers to (1) analyze and discuss real-time successes and challenges; (2) create coordinated protocols to address expectations for responses to violations, and revocation criteria; and (3) provide information to maximize review of all possible eligible downward departure candidates for screening. We will also utilize this new structured coordination effort to engage and meet with the Court to incorporate judicial feedback and implement improvements necessary to achieve additional decreases in first sentences and revocations.
4. On the case management side, we seek two enhancements with competitive JRP funding. First is to create a Gender-Specific PPO to address necessary improvements in working with women clients. This PPO will also add capacity to complete DAR's, something we expect to happen with increased attention and review of eligible candidates. Our second case management improvement is to provide FTE that is dedicated to providing recovery support services with a focus on culturally-responsive case management assistance.
5. Ultimately for the 23-25 funding cycle we aim to keep prison intakes at 150 for both first sentence and revocations.

b. Please project the number of intakes for the following categories for the 2023-25 biennium given program implementation:

- i. First sentence for Property Crimes: 40
- ii. Revocation for Property Crimes: 25
- iii. First sentence for Drug Crimes: 40
- iv. Revocation for Drug Crimes: 20
- v. First sentence for Driving Crimes: 20
- vi. Revocation for Driving Crimes: 5
- vii. First sentence for Other Crimes: 0

viii. Revocation for Other Crimes: 0

c. **Describe how the above projections were determined for first sentences, revocations, or both.**

- i. In reviewing these numbers we understand we need to develop better JRP policies and protocol in terms of program admission and revocation. We came up with this number with the idea of returning back to those numbers we saw in 19-21. We believe with regularly staffing and a structured process for changes and implementation that these numbers can be impacted.
- ii. It is extremely difficult to narrow this down by crime type, but our goal overall will be to keep the total at 150.

4. Victim Services

- a. **Please indicate which nonprofit community-based victim services providers are to receive the 10% of any award of Competitive Grant funding.**
 - i. Indicate the name of the provider(s) and a percentage of the Victims Services portion of the Competitive Grant award that will be distributed to them.
 1. Same as Formula
 - ii. **For example, a county could designate two victim service providers and award the funds equally. If that were to occur, each organization would receive 50% of the award.**
 1. Same percentage as formula.