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Serena Stoudamire Wesley

## **JOINT INTERIM TASK FORCE ON REENTRY, EMPLOYMENT AND HOUSING**

### **SENATE BILL 969 (2015)**

Oregon State Capitol  
900 Court Street NE, Salem, OR 97301  
Email: [jtfreh.exhibits@state.or.us](mailto:jtfreh.exhibits@state.or.us)

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**To:** Members of the 78<sup>th</sup> Legislative Assembly  
Senate Interim Committee on Workforce  
Senate Interim Committee on Human Services and Early Childhood  
House Interim Committee on Human Services and Housing  
Daron Hill, Legislative Administrator

**From:** Joint Interim Task Force on Reentry, Employment and Housing

**Date:** January 19, 2016

**Subject:** Executive Summary and Report

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## **Executive Summary**

### **Background**

The Joint Interim Task Force on Reentry, Employment and Housing (the Task Force) was created by Senate Bill 969 (2015). Its mandate: to study and recommend actions that state and local governments might reasonably undertake to assist persons with criminal convictions, including actions to improve the reentry experience, expand employment opportunities, identify and provide housing, and create certification processes. The Task Force report was due December 15, 2015.

### **Summary of Task Force Activity**

Task Force appointments were not complete until late November 2015, making the December 2015 report deadline for recommendations unworkable. The Task Force held its first meeting on December 10, 2015, and agreed to submit a progress report by the December 2015 deadline instead, and this final report in late 2016.

The Task Force met 12 times over the course of a year. In that time, it engaged in a review of Senate Bill 969 and its goals, issue-spotting, and broad information gathering to appreciate general barriers to

successful reentry, as well as barriers specific to employment, and barriers specific to housing. (See the full Task Force report that follows, for detailed Task Force activity.)

## **Findings and Recommendations**

**Findings.** Individuals with criminal records are at the highest risk for failure during the period of reentry, when they transition immediately following release from incarceration • A criminal record significantly disadvantages a person, even long after the corresponding conduct occurred, but especially upon immediate release from custody when the person is seeking housing and employment • A heavy debt burden (and corresponding collection action and damaged credit rating) is a significant barrier to success • Housing and employment are the most effective at reducing recidivism; stable housing in particular, is the linchpin that enables other successes • There is an overall lack of housing, and inadequate lengths of stay permitted for persons in transitional housing • The inability to obtain or reinstate a driver’s license is one of the single greatest barriers to obtain/maintain stable employment • Lack of reliable transportation can be a barrier to stable employment • Even if a person successfully completes work, education, and training opportunities while incarcerated, traditional educational institutions and outside employers are still slow to recognize/accept/credit such experience, if they consider it at all • Short-term transitional leave, alternatives to incarceration, and the Family Preservation Project not only improve reentry success, but benefit families of incarcerated persons and society generally.

**Recommendations.** Pre-entry services should be established; assistance should be front-loaded, before an offender enters into Department of Corrections custody, getting their affairs in order prior to incarceration • The criminal justice system – attorneys, courts, the Department of Corrections, post-prison providers – should connect veterans with the Oregon Department of Veterans Affairs, when applicable, to suspend/modify and otherwise manage veterans’ benefits • “Reach-in” to prepare for release should be earlier – the earlier the better; there should be greater continuity/communication between services provided pre-entry, while in custody, during reentry, and post-release • Education and training, life skills, debt management, and continuity of resources should be improved • Educational/vocational guidance and financial management assistance should be available during incarceration • Applications for apprenticeship programs should be completed prior to release; efforts to bring pre-apprenticeship and apprenticeship programs into prisons, especially for women, should be supported/expanded • Educational opportunities during incarceration should be improved to include college-level coursework that satisfies state educational standards to improve transferability; and/or state educational standards should be relaxed or specifically provide for transferability of an offender’s work/educational/job training and life experiences • Oregon Correctional Education Directors should provide a plan for educational improvement to include college-level coursework, that identifies steps needed to improve the transferability of all training and education within Oregon’s correctional institutions • Debt repayment plans should be established and modifications/deferments/waivers sought as early as possible, including for child support obligations; debt should be capable of deferment for reasons of economic hardship until an individual is stabilized with housing and employment • Assistance to obtain birth certificates, Social Security cards, Social Security benefits and Medicaid, if applicable, should be improved/expanded • Overall housing capacity should be increased: the amount of transitional housing along with the length of stay • Available resources should target the most vulnerable • Alternatives to incarceration should be expanded/exploited • Another women’s prison should not be opened; rather, more should be invested to help ensure successful reentry • **The Task Force should be extended to continue its work.**

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*This concludes the Executive Summary pursuant to ORS 192.245. This Executive Summary and the full Report of the Joint Interim Task Force on Reentry, Employment and Housing are available electronically on the [Task Force’s website](#) and through [Legislative Administration](#).*

**JOINT INTERIM TASK FORCE ON REENTRY, EMPLOYMENT AND HOUSING  
(Senate Bill 969 (2015))**

**REPORT**

**Introduction**

Adverse conditions have the greatest negative impact on the most vulnerable and most disadvantaged among us. The recent recession and the current affordable housing crisis greatly exacerbate difficulties already faced by persons of color, persons who are intellectually and/or developmentally disabled, persons with criminal records, persons with physical, behavioral, or mental health issues, and persons living in poverty. And where socioeconomic factors such as these combine or overlap, the challenges are compounded. This is the case for many individuals attempting to reenter society after completing a sentence for committing a crime.

The stigma of a criminal record is also one of the most difficult barriers for a person to overcome, due to its longevity. A person may successfully complete all the terms of a sentence, but still face disqualifications and disadvantages years later, when seeking employment or professional licensure or applying for housing; and the more serious the criminal conduct, the greater the stigma and its duration.

Stable housing and employment have been shown to be the best insurance against recidivism. Stable housing alone is arguably the linchpin for success in all other areas, for *anyone* coping with challenges: individuals are more likely to find and maintain employment if they have stable housing; students are more likely to stay in school and do better in school if they have stable housing; people undergoing a course of treatment for health or substance abuse issues are more likely to succeed if they have stable housing; and families and other interpersonal and social relationships are greatly improved with stable housing.<sup>1,2,3,4</sup>

Individuals with criminal records face some of the greatest impediments to success. They are a population that society continues to punish well beyond and well after the imposition and completion of a sentence that is supposed to “pay their debt to society.” The slate is supposed to be clean, especially for those who take responsibility for their actions, pay the price society demands, and strive to rehabilitate and repair wrongs. They are a population that is worthy of a second chance based on principle alone, the same principle that permeates our criminal justice system: fairness.

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<sup>1</sup> John Bae, Margaret diZerega, Jacob Kang-Brown, Ryan Shanahan, and Ram Subramanian, *Coming Home: An Evaluation of the New York City Housing Authority’s Family Reentry Pilot Program*, Vera Institute of Justice, 2016.

<sup>2</sup> Housing Law Bulletin, *The Importance of Stable Housing for Formerly Incarcerated Individuals*, National Housing Law Project, 2010.

<sup>3</sup> Christy A. Visher and Shannon M.E. Courtney, *One Year Out: Experiences of Prisoners Returning to Cleveland* (part of the Returning Home Study conducted from 2001-2006), The Urban Institute, 2007.

<sup>4</sup> Stephen Metraux and Dennis P. Culhane, *Homeless Shelter Use and Reincarceration Following Prison Release*, Journal of Criminology and Public Policy, 2004.

## Background

The Joint Interim Task Force on Reentry, Employment and Housing (the Task Force) was created by Senate Bill 969 (2015). Its mandate: to study and recommend actions that state and local governments might reasonably undertake to assist persons with criminal convictions, including actions to improve the reentry experience, expand employment opportunities, identify and provide housing, and create certification processes. The Task Force report was due December 15, 2015.

The Task Force was comprised of four legislators and 11 individuals appointed by the Governor, as follows:

Senator Michael Dembrow, Chair  
Senator Jackie Winters  
Representative Lew Frederick  
Representative Julie Parrish  
Eddie Alves, Correctional Education Director, Treasure Valley Community College  
Janet Carlson, Ph.D., Marion County Commissioner  
Gina Delahunt; *vacated without replacement*  
Deborah Imse, Executive Director, Multifamily Northwest  
Jeremy Nichols; *vacated and replaced by Brian Judd, MercyCorps*  
Truls Neal, Deputy Director, Multnomah County Department of Community Justice  
Jen Netherwood, Instructor and Outreach Specialist Pacific Northwest Carpenters Institute  
Lisa Nisenfeld; *vacated and replaced by James Booker, Federal Programs Manager, Oregon Employment Department*  
Mike Schmidt, Director, Criminal Justice Commission  
Paul Solomon, Executive Director, Sponsor's Inc.  
Robin Johnson; *vacated and replaced by Serena Stoudamire Wesley, Director of Diversity, Equity and Inclusion, Governor's Office*

In addition to statutory membership, Task Force meetings attracted a number of other attendees and observers, including individuals with criminal histories, Oregon Department of Corrections personnel, Oregon Judicial Department personnel, family and child welfare advocates, and the District Attorneys Association.

Task Force appointments were not complete until late November 2015, making the December 2015 report deadline for recommendations unworkable. The Task Force held its first meeting on December 10, 2015, and agreed to submit a [progress report](#) by the December 2015 deadline instead, followed by this final report in late 2016.

The Task Force met 12 times over the course of fourteen months. In that time it reviewed Senate Bill 969 and its goals; identified issues; conducted broad information gathering to appreciate general impediments to successful reentry, as well as barriers specific to employment, and barriers specific to housing; and developed a number of initial findings and recommendations.

### **Task Force Activity in Detail**

The following descriptions highlight Task Force activity and information received (including information received outside of Task Force meetings), but are not a complete record; the complete record of Task Force activity and all meeting materials can be found on [the Task Force's web pages](#).

**Issue Identification.** At its first meeting the Task Force engaged in roundtable discussion and issue spotting:

- Criminal records disqualify individuals from jobs that require certification/licensure.
- Employers are prohibited by law from hiring people with certain convictions.
- Offenders are still not able to obtain a provisional driver's license for apprenticeship programs.
- Debt accrual during incarceration, collections issues, and low credit scores are huge barriers.
- Disparate use of funds at the county level and different resources/services, county-by-county, impact reentry services and opportunities unfairly/unevenly across the state.
- Federal housing prohibition against felons; little-known/used appeals process.
- Lack of follow-through by persons recently released; need for better navigational assistance and support during reentry.
- Need for earlier reach-in; need for more, and more uniform, prerelease services and information.
- Urban versus rural resources, jobs, housing – unevenly/unfairly impact opportunities and experiences.
- A criminal history is still a bar to employment, housing, etc., even 20 years later.
- The cost of and need for multiple background checks is unnecessarily burdensome.
- Difficulty measuring/documenting the effects of up-front investments in support of reentry versus the societal costs *absent* investment.

**Information Gathering.** Given the breadth of the information the Task Force was asked to study in an abbreviated amount of time, it decided to approach issues in a generally chronological fashion, beginning with in-prison programs, then pre-release, then post-release. Over the course of its subsequent meetings, the Task Force reviewed a wide variety of materials, including: general/background; databases of reentry programs and collateral consequences available through the National Conference of State Legislatures, the U.S.

Department of Justice, the Council of State Governments, the American Bar Association, the National Association of Criminal Defense Lawyers, etc.; prerelease services currently provided by Oregon Department of Corrections; short-term transitional leave and alternative incarceration programs; Oregon Prison Enterprises opportunities; prerelease trades programs; career readiness certificates; college applications and accessibility issues; “SAME” policies and practices (state and local government as model employers); expungement processes/issues; debt and collections issues (including court fines and fees and child support); certificates of good standing; driver’s license issues (including provisional licenses, suspensions, and suspension reform); Washington’s “driving while poor” law and Certificates of Restoration; post-release housing certificates and access to housing; information about whether and how to improve upon Senate Bill 91 (2013), and House Bills 2986 (2013) and 4123 (2016); pre-entry legal services being developed by the Metropolitan Public Defenders office; the Family Preservation Project; and a bill of rights for the children of incarcerated parents. Many of these are discussed in greater detail below. (See the [Appendix](#) for a list of meeting materials and other resources.)

*Opportunities during incarceration.* The Task Force received information from the Department of Corrections (DOC) and Oregon Corrections Enterprises (OCE) about training and educational opportunities available during incarceration, including programs that result in a variety of certifications and licensure. OCE is a semi-independent agency that operates within DOC to provide internal, self-sustaining work and training opportunities for persons while they are incarcerated, using revenues generated by sales of products and services. Certificates are offered for a variety of work skills – from laundry to Auto CAD to upholstery – and more than 1300 inmates participate. Two programs (welding and custodial) result in journeyman’s cards, and are available to about 25 people. There are also half-a-dozen work-based education programs and eight apprenticeship programs. The work-based programs are delivered by community colleges, last anywhere from six months to two years, accommodate about 160 total students, and result in trade certificates or licensure. The eight apprenticeship programs are both licensed and unlicensed, available to more than 40 people, and result in limited licensure and/or a journeyman’s card.

*Alternative Incarceration Programs.* The Department of Corrections (DOC) offers two statutory Alternative Incarceration Programs (AIPs) to inmates assessed as the most likely to reoffend, in an effort to reduce recidivism: an intensive cognitive program and an intensive addictions program. According to DOC, “Each program is a minimum of 270 days with at least 14 hours per day of highly structured routine seven days per week involving treatment, physical work, exercise, and service to the community. Participants live in dedicated housing units for approximately six months and participate in programs that stress personal responsibility and accountability. Inmates accepted into the alcohol and drug AIPs must also participate in intensive addiction treatment. The curriculum includes preparing for employment, developing healthy relationships and family skills, and recognizing and changing criminal-thinking errors. Participants also focus on developing

pro-social decision-making skills and habits for successful community living." Successful completion can result in sentence reduction by an average of about 13 months.

*Driver's license suspension practices.* A valid driver's license is critical to apprenticeship programs, post-release employment opportunities, and general independence. In Oregon as in most other states, a person's driver's license can be suspended for hundreds of reasons under both state and federal law, including for failure to pay a fine or a failure to appear in court, even if the fine or court date had nothing to do with a moving violation. License suspensions for financial or technical reasons are criticized as unfairly impacting individuals with the least financial resources, because it is possible to lose a license over some minor infraction if the individual is not able to pay. This is described as the "crime" of "driving while poor." The Task Force reviewed a number of resources, obtained suspension data from Oregon's Department of Transportation, and heard from the State of Washington about its reformed license suspension practices, precluding a number of suspensions under state law that were not related to moving violations.

*College applications and accessibility.* The University of Oregon's admissions process came under some scrutiny for soliciting applicants' disciplinary/criminal histories, and admissions personnel provided clarification. The current admissions process, incorporating information about applicants' past conduct, was vetted and designed by a work group that included students that was organized for the express purpose of developing best practices. Past conduct is not sought or collected by the University from a law enforcement source, it is entirely self-reported by applicants, and shared only among members of the admissions panel. Applicants' names are not known to the admissions panel and unflattering information does not result in automatic denial or bias: decisions are made by panels/groups involved in discussion and review – not unilaterally – and only actions that clearly violate student codes of conduct, or the existence of restraining orders, trigger further review. About three applicants in 30,000 were denied admission based on this information. The University also conducted surveys to determine whether there was any chilling effect (people withdrawing an application or feeling discouraged from applying) and found none; and will continue to attempt to collect data.

*"SAME" hiring practices.* The Task Force learned that Oregon did not follow "SAME" policies or practices (state as model employer) with regard to hiring individuals with criminal records, but was [open to exploring opportunities](#) to incorporate such practices. SAME policies and programs put the state in a position to lead by example, and are intended to target underrepresented populations for greater inclusion in the state workforce. SAME policies originated with and most often target people with disabilities, and include human resource measures designed to improve employment opportunities, such as alternative examination and selection processes, and probationary or trial work periods. SAME practices may also take the

form of active planning groups that include the target population; education and awareness training by the target population for human resource professionals and other state employees; and internship programs designed for members of the target population. In Oregon, the Department of Administrative Services' (DAS) hiring practices are the same for all applicants, up to the point that an applicant's criminal history is disclosed. According to DAS: "The state's hiring practices are derived from ORS 240.306 'Recruitment, selection and promotion of state employee; criteria; procedures; duties of department' and State HR policy 40-010-02 'Recruitment and Selection.' These sources outline the recruitment and selection process regardless of the population. There are no practices or mechanisms to separate former inmates from other populations. [ ... ] Once an offer of employment has been extended to an applicant, the applicant may be required to complete a criminal records check (CRC). Agencies requiring a CRC, will at that point require the applicant to disclose any criminal history. [ ... ] Pursuant to ORS 181A.195 'Criminal records check; authorized agencies; retention of fingerprint cards by FBI and Department of State Police; rules' and OAR 125-007-0200 through 125-007-0330 'Statewide Criminal Record Check Rules,' a candidate with a criminal history would be subject to a fitness determination."

*Employment assistance.* The Oregon Employment Department assists persons with criminal convictions to obtain employment through employer incentives, staff trained in identifying and overcoming barriers to employment and, connection to an array of services to help the unemployed.

Incentives for employers to hire persons with criminal convictions include the Work Opportunity Tax Credit and the Federal Bonding Program. The Work Opportunity Tax Credit is an incentive to employers for hiring individuals from specific groups, one of which is individuals within a year of a felony conviction or release from prison. A cooperative effort with Oregon Department of Corrections provides eligible individuals with a letter explaining the tax credit and describes how employers can apply for it. The Employment Department also participates in the Federal Bonding Program. Sponsored by the U.S. Department of Labor, Oregon employers who apply for the bond through the Employment Department receive a six-month fidelity bond free of charge for hiring individuals with criminal records (or other at-risk applicants).

Employment Department staff are trained to assess job seekers' needs and provide opportunities to overcome employment barriers with resume, interview and basic computer skills workshops. Staff review job seekers' skills and knowledge and use the WorkSource Oregon Management Information System (WOMIS) to find appropriate jobs. Employment Department employees are also part of an integrated system that includes connections with education, housing, and other services to help job seekers improve skills, get job ready or find services they need.



*Disparate impact as applied to public housing.* In late 2014 the U.S. Supreme Court, in a split decision, held that disparate-impact claims could be brought under the Fair Housing Act. Practices that disqualify applicants for public housing based on the applicant's criminal history have a disparate impact on people of color, because people with criminal histories are disproportionately people of color. Racial minorities are a protected class for purposes of discrimination claims and such practices are subject to challenge not only if they are facially discriminatory, but also if they are *discriminatory in effect*. In early 2016, the U.S. Department of Housing and Urban Development (HUD) issued an opinion letter to guide providers making adverse housing decisions based on criminal histories. HUD is also currently developing a FAQ sheet, and federal legislation may be pending. Housing advocates cautioned patience, to allow time for the new jurisprudence to play-out at the federal level, and voiced support for the following: certificates of good standing; navigation services for individuals reentering the community; finding ways to ease the burden of obtaining multiple background checks; finding ways to ensure the accuracy of background checks; and eliminating no-cause evictions.

*Debt accumulation and damage to credit rating.* The total financial cost of a criminal conviction can vary widely and the obligation to pay can be a significant economic burden. Debt can result directly from the underlying criminal conduct, such as fines, court costs, restitution orders, and costs of supervision; but can also accumulate as an indirect or collateral result of criminal conduct, for example, due to an eviction process, or due to the nonpayment of a variety of consumer debts, or a failure to keep up with child support obligations, during and surrounding a period of incarceration.

- *Regarding direct costs.* The Task Force learned that Oregon courts are authorized (and sometimes required) to impose a variety of fees and fines upon conviction, as well as ordering the reimbursement of a variety of court costs and the payment of restitution for victim/s. Sometimes courts are explicitly required to take an offender's ability to pay into account; other times consideration is discretionary; and yet other times, as with the payment of restitution to a victim, courts are specifically prohibited from considering an offender's ability to pay. Other entities within the criminal justice system may also impose fees. Payment is made, or arranged via payment agreement, at the time of sentencing. Many of these obligations may be waived, suspended and delayed; however, if a person fails to pay (or fails to seek modification or otherwise communicate with the court) it can get worse, with the imposition of additional fees and interest. During incarceration, the obligation to pay the court is suspended and no interest may accrue; collection begins upon release.

- *Regarding indirect/collateral costs.* A person’s preexisting, ordinary debt obligations prior to conviction – such as credit cards, lease agreements, child support obligations, civil judgments – are not automatically suspended or modified during incarceration. If not addressed prior to incarceration, such obligations may accrue, or go into collection or be written-off. In addition, things like federal veterans benefits must be suspended or modified during periods of incarceration, or overages may be owed upon release.

*Certificates of readiness, compliance, and/or completion.* Certificates confirming that a person is ready for a career, or has completed a criminal sentence and not committed any new offenses, are intended to reassure potential employers and landlords primarily, but may also be used to reestablish eligibility for certain professional licensure. The Task Force received information about a number of different examples:

- *Specific to employers.* Oregon participates along with a large number of other states, in recognizing National Career Readiness Certificates (NCRCs). An NCRC is a credential that may be earned after taking three standardized tests in Reading for Information, Locating Information, and Applied Math, that are designed to demonstrate what a person can do, rather than what they know. The Task Force learned that the certificates help job-seekers stand-out to employers and that many Oregon industry groups and employers support using NCRCs to improve hiring and training practices.
- *Specific to employers.* In 2015, Oregon considered but did not enact a process to provide “Certificates of Good Standing” to individuals with criminal records, as described in House Bill 3437. Such certificates would only have been available to persons convicted of Class A misdemeanors or felonies, and would have confirmed that, as of the date of the certificate, it had been at least a year since the person completed all the terms and conditions of a criminal sentence; that no new charges were pending; and that the person either had a lawful source of support, or was engaged in or seeking employment, training, education, or participation in other programs. The measure provided for: a two-tiered application process; an opportunity to object and schedule a hearing; revocations; a new offense for falsification or misuse of an invalid certificate; and protection from certain negligence claims for employers who relied on the certificate.
- *Specific to landlords.* MercyCorps Northwest and Innovative Housing are piloting a program to issue housing certificates to individuals with criminal records, through a grant provided by Meyer Memorial Trust. Those seeking certificates submit an application that is evaluated by a panel of reentry experts. The

housing certificate is intended to offer landlords some reassurance of successful rehabilitation and thereby expand housing opportunities.

- *Comprehensive.* The Task Force learned that the state of Washington just enacted a comprehensive process to offer [Certificates of Restoration of Opportunity](#) (CROP; Senate Bill 1533 from 2015-2016). The eligibility criteria to receive a CROP are substantially the same as to obtain an expungement order, but unlike expungement, the CROP remains part of a person's criminal history in order to show-up on a background check as proof that the person has successfully completed the terms of a sentence. In addition to opening doors to employment and housing, a licensing authority is prohibited from denying an occupational license to an otherwise qualified person, based on criminal history alone, if a CROP has issued.

*Metropolitan Public Defenders Office, Pre-entry Program.* In early 2016 the Metropolitan Public Defenders Office formalized a pre-entry services program in order to try and address client reentry issues *before* they enter Department of Corrections custody. It starts with a thorough review of existing data and interviewing clients as close to sentencing as possible, using predeveloped checklists designed to uncover obligations that may be suspended or deferred while the person is incarcerated. The checklists are also useful to educate clients, and could be useful to persons already sentenced, or transferred, or recently released, and to anyone who works with the reentry population. In addition to interview checklists, the program centralizes a number of common forms needed to suspend or defer obligations, and program development is ongoing.

*Senate Bill 91 (2013) and House Bills 2986 (2013) and 4123 (2016).* The Task Force revisited previous legislation, enacted and not, to discuss possible expansions and improvements.

- *Senate Bill 91 (2013)* was the Landlord Tenant Coalitions' omnibus bill for 2013. It prohibits landlords from considering certain things in a rental applicant's history: eviction actions more than five years old; dismissed eviction actions; eviction actions in an applicant's favor; and mere/bare arrests (where no charges were filed). Where criminal histories are concerned, it specifically permits consideration of the following: the existence of unresolved criminal charges; convictions for drug related crimes, person crimes, sex offenses, crimes involving financial fraud, and "any other crime if the [charged] conduct is of a nature that would adversely affect [...] property [...] or the health, safety or right to peaceful enjoyment of the premises of residents." – *The Task Force respects the work and effort of the Landlord Tenant Coalition and would seek its involvement if any modifications of landlord/tenant law were sought.*

- *House Bill 2986 (2013)* directed the Departments of Transportation and Corrections to assist individuals with obtaining a driver license or identification card prior to release, and allows reinstatement of privileges that were suspended for failure to pay, based on enrollment in apprenticeship and pre-apprenticeship programs. – *Implementation of this measure was reportedly still falling short, described herein as a kind of “catch 22”: reinstatement of a person’s driver’s license depends on acceptance into an apprenticeship program, while acceptance into an apprenticeship program requires a valid driver’s license. Task Force member, Jen Netherwood, volunteered to nail-down particulars and seek solutions. (See report section on [“Progress.”](#))*
- *House Bill 4123 (2016)* sought to create a program to permit completion of community service in lieu of payment of certain debts/fines for parolees and others subject to post-prison supervision. It would also have permitted performance of community service in lieu of payment of attorneys’ fees. – *The Task Force recommends continuing its work on this topic.*

**Possible Remedies/Improvements.** Open discussion periods at each Task Force meeting provided an opportunity for members to brainstorm a laundry list of potential remedies and improvements, including the following:

- Create a statewide pre-entry program modeled after Metropolitan Public Defender’s project
- Reform driver’s license suspensions (for substantive versus technical violations)
- Improve short-term transitional leave and alternatives to incarceration
- Expand/improve work release opportunities
- Expand/improve career readiness certificates; require employer recognition
- Improve prison environment (technology; access to higher education)
- Require earlier reach-in with support; require continuity of hand-off between state agencies/providers at pre-entry, to those providing assistance during incarceration, to those responsible for reach-in, to those providing supervision and services upon release
- Fix “catch 22” with regard to driver’s licenses and apprenticeship program applications (issuance of driver’s license depends upon proof of acceptance into an apprenticeship program; acceptance into apprenticeship program depends upon issuance of driver’s license)
- Fix “transfer credit” issues (improve quality of in-custody educational opportunities to meet state standards for transferability; or relax state standards to allow greater transferability; or expressly require transferability of offenders’ work/job training/academic and/or life experience)
- Standardize supervision and costs as between counties
- Require Department of Corrections and/or each county to provide a “map” of resources

- Reduce the cost and/or eliminate duplication of background checks
- Improve all resources in rural areas
- Expand/improve transitional housing (general availability and length of stay)
- Work to lift public housing restrictions
- Assist with housing appeals
- Work on court issuance of certificates of compliance with conditions of sentence and/or completion of sentence; require landlords and employers to honor of such certificates; require licensing/accrediting bodies to honor such certificates
- Institute “SAME” policies for persons with criminal records (state as model employer)
- Create incentives for employers who hire individuals with criminal records
- Create mitigation fund for landlords modeled after Section 8 mitigation fund
- Educate the general public, employers, human resource professionals, etc.

**Possible Legislative Concepts.** In September of 2016, the legislative members of the Task Force submitted a number of requests for bill concepts addressing reentry issues, four months before the Task Force was set to expire, in order to meet deadlines imposed by the Legislature in advance of the 2017 regular session. These concepts included:

- Extending the Task Force
- Reforming driver’s license suspensions
- Offering Certificates of Compliance with and/or Completion of Sentence
- Creating a bill of rights for the children of incarcerated parents
- Expanding the Family Preservation Project
- Piloting pre-entry programs
- Redrafting previously-introduced measures concerning collections, confiscated funds, and trespass

By the last Task Force meeting in January of 2017, the following measures had been introduced for consideration by the 79<sup>th</sup> Legislative Assembly as a result of Task Force activity (not all measures were referred to legislative committees as of the writing of this report – hyperlinks are inactive until measures are referred):

- [SB 241](#) Bill of Rights for Children of Incarcerated Parents
- [SB 242](#) General Fund appropriation for Family Preservation Project
- [SB 682](#) Provides for modification/suspension of child support during incarceration
- [SB 689](#) Recreates Task Force
- [SB 690](#) Provides for Certificates of Good Standing

[SB 691](#) Modifies driver's license suspensions

[SB 692](#) Enables pre-entry pilot program with General Fund appropriation

At the time of this writing, a large number of legislative concepts are still pending introduction, but a few other measures have been introduced that contemplate issues of concern to the Task Force:

[SB 360](#) Providing for public service in lieu of certain debts

[HB 2249](#) Supplemental funding for counties to support reentry of certain persons

[HB 2650](#) Prohibiting early consideration of criminal history by landlords

[HB 2724](#) Creating a Rent Guarantee Program for low-income tenants

### **Task Force Findings and Recommendations**

#### ***Findings***

Individuals with criminal records are at the highest risk for failure during the period of reentry, when they transition immediately following release from incarceration.

A criminal record significantly disadvantages a person, even long after the corresponding conduct occurred, but especially upon immediate release from custody when the person is seeking housing and employment.

A heavy debt burden (and corresponding collection action and damaged credit rating) is a significant barrier to success.

Housing and employment are the most effective at reducing recidivism. Stable housing in particular, is the linchpin that enables other successes.

There is an overall lack of housing, and inadequate lengths of stay permitted for persons in transitional housing.

The inability to obtain or reinstate a driver's license is one of the single greatest barriers to obtain/maintain stable employment.

Lack of reliable transportation can be a barrier to stable employment.

Even if a person successfully completes work, education, and training opportunities while incarcerated, traditional educational institutions and outside employers are still slow to recognize/accept/credit such experience, if they consider it at all.

Short-term transitional leave, alternatives to incarceration, and the Family Preservation Project not only improve reentry success, but benefit families of incarcerated persons and society generally.

### ***Recommendations***

Pre-entry services should be established. Assistance should be front-loaded, before an offender enters into Department of Corrections custody, getting their affairs in order prior to incarceration.

The criminal justice system – attorneys, courts, the Department of Corrections, post-prison providers – should connect veterans with the Oregon Department of Veterans Affairs, when applicable, to suspend/modify and otherwise manage veterans' benefits.

“Reach-in” to prepare for release should be earlier. The earlier the better. There should be greater continuity/communication between services provided pre-entry, while in custody, during reentry, and post-release.

Education and training, life skills, debt management, and continuity of resources should be improved.

Educational/vocational guidance and financial management assistance should be available during incarceration.

Applications for apprenticeship programs should be completed prior to release. Efforts to bring pre-apprenticeship and apprenticeship programs into prisons, especially for women, should be supported/expanded.

Educational opportunities during incarceration should be improved to include college-level coursework that satisfies state educational standards to improve transferability; and/or state educational standards should be relaxed or specifically provide for transferability of an offender's work/educational/job training and life experiences.

Oregon Correctional Education Directors should provide a plan for educational improvement to include college-level coursework, that identifies steps needed to improve the transferability of all training and education within Oregon's correctional institutions.

Debt repayment plans should be established and modifications/deferments/waivers sought as early as possible, including for child support obligations. Debt should be capable of deferment for reasons of economic hardship until an individual is stabilized with housing and employment.

Assistance to obtain birth certificates, Social Security cards, Social Security benefits and Medicaid, if applicable, should be improved/expanded.

Overall housing capacity should be increased: the amount of transitional housing along with the length of stay.

Available resources should target the most vulnerable.

Alternatives to incarceration should be expanded/exploited.

Another women's prison should not be opened; rather, more should be invested to help ensure successful reentry.

The Task Force should continue to work on:

- Administrative rules governing collection of child support
- Certificates of compliance and/or completion; applicable to landlords, employers, and licensing entities
- "SAME" policies/practices
- Court fines and fees
- Supervision issues (costs, disparities)
- Public university admissions practices
- Understanding and improving disparities between training and educational opportunities for men versus women and translating proficiencies gained from training and education into real-world opportunities
- Reentry needs unique to women

### **Progress**

**"Catch 22" with Driver's Licenses and Apprenticeship Programs.** During the period of time that the Task Force met, efforts began in earnest to address an issue with implementation of [House Bill 2986 \(2013\)](#) (where an individual's acceptance into a program depends on reinstatement of a driver's license, while reinstatement of the driver's license depends on acceptance into a program) led by Task Force member Jen Netherwood. A number of meetings and conversations took place and are ongoing, between trade groups, the Oregon Department of Transportation, the Oregon Judicial Department, and Oregon's Bureau of Labor and Industries, to establish meaningful protocols on a voluntary basis (that is, without legislative intervention) to resolve the issue.



**Educational Opportunity.** In response to inquiries made by the Task Force Chair, Senator Dembrow, the Higher Education Coordination Commission (HECC) is looking into and indicated its willingness to continue working on, issues of concern to the Task Force.

**Inmate Financial Accountability Workgroup.** Legislation was introduced in 2015 that sought to change Oregon laws concerning the collection of inmate funds held in trust accounts by the Department of Corrections (House Bills 2761 and 2322). The measures were not enacted, but the Department of Corrections (DOC) continued discussions with stakeholders about using funds from inmate trust accounts for a variety of purposes, such as satisfying fines and fees, restitution orders, child support obligations, and civil judgements for assault or battery against department employees or other inmates; as well as contributing to inmate savings accounts for reentry purposes. DOC informed the Task Force that the stakeholder group is working on a report and recommendations, which includes a reentry savings account concept, that will likely require legislation.

**Justice Reinvestment Initiative.** The Justice Reinvestment Initiative (JRI) is a public/private partnership between the U.S. Department of Justice’s Bureau of Justice Assistance and The Pew Charitable Trusts, formally established in 2010 to provide direct grants in support of state and local efforts to improve criminal justice outcomes by spending more efficiently and cost-effectively. Participants use data-driven approaches to spending that are intended to generate savings through cost-avoidance while improving public safety; savings that are realized can then be reinvested in the form of grants, in strategies that have been shown to work. Participants also receive technical assistance from the Pew Center on the States, the Council of State Governments Justice Center, or the Vera Institute of Justice. More than half the states participate in the JRI. Oregon joined in 2012; enacted House Bill 3194 in 2013 to become eligible to receive funds; and has received two distributions (the first 2013, and the second in 2015). Information on outcomes as of 2015 and 2016 is modest but positive, but it is very early in the process of data collection. A timeline and available data can be found [here](#).

**Family Preservation Project.** Restoring and maintaining ongoing familial and other personal relationships – especially between incarcerated parents and their children – provides tremendous motivation to succeed. In March 2010, the Oregon Department of Corrections funded the [Family Preservation Project](#) (FPP) at Coffee Creek Correctional Facility (CCCF) in Wilsonville, Oregon, in partnership with Portland Community College, to address the impact of incarceration on mothers and their families. FPP was cut for a time in 2014, but reestablished in 2015 through administration by the YWCA of Greater Portland, with a \$400,000 General Fund appropriation. FPP reduces the collateral damage of parental incarceration on children, families, and the community through eight direct service programs, four of which operate inside CCCF. Over 7500 women, children and their caregivers were supported by FPP last year. The Task Force heard about the value and effectiveness of FPP programs directly from formerly-incarcerated mothers, and Senator Dembrow submitted [Senate Bill 242](#) on behalf of the Task Force, in support of the Family Preservation Project.

**Bill of Rights for the Children of Incarcerated Parents.** The child of an incarcerated parent experiences a range of negative impacts, beyond the absence of comfort and affection that the parent might otherwise provide, including damaged well-being, health, self-image, and relationships with peers. Every aspect of a child’s life and future can be effected by a parent’s involvement with the criminal justice system. A Bill of Rights for the Children of Incarcerated Parents seeks to acknowledge and prioritize their needs, as reflected in [Senate Bill 241](#), which is among the measures introduced by Senator Dembrow on behalf of the Task Force.

### Conclusion

The impact of a criminal record is far-reaching, long after a sentence is successfully served. Formerly-incarcerated persons face an ongoing spectrum of barriers to opportunity, including opportunities for recovery, education, employment and housing, that are inconsistent between geographic areas and jurisdictions across the state. Efforts to address barriers are piecemeal, disconnected, and particularized to meet specific issues in isolation. The Task Force acknowledges that *barriers are interwoven and interdependent* and that *most reentry successes are mutually-reinforcing*: the better the education or training, the better the employment opportunity; a person is more likely to succeed academically or with vocational training if they have stable housing, and are working to repair and strengthen interpersonal and familial relationships and dealing with recovery issues; a person is more likely to succeed in dealing with recovery issues and strengthening social and interpersonal relationships, if they are employed, and have stable housing; a person is better-enabled to strengthen interpersonal relationships if they are working on recovery, and are employed, and have stable housing; a person is more likely to succeed with employment, if they have stable housing, are working on recovery, and feel connected through interpersonal relationships; and housing is most secure and stable when an individual succeeds with employment, recovery, and interpersonal connectedness.

Task Force members will continue to refine legislative concepts and advocate for them through the 2017 session, but the Task Force feels generally, that it is just scratching the surface: ongoing work is needed to determine how best to approach interdependent complexities. In particular, the Task Force should further examine the administrative rules governing collection of child support; how certificates of compliance and/or completion could be administered and made applicable to landlords, employers, and licensing entities; what “SAME” policies/practices might be encouraged or implemented by Oregon employers; whether any improvements could be made with regard to the imposition, collection, and/or modification of court-ordered fines and fees; whether there is room to improve any supervision issues, such as disparities in cost and services; how public universities’ admissions practices might be improved; whether there are disparities between training and educational opportunities available to men versus women and how same might be improved; how to better translate proficiencies gained from training and education into real-world opportunities; and what reentry needs there may be for women in particular.

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## Appendix

### *Meeting Materials and Resources*

[Task Force Progress Memo, December 2015](#)

[Pre-Entry Program, Metropolitan Public Defender](#)

[Inmate Work and Training Opportunities, Oregon Corrections Enterprises and Oregon Department of Corrections](#)

[Alternative Incarceration Programs, Oregon Department of Corrections](#)

[Short-Term Transitional Leave, Oregon Department of Corrections](#)

[Short-Term Transitional Leave, Oregon Department of Corrections](#)

[Reentry Services Overview, Oregon Department of Corrections](#)

[National Career Readiness Certificates \(NCRC\), Office of Community Colleges and Workforce Development, Higher Education Coordinating Commission](#)

[National Career Readiness Certificates, Labor Market Information, Oregon Employment Department](#)

[Oregon recruitment and selection process, Oregon Department of Administrative](#)

[Oregon job application process, Department of Administrative Services](#)

[Opportunities for "SAME" Practices, Oregon Department of Administrative Services](#)

[Certificates of Good Standing \(to improve housing opportunities\), MercyCorps and Innovative Housing, Inc.](#)

[Memo from Sponsors, Inc., regarding Washington State's Certificates of Restoration of Opportunity](#)

[Form of petition for Certificate of Restoration of Opportunity in Washington state courts from Sponsors, Inc.](#)

[Issuance of Driver License and Identification Cards, Oregon Department of Transportation](#)

*Report: Minorities, Poor Residents More Likely to Have Their Driver's License Suspended*, 2016, Mike Maciag, Governing – <http://www.governing.com/topics/public-justice-safety/gov-drivers-licenses-suspended-for-unpaid-traffic-fines.html>

*How Driver's License Suspensions Unfairly Target the Poor*, 2015, Joseph Shapiro, NPR – <http://www.npr.org/2015/01/05/372691918/how-drivers-license-suspensions-unfairly-target-the-poor>

*Best Practices Guide to Reducing Suspended Drivers*, 2013, American Assn of Motor Vehicle Administrators – <https://olis.leg.state.or.us/liz/201511/Downloads/CommitteeMeetingDocument/91615>

*Limiting Suspension/Revocation of Drivers' Licenses to Driving-Related Convictions*, undated, Legal Action Center – <http://lac.org/toolkits/drivers/drivers.htm>

*Access to Driving and License Suspension Policies for the Twenty-First Century Economy*, 2008, The Mobility Agenda – <https://olis.leg.state.or.us/liz/201511/Downloads/CommitteeMeetingDocument/91614>

*Motor Vehicles Affordability and Fairness Task Force Report*, 2006, New Jersey Motor Vehicle Commission – <https://olis.leg.state.or.us/liz/201511/Downloads/CommitteeMeetingDocument/91613>

[Court-Imposed Financial Obligations in Felony Cases, Oregon Judicial Department](#)

[Financial Penalties Cheat Sheet, Metropolitan Public Defender and James Brewer](#)

[Oregon Revised Statute 416.425, regarding motions to modify or temporarily suspend support orders](#)

[Oregon Administrative Rule 137-055-3300, regarding establishment or modification of child support orders for incarcerated persons](#)

[Oregon Administrative Rule 137-055-3440, regarding effective date of modification](#)

[Letter to the University of Oregon from Sponsors, Inc.](#)

[Letter from Treasure Valley Community College to the Task Force](#)

[Sample Bill of Rights for the Children of Incarcerated Parents](#)

[Summary of Legislative Concepts requested by Senator Dembrow](#)

Legislative Concept requests submitted by Representative Frederick:

[Redraft House Bill 3373 \(2015\)](#)

[Copy of House Bill 3373 \(2015\)](#)

[Redraft House Bill 2826 \(2016\)](#)  
[Copy of House Bill 2826 \(2016\)](#)  
[Redraft a version of House Bill 4123 \(2015\)](#)  
[Copy of House Bill 4123 \(2016\)](#)  
[Copy of House Bill 4123-1 \(2016\)](#)

[Governor's Reentry Council](#)

[Marion County Reentry Initiative](#)

[Incarcerated Veterans Task Force, Executive Summary](#) and [Report](#)

[Collateral Consequences of Criminal Conviction, American Bar Association](#)

*Roadmap to Reentry: a California Legal Guide, Root and Rebound* –  
<http://www.rootandrebond.org/roadmap/> and <https://rootrebound.wordpress.com/2015/05/14/roadmap-to-reentry-guide-interactive-hub-are-live/>

[Expungement and embedded links](#)

<https://www.bja.gov/>

<https://www.nij.gov/topics/corrections/reentry/pages/welcome.aspx>

<http://www.crimesolutions.gov/TopicDetails.aspx?ID=36>.

### **Council of State Governments**

<https://csgjusticecenter.org/nrrc>

-Employment programs – <https://whatworks.csgjusticecenter.org/focus-area/employment-topic>

-Housing programs – <https://whatworks.csgjusticecenter.org/focus-area/housing>

### **National Conference of State Legislatures**

A Second Chance: Offender Reentry Policy, National Conference of State Legislatures –

<http://www.ncsl.org/research/civil-and-criminal-justice/reentry-and-recidivism.aspx>

[Felon Voting Rights](#), September 2016, report

[Seven Sentencing Principles](#), December 2011, *State Legislatures*

[Ex-Offender Employment Opportunities](#), July 2011, policy brief

[Principles of Effective State Sentencing and Corrections Policy](#), August 2011, report

[Exit Strategy for Parolees](#), May 2010, *State Legislatures*

[Q&A on recidivism and reentry](#), June 2010, *State Legislatures*

[Earned Time Policies for State Prisoners](#), July 2009 policy brief

Webinar: <https://youtu.be/s4uJKJDyMk>

- Recidivism Reduction and Justice Reinvestment, December 2011

-pdf: <http://www.ncsl.org/documents/cj/dec11pptcombined.pdf>

- Principles of Effective State Sentencing and Corrections Policy, 2011 Legislative Summit

- Offender Reentry and Collateral Consequences, 2010 Fall Forum

[The Principles at Work](#), legislator Q & A videos