



Family Sentencing Alternative Pilot Program

Report to the Senate and House Committees on Judiciary

January 1, 2021

Family Sentencing Alternative Pilot Program

Executive Summary

House Bill 3503 (2015) established the Family Sentencing Alternative Pilot Program (FSAPP) as a community program in which eligible non-violent primary parents facing prison sentences are able to continue their parenting role by being diverted from prison and participating in intensive supervision, treatment, and programs geared toward parenting and families. The program promotes the unification of families, prevents children from entering the foster care system, and reduces the chances individuals and their children will become involved in the criminal justice system in the future. Five counties are participating in the pilot: Deschutes, Jackson, Marion, Multnomah, and Washington.

Since the inception of the pilot in January 2016, 212 individuals have participated in the program. Together, these participants are the primary caregivers to 391 minor children who might otherwise be involved in the foster system.

Now that the program has been in existence for five years, and participation has increased, focus can now be realigned to additional outcome measures. This year's report includes updated Oregon Department of Human Services (DHS) research on the length of stay for children in the foster care system when the custodial parent is involved with FSAPP. In addition, the Oregon Criminal Justice Commission (CJC) recently completed a three-year recidivism study of the program.

To date, the partnership between the Oregon Department of Corrections (DOC) and DHS in the development and oversight of the program has been effective. The two agencies work closely and collaboratively to share pertinent information concerning enrolled individuals and data tracking. Collaboration continues to take place at the local level as well. Participating counties meet regularly with their local DHS offices, district attorneys, and treatment providers.

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Eligibility

In order to qualify for FSAPP, individuals must:

- Be pregnant or the custodial parent or legal guardian of a minor child;
- Receive a downward departure sentence for a non-person or non-sex crime; and
- Agree to participate in the program.

Determination

If the individual meets the eligibility requirements and receives a downward dispositional departure under CJC rules, the court may order the individual to sign a release authorizing DHS to provide the county community corrections agency with written confirmation of, and consultation concerning, any open or current juvenile dependency proceedings. This includes any prior substantiated allegations of abuse or neglect involving the individual and a minor child.

After reviewing information, the county community corrections agency, in consultation with DHS, will determine if FSAPP is an appropriate option for the individual.

Program Participation

If it is determined that diversion is warranted, the individual will be allowed to participate in the program. In addition to the terms of probation, the individual may be required to comply with additional conditions such as:

- Geographical restrictions, including house arrest and electronic surveillance; and
- Participation in vocational training and completion of:
 - Parenting skills classes;
 - Drug and/or alcohol treatment;
 - Mental health treatment; and/or
 - Life skills classes.

Program Compliance

The program requires county community corrections agencies to provide quarterly progress reports to the court concerning participants' progress in the FSAPP.

At any time during participation in FSAPP, the court may order an individual's appearance to evaluate his or her progress. The court may adjust the conditions of probation if the modifications help the individual successfully complete the program.

In addition, the court may revoke participation in the program and sentence the individual to a term of incarceration if the court finds them in willful violation of conditions of probation.

Appropriations

The 2019-21 fiscal impact of the bill is \$2,099,871 General Fund to be appropriated as follows:

- A Probation Officer (PO) in each of the five participating counties to cover the additional, specialized caseload, starting January 1, 2016;
- Increased probation caseload costs to the community corrections system in the participating counties;
- Additional treatment and housing costs associated with the program; and
- An administrative specialist within DOC, to track, monitor, train, and provide technical assistance to the counties, effective December 1, 2015.

Data and Outcomes

DOC and DHS have worked collaboratively to share pertinent information about enrolled individuals and data tracking. At the local level, most participating counties have established regular monthly check-in meetings with their local DHS office, district attorney's office, and treatment providers. A Listserv was also developed to facilitate and enhance information sharing. Counties report these efforts have helped to develop a workable process and strengthen overall working relationships between affected agencies.

Since the program's inception in January 2016, 212 individuals have participated in the program. In addition, these participants have a total of 391 children who have been impacted by the program. DHS data from 2020 shows 91 percent of program participants had a Child Welfare referral/history, and 64 percent had a current open case with Child Welfare. Individual county participation rates are as follows:

County	Participants	Children
Washington	43 Females, 12 Males	107
Jackson	32 Females, 1 Male	56
Deschutes	18 Females, 8 Males	58
Marion	30 Females, 28 Males	95
Multnomah	29 Females, 11 Males	75
Total	152 Females, 60 Males	391

Since January 2016, DOC reports the following data:

- 74 participants still in the program.
- 45 participants have been revoked and sentenced to prison.
- 16 participants currently have a warrant due to absconding from supervision.
- 93 participants have successfully completed the program.

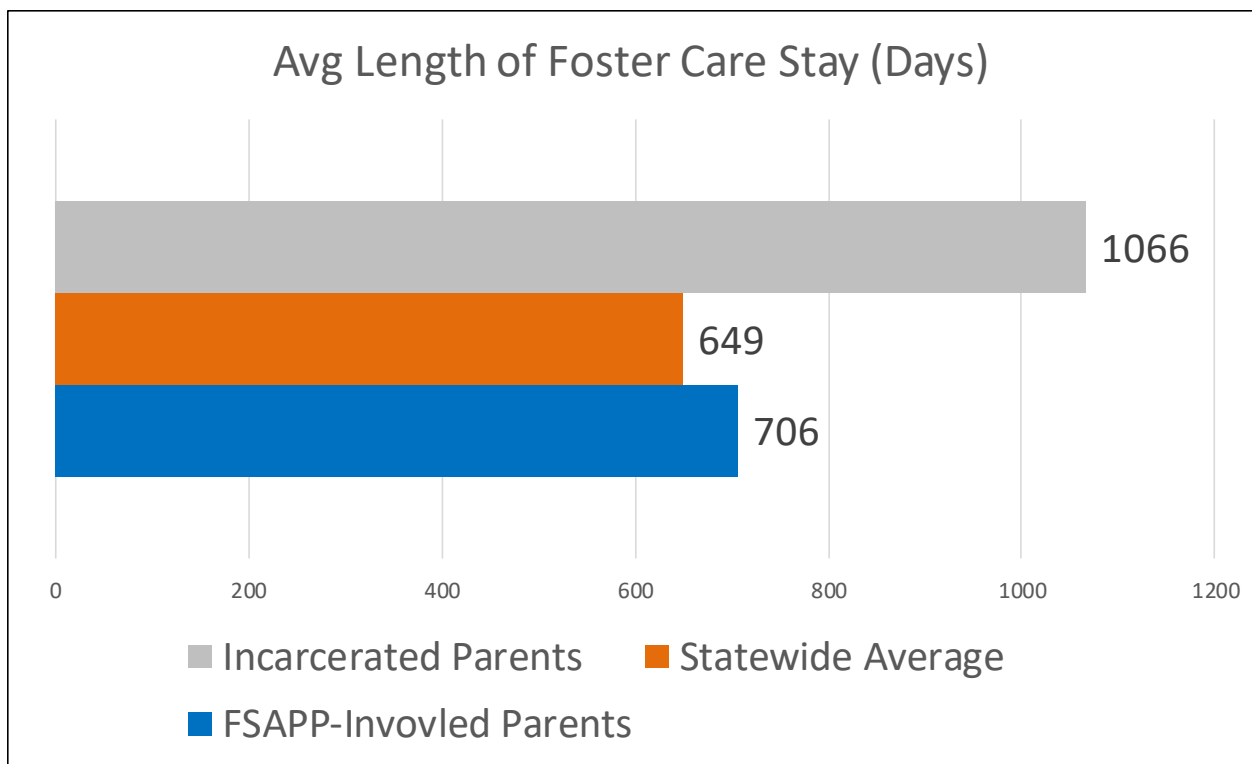
POs report positive changes in clients involved with the program. Observations include increased client patience with their children, increased engagement and motivation to be

successful while on supervision, and increased enthusiasm about the future. FSAPP POs attribute these changes to both more intensive supervision and client interaction, and increased resources and programs geared specifically towards parenting and families. More time is needed to examine completion rates, recidivism, and housing and employment stability.

Department of Human Services Foster Care Review

During 2020, DHS completed a progress report on FSAPP. Although no firm conclusions can be drawn at this time due to the small sample size of participants, preliminary data indicates that children of parents who are involved with FSAPP have had a longer average length of stay in foster care (706 days) than the statewide average for children in foster care (649 days).

However, children of parents in FSAPP have a substantially shorter average stay in foster care than children in foster care with incarcerated parents (706 days on average compared to 1,066 days statewide).



The fact that the average length of stay in foster care is longer than last year's analysis is not an indication that FSAPP is unsuccessful. It would only take one or two children with long stays to noticeably influence the length of stay for such a small sample.

CJC Study on Recidivism

The CJC completed a statistical analysis of the efficacy of FSAPP based on a rigorous, matched comparison with non-FSAPP individuals. The conclusions of this evaluation may shift once the pilot program has concluded, the pilot program data set is complete, and the analysis is finalized.¹ With these caveats in mind, the results suggest the program is effective in the reduction of recidivating or revoking events.

As seen in Table 1, FSAPP participation was associated with lower rates of recidivating or revocation events. The main results of the analysis are in the fourth column, Average Treatment Effect. This may be interpreted as follows: if the FSAPP program were universally applied in each of the five pilot counties, the recidivism/revocation rate for non-violent, primary parents would be expected to decline by the given amount. These results were robust for both a three-year and a two-year outcome measure for each of the two subsets evaluated – individuals who have been in FSAPP for at least two years and individuals who have been in FSAPP for at least one year. When using a one-year outcome measure, the results become less statistically significant but remain negative across both subsets.

These results suggest the FSAPP becomes more effective over time. In the first year after FSAPP entry, FSAPP participants are expected to have a lower recidivism/revocation rate than non-FSAPP, but these differences are not strong. The impact becomes greater and more statistically significant with longer measures of recidivism/revocation.

Table 1- Matched regression results

Outcome	Included in Evaluation Sample	FSAPP Participants Included in Analysis ¹	Average Treatment Effect	Non-FSAPP Predicted Mean	FSAPP Predicted Mean
3-year Recidivism or Revocation	2 years or more	118	-17.2%***	62.5%	45.3%
	1 year or more	160	-12.7%***	61.7%	48.9%
2-year Recidivism or Revocation	2 years or more	118	-13.5%***	57.2%	43.7%
	1 year or more	160	-9.6%*	57.7%	48.1%
1-year Recidivism or Revocation	2 years or more	118	-7.9%*	47.2%	39.3%
	1 year or more	160	-4.4%	48.3%	43.9%

* 95% confidence level, ** 99% confidence level, *** 99.9% confidence level

1. At time of evaluation the FSAPP spreadsheets were tracking 199 total participants since program inception in 2016

¹Typically, program efficacy in Oregon for programs like FSAPP is evaluated on a three-year period. Thus a further, more complete evaluation should be completed in the future.

Conclusion

Entering the fifth year of client participation, FSAPP is showing encouraging reductions in foster care utilization and recidivism. These two areas were primary goals of the program and ultimately save costs by avoiding incarceration and foster care. They also prevent future victimization by reducing new convictions and returns to the criminal justice system. In addition, the program is a model of state and county partnership and collaboration. Moving forward, these outcomes will continue to develop, and others will be added in order to ensure the program remains a smart investment for Oregon.