

# SB416 PROGRAM

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*Implementation Guide*



# Overview and Structure of the SB416 Program

SB416 is a prison alternative program for non-violent repeat property offenders who have an identifiable substance abuse problem and motivation to change their behavior. The key stakeholders that support the implementation of SB416 are the Office of the District Attorney, Parole and Probation, the Courts, the substance abuse treatment provider, and the SB416 Mentoring Services.

## Program Mission

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The mission of SB416 is to reduce recidivism and protect the public by holding offenders accountable to engage in intensive community supervision and case management, substance abuse treatment programming, and mentoring services, as well as providing direct access to employment services, housing, education, and transportation.

The mission is driven by the following core principles:

1. A collaborative approach to promote accountability and rehabilitation
2. Use of evidence-based decision making and programming
3. Establishing clear expectations and building trust among stakeholders
4. Frequent communication among stakeholders

# Elements of the Program Mission<sup>1</sup>

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The information in this section is provided as background for what is included in the SB416 Program Mission.

- Communities are seeking an alternative to prison for non-violent property offenders who are committing crimes, at least in part, because of their drug addiction.
- The greatest impact on community resources can be made when such alternatives target repeat property offenders who are medium or high risk for recidivism.
- Such alternatives must be reserved for offenders who have motivation to change.
- The primary goals must be to reduce recidivism and protect the public by holding offenders accountable to engage in programming and follow the law.
- Quality programming, including intensive community supervision and case management, substance abuse treatment, and mentoring to target addiction and other criminogenic risk factors, are important to achieve these goals with these specific offenders.
- Other critical needs including employment, housing, education, and transportation are also important to address.

The four core principles driving the SB416 mission:

1. Stakeholders in SB416 approach offenders with cross-system collaborative procedures to promote accountability and rehabilitation, within the legal limits of each stakeholder's mission, working together to keep offenders engaged in programming.
2. Stakeholders in SB416 prioritize evidence-based decision making and programming.
3. Stakeholders in SB416 establish clear roles and expectations, with the aim of building mutual trust that the other stakeholders in SB416 will execute their roles effectively.
4. Stakeholders in SB416 communicate frequently to stay informed of each offender's progress and collaborate on making decisions regarding each offender.

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<sup>1</sup> This describes elements of Marion County's SB416 Program Mission. This does not necessarily represent the views of the District Attorney's Office in Lane County.

# Key Stakeholders

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The following agencies are crucial to the effective implementation of the SB416 program:

- **Office of the District Attorney (DA):** The DA's Office serves as the official gatekeeper for the program. As such, one or more program-assigned DAs makes the initial determination on whether an offender is eligible and then refers potential candidates to Parole and Probation for a more formal eligibility assessment. For cases deemed eligible, the DA offers to depart downward from the applicable prison sentence. Once an offender has been accepted into the program, the DA's Office collaborates with the probation officer on all violations, retaining the right to initiate court proceedings and seek revocation of probation for participants who fail to comply with the program.
- **Parole and Probation:** Parole and Probation completes the formal eligibility assessment with candidates. Once accepted into the program, SB416 Participants are assigned a specially trained probation officer who provides the offender with structured supervision and ongoing case management.
- **Courts:** The role of the Court is to provide a downward disposition sentence to probation for participants accepted into the SB416 program.
- **Jail:** The role of the jail is to designate beds for holding SB416 candidates during the eligibility determination process and, for those accepted into the program, completion of their sentence. Jail beds also are used to provide structured sanctions to SB416 Participants, as needed.
- **Treatment Provider:** Each SB416 Participant receives substance abuse treatment services from a local provider. Services include both individual- and group-based treatment and also involve regular drug testing via random urine drug screens.
- **Mentoring Services:** Specially trained mentors are assigned to SB416 Participants. These individuals serve a variety of functions, meeting multiple times a week to address basic needs, motivation, treatment attendance, and other criminogenic factors.

# Targeted Outcomes

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The two targeted outcomes of the SB416 program include reduced recidivism (i.e., protection of the public) and reductions in the number of offenders sent to prison. Recidivism is defined in accordance with SB 366 Section 1 (2015) (codified in ORS 423.557). As used in that section, "recidivism" means the arrest, conviction, or incarceration of a person who has previously been convicted of a crime, if the arrest, conviction, or incarceration:

- Is for a new crime and occurs:
  - Three years or less after the date the person was convicted of the previous crime; or
  - Three years or less after the date the person was released from custody, if the person was incarcerated as a result of the conviction for the previous crime.

As noted above, Oregon's recidivism definition focuses on arrests, convictions, or incarcerations for "new crimes." However, participants in the SB416 program might also be sent to prison due to supervision revocations or sanctions. Thus, in addition to reducing recidivating events for "new crimes," SB416 also aims to reduce prison intakes that might occur for "any reason."

# Brief Program Description

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Prior to program enrollment, an SB416 candidate is thoroughly assessed by both the DA's Office and Parole and Probation. The DA's Office plays the role of gatekeeper by identifying candidates who satisfy the program's inclusion criteria while not meeting any exclusion criteria. Those criteria are summarized in Appendix A.

Once the DA's Office determines an offender is eligible for SB416, a referral is sent to Parole and Probation, and the jail also is notified. The offender is placed in a designated SB416 jail bed and is ineligible for capacity-based release. An intake coordinator at Parole and Probation conducts a series of assessments with candidates to determine if they are appropriate for the program. These assessments include (a) the Level of Service/Case Management Inventory to determine criminogenic risk factors, (b) the University of Rhode Island Change Assessment to determine the offender's motivation for behavior change, and (c) the Texas Christian University Drug Screen V to determine severity of the offender's substance use. The totality of these assessments determines whether the candidate proceeds as an SB416 program candidate (a complete list of SB416 eligibility criteria considered by both the DA's Office and Parole and Probation is provided in Appendix A).

If a candidate is approved by both the DA's Office and Parole and Probation, s/he is allowed to participate in the program via a "downward departure," in which the DA's Office agrees to depart downward from the applicable prison sentence. The candidate (with legal counsel) agrees to plead guilty, with the downward departure sentence to probation rather than prison time. Following sentencing, the offender must complete his/her jail sentence, which begins at the point of arrest and initial booking at the jail, before SB416 services are initiated.

Through this process, the SB416 team seeks to divert a specific group of offenders from prison into a highly structured community-based program. All participants receive enhanced supervision from a probation officer who has been trained in the Effective Practices in Community Supervision model. Participants also receive substance abuse treatment services, as well as professional mentoring through a community provider. Further, participants receive access to rapid and ongoing case management services to address needs in key areas, including employment, housing, education, and transportation.

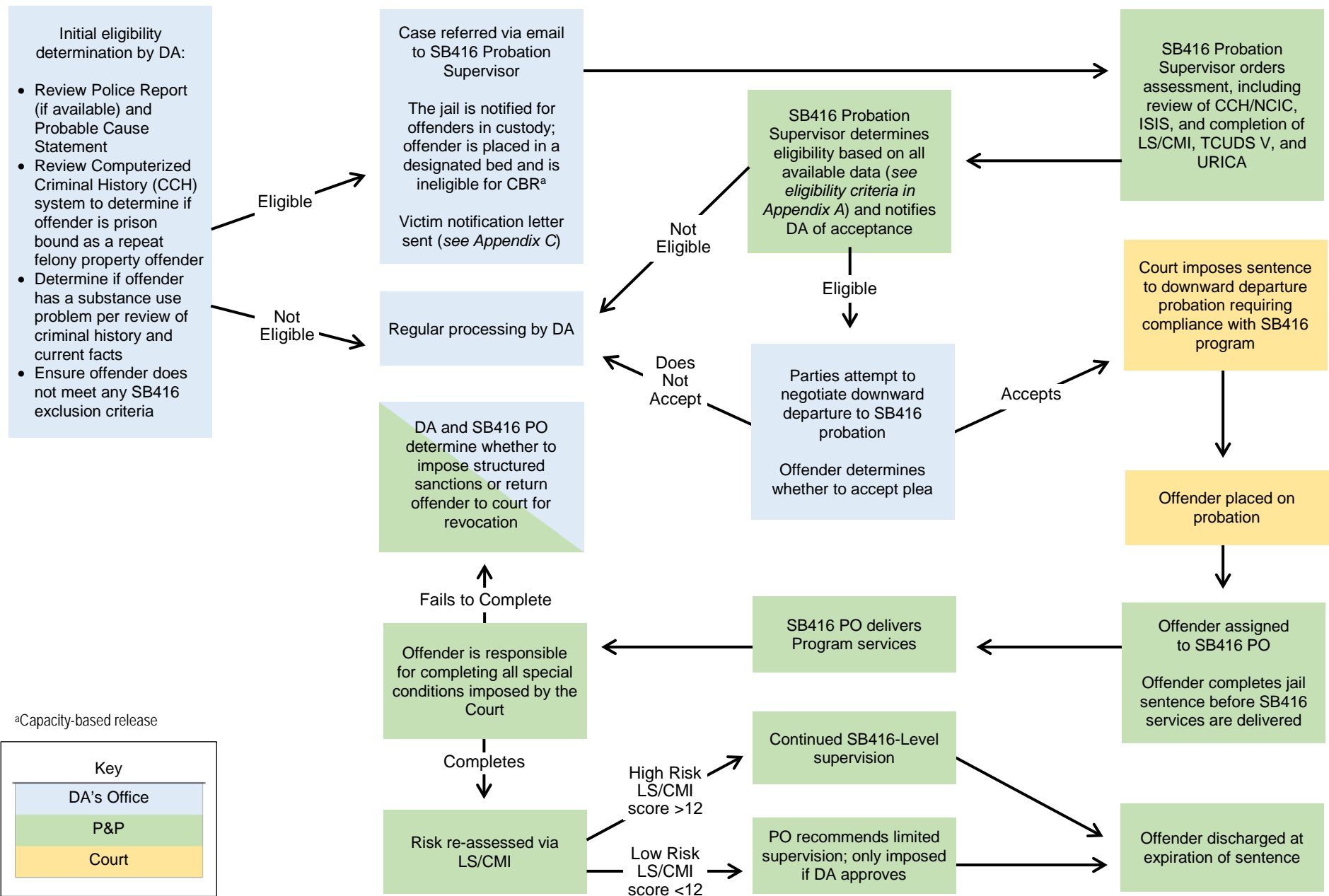
# Program Implementation

## Flow Chart

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The chart on the next page provides an overview of the process by which program participants are initially identified by the DA, assessed for eligibility by Parole and Probation, sentenced by the court, and ultimately provided with program-level supervision, treatment, and mentoring services. Each of the key steps in this process is detailed more thoroughly in the sections that follow the flow chart.

# SB416 Program Flow Chart





# Initial Eligibility Determination

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The DA's Office plays the role of gatekeeper for the SB416 Program. The DA's Office makes an initial determination of offender eligibility using the criteria listed in Appendix A. When considering an offender for the program, the DA may use the checklist in Appendix B to indicate which of these criteria are met.

# Consideration and Victim Notification

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Once the DA's Office has deemed an offender as potentially eligible for the SB416 Program, the DA refers the case to the Parole and Probation Department via email for a formal SB416 eligibility assessment.

If the offender is in custody, the DA includes officials at the jail in this email so the offender is "tagged" as a potential SB416 candidate, placed in a designated jail bed, and made ineligible for capacity-based release.

In addition, the DA's Office sends a letter to the victim in the case notifying him/her about the offender's consideration for the SB416 Program (See Appendix C for an example letter).

# Probation Eligibility Assessment

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Parole and Probation will complete a comprehensive eligibility assessment on all program candidates referred by the DA. Once a referral is made, the SB416 Probation Supervisor assigns the case to a Probation intake coordinator for formal assessment. Assessments are completed within 7 days and include the steps listed below. A checklist outlining these steps is provided in Appendix D.

- 1. Check the Integrated Supervision Information System (ISIS) to confirm if the offender is residing in the DA's home county**
  - If the offender resides in the DA's home county, proceed to Step 2.
  - Otherwise, notify the SB416 Probation Supervisor that the offender does not meet the program's residency requirement.
  
- 2. Check ISIS to determine if offender is currently on formal supervision**
  - If the offender is on supervision, confirm the PO. Obtain update from the assigned PO to confirm performance on supervision and if the PO supports the offender for the SB416 program. In addition, check ISIS for the number of sanctions and warrants, as well as the date range of the sanctions and warrants (e.g., 14 sanctions from 2003-2011).
  - Record this information and proceed to Step 3.
  - If the offender is not currently on supervision, proceed to Step 3.
  
- 3. Check DOC400 for prior DOC misconduct**
  - Check DOC400 for any prior misconduct by the offender (e.g., assaultive, sexual, and/or intimidation) that is recorded in the report.
  - Record this information and proceed to Step 4.
  
- 4. Check Chronos to determine if substance use is present**
  - Check Chronos to determine if the offender has any reported substance use issues.
  - Record this information and proceed to Step 5.
  
- 5. Examine the offender's Computerized Criminal History (CCH)/National Crime Information Center (NCIC) file for statewide and out-of-state crimes**
  - Check the offender's CCH/NCIC file for information that would automatically exclude him/her from the SB416 Program (*discretionary exceptions may be made*):
    - Prior sexual offense conviction
    - Recent (past 10 years) domestic violence or felony person crime conviction (not including Robbery III if only minimal force is used)
    - Crimes with vulnerable victims and/or violation of trust, for example:
      - Elder abuse
      - Embezzlement/employee theft
      - Organized ID theft/forgery/check fraud ring [racketeering]

- Check the offender's CCH/NCIC file for information that does not automatically exclude the offender from the SB416 program, but may be useful in determining his/her ineligibility:
  - Repeated violence convictions (i.e., repeated felony person convictions and/or misdemeanor person convictions)
  - Domestic violence or felony person crime convictions more than 10 years ago that raise enough concern to exclude the candidate (e.g., multiple prior such convictions; not completing terms successfully)
  - Excessive arrest cycles (e.g., 30 and above)
  - Pattern of repeated (i.e., 5 and above) instances of Failure to Appear (FTA)
  - Significant amount of other crimes associated with the targeted crime
  - Multiple assaultive arrest cycles
  - Housing/homelessness concerns
  - Other person-to-person crimes (e.g., endangering, tampering with witness)
  - Other risk exclusion concerns (e.g., Restraining/Stalking Orders, outstanding warrants including municipal/out-of-state)
- Record any concerns that warrant exclusion and proceed to Step 6.

#### **6. Determine whether to continue with the assessment**

- If the CCH/NCIC file contains any concerning crimes (as determined in Step 5), then a summary email must be sent to the SB416 Probation Supervisor for review. This summary should include all available information from ISIS and the CCH/NCIC file as well as any other known information about the offender (e.g., offender is well known in the system). The Probation Supervisor will make a determination on whether the intake coordinator should proceed with the assessment.
- If the CCH/NCIC file does not contain any concerning crimes (as determined in Step 5), proceed to Step 7.

#### **7. Schedule eligible offenders**

- Once approval is obtained from the offender's defense attorney, make arrangements to meet with the offender for a full SB416 assessment.

#### **8. Interview process for the SB416 assessments**

- Prior to the assessment:
  - Create a temporary file that includes the CCH and hard copies of the Level of Service/Case Management Inventory (LS/CMI), Texas Christian University Drug Screen V (TCUDS V), and University of Rhode Island Change Assessment (URICA).
- During the assessment:
  - Tell the client you will not be discussing the current charges - they are pending.
  - Have the offender complete the URICA along with the TCUDS V assessment. Upon completion of these assessments by the offender, conduct the LS/CMI interview.
  - After completing the interview, explain that the defense attorney will be notified of the offender's acceptance into the program. Generally, this will occur at the next court date.

## **9. Relay all assessment information to the SB416 Probation Supervisor**

- Provide a summary of the assessment findings to the SB416 Probation Supervisor. There is no standardized format for providing this summary, and programs can choose their preferred approach. The Checklist in Appendix D might be useful when providing this summary.
- Ideally, the summary should include the following:
  - Results from the LS/CMI, TCUDS V, and URICA.
  - Any relevant details from the CCH (e.g., discretionary exclusion criteria considered or any unusual criminal history of note).
  - Other pertinent information that may include considerations related to drug use, mental health disorders, housing status, and/or unusual information obtained from the interview.
  - A preliminary determination on whether the offender is eligible for the SB416 Program.

## **10. SB416 Probation Supervisor makes the final determination on eligibility**

- Based on all available information, the Probation Supervisor will make the final decision on whether the offender is eligible for the SB416 Program.
- The final decision is conveyed to the DA (and all other relevant stakeholders) via email or another preferred method.

# Plea Negotiations

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Once an offender has been determined eligible by both the DA's Office and the Parole and Probation Department, this determination is communicated to the assigned defense attorney. The parties then attempt to negotiate a downward departure to SB416 probation. If an agreement is reached, the offender pleads guilty to the charges s/he is required to plead to pursuant to the offer and proceeds to sentencing by the court.

Following sentencing, the offender completes his/her jail sentence before SB416 services are initiated. Of note, the sentence begins at the point of arrest and initial booking at the jail.

# Supervision Services

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The supervision collaborative includes a PO dedicated solely to the SB416 Program. This PO delivers supervision and ensures other intensive services are delivered to SB416 Participants. The SB416 PO also is responsible for communicating actively with the treatment provider and SB416 Mentors, both described subsequently, as well as the SB416 DA. An example Position Description for the SB416 PO is provided in Appendix E. The specifics of supervision services delivered in the SB416 Program are detailed below.

Because all SB416 Participants must be identified as medium or high risk (per LS/CMI) to be eligible for the SB416 Program, they enter probation under active supervision. The SB416 PO has an active supervision caseload of no more than 50-60 cases. An additional 15-20 cases may be on Limited Supervision (see subsequent explanation).

Importantly, the SB416 PO utilizes the Effective Practices in Community Supervision (EPICS) model in every contact with SB416 Participants. This nationally disseminated community supervision model, developed and evaluated by the University of Cincinnati Corrections Institute, is a structured approach to interacting with offenders. It focuses on changing the criminogenic needs of offenders using a highly specified social learning and cognitive behavioral approach. Thus, the SB416 PO must undergo training (generally 3 days), followed by a coaching period (generally 6 months) and ongoing quality assurance checks (i.e., audiotape reviews and feedback) to ensure the SB416 PO conducts EPICS with high fidelity.

Throughout supervision of an offender, the SB416 PO must actively collaborate with the SB416 DA. This includes providing updates on SB416 cases when any problems arise or when information is requested from the SB416 DA. A report of probation violations must be provided (see subsequent explanation for responding to SB416 Participant violations). Email communication is the most frequent mode of contact, although in-person meetings and phone calls occur. As described below, the SB416 PO communicates weekly or more frequently with the treatment provider and SB416 Mentors, so the SB416 PO has detailed information about each offender's progress, advances, slips, and special circumstances. This information is used by the SB416 DA to make appropriate decisions for ensuring community safety and offender accountability, while promoting offender rehabilitation.

Correspondingly, the SB416 DA has an understanding of what the SB416 PO does within supervision and how the program goes about achieving behavior change. This understanding occurs via three means. First, the SB416 DA is oriented to the SB416 Supervision Services protocol. Next, the SB416 DA attends the first morning of EPICS training to receive an overview of the EPICS procedures the PO will use. Lastly, the SB416 DA attends regular (e.g., monthly) stakeholder meetings where any barriers to the SB416 Program are problem-solved.

Immediately after an offender is accepted into the program, the SB416 PO makes contact and preferably holds a session. If an offender is out of custody,<sup>2</sup> this session is held within 1-2 days. If an offender is in custody, this session can be delayed, but occurs 1-2 days after release (although SB416 Mentoring can begin sooner). Preferably, the SB416 PO holds a session while the offender is still in custody. Like with all contacts, the EPICS model is used and the focus is on identifying the specific criminogenic risk factors for the offenders and methods for effectively addressing those factors. Besides the mandatory substance abuse treatment and the work of the SB416 Mentor, any employment, housing, education, and transportation needs are addressed using a case management approach as specified in the EPICS model.

In addition to rapid initiation of supervision, SB416 Participants are rapidly assigned to specialized, intensive mentoring as part of the SB416 Program. The SB416 Mentor supports participants in achieving abstinence and helps address participants' basic needs. The SB416 mentoring services are detailed subsequently.

All SB416 Participants are rapidly assigned to outpatient substance abuse treatment. This treatment must take an evidence-based approach, such as cognitive behavioral therapy, that incorporates a focus on criminogenic risk factors. The treatment services for SB416 Participants are detailed subsequently.

The SB416 PO communicates frequently with the treatment provider and mentors. The purpose of this communication is to ensure participation and improvement of the SB416 Participant. Thus, this communication is at least weekly, and sometimes more frequently. In particular, all missed appointments for treatment or mentoring should initiate communication with the SB416 PO.

The SB416 PO provides for ongoing case management, employment services, housing, education, and transportation needs throughout supervision. SB416 Participants are given priority for probation resources (e.g., housing vouchers, bus passes). For example, housing vouchers are frequently used, but typically for only 1 month and no more than 3 months.

The minimum number of contacts follow the requirement for probation services, which is 7 in-person contacts/6 months for medium-risk offenders and 15 in-person contacts/6 months for high-risk offenders. Periodic home visits also are required for medium and high risk offenders, as well as when there are community complaints. Contacts never go below policy minimums; however, the SB416 PO has more frequent contact initially, sometimes even daily contact for cases with very high criminogenic risk factors. SB416 Participants who are younger or have transient housing are often required to have more frequent PO visits. Participants sometimes ask for greater accountability or contact, and that is always accommodated. In addition, sanctions may include increased frequency of contact directly with the SB416 PO versus requiring "day reporting" at the Parole and Probation office. Frequency is reduced (but not below policy minimums) as SB416 Participants demonstrate that they are compliant with all aspects of treatment, obtain and maintain employment, and sustain sobriety.

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<sup>2</sup> Only applicable to Marion County. All of Lane County's appointments are conducted while the offender is in custody.



Probation violations by SB416 Participants are sanctioned swiftly following the sanctions grid. For example, 3-5 days in custody might be recommended for repeated substance use. The SB416 PO relies on administrative warrants rather than bench warrants to address minor violations. Other sanctions typically used are increasing frequency of PO contact and writing essays. The SB416 PO implements the sanction and provides the SB416 DA with a written notification. The jail provides designated beds for SB416 Participants for sanctioning purposes. SB416 Participants are ineligible for capacity-based release while serving a jail sentence.

New law violations by SB416 Participants are reported to the SB416 DA immediately. The SB416 PO provides input and a recommendation to the SB416 DA, typically via email or a phone call. This input should include information about the offender's progress in treatment and in resolving criminogenic risk factors. The recommendation should be supported by available evidence for potential improvement and commitment of the offender. Typically, recommendation to revoke is based on: severity of the crime, repeating the same crimes as prior to SB416, the "custody units" for an offender have been exhausted, engaging in low severity crime even after many sanctions, offender lying/blaming or not taking accountability, and offender motivation and active efforts to reduce risk factors. The decision to file an Order to Show Cause and return the case to the Court for disposition is decided by the SB416 DA. The decision to revoke is decided by the Court.

After successfully completing treatment (including a minimum of 90 days of abstinence verified with urine analyses; see subsequent description of treatment completion), resolution of criminogenic risk factors, and meeting any special conditions of the court (e.g., restitution), SB416 Participants may be moved to Limited Supervision with DA consent.<sup>3</sup> This Limited Supervision is conducted by the same SB416 PO so the SB416 Participant can be quickly linked to services if a relapse in substance use occurs or if other criminogenic risk factors re-occur.

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<sup>3</sup> In Marion County, the SB416 PO determines when a case can move to Limited Supervision, and the DA's consent is considered implicit. In Lane County, the express consent of the DA is required.

# Treatment Services

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All SB416 Participants receive treatment services from a community substance abuse provider agency. The agency is not required to implement a specific intervention model with SB416 Participants; however, the services must be classified as evidence-based by a reputable professional organization (e.g., Substance Abuse and Mental Health Services Administration, National Institute on Drug Abuse, American Psychological Association) and must focus on addressing both substance use and criminogenic risks. Treatment costs can be paid through insurance or contracted by Parole and Probation services.

The timing of treatment start is a critical component of the SB416 Program. Treatment services are expected to begin within 5-7 days of program start (or for participants in custody, 5-7 days after their release). To ensure effective linkage with treatment, the SB416 Mentor transports participants to their first appointment and facilitates in-person introductions to the intake staff and assigned therapist.

SB416 Participants undergo a comprehensive intake assessment prior to treatment start. The intake covers a broad range of domains such as basic demographic information; medical history, including potential exposure to infectious diseases (e.g., tuberculosis, hepatitis C, and HIV); substance abuse history; resiliency and barrier factors; motivation to change; mental health functioning; and criminogenic risks, such as the extent of the offender's past involvement with the criminal justice system, the offender's current criminal thinking patterns, and the offender's associations with other substance using peers.

The treatment agency develops an individualized treatment plan for each SB416 Participant using information obtained from the intake assessment. Treatment planning is guided in part by criteria established by the American Society of Addiction Medicine (ASAM). The ASAM criteria are the most widely used guidelines for determining appropriate level of service for substance abusing adults. More information about ASAM can be found at <http://www.asam.org>. Treatment planning is also devised to address Risk-Need-Responsivity (RNR) and LS/CMI factors.

Most commonly, SB416 Participants qualify for a standard level of intensive outpatient treatment (ASAM level 2.1), and a typical service dosage is as follows:

- 3 group treatment sessions per week lasting 180 minutes each
  - Maximum group size is 12 participants
  - Groups typically include a mix of SB416 Participants and other medium or high risk offenders receiving treatment from the provider agency; low risk offenders are never mixed with medium or high risk offenders in any group treatment session
- 1 individual treatment session per month lasting 60 minutes, with increases as needed per client need and case planning
- Urine drug testing, with the frequency of testing ranging from 2-4 times per month up to multiple times per week depending on the offender's use history and drugs of choice

- Average treatment duration of 7-8 months (typical range is 5-12 months)

Services delivered to SB416 Participants focus primarily on addressing their substance use and criminogenic risks. If participants begin treatment with a low desire to reduce substance use, services often begin with a brief motivational interviewing curriculum to increase participants' motivation to change their substance use behaviors. Ideally, services also will address any co-occurring mental health concerns. However, if the substance abuse provider is not equipped to treat a particular mental health condition, referral to another provider for concurrent mental health treatment might be indicated.

Occasionally, SB416 Participants will meet criteria for more intensive treatment and require partial hospitalization (ASAM level 2.5) or placement in an inpatient/residential treatment facility (ASAM level 3.5 or higher), although this is rare. When SB416 Participants do qualify for one of these higher levels of care, service dosage is determined by ASAM guidelines (see <http://www.asam.org>).

As noted previously, the SB416 Program involves frequent communication between the SB416 PO and treatment provider. In particular, the PO and treatment provider communicate weekly via phone, email, and/or in-person consultations. In addition, the provider submits a written treatment summary on each SB416 Participant to the PO on a monthly basis. The goal of these communications is to provide regular updates on case progress and to allow the PO and treatment provider to collaboratively address problems with participants, such as missed appointments or positive urine drug screens.

SB416 Participants complete treatment once they have met the goals on their individualized treatment plan. Although those goals will vary somewhat across clients, all SB416 Participants must generally meet the following set of core goals:

- Attendance at a minimum of 80% of all scheduled treatment appointments (individual and group) during the last 90 days of treatment.
- Abstinence documented by observed drug screens for a minimum of the last 90 days of treatment.
- Completion of a comprehensive relapse prevention plan.
- Confirmation by the PO that the offender has demonstrated improved behavioral functioning as evidenced by no probation violations and engagement in school, work, or other structured prosocial activities.
- Completion of all assigned curriculum.

# Mentoring Services

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SB416 Participants are assigned a specialized mentor of the same gender. SB416 Mentors provide participants with structured social support as they work toward abstinence goals in treatment. In addition, the mentors work to identify and address offender needs across multiple life domains. More details about the SB416 Mentors are provided below, and an example Position Description for this member of the SB416 team is included in Appendix E.

SB416 Mentors are paraprofessionals who, at a minimum, have a high school diploma/GED and have been designated as a Certified Recovery Mentor (CRM) by the Addiction Counselor Certification Board of Oregon. The CRM designation is applied to individuals in recovery from a substance use disorder who have been specially trained to help others achieve substance use treatment goals. Mentors working in the SB416 Program might be employed by the substance abuse treatment provider or by another agency in the community. These individuals are typically employed part-time, and they carry a caseload of 5-12 clients. SB416 Mentors often work flexible hours (e.g., evenings and weekends) to meet the needs of their clients, although they are not required to provide participants with 24/7 availability.

The mentor makes initial contact with the SB416 Participant very soon after program entry (e.g., within 1-2 days) to schedule an in-person meeting. This meeting can occur in any community location chosen by the participant or at the jail (for participants in custody). The purpose of the meeting is to establish rapport and to begin identifying the participant's needs in key domains (e.g., housing, food, clothing, transportation, employment, health care). Of note, since the SB416 Mentor routinely meets with participants in custody, requisite background checks and clearances should be obtained at the time of hire for the mentors.

After the participant's primary needs are identified, the SB416 Mentor meets regularly with the participant (often 2-3 times per week at first) to help address those needs through informational resources and community referrals. In addition, once the participant initiates substance use treatment, the SB416 Mentor supports the individual's recovery in multiple ways. For example, the SB416 Mentor transports the participant to the initial clinical intake assessment, attends regular staffing meetings with the clinical team, and assists the team in developing specific treatment plans and intervention strategies for participants. The mentor ensures participants attend all treatment sessions and provides access to transportation to those sessions as needed. In addition, the mentor directly supports the work of the treatment provider by continuously encouraging participants to utilize their drug avoidance and refusal skills, and also by finding opportunities to model pro-social thinking and behavior.

The SB416 Mentor is in frequent communication with the treatment provider and SB416 PO. At a minimum these communications occur weekly via phone, email, and/or in-person, and can also take place more frequently as needed. SB416 Mentoring concludes at the end of treatment. Frequently, participants are linked at the end of treatment with a sponsor through Alcoholics Anonymous or Narcotics Anonymous, although this is not required.

# Appendix A

## SB416 Program Eligibility Criteria

# SB416 Program – Eligibility Criteria

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## ***Inclusion Criteria***

- Resident of county
- Prison-bound repeat felony property offender
- Substance abuse problems are present (Note: the offender may or may not have a drug offense, but some evidence of problematic substance use is required)
- Medium or high risk, as identified by the Level of Services/Case Management Inventory (LS/CMI) or a similar assessment tool

## ***Automatic Exclusion Criteria***

- Prior sexual offense convictions
- Domestic violence convictions in the past 10 years
- Felony person crime convictions within the past 10 years (Robbery III does not necessarily disqualify if DA deems the use of force to be minimal)
- Offenders with serious mental health problems (e.g., offenders in need of a higher level of mental health care than can be provided with standard clinic-based services)
- Crimes that have a vulnerable victim and/or involve a violation of trust (e.g., elder abuse, embezzlement/employee fraud, organized ID theft/forgery/check fraud ring [i.e., racketeering])

***Other Considerations in Determining Ineligibility*** (Note: The following are not “rule outs” but, if present, should be considered carefully before deeming an individual eligible)

- Repeated violence convictions (i.e., repeated felony or misdemeanor person convictions)
- Domestic violence convictions or felony person crime convictions from more than 10 years ago that raise enough concern to exclude the candidate (e.g., multiple prior such convictions; not completing terms successfully)
- Excessive arrest cycles (e.g., 30 and above)
- Pattern of repeated (i.e., 5+) instances of Failure to Appear (FTA)
- Significant amount of other crimes associated with the targeted crime
- Multiple assaultive arrest cycles
- Other person-to-person crimes (i.e., endangering, tampering with witness, etc.)
- Other high risk concerns (i.e., restraining/stalking orders, outstanding warrants including municipal/out-of-state)
- Strong objection by victim(s) that cannot be addressed by the DA’s Office or relevant new information provided by victim (e.g., unreported crimes committed by the offender)
- Combination of High to Very High risk in multiple areas (LS/CMI, TCUDS V, etc.)
- Motivation level (e.g., pre-contemplation stage) based on the University of Rhode Island Change Assessment or comments made by client during interview process
- Pattern of poor performance on current/prior supervision (i.e., multiple sanctions /warrants)
- Other reasons indicating low likelihood of success or extensive history demonstrating lack of success (e.g., has already obtained a substantial amount of programming; does not take responsibility for the crime or blames others)

# Appendix B

SB416 Program Initial Eligibility Determination: District Attorney Checklist

# SB416 Program: Initial Eligibility Determination District Attorney Checklist

Attorney Initials:

Please respond to all fields.

## OFFENDER INFORMATION

Last Name:	<input style="width: 95%; height: 20px;" type="text"/>	First Name:	<input style="width: 95%; height: 20px;" type="text"/>
SID:	<input style="width: 95%; height: 20px;" type="text"/>	Review Date:	<input style="width: 95%; height: 20px;" type="text"/>

## POLICE REPORT

Crime Type:

## REQUIRED CRITERIA (DATA FOUND IN CCH)

Yes  No Appears to live in correct county (note transience or concerns below)

Yes  No Prison-bound repeat felony property offender

Yes  No Substance abuse problems appear present  
 If **Yes** (select all that apply):

Recent drug/DUI offense

Recent property offense with drug-seeking behavior

Officer remarks/police report data

Notes:

Other Indicator

Notes:

## AUTOMATIC EXCLUSIONS (DATA FOUND IN CCH)

Yes  No Exclude due to prior sexual offense conviction

Yes  No Exclude due to recent (past 10 years) domestic violence or felony person crime conviction (not including Robbery III if only minimal force used)

Yes  No Exclude due to serious mental health issues better addressed in another program

Yes  No Exclude due to crimes with vulnerable victims and/or violation of trust  
 If **Yes** (select all that apply):

Exclude due to elder abuse

Exclude due to embezzlement/employee theft

Exclude due to organized ID theft/forgery/check fraud ring [racketeering]

Exclude due to other

Notes:

## OTHER CONSIDERATIONS IN DETERMINING INELIGIBILITY (DATA FOUND IN CCH)

Yes  No Exclude due to repeated violence convictions (*i.e., repeated felony person convictions and/or misdemeanor person convictions*)

Yes  No Exclude due to domestic violence or felony person crime convictions more than 10 years ago that raise enough concern to exclude candidate (*e.g., multiple prior such convictions; not completing terms successfully*)

Yes  No Exclude due to excessive arrest cycles (*i.e., 30 and above*)

Yes  No Exclude due to pattern of repeated instances of Failure To Appear (FTA) (*i.e., 5+ FTA*)

Yes  No Exclude due to significant amount of other crimes associated with targeted crime

Yes  No Exclude due to multiple assaultive arrest cycles

Yes  No Exclude due to other person-to-person crimes (*i.e., endangering, tampering with witnesses*)

Yes  No Exclude due to other risk exclusion concerns (*i.e., Restraining/Stalking Orders, outstanding warrants including municipal/out-of-state*)



# Appendix C

## Example Victim Notification Letter

# Example Victim Notification Letter

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Victim Name

Address

Re: State v. Defendant, DA# 15-\_\_\_\_\_, COURT# 15CR\_\_\_\_\_

(Date)

Dear \_\_\_\_\_:

The defendant in the above referenced case has been referred by the Deputy District Attorney to be considered by the \_\_\_\_\_ County Parole and Probation Department for potential entry into the \_\_\_\_\_ County SB416 Program.

The mission of the SB416 program is to reduce future criminal behavior, protect the public, and hold offenders accountable by providing intensive community supervision and case management. Defendants with a criminal history that includes violent felonies, sex crimes, or domestic violence are not eligible to participate in the program.

The SB416 program is an alternative to prison for non-violent repeat property offenders who have an identifiable substance abuse issue and who are motivated to change their behavior. The program provides access to substance abuse treatment, mentoring services, and transportation. Defendants who are accepted into the program plead guilty and are sentenced to a term of supervised probation.

Defendants on probation in the SB416 program are on a higher level of supervision with a dedicated probation officer. Defendants are required to participate in substance abuse treatment and comply with conditions that promote the defendant's success in completing the program. If applicable, defendants are required to pay restitution to victim(s). In most cases, the defendant must serve a 60 day jail sentence at the time of sentencing. Defendants also agree to serve a pre-determined term of prison if they fail to complete the program.

If you have any questions about the information provided, contact \_\_\_\_\_ with the Victim Assistance Division at \_\_\_\_\_, or the assigned Deputy District Attorney at \_\_\_\_\_.

**Si tiene preguntas sobre esta carta llame al \_\_\_\_\_.**

# Appendix D

SB416 Program Eligibility Assessment: Probation and Parole Checklist

# SB416 Program: Eligibility Assessment Parole and Probation Checklist

Please respond to all fields.

## OFFENDER INFORMATION

Last Name:	<input type="text"/>	First Name:	<input type="text"/>
SID:	<input type="text"/>	Referral Date:	<input type="text"/>

## CHECK ISIS TO CONFIRM WHERE OFFENDER IS RESIDING

Candidate must reside in the county to be eligible for the SB416 Program.

Yes  No Appears to live in correct county

Notes:

## CHECK ISIS, DOC400, CHRONOS, AND ANY OTHER RELEVANT DATA

Check ISIS to confirm the PO; obtain brief update from assigned PO to confirm performance on supervision and if PO supports offender for SB416 program.

Yes  No On supervision ("Yes" if offender is currently on formal supervision); if Yes:

Yes  No The offender's PO was consulted. If Yes:

Yes  No  Unknown The PO supports SB416 for the offender

Notes:

Check ISIS for number and date range of the structured sanctions and warrant; enter the number and type of sanctions in the past year.

Yes  No ISIS was checked for structured sanctions and warrant history. If Yes:

Enter the information obtained from ISIS in the Notes field below.

Notes:

Yes  No Prior DOC misconduct (e.g., assaultive, sexual, and/or intimidation)

Notes:

Yes  No Substance use issues noted in Chronos

Notes:

## EXAMINE OFFENDER'S CCH/NCIC FILE FOR STATEWIDE AND OUT-OF-STATE CRIMES

**Automatic Exclusions** (Look for the following in the CCH/NCIC file).

Yes  No Exclude due to prior sexual offense conviction

Yes  No Exclude due to recent (past 10 years) domestic violence or felony person crime conviction (not including Robbery III if only minimal force used)

Yes  No Exclude due to serious mental health issues better addressed in another program

Yes  No Exclude due to crimes with vulnerable victims and/or violation of trust; if Yes (select all that apply):

Exclude due to elder abuse

Exclude due to embezzlement/employee theft

Exclude due to organized ID theft/forgery/check fraud ring [racketeering]

Exclude due to other

Notes:

Notes from this Section:

**OTHER CONSIDERATIONS IN DETERMINING INELIGIBILITY**

- Yes**    **No**   Exclude due to repeated violence convictions (*i.e., repeated felony person convictions and/or misdemeanor person convictions*)
- Yes**    **No**   Exclude due to domestic violence or felony person crime convictions more than 10 years ago that raise enough concern to exclude candidate (*e.g., multiple prior such convictions; not completing terms successfully*)
- Yes**    **No**   Exclude due to excessive arrest cycles (*i.e., 30 and above*)
- Yes**    **No**   Exclude due to pattern of repeated instances of Failure To Appear (FTA) (*i.e., 5 and above FTA*)
- Yes**    **No**   Exclude due to significant amount of other crimes associated with targeted crime
- Yes**    **No**   Exclude due to multiple assaultive arrest cycles
- Yes**    **No**   Exclude due to housing/homelessness concerns
- Yes**    **No**   Exclude due to other person-to-person crimes (*i.e., endangering, tampering with witnesses*)
- Yes**    **No**   Exclude due to other risk exclusion concerns (*i.e., Restraining/Stalking Orders, outstanding warrants including municipal/out-of-state*)

Notes from this Section:

**COMPLETE SB416 ELIGIBILITY ASSESSMENT**

Assessment Date:

Preliminary Eligibility Determination:    **Eligible**  
 **Not Eligible**

Additional Notes for Assessment:

**FINAL ELIGIBILITY DETERMINATION**

Date:

Decision:    **Yes, Eligible for SB416**  
 **No, Not Eligible for SB416**

Notes:

# Appendix E

SB416 Probation Officer Position Description

SB416 Mentor Position Description

# SB416 Probation Officer Position Description

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This Probation Officer (PO) will provide enhanced supervision services to medium or high risk repeat felony property offenders (with a known substance use problem) participating in the SB416 Program.

## Position Roles and Responsibilities

- For SB416 Participants not in custody,<sup>4</sup> initiate in-person contact within 1-2 days of acceptance into the SB416 Program. If a participant is in custody, in-person contact should be made within 1-2 days of release (or while s/he is in jail, if possible).
- Provide a minimum of 7 in-person contacts/6 months for medium-risk offenders and 15 in-person contacts/6 months for high-risk offenders, with the ability to increase the frequency of contacts as needed. Once individuals have moved to low-risk status, maintain supervision appropriate for a low-risk offender and intervene to increase services, if needed.
- Provide home visits when necessary.
- Utilize the Effective Practices in Community Supervision (EPICS) model during each interaction with an offender and implement other required elements of the SB416 Program.
  - Become proficient in the EPICS model prior to working with participants.
  - Participate in ongoing quality assurance with an EPICS trainer/expert.
  - Other elements of the SB416 model (e.g., timing of contacts, decision making for revocation) will be specified in a manual. Training and ongoing quality assurance on the model will be provided, and this PO must implement the elements with proficiency.
  - Maintain frequent communication with other SB416 Program stakeholders and provide documentation of SB416 and EPICS implementation.
- Provide SB416 Participants with immediate referrals for treatment and mentoring.
  - Whenever possible, facilitate in-person introductions between SB416 Participants and key individuals at the treatment agency (e.g., intake staff, treatment providers).
  - Ensure treatment services start within 5-7 days of acceptance into the SB416 Program.
  - Ensure that mentoring services start within 1-2 days of acceptance into the program, and for individuals in custody, prior to their release.
  - Engage in frequent (often weekly) communication with the treatment provider and/or mentor about client progress.
  - Any additional mental/physical health needs will be addressed by the PO coordinating with the substance abuse provider to ensure referral for, intake in, and attendance to services.
- Work collaboratively with the program-assigned District Attorney to address offender violations.
- Provide ongoing case management coordinated with the substance abuse provider and mentor to address housing, employment needs, etc.
  - Ensure rapid identification of and responses to new needs as they arise.
  - Ensure SB416 Participants receive priority for housing and transportation subsidies.

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<sup>4</sup> Only applicable to Marion County. All of Lane County's appointments are conducted while the offender is in custody.

# SB416 Mentor Position Description

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This individual will oversee a caseload of offenders participating in the SB416 Program and will serve as an integral member of the SB416 collaborating team.

## **Position Roles and Responsibilities**

- For SB416 Participants not in custody, initiate initial in-person contact very soon after entry into the SB416 Program (e.g., within 1-2 days). For participants in custody, in-person contact should be made prior to their release.
- Conduct initial and on-going assessments to identify participant needs in key domains (e.g., housing, food, clothing, transportation, employment, health care).
- Meet regularly with the participant (often 2-3 times per week at first) to address current needs through informational resources and community referrals.
- Assist the participant with access to transportation to appointments as needed.
- Provide support for the participant's substance use treatment.
  - Attend regular staffing meetings with the clinical team.
  - Assist the team in developing treatment plans and intervention strategies.
  - Support the clinical team by continuously encouraging participants to utilize their drug avoidance and refusal skills, and by finding opportunities to model pro-social thinking and behavior.
  - Connect participants to recovery meetings (e.g., Alcoholics Anonymous or Narcotics Anonymous) and a sponsor as needed.
  - Document activities in thorough case notes to share with the team.
- Be available for after-hours emergencies, within reason.
- Connect participants to prosocial community events and join them for community outings.
- Communicate frequently (often weekly) with the SB416 Probation Officer about participant progress.



# Appendix F

SB416 Mentor Needs Assessment Checklist

SB416 Mentor Session Focus Checklist

# Needs Assessment Checklist

## SB416 Program Mentoring

Client Name: \_\_\_\_\_

Mentor Initials: \_\_\_\_\_

Date: \_\_\_\_\_ Session Length: \_\_\_\_\_ hrs \_\_\_\_\_ mins

Oregon Health Plan?  Yes  No

**I NEED HELP WITH...**

- |   |   |
|---|---|
| <input type="checkbox"/> Recovery Meetings  | <input type="checkbox"/> Transportation / Discounted Bus Pass         |
| <input type="checkbox"/> Substance Abuse Treatment  | <input type="checkbox"/> Housing                                      |
| <input type="checkbox"/> Detox  | <input type="checkbox"/> Utility / Energy Assistance                  |
| <input type="checkbox"/> Mental Health Treatment  | <input type="checkbox"/> Telephone Assistance                         |
| <input type="checkbox"/> Prosocial Activities (e.g., activities, yoga, hiking, athletics) | <input type="checkbox"/> Food Boxes / Meal Sites                      |
| <input type="checkbox"/> Food Stamps / TANF   | <input type="checkbox"/> Clothing / Toiletries                        |
| <input type="checkbox"/> Legal Aid / Mediation  | <input type="checkbox"/> Interpersonal Relationships                  |
| <input type="checkbox"/> Birth Certificate / Identification / DMV                         | <input type="checkbox"/> Abuse / Domestic Violence Concerns           |
| <input type="checkbox"/> Employment / Job Search / Resume                                 | <input type="checkbox"/> Physical Health Concerns                     |
| <input type="checkbox"/> Voc Rehab / Disability Services                                  | <input type="checkbox"/> Contraception / Condoms                      |
| <input type="checkbox"/> Education / GED  | <input type="checkbox"/> HIV / Hep-C Testing                          |
| <input type="checkbox"/> Child Care / Parents / Child Support / Child Welfare or Custody  | <input type="checkbox"/> Sexually Transmitted Disease Testing or Care |
| <input type="checkbox"/> Early Childhood Education (Headstart)                            | <input type="checkbox"/> Urgent Medical or Dental                     |
| <input type="checkbox"/> Veterans Administration / Social Security                        | <input type="checkbox"/> Vision / Hearing                             |
|   | <input type="checkbox"/> Prescription Medication                      |

**Anything else?** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# SB416 Program Mentoring Session Focus Checklist

**INSTRUCTIONS:**

- Check off only the needs that were discussed today.
- List how long this session took & the date, as well as current OHP insurance status.
- If you make corrections, make it clear what the final mark should be.

Client Name: \_\_\_\_\_

Mentor Initials: \_\_\_\_\_

Date: \_\_\_\_\_ Session Length: \_\_\_\_\_ hrs \_\_\_\_\_ mins

Oregon Health Plan?  Yes  No

**WE WORKED ON...**

- .....PO Appointment / Criminal Activity or Concerns
- .....Stages of Change / Motivation
- .....Recovery Meetings
- .....Substance Abuse Treatment
- .....Detox
- .....Mental Health Treatment
- .....Prosocial Activities (e.g., activities, yoga, hiking, athletics)
- .....Food Stamps / TANF
- .....Legal Aid / Mediation
- .....Birth Certificate / Identification / DMV
- .....Employment / Job Search / Resume
- .....Voc Rehab / Disability Services
- .....Education / GED
- .....Child Care / Parents / Child Support / Child Welfare or Custody
- .....Early Childhood Education (Headstart)
- .....Veterans Administration / Social Security
- .....Transportation / Discounted Bus Pass
- .....Housing
- .....Utility / Energy Assistance
- .....Telephone Assistance
- .....Food Boxes / Meal Sites
- .....Clothing / Toiletries
- .....Interpersonal Relationships
- .....Abuse / Domestic Violence Concerns
- .....Physical Health Concerns
- .....Contraception / Condoms
- .....HIV / Hep-C Testing
- .....Sexually Transmitted Disease Testing or Care
- .....Urgent Medical or Dental
- .....Vision / Hearing
- .....Prescription Medication
- .....OTHER: \_\_\_\_\_