



# MARION COUNTY SHERIFF'S OFFICE

JASON MYERS, SHERIFF

May 13, 2013

Joint Committee on Ways And Means  
Subcommittee on Public Safety  
Oregon State Capitol  
Salem, Oregon 97301

RE: House Bill 2549-A

Dear Co-Chair Winters, Co-Chair Williamson, and members of the Subcommittee:

For the record, my name is Jeff Wood and I serve as the Parole & Probation Division Commander with the Marion County Sheriff's Office. I am here on behalf of the Marion County Sheriff's Office, the Oregon Association of Community Corrections Directors (OACCD), the Sex Offender Supervision Network (SOSN), and the Oregon State Sheriffs Association (OSSA). I am here to express my support of HB 2549-A.

Currently in Oregon, only persons convicted of a qualifying sexual crime (Oregon crimes of Rape, Sodomy, Unlawful Sexual Penetration with a Foreign Object or Sexual Abuse - any degree or attempt, as well as crimes deemed the equivalent of the Oregon crime if the conviction occurred in another U.S. jurisdiction) are evaluated for potential designation as a predatory sex offender. This means a substantial number of convicted sex offenders who pose a high risk of reoffending are not eligible for predatory designation as they do not have a qualifying conviction. This also results in sex offenders being identified as either predatory or non-predatory, a process which does not provide information to the community or law enforcement on the potential risk designated non-predatory offenders may be to the public. Essentially, the current designation system does not adequately identify all persons who are a high risk to the community, tends to overestimate risk for young "statutory" offenders, and does not provide the community or law enforcement with a clear process for how to differentiate between high risk, moderate risk and low risk sex offenders.

A risk based level system for sex offenders would solve the above issues. Specifically, a level system would:

- Capture all persons convicted of a sexual crime [ORS 181.594(5)], rather than just a portion of sex offenders;
- Provide more informative and recognizable information for the community;
- Allow professionals to identify an appropriate level of supervision which enables better allocation and use of limited resources;
- Provides guidance for law enforcement and registries – who should be focused on and why;
- Provides guidance for case supervision and planning specific to identified level of risk/need; and
- Structured assessments save time and help streamline work.

A risk based level system would also be consistent with evidenced based practices as outlined within SB 267 (2003 Legislative Session), as it incorporates the current advancements within the field of offender research.

Approximately 25 states are now using validated risk assessment tools to make effective treatment and management decisions for high to low risk sexual offenders (Daly, 2008). Research has shown that conviction based systems, which we are currently using in Oregon, are neither accurate nor effective for identifying a sexual offenders risk for re-offense. Conviction based systems typically overestimate or underestimate an offender's risk due to the variability of sentencing practices; are far more likely to obscure important differences among registered offenders; and endorse a "one size fits all" approach for classification of sexual offenders (Ackerman et al., 2011; Tabachnick & Klein, 2011). Use of validated risk assessment instruments increase the odds of successfully prognosticating future behavior and, failure to engage in evidence-based decision making in this day and age, borders on the irresponsible (Cullen et al., 2009). Policy should be designed to include utilization of validated risk assessment instruments and take into consideration offenders' level of risk to reoffend in order to utilize criminal justice, corrections, treatment, and community-based management resources where and when they are most necessary for public safety (Tabachnick & Klein, 2011).

I appreciate the committee's consideration of House Bill 2549, and I will remain available for any questions.

For further information, please contact:

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### **References**

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