

# Commission on Public Safety Members

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Director Colette S. Peters, DOC

Dick Withnell

Director Scott Taylor, Community  
Corrections

# Goals of the Commission on Public Safety

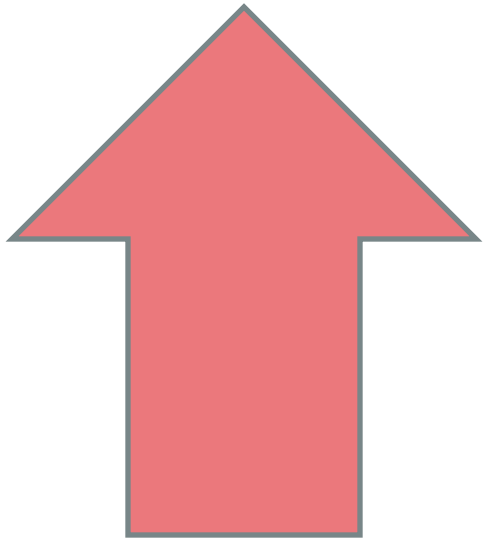
- The Commission shall identify fiscally responsible and sustainable, evidence-based policies and practices that will control corrections growth, hold offenders accountable, and protect public safety.
- The Commission may recommend any structural changes, sentencing changes, or allocation of funding changes that will control corrections growth, hold offenders accountable, and protect public safety necessary to implement these policies and practices.

# Justice Reinvestment



# What We Know About Oregon's Prison Population

**Over 2,300 Bed Projected Increase  
in the Prison Population During the  
Next 10 Years at a Cost of \$600  
Million Additional Dollars**



- Since 2000, Oregon's prison population has grown by nearly 50% to more than 14,000 inmates
- Oregon's incarceration rate remains lower than the national average, but it has grown nearly four times faster than the national average since 2000
- The majority of Oregon's prison space continues to be focused on violent and sex offenses but, in the last decade, Oregon's prison population net has widened to include an increasing number of offenders convicted of nonviolent offenses

# Key Findings in Oregon's Prison Growth Drivers

- An increasing share of convicted felons are sentenced to prison (up 18% from 2000 to 2011).
- By several measures, the offenders admitted to prison in 2011 were less serious than those admitted in 2000.
  - More technical revocations (up 27%)
  - More property (up 8%) and other (up 42%) offenses
  - More offenders who are a lower risk to recidivate (up 38%)
- Offenders are staying in prison longer in 2011 than at any other point in the last decade.
  - LOS for drug offenses up 22% since 2000
  - LOS for technical violations of probation up 20% since 2000
  - LOS for sex offenses up 37% since 2000
- The growth from M11 has leveled off in the last 5 years, but is a major contributor to the prison population due to lengthy sentences.

# What We Know About Oregon's Correctional System

- Oregon led the country in its early embrace of evidenced-based practices, especially cost-effective community alternatives that produce better results for certain offenders.
- However, there are still significant opportunities to improve.
  - Gaps in the use of risk and needs assessment
  - Gaps in earned compliance credits for inmates and absence of earned compliance credits for probationers
  - Statutory requirement for structured sanctions easy to waive
- The most pressing threat to recidivism reduction in OR's community corrections programs is the shortfall of local supervision, sanctions, and services.

# Ensure Prison Beds Are Focused on Serious Violent Offenders: Marijuana Offenses

- Expand presumptive probation for marijuana sentences in order to focus prison resources on serious violent offenders
- Align marijuana penalties with the federal penalties for manufacturing, distribution, and possession of marijuana offenses
- This change would be prospective and would not apply to offenders already sentenced for marijuana offenses

# Ensure Prison Beds Are Focused on Serious Violent Offenders: Driving While Suspended Offenses

- Expand presumptive probation for certain DWS offenses in order to focus prison resources on serious violent offenders
- This change would be prospective and would not apply to offenders already sentenced to DWS



# Ensure Prison Beds Are Focused on Serious Violent Offenders: M11 Modification

- Option 1: Allow a sentencing range for select offenses in M11 (Robbery 2<sup>nd</sup>, Assault 2<sup>nd</sup>, and Sex Abuse 1<sup>st</sup>), while maintaining a high ceiling so that judges can continue to appropriately sentence serious violent offenders
- Option 2: Reduce the mandatory minimum sentence for select offenses in M11 (Robbery 2<sup>nd</sup>, Assault 2<sup>nd</sup> and Sex Abuse 1<sup>st</sup>) to 36 months
- Both options would be prospective and would not apply to offenders already sentenced to M11 offenses

# Ensure Prison Beds Are Focused on Serious Violent Offenders: M57 Modification

- Option 1: Modify M57 by allowing a sentencing range for repeat drug and property offenses such that judges can make distinctions based on criminal history and offense seriousness but maintain M57 mandatory sentences for drug dealers who target minors, and maintain M57's higher sentencing ranges for drug traffickers
- Option 2: Allow judges to depart from mandatory sentences and impose sentences within the guidelines after considering aggravating and mitigating factors and presentence investigations
- Both options would be prospective and would not apply to offenders already sentenced to M57 offenses

# Incentivize good behavior and reduce the likelihood of recidivism: Transitional Leave

- Improve DOC's transitional leave application process so that more offenders are better prepared for successful re-entry into the community
- Extend transitional leave to 90 days to better facilitate successful re-entry into the community
- The expansion to 90 days would be prospective and not available to current inmates

# Incentivize good behavior and reduce the likelihood of recidivism: Alternative to Incarceration (AIP)

- In order to incentivize good behavior and participation in recidivism reduction programs, expand access to AIP by changing AIP to an “opt out” instead of an “opt in” so that the sentencing judge must affirmatively make a person ineligible for AIP
- The expansion of AIP would be prospective and not available to current inmates

# Incentivize good behavior and reduce the likelihood of recidivism: Earned Time

- In order to incentivize good behavior in prison, reduce recidivism after release, and focus prison space on serious violent offenders, expand earned time for future sentences so that all eligible offenses can earn an additional 10% for participating in and completing programs and exhibiting positive conduct
- The increase in earned time would be prospective and not available to current inmates; it would not require resentencing any offenders
- Offenders with non-qualifying concurrent sentences would not be eligible for earned time.

# Incentivize good behavior and reduce the likelihood of recidivism: Earned Review for Youth Offenders (“Second Look”)

- In order to incentivize good behavior and reduce recidivism after release, allow all youth sentenced as adults to be reviewed by a judge upon petition by OYA to determine if the youth has been “rehabilitated and reformed”
- Earned review would occur at 50% and 75% of sentences
- Changes to earned review would be prospective and not available to youth currently in OYA

# **Incentivize good behavior and reduce the likelihood of recidivism: Community Corrections Earned Discharge**

- In order to incentivize good behavior, reduce recidivism, and allow community supervision officers more time and resources to focus on the offenders who need the most attention, implement earned time credits for offenders on probation and post-prison supervision
- Allow community supervision officers to calculate day for day earned time and terminate supervision based on credit earned
- Ensure community corrections departments maintain necessary funding levels by determining funding based on intakes rather than volume

# Enhance evidence-based, cost-effective community supervision practices: Structured Sanctions

- In order to ensure that community supervision officers can respond swiftly, certainly, and proportionally to probation violations, prohibit the judgment order from restricting the use of structured sanctions



# Enhance evidence-based, cost-effective community supervision practices: Conditions of Probation

- Require conditions of probation be determined with the guidance of a risk and needs assessment by the supervising officer at the community corrections level

# Enhance evidence-based, cost-effective community supervision practices: Specialty Court Standards

- Create statewide standards for specialty courts based on best practices to ensure that state funds invested in these courts achieve the best outcomes

# Establish performance objectives and measure outcomes: Performance Measures

## Oversight

- Establish an oversight entity to track the implementation and outcomes of the public safety reforms
- Ensure the oversight entity includes representatives from across the public safety sector
- Require the oversight entity to meet quarterly and submit annual reports on the progress of the public safety reforms

# Establish performance objectives and measure outcomes: Performance Measures

## Definition of recidivism

- In order to capture more information about public safety outcomes, establish the definition of recidivism in statute and expand the definition to include rearrest, reconviction, and reincarceration
- Require that recidivism outcomes be reported annually to an oversight entity

# Corrections Group: Performance Measures

## Correctional Forecasts

- Continue to improve forecasting practices and the information accompanying forecast releases
- Require that OEA include a breakdown of growth in its six-month forecast reports such that any growth or decline is attributed, where possible, to specific policies or to specific components of the “baseline” (population demographics, crime trends, etc)
- Require that OEA publish its margin of error in its six-month reports

# Establish performance objectives and measure outcomes: Performance Measures

## Program Evaluation

- Strengthen SB267's commitment to investing in what works by requiring the use of the CJC Cost Benefit Analysis tool
- Support the best possible evaluations of correctional programs including randomized controlled trials, when possible and appropriate

# Establish performance objectives and measure outcomes: Performance Measures

## Fiscal Notes

- Require 10-year fiscal impact estimates in fiscal notes to provide policy makers a more accurate account of the budget implications of sentencing and corrections reforms

# Promote sustainable use of corrections resources: Performance Incentive Funding

- In order to provide greater funding to community corrections and local law enforcement, provide fiscal incentives for counties that reduce their impact on the state prison population
- Participation in the performance incentive funding program would be an option for counties and would not affect the baseline funding formula
- Require awarded funds to be invested in local programs and practices that improve public safety
- Given that some counties have jail bed space and others are at capacity, allow participating counties the option of holding offenders sentenced from 12-18 months in local control



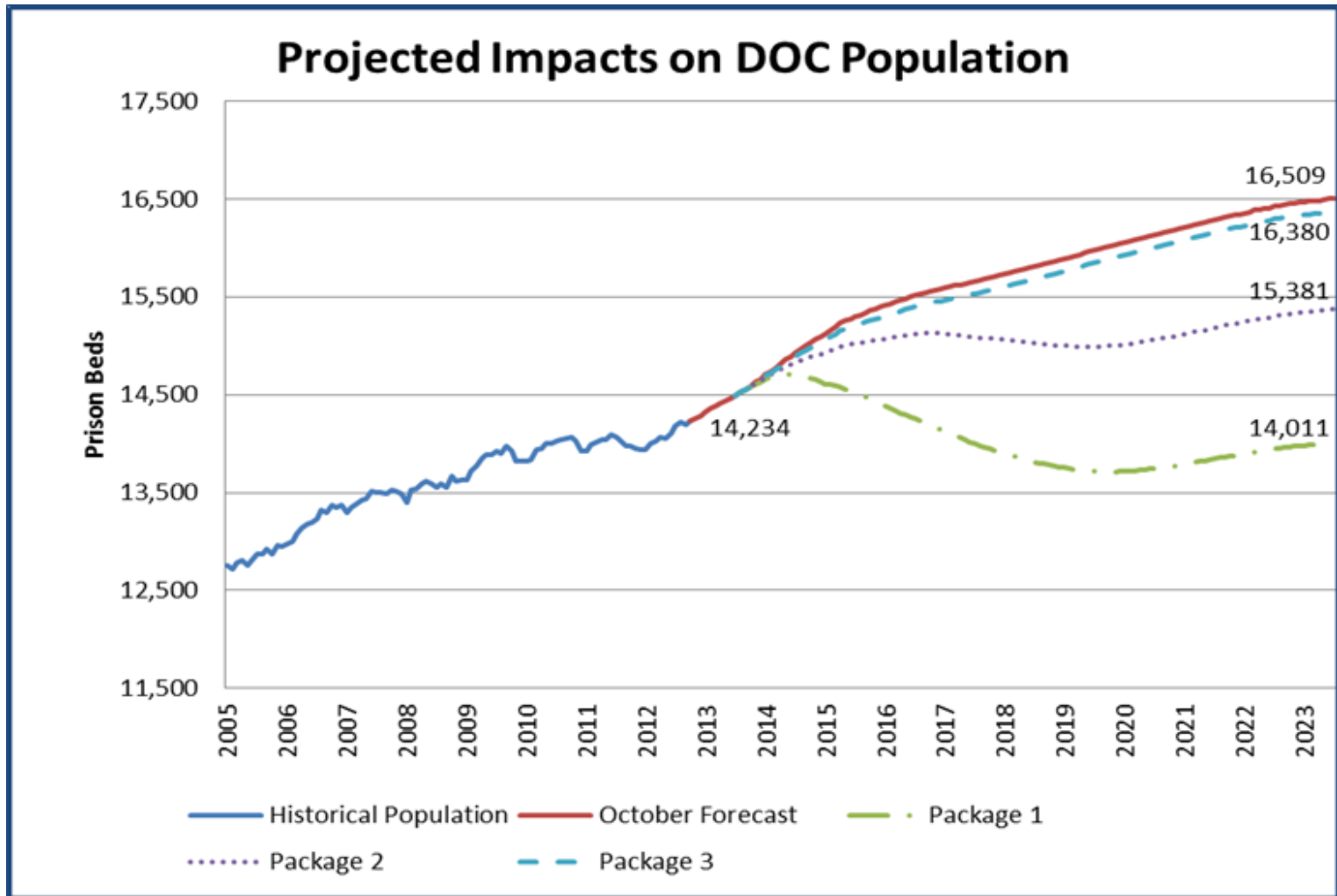
# Promote sustainable use of corrections resources: Cost Per Day

- Recommend that the legislature set a target for reducing the DOC cost per day by a specified percentage in the next 10 years
- Ensure this reduction in cost per day does not diminish public safety outcomes and holds harmless prison security and recidivism reduction programs

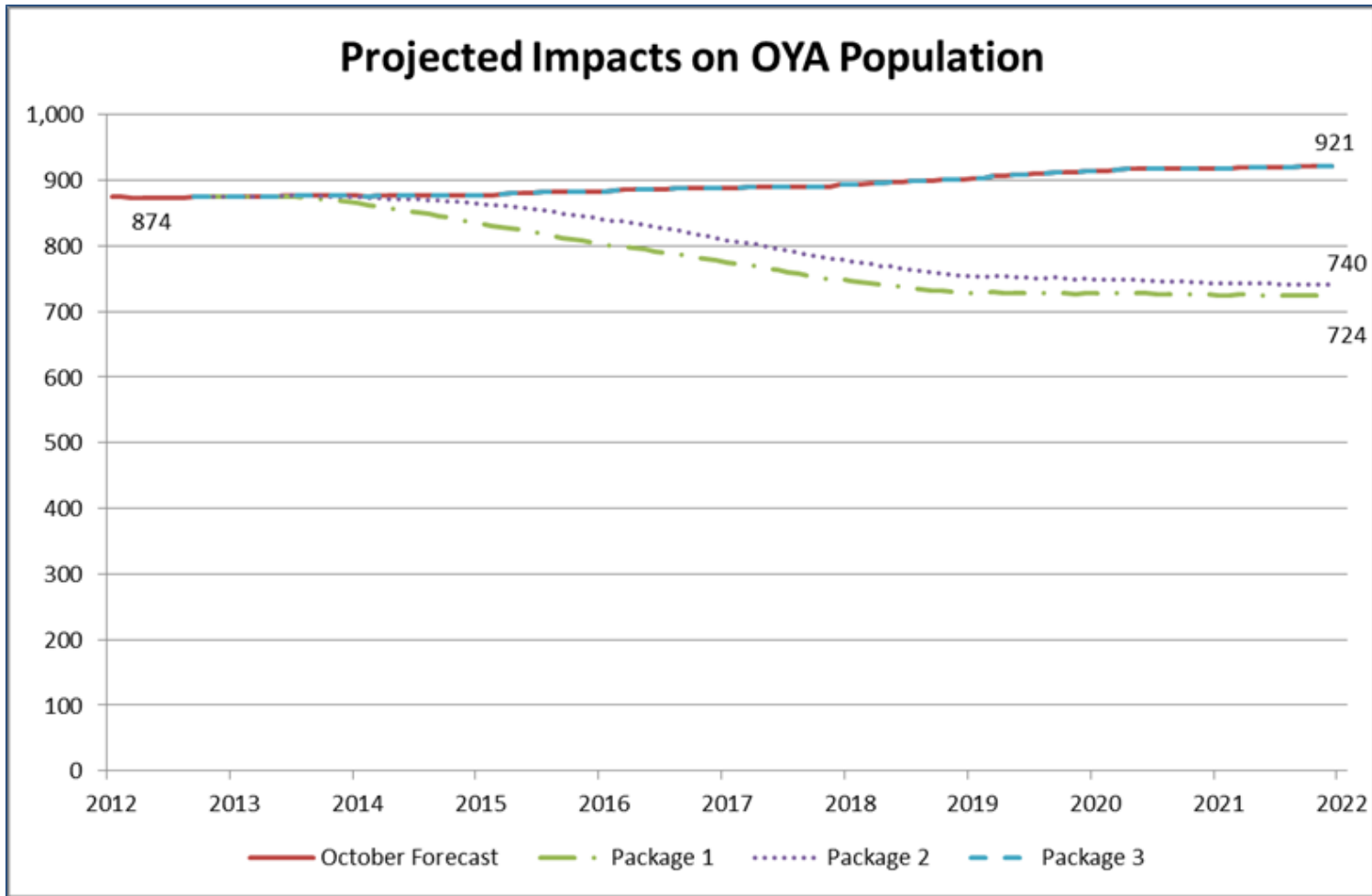
# Prison Bed Impacts

Policy Options	Package 1	Package 2	Package 3
Marijuana	x	x	x
DWS	x	x	x
M11 Modification Option 1	x		
M57 Modification Option 1	x		
M11 Modification Option 2		x	
M57 Modification Option 2		x	
Earned Time	x		
Transitional Leave	x	x	
AIP	x	x	
Juvenile Earned Review	x	x	
Prison Bed Impacts (negative numbers indicate averted beds)			
10-year DOC projected growth of 2,275 beds			
10-year OYA projected growth of 47 beds			
2-year DOC Bed Impact	-786	-278	-90
10-year DOC Bed Impact	-2,498	-1,128	-129
2-year OYA Bed Impact	-31	-8	0
10-year OYA Bed Impact	-197	-180	0

# DOC Bed Impacts



# OYA Bed Impacts



# Reinvestment Priorities

- The Commission named four areas as reinvestment priorities:
  - 1) Invest in community corrections including probation and post-prison supervision, as well as local alternatives that reduce recidivism and support offender re-entry.
  - 2) Invest in victim services to ensure that crime victims have access to emergency shelter and support in their communities and can achieve their constitutional rights in the justice system.
  - 3) Invest in the Oregon State Police crime lab and in law enforcement leadership training.
  - 4) Invest in specialty courts, including drug, veterans', mental health, and DUII courts.