



ASSOCIATION OF COMMUNITY CORRECTIONS DIRECTORS

HB 4089

House Committee on Judiciary
February 11, 2014

Testimony of Captain Chris Hoy, Clackamas County Community Corrections Director, Oregon Association of Community Corrections Directors, President

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*Committed To, And
Value, Offender
Reformation,
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Crime Prevention,
And Community
Restoration*

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Chair Barker and members of the Judiciary Committee, I am Captain Chris Hoy, Community Corrections Director in Clackamas County and President of the Oregon Association of Community Corrections Directors. OACCD strongly supports HB 4089 which returns probation revocation sentences to 60 days for technical violations of probation. Please note that violations involving convictions for new crimes are not impacted by this bill and will continue to be eligible for 180-day sentences. Sixty day sentences for technical probation revocations is good public policy.

So far this biennium, judges have imposed more than 395 sentences in excess of 60 days for a total of 38,495 bed days more than would have been possible with a 60 day cap. This drives people who need to be incarcerated out the doors of our jails and does not increase long term public safety. And, in fact, numerous studies show it harms it by driving up recidivism rates. In addition, incarcerating people is expensive and is one of the most costly options we have in supervising our clients. It is an option that needs to be used wisely and in short doses.

Sixty days was the maximum length for such sentences from 2009 until July 2013. It was anticipated that SB 70 would make it permanent policy. As you know, SB 70 did not become law. When the budget for this biennium was created, a different rate was utilized to calculate the reimbursement for jail days. Historically, the local control rate of \$88.64 per day was used to determine the reimbursement amount for this aspect of supervision. This level of reimbursement has historically been tied to the daily prison bed rate as these offenders are now serving time locally instead of what had been prison time. Last Session, however, the capitated rate was used, which is \$9.32 per day. Because of this change, we are not being reimbursed at an adequate level for incarcerating these individuals. This is significantly impacting the ability of Sheriffs to operate jails all over the state. While it is not part of this bill, we strongly believe that the reimbursement rate must be returned to the historic practice of the local control rate.

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My association firmly believes that if the policy and the budget are not aligned so that we can provide an appropriate level of incarceration, we could be at risk for some counties having no choice but to opt-out. We do not want to see that happen. Community Corrections is a service best delivered at the local level. Risking opt-out is bad public policy.

We strongly encourage you to re-align the policy with the budget and pass this bill in its current form. If you decide that a different sentence length for technical violations is better policy, please note there will be fiscal impacts of such a decision. There is a 90-day amendment drafted should the committee prefer such a sentence length.

The Governor's staff has signaled their support to moving this bill to Ways and Means so that we can continue the discussion with our public safety partners as the financial implications of this policy are resolved. Thank you for the opportunity to speak today. The Oregon Association of Community Corrections Directors and I ask you to support this bill.

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