

February 11, 2014

The Honorable Jeff Barker, Chair  
House Committee on Judiciary

**Re: House Bill 4089**

Chair Barker and members of House Committee on Judiciary, I am Scott Taylor, Past President of the Oregon Association of the Community Corrections Directors (OACCD) and Director of the Multnomah County Department of Community Justice. I would like to submit testimony in support of HB 4089.

**OACCD and Multnomah County Supports Continuing the Reduced Sentence Length for Technical Probation Revocations**

This law sets the maximum number of jail days at 60 days for a technical felony probation revocation. Multnomah County has operated with a 60 day reduction for several years now. We support this reduction in sanction length because there is no positive correlation between the length of a jail sanction and future criminal behavior. In fact, longer jail stays have been associated with higher rates of recidivism. It is the application of a swift and certain consequence to non-compliant behavior that is most likely to have an effect on future behavior.

These revocations are for technical violations, which means there is not a new criminal conviction but instead failure to follow the conditions of supervision. The most common violations are for failure to report as directed, moving without notifying your PO, positive Urinalysis tests. These violations while concerning and part of a behavior pattern that may lead to further sanctions, do not improve with longer sentences. A quick glance would indicate that recently 50% of Multnomah Revocations were for a technical violation. It is a swift certain response that affects the compliance and behavior change we seek. After serving the 60 days, in most cases they are placed on supervision again, and therefore we seek the most effective ways to impact their behavior.

An evaluation done in 2009 demonstrated that DCJ achieved positive outcomes as a result of implementing effective sanctioning practices and those results continue. DCJ has:

- Freed up 150 jail beds per day
- Removed barriers to alternative sanctions, and expanded their use
- Public safety has not been negatively impacted
- From 2009-2103, avoided the cost of 54,750 jail bed days per year

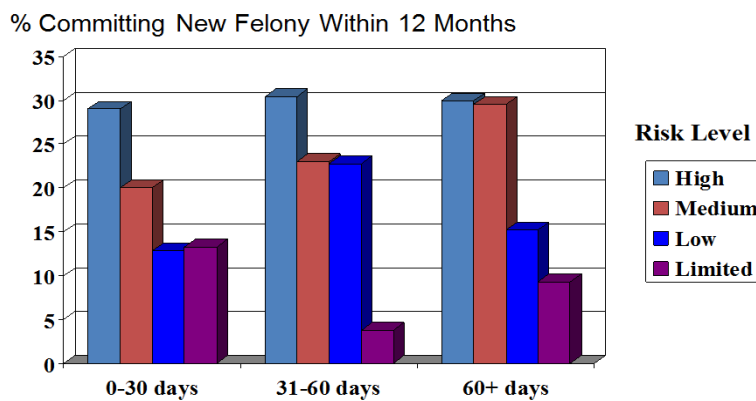
With our focus on fidelity to evidence based practices on the use of community sanctions, we continue our success shown in 2009. In implementing this 60 sanctioning policy, we have paid close attention to evidence –based practice and directed resources to ensure our staff could implement these practices with a high level of fidelity. Our experience as well as the experience and results seen across the country have led us to believe we should respond to violations, but the choice of length of jail time

and/or the use of alternatives to incarceration is important in terms of reducing recidivism. With a current recidivism rate around 22% (with the highest percentage of high risk offenders in the State), we support continuing to limit revocation to a maximum of 60 days due to a technical violation of probation.

Lastly, for your reference I have included a chart that shows a longer jail stay can have a negative effect on recidivism rates. These results are from a study conducted by the Oregon by the Department of Corrections. Specifically:

- High risk offenders have similar rates of reconviction no matter how long they spend in jail
- For medium risk offenders, the longer the jail stay the higher the recidivism
- For all crime types, longer jail stays are associated with higher recidivism after release.

## Length of Stay In Jail and Recidivism



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