



Alex R. Gardner
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March 31, 2015

The Honorable Senator Richard Devlin, Co-Chair
The Honorable Representative Peter Buckley, Co-Chair
The Honorable Senator Chip Shields, Co-Chair of Public Safety Sub-Committee
The Honorable Representative Jennifer Williamson, Co-Chair of Public Safety Sub-Committee
Joint Committee on Ways and Means
State Capitol
900 Court Street NE
Room H-178
Salem, OR 97310-4048

Re: Information about the Implementation of HB 3194 in Lane County

To all Concerned Individuals:

This letter is sent in response to a request for information regarding the role of District Attorneys in the implementation of HB 3194 in our respective counties.

The first small installment of HB 3194 support came at a time when Lane County desperately needed support for offender supervision, treatment and reentry services. The level of financial support wasn't sufficient to make large system changes, but it did allow us to maintain some of the critical programs that are essential to moving forward with HB 3194 objectives.

Lane County promptly and fully implemented the HB 3194 sentencing changes. As we predicted, the changes that ODAA recommended and were originally incorporated into HB 3194 were sufficient to produce the desired reduction in rate of prison bed use. For Lane County, the benefits of those sentencing and policy changes were initially offset by an increase in intake volume and a surge in our prosecution of high-risk, high-volume property offenders that had gone unprosecuted due to our inability to hold the offenders in custody. As you'll recall, Lane County's protracted financial crisis forced the closure of most of the Lane County jail. Our lack of jail capacity, as low as one-fifth of the Oregon average per-crime volume, left us unable to hold many of our most dangerous criminals, many of whom had repeatedly failed to appear for trial. A small jail levy allowed us to recover enough capacity to hold many of our worst property offenders, many of whom had *very* long criminal histories and many new crimes, a combination which caused a surge in long prison sentences. The cumulative impact of these cases

caused Lane County's prison use to spike in the short term, just as we predicted it would. Fortunately, most of the highest-volume offenders were processed in the first six or eight months, so our numbers have returned to a more normal trajectory.

Lane County's public safety partners have been working with the courts, human services and non-profits to build better systems. Earlier this month we started a grant-supported diversion program for certain felony offenders who agree to participate in community mediation services. We're also poised to start a "416" program modeled after the Marion County structure, with certain offenders receiving downward dispositional departures from lengthy prison sentences in favor of intensive local supervision and greater levels of offender support. We've also improved our programs in drug court and veterans' court. All of the foregoing are young, fragile and dependent on infrastructure funded by grants, including the money promised under our original HB 3194 agreement. If the money goes away, the programs go away.

As you know, many variables affect the number of prison beds Oregon needs. Small drops in crime rate or sentencing averages can be more than overcome by changes other variables, including population size. Oregon has seen a 47% increase in population since 1979 and it looks like we'll continue to grow; it will take a very large change in sentencing policy or crime rate to suppress the overall crime volume driven by population increases. Our partners need to remember that it's the overall *volume* of crimes and offenders that drives the need for public safety resources, not rates.

Let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex Gardner", with a long, sweeping flourish extending to the right.

Alex Gardner
Lane County District Attorney