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March 24, 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  
Salem OR 97310-4048

RE: Regarding HB 314 and Justice Reinvestment Fund

To All Concerned Individuals,

This request 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.

Every Oregon District Attorney was asked to describe the "role the District Attorneys have been playing within the public safety systems to ensure that the anticipated avoided costs from the sentencing reforms enacted in 2013's HB 3194 are being achieved..."

While not every DA agreed with HB 3194, it was the group decision of ODAA to support the ultimate version and I think we have all tried to make it work. That said it was always my understanding that HB 3194 was not a "negative bounty system" that rewarded those counties who sent fewer people to prison with more Justice Reinvestment (JRF) dollars. Instead it is my understanding that using the money that is NOT being used to send people to prison is being returned to counties to use as their local Public Safety Coordinating Council sees as the best way to reduce crime and meet the other standards for JRF funding.

Like the vast majority of District Attorneys my office has not applied for, received, nor plans on asking for any JRF dollars for our office. The monies that have been allocated thus far, and depending on whether the share in the Governor's Budget or the Co-Chair's Budget for JRF (of which I understand the latter is less than half the former) have been used primarily to fund programs in the Community Corrections (Probation) Division of the Sheriff's Office.

Clatsop County Circuit Courts, of which there are three, each run a "specialty" court which the District Attorney Office staffs, although we receive no funding for any of the three courts.

Judge Paula Brownhill runs a "Family Court" centering on Juvenile Dependency cases, Judge Cindee Matyas operates a Mental Health Court which puts people on probation with mental health issues into a specialty court with weekly attendance and Presiding Judge Phil Nelson operates the Adult Drug Court, which diverts a number of people from jail and

prison through intensive supervision and treatment. The Community Corrections Department participates at a robust level in all three courts.

I have agreed with the Sheriff, who operates Community Corrections, that the JRF monies are best spent augmenting the probation function and specialty courts supervision.

The recent NW/Coastal RIC report (attached) shows dramatic reduction in prison bed use in Clatsop County from 2013 to 2014 ( a 37% decrease in LOS – length of stay in prison) I would caution that measuring one year against one other does not give a full picture. My office has not changed its charging or pleading policies and is able to take each case on an individual basis.

Most of the time (over 75%) that means no DOC/prison time, but sometimes it does. Clatsop County, like most Oregon counties and the state overall is showing a reduction of about 10% in “Prison Intakes First” and a similar sized uptick in “Prison Intakes Probation Revocations.” The latter is what we refer to as a downward departure, usually meaning the defendant is facing 18-24 months of presumptive prison according to state sentencing guidelines but the defense attorney/defendant asks us to consider NOT asking for prison in exchange for more rigorous supervision and a longer prison term IF the judge ultimately decides supervision is failing and revokes the probation. Of course the ultimate sentencing decision is up to the judge, not the DA or defense.

In 1995, shortly after Measure 11 was passed the DOC forecast was for over 18,000 inmates. It is now 10 years past that date and the DOC actual usage is essentially flat for the last several months at about 14,500. Just as I never would judge my deputies by their “conviction rate” I would hope that we would never simply tally up the number of people sent, or NOT sent to prison as a major metric of whether we are helping run a just system.

Sincerely,



Joshua Marquis  
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Clatsop County

cc: Doug Harclerod  
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JKM/dbs