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April 7, 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 Yamhill County

To All Concerned Individual:

We have been asked for information on the 'role of the District Attorneys in the public safety system to ensure that the anticipated costs from the sentencing reforms of HB 3194 (2013) are being achieved...'

The Yamhill County District Attorney's Office has followed the changes made in HB 3194 in its express terms and the spirit of the changes. We have consistently followed the sentencing changes in how cases are resolved, sentencing recommendation to the court and in how victims of related crimes are advised of the overall results of cases to ensure 'truth in sentencing'.

In addition to implementing all of the HB 3194 sentencing reforms, Yamhill County received \$344,000 in the '13-15 Justice Reinvestment Grant Program. A collaborative community made up of the Presiding Judge, the District Attorney, the Community Corrections Director, and others came together to review the most appropriate use of these funds as we moved forward in having more individuals sentenced to community supervision rather than to prison. Ultimately the funds were decided best used in pre-trial services and for the development of an Early Defendant Analysis program as outlined below.

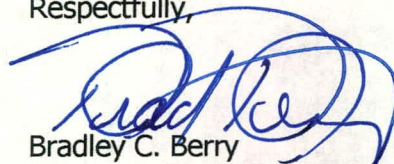
This county had, since 2010, been involved in Evidence Based Decision Making Initiative. We were one of only seven counties nationwide selected for that program. HB 3194, in spirit, asked us to look more closely at the individuals who, by presumptive sentences, were headed to prison. If more of those individuals were to be kept in our community, we needed to be sure that we could effectively supervise them.

A comprehensive evaluation mechanism was put into place that, before a plea offer was developed, required presumptive prison defendants (in property and drug offenses) to engage in a process that evaluated them (with effective assessment tools) to determine their criminogenic needs and risks. The end assessment looked to determine who could be appropriately supervised in the community should the court ultimately decide to override the presumptive prison sentence in favor of a downward departure to probation. This detailed information was then made available to the prosecution, the defense and the sentencing court. This additional information was utilized, in the professional judgment of each discipline, in making recommendations to the court on a final resolution.

Attached are samples of the end "EDA" (Early Defendant Analysis) report, identifying needs and risks, and other factors. Additionally, I've attached copies of slides presented, just yesterday, to the Justice Reinvestment Summit, on calculated prison bed savings by downward departures or sentences to prison for less time than the presumptive prison sentence.

Oregon District Attorneys have worked diligently to see that the intent of HB 3194 is followed. The reinvestment dollars to the communities to ensure public safety while more prison bound individuals are put on probation, are essential. The Reinvestment Programs are an integral part of the overall plan of HB 3194.

Respectfully,



Bradley C. Berry
Yamhill County District Attorney

BCB: dg
Encs

YAMHILL COUNTY COMMUNITY CORRECTIONS
EARLY DEFENDANT ANALYSIS
Summary Page

DATE:	
DEFENDANT NAME:	
TRUE NAME:	
AKA:	
SID#:	
DOB:	



INSTANT OFFENSE					
Case #	County	Judge	District Attorney	Defense Attorney	A/R
INSTANT OFFENSE DETAIL					
Case #	ORS	CLS	CSS	CHS	Type

Overall Risk Level: Low Moderate High

Treatment Dosage: N/A 200 hours 300 hours

RISK REDUCTION TARGETS	
Primary Risk/Need Factors	Program/Condition Recommendation
Secondary Risk/Need Factors	Program/Condition Recommendation

RISK MANAGEMENT CONCERNS		
Management Concern	Program/Condition Recommendation	Rationale

EARLY DEFENDANT ANALYSIS
Detail Page

Recommendations:

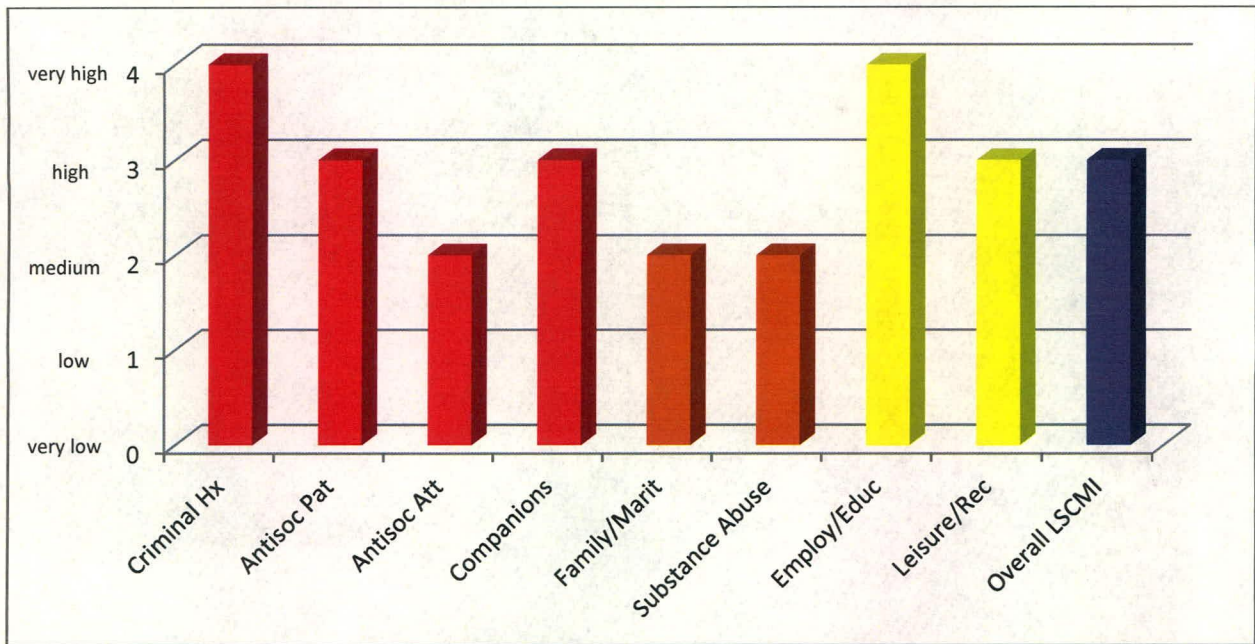
Prior conformance on community supervision:

Comments:

Risk Assessment Results		
Instrument	Score	Level
LSCMI		
PSC/PROXY		
TCU (A&D)		
Mental Health Screen	N/A	

Motivation Level Assessments	
URICA Score	
Stage of Change	

LSCMI Domain Scores



EARLY DEFENDANT ANALYSIS
Detail Page Continued

Responsivity Factors			
<i>Check all that apply that are relevant to service needs</i>			
Functional ability: attention span		Mental health (MH screening)	
Functional ability: cognitive deficits		Cultural background	
Functional ability: emotional age		Minimization	
Language		Physical health	
Learning style		Transportation	
Level of motivation (URICA score)		Other (<i>specify</i>):	

STRENGTHS (Top 3)
1.
2.
3.

Prepared by:

Community Corrections Manager

Date

Key Findings in First 16 Months

- **101 referrals (58 sentenced to date):**
 - **Recommended prison for 20 people (34%)**
 - **Recommended community supervision for 38 people (66%)**
 - **Court followed the EDA recommendation in 78% of the cases**
 - **Judges, prosecutors and defense need training and coaching to fully make use of the EDA report**
- **25 defendants received a downward dispositional departure to probation**
 - **3 probation failures; all technical violations**
- **18 defendants received a downward durational departure (prison sentences)**

Key Findings Continued

- Defendants report higher levels of satisfaction with the process – increased sense of “procedural justice”
- In the first 16 months, the sentencing process saved a total of 673 prison months
- This compares to 65 months saved with transitional leave.
- The Justice Reinvestment goal for Yamhill was a 6% reduction in prison use, the actual reduction was 11%.
- Yamhill County’s average length of stay in prison has dropped.