



Oregon Voices
990 Judson SE
Salem, OR 97302

April 10, 2017

RE: SB 1050

TO: Senate Judiciary Committee
Sen. Floyd Prozanski, Chair
Sen. Kim Thatcher, Vice Chair
Sen. Michael Dembrow

Sen. Dennis Linthicum
Sen. James Manning Jr.

Chairman Prozanski and members of the committee:

I am writing on behalf of Oregon Voices in opposition to SB 1050. I have heard Senator Courtney speak to this issue repeatedly, and his sincerity and passion in this area is undeniable. I think that all of us can feel the emotional pull of his bill, because we share not only a revulsion for the crimes it addresses, but also a particular revulsion when we these crimes repeated.

But we have several significant concerns that make us doubt that this is the most prudent and effective way to prevent more of these horrific crimes. First, with the passage of HB 2549 in 2013, Oregon set a new course in managing its approach to sex offenses and to those who have committed such offenses. The fundamental shift it made was to stop managing on the basis of the crime that has been committed, and focus instead on the assessed risk of re-offense. The process of shifting over to the new system is underway, headed by the Parole Board which is supervising the process of scoring and classifying persons on the registry into three different risk levels—low, medium, and high. Bills like this one, and like HB 2218 in this session which would post online all those who have trafficked children or coerced prostitution, seek to return to a crime-based model.

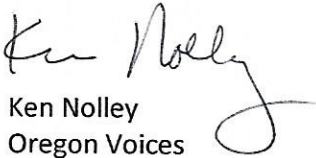
In both cases, the crimes in question are deplorable ones—ones that we all want to stop. But the list of deplorable acts that we can imagine need addressing is a very large one, and each time that another bill like this comes along, we undermine another element of a system we have committed to—a system that will not even be fully implemented until 2019. We went to a risk-based system because the evidence suggested that it was the most effective way of protecting society. If either or both of these bills pass this session, you may be sure that new ones will be in front of you in upcoming sessions. The time to reconfirm our commitment to a risk-based system is now, before we undermine it any further.

One might well argue correctly that persons with these first degree crimes are mandated to be on the registry forever, and their second offense justifies their being put away forever. That approach, however, ignores our current commitment to limit prison growth by using sentencing wisely. We already have the tools to put a second time offender away for a long time. And there is no reason to believe that even these people will be dangerous forever. We now have an exceedingly difficult and expensive geriatric problem in our prisons, where we warehouse people who are so physically infirm that they cannot take care of themselves, let alone offend violently against another. Locking such people up in perpetuity may satisfy our sense of moral outrage, but it does not make good policy.

We should be able to reserve the right to release people when we are completely satisfied that they are no longer a threat in order to concentrate our limited resources on people who still require incarceration. That is what risk-based management is all about. The same principle applies to the sex offender registry, and that is why HB 2549 set up a process by which demonstrated low risk offenders can in time apply to be released from the obligation to register. It is quite clear that Oregon cannot watch nearly 30,000 people in an effective way. If we can clear out the large number of low risk individuals, we have greatly enhanced resources to watch the ones that the evidence tells us are still dangerous.

There is no doubt that we should be able to send a repeat offender back to prison for a longer period of time. But prudent and effective management should dictate that we preserve the ability down the road to make the best-informed decisions we can about using our public safety resources effectively. Sadly, we believe that SB 1050 will prevent us from making exactly those kinds of decisions in the future. We hope that you will agree that in spite of its good intentions, SB 1050 should not go forward.

Sincerely,


Ken Nolley
Oregon Voices