



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

February 20, 2018

The Honorable Jennifer Williamson, Chair
House Committee on Rules

RE: House Bill 4161 and Challenges to HB 3078

Chair Williamson and members of the committee, I am Steve Robbins, Chief Financial Officer for the Oregon Department of Corrections (DOC). I am here today to testify on the status of the female and male inmate populations and to answer any questions you may have regarding the potential fiscal impact of House Bill 4161 and other possible impacts related to court challenges to HB 3078.

Background:

Senate Bill 5504, the primary 2015-17 DOC appropriation bill, contained a Budget Note requesting interim reports to the Interim Joint Committee on Ways and Means and Emergency Boards on the status of the female population throughout the 2015-17 biennium. DOC Director Peters provided those updates, which consistently shared the following elements:

- DOC is operating 880 temporary and emergency beds, a concern for our staff, our facilities, and those in our custody. 122 of these emergency beds are for the females at Coffee Creek Correctional Facility (CCCF) and 758 are for the men across multiple institutions.
- Specific to the female population, DOC has always recommended the activation of the Oregon State Penitentiary Minimum (OSPM) facility when the female population reaches a sustained 1,280 inmates.
- However, if the actual female population reaches 1,280, and the forecast calls for a reduction in the population in the near future, we will recommend refraining from early activation of OSPM in the hopes that the forecast comes to fruition.

April 2017 OEM Forecast:

As the analysis provided by the Criminal Justice Commission (CJC) indicates, the April 2017 Office of Economic Analysis (OEM) forecast showed the female population growing and maintaining above the 1,280 threshold throughout the next 10 years.

For the male population, the April 2017 OEM forecast indicated a steady increase in male beds throughout the 10 year window. Specifically regarding the females, the forecast did not indicate

that DOC could stay below the 1,280 threshold, nor did it provide any relief to the 122 temporary and emergency beds currently being used at CCCF, so DOC requested funding to activate OSPM as a part of our 2017-19 Agency Request Budget, which also carried into the 2017-19 Governor's Balanced Budget.

October 2017 OEM Forecast:

The October 2017 OEM forecast more thoroughly incorporated the impacts of HB 3078, and both the male and female forecasts showed the first decline in population we have experienced in recent memory. These decreases indicated that the female population would not only fall below the OSPM trigger point, but that CCCF would potentially be able to eliminate the 122 emergency beds they currently operate. On the male side, the forecast showed a decrease in male population, followed by slow growth that showed not reaching current population levels until 2025.

HB 4161 and Challenges to HB 3078:

While the Legislative Fiscal Office has not formally requested a fiscal impact statement (FIS) for HB 4161 (or any subsequent legislation that would reflect changes to HB 3078), the graphs that CJC provided in their testimony reflect the impact to our population and give insight into any potential fiscal impact statements DOC would provide, if requested.

For the male population, the October 2017 OEM forecast reduction would be slowed by HB 4161 and changes to HB 3078, requiring DOC to keep a significant number of emergency beds online throughout the next 6 years and requiring the agency to add 50 beds in May 2023 and 50 beds in June 2024 instead of waiting to put that 100 beds of male capacity on in 2025.

The female population would remain above the 1,280 threshold through 2020 and then fall slightly below the threshold and maintain bed needs at (or just below) that threshold through 2027. It is important to remember that even if the population falls slightly below the 1,280 threshold, it still requires DOC to maintain the 122 emergency beds indefinitely, continuing to tax our staff, our facilities, and those living in our custody. DOC's message and methodology remains in line with previous testimony, and we would maintain a need to open OSPM as a component of the fiscal on HB 4161. As we have testified in the past, if the forecast indicated only a temporary concern about the female population with relief in the near future, we would recommend refraining from opening OSPM, but the forecast and analysis does not reflect that relief.

It is important to note that changes also exist to our Community Corrections population as a result of HB 4161 and challenges to HB 3078, and the fiscal impact related to those changes will also be incorporated into any future fiscal impact statement, WHEN REQUESTED.

Conclusion:

The October 2017 OEM forecast indicated a sharp reduction in both male and female beds for the foreseeable future. HB 4161 and any other legislative impact to population that results in growth will also result in increased costs. Specifically related to the female population, HB 4161 or any court challenge to HB 3078 that increases female bed needs would include a request to fund the reactivation of OSPM to provide relief from existing emergency beds and to maintain safe and secure operations at CCCF in the long-term.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

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