



**Marion County**  
OREGON

Board of Commissioners

February 24, 2021

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Representative Janelle Bynum, Chair  
Representative Ron Noble, Vice Chair  
Representative Karin Power, Vice Chair  
Members of the House Committee on Judiciary

**BOARD OF  
COMMISSIONERS**

**RE: Testimony in Opposition to HB 2002**

Kevin Cameron, Chair  
Danielle Bethell  
Colm Willis

Dear Chair Bynum, Vice Chair Noble, Vice Chair Power, and Members of the House Committee on Judiciary:

**CHIEF  
ADMINISTRATIVE  
OFFICER**

On behalf of the Marion County Board of Commissioners, Marion County Sheriff, and Marion County District Attorney, we thank you for taking the time to review our concerns regarding House Bill (HB) 2002.

Jan Fritz

As a community that focuses on Public Safety and accountability, we also believe in second chances and redemption. Over the last decade, Marion County has hosted a “Second Chance” breakfast every year (with the exception of 2020 due to COVID), designed to highlight the successes for those returning to our community from incarceration and justice involvement. We have been blessed to have an incredible collaborative continuum of public safety system partners, education leaders, and private non-profits come together and work towards a shared goal: hold those who commit crimes accountable, provide supports to decrease the likelihood of future criminalization, and provide services and safety to victims of crime. Our combined effort over the years demonstrates our commitment towards these goals, as shown by the Oregon Criminal Justice Commission’s Data [Dashboards](#).

Our Prison Diversion and Reentry programs have been recognized on a statewide and national level, and our afore mentioned “Second Chance” community events have raised in excess of \$70,000 over the past decade, designed to fund additional supports and programming for those returning to our community from incarceration. Most importantly, we have successfully lowered our historic recidivism rate, decreased usage of state prison beds, and enhanced public safety through state funding and services for those who have committed and been a victim of crime in Marion County. Although our system is not perfect, it continues to evolve, constantly monitoring all available data, making changes when necessary, and ensuring a balance between accountability, reformation, and supports for victims. As you can imagine, it also takes a significant degree of funding from the state to ensure the delivery of quality evidence-based supports and services.

While we are encouraged by conversations of equity and disparity taking center stage in furtherance of criminal justice improvements, our opposition to this bill is seeded in the harm it will do to our community and victim safety through sweeping change within every aspect of the criminal justice system. We note that this bill and proposed changes came without any local or statewide conversations. Although we never had an opportunity to provide any input, we would like to take a moment to highlight our shared concerns with several parts of HB 2002:

- We do not support the Section 1 changes to Measure 11 (1994) sentences.
- Section 21 limits a police officer's ability to arrest in certain situations. We feel this verbiage is counterintuitive to public safety, putting victims and our public safety staff at risk.
- Sections 27 and 28 seek to dictate the clothing worn by probation officers and the situations in which officers may carry a firearm. These provisions fail to take into account the varied needs and realities of different communities and systems of care within Oregon. These decisions need to be made at the local level with significant emphasis on both being trauma informed as well as safe for our Sheriff's Office staff and partners who work within the community.
- Section 30 proposes utilizing a "30 for 30" model of reducing a person's term of supervision. The model fails to recognize Oregon's own innovative earned discharge program and removes the need for the individual to report to their Probation Officer to earn the reduction. The current model is better with the behaviorally based incentives available as opposed to automatic decreases in supervision regardless of compliance.
- Section 31 looks to eliminate supervision fees, which at its core can lead to a stronger path of recovery for those being supervised. With a summary abolishment of Oregon Revised Statute (ORS) 423.570, many communities will lose valuable programming around housing, employment, and treatment services. We would recommend allowing each county to determine whether supervision fees should be waived by substituting "may" for "shall" within ORS 423.570 and not through a sweeping statewide mandate.
- Sections 31 and 32 seek to restrict the circumstances by which a person can have their case revoked. By limiting the criteria for a revocation to a willful abscond or conviction of an A Person Misdemeanor or a felony, the bill will eliminate revocation for the actions of those who would do devastating harm to victims in our communities. For example, a person on supervision for Domestic Violence could not be revoked for continual harassment or threats against the survivor. Additionally, another person on supervision for a Sex Offense could not be revoked for continuing to have contact with children. These proposed changes would strip away protections for those who are most vulnerable within our communities and undermine confidence in supervision tasked to community corrections agencies throughout the state.

- The decrease in Justice Reinvestment funding referenced in Section 45, which provides for critical evidence-based programs and services, will undermine confidence and efforts made to decrease recidivism and enhance public safety. Locally, capacity for our Marion County Prison Diversion program will significantly decrease and impact our District Attorney's Office ability to offer downward departures and optional probations as community supports (supervision, treatment, mentoring, housing, and education). Additionally, the supervision changes previously referenced in Sections 31 and 32 will also negatively impact our ability to correct address violations of supervision.

At its core, the provisions contained within HB 2002 fail to acknowledge the central function of the criminal justice system, which is to provide viable sentencing options for those Oregonians who would otherwise be imprisoned. By repealing the "Evidence-Based" individual approach instituted with the passage of Senate Bill 267 (2003), HB 2002 reverts back to a "one size fits all" concept proven by years of research to be ineffective, thereby placing our community at an unacceptable risk. By removing and limiting the available responses, HB 2002 will undermine the faith that prosecutors and the courts may have in community corrections due to the inability to continue implementing programs designed to decrease recidivism and maintain public safety. It will also result in higher risks to victims and more sentences to prison.

Oregon is a national leader in many aspects of criminal justice and community corrections. SB 1145 (1995) establishing Local Control, SB 267 requiring evidence based practices, and HB 3194 (2013) creating the Justice Reinvestment Initiative, are all examples of how Oregon has utilized partnerships between legislators, researchers, advocates and practitioners to transform the way we provide services within the criminal justice system. HB 2002, as currently written, would undermine the positive results achieved since the passage of HB 3194.

We thank you for your consideration of our comments on HB 2002.

Sincerely,



Kevin Cameron, Chair



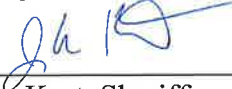
Danielle Bethell, Vice Chair



Colm Willis, Commissioner



Paige Clarkson, District Attorney



Joe Kast, Sheriff