



Task Force on Public Safety

Justice Reinvestment Report to the Legislature

October 2016

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Contents

EXECUTIVE SUMMARY	4
Sentencing Changes	4
Grant Program	4
Recommendations	6
Background	7
I. PRISON USE	7
HB 3194 Sentencing Changes.....	7
Driving While Suspended	9
Robbery in the Third Degree.....	12
Identity Theft	14
Measure 57 Drug Convictions	16
Marijuana	20
Short-Term Transitional Leave.....	23
Prison Population and Forecasts.....	30
Prison Use Tracking in the 15-17 Biennium	33
Justice Reinvestment Grant Program	36
II. RECIDIVISM	38
III. PUBLIC SAFETY	41
Reported Crime.....	41
LPSCC.....	43
RIC meetings	44
IV. ACCOUNTABILITY	45
Earned Discharge	46
V. OTHER PROGRAMS	48
Center for Policing Excellence.....	48
Oregon Knowledge Bank.....	49
Cost Benefit Analytical Tool	50
VI. CONCLUSIONS AND RECOMMENDATIONS.....	51
Justice Reinvestment Grants.....	51
Public Safety Task Force.....	52
Family Sentencing Alternative Program Pilot	52
Department of Corrections Data System.....	54
Center for Policing Excellence.....	54
Further Consideration	54

Juvenile Earned Review.....	54
Short-Term Transitional Leave.....	54
APPENDIX	56
House Bill 3194 – Cost Avoidance & Justice Reinvestment	56

EXECUTIVE SUMMARY

In July 2013, the Oregon Legislature passed House Bill 3194, known as the Justice Reinvestment Act,¹ in response to a nearly 50% increase in Oregon's rate of incarceration between 2000 and 2010. Justice Reinvestment is an approach to spending resources more effectively with the goals of decreasing prison use, reducing recidivism, increasing public safety and holding offenders accountable. This approach can only continue to work as long as it is fully funded. The program depends on certainty of funds for county Justice Reinvestment programs to continue to operate. If Justice Reinvestment is not adequately funded there will be immediate prison bed costs far in excess of the cost of funding the program.

HB 3194 created the Justice Reinvestment Grant Programs and included several sentencing changes. This bill also created the Task Force on Public Safety with the purpose of reviewing the implementation of the bill. The Task Force must submit a report to the Legislative Assembly by October 1, 2016 that describes their findings. The Criminal Justice Commission (CJC) staffs the Task Force and tracks prison bed savings from the sentencing changes in HB 3194, county prison use for related Property, Drug and Driving crimes, recidivism and the male and female prison forecasts. This report includes legislative recommendations and topics for further consideration by the Task Force and summarizes the implementation of several key areas in the bill, including sentencing changes, the Justice Reinvestment Grant Program and the Center for Policing Excellence.

Sentencing Changes

There are two phases that address prison use in HB 3194. First are the sentencing changes. This table details the sentencing changes from HB 3194, the projected prison bed savings and the prison bed savings that have actually been realized.

Projected and Actual Savings by June 2016		
	Projected Savings	Actual Savings
90 Day Short-Term Trans Leave	258	283
M57 Drug	159	84
DWS	58	28
Marijuana	165	127
ID Theft	142	0
Robbery 3	35	0
Total	817	522

Short Term Transitional Leave (STTL) is the only sentencing change that has produced all of the projected savings from the 2013 estimates. The other sentencing changes ranged from a portion of what was projected to no actual savings.

Grant Program

The second phase is the Justice Reinvestment Grant Program. In the 2013-15 biennium, \$15 million dollars was distributed among all 36 counties to begin their Justice Reinvestment programs. These initial start-up funds were dispersed to counties by November 2013. For the 2015-17 biennium, the Grants Program was funded in the amount of \$38.7 million. These funds reached the counties by December 2015. Each county created their own program which must meet the four goals of Justice Reinvestment; reduce prison use, increase public safety, reduce recidivism and hold offenders accountable. County programs are reviewed and approved by the Grant Review Committee and the CJC. In the 2015-17 biennium, most county programs require hiring and training additional probation officers, treatment providers or victim advocates which can take a significant amount of time. Because of this we are only now starting to see county prison use affected by Justice Reinvestment Programs in some counties. A few counties were in a position to

¹ <https://olis.leg.state.or.us/liz/2013R1/Downloads/MeasureDocument/HB3194/Enrolled>

more quickly enhance their local systems to safely supervise more offenders in the community thus reducing county prison use. Below is a table with three examples of the prison use impact of county Justice Reinvestment Programs on Property, Drug and Driving crime. CJC tracks county prison use and focuses on these crime types for the purposes of Justice Reinvestment because these programs are intended to deal with non-violent offenders. The sentencing changes from HB 3194 also dealt with non-violent Property, Drug and Driving offenders.

Drug, Driving, Property Prison Intakes	July 2012- June 2013		July 2013- June 2014		July 2014- June 2015		July 2015- June 2016		% Change from July 2012 to June 2016	
	Intakes	Average LOS	Intakes	Average LOS						
Multnomah	607	18.6	565	19.9	372	20.4	399	20.7	-34.3%	10.9%
Marion	335	26.3	314	27.2	336	29.3	232	26.6	-30.7%	1.1%
Lane	246	37.3	300	34.0	274	32.5	248	29.2	0.8%	-21.6%
Statewide	2645	21.8	2587	22.5	2515	23.0	2400	22.8	-9.3%	4.5%

Note: Intake is an individual offender sent to prison. LOS is the average Length Of Stay (duration of sentence) for a given crime type.

Multnomah and Marion both significantly reduced their number of prison intakes while Lane reduced length of stay. Many other counties have reduced their prison use. These three examples are among the most populous counties in the state so their Justice Reinvestment Programs have had the biggest impact on the state prison population.

BIENNIUM	Fiscal Impact of HB 3194 On DOC Operational and Construction Costs			Justice Reinvestment
	PRE 3194 Cost	POST 3194 Cost	Cost Avoidance	
<u>2013-15 Biennium</u>	\$34,051,014	\$21,211,358	\$12,839,656	\$15,000,000
<u>2015-17 Biennium</u>	\$91,344,164	\$40,412,437	\$50,931,727	\$38,700,000
<u>2017-19 Biennium</u>	\$252,265,393	\$65,654,816	\$186,610,577	TBD
Total Cost Avoidance	\$377,660,571	\$127,278,611	\$250,381,960	

Figure 1: Fiscal Impact of HB 3194 prepared by DOC, April 2016

As we prepare for the 2017-19 biennium, the sentencing changes from Phase 1 have taken effect and we will not see additional prison bed savings from those changes. At this point prison bed savings will come from the county Justice Reinvestment Programs. In 2013, Oregon was projected to need an additional male prison facility up and running by early 2017. This prison would be built in Junction City over a five year period at an initial cost of over \$140 million. Additionally, Oregon was projected to open a second female facility (OSP Minimum) in January 2014. By the end of 2017-19 biennium, Justice Reinvestment is projected to have saved Oregon over \$250 million since HB 3194 was passed in 2013.²

Of that avoided cost, \$140 million is due to Justice Reinvestment slowing the growth of the prison population so that the Junction City Facility is not needed until late 2025. There is an additional savings of over \$52 million in the 2017-19 biennium of avoided Department of Corrections (DOC) operational cost due to housing, feeding and supervising a smaller incarcerated population. CJC has requested that \$52.7 million in their budget for the county Grant Program. It is crucial that counties receive funding to continue their Justice Reinvestment Programs in order to continue managing

² Fiscal impact of HB 3194 cost spreadsheet prepared by the Department of Corrections April 2016. See Appendix A.

the growth of the prison population. If counties do not receive sufficient funds to safely supervise non-violent offenders locally the prison population will very quickly increase to the level predicted in 2013 forcing the DOC to begin construction of a Junction City facility with an immediate cost of over \$140 million and additional operating costs as well.

Recommendations

The Task Force makes the following recommendations:

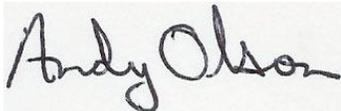
- ✓ Fund the Justice Reinvestment Grant Program at \$52.7 million in the 2017-19 biennium to enable counties to continue their local programs to control the prison population.
- ✓ Continue the Task Force for an additional four years to continue to oversee the implementation of Justice Reinvestment.
- ✓ Expand the Family Sentencing Alternative Program Pilot to increase eligibility and help divert additional non-violent offenders from prison and into intensive probation.
- ✓ Funding and replacement of the current DOC system to a modern data collection system that meets the needs not only for prisons and community corrections, but for the public safety system as a whole.
- ✓ Providing ongoing funding for the Center for Policing Excellence research position.
- ✓ The Task Force will give further consideration to Juvenile Earned Review.
- ✓ The Task Force will continue to track success/failure and recidivism rates for STTL and may make further recommendations at a later date.



Senator Jackie Winters



Representative Jennifer Williamson



Representative Andy Olson



Senator Floyd Prozanski

Background

Justice Reinvestment is an approach to spending criminal justice resources more effectively. Generally, Justice Reinvestment, looks at two types of criminal justice data - population data and cost data. Oregon's data, from 2000 to 2010, showed an incarceration rate that grew at four times of the national average. Over that same period, Oregon's prison population increased by nearly 50%, growing to more than 14,000 inmates with a total biennial corrections budget over \$1.4 billion. HB 3194 is projected to reduce the growth of the prison population by 870 inmates over the next 10 years. These future savings, in the form of avoided costs, are to be invested, as grants, in the local public safety systems.

Justice Reinvestment has four goals:

- Reduce prison use
- Increase public safety
- Reduce Recidivism
- Hold offenders accountable

This report is structured around those four goals.

I. PRISON USE

There are two phases to the effort to reduce prison use in HB 3194. First are the sentencing changes from the bill and second is the Justice Reinvestment Grants Program. The CJC tracks the impact of the sentencing changes and the Grants Program on the prison forecast and the implications for DOC facilities.

HB 3194 Sentencing Changes

HB 3194 contains several sentencing changes designed to decrease Oregon's prison population. These changes took effect much more quickly than the Justice Reinvestment Grant Programs. When House Bill 3194 was passed by the Oregon Legislature in July 2013, an estimate of the prison savings from the sentencing reforms was calculated. This estimate is referred to as the HB 3194 enrolled bill estimate, and includes the full projected impacts from HB 3194. The following describes each sentencing change individually, and whether the projected impact has occurred to date. Each sentencing change is displayed from July 2011 to June 2016. Sentencing changes in HB 3194 were effective for sentences imposed on or after August 1, 2013. The original prison bed estimate for HB 3194, which was calculated July 2013, estimated a drop of 762 prison beds by July 1, 2015, or the end of the 2013-15 Biennium, when compared to the April 2013 prison population forecast. The 10 year estimate was 873 prison beds saved by July 1, 2023. Figure 2 below shows the estimated bed savings for each specific law change, compared to the actual savings that have been realized to date.

HB 3194 Projected and Actual Savings by June 2016

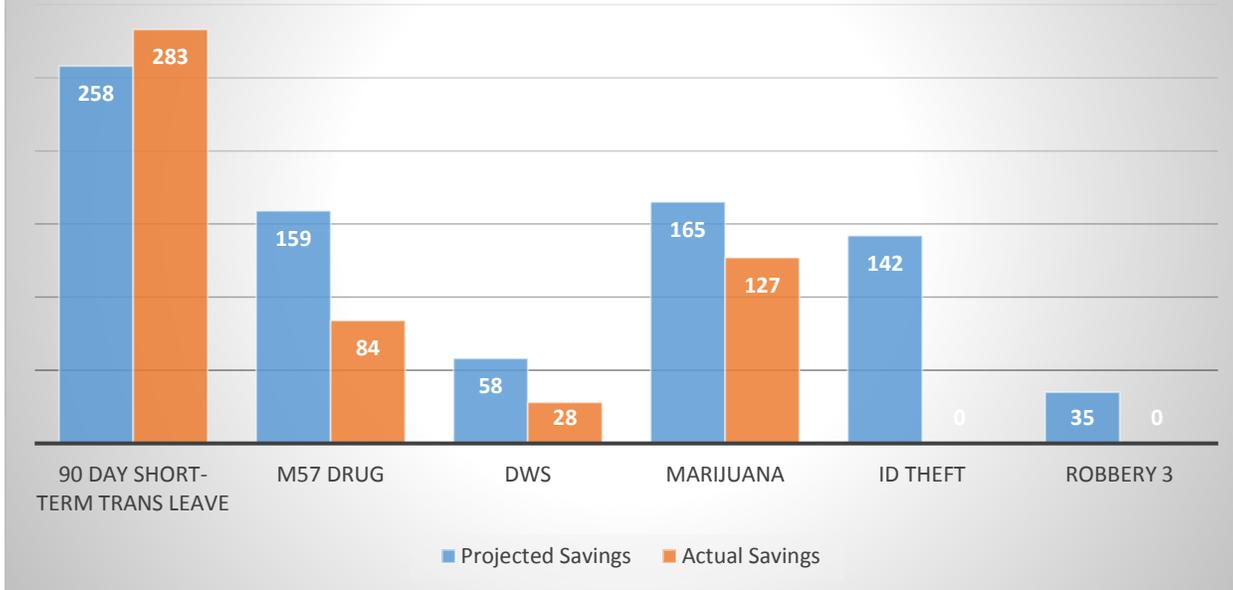


Figure 2: HB 3194 Project and Actual Savings

Data on prison intakes and other felony conviction sentences are available from DOC. Prison intakes are displayed as first sentences or probation revocations. First sentences are those sentenced to prison as the first sentence from a conviction. Probation revocations are due to a revocation of a downward dispositional departure sentence to probation. To be revoked from probation to prison, an individual must have received a downward dispositional departure to probation from a prison eligible conviction. If that individual’s probation is revoked, then the prison sentence is required. Prison admissions can include sentences for new crimes, or first sentences, as well as probation revocation sentences. Each admission is sorted to show the most serious conviction associated with the admission. This is determined by sentence type, sentence length, and severity of the crime. If the most serious conviction is for a first sentence, then the prison admission is considered a first sentence admission. If the most serious conviction is for a probation revocation, then the prison admission is considered a probation revocation.

Driving While Suspended

The sentencing change for criminal driving while suspended or revoked (ORS 811.182) are described in section 3 of HB 3194. The bill changes driving while suspended to a presumptive probation sentence, except in cases that involve murder, manslaughter, criminally negligent homicide, aggravated vehicular homicide, or assault that causes serious physical injury. Prison intakes for driving while suspended are shown in Figure 3 below from 2011 to June 2016. First sentences for driving while suspended have substantially dropped since the passage of HB 3194, while probation revocations have been relatively flat while accounting for a small number of intakes (ranging from 6 to 15 in these time periods).

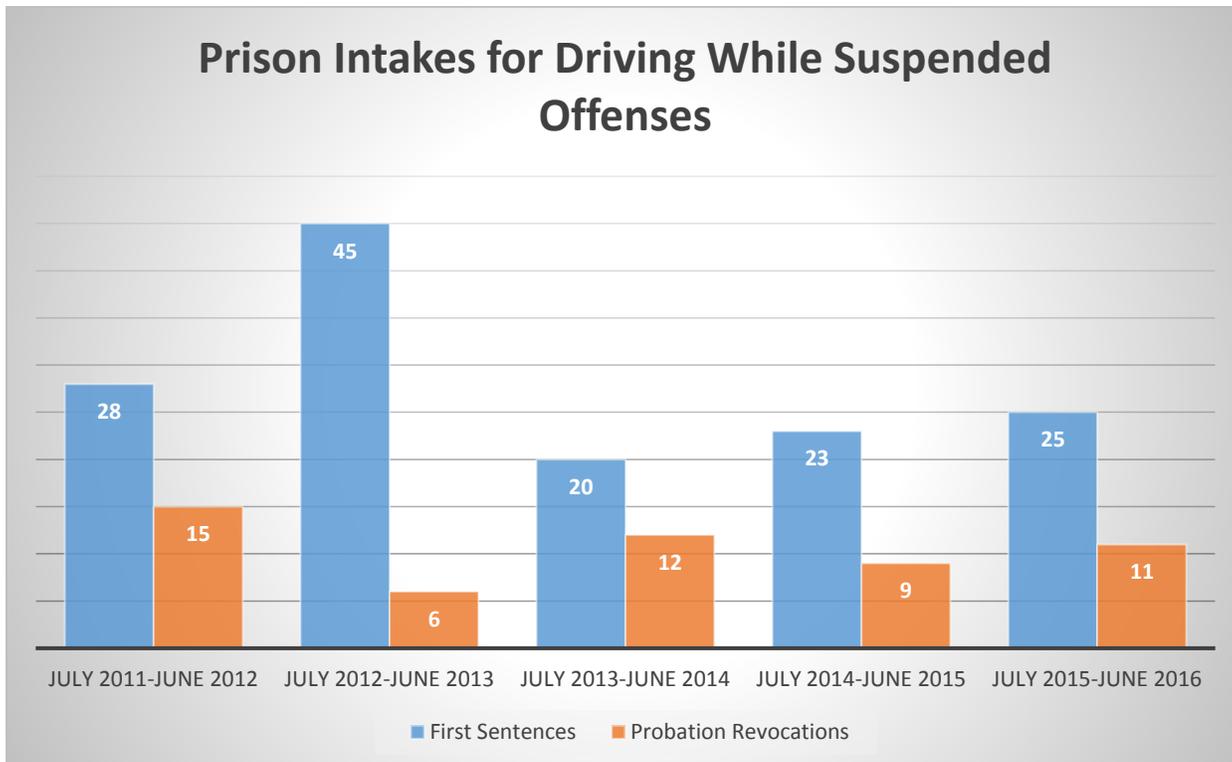


Figure 3: Prison Intakes for Driving While Suspended Offenders

While first sentence prison intakes for driving while suspended have dropped, the total number of convictions has increased. Figure 4 below shows the sentence types for driving while suspended convictions. Prison intakes dropped after the passage of HB 3194, but local control sentences have increased. It appears that those who served prison sentences prior to the passage of HB 3194 are now being sentenced to local control jail sentences. The average local control jail sentence is about three months.

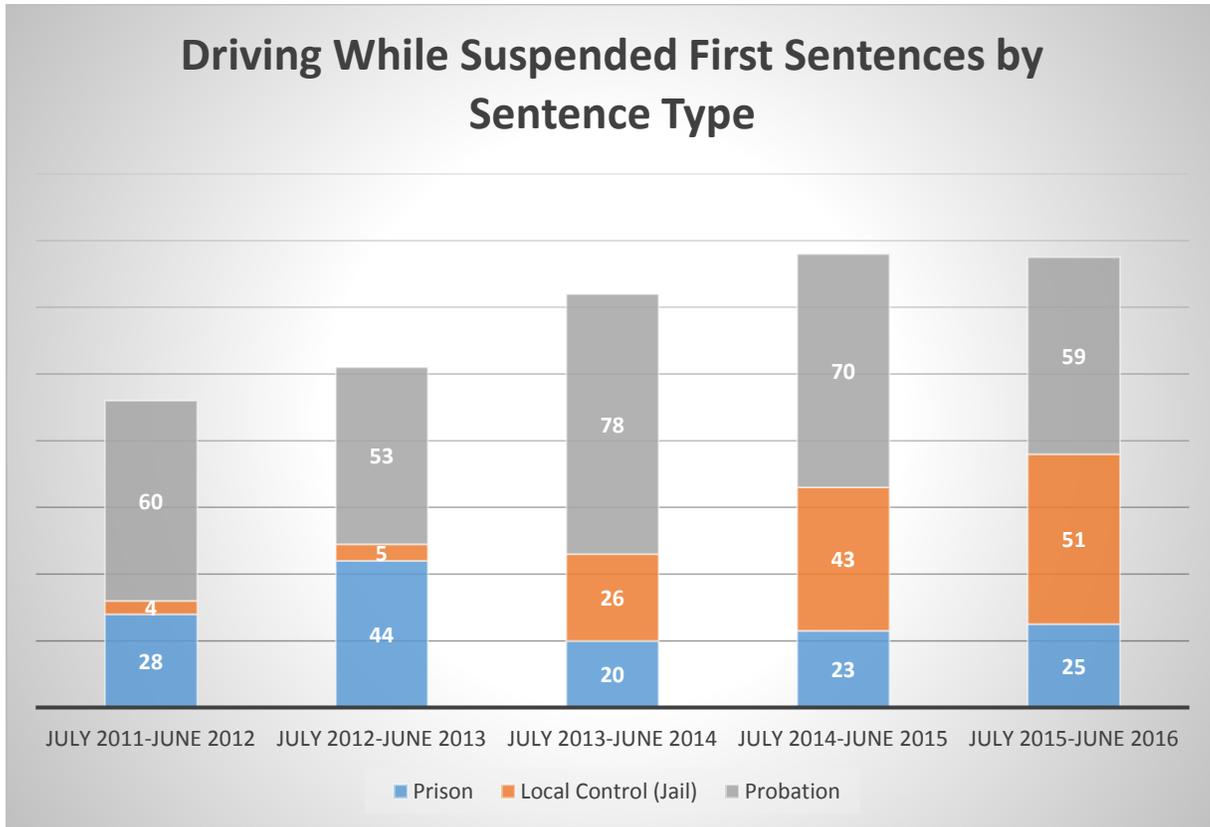


Figure 4: Driving While Suspended First Sentences by Sentence Type

The most recent data available on the sentencing trends for driving while suspended was used to estimate the actual prison bed savings to date. This is then compared to the enrolled bill estimate, which was calculated in July 2013. This analysis shows whether the estimated bed savings at that time have actually occurred. The estimate is based on comparing 51 prison intakes for these crimes in the year prior to Justice Reinvestment (July 2012 to June 2013) to 34 prison intakes in the most recent year (July 2015 to May 2016). This estimate shows that 28 prison beds have been saved from this law change, compared to the estimated 58 in the enrolled bill estimated from July 2013. The additional prison beds savings from this law change are estimated to be minimal. On these and other estimate impact graphs, the bed savings will flatten out after the sentencing changes have been implemented. This creates a “new normal” in terms of prison use for the specific crimes that are impacted by the law change.

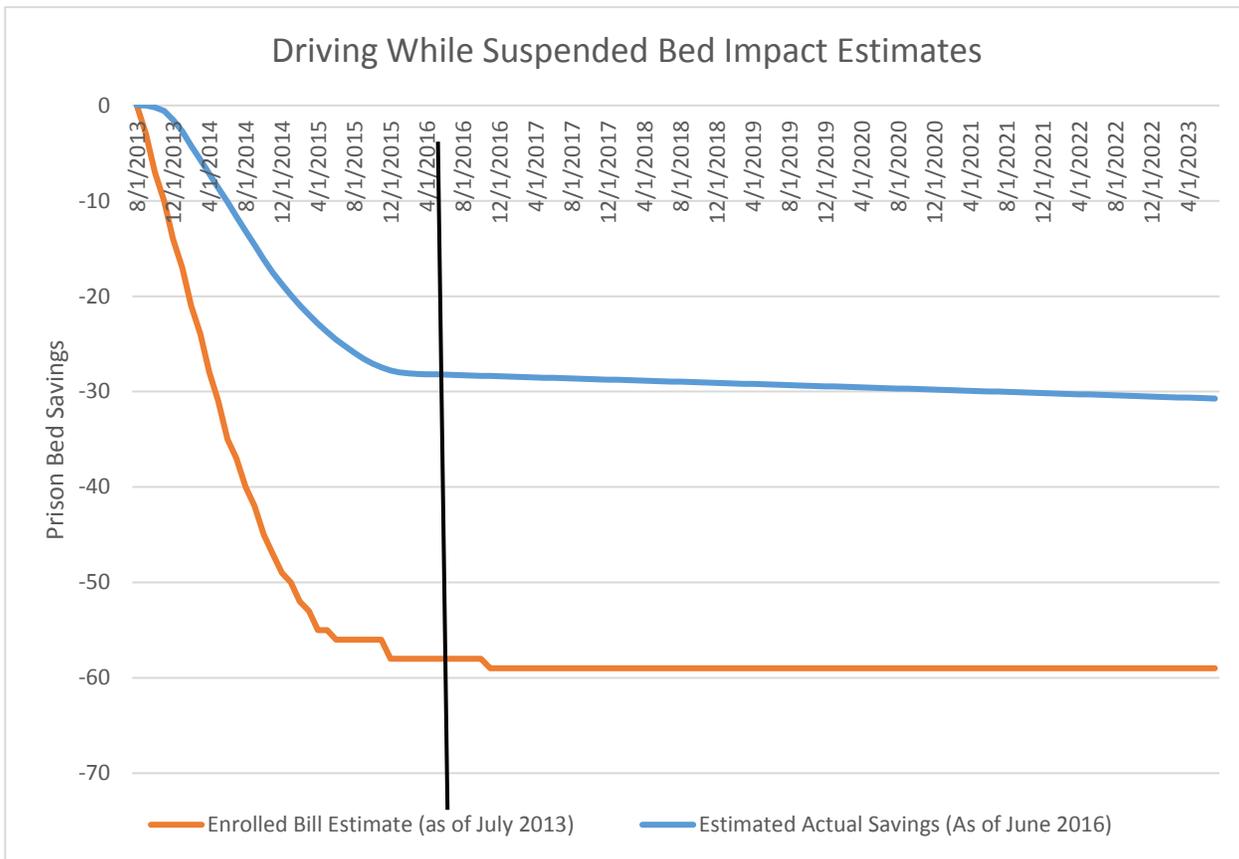


Figure 5: Driving While Suspended Bed Impact Estimates

Robbery in the Third Degree

The sentencing change for the crime of robbery in the third degree (ORS 164.395) is described in sections 5 and 7 of HB 3194. The presumptive prison sentence for this crime was reduced from 24 months to 18 months. Thus the number of intakes is not expected to change, but the average sentence length is expected to be shorter. Figure 6 below shows the average sentence length for prison intakes where the most serious conviction is robbery in the third degree. For about the first year after the passage of HB 3194, the average length of stay for robbery in the third degree prison intakes was down approximately two and a half months (from 18.5 months to 15.7 months). This follows the expected impact from the sentencing changes in HB 3194. From July 2014 to June 2015 the average length of stay increased to 18.1 months, and this increase doesn't follow the expected impact from the sentencing change. The average length of stay from July 2015 to June 2016 has also increased to 20.1 months, and also doesn't follow the expected impact from the sentencing change. The number of robbery in the third degree prison intakes has not decreased over this time period.

The enrolled bill estimate from July 2013 estimated 35 prison beds saved from the sentencing change for robbery in the third degree. Since the average length of stay for robbery in the third degree prison intakes has not dropped, and in fact has slightly increased, it appears there has not been a prison bed savings from this law change.

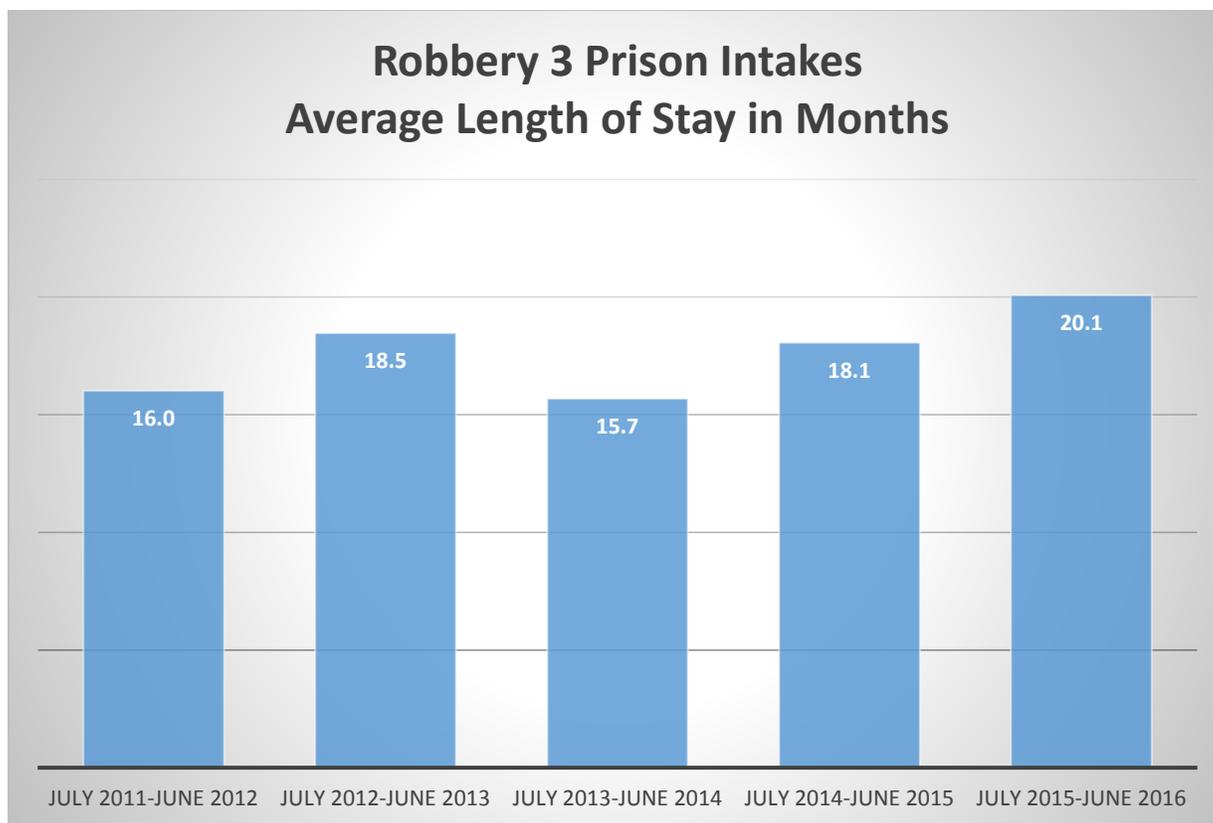


Figure 6: Robbery in the Third Degree Prison Intakes - Average Length of Stay in Months

While the number of convictions for robbery in the third degree is not expected to change due to the sentencing changes in HB 3194, a change in sentencing patterns for sentence types could impact the average length of stay for prison intakes. Figure 7 below displays sentence types for first sentences for robbery in the third degree. Since July 2013 the number of prison intakes has been flat, while the total number of convictions has slightly dropped.

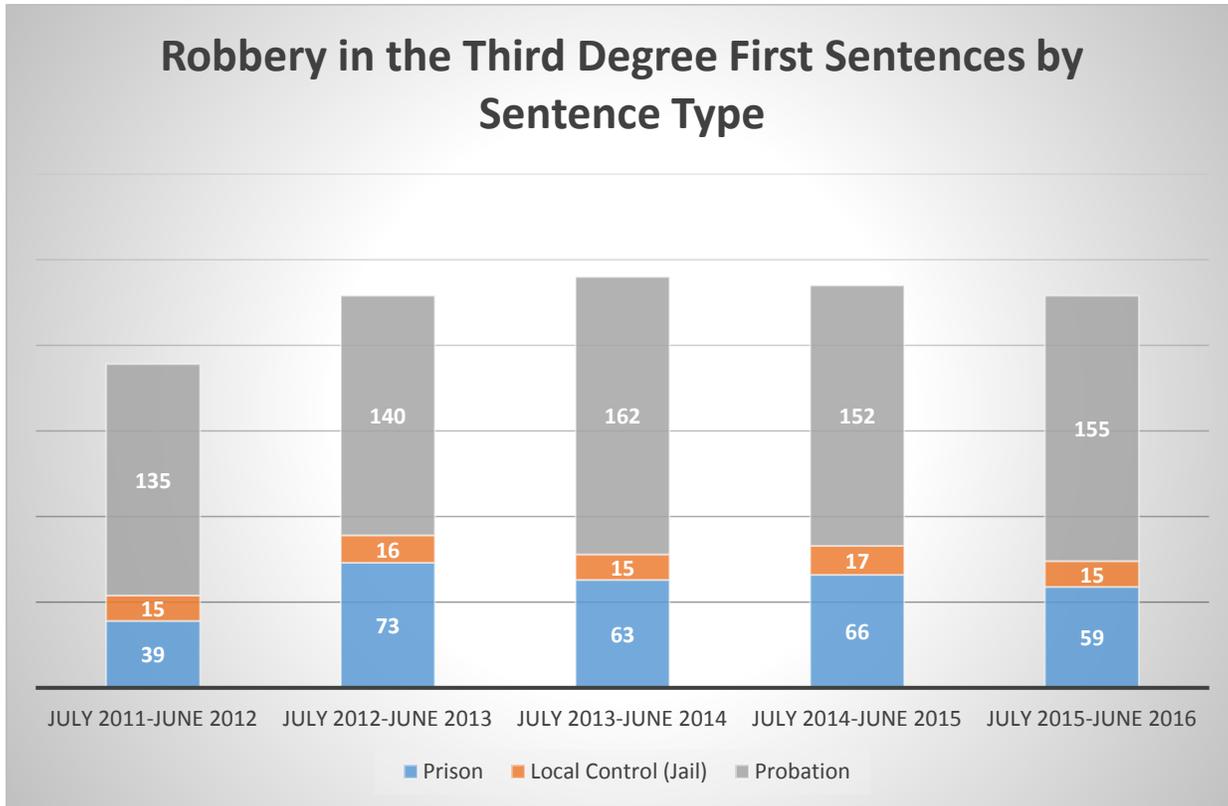


Figure 7: Robbery in the Third Degree First Sentences by Sentence Type

Identity Theft

The sentencing change for the crime of identity theft (ORS 165.800) is described in sections 5 and 7 of HB 3194, and is the same change as the crime of robbery in the third degree. The presumptive prison sentence was reduced from 24 months to 18 months. Thus the number of intakes is not expected to change, but the average sentence length is expected to be shorter. Figure 8 below shows the average sentence length for prison intakes where the most serious conviction is identity theft. From July 2011 to June 2012 the average length of stay was 17.5 months. Many of these convictions would have been sentenced when Measure 57 was suspended, and Measure 57 was reinstated for crimes committed on or after January 1, 2012. From July 2012 to June 2013 the average length of stay was 24.4 months. The sentencing change in HB 3194 was effective as of August 1, 2013. The following three years show a slight drop in the average length of stay of just over one month. This lack of a meaningful decrease in the average length of stay is counter-intuitive to the projected impact at the time of the passage of HB 3194. It is possible that a lower number of ID theft intakes is due to more downward departures into county Justice Reinvestment programs. If these departure cases had a lower presumptive prison sentence, which is now removed from the average, there may be a slight length of stay increase.

The enrolled bill estimate from July 2013 estimated 142 prison beds saved from the ID theft sentencing change. Since the average length of stay for ID theft has not shown a meaningful decrease, it appears there has not been a prison bed savings from this law change.

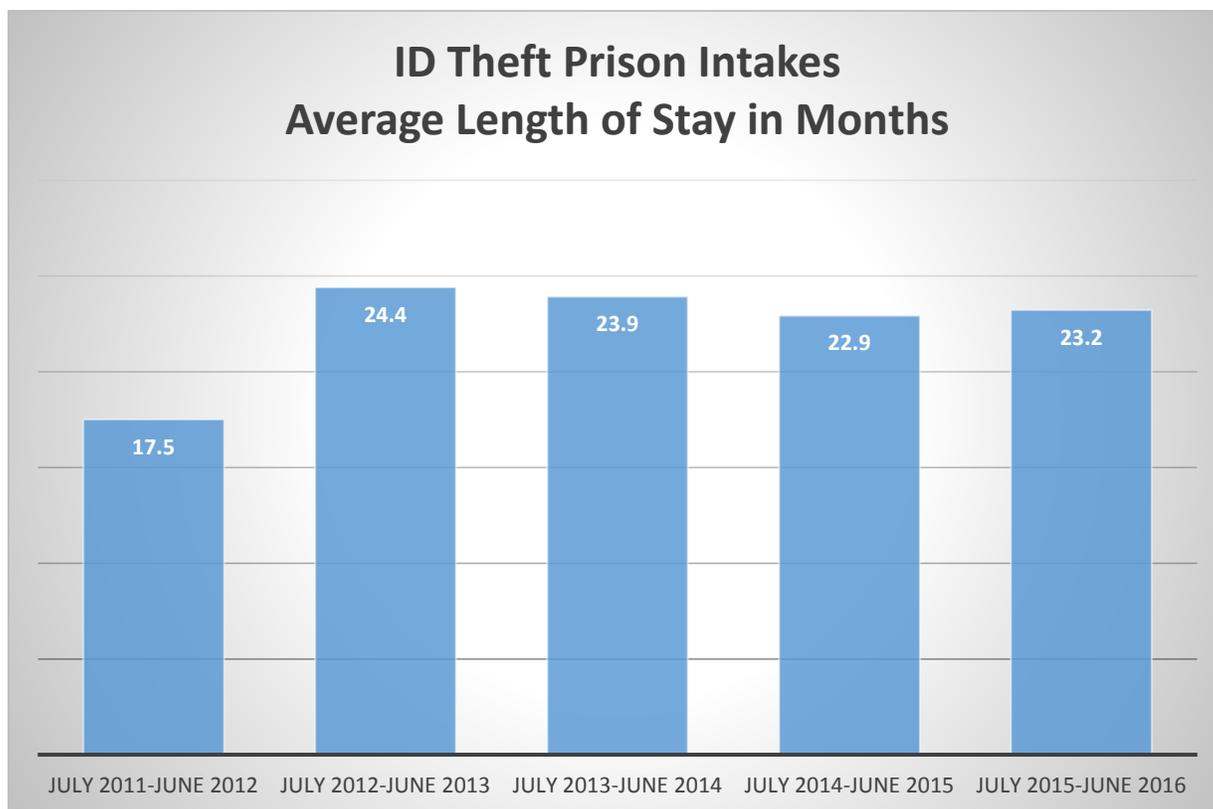


Figure 8: Identity Theft Prison Intakes - Average Length of Stay in Months

While the number of convictions for identity theft is not expected to change due to the sentencing changes in HB 3194, a comparison of sentence types is shown below. Figure 9 below shows sentence types for first sentences for identity theft. Comparing July 2012 - June 2013 to subsequent years, the number of convictions has steadily dropped, while the number of prison intakes have also dropped. This drop in prison intakes is due in part to county Justice Reinvestment programs that divert prison bound offenders to probation and in part to less overall Identity Theft convictions in the past few years.

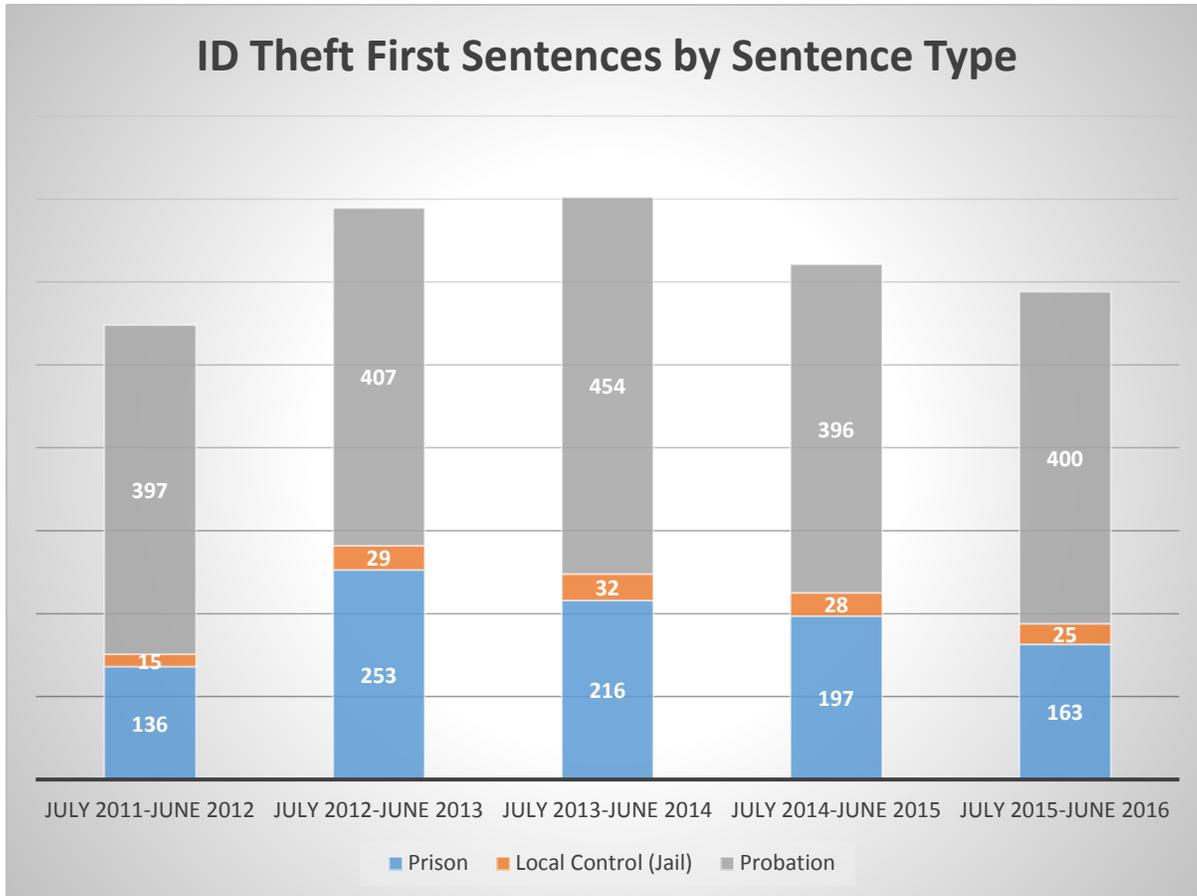


Figure 9: Identity Theft First Sentences by Sentence Type

Measure 57 Drug Convictions

The sentencing changes for Measure 57 drug convictions, which include repeat drug delivery or manufacturing convictions, are described in sections 9, 10, and 11 of HB 3194. The bill repeals language that did not allow a court to impose a probation or shorter prison sentence for these types of convictions. This change restores discretion to judges to impose either a shorter prison sentence or a downward dispositional departure to probation. The table below shows prison intakes for these types of drug convictions³ by the crime seriousness scale on the sentencing guidelines. Notice that the number and percentage of level 9 and 10 convictions increased after the passage of HB 3194.

	M57 Drug Prison Intakes (excluding Marijuana and PCS Convictions)				
	July 2011- June 2012	July 2012- June 2013	July 2013- June 2014	July 2014- June 2015	July 2015- June 2016
Missing	21	37	22	26	10
Less than 8	122	119	106	97	110
8	446	385	410	351	362
9	68	59	81	79	79
10	16	17	31	36	23
Total	673	617	650	589	584
Level 9 and 10	84	76	112	115	102
% Level 9 and 10	12.5%	12.3%	17.2%	19.5%	17.5%

Table 1: M57 Drug Prison Intakes by Crime Seriousness Scale

³ All drug convictions, excluding marijuana offenses, are included in this category regardless the individual's past drug convictions.

For the purposes of tracking drug convictions and potential impacts from the sentencing changes in HB 3194, drug cases with a crime seriousness of 8 or less are considered. This excludes the substantial drug quantity cases that are not eligible for a downward dispositional departure. The table below shows prison intakes for drug convictions by first sentences and probation revocations. First sentence prison intakes have dropped since the passage of HB 3194, while revocations have slightly increased.

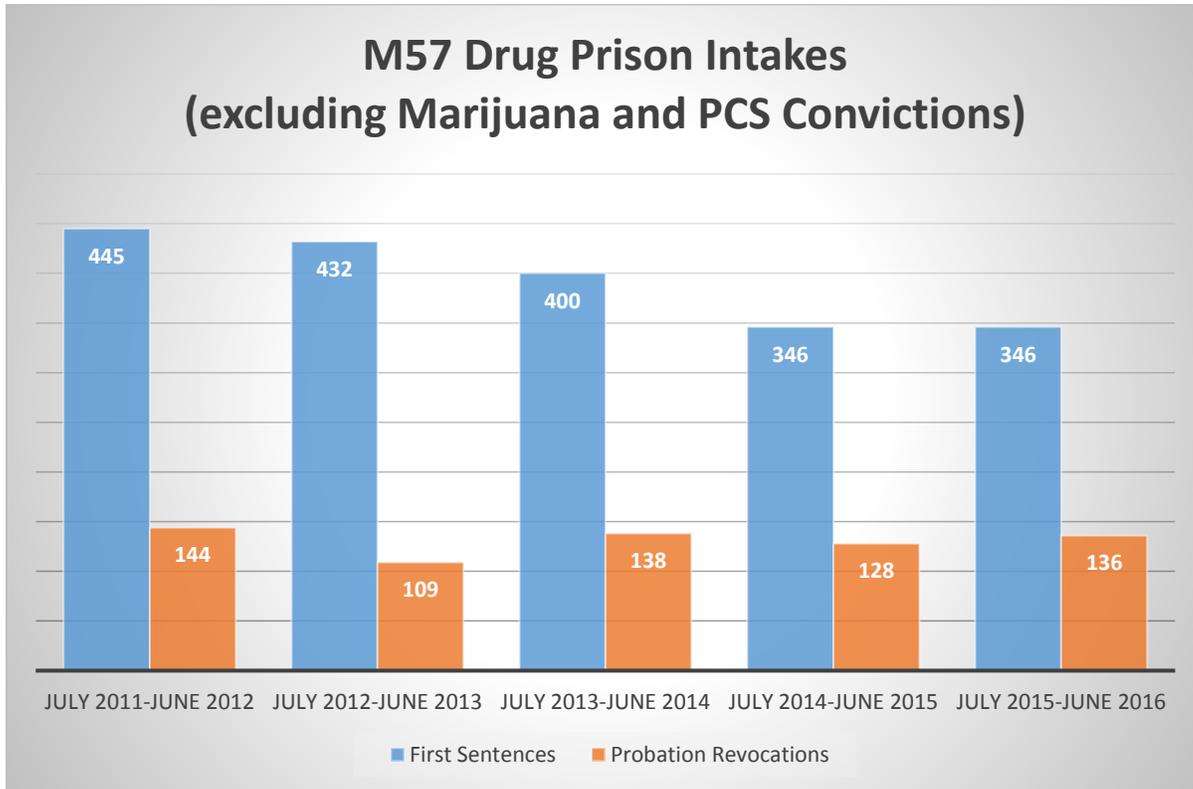


Figure 10: M57 Drug Prison Intakes

The table below shows the sentence types for felony drug convictions with a crime seriousness of 8 or less, excluding marijuana and PCS convictions. Since HB 3194 passed, the number of first sentence prison intakes has dropped, while the number of convictions has also dropped.

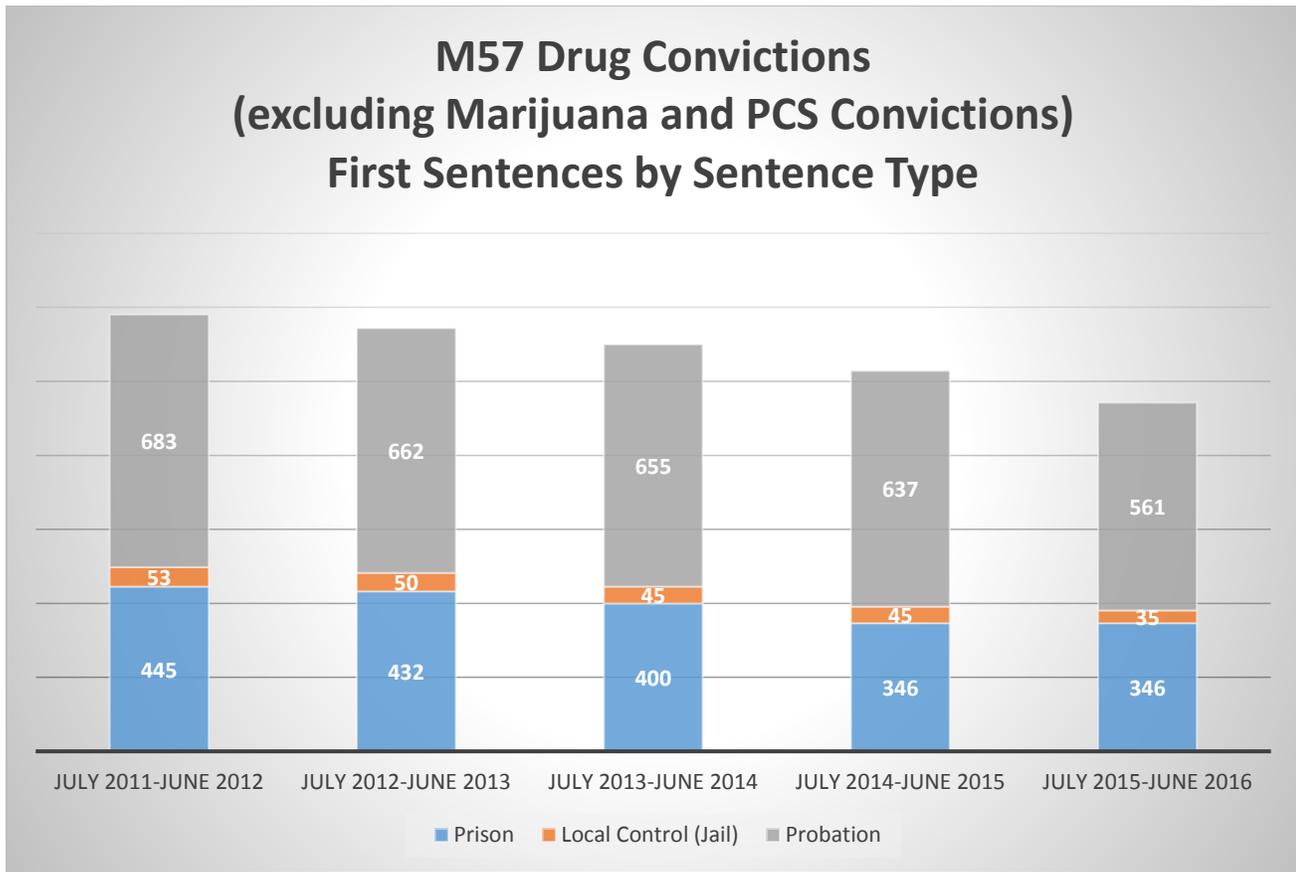


Figure 11: M57 Drug Convictions - First Sentences by Sentence Type

The most recent data available on the felony drug sentencing trends with a crime seriousness of 8 or less was used to estimate the actual prison bed savings to date. This is then compared to the enrolled bill estimate, which was calculated in July 2013. This analysis shows whether the estimated bed savings at that time have actually occurred. The estimate is based on comparing 581 prison intakes for these crimes in the year prior to Justice Reinvestment (July 2012 to June 2013) to 517 prison intakes in the most recent year (July 2015 to May 2016). This estimate shows that 84 prison beds have been saved from this law change, compared to the estimated 158 in the enrolled bill estimated from July 2013. The additional prison beds savings from this law change are estimated to be minimal.

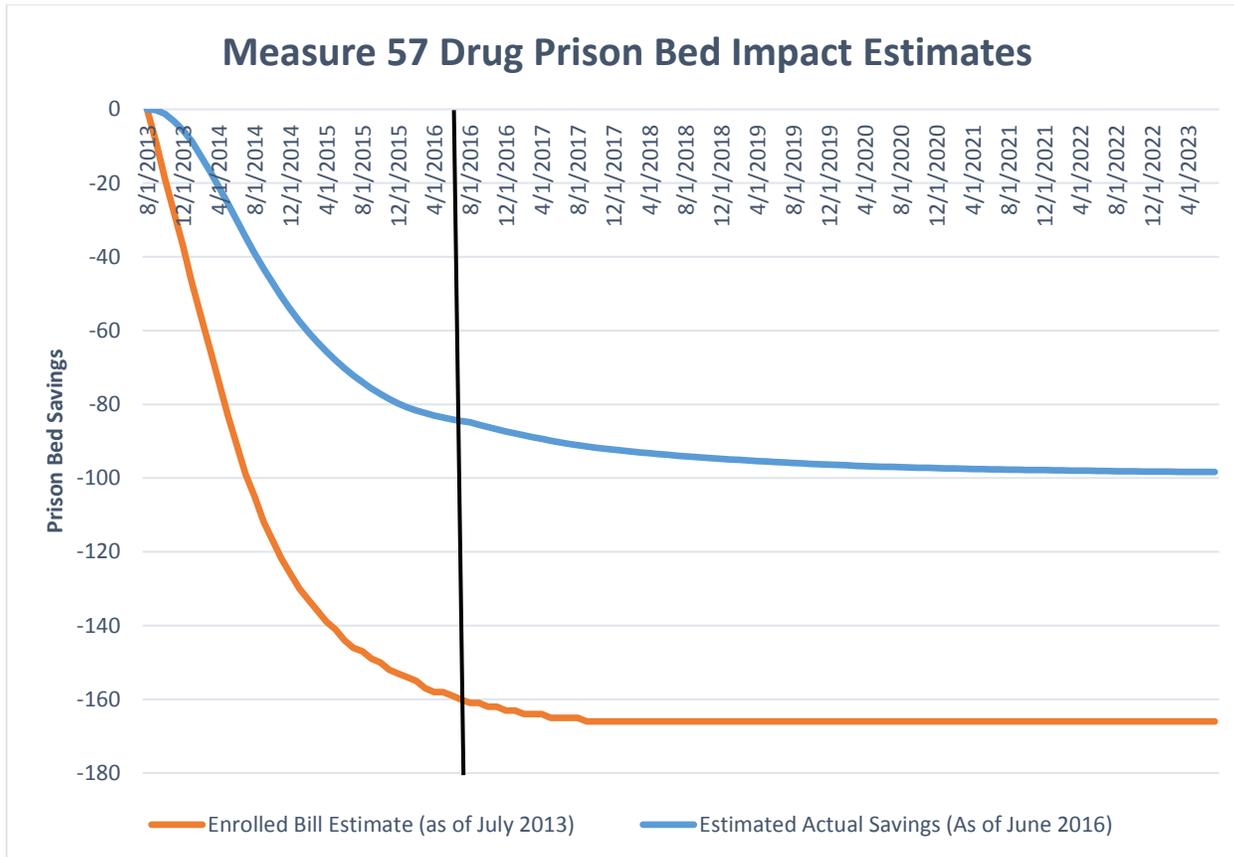


Figure 12: Measure 57 Drug Prison Bed Impact Estimates

Marijuana

The sentencing change for marijuana offenses is described in Section 1 of HB 3194. Felony marijuana offenses, with the exception of distributing to minors or distributing within 1000 feet of a school, were changed to presumptive probation sentences. The estimate assumed a decrease in prison admissions for these marijuana offenses, and Figure 13 below shows prison intakes from July 2011 to June 2016. First sentence and probation revocation prison intakes for marijuana offenses have substantially dropped since the passage of HB 3194. In addition to the changes in HB 3194, other law changes have further decriminalized marijuana offenses in Oregon. SB 40⁴ was passed in the 2013 legislative session, which reduced penalties for marijuana possession and manufacturing. In November 2014 Oregon voters passed Measure 91⁵, which legalized recreational marijuana use beginning July 1, 2015.

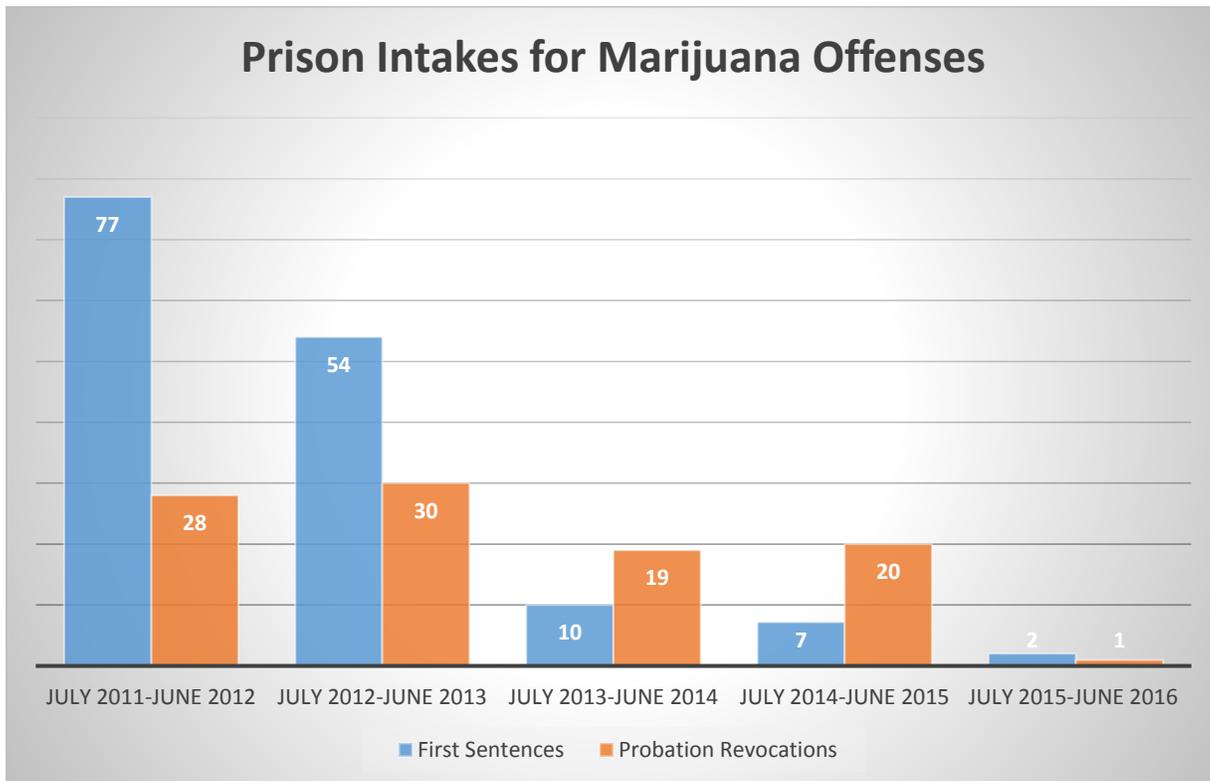


Figure 13: Prison Intakes for Marijuana Offenses

⁴ <https://olis.leg.state.or.us/liz/2013R1/Downloads/MeasureDocument/SB40/Enrolled>

⁵ <http://www.oregon.gov/olcc/marijuana/Documents/Measure91.pdf>

In addition to the drop in marijuana prison intakes, all marijuana felony convictions have substantially dropped. Figure 14 below shows felony convictions by sentence type; felony marijuana convictions have steadily declined.

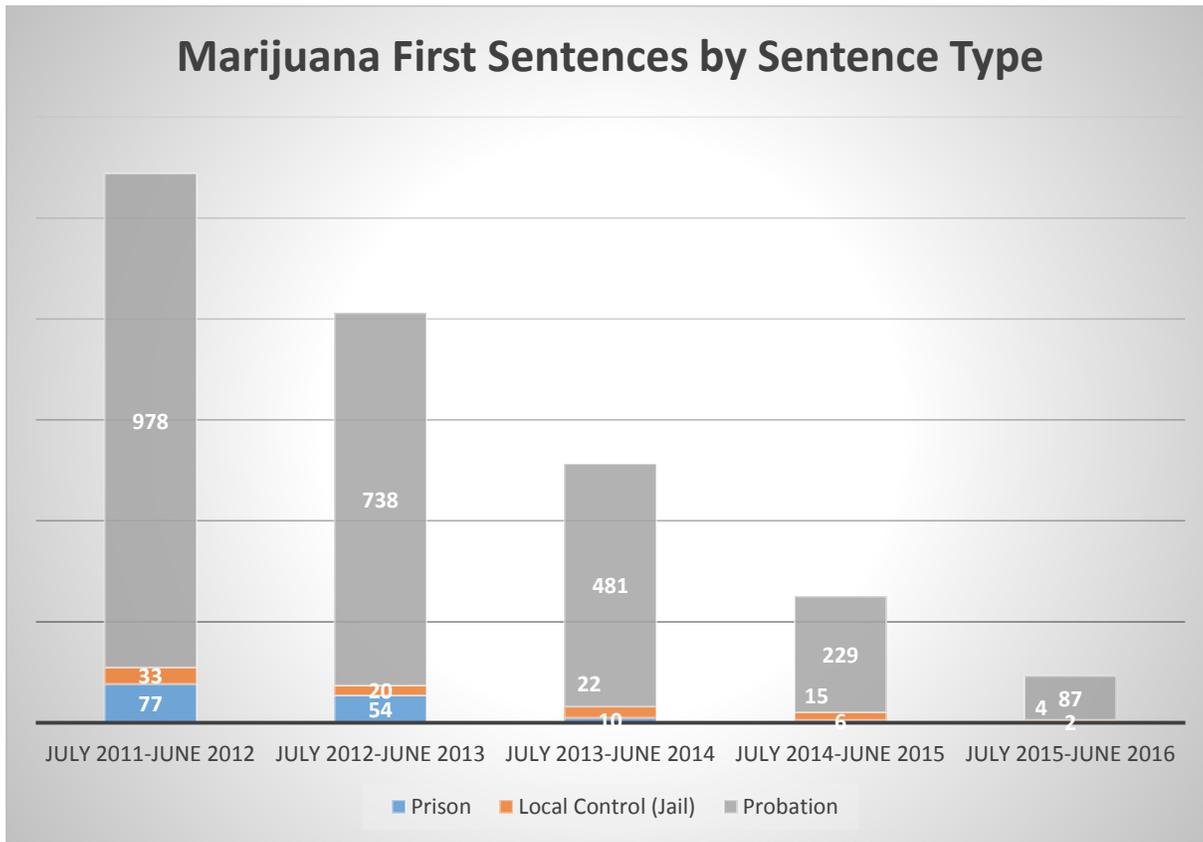


Figure 14: Marijuana First Sentences by Sentence Type

The most recent data available on the sentencing trends for the felony marijuana crimes was used to estimate the actual prison bed savings to date. This is then compared to the enrolled bill estimate, which was calculated in July 2013. This analysis shows whether the estimated bed savings at that time have actually occurred. The estimate is based on comparing 84 prison intakes for these crimes in the year prior to Justice Reinvestment (July 2012 to June 2013) to 3 prison intakes in the most recent year (July 2015 to May 2016). This estimate shows that 100 prison beds have been saved from this law change, compared to the estimated 165 in the enrolled bill estimated from July 2013. The additional prison beds savings from this law change are estimated to be minimal.

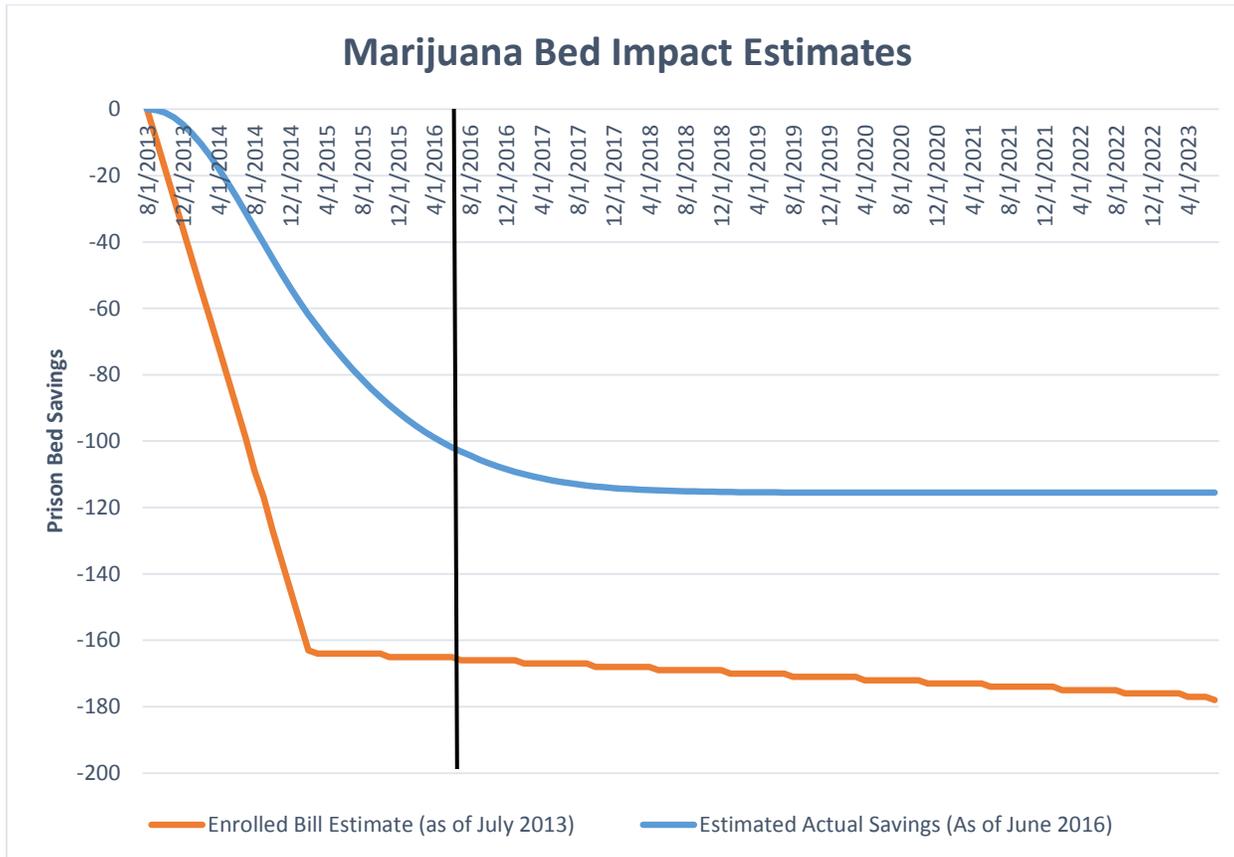


Figure 15: Marijuana Bed Impact Estimates

Short-Term Transitional Leave

Changes to short-term transitional leave (STTL) are described in Section 13 and 14 of HB 3194. The bill increases the amount of short-term transitional leave that an inmate may receive from 30 days to 90 days. This change is applicable to sentences imposed on or after August 1, 2013. The bill also changes language that describes how an inmate may apply for short-term transitional leave. Prior to HB 3194, the inmate had to submit a transition plan, and instigate the process of applying for short-term transitional leave. HB 3194 includes language that the Department of Corrections (DOC) shall identify inmates who are eligible for the program and assist in preparing a transition plan. This change has allowed DOC to increase the number of inmates who receive a maximum of 30 or 90 days leave. Figure 16 below shows the number of inmates released for both 30 and 90 day short-term transitional leave from December 2013 to July 2016. The number of inmates released to 90 day short-term transitional leave has increased over time, as more applications are eligible that were sentenced on or after August 1, 2013.

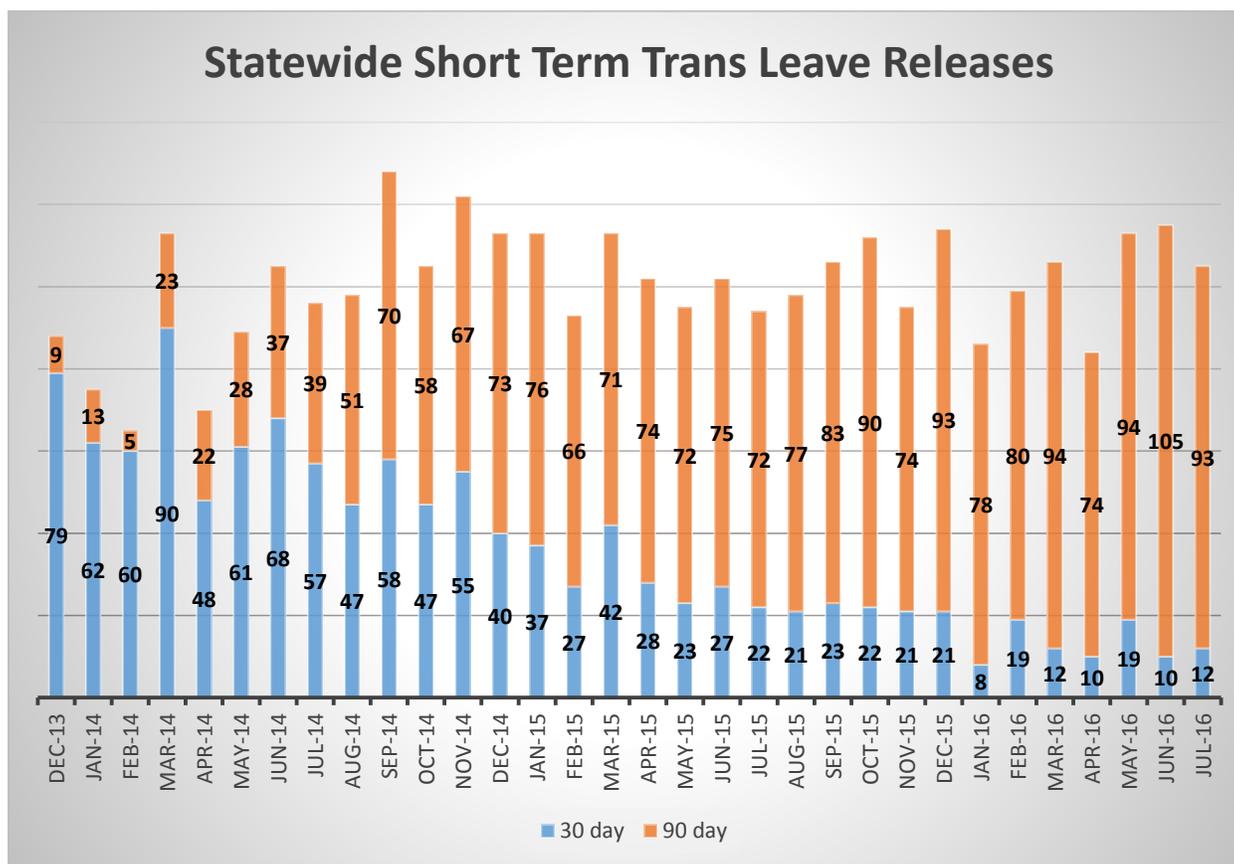


Figure 16: Statewide Short Term Trans Leave Releases

The HB 3194 enrolled bill estimate from July 2013 estimated that 100 inmates per month would receive STTL and that by June 1, 2016 the program would account for 257 fewer prison beds. The number of offenders participating in the program has been approximately 100 inmates per month, and the associated prison bed savings on June 1, 2016 was 283 prison beds. Figure 17 below shows the actual bed savings to date from the STTL program, compared to the enrolled bill estimate from July 2013. The actual savings have been similar to the estimated impact. If the STTL program continues to have approximately 100 participants per month, the bed savings will continue to be realized.

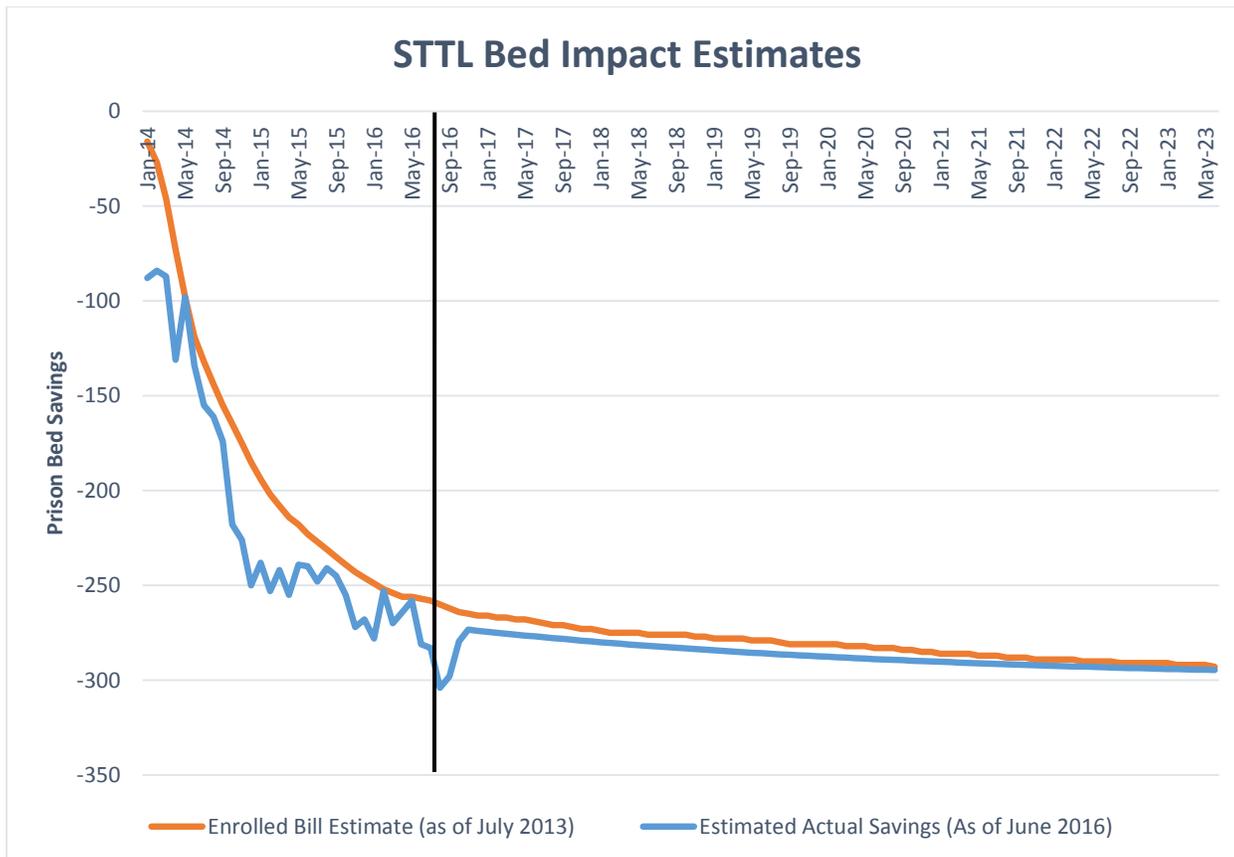


Figure 17: STTL Bed Impact Estimates

In January 2016 the CJC released a report on the Short-Term Transitional Leave Program in Oregon⁶. The report shows performance measures for the program, as well as an analysis of recidivism outcomes on those who participated in the program compared to those who were statutorily eligible and did not participate. The report shows that inmates who participate in the STTL program show lower 1-year recidivism rates than inmates who were statutorily eligible and did not participate. The 1-year conviction and incarceration rates are significantly lower for those who participated in the program. The 1-year arrest rates are not significantly different, but are directionally lower for those who participated in the program. In the context of the passage of HB 3194, where the STTL program was expanded in order to curb increases in the DOC population, but to do so in a way that was responsible and in keeping with the goals of protecting the public and holding offenders accountable while decreasing recidivism rates among released offenders, it can be concluded that the STTL program has been a success.

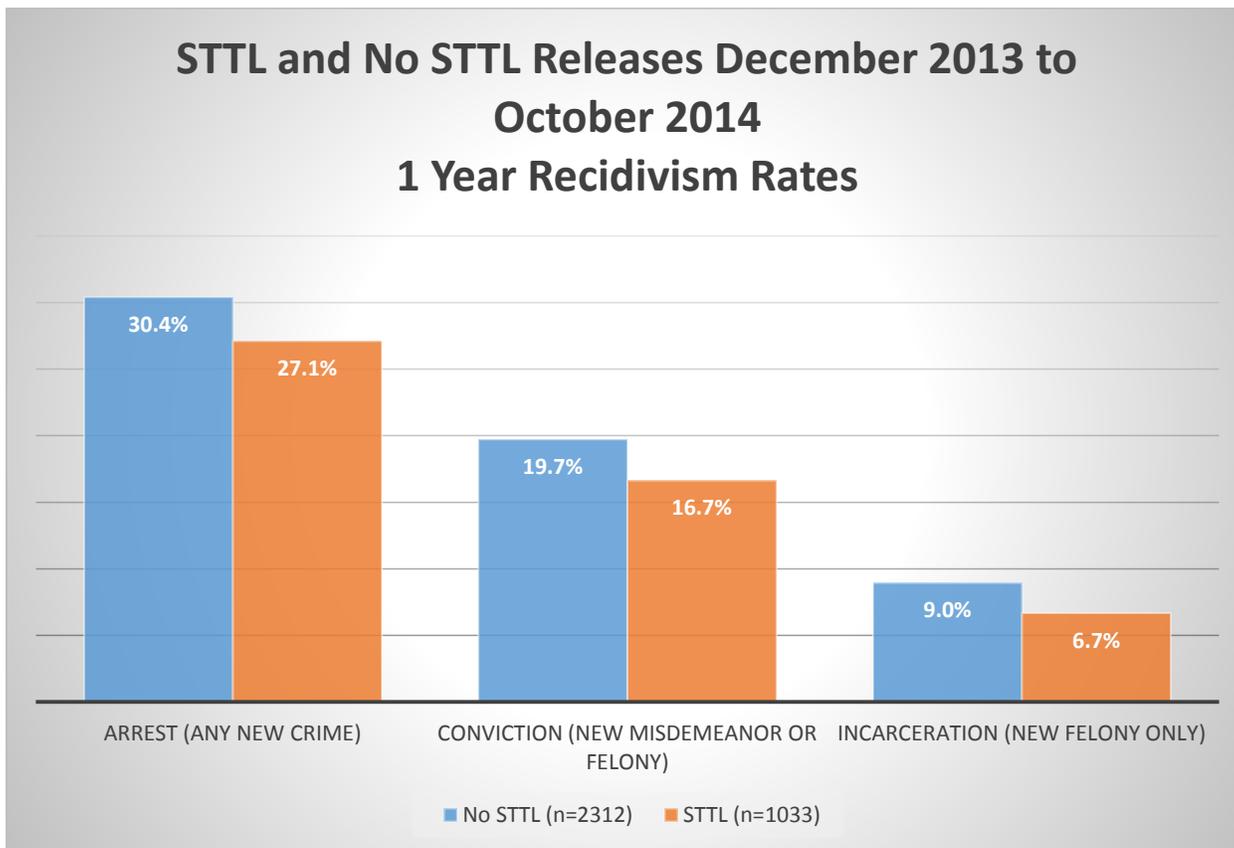


Figure 18: STTL and No STTL 1 Year Recidivism Rates

⁶ http://www.oregon.gov/cjc/justicereinvestment/Documents/STTL_Analysis_2016.pdf

DOC has tracked successful completions of STTL, as well as program failures. The program failure rate has been relatively low, at approximately 5%. Those that fail the program return to DOC.

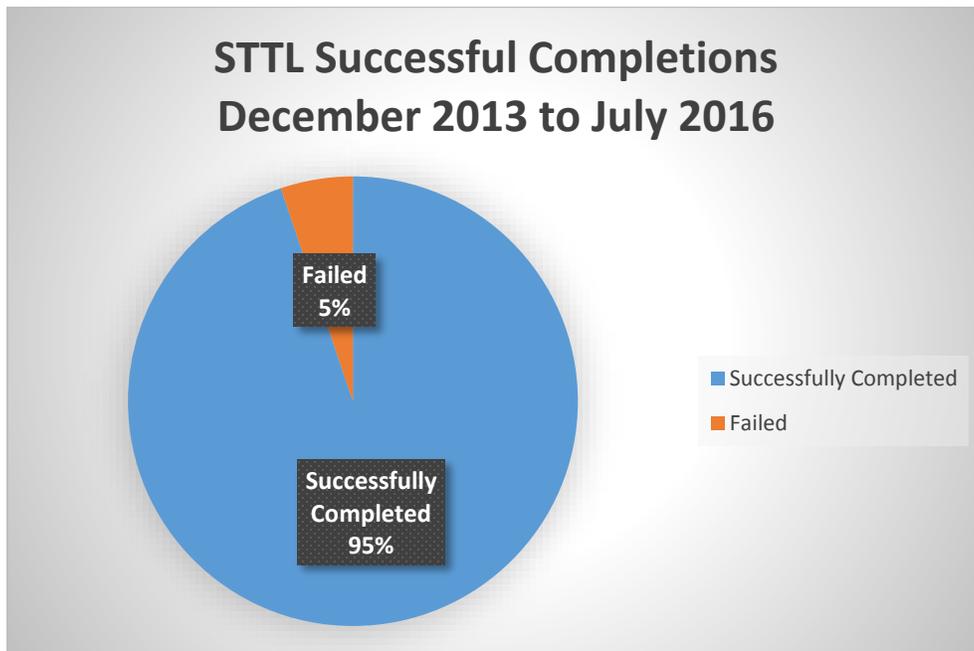


Figure 19: STTL Successful Completions

Figure 20 shows the number of jail bed days used for sanctions for those on STTL, compared to the number of prison bed days saved for those participating in the program. A STTL program participant may receive a jail sanction for a violation and not return to DOC. From March 2014 to July 2016 there 4,663 jail bed days used. The STTL releases account for 168,711 prison bed days saved in the same time period.

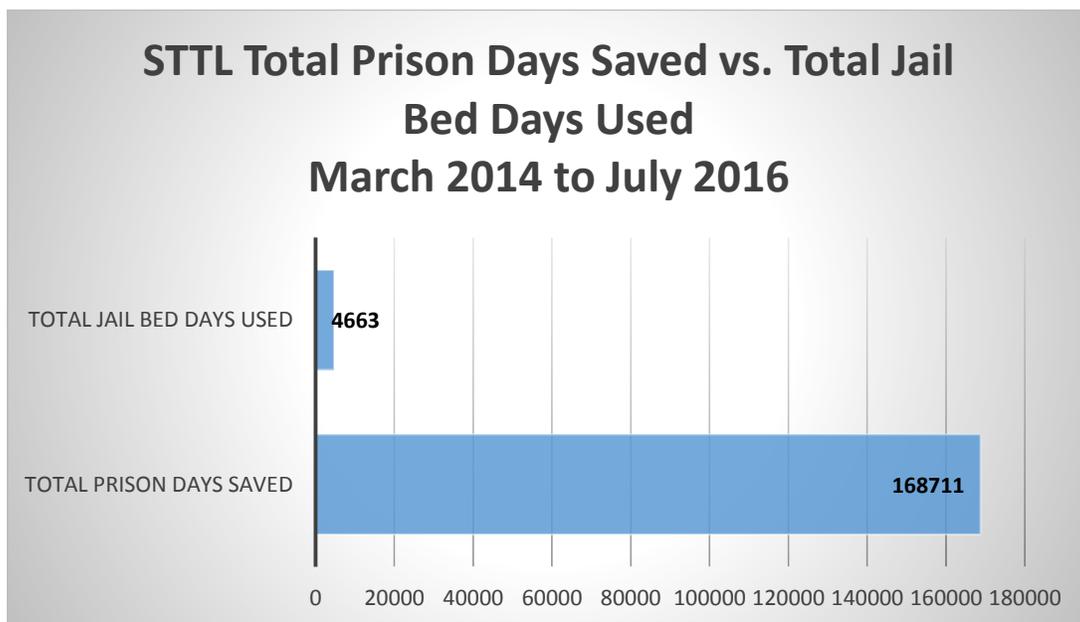


Figure 20: STTL Total Prison Days Saved. vs. Total Jail Bed Days Used

STTL releases from December 2013 to July 2016 show that about 16% of releases are for females, and about 84% are for males. Figure 21 below shows the proportion of STTL releases by gender.

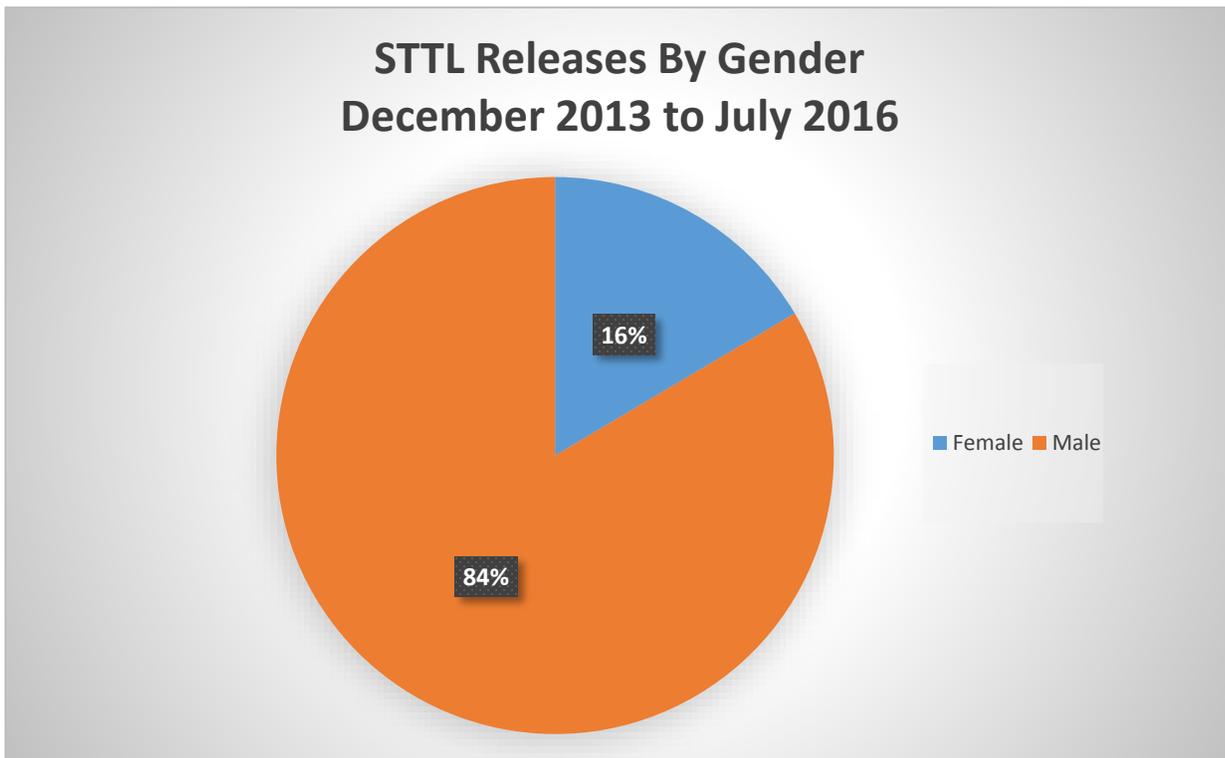


Figure 21: STTL Releases by Gender

The STTL bed impact estimates were analyzed by gender. The HB 3194 enrolled bill estimate from July 2013 estimated that 100 inmates per month would receive STTL, and that about 84% of those releases would be male. The enrolled bill estimate shows by June 1, 2016 the program would account for 214 fewer male prison beds. The number of offenders participating in the program has been approximately 85 male inmates per month, and the associated prison bed savings on June 1, 2016 was 247 male prison beds. Figure 22 below shows the actual bed savings to date from the STTL program, compared to the enrolled bill estimate from July 2013. The actual savings have been similar to the estimated impact. If the STTL program continues to have approximately 85 male participants per month, the bed savings will continue to be realized for the male prison population.

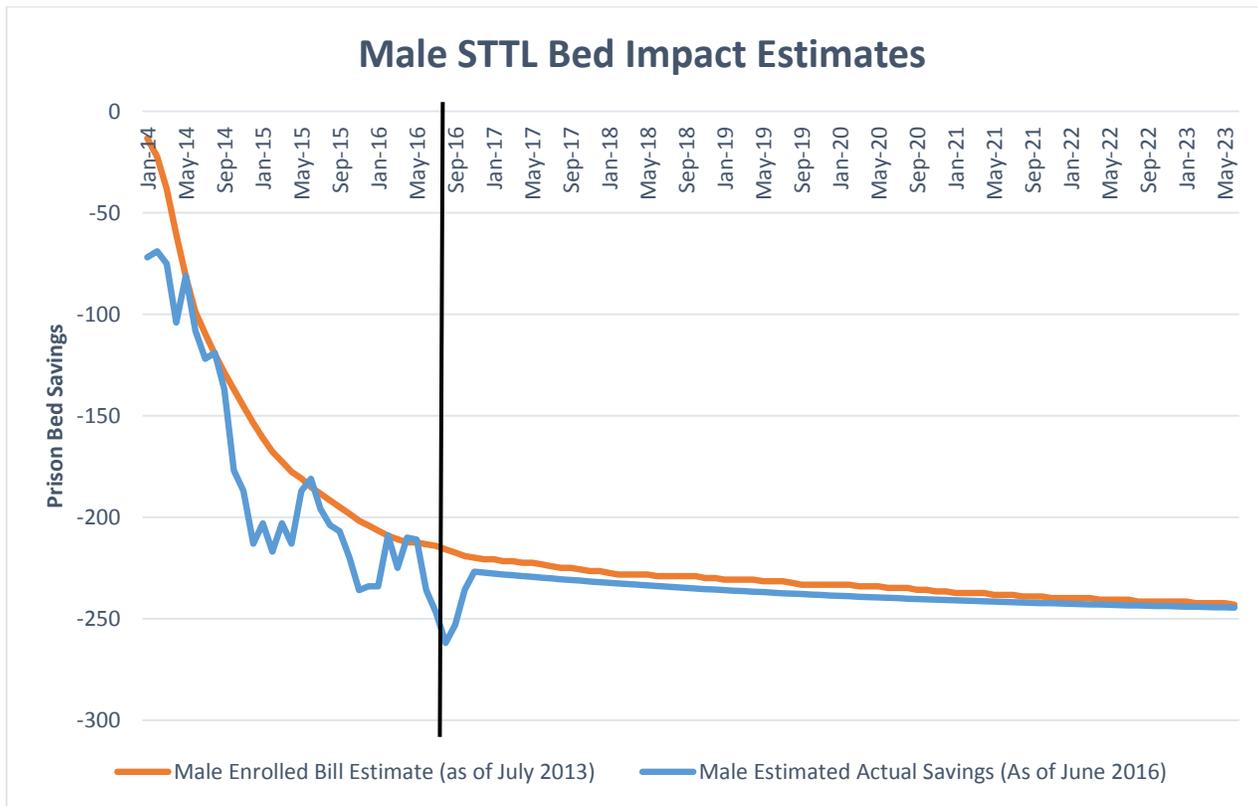


Figure 22: Male STTL Bed Impact Estimates

The STTL bed impact estimates were analyzed for the female prison population. The HB 3194 enrolled bill estimate from July 2013 estimated that 100 inmates per month would receive STTL, and that about 16 of those releases would be female. The enrolled bill estimate shows by June 1, 2016 the program would account for 44 fewer female prison beds. The number of offenders participating in the program has been approximately 16 female inmates per month, and the associated prison bed savings on June 1, 2016 was 42 female prison beds. Figure 23 below shows the actual bed savings to date from the STTL program, compared to the enrolled bill estimate from July 2013. The actual savings have been similar to the estimated impact. If the STTL program continues to have approximately 16 female participants per month, the bed savings will continue to be realized for the female prison population.

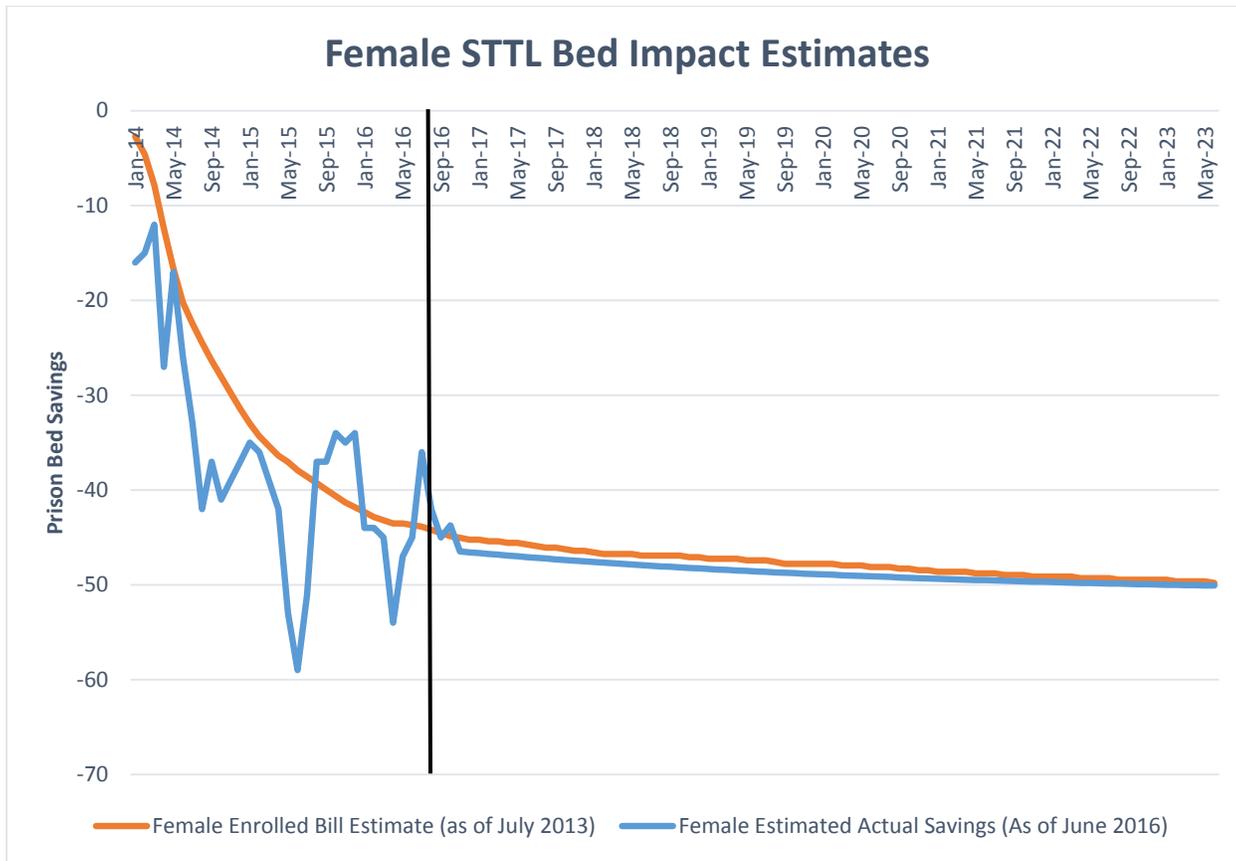


Figure 23: Female STTL Bed Impact Estimates

Prison Population and Forecasts

The figures below show the male and female prison population, along with relevant prison population forecasts. The April 2013 prison population forecast⁷ is shown as the green line, and is the most recent forecast prior to the passage of HB 3194. The forecast does not include any of the impacts from HB 3194. The most recent prison population forecast was released in April 2016⁸, and is represented by the blue line. The October 2016 prison population forecast will be released on October 1, 2016 (the same day that this report to the legislature is due) and an update of the two graphs below will be available on CJC's website.⁹

Figure 24 below displays the female prison population and forecasts to 2025. The Oregon State Penitentiary (OSP) Minimum facility is currently empty, and will need to become operational for the female population when it is consistently above 1,280 inmates. Based on the April 2013 forecast, the OSP Minimum facility would have been opened January 2014. Based on the April 2016 forecast, the OSP Minimum facility will need to open August 2016. The actual female population has dipped above and below the threshold of 1,280 inmates since April 2015. In May 2016, DOC requested funds to prepare to open OSP Minimum. The Legislature granted a portion of the funds and directed DOC to take all available steps to avoid opening OSP Minimum.

Female Prison Population and Forecasts

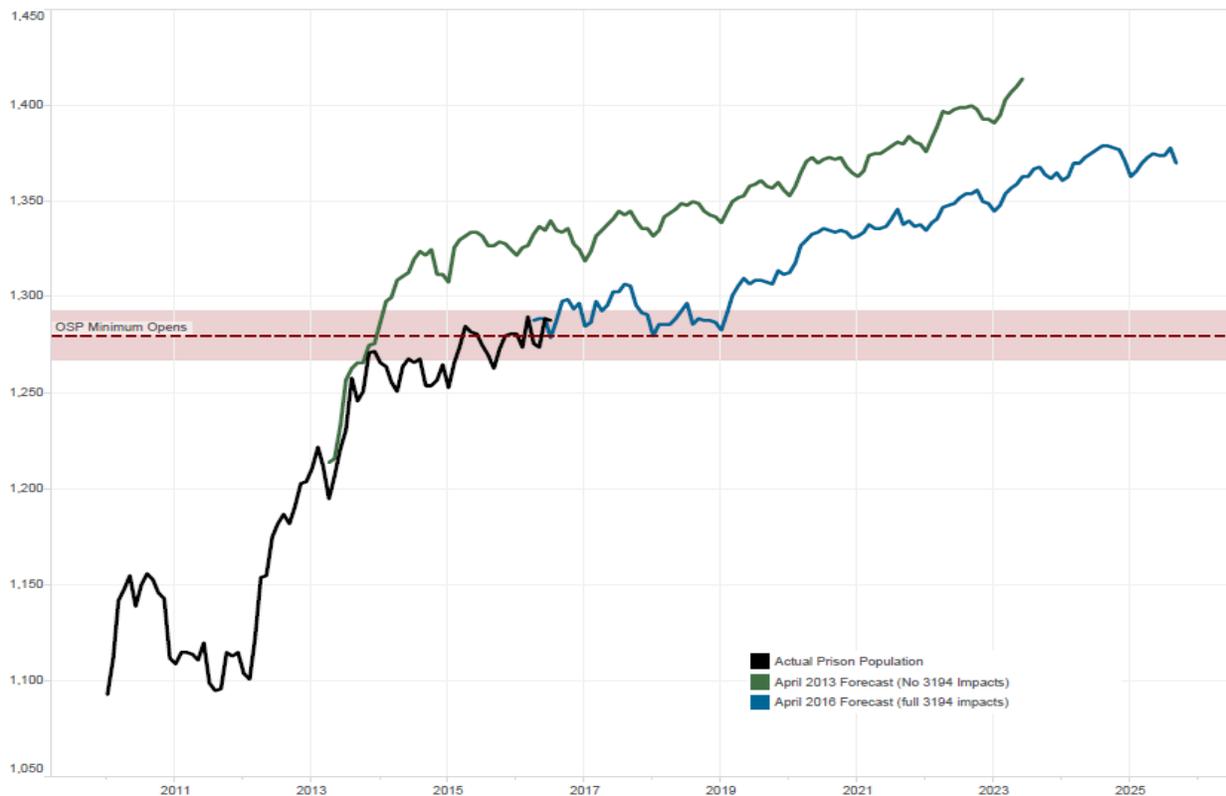


Figure 24: Female Prison Population and Forecasts

⁷ <http://www.oregon.gov/DAS/OEA/docs/prison/DOCForecast201304.pdf>

⁸ <https://www.oregon.gov/das/OEA/Documents/DOCForecast201604.pdf>

⁹ <http://www.oregon.gov/cjc/data/Pages/main.aspx>

Figure 25 below displays the male prison population and forecasts to 2025. The pink shaded area from 13,490 inmates to 13,820 inmates represents the population threshold for adding additional permanent beds at the Deer Ridge facility. If the male population grows to 14,020 the Junction City facility will need to become operational, which will require new prison construction and a cost of over \$140 million. Based on the April 2013 forecast, the additional beds at the Deer Ridge facility would have been opened May 2014 and the Junction City facility would have opened September 2017. Based on the April 2016 forecast, the additional beds at the Deer Ridge Medium facility would have been needed by July 2016. So far DOC has requested funds to open some additional units at the Deer Ridge facility. The April 2016 forecast doesn't reach the Junction City threshold until August 2025, which puts on hold any plans to construct the Junction City facility.

Male Prison Population and Forecasts

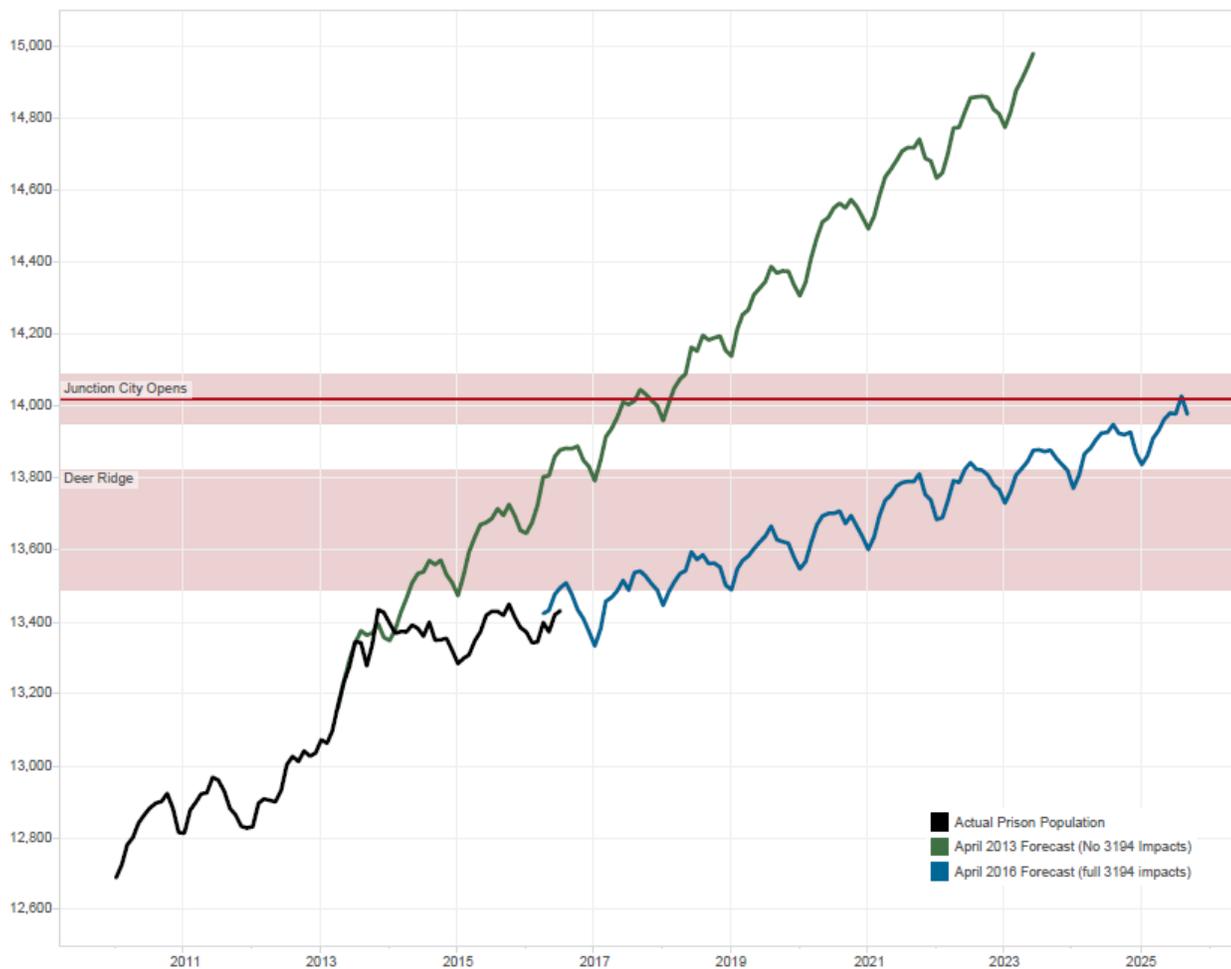


Figure 25: Male Prison Population and Forecasts

Figure 26 below displays the total (male and female combined) prison population and forecasts to 2025. The April 2013 forecast shows a total prison population of nearly 16,400 inmates by June 2023. The April 2016 forecast shows a total prison population of 15,300 inmates by March 2026.

Total Prison Population and Forecasts

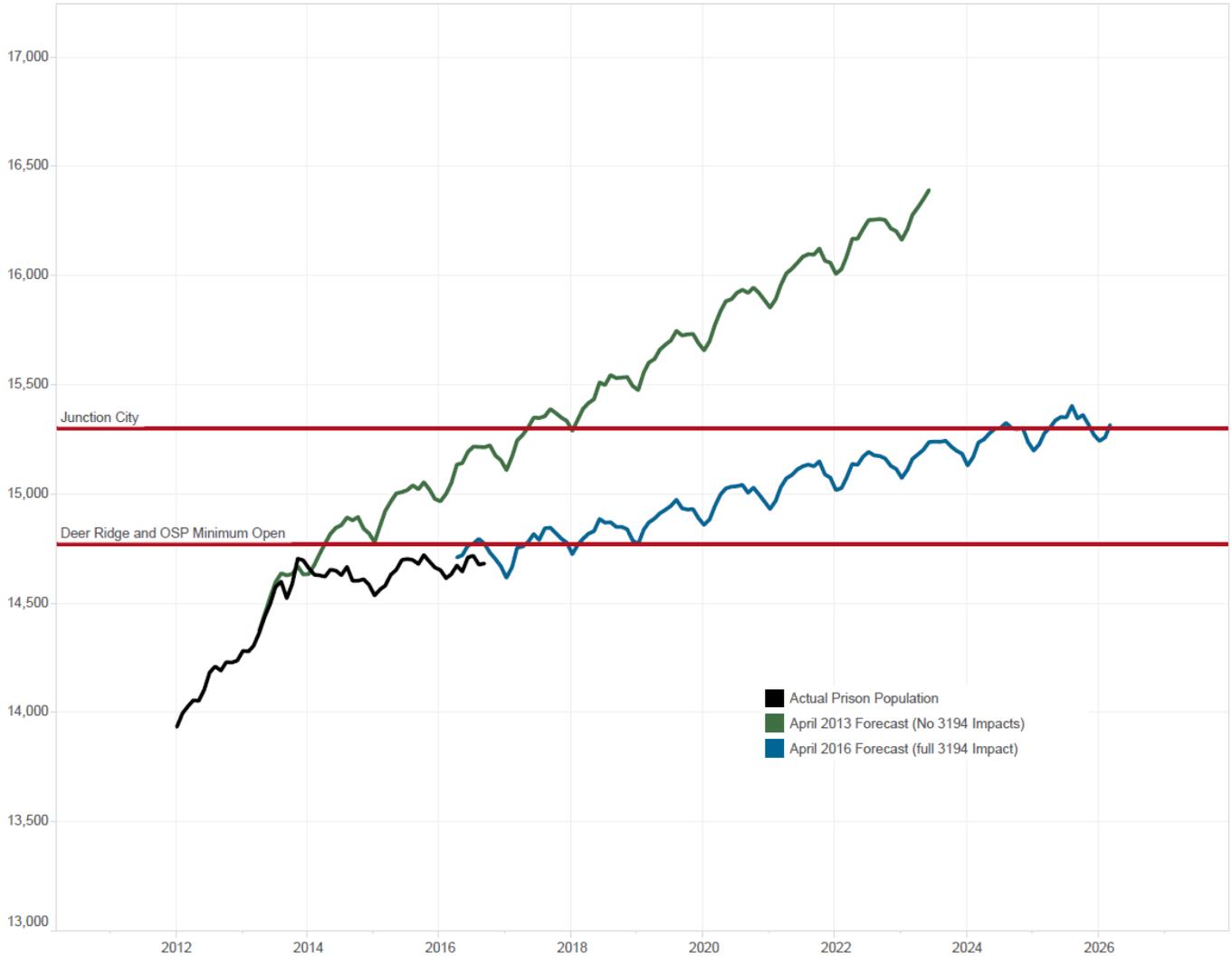


Figure 26: Total Prison Population and Forecasts

Prison Use Tracking in the 15-17 Biennium

Section 53 of HB 3194 directs the Oregon Criminal Justice Commission to adopt rules to administer the Justice Reinvestment Grant Program. The rules were finalized and filed in December 2014, and include a description of specific crimes that a county's Justice Reinvestment application should address in reducing utilization of state prison capacity.

“(2) Whether the applicant’s program is designed to reduce utilization of prison capacity by offenders convicted of felonies described in ORS 137.717, 475.752 to 475.935, 811.182, 813.010, or 813.011.”¹⁰

This specific list of ORS numbers includes Measure 57 property crimes, drug crimes, and the specific crimes of driving while suspending and driving under the influence of intoxicants.

CJC has been tracking prison use by county compared to each county's baseline value. The baseline prison use value is calculated from prison use from July 2012 to June 2015. This time period includes 13 months prior to the passage of HB 3194 from July 2012 to July 2013. The remaining 23 months are after the passage of HB 3194, and includes the phase in time for many of the sentencing changes in the bill. This three year time period is used as the baseline comparison to track prison utilization of specific crimes listed in the Justice Reinvestment Program Rules through the 15-17 biennium. The largest driver of the total prison months will be Measure 57 property offenses, followed by drug offenses, and lastly the driving offenses included in the Justice Reinvestment rules.

Figure 27 below shows the most recent baseline comparison at the county level. The average of the total prison months over the three year time period is the baseline prison utilization at the county level. As the graph below shows, the baseline values and prison utilization at the county level varies widely. Multnomah County has the highest threshold and is Oregon's largest county. The rural and frontier counties in Oregon have much lower thresholds. The prison utilization from August 2015 to July 2016 is compared to the baseline value. This shows Marion, Lane, and Multnomah Counties have shown the largest drop in prison utilization for the specific crimes listed in the Justice Reinvestment Rules. If a county's prison utilization is below the threshold they are displayed at the “Green” level. If a county is above the threshold by less than 10% they are at the “Yellow” level. And if a county is above the threshold by 10% or more, they are at the “Red” level.

Figure 28 below is another way to look at county prison use for property, drug, and driving offenses. Red, Yellow, and Green are assigned the same meaning, but this figure ranks the counties by prison use change from their baseline. So Marion has the biggest prison use reduction relative to baseline, while Clatsop has the biggest prison use increase relative to baseline in the past year.

¹⁰ http://arcweb.sos.state.or.us/pages/rules/oars_200/oar_213/213_060.html

JRI Prison Utilization by County September 2015 - August 2016

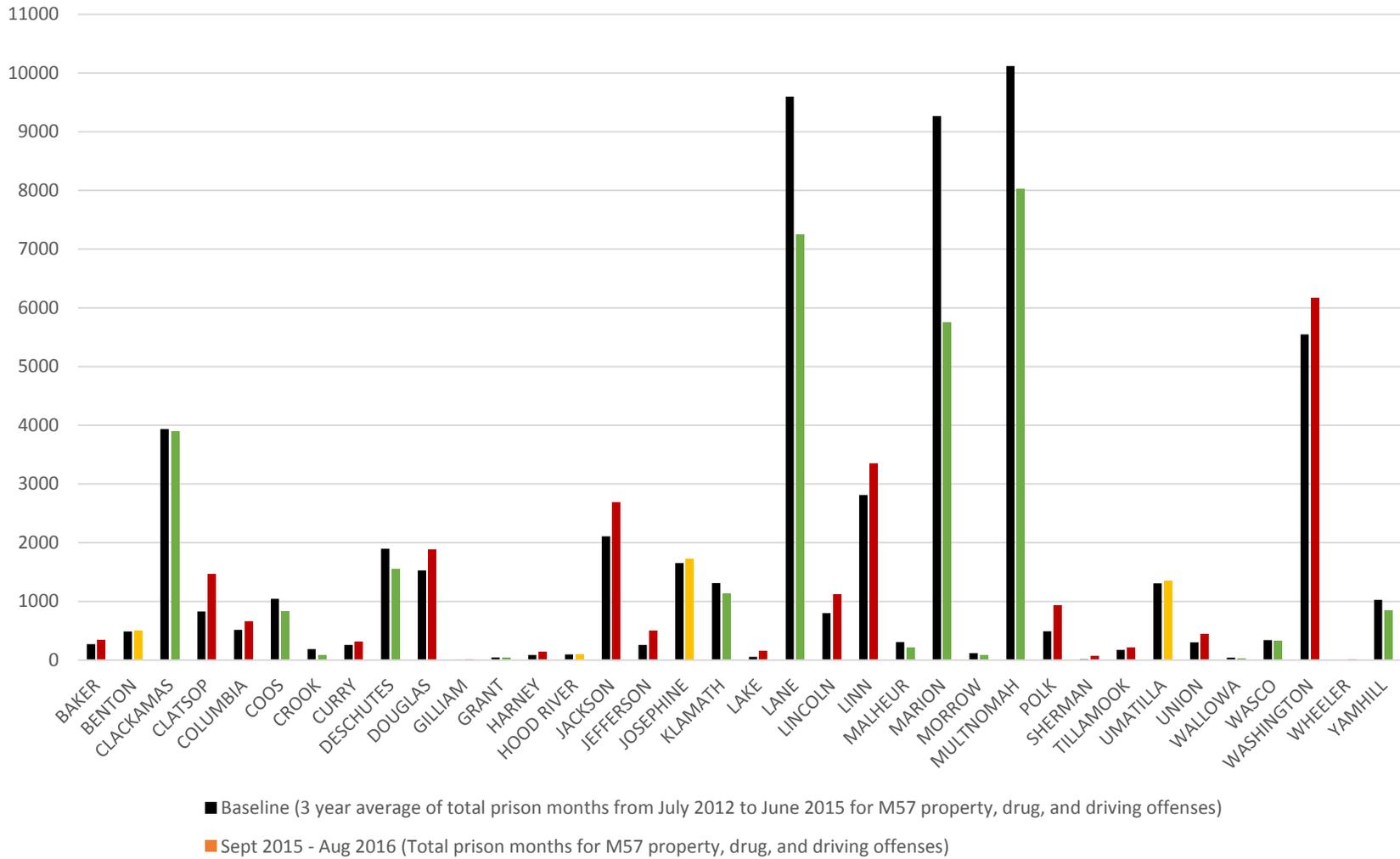


Figure 27: JRI Prison Utilization by County

JRI Prison Utilization by County September 2015 to August 2016 Difference from Baseline

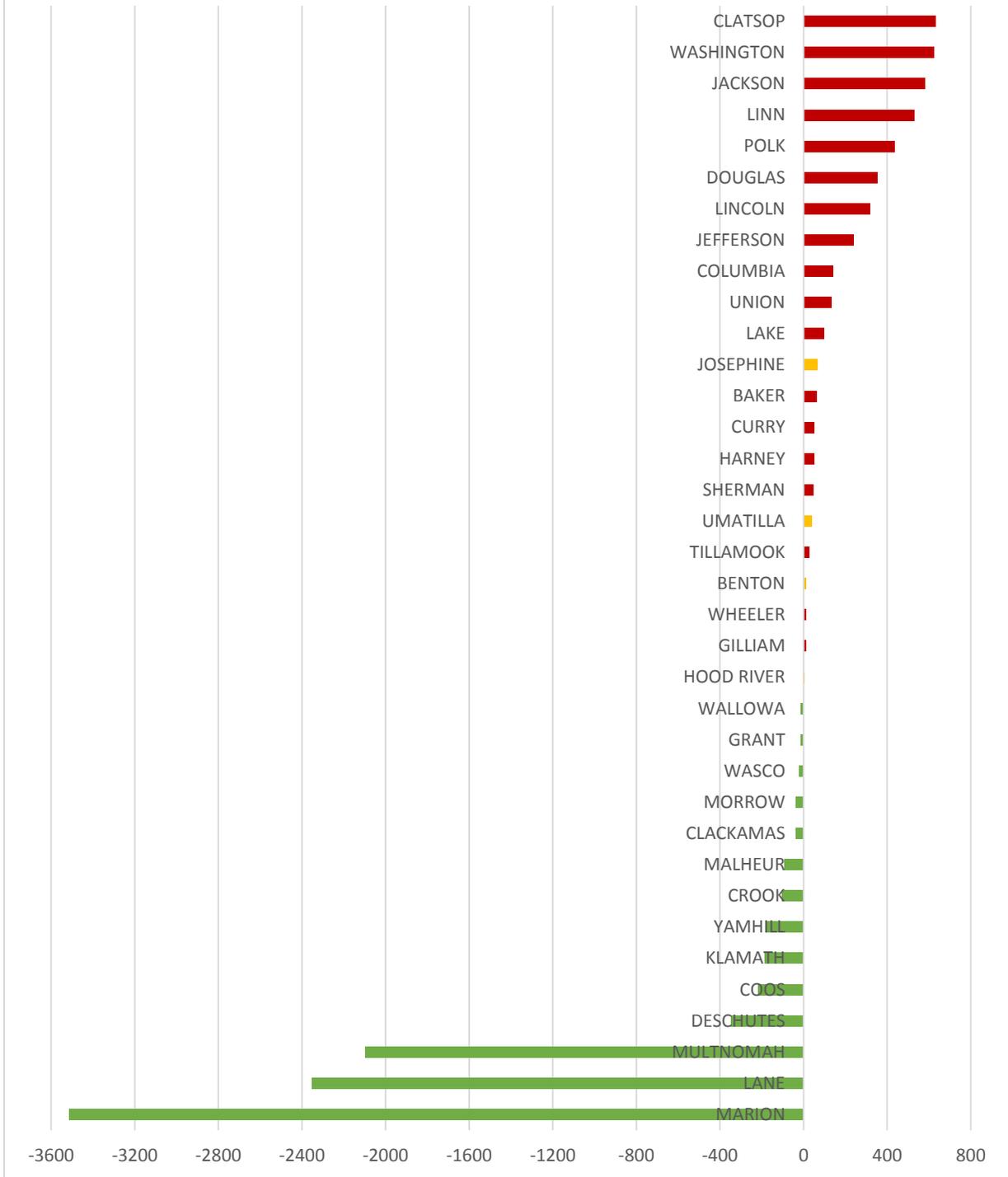


Figure 28: JRI Prison Utilization by County, Difference from Baseline

Justice Reinvestment Grant Program

Multnomah, Marion and Lane counties have all made significant changes to the amount of prison they use for Property, Drug and Driving crimes. The graph below shows each county's prison intakes for each of the last four years as well as intakes statewide. Multnomah and Marion have both made significant reductions in their prison intakes for these crime types and diverted offenders to probation programs that they enhanced with Justice Reinvestment Grant funds.

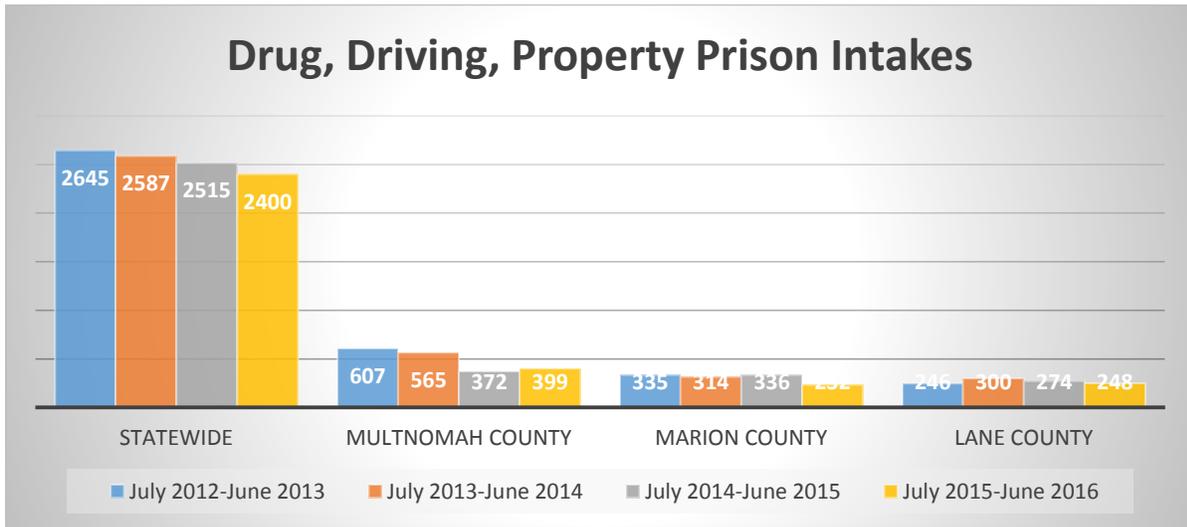


Figure 29: Drug, Driving, Property Intakes

The next figure shows average length of stay for a prison sentence for Property, Drug or Driving crimes for the same counties in each of the last four years. Lane and Marion had a length of stay that was higher than the statewide average, and much higher in Lane's case. As Lane County's Justice Reinvestment Program has taken shape there has been a significant decrease in average sentence length for these crime types. Part of Lane County's focus has been on shorter prison sentence and greater reentry efforts to help offenders reintegrate into the community and reduce recidivism.

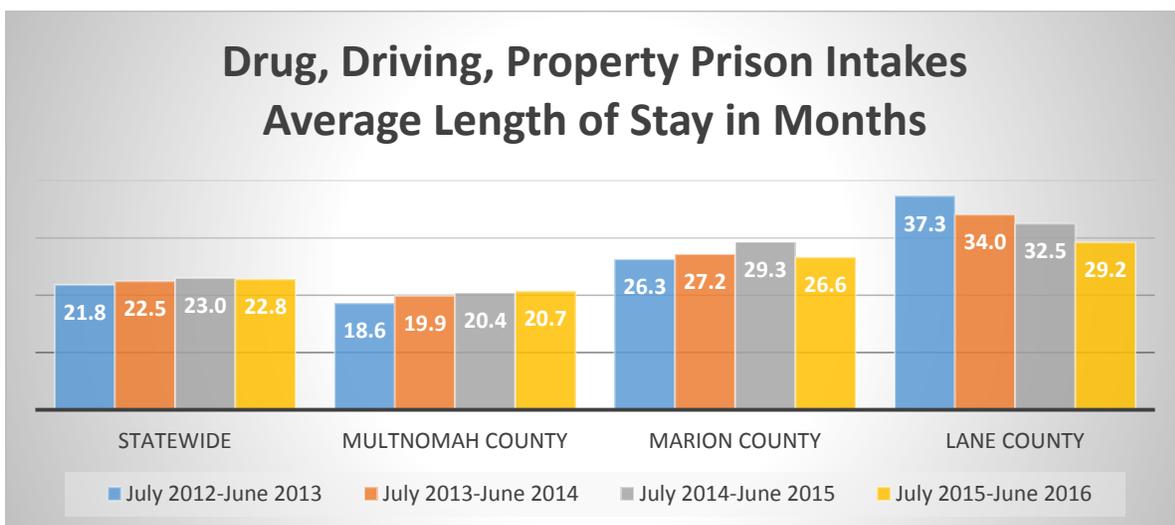


Figure 30: Drug, Driving, Property Average LOS in Months

Multnomah County was one of the earliest counties to begin to reduce their prison use through their Justice Reinvestment Program. Multnomah's MCJRP program assesses offenders to determine who can be supervised safely in the community and diverts those offenders from prison to intensive probation. Many other counties are only now beginning to see reductions in their prison use. Justice Reinvestment Grant funds are divided among the counties by DOC's Grant In Aid formula. Many counties did not receive sufficient funds to hire additional staff or secure sufficient additional treatment services in the 2013-15 biennium when Justice Reinvestment Grants were funded at \$15 million. In the 2015-17 biennium the Grant Program was funded at \$38.7 million and counties were able flesh out their programs by hiring needed staff and contracting with service providers for services such as treatment beds, housing, mentors and employment services. Counties received their 2015-17 biennium funds by December 2015 and the hiring and contracting process began all over the state. It can take 8-12 months to hire and train staff to the point where they are able to manage their own caseload and now, in late 2016 we are starting to see many county programs coming fully online.

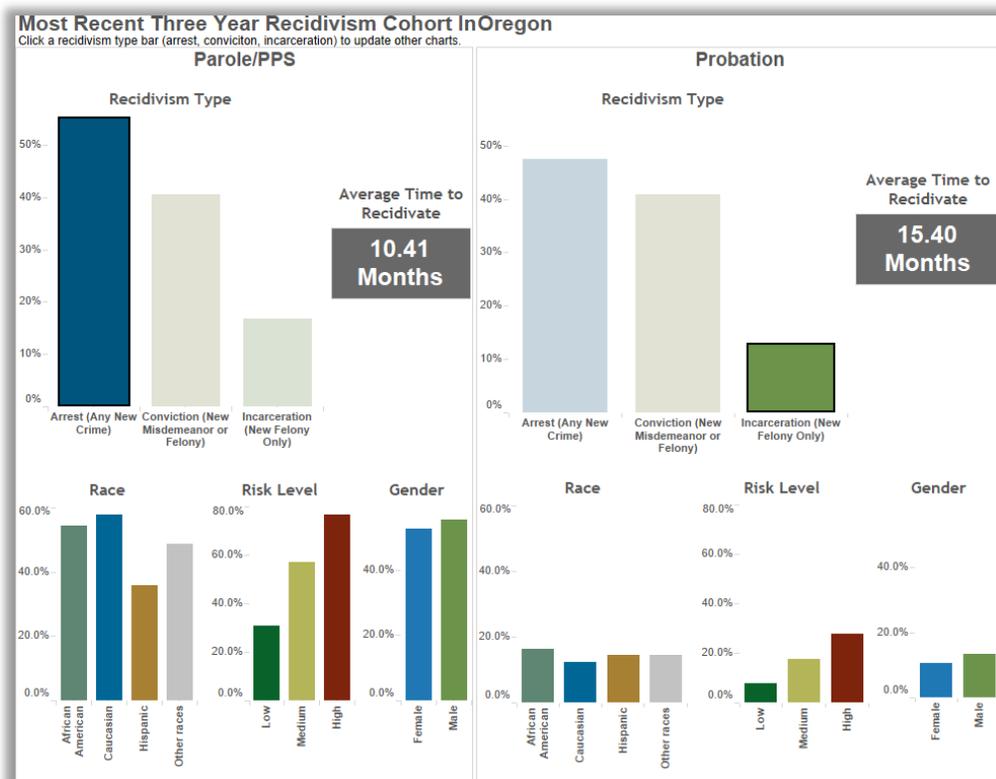
One example of this is Coos County's Downward Departure/Optional Probation Program. This program focuses efforts on presumptive prison offenders. Those offenders that enter the program receive downward departure sentences to a term of probation. Offenders are then provided with evidence based programming in the form of alcohol & drug treatment, mental health treatment, Moral Reconciliation Therapy, work crew, job skills and residential treatment. This programming as well as other interventions and any necessary sanctions are paid for with Justice Reinvestment Grant funds. These funds also pay for a Deputy District Attorney (DDA) who works out of the Coos County Parole and Probation Office. This DDA works with Community Corrections to identify prison bound offenders that can be safely supervised in the community and offer them downward departures to probation and access to treatment and services. This collaboration between District Attorneys and Community Corrections is another important facet of Justice Reinvestment. The most successful programs are the ones that involve all of the public safety stakeholders. From District Attorneys to Community Corrections, Defense Attorneys, Judges, Sheriffs, Chiefs of Police and service providers there has been increased collaboration across the state to build and evolve Justice Reinvestment Programs.

It is crucial not only that Justice Reinvestment Programs continue to be funded but that counties have confidence in that funding. Successful programs usually require hiring additional staff and entering into long term contracts between counties and service providers and these programs cannot be built on shaky ground. Reforming prison utilization requires both time and continued funding. Without reinvesting avoided costs in the counties these programs won't survive and prison use will quickly snap back to the rate of growth forecast in 2013 causing DOC to begin building a new prison facility in Junction City at an initial cost of over \$140 million plus additional operating costs.

II. RECIDIVISM

Section 45 of HB 3194 (codified in ORS 423.557) redefines recidivism for Oregon, to include arrest, conviction, or incarceration for a new crime. Historically recidivism in Oregon has been tracked with a single definition: a new felony conviction within three years of release for incarceration or imposition of probation. The CJC has released three statewide recidivism reports that provides the statewide analysis to include the new definition of recidivism for any new crime¹¹. The Oregon Statistical Analysis Center housed within the CJC plans to update this analysis every six months, to continue to track the new measures of recidivism in Oregon.

It will take some time before recidivism data is available for offenders that have participated in Justice Reinvestment Programs. As noted above, county Programs do not immediately come online due in part to the time needed to hire additional staff and contract with service providers after counties receive funding through the grant application process. Once a program is up and running three years of data, from the date an offender was either convicted or released from custody, is required under Oregon’s new statutory definition of recidivism. Several counties are focusing Justice Reinvestment funds on reentry and reducing recidivism and it will take time to determine the effectiveness of those programs. The CJC will closely follow the data as it comes in and the results will be released in additional reports as well as on the Recidivism Interactive Data Dashboards on CJC’s website (image below).¹²



¹¹ <http://www.oregon.gov/cjc/SAC/Pages/Recidivism.aspx>

¹² <http://www.oregon.gov/cjc/data/Pages/recidivism.aspx>

Figure 31 below displays recidivism rates for the parole and post-prison supervision (PPS) cohorts from 1998 to the second cohort of 2012. DOC defines cohorts as all individuals released to parole or PPS during a six month time period. In this 14 year time frame each recidivism measure shows a slightly declining overall trend from about 2000 and on. For the second cohort of 2012 the incarceration rate was 16.9%. Over a five year period, it is a 7.0% increase compared to the incarceration rate of the second cohort of 2007 at 15.8%. The conviction rate for the second cohort of 2012 was 40.6%. It is a 4.0% increase over a five year period compared to the conviction rate of the second cohort of 2007 at 39.0%. The arrest rate for the second cohort of 2012 was 54.9%. It is a 6.5% increase over a five year period compared to the arrest rate of the second cohort of 2007 at 51.6%.

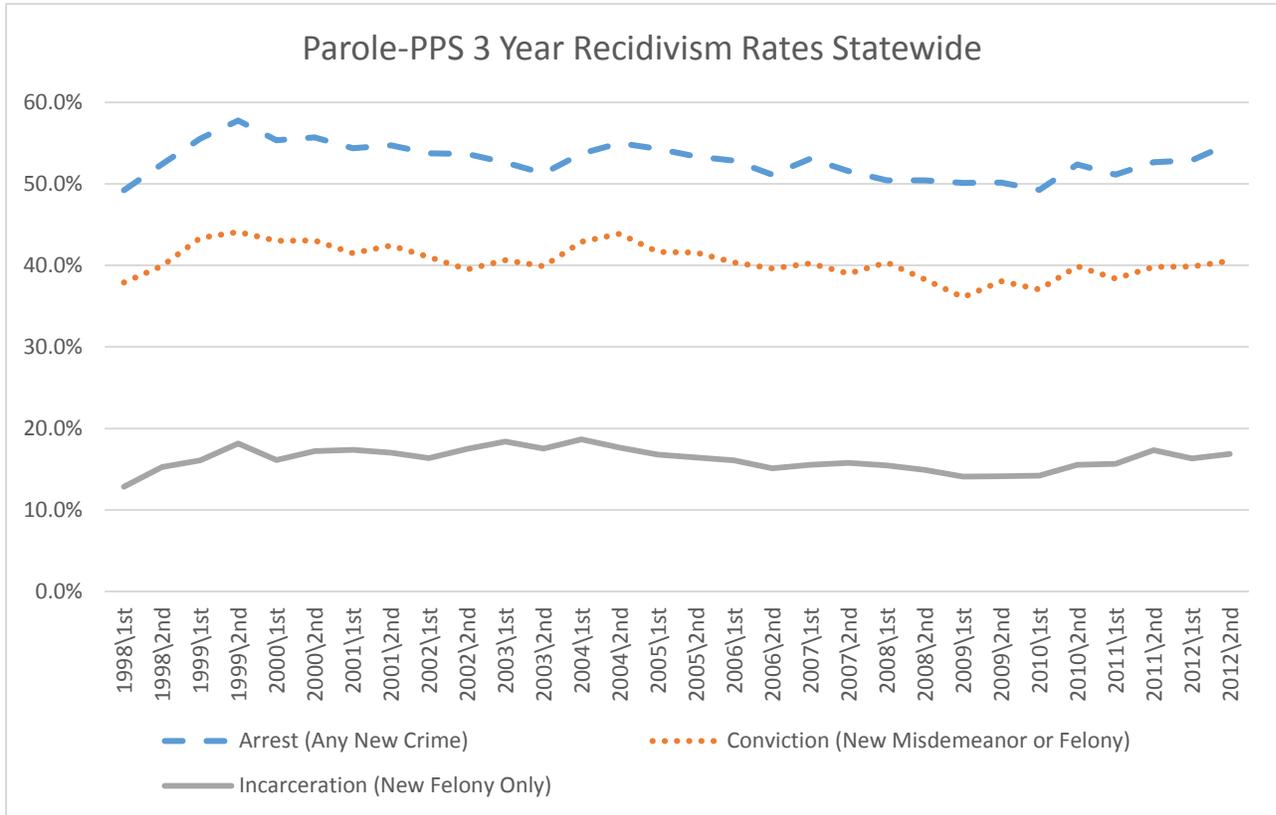


Figure 31: Parole-PPS 3 Year Recidivism Rates Statewide

Figure 32 below shows the three recidivism measures for the probation cohorts from 1998 to the second cohort of 2012. DOC defines the probation cohorts as comprising all individuals sentenced for the first time to felony probation during the six month period. Individuals sentenced to misdemeanor probation only are not included in the cohort. In this 14 year time frame the recidivism measures show a declining overall trend from about 2005 to 2009, and then a slight increase from 2009 to 2012. For the second cohort of 2012 the incarceration rate was 12.7%. This is a 5.6% increase over the incarceration rate of the first cohort of 2012 at 12.0%. Over a five year period, it is a 27.7% increase compared to the incarceration rate of the second cohort of 2007 at 9.9%. The conviction rate for the second cohort of 2012 was 40.9%. This is a 4.1% increase compared to the conviction rate of the first cohort of 2012 at 39.3%. It is a 5.3% increase over a five year period compared to the conviction rate of the second cohort of 2007 at 38.8%. The arrest rate for the second cohort of 2012 was 47.5%. This is a 4.2% increase compared to the arrest rate of the first cohort of 2012 at 45.6%. It is a 9.9% increase over a five year period compared to the arrest rate of the second cohort of 2007 at 43.3%.

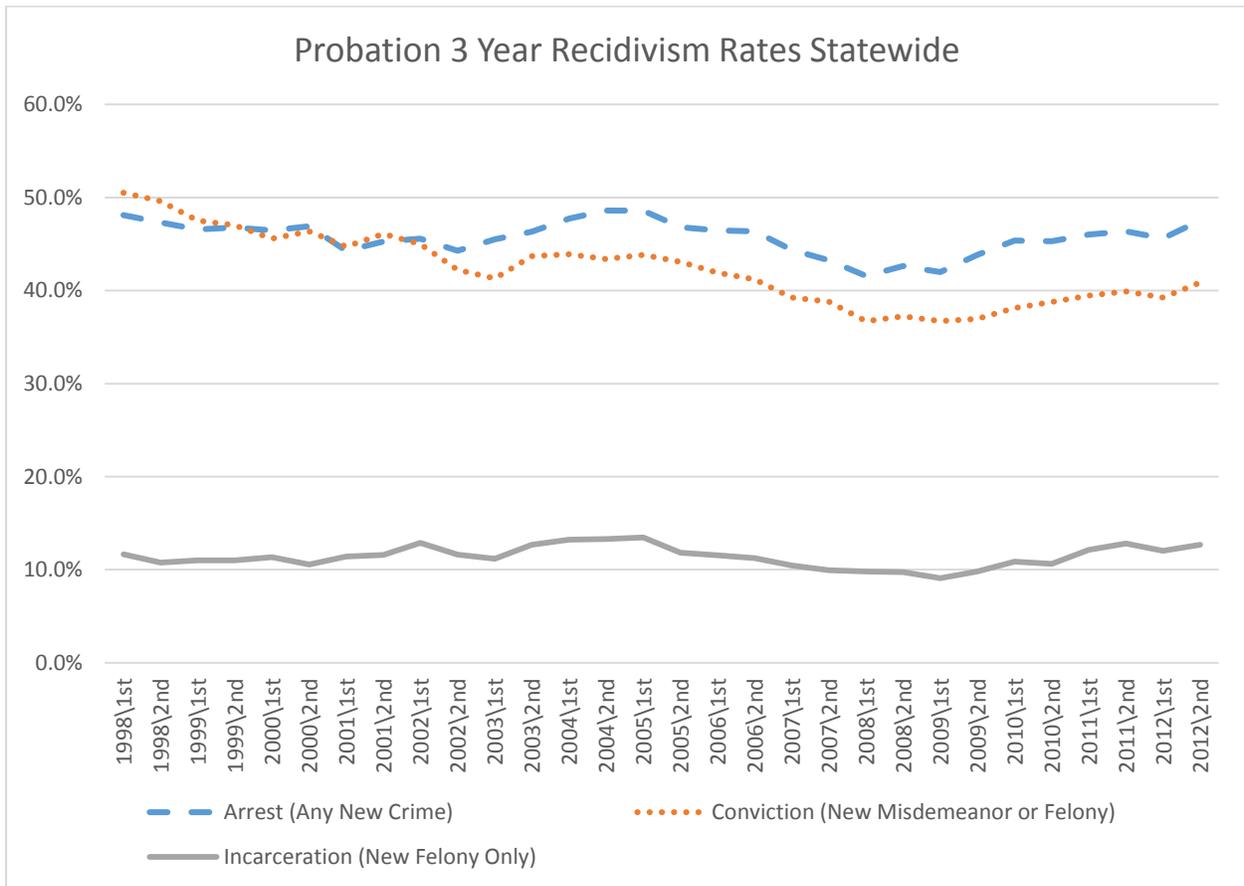


Figure 32: Probation 3 Year Recidivism Rates Statewide

III. PUBLIC SAFETY

Public safety is difficult to quantify. Reported Crime data (discussed below) is the best information we currently have on crime rates in Oregon. Ideally CJC would be able to track several data points as offenders moved through Oregon's criminal justice system. Currently CJC has ready access to data on offenders convicted of felonies via DOC's data system. As Oregon has transitioned from the OJIN court system to Odyssey (the new eCourt system) there should be opportunities for new ways to access and compile criminal justice data.

Reported Crime

On Monday September 26, 2016 the FBI released the 2015 Uniform Crime Reports (UCR) for Oregon and all other states in the US. This report, titled Crime in the United States, 2015, shows the number of property index and violent index crimes reported in all states. The Oregon data in this report should be interpreted cautiously because of missing data in several of Oregon's most populous cities. The FBI UCR program has estimated the missing data in these cities, and included the estimates in the statewide crime figures. Oregon's most populous cities that did not report a full 12 months of data include Portland, Gresham, Hillsboro, Beaverton, Tigard, Lake Oswego, Oregon City, Tualatin, and West Linn.

The Oregon crime data estimate shows that the total index violent crime rate increased 0.2% from 2014 to 2015. The aggravated assault rate increased 3.4%. The rate for robbery dropped 6.8% from 2014 to 2015, while the rate of reported rape dropped 3.1%. The murder rate increased 16.2%, and this is from an increase of 84 reported murders in 2014 to 99 reported murders in 2015. The total index violent crime rate increased 6.7% in the Western States from 2014 to 2015, and increased 3.0% nationwide.

The Oregon crime data estimate shows that the total index property crime rate dropped 5.0% from 2014 to 2015. The larceny-theft rate drop 6.0% in the same time period, while the burglary rate dropped 3.3%. The motor vehicle theft rate increased 1.2% from 2014 to 2015. The total index property crime rate increased 2.7% in the Western States from 2014 to 2015, and dropped 3.4% nationwide.

Figures 33 and 34 show the violent and property index crime rates for Oregon and the US Total from 1990 to 2015. The 2015 Oregon estimates from the FBI are displayed, and include estimates of missing reported crime data from many of Oregon's most populous cities. Both the Oregon and US Total violent index crime rate has dropped substantially since the early 1990s, with Oregon's rate historically lower than the US Total. Oregon's violent index crime rate dropped 50.3% from 1995 to 2015, while the nationwide rate dropped 44%. The property index crime rate also dropped substantially since the early 1990s for Oregon and the US Total, with Oregon's rate historically higher than the US Total. From 1995 to 2015, Oregon's property index crime rate dropped 51.2%, while the nationwide rate dropped 45.8%.

Oregon has benefited from substantial reported crime rate drops over the last two decades. As Justice Reinvestment programs continue to be implemented, these reported crime rates will be tracked to identify increases or reductions in reported crime that coincide with Justice Reinvestment activities.

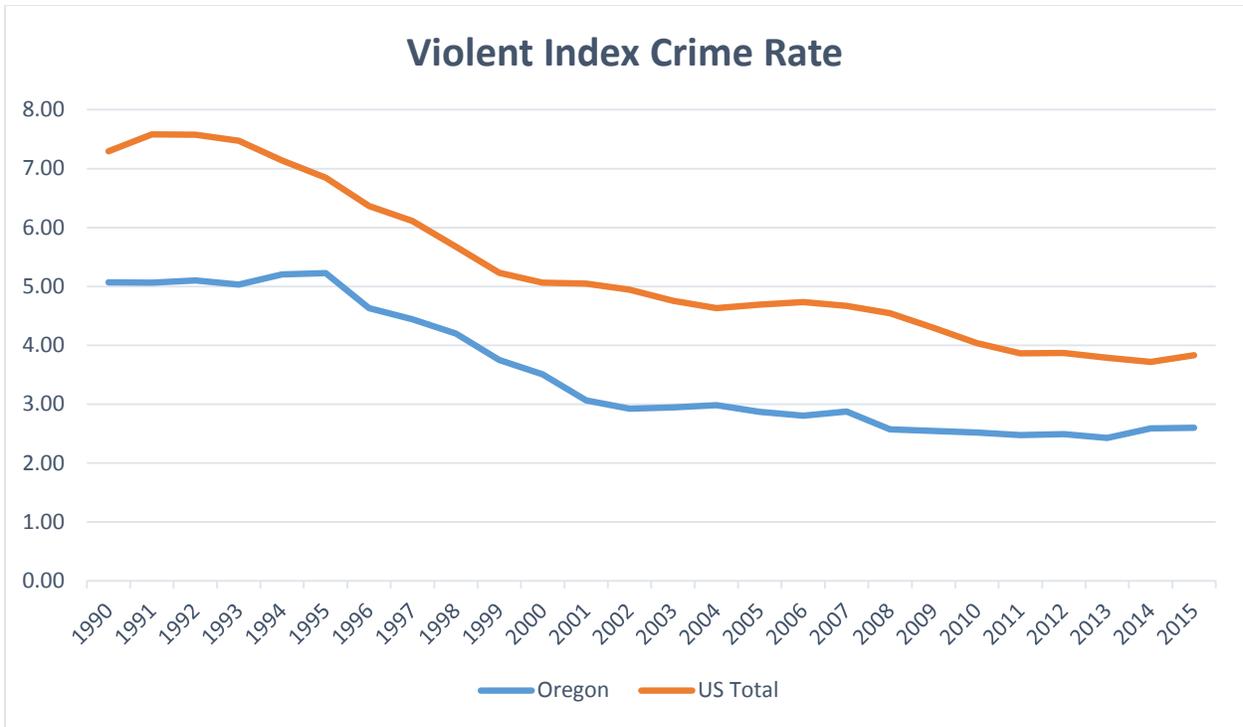


Figure 33: Violent Index Crime Rate

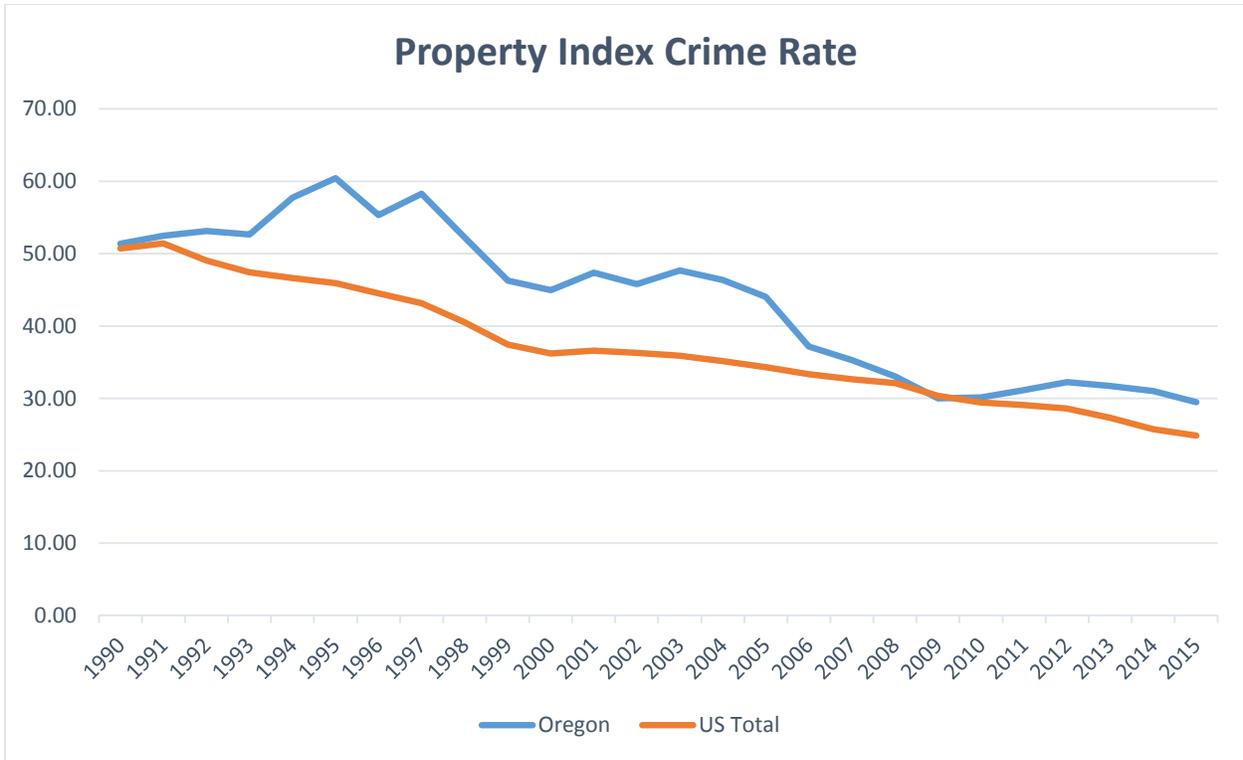


Figure 34: Property Index Crime Rate

LPSCC

The bodies with the greatest potential influence over county decisions on public safety strategies are the Local Public Safety Coordinating Councils (LPSCCs). LPSCCs are established by Oregon statute¹³ and require high level stakeholder membership including each county's Police Chief, Sheriff, District Attorney, State Court Judge, Public Defender, Director of Community Corrections, County Commissioner, Juvenile Department Director, Health Director, Citizen, City Councilor or Mayor, Oregon State Police representative, and Oregon Youth Authority representative. County LPSCCs develop Community Corrections Plans governing the use of state funds for parole and probation sanctions, supervision, treatment, and services. By statute and administrative rule¹⁴, LPSCCs also are at the core of the Justice Reinvestment Program process and their involvement is critical to developing and supporting local programs that meet the goals and requirements of Justice Reinvestment. All Justice Reinvestment Grant applications must be submitted through the county LPSCC.

One challenge Oregon faces in successfully implementing and sustaining Justice Reinvestment or any other Public Safety policy change is the vast differences across the state in LPSCC function, engagement, and access to resources. In the more populous counties, LPSCCs have professional staff support, greatly increasing their ability to use and share data, collaborate across agencies, and effect system-wide change. However, the majority of Oregon's LPSCCs have minimal or no professional staff support. For Justice Reinvestment to be sustainable in Oregon, we need every county to have the support resources to fully engage in and implement a data-driven approach to meet Justice Reinvestment goals including keeping the public safe.

Ideally Justice Reinvestment funds would be sufficient to provide LPSCCs with necessary staff; however, counties have to prioritize their resources and often these funds are needed to bring direct service staff and services up to adequate levels. This is especially true in the more rural counties. In an effort to enhance local resources, CJC applied for and was awarded a federal Justice Reinvestment Grant for Maximizing State Reform through the Bureau of Justice Assistance.¹⁵ These grant funds will assist selected county LPSCCs become highly functioning groups with the shared purpose of improving the local criminal justice system by working together to share information, develop common goals, and create strategies. Grant funds will be used to hire coordinators for LPSCCs who have little or no professional staff support in targeted, resource poor counties. These coordinators will help local stakeholders increase collaboration within and across jurisdictions to identify cost drivers and discuss new ways to reinvest into resources. The success and sustainability of Justice Reinvestment in Oregon will largely depend on the ability of localities to plan and make data-driven decisions based on local public safety system needs. The Maximizing LPSCC Capacity Grant will increase LPSCC function in

¹³ Legislative Counsel Committee, *CHAPTER 423—Corrections and Crime Control Administration and Programs* (2013). Accessed April 2016. Available at https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors423.html (2013)

¹⁴ Secretary of State, Oregon Criminal Justice Commission, Division 60, Justice Reinvestment Program (2014). OAR 213-060. Accessed April 2016. Available from http://arcweb.sos.state.or.us/pages/rules/oars_200/oar_213/213_060.html (2014)

¹⁵ <https://www.bja.gov/funding/JRImaximizing.pdf>

selected counties to help Oregon increase public safety and achieve its other Justice Reinvestment goals.

RIC meetings

Another important part of implementing HB 3194 has been the Regional Implementation Council (RIC) meetings. These are meetings that CJC staff holds on a quarterly basis in each of the four regions in the state (Metro, Northwest/Coastal, Southwest and Central/Eastern). The RIC meetings began as mostly data sharing presentations in which statewide and county prison use, recidivism and the implementation of the sentencing changes and Justice Reinvestment Grant programs from 3194 would be discussed with LPSCC members. RIC meetings have now been held in most Oregon counties and attendance has increased over time. Counties have increasingly incorporated RIC data into their own presentations to county commissioners and other local officials. CJC has also noticed an increase in requests for data, especially from Community Corrections Directors and District Attorneys. Counties have also become more aware of data resources and have started to track some of their own measures. As staff to the Public Safety Task Force and the state clearinghouse for criminal justice CJC has been able to build better relationships with county stakeholders via the RIC meetings which has led to better collaboration and information sharing across the state.

Over time, RIC meetings have evolved somewhat. The CJC is now able to display prison use, reported crime and recidivism data in the form of interactive data dashboards on their website giving counties immediate access.¹⁶ This has created the opportunity for the RIC meetings to become a forum for presentation and discussion of other Justice Reinvestment and Public Safety issues. To date, RIC meetings have focused on the Aid and Assist population sent to the State Hospital, navigating the grant application process, legislative outreach for continued Justice Reinvestment funding and effective strategies in county Grant programs.



¹⁶ <http://www.oregon.gov/cjc/data/Pages/main.aspx>

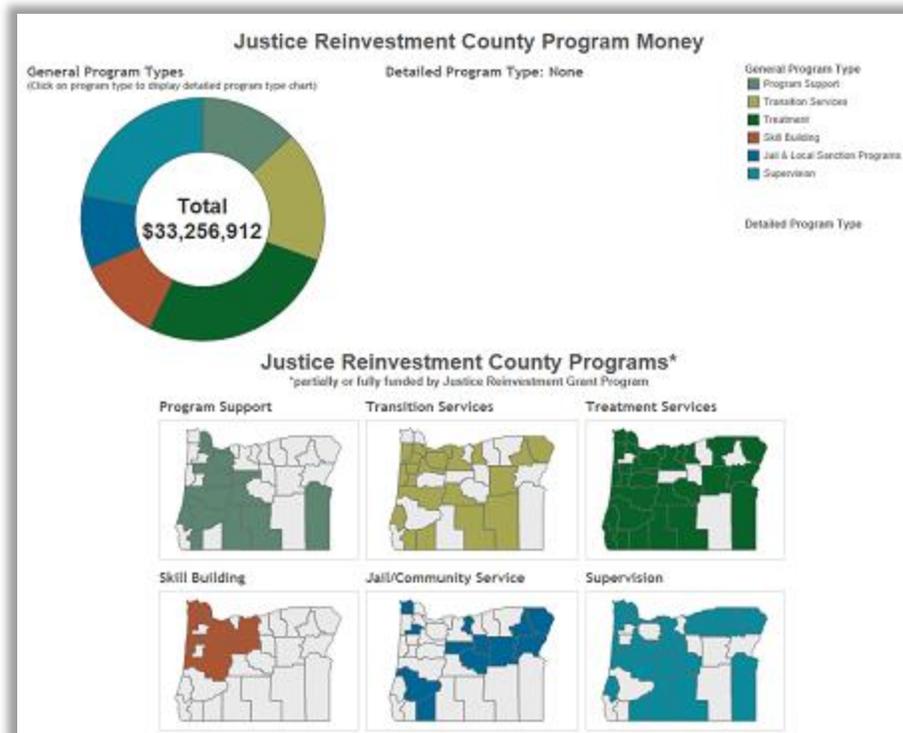
IV. ACCOUNTABILITY

Similar to public safety, the goal of holding offenders accountable is not as easy to measure as prison use. Yet accountability is an important goal of Justice Reinvestment. County Justice Reinvestment Programs have many different ways to hold offenders accountable on probation. The Multnomah County Justice Reinvestment Program (MCJRP) funds law enforcement officers that locate offenders participating in the program who have failed to appear for treatment or other probation appointments. This drastically speeds up the process of a probation officer requesting an arrest warrant for an offender who is not compliant and then dealing with the offender when they are eventually arrested by law enforcement. The MCJRP program aims to hold participating offenders immediately accountable when they do not comply with the specific case plan that has been created for them. Additionally, MCJRP offenders, like most Justice Reinvestment participants in other counties, are on probation due to a downward departure sentence. This means that if the offender violates their probation and is revoked the offender will then serve their prison sentence. Several counties have used Justice Reinvestment funds to hire additional parole and probation officers to bring down caseload size. This allows individual officers to spend more time focusing on offenders to both provide guidance and services that increase the chance the offender will be successful and to hold the offender accountable if they are not.

In Umatilla County, Justice Reinvestment funds pay for probation officers to assess and supervise Misdemeanor Domestic Violence offenders who would otherwise not be supervised in the community. Crook County hired an additional probation officer that helps downward departure offenders find housing, employment, treatment and medical care and coordinates with DHS/Child Welfare. Probation officers assess offenders and provide cognitive behavioral therapy when appropriate and hold offenders accountable with swift and certain sanctions. Grant County funded a Restitution advocate position with a portion of their Justice Reinvestment funds. The Restitution Advocate assists victims with the restitution process during a criminal case by working directly with crime victims to gather necessary documents and submit them to the court. These are just a sampling of the various programs across the state and how they are meeting the goal of holding offenders accountable. Information on how counties are spending their Justice Reinvestment funds and on individual programs can be found at the Justice Reinvestment interactive data dashboards on CJC's website (image below)¹⁷ as well as on the Oregon Knowledge Bank.¹⁸

¹⁷ <http://www.oregon.gov/cjc/data/Pages/jri.aspx>

¹⁸ <http://okb.oregon.gov/programs/correctional/>



Earned Discharge

Earned Discharge is a facet of HB 3194 that incentivizes offenders to comply with probation conditions. Earned Discharge is described in Sections 17 to 23 of the bill and allows for the early termination of a supervision sentence under certain conditions, including a minimum period of supervision that is not less than six months and that at least 50 percent of the period of supervision is imposed. This change applies to supervision sentences on or after August 1, 2013. There were some implementation challenges with the original criteria of earned discharge, and HB 3070¹⁹ that passed in 2015 was designed to resolve these issues. HB 3070 was effective January 1, 2016.

Figure 35 below shows the number of earned discharge supervision terminations. The first earned discharge terminations were in June 2014. There was an average of about 24 earned discharge

¹⁹ <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB3070/Enrolled>

supervision terminations a month in 2015. The number of terminations has increased starting January 2016, which coincides with the effective date of HB 3070.

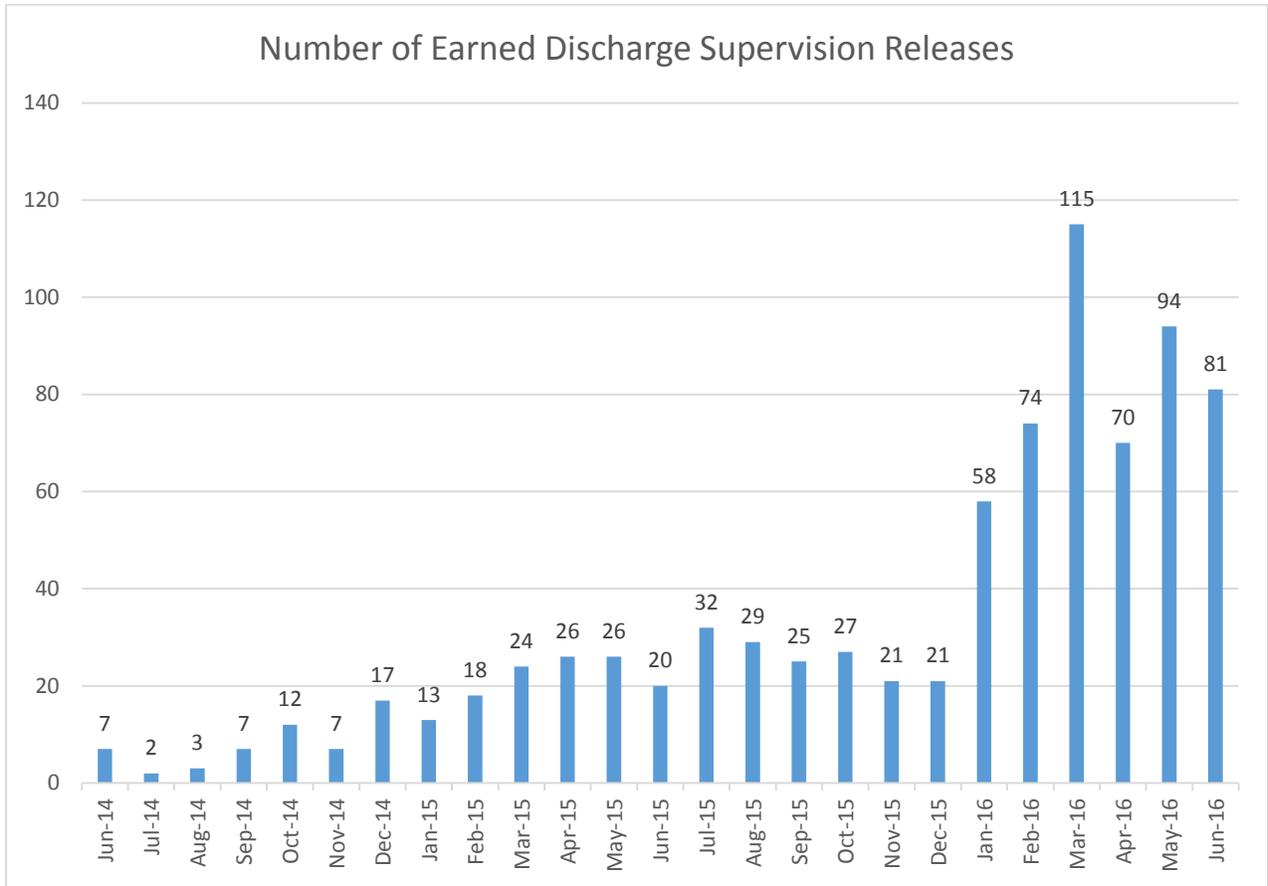


Figure 35: Number of Earned Discharge Supervision Releases

V. OTHER PROGRAMS

There are several other programs created by HB 3194 that have also been implemented since the bill's passage. Some of them are highlighted below.

Center for Policing Excellence

Policing is undergoing a change. It's moving from a rather narrow view of law enforcement as the answer to crime to a more encompassing perspective that includes public safety as an outcome of problem-solving the root causes of crimes, that is, of preventing crimes from happening in the first place. This change is substantial, and the Center for Policing Excellence at DPSST has the primary responsibility for ensuring that all of Oregon's peace officers are familiar with and know how to practice these modern policing strategies.

Leadership Academies

CPE continues to provide the 80-hour Supervisory Leadership Academy (SLA) on a bi-monthly basis. A large portion of this program's curricula is focused on evidence-based approaches to preventing crime, building legitimacy and reducing recidivism in order to enhance community safety and improve organizational performance. So far in 2016, CPE has held four SLA cohorts and graduated 88 public safety supervisors, and a fifth cohort of 24 students is currently underway.

CPE provides similar training for middle-managers within the Organizational Leadership and Management Academy (OLM). This program is held twice per year; 16 managers from police and/or corrections agencies throughout Oregon graduated from the OLM cohort held in the spring of 2016; a new cohort with 14 managers begins on September 19th.

Student Projects and Micro-Grants

In order to successfully graduate from CPE's SLA and OLM academies, students are required to complete a project focused on applying evidence-based decision making. For this project, each student must identify a specific problem or issue in their community or agency, research a proposed response, and develop a strategy to assess the success of their proposal. These projects generate innovative, research-informed solutions to local crime and/or livability issues; however, for many agencies implementation is inhibited by either a lack of resources or a need for additional technical assistance to develop their capacity for research- or data-driven improvements.

In response, CPE has partnered with CJC to develop a Micro-Grant program to assist local agencies with implementing and/or enhancing the use of practices that are supported by research, and community-focused. Since the program's inception in May, CPE has awarded two micro-grants, with another eight currently pending approval. To receive a micro-grant, an agency must clearly define the issue with supportive data, develop a proposal based on credible research, articulate specific project outcomes and measurements, and agree to submit their results to the Oregon Knowledge Bank.

Police Legitimacy Training Program

Recognizing the importance of building and preserving public trust, CPE has developed basic, in-service and leadership level training courses to educate law enforcement officials on research and strategies for

improving community/police relations and police legitimacy. Three separate training modules are now available which focus on the following areas: individual interactions (Procedural Justice), officer conduct/culture (Ethical Leadership), and agency operations (Research-Informed Decision Making).

Since January 2016, 280 basic police students and 104 leadership students have received all or portions of this training program. Additionally, 151 public safety professionals have participated in at least one of the modules through in-service trainings provided regionally by CPE. CPE has also developed “train-the-trainer” courses on these topics in order to extend the benefits beyond prescribed applications by CPE. Since their creation in June 2016, 21 public safety professionals have participated in these advanced, instructor-level courses.

Oregon Knowledge Bank

The Oregon Knowledge Bank (OKB) is a collaboration between CJC and the Center for Policing Excellence. This project is an online resource for Oregon-based public safety programs and research. The OKB highlights innovative programs operating in the state and research about Oregon-based solutions. It offers practitioners in the field an online location to find solutions, offer answers, share research, and contact law enforcement experts. Currently, there are over 100 correctional and policing programs and research summaries featured on the website as well as a directory of Oregon’s more than 200 law enforcement agencies. The Agency Directory has profiles of each agency and a list of Specialty Units that the agency provides (image below).



OREGON KNOWLEDGE BANK
A CLEARINGHOUSE FOR LOCAL CRIMINAL JUSTICE

 <p>POLICING PROGRAMS</p> <p>Municipal police departments and county sheriffs' offices operate a wealth of programs aimed at preventing crime, reducing victimization, and improving community residents' quality of life. Search here to find successful interventions your colleagues in Oregon are using.</p>	 <p>CORRECTIONAL PROGRAMS</p> <p>Community corrections agencies throughout Oregon operate programs for probationers and parolees that reduce recidivism, improve public safety, and minimize victimization. Sheriffs' offices operate jail-based programs whose priority is the safety and security of staff and people in custody. Search here to learn what innovative practices agencies in Oregon are implementing.</p>
 <p>RESEARCH</p> <p>Are you looking for relevant, practical criminal justice research studies and results? Do you want to find reliable evidence of successful work in Oregon? Search here for research reports focusing on policing, supervision, and public safety programs based in Oregon.</p>	 <p>AGENCY DIRECTORY</p> <p>Oregon has more than 300 law enforcement agencies, including police departments, sheriffs' offices, and community corrections agencies. Many departments have specialized units and divisions, as well as local experts on specific topics. Search the public safety directory here to find them—and other colleagues—in Oregon.</p>

Cost Benefit Analytical Tool

The CJC continues to make progress on Results First, the benefit-cost tool the Task Force selected. This model provides information on the cost-effectiveness of programs in both adult criminal justice and juvenile justice. The adult criminal justice portion of the model is finalized and CJC has prepared analyses on 4 of DOC's programs: Vocational education, Inpatient Alcohol & Drug treatment, Outpatient Alcohol & Drug treatment, and Cognitive Behavioral Therapy (see example below). CJC is working on adding Adult Basic Education and Correctional Industries (Oregon Correctional Enterprises) to the model. Also, a few counties have volunteered to add programs offered to offenders on local supervision, and those programs will be added soon. The juvenile justice portion of the model is complete and will be finalized after the vetting process is finished. CJC will be able to analyze three programs once data is received from OYA: Alcohol & Drug treatment, Cognitive Behavioral Therapy with Alcohol & Drug focus, and Aggression Replacement Therapy. Final results are expected to be available by the end of 2016 (the image below is taken from a draft of Results First and is for example only).

Program name	Total benefits	Taxpayer benefits	Non-taxpayer benefits	Costs	Benefits to cost ratio
Cognitive behavioral therapy (high and moderate risk offenders)	\$16,147	\$5,028	\$11,119	(\$1,699)	\$9.50
Outpatient/non -intensive drug treatment (incarceration)	\$18,874	\$5,915	\$12,959	(\$1,311)	\$14.40
Inpatient/intensive outpatient drug treatment (incarceration)	\$19,728	\$6,203	\$13,524	(\$3,856)	\$5.12
Vocational education in prison	\$25,772	\$7,587	\$18,185	(\$4,027)	\$6.40

Note: Results First Draft for example only

VI. CONCLUSIONS AND RECOMMENDATIONS

As we near the beginning of the third biennium of Justice Reinvestment in Oregon we are in a different landscape than we were when HB 3194 was passed. Although we did not see all of the projected savings from the sentencing changes in the bill, the county Justice Reinvestment programs have significantly impacted the prison forecast and reduced the amount of prison beds used on non-violent Property, Drug and Driving offenders. Most significantly this change has pushed back the need for constructing an additional prison facility that would have opened by September 2017. There is still the need for a body to oversee the continued implementation of HB 3194 and to further consider certain aspects of the bill. Based on our findings the Task Force makes the following recommendations.

Justice Reinvestment Grants

We have already realized all of the prison bed savings from the sentencing changes in HB 3194 and any further savings will come from county Justice Reinvestment Programs. To date, Justice Reinvestment has saved the state over \$140 million in cost avoidance by preventing Oregon from needing an additional male prison facility in Junction City and a projected \$52.7 million in avoided DOC operational costs.²⁰

- ✓ The Task Force recommends that the legislature fully fund county Justice Reinvestment Programs at the requested amount of \$52.7 million statewide.

Grant funds are used to enhance local public safety systems so that more offenders can be supervised locally instead of utilizing more expensive prison beds. Since the passage of HB 3194 there has been a drastic shift away from prison for nonviolent property, drug and driving offenders and it is crucial that funding for these programs be continued so that counties have the option of supervising offenders locally. If Justice Reinvestment Programs are not adequately funded, prison use will quickly revert to the predicted growth in 2013 (prior to the passage of HB 3194) and ODOC will need funding to build a new facility in Junction City with an immediate cost of over \$140 million and additional operational costs.

In 2013, initial start-up for Justice Reinvestment Programs was funded in the amount of \$15 million. In the 2015 session, Justice Reinvestment Grants were funded at \$38.7 million statewide.

²⁰ See Appendix A

Public Safety Task Force

The Task Force sunsets at the beginning of the 2017 legislative session; however, the implementation of HB 3194 is not finished. Although we have reached a point where we have realized all of the prison bed savings from the sentencing changes in HB 3194, counties continue to adjust and improve their Justice Reinvestment Programs and CJC continues to track county prison use. It is still necessary to have a body charged with overseeing the implementation of HB 3194 to maximize the effectiveness of the bill. Additionally, the Task Force will further consider Juvenile Earned Review and Short Term Transitional Leave as noted below. To that end the Task Force makes the following recommendations:

- ✓ The Public Safety Task Force should continue for four additional years and sunset at the beginning of the 2021 legislative session;
- ✓ Task Force members will serve two year terms;

Family Sentencing Alternative Program Pilot

House Bill 3503²¹ passed during the 2015 Oregon legislative session, creating a ten year pilot program aimed at departing qualified offenders from prison to a period of intensive probation. The offenders targeted are those who had custody of a minor child at the time of offense. The goals of this new program, known as the Family Sentencing Alternative Program Pilot (FSAPP), are to promote the reunification of families, prevent children from entering the foster care system, and reduce the chances the offender or their children will become further involved in the criminal justice system in the future. While not part of HB 3194, FSAPP affects the same offender population and the Task Force was asked to consider recommending changes that would increase the effectiveness of the program.

FSAPP is intended to be a collaborative effort between the ODOC, Oregon Department of Human Services (ODHS), and circuit courts and community corrections agencies within the counties identified as participants in the program pilot: Deschutes, Jackson, Marion, Multnomah and Washington. The program provides full support and wrap-around services for the offender, including intensive supervision with additional treatment and learning opportunities geared towards parenting and families. \$1.9 million was allocated as part of HB 3503 in order to fund probation officer positions and services in these counties, an FSAPP Program Coordinator position with ODHS, and a technical support position with ODOC. The program pilot is modeled in part after the Family and Offender Sentencing Alternative program created by the Washington State Legislature in 2010.

The FSAPP program began in January 2016, and a number of early successes are worthy of noting. The partnership between ODOC and ODHS in the development and oversight of the program has been effective. The two agencies have been working closely and collaboratively in the sharing of pertinent information about enrolled offenders and data tracking. However, identifying eligible offenders has been the greatest challenge of the program thus far. Many otherwise eligible individuals are prevented from FSAPP participation by statutory language restricting defendants with previous convictions for person felonies. Participating counties report encountering a number of parent offenders who stand a chance of benefitting greatly from the FSAPP program, but have previous felony convictions for crimes such as Robbery in the 3rd degree, Assault in the 4th degree, Criminal

²¹ <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB3503/Enrolled>

Neglect, and Felony DUII. Many of the disqualifying previous convictions occurred several years prior to the current case, and in some cases, these defendants are receiving downward departures from prison, yet are unable to take advantage of FSAPP. Additionally, a group of potentially eligible offenders was simply not considered in the original bill: those without custody of minor children but who were pregnant at the time of their offense. These offenders are not considered eligible for FSAPP as they were not a parent or legal guardian of a minor child at the time of the offense.

FSAPP Enrollment Data

County	Participants	Children
Deschutes	3 females; 0 males	4
Jackson	6 females; 0 males	13
Marion	11 females; 2 males	21
Washington	21 females; 0 males	40
Multnomah	8 females; 8 males	29
TOTALS	49 females; 10 male (59)	107

Data current as of 9/7/16

In July 2016, ODOC prepared a white paper addressing FSAPP’s successes and challenges to date. The Task Force supports that white paper and the following recommendations should be considered to remove barriers that inhibit the overall impact of the program:

- ✓ Remove statutory language restricting prior person felonies (830(2)(A));
- ✓ Remove statutory language restricting 813.010 (Felony DUII) (830(2)(C));
- ✓ Add statutory language allowing for consideration of otherwise eligible pregnant offenders.

The continuation of effective interagency collaboration, ongoing program advocacy and education, and the adoption of recommended statutory changes, will increase the number of Oregon families benefitting from the unique opportunities, services and support FSAPP provides. The resulting increase in overall impact of the program will help ensure FSAPP achieves the stated goals of promoting the reunification of families, preventing children from entering the foster care system, and reducing the chances the offender or their children will become further involved in the criminal justice system in the future.

Department of Corrections Data System

One of the major components of Justice Reinvestment is the collection and use of timely, accurate, and validated data from all system partners. Given the antiquated and limited capacity and capability of the DOC system, the Task Force recommends:

- ✓ Funding and replacement of the current DOC system to a modern data collection system that meets the needs not only for prisons and community corrections, but for the public safety system as a whole.

This investment will ensure that Oregon is capable of collecting, analyzing, and acting upon accurate and important data elements that are critical to public safety reform.

Center for Policing Excellence

CPE has recently hired a researcher who will work on expanding the research material available on the Oregon Knowledge Bank and be a resource for law enforcement officers. This researcher will also study innovative programs in the state and assist law enforcement agencies that do not have research analysts. CPE currently has temporary funding for this position. The Task Force recommends:

- ✓ Providing ongoing funding for the Center for Policing Excellence research position.

Further Consideration

Juvenile Earned Review

House Bill 3194 directs the Task Force to “[c]onsider the policy implications of establishing an earned, conditional release hearing for juvenile offenders convicted under ORS 137.707.”²² The Task Force acknowledges that this is an important issue in Oregon which requires further consideration. Additionally the Task Force will consider the findings of the Governor’s Juvenile Justice System Review before making a recommendation to the legislature on Juvenile Earned Review.

Short-Term Transitional Leave

The Task Force has considered recommending an expansion of Short-Term Transitional Leave (STTL) because it is by far the most successful sentencing change from HB 3194. At this point, the Task Force will continue to monitor the success of STTL regarding both recidivism rates and the rate of successful completion by offenders. The Task Force will review STTL in six months and again in one year when further data become available and consider making a recommendation at that time.

²² Section 57, chapter 649, Oregon Laws 2013; HB 3194 Section 57(2)(b)
<https://olis.leg.state.or.us/liz/2013R1/Downloads/MeasureDocument/HB3194/Enrolled>

APPENDIX

Oregon Department of Corrections

House Bill 3194 – Cost Avoidance & Justice Reinvestment

BIENNIUM	Fiscal Impact of HB 3194 (April 2016)			Justice Reinvestment
	PRE 3194	POST 3194	Cost Avoidance	
<u>2013-15 Biennium</u>				
DOC Operating	\$20,432,477	\$8,487,698	\$11,944,779	
DOC Start Up	\$2,213,588	\$0	\$2,213,588	
DOC Construction	\$0	\$0	\$0	
Community Corrections	\$11,404,949	\$12,723,660	-\$1,318,711	
Total	\$34,051,014	\$21,211,358	\$12,839,656	\$15,000,000
<u>2015-17 Biennium</u>				
DOC Operating	\$64,225,543	\$10,010,821	\$54,214,722	
DOC Start Up	\$7,981,906	\$4,048,180	\$3,933,726	
DOC Construction	\$0	\$0	\$0	
Community Corrections	\$19,136,715	\$26,353,436	-\$7,216,721	
Total	\$91,344,164	\$40,412,437	\$50,931,727	\$38,700,000
<u>2017-19 Biennium</u>				
DOC Operating	\$89,701,523	\$37,130,528	\$52,570,995	
DOC Start Up	\$0	\$1,528,093	-\$1,528,093	
DOC Construction	\$141,261,194	\$0	\$141,261,194	
Community Corrections	\$21,302,676	\$26,996,195	-\$5,693,519	
Total	\$252,265,393	\$65,654,816	\$186,610,577	TBD
<u>2019-21 Biennium</u>				
DOC Operating	\$116,763,866	\$74,617,198	\$42,146,667	
DOC Start Up	\$0	\$0	\$0	
DOC Construction	\$0	\$0	\$0	
Community Corrections	\$22,715,416	\$29,182,443	-\$6,467,027	
Total	\$139,479,282	\$103,799,641	\$35,679,641	TBD
<u>2021-23 Biennium</u>				
DOC Operating	\$141,149,766	\$76,527,670	\$64,622,096	
DOC Start Up	\$0	\$0	\$0	
DOC Construction	\$0	\$0	\$0	
Community Corrections	\$24,070,468	\$30,719,544	-\$6,649,076	
Total	\$165,220,234	\$107,247,214	\$57,973,021	TBD
Total DOC	\$583,729,863	\$212,350,189	\$371,379,674	
Total Community Corrections	\$98,630,224	\$125,975,277	-\$27,345,053	
Total Cost Avoidance	\$682,360,087	\$338,325,465	\$344,034,621	\$53,700,000