



# COMMUNITY CORRECTIONS AND JUSTICE REINVESTMENT

LPRO: Legislative Policy and Research Office

BACKGROUND BRIEF

## COMMUNITY CORRECTIONS BACKGROUND

In the last several years, Oregon has attempted to balance mandatory minimum sentences with an effective and efficient corrections system. In 1994, Oregon voters approved Ballot Measure 11, enacting mandatory minimum prison terms for serious crimes against persons. As a result of Measure 11, prison populations increased, straining available state and local resources. In response, the 1995 legislature enacted Senate Bill 1145, which created a partnership between counties and states for the supervision of felons. Additionally, in 2010, Oregon voters approved Measure 57 which increased prison terms for persons convicted of specific drug or property crimes and prohibited judges from imposing a less than presumptive sentence in particular cases.

Individuals sentenced to more than 12 months in custody are sent to an Oregon Department of Corrections (DOC) facility. Oregon presently has over 14,000 felons in

DOC prisons.<sup>1</sup> Individuals sentenced to 12 months or less serve their sentences in county-run jails; there are 723 such individuals currently serving felony sentences in county jails. Additionally, counties are responsible for the supervision of felons on parole, probation post-prison supervision or youth formerly under the supervision of the Oregon Youth Authority (OYA). There are over 14,000 individuals on post-prison supervision and over 17,000 probationers.

The legislature states that, "counties are in the best position for the management, oversight and administration of local criminal justice matters and for determining local resource priorities." SB 1145 laid out the parameters for county programs and

funding requirements. Additionally, the measure created a mandate that each county's board of county commissioners convene a local public safety coordinating council (LPSCC) to develop plans for the local adult offender and juvenile offender populations and to coordinate local criminal justice policies among criminal justice entities.

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<sup>1</sup><https://www.oregon.gov/das/OEA/Documents/DOCForecast201604.pdf>



# COMMUNITY CORRECTIONS AND JUSTICE REINVESTMENT

Despite the efforts from 2000-2010 to place greater control with local jurisdictions, Oregon prisons had “an incarceration rate that grew four times of the national average. Over that same period, Oregon’s prison population increased by nearly 50%, grew to more than 14,000 inmates with a total biennial corrections budget over \$1.4 billion.”<sup>2</sup> In 2011, Governor John Kitzhaber appointed the Commission on Public Safety to [examine and report](#) on the long-term efforts on public safety and sentencing, focusing on these specific outcomes:

- The safety of Oregonians;
- Accountability for criminal offenses;
- An efficient system that controls costs; and
- A system that is smart and fair.

The efforts of the Commission continued into 2012 and a proposal was brought before the legislature in 2013 in the form of House Bill 3194.

## HOUSE BILL 3194

House Bill 3194 (2013) made several major changes to the Oregon criminal justice system.

Sentencing reform. HB 3194 reduced the disposition of several crimes within Oregon’s sentencing guidelines. Felony driving while revoked or suspended was lowered from a category 6 to a category 4 on the sentencing grid, some Measure 57 property offenses received a lower presumptive sentence and adjustments were made to the sentencing guidelines for possession, delivery or manufacture of marijuana.

<sup>2</sup> Criminal Justice Commission Overview of Justice Reinvestment Initiative.

Transitional Leave, Downward Departures and Earned Discharge. HB 3194 tripled the number of days an inmate could be under community supervision through transitional leave from 30 days to 90 days. Additionally, the measure allowed for downward departures in limited Measure 57 drug trafficking-related offenses, allowing for supervised release in some cases, and reformatted the process for calculating earned supervised time.

Justice Reinvestment. HB 3194 created a program to harness local solutions to community correction issues. The program is operated through the Criminal Justice Commission (CJC) and subject to review by the Justice Reinvestment Grant Review Committee. Local jurisdictions propose a program and are awarded grants from a state-funded fund, after CJC review. No less than 10 percent of funds must be used for community-based victim services. The CJC reviews the programs in operation and provides statistical analysis and evaluation of their effectiveness in reducing recidivism and increasing public safety.

Research and Recidivism. HB 3194 introduced a definition of “recidivism” into Oregon’s statutes and required the CJC to analyze recidivism rates. The measure tasked the CJC with serving as a clearinghouse and information center on specialty courts operating within the state.

Probation. The measure allowed for more flexibility in the probation plan of an offender by allowing a community corrections agency or DOC officer to file a modification with the court. This process provides an opportunity for the District Attorney to object to the changes.

<http://www.oregon.gov/cjc/justicereinvestment/Pages/default.aspx#jri-overview>.



## COMMUNITY CORRECTIONS AND JUSTICE REINVESTMENT

Task Force. HB 3194 created the Public Safety Task Force, which oversees implementation of HB 3194.

Center for Policing Excellence. HB 3194 included the [Oregon Center for Policing Excellence \(CPE\)](#), housed within the Department of Public Safety Standards and Training (DPSST). The OCPE, “develops and delivers training and resources that promote the use of research related to building public trust and confidence, decreasing crime or disorder, and increasing offender accountability ...” and “provides leadership development programs ... and facilitates collaborative efforts between researchers and practitioners to support evidence based decision making.”

Fiscal Statements. HB 3194 requires fiscal statements produced on measures that create new crimes, increase penalties for existing crimes or modify sentencing or correction policy include a ten-year estimate of the fiscal effects of the proposal.

### CURRENT STATUS OF COMMUNITY CORRECTIONS AND JUSTICE REINVESTMENT EFFORTS

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The current forecast for prison beds predicts a 6.9 percent drop over the next ten years in the rate of incarceration (prison beds per 1,000 population) in DOC prisons.<sup>3</sup> The overall downward trend can be ascribed to HB 3194, “[I]ts effects are almost fully evident in the data. While the prospective impacts incorporated into this forecast are negligible, the full impact of HB 3194 is still sizeable, both in terms of prison beds saved and costs avoided. As a gross measure, the number of

prison beds in use today (14,636 as of March 1, 2016) is about 400 beds below the projection (April 2013) that preceded the passage of the bill.”

The [2015 legislature allocated a total of \\$38.7 million to the Justice Reinvestment Grant Program](#). Counties had until October 2015 to apply for a one-time grant to cover two years of community programs. The amount of grant funding available to each county was based on a rubric and varied from county to county, with less-populated counties receiving at least \$100,000 and greater populated counties receiving over \$1,000,000.

Counties were free to propose programs unique to their counties, so long as those programs were evidence-based and met the goals of reducing prison populations, reducing recidivism, increasing public safety and increasing offender accountability. Programs could include: work release programs; structured, transitional leave programs; evidence-based programs designed to reduce recidivism; reentry courts; specialty courts for medium-risk and high-risk offenders; and evidence-based policing strategies. The program allowed only one grant application per county, but local governments could submit joint applications that met with approval by the local LPSCC.

All 36 Oregon counties submitted grant applications and all 36 received funding for their proposals. The CJC evaluates the programs on an ongoing basis, with initial data on recidivism and public safety available next year.

Additionally, the Public Safety Task Force is required to issue a report in October 2016, making recommendations to further reduce

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<sup>3</sup> [2016 Department of Corrections Forecast](#)



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prison expenses, decrease recidivism and increase public safety.

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