The Oregon Criminal Justice System in 2016:

A Continuing Success Story

Oregon District Attorneys Association, Inc.

January 2017

Oregon District Attorneys Association, Inc.

2017 Board Officers & Directors

Rick Wesenberg, President
Matt Shirtcliff, 1st Vice President
Rod Underhill, 2nd Vice President
Beth Heckert, Secretary / Treasurer

Doug Marteeny, Director
Patricia Perlow, Director
John Haroldson, Director
Daina Vitolins, Immediate Past President

Table of Contents

I. Introduction 3

II. Legislative Reforms 3

III. Key Public Safety Ballot Measures. 4

IV. Oregon's Crime Rates 5

V. Incarceration Rates 6

VI. Violent Criminals in Oregon Prisons 8

VII. Drug Offenders in Oregon Prisons 9

VIII. Oregon's Prisons Reserved for Repeat Offenders 10

IX. Percentage of Convicted Felons in Prison in Oregon 11

X. Crime Victim Rights in Oregon 12

XI. Truth in Sentencing Restored 12

XII. Proportionate Punishment as a Measure of Justice: Violent Crime 13

XIII. Proportionate Punishment as Measure of Justice: Repeat Felony Property Crime 13

XIV. Prison Population Growth 14

XV. Conclusion 15

XVI. Appendices 16

A. Recidivism 16

B. Myth: Poverty, Economic Recessions & Unemployment Affect Crime Rates 18

C. Sentencing Guidelines 20

D. Specialty Courts and Programs 21

Table of Figures

Figure 1 Source: Oregon Criminal Justice Commission. 2015 Release of FBI Uniform Crime Reports for Oregon (September 26, 2016) 5

Figure 2 Criminal Justice Commission Report to the Legislature, January 2007, Table 3. http://library.state.or.us/repository/2013/201309271137355/ 6

Figure 3 Compiled from FBI UCR reports from 1960 to 2014. https://ucr.fbi.gov/ 7

Figure 4 Compiled from FBI UCR reports from 1960 to 2014. https://ucr.fbi.gov/ 7

Figure 5 Compiled from FBI UCR reports from 1960 to 2014. https://ucr.fbi.gov/ 8

Tim Colahan, Executive Director ● Michelle Long, ODAA Coordinator
Phone: (503) 934–1111 ▪ Fax: (503) 373–1936 ▪ odaa.oregon.gov ▪ 2250 McGilchrist St. SE, Ste. 100 Salem, OR 97302

Figure 6 Data compiled from U.S. Bureau of Justice Statistics data taken from the NCRP-D for 2010 9
Figure 7 Data compiled from U.S. Bureau of Justice Statistics data taken from the NCRP-D for 2010 9
Figure 8 Data compiled from a combination of Oregon Criminal Justice Commission and Department of Corrections records. 10
Figure 9 Data compiled from a combination of Oregon Criminal Justice Commission and Department of Corrections records. 10
Figure 10 BJS, Correctional Populations in the United States, 2014. Fig. 5 https://www.bjs.gov/content/pub/pdf/cpus14.pdf 11
Figure 11 https://www.oregon.gov/das/OEA/Pages/index.aspx. Corrections population forecast at page 9. 14
Figure 12 Oregon Recidivism Analysis, November 2016 https://www.oregon.gov/cjc/SAC/pages/Recidivism.aspx 16
Figure 13 Oregon Recidivism Analysis, November 2016 https://www.oregon.gov/cjc/SAC/pages/Recidivism.aspx 16
Figure 14 U.S. Census Bureau statistics 1980-2014. https://www.census.gov/hhes/. Violent Crime Statistics compiled from FBI UCR reports from 1960 to 2014. https://ucr.fbi.gov/ 18
Figure 15 US Census Bureau Unemployment statistics 1980-2014. https://www.census.gov/hhes/. Violent Crime Statistics compiled from FBI UCR reports from 1960 to 2014. https://ucr.fbi.gov/.US Census Bureau Unemployment statistics 1980-2014. https://www.census.gov/. 18
Figure 16 US Census Bureau poverty statistics 1980-2014, Table 21. 19

I. Introduction

Oregon's criminal justice system is a model for the rest of the country. The state enjoys low crime rates, low incarceration rates, constitutional rights for crime victims, and proportional punishment for violent and chronic repeat property offenders. The state also concentrates its resources, more than any other state in the nation, on violent offenders, sex offenders, and offenders with increasingly serious criminal records. As a result, in 2016 Oregon is a much safer place than it was in 1985. Even with the concentration on serious crimes, Oregon's prison population growth is projected to be very modest for the foreseeable future.[1]

Oregon's current success is even more remarkable when one considers the state of the system just 30 years ago. In the 1980s, Oregon suffered skyrocketing violent crime, high rates of property crime, no rights for crime victims, a lack of truth in sentencing, and a lack of justice through proportionate sentences. In those bleak times, Oregon's citizens lacked any faith in its criminal justice system to provide either justice or safety.

Much has changed since then. Oregon is now one of the nation's safest states. It was not an accidental turnaround; but instead reflects decades of hard work by dedicated public officials and citizens who recognized that our safety is the cornerstone to the vitality of our communities.

There is a timeline reflecting the steady progression of criminal justice reform in Oregon, including key dates that mark important criminal Justice policy reform. Some of these changes were achieved by the legislature and some were by Oregon voters through the initiative process (one of Oregon's most unique and treasured legacies). Here is a short list:

II. Legislative Reforms

1971 Criminal Code Revisions. After two years of public hearings, the Oregon legislature completely revised and re-codified the entire Oregon criminal code, including significant changes in procedural laws (post-conviction actions by convicted defendants allowing them to attack their judgements outside the normal appellate process, expungement of criminal convictions and discovery statutes which were designed to create a level playing field eliminating the old tactic of "trial by ambush"). These revisions modernized Oregon's criminal code and are still the framework for our system today.

1973 Marijuana Decriminalization. Oregon became the first state in the nation to decriminalize possession of marijuana for personal use in private.

1975 Civil Disenfranchisement Repeal. Civil disenfranchisement of voting and holding office was abolished for all convicted offenders who are not actually incarcerated. This remains one of the most progressive statutes in the nation.

1976 Community Corrections Act. The legislature established a framework for local control of the supervision of offenders on parole and probation.

1983 Indigent Defense Act. The legislature mandated a state-funded and administered criminal defense service for indigent offenders who could not afford an attorney. Today, as a direct result of this act, Oregon has the third highest per capita funding in the nation for indigent defense services.

[1] See Oregon's most current prison population forecast issued in October 2016, which, on page 8, predicts a 4% growth in prison populations over the next 10 years, while the overall Oregon population is forecast to grow at 12% rate over the same time period. This slow growth will result in a projected 7.7% drop in Oregon's incarceration rate. Found at: https://www.oregon.gov/das/OEA/Pages/forecastcorrections.aspx

1987-90 Prison Expansion. Democratic Governor Neil Goldschmidt recognized Oregon's broken prison system and began the process of building more prison capacity to protect the integrity of court ordered sentences. In 1960 Oregon reported 35,000 major felony crimes. By 1985 that had grown to over 180,000 major felony crimes, a 500% increase. In 1985 Oregon had the 4th highest major crime rate in the nation. During this 25 year period, not one new prison opened in Oregon.

1989 Sentencing Guidelines. By the late 1980's court ordered prison sentences were no longer being served. The Oregon Board of Parole had virtually unfettered authority to drastically reduce court ordered prison sentences through the award of "good time". This system is called "indeterminate sentencing". Governor Goldschmidt recognized the necessity of "truth in sentencing" and lead the way to a system of "determinate sentencing" through the implementation of Sentencing Guidelines, in which offenders were required to serve at least 80% of their sentences. They could receive up to a 20% reduction through "earned time". The principle of "truth in sentencing" was re-established in Oregon. Unfortunately, Sentencing Guidelines, because of a lack of prison space, prohibited a prison sentence for most property crimes.

1989 Treatment Courts. Multnomah County led the way in the expansion of treatment courts for drug offenders which is now widely used around the state.

1992 Administrative Sanctions by Community Corrections. The legislature authorized local community corrections offices to sanction offenders for violations of their supervision on probation and parole. This virtually eliminated the participation of judges and courts in this process. This system remains in effect today and represents perhaps the largest erosion of judicial authority in state history.

1996 Repeat Property Offenders (RPO). This new RPO law was an attempt to allow courts to sentence some serious repeat property offenders to prison. Sentencing Guidelines (1989) prohibited most convicted felony property offenders from receiving a prison sentence and consequently Oregon continued to suffer high property crime rates. However, under this new statute, courts were still generally prohibited from ordering prison sentences until the offender had been convicted of numerous prior felony property crimes.

1996 Local Control Legislation. The legislature passed laws that prohibited convicted felons sentenced to prison in court from serving their sentences in a state prison unless the actual time served was a least a year in length. This, in effect, shifted the responsibility for these sentences to county jails, rather than state prisons.

2003 Evidence Based Programming. Oregon lead the nation in requiring corrections programs for offenders to be "evidence based". It was believed that "evidenced based" programming would reduce recidivism. However, as evidenced in Appendix A, that has still not occurred.

2013 HB 3194. Reduced some penalties for certain property and drug offenses. Also increased Short Term Transitional Leave and created a major funding mechanism for local communities to reduce recidivism. Also, re-defined recidivism to match the definition in most other states and at the federal level. Finally, it emancipated the prison forecasting process from the political process, thereby creating much more accuracy in the projections of future prison growth.

III. Key Public Safety Ballot Measures.

Sometimes, the legislature was unwilling or unable to pass certain legislation, particularly in the areas of strengthening sentencing for violent and repeat property offenders and the rights of crime victims. In those cases, the voters had to step in through the initiative process.

1987 Measure 10: The first victims' rights in Oregon. Prior to this voter approved law, victims had no legal standing in the criminal justice system.

1994 Ballot Measure 11. Increased sentences for approximately 20 violent crimes, including murder, rape and robbery. Established mandatory minimum sentences for these crimes (that are still less than those in many states). Further strengthened Oregon's commitment to "truth in sentencing".

1999 Measures 69-75. With the assistance of the legislature, which put these measures on the ballot, the rights of victims were further strengthened.

2007 Ballot Measure 57. Reduced the number of felony convictions required in the 1996 RPO law for a presumptive prison sentence. It was written by Oregon's District Attorneys (without mandatory minimum sentences) and placed on the ballot by the legislature to defeat Measure 61, (which contained mandatory minimum sentences). Measure 57 defeated 61 by a considerable margin. However, after the threat of Measure 61 passed, the legislature briefly suspended 57 in 2010. But it was reinstated in 2012.

2008 Measures 51-52. Established fully enforceable constitutional rights for victims, permanently establishing their rightful place in Oregon's justice system.

The unprecedented success of these policies in not just anecdotal. Collectively, these policy changes represent the most successful government policy in Oregon over the last 40 years. There are a number of ways to measure the effectiveness of Oregon's public safety resources. This report focuses on what are considered fundamental measurements of public safety and criminal justice: crime rates, incarceration rates, percentages of convicted felons in prison, the use of prison beds for violent offenders and repeat property offenders and how current policies are affecting future prison growth. The vital role of crime victims is also examined.

IV. Oregon's Crime Rates

Oregon's success is readily measurable by reviewing its violent crime rates. In 2011, the Oregon Legislative Fiscal Office noted that since the passage of Measure 11 in 1994, violent crime has "dropped 51%, the second largest drop of all the states."[2]

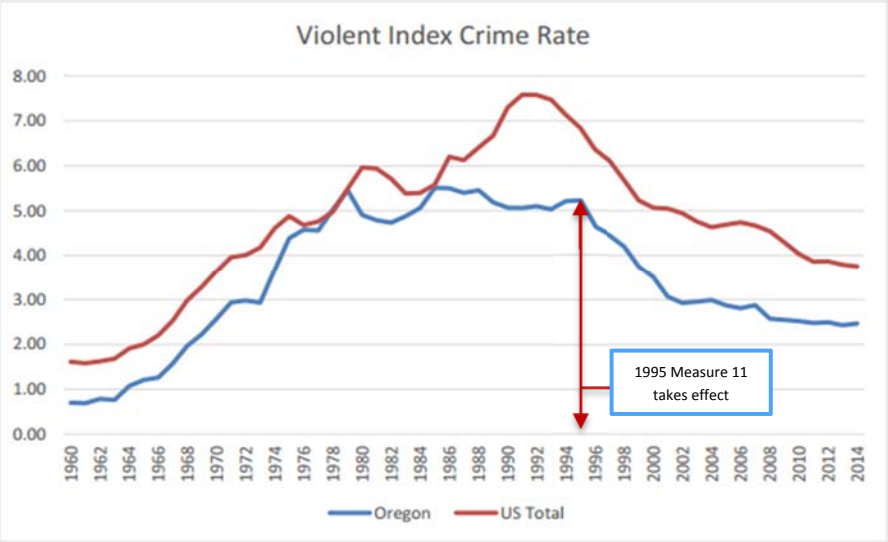


Figure 1 Source: Oregon Criminal Justice Commission. 2015 Release of FBI Uniform Crime Reports for Oregon (September 26, 2016)

[2] Oregon Legislative Fiscal Office, Correctional Spending Trends, September 2011, page 8. https://www.oregonlegislature.gov/lfo/Pages/Publications.aspx

As compared to other states, Oregon is an even safer state today that it was more than 50 years ago. In 1963 only 20 states were safer than Oregon. Today, after justice policies have returned the state to reasonable rates of crime, only 9 states are safer than Oregon.

V. Incarceration Rates

The connection between incarceration rates and crime rates is widely acknowledged. In 2007 the Oregon Criminal Justice Commission wrote, "Recent research indicates that incarceration significantly effects crime rates. National studies, as well as a state study in Washington by the Washington Institute of Public Policy, have found that a 10 percent increase in a state's incarceration rate leads to a two to four percent decline in the crime rate."[3]

They went on, "A higher incarceration rate can work to lower crime in two ways. The first is an incapacitation effect. People cannot commit crimes in our communities while they are behind bars. The second is a deterrent effect. Potential offenders may choose not to commit crimes because of tougher penalties. The studies do not indicate whether it is deterrence or incapacitation effecting crime."[4]

The Criminal Justice Commission report examined the cost effectiveness of incarceration. "In 1995 incarcerating an additional offender led to 29 avoided crimes. By 2005 each additional incarcerated offender led to a decrease of less than 11 crimes."[5] The CJC report included a table examining a cost-benefit analysis of incarceration. The costs included victimization costs of lost property, lost productivity, any required counseling or mental health services, social services, medical care. It did not include the third party benefits of avoided crime or the social benefits of justice being served with a proportional sentence.

As demonstrated in the table below, incarcerating violent offenders is highly cost effective. In 2005, for every dollar invested, victims and the community and victims saved $4.35.

Cost-Benefit Analysis of Incarceration

	Oregon	Washington		
Year	All	Violent	Property	Drug
1994	**$3.31**	$9.57	$2.36	$0.37
1995	**$2.89**	$8.20	$2.40	$0.37
1996	**$2.37**	$7.06	$2.23	$0.34
1997	**$2.31**	$6.58	$2.22	$0.36
1998	**$1.99**	$5.85	$1.94	$0.36
1999	**$1.62**	$5.37	$1.74	$0.32
2000	**$1.22**	$5.24	$1.61	$0.31
2001	**$1.21**	$4.87	$1.46	$0.28
2002	**$1.04**	$4.46	$1.20	$0.26
2003	**$1.10**	$4.82	$1.26	$0.29
2004	**$1.09**	$4.33	$1.18	$0.32
2005	**$1.03**	$4.35	$1.10	$0.35

Note: Washington numbers were provided by the Washington State Institute of Public Policy

Table 3

Figure 2 Criminal Justice Commission Report to the Legislature, January 2007, Table 3. http://library.state.or.us/repository/2013/201309271137355/.

[3] Criminal Justice Commission Report to the Legislature, January 2007, at page 9. http://library.state.or.us/repository/2013/201309271137355/. See also W. Spelman, "What Recent Studies Do (and Don't) Tell Us about Imprisonment and Crime," in Crime and Justice: A Review of Research, Volume 27, ed. Michael Tonry (Chicago: University of Chicago Press (2002)). S. Aos, The Criminal Justice System in Washington State: Incarceration Rates, Taxpayer Costs, Crime Rates, and Prison Economics. Olympia: Washington State of Public Policy.

[4] Criminal Justice Commission Report to the Legislature, January 2007, at page 10. http://library.state.or.us/repository/2013/201309271137355/.

[5] ID page 11. http://library.state.or.us/repository/2013/201309271137355/.

Unfortunately, this kind of helpful analysis has not been conducted since 2007, and so the numbers have not been updated. Nevertheless, it is clear that incarceration reduces crime and is cost effective. Oregon would be wise to remember these valuable lessons before reducing incarceration any further.

Charts of the incarceration rate in Oregon superimposed over charts of the homicide rate and of violent crime rates demonstrate the direct correlation between increases in felony incarceration and decreases in violent crime. They also show that Oregon is now again, as it was in the 1960s, positioned to incarcerate serious criminals who affect the quality of life in our communities through their criminal activities. Crime rose in the 1970's through the 1980's, when there were not a sufficient number of available prison beds for felony offenders. It then began to drop again in the middle 1990's through today as sentences for violent crimes lengthened and more prison beds became available. Of all the potential explanations of crime trends, the incarceration rate chart rises above all others in its ability to immediately and obviously depict the clear correlation to crime rates. The crime data on the charts below has been lagged to show the correlation and effect of insufficient (or sufficient) prison resources on crime rates in the near future.

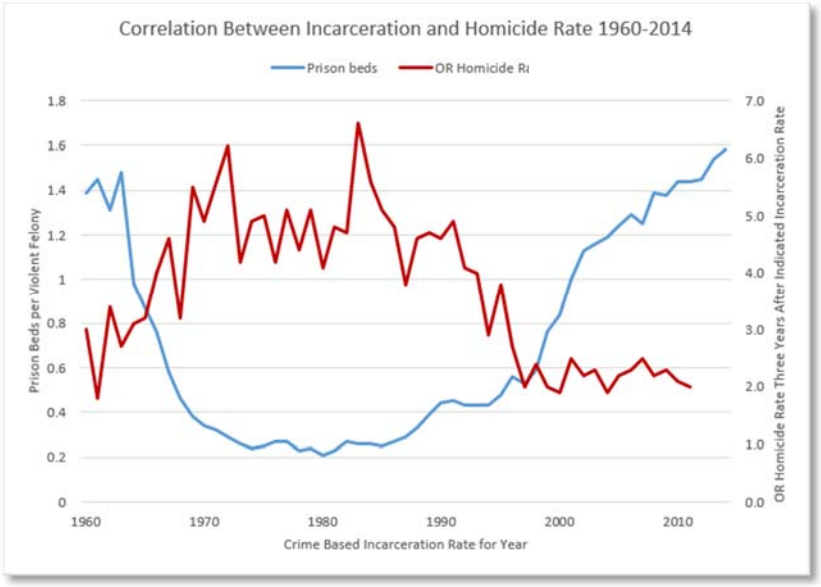


Figure 3 Compiled from FBI UCR reports from 1960 to 2014. https://ucr.fbi.gov/



Figure 4 Compiled from FBI UCR reports from 1960 to 2014. https://ucr.fbi.gov/

Over the past 25 years, Oregon has wisely invested in expanded prison capacity and this has enable the state to increase sentences for violent and repeat felony property crime. As already noted, this has led to dramatically lower violent crimes rates and later lower property crime rates. However, because Oregon had not invested in prison expansion for decades, even after this period of growth, today Oregon's incarceration rate remains 19.7% below the national average.[6] In addition, Oregon has the second lowest jail population rate in the nation, 42% below the national average.[7] Therefore, in combined incarceration rate per 100,000, in 2016 Oregon still has one of the lowest uses of correctional confinement in the nation. Furthermore, as noted in this report in section XIV on page 14, the most recent 10 year prison forecast estimates Oregon's incarceration will drop an additional 7.7% by 2026. [8]

There are some who argue that Oregon should aspire to return to the low number of prison beds in the 1960s. They do not recognize that it is a goal that has already been achieved if one compares crime rates to available prison beds. The chart below illustrates that when measured by the number of prison beds available for each major violent felony crime, the incarceration rate in Oregon today is virtually the same as it was in the 1960s.

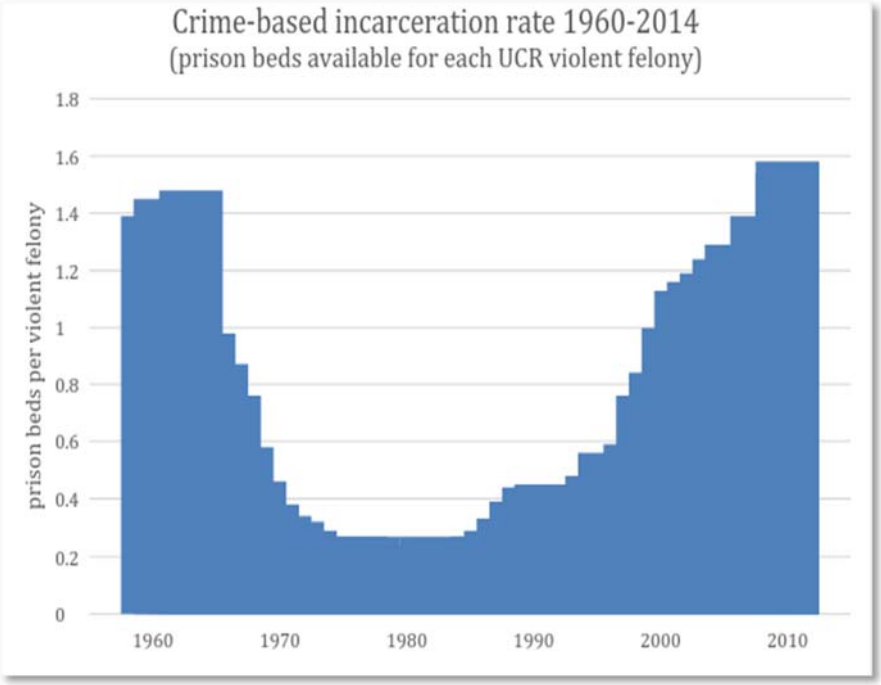


Figure 5 Compiled from FBI UCR reports from 1960 to 2014. https://ucr.fbi.gov/

VI. Violent Criminals in Oregon Prisons

Oregon has also prioritized its limited prison space for violent criminals better than any other state.[9] According to the most recent data from the U.S. Bureau of Justice Statistics, Oregon leads all states in the percentage of its inmates that are incarcerated for a violent crime.

[6] Sentencing project: http://www.sentencingproject.org/the-facts/#map. Oregon Prison incarceration rate (per 100,000) is 378 while the U.S. total is 471.
[7] Bureau of Justice Statistics, Census of Jails, Population changes, 1999-2013 Table 4.
[8] (https://www.oregon.gov/das/OEA/Pages/forecastcorrections.aspx, 2016)
[9] Statement based on Figure 6 compiled from data obtained from the U.S. Bureau of Justice Statistics National Corrections Reporting Program (NCRP) using the data set with the D designation. 33 of 50 states were included in the study. http://www.icpsr.umich.edu/icpsrweb/NACJD/series/38/studies?sortBy=7. Please note that you will need to obtain credentials to access the source data.

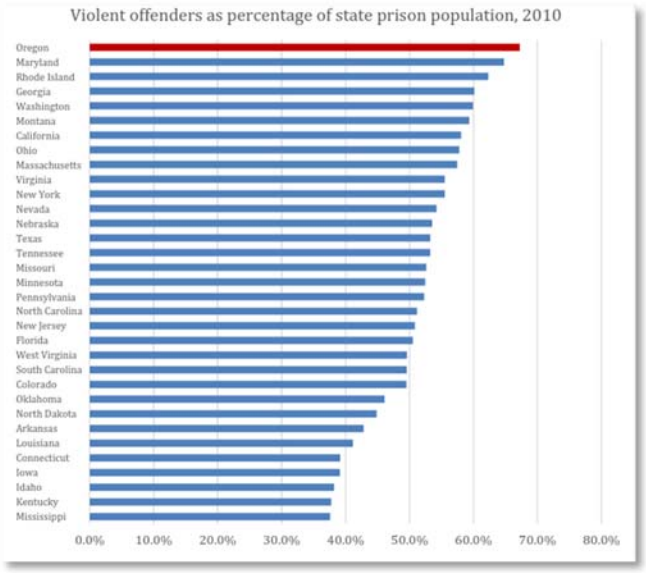


Figure 6 Data compiled from U.S. Bureau of Justice Statistics data taken from the NCRP-D for 2010. Data included 33 of 50 States.

VII. Drug Offenders in Oregon Prisons

It is virtually impossible to go to prison in Oregon for using drugs. Oregon offenders convicted of drug possession (heroin, methamphetamine, etc.) have been ineligible for a prison sentence since 1989. As a result, according to the U.S. Bureau of Justice Statistics[10], Oregon ranks second to last in the percentage of inmates in prison for drug offenses. The few incarcerated for drug offenses have been convicted of drug trafficking.

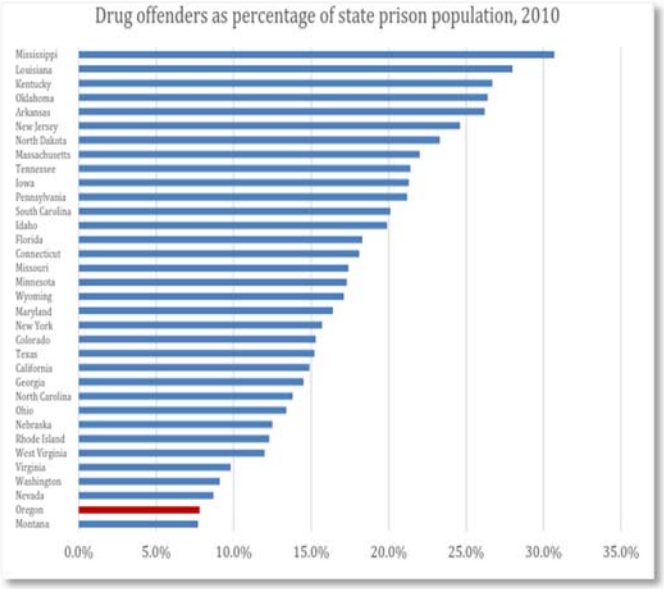


Figure 7 Data compiled from U.S. Bureau of Justice Statistics data taken from the NCRP-D for 2010. Data included 33 of 50 states.

[10] Statement based on Figure 7 compiled from data obtained from the U.S. Bureau of Justice Statistics National Corrections Reporting Program (NCRP) using the data set with the D designation. 33 of 50 states were included in the study. http://www.icpsr.umich.edu/icpsrweb/NACJD/series/38/studies?sortBy=7. Please note that you will need to obtain credentials to access the source data.

VIII. Oregon's Prisons Reserved for Repeat Offenders

Oregon's ability to efficiently manage prison resources allows the state to focus on repeat offenders. Two-thirds of Oregon prison inmates were convicted of a prior violent felony in addition to the violent crime they are currently incarcerated for. The small percentage of Oregon prison inmates with only prior misdemeanor convictions or no prior convictions are almost all imprisoned for major violent offenses, often sex offenses involving young child victims.

From 2000-2015, the percentage of Oregon prison intakes who have been charged with at least one prior felony offense increased from 50% to 63% (an overall increase of 26%). In that same period the percentage of inmates admitted with either one prior violent felony or at least four prior non-violent felonies increased from 63% to 75% (a 15.8% increase). In 2015, only 8% of prison admissions had no prior criminal convictions and they were undoubtedly admitted for serious violent offenses.

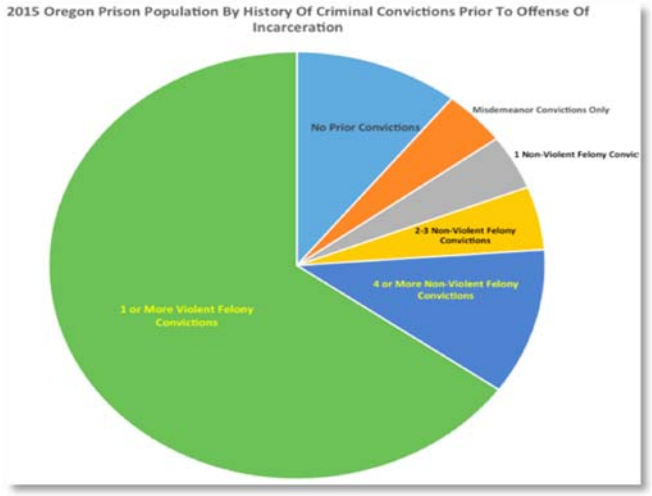


Figure 8 Data compiled from a combination of Oregon Criminal Justice Commission and Department of Corrections records.

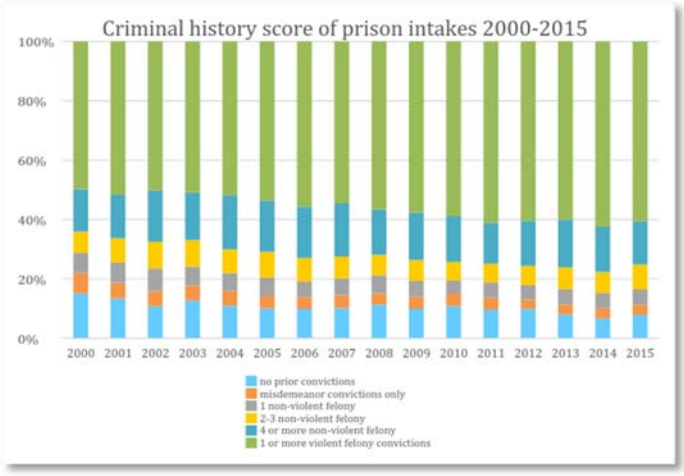


Figure 9 Data compiled from a combination of Oregon Criminal Justice Commission and Department of Corrections records.

IX. Percentage of Convicted Felons in Prison in Oregon

Oregon is also a leader in the low percentage of felons sentenced to prison. As evidenced by the chart below, Oregon only incarcerates approximately 25% of its convicted felons, ranking it 39th lowest amongst the 50 states.

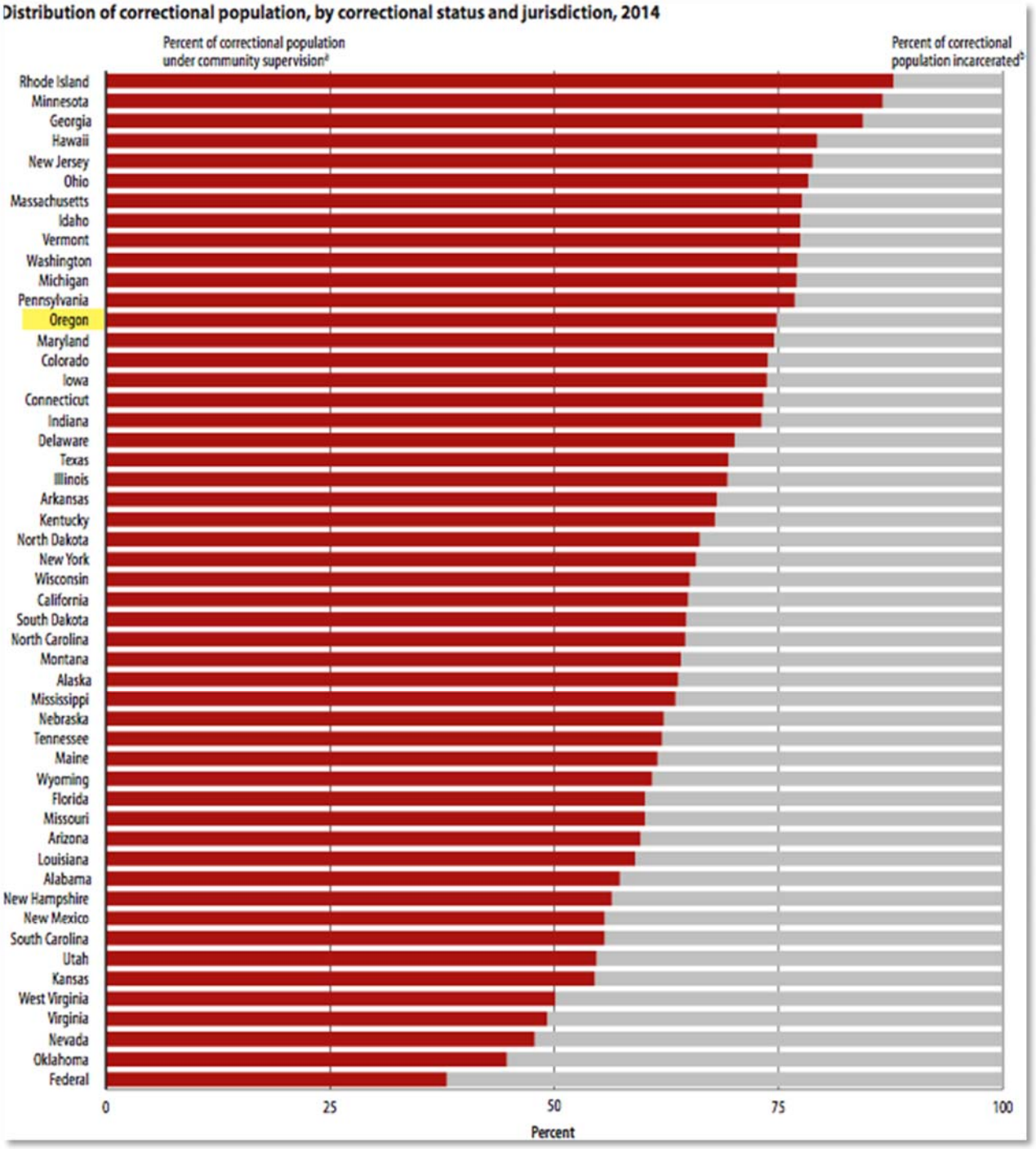


Figure 10 BJS, Correctional Populations in the United States, 2014. Fig. 5 https://www.bjs.gov/content/pub/pdf/cpus14.pdf

When convicted felons are combined with convicted misdemeanants (which constitute approximately two-thirds of all convicted offenders), 90% of all Oregon's criminal offenders remain in the community after their convictions. The burden of handling this large numbers of offenders falls directly on county and city governments. Each of Oregon's 36 county criminal justice systems (often led by elected District Attorneys) has created a wide variety of community

programs for these offenders, including drug courts, domestic violence diversion courts, mental health courts, community courts and others types of community based diversion programs. [11]

X. Crime Victim Rights in Oregon

One of the most unjust legacies of Oregon's criminal justice system was its historic disregard for crime victims. After decades of treatment as second class citizens, in the 1980s victims began to demand their rightful place in our criminal justice system. The movement was led by private citizens. Two of the most notable were Bob and Dee Dee Kouns who founded the historically important non-profit, Crime Victims United. Their daughter had been murdered in California in 1979 and, as crime victims, they experienced, first-hand, how victims were marginalized by the entire system, including prosecutors, police, judges, and defense attorneys. They were later joined by Steve Doell whose daughter was murdered in Oregon.

In 1984, they gathered tens of thousands of voter signatures and placed the first victims' rights initiative on the Oregon ballot. Measure 8 narrowly lost, but it was quickly followed by measure 10 in 1987 which passed as the first step in the path to full, enforceable crime victims' rights. In 1996 measure 40 passed, followed by Measures 69-75 in 1999. Finally in 2008, Measures 51 and 52 established full, enforceable, constitutional rights for victims in Oregon. Victims now have the legal ability to have their criminal case returned to court if their rights are not honored.

Crime victims remain a vital voice for justice in our system. They have been at the forefront of the battle for proportionate punishment for violent criminals and for truth in sentencing.

XI. Truth in Sentencing Restored

The term "truth in sentencing" represents a core value for victims and for prosecutors. Truth in sentencing protects public confidence in our justice system. It prevents what are referred to as "back door releases" which occur out of the view of the public and victims and often even the courts. Examples of such policies are good time, expanded earned time, transitional leave and work release programs, each of which result in offenders serving sentences that are shorter than those announced in court at the time of sentencing.

In 1989 democratic Governor Neil Goldschmidt implemented Oregon's Sentencing Guidelines which was the first important step towards protecting the integrity of court ordered sentences. Prior to 1989, Oregon operated under what was called an "indeterminate sentencing" structure in which the sentence ordered by the court was never enforced. In that system, the Board of Parole in Salem had virtually unlimited authority to grant "good time", thereby drastically reducing court ordered sentences outside the view of the court and victims.[12] The use of "good time" ended in 1989 for all newly sentenced offenders. Instead, under sentencing guidelines, inmates could only receive up to a 20% reduction called (earned time) in their court ordered sentences and only under limited circumstances. Finally, truth was restored as part of the court sentencing process. Measure 11, passed by the voters in 1994, further strengthened truth in sentencing through mandatory minimum sentences for violent crimes.

[11] See Appendix D for a nonexclusive list of these specialty court's and programs

[12] For instance, in court, a defendant convicted of murder would be sentenced to "life in prison," but would be eligible for release after 7 years. A court ordered sentence of 20 years for a Class A felony, such as burglary, would result in release after 6 months. A sentence of 5 years for a Class C felony would result in a sentence of 40 days. And if the defendant was granted credit for time served prior to sentencing, the inmate would be released immediately. Since judges had unlimited discretion at sentencing, violent rapists and child sexual predators were eligible to receive probation rather than a prison sentence. These practices ended with the advent of sentencing guidelines.

XII. Proportionate Punishment as a Measure of Justice: Violent Crime

The ultimate goal in every criminal case is to reach a measure of justice for the victims, the community and even each defendant. A key ingredient of any measure of justice is proportional punishment. As the age old adage goes, "let the punishment fit the crime."[13]

Despite Governor Goldschmidt's best efforts[14], under Sentencing Guidelines, sentences for violent crime and serious repeat felony property crime were inadequate – they were neither proportional to the offense, nor did they reduce crime. The guidelines grid was constructed on the concept of protecting truth in sentencing, yet, the length of sentences were limited by the available prison space. Since Oregon had not built a new prison in decades, prison space remained extremely limited and sentences under the guidelines were short. For instance, a sentence for the forcible rape of an adult or the rape of a child under 12 years of age could be as little as 27 months in prison if they received earned time.

The problem of disproportionately lenient sentences for violent crime remained unaddressed until 1994 when advocates placed Measure 11 on the ballot.[15] Measure 11 created mandatory minimum sentences for an extremely small number of Oregon's most violent crimes, such as rape, sodomy, sexual abuse, murder, manslaughter, robbery, and kidnapping. Current Measure 11 crimes are listed on the attached sentencing guidelines chart. Oregon's mandatory minimum sentences are shorter than many states for similar crimes. As a result, policy makers have on several occasions sought to increase them.[16]

The desire for justice remains one of the core values of our criminal justice system. Measure 11 provides proportionate punishment for violent crime in a way that simply did not exist before its passage. It re-establishes justice for victims and the community. That is why the public has repeatedly supported Measure 11 at the ballot box.

XIII. Proportionate Punishment as Measure of Justice: Repeat Felony Property Crime

Even after sentencing guidelines in 1989 and Measure 11 in 1994, serious felony property crime remained largely unpunished in Oregon. Most felony property convictions were ineligible for a prison sentence under guidelines. In 1996 the Oregon legislature took a small step towards addressing this problem by creating the Repeat Property Offender (RPO) law.[17] This new law provided that a career felony property offender could be eligible for a prison sentence, but most often not until their 5th felony conviction. Even after this small step, repeat property offenders remained largely unpunished and higher property crime rates continued in Oregon.

In 2006, Measure 61 qualified for the ballot by gathering enough voter signatures and it immediately caught the attention of lawmakers. Measure 61 provided mandatory minimum sentences for certain felony property crimes[18]. The ODAA proposed an alternative which became Measure 57. Their proposal did not contain mandatory minimum sentences, but instead enhanced the already existing sentences in the legislature's RPO statute. [19]

---

[13] As far back as 1885 the phrase was popularized by William Schwenck Gilbert in his famous musical comedy, The Mikado.

[14] Before he left office in 1990, Governor Goldschmidt ordered the construction of a number of new prisons as another step in restoring integrity to Oregon's sentencing structure.

[15] While elected District Attorneys have come to appreciate its value since 1994, not one sitting elected Oregon District Attorney actually endorsed or campaigned for Measure 11. Crime victims led the way on this issue and many others. Measure 11 passed by a wide margin (65%) and became law in 1995.

[16] For instance, the forcible rape of an adult or the rape of a child under 12 years of age would receive a minimum sentence of 8 years and 4 months. Governor Kulongoski and Legislators felt these sentences were still too lenient and in 2006 promoted and passed, a new, far more severe, sentencing law (Jessica's Law) which established a 25 minimum sentence for these same crimes.

[17] Codified in ORS 137.717.

[18] The Oregon District Attorney's Association (ODAA) was very concerned about the property crime wave, but was opposed to mandatory minimum sentences for property criminals.

[19] It is worth noting that it was Governor Kulongoski and the Oregon legislature (not District Attorneys) who added a few mandatory minimum sentences for some drug trafficking crimes to Measure 57 because they believed it would help gather public support at the ballot box.

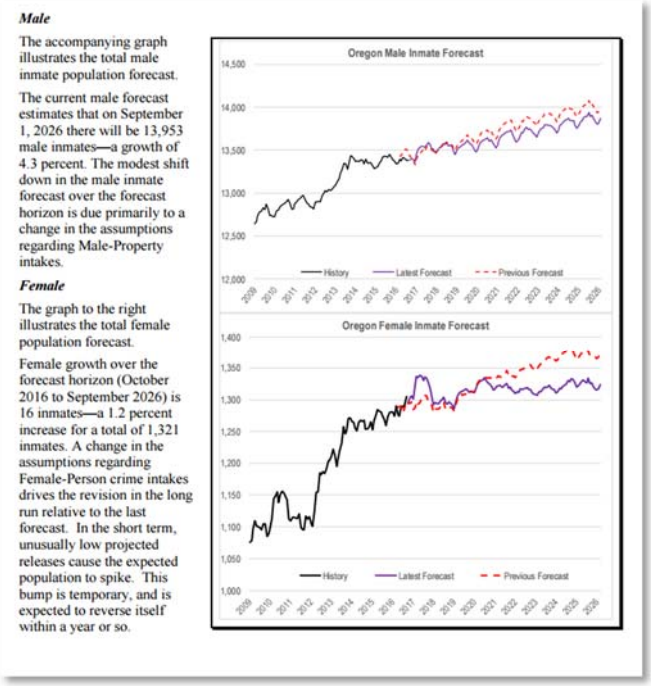
Measure 57 defeated Measure 61 and became law.[20] Oregon's elected District Attorneys wrote Measure 57 and, through their support, helped it to become law.

XIV. Prison Population Growth

In April 2005, a decade after the passage of Ballot Measure 11, the prison forecast was estimated to be nearly 17,500 by 2016. Today it is under 14,500. As prison beds were effectively used for violent felons, crime dropped. As crime dropped, fewer prison beds were required. Today, contrary to popular belief, Oregon's prison population is now growing at a glacial pace.

The prison population forecast is published every six months (April and October) by the impartial and independent Office of Economic Analysis (OEA). They are professionals, only concerned with facts and figures; they are not policy makers or advocates. According to its latest forecast (October, 2016), over the next 10 years, Oregon's prison population is forecast to grow 4%, as compared to the overall Oregon general population which is forecast to grow at 12%. [21] Therefore, Oregon's overall incarceration rate is forecasted to drop 7.7%. The drop is even more pronounced for the women's population, which the forecast predicts will grow a miserly 1.2% over the next 10 years. That means a grand total of 16 female inmates will be added to the female inmate population by 2026.[22]

The bottom line is that Oregon's prison population growth is firmly under control and can be managed responsibly for the foreseeable future.



Male

The accompanying graph illustrates the total male inmate population forecast.

The current male forecast estimates that on September 1, 2026 there will be 13,953 male inmates—a growth of 4.3 percent. The modest shift down in the male inmate forecast over the forecast horizon is due primarily to a change in the assumptions regarding Male-Property intakes.

Female

The graph to the right illustrates the total female population forecast.

Female growth over the forecast horizon (October 2016 to September 2026) is 16 inmates—a 1.2 percent increase for a total of 1,321 inmates. A change in the assumptions regarding Female-Person crime intakes drives the revision in the long run relative to the last forecast. In the short term, unusually low projected releases cause the expected population to spike. This bump is temporary, and is expected to reverse itself within a year or so.

Figure 11 https://www.oregon.gov/das/OEA/Pages/index.aspx. Corrections population forecast at page 9.

There have been recent claims in late 2016 that the women's prison population in particular is exhibiting explosive growth. However, these claims ignore the information contained in Oregon's biannual prison forecast which clearly indicates that Oregon's female prison population is now growing at a much slower rate than the male prison population and even more so when compared to Oregon's overall general population.[23]

[20] Measure 57 received 61.4% of the vote and Measure 61 received 48.9%.
[21] https://www.oregon.gov/das/OEA/Pages/index.aspx. Corrections population at page 8.
[22] ID at page 9.
[23] Ibid

In 2016 Oregon Criminal Justice Commission announced that from 2007-2016 Oregon's female prison intakes have increased 9%.[24] However, their memo also indicated that this growth amounted to a grand total of 45 additional female intakes over a 9 year period. The reason the percentage growth is so high as compared to the actual number of intakes is that Oregon's female prison population is small when compared to the male population (approximately 14,480 males vs. approximately 1,300 females) and the small number looked large when compared to the small female prison population.

While future growth in the female prison population is virtually flat, it is fair to ask why female intakes have increased between 2007 and 2016. The simple answer is that Measure 57 has brought gender equity to the sentencing of female repeat felony property offenders.

Measure 57 took effect in 2007 and immediately leveled the playing field for both female and male repeat felony property offenders. Women with the same kinds of serious criminal histories and convicted of the same serious felony property crimes started receiving sentences that equaled those of their male counterparts. And that naturally led to a short term spike in the female prison population which has now leveled off. As just one example of a group of serious female property offenders sent to prison recently, Clackamas County female repeat property offenders in 2015, averaged more than 7 prior criminal convictions per offender.[25] These are serious repeat felony property offenders, regardless of gender, and both justice and public safety demand appropriate sentences. That is exactly what Measure 57 has provided.

XV. Conclusion

Oregon has built a record of innovation and reform that is the envy of the rest of the country. Today Oregon has low crime rates and low incarceration rates. Oregon has prioritized its modest number of prison beds for violent criminals in a manner that is unmatched in the country. For the past 27 years Oregon has diverted drug possession offenders away from prison and towards treatment and community supervision.

Oregon voters have honored the vital role of victims through the protection of constitutional rights. Voters have also consistently affirmed truth in sentencing and justice through proportional punishment. And Oregon has accomplished all of this while responsibly controlling future growth of its prison population.

The current success of Oregon's Criminal Justice System is unmatched nationally and represents the most successful state policy in decades. It deserves to be protected and nurtured.

[24] Memo to House Majority Leader Jennifer Williamson, dated 1/26/17, page 1.

[25] The Oregon Criminal Justice Commission has reported Clackamas County sentenced 59 female property offenders to prison in 2015. Those 59 defendants had accumulated 457 prior criminal convictions, for an average of 7.7 prior convictions per offender.

XVI. Appendices

A. Recidivism

Over the past 15 years Oregon's recidivism rates have actually increased. Although there has been some slight fluctuations, the re-arrest rate for both parolees and probations in Oregon is higher in 2013 than it was in 1998.

In 2003, the Oregon legislature made a valiant attempt to improve the effectiveness of correctional programs designed to reduce crime and recidivism. The legislature created what was considered the "gold standard," requiring all programs be "evidence based."[26] As one can see from the attached graphs, this legislative mandate has had no impact on the recidivism rates in Oregon. Re-arrest rates for parolees and probationers remain higher today than in 2003 when the law was passed.

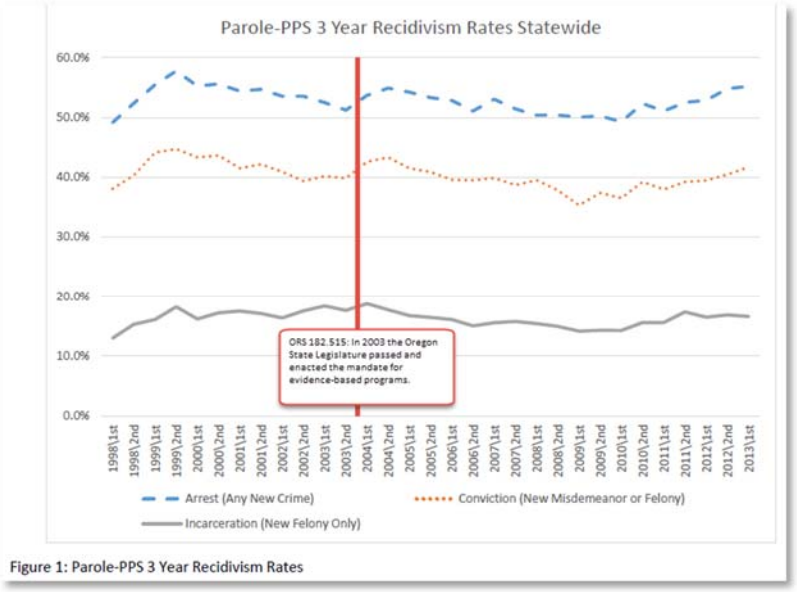


Figure 12 Oregon Recidivism Analysis, November 2016 https://www.oregon.gov/cjc/SAC/pages/Recidivism.aspx

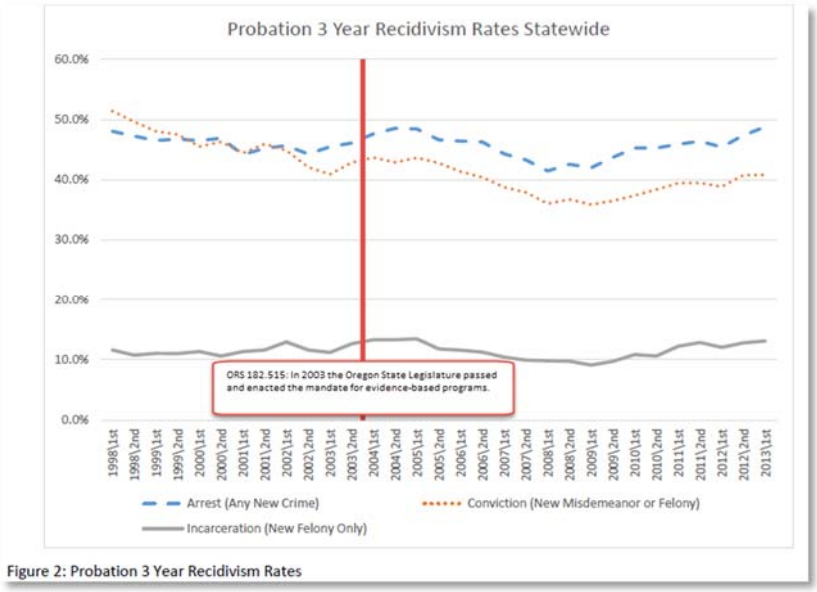


Figure 13 Oregon Recidivism Analysis, November 2016 https://www.oregon.gov/cjc/SAC/pages/Recidivism.aspx

[26]ORS 182.515 (2011) According to the statute, evidence-based programs must be based upon "scientifically based research." ORS 182.51(3)(a)

If Oregon wishes to improve its recidivism rates, its statutory definition of "scientifically based research" must be strengthened.[27] It is clear the current definition is not rigorous enough to produce effective programs.

In the 2015 legislative session, a bill was introduced that would have dramatically strengthened the statutory definition of 'scientifically based research". House Bill 2906 would have brought true scientific standards to the evaluation of Oregon's correctional programs.[28] Not surprisingly, the same organizations so deeply invested in the current programs strongly resisted the bill and prevented it from even receiving a legislative hearing. However, if Oregon is serious about improving correctional programs and reducing recidivism it must revisit its statutory definition of scientifically based research in ORS 182.515(5).

[27] ORS 182.515(5), "Scientifically based research means research that obtains reliable and valid knowledge by: **(a)**Employing systematic, empirical methods that draw on observation or experiment; **(b)**Involving rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; **(c)**Relying on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations and across studies by the same or different investigators; **and (d)**Utilizing randomized controlled trials when possible and appropriate. [2003 c.669 §3; 2005 c.503 §12; 2009 c.595 §162; 2012 c.37 §37; 2013 c.623 §10; 2013 c.649 §41]."

[28] https://olis.leg.state.or.us/LIZ/2015R1/Downloads/MeasureDocument/HB2906 - Utilizing randomized controlled trials when possible and appropriate.] (a) Is conducted independently of any organization that has implemented, funded or supported a program; (b) Includes any individual who was originally enrolled in a program regardless of whether the originally enrolled individual completed the program; and (c) Is conducted pursuant to an experimental design using rigorous, scientific methods to randomize the pool of participants and comparisons made among participants.

B. Myth: Poverty, Economic Recessions & Unemployment Affect Crime Rates

It has been a common belief for decades that social ills such as poverty, recession, and unemployment increase crime rates. However, independent data shows these kind of social and economic challenges do not affect crime rates.

Economic cycles have had no discernible effect on crime rates in Oregon as illustrated by the chart below. Oregon's crime wave began in the best economic times of the 1960's and crime continued its historic decline in the 2000's during the worst recession since the 1930's. During a 34 year period in which the nation experienced eight recessions Oregon crime rates continued a steady ascent.

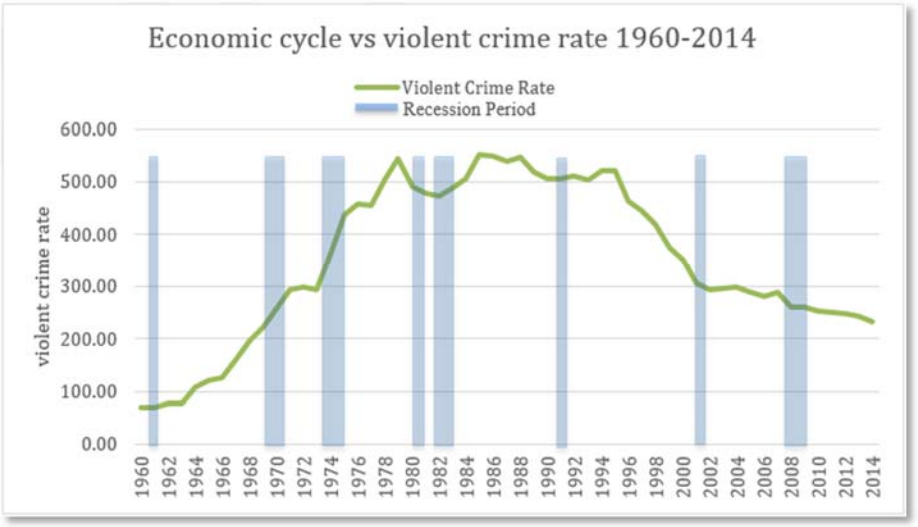


Figure 14 U.S. Census Bureau statistics 1980-2014. https://www.census.gov/hhes/. Violent Crime Statistics compiled from FBI UCR reports from 1960 to 2014. https://ucr.fbi.gov/

Likewise, unemployment cycles have had no discernible effect on Oregon crime rates. In fact, the lowest level of unemployment between 1876 and 2016 (4.9% in 1995) was the very year Oregon recorded one of its highest rates of violent crime in state history.

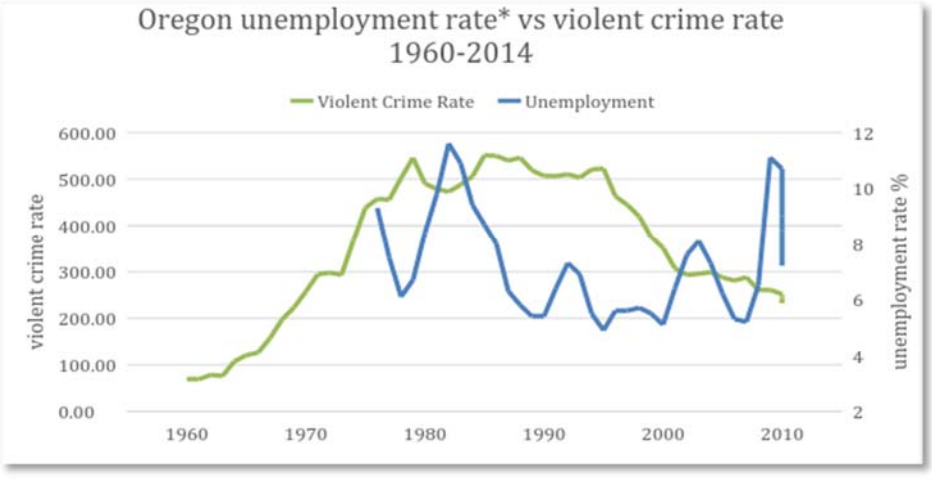


Figure 15 US Census Bureau Unemployment statistics 1980-2014. https://www.census.gov/hhes/. Violent Crime Statistics compiled from FBI UCR reports from 1960 to 2014. https://ucr.fbi.gov/.US Census Bureau Unemployment statistics 1980-2014. https://www.census.gov/.

Finally, poverty has not had any discernible effect on Oregon crime rates as well. In 1985, when Oregon's crime rate was 4th highest in the nation, its poverty rate was 19th best.

In 2014, with Oregon's violent crime rate reduced to the low levels of the early 1960's, the state poverty rate was higher than in 1985 (30th in the nation)

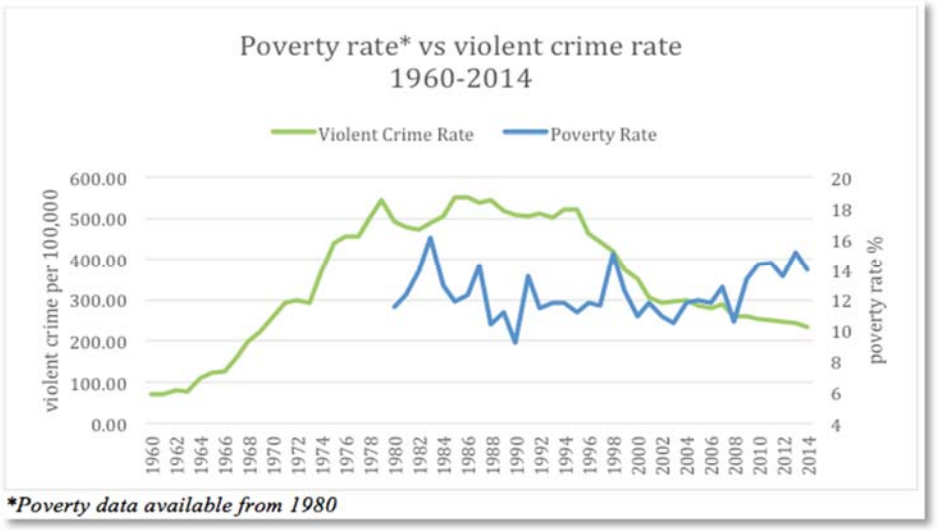


Figure 16 US Census Bureau poverty statistics 1980-2014, Table 21.

C. Sentencing Guidelines

Crime Seriousness of All Ranked Felonies

ABANDONMENT OF CHILD 163.535	7,3*
ABUSE OF CORPSE I 166.087/ II 166.085	5/ 3
AGGRAVATED ANIMAL ABUSE I 167.322	6
AGGRAVATED DWS 163.196	7
AGGRAVATED HARASSMENT 166.070	6
AGGRAVATED IDENTITY THEFT 165.803	5
AGGRAVATED MURDER 163.095	U
AGGRAVATED MURDER - SOLICITATION 163.095(1)(b)	10
AGGRAVATED THEFT I 164.057	6,5
ALTERATION OF GIFT DOCUMENT 97.982	4
ANIMAL NEGLECT I (FELONY) 167.330(3)/ II (FELONY) 167.325(3)	6,7*/ 6,7*
ARSON I 164.325 [SEE MEASURE 11 BOX]	10,9,8,7*
ARSON II 164.315	PROPERTY
ASSAULT III 163.165	8,6*
ASSAULT IV (FELONY) 163.160(3)	6
ASSAULT PUBLIC SAFETY OFFICER 163.208	6
ASSAULT LAW ENFORCEMENT ANIMAL 167.339	6
ASSISTING A SUICIDE 163.193	U
ATTEMPT TO ELUDE - VEHICLE 811.540(1)(b)(A)	2
ATTEMPT	2 BELOW CRIME (MIN CS 1)
BIGAMY 163.515	1
BLUE SKY/ SECURITIES (ORS CH 59)	PROPERTY
BRIBE GIVING 162.015/ RECEIVING 162.025	6/ 6
BRIBE GIVING SPORTS 165.085/ RECEIVING SPORTS 165.090	2/ 2
BRIBE RECEIVING BY A WITNESS 162.275	6
BRIBING A WITNESS 162.265	6
BURGLARY I 164.225	9,8,7*
BURGLARY II 164.215	PROPERTY
BUYING/ SELLING CUSTODY OF MINOR 163.537	8,5*
CAUSE ANOTHER INGEST C.S. 475.908	9,8*
CELLULAR COUNTERFEITING I 165.581/ II 165.579	4/ 2
CHEATING AT GAMBLING 167.167	2
CHILD NEGLECT I 163.547	6
COERCION 163.275	7,6*
COMPUTER CRIME/ COMPUTER FRAUD 164.377	PROPERTY
CONSPIRACY 161.450	U
CRIMINAL MISCHIEF I 164.365	PROPERTY
CRIMINAL MISTREATMENT I 163.205	7
CRIMINAL NONSUPPORT 163.555	3
CRIMINAL POSS RENTED/LEASED VEHICLE 164.138	PROPERTY
CRIMINALLY NEGLIGENT HOMICIDE 163.145	9,8*
CUSTODIAL INTERFERENCE I 163.257/ II 163.245	6/ 4
CUSTODIAL SEXUAL MISCONDUCT I 163.452	7
DISCHARGE FIREARM IN SCHOOL 166.370(5)(a)	6
DISORDERLY CONDUCT I 166.023(2)(b)	4
DISPOSAL METH WASTES 475.977	4
DISTRIBUTE CONT SUBSTANCE TO MINOR 475.906	8,6,4*
DRIVING WHILE SUSPENDED/ REVOKED 811.182	4,6*
DRUG OFFENSES	DRUG TABLE
DUII FELONY (3rd CONV. IN 10 YEARS) 813.011	4
DUII FELONY (4th/+ CONV. IN 10 YEARS) 813.010(5)(a)	6
ENCOURAGING CHILD SEX ABUSE I 163.684/ II 163.686	8/ 5
ENDANGERING PERSON PROTECTED BY FAPA 163.192	4
ENGAGE MONEY TRANSMISSION W/O LICENSE 717.905(3)	1
ENVIRONMENTAL ENDANGERMENT 468.951	U
ESCAPE I 162.165	7
ESCAPE II 162.155	6
FACTORING PAYMENT CARDS 165.074	PROPERTY
FAIL TO APPEAR I 162.205	4
FAIL TO MAINTAIN DRUG RECORDS 475.914)	1
FAIL TO REPORT AS SEX OFFENDER 163A.040	4
FALSE INFO ENVIRONMENTAL AGENCY 468.953	1
FALSE LAW ENFORCEMENT ID/ UNIFORM 162.367	3
FALSE STATEMENT MONEY TRANSMISSION 717.905(2)	1
FALSE SWEARING VEHICLE BUSINESS 822.605	1
FELON IN POSSESSION - SOFT BODY ARMOR 166.642	2
FELON IN POSSESSION - FIREARM 166.270	6
FEMALE GENITAL MUTILATION 163.207	8
FILING FALSE HEALTH CARE CLAIM 165.692	6
FIREARMS - ALTER ID MARK 166.450	1
FIREARMS - MANUF/ IMPORT/ TRANSFER 166.410	6
FORCIBLE RECOVERY OF FIGHTING BIRD 167.439	1
FOOD STAMP FRAUD 411.840	2
FORGE/ ALTER VEHICLE TITLE/ REG 803.230	1
FORGERY I 165.013	PROPERTY
FRAUDULENT USE CREDIT CARD ($1000+) 165.055(4)(b)	PROPERTY
FURNISH FIREARM COMMIT FELONY 166.429	7
GAMBLING I 167.127	3
HINDERING PROSECUTION 162.325	6
HIT & RUN VEHICLE - INJURY 811.705	8,6*
HIT AND RUN BOAT 830.475(2)	6
IDENTITY THEFT 165.800	PROPERTY
IMPERSONATE OFFICER/ JUDGE/ JP 162.365(3)(b)	3
INCEST 163.525	6,1*
INDUCING ATHLETE/ CONTRACT 702.032	1
INMATE - POSS FIREARM/ WEAPON 166.275	8,7*
INTERFER W/ AGRICULTURAL RESEARCH 164.889	PROPERTY
INTERFER W/ LIVESTOCK PROD 167.388	PROPERTY
INTIMIDATION I 166.165	6
INVASION OF PERSONAL PRIVACY I 163.701	6
LABELING VIDEOTAPE 164.872	PROPERTY
LABELING SOUND RECORDING 164.868	PROPERTY
LURING A MINOR 167.057	6
MAIL THEFT OR RECEIPT OF STOLEN MAIL (FELONY) 164.162	6*

2016 Sentencing Guidelines Grid

Post-Prison Supervision (years)		A: 3/+ person felonies (juvenile/ adult)	B: 2 person felonies (juvenile/ adult)	C: 1 person felony plus 1/+ non-person felony (juvenile/ adult)	D: 1 person felony (no other felony) (juvenile/ adult)	E: 4/+ non-person Felonies (adult)	F: 2 or 3 non-person Felonies (adult)	G: 4/+ adult A misdos or 1 adult non-pers felony or 3/+ juv non-pers felonies	H: No more than three adult A misdos or two juv non-person felonies	I: No juvenile or adult felonies or adult A misdos	Probation duration	Dispositional departure maximum sentence
3	11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 yrs	7F-I 6F-I 5F 18 mo
	10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60		
	9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36		
	8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	OPT PRO	
2	7	31-36	25-30	21-24	19-20	16-18	180 90	180 90	180 90	180 90	3 yrs	5G-I 4C-I 3A-F 12 mo
	6	25-30	19-24	15-18	13-14	10-12	180 90	180 90	180 90	180 90		
	5	15-16	13-14	11-12	9-10	6-8	180 90	120 60	120 60	120 60	2 yrs	
	4	10-11	8-9	120 60	120 60	120 60	120 60	120 60	120 60	120 60		
1	3	120 60	120 60	120 60	120 60	120 60	120 60	90 30	90 30	90 30		3G-I 1&2 6 mo
	2	90 30	90 30	90 30	90 30	90 30	90 30	90 30	90 30	90 30	18 mo	
	1	90 30	90 30	90 30	90 30	90 30	90 30	90 30	90 30	90 30		

ORS 137.700 [MEASURE 11]		
AGG VEHICULAR HOMICIDE 163.149	240	10
ARSON I 164.325 (CS 10 ONLY)	90	10
ASSAULT I 163.185	90	10,9*
ASSAULT II 163.175	70	9
ATTEMPTED AGG MURDER 163.095	120	10
ATTEMPTED MURDER 163.115	90	9
COMPELLING PROSTITUTION 167.017	70	8
KIDNAPPING I 163.235	90/300*	10
KIDNAPPING II 163.225	70	9
MANSLAUGHTER I 163.118	120	10
MANSLAUGHTER II 163.125	75	9,8*
MURDER 163.115	300	11
RAPE I 163.375 (1)(a), (1) (c), (1) (d)	100	10,9*
RAPE I 163.375 (1)(b)	300	10
RAPE II 163.365	75	8
ROBBERY I 164.415	90	9
ROBBERY II 164.405	70	9
SEXUAL ABUSE I 163.427	75	8
SEXUAL PEN I 163.411 (1)(a), (1)(c)	100	10,9*
SEXUAL PEN I 163.411 (1)(b)	300	10
SEXUAL PEN II 163.408	75	8
SODOMY I 163.405 (1)(a), (1)(c), (1)(d)	100	10,9*
SODOMY I 163.405 (1)(b)	300	10
SODOMY II 163.395	75	8
USE CHILD DISPLAY SEX 163.670	70	8

MAINTAINING A DANGEROUS DOG (FELONY) 609.990(3)(b)	5
MCS/ DCS SCHEDULE IV CAUSING DEATH 475.752(6)(a)	U
NEGOT BAD CHECK (2nd CONV IN 5 YRS) 165.065(3)(b)	PROPERTY
ONLINE SEX CORRUPT I 163.433/ II 163.432	8/ 6
ORGANIZED RETAIL THEFT 164.098	4
ORGANIZE SPEED RACING EVENT 811.127	2
PARAMILITARY ACTIVITY 166.660	1
PAYMENT FOR INTERNET GAMBLING 167.109	3
PERJURY 162.065	6
POSSESS BODY ARMOR 166.643	6,4*
POSS FAKE COMMUNICATIONS DEVICE 165.070	3
POSS FICTITIOUS ID 165.813	2
POSS FIREARM/ WEAPON IN PUB BLDG 166.370(1)	6
POSS FORGED INSTRUMENT I 165.022	PROPERTY
POSS FORGERY DEVICE 165.032	4
POSS GAMBLING RECORDS I 167.137	3
POSS GRAY MACHINE 167.164	2
POSS HOAX DESTRUCT DEVICE (FELONY) 166.385(3)	5
POSS/ MANUF DESTRUCT DEVICE 166.382/ 166.384	6
POSS PERSONAL ID DEVICE 165.810	4
POSS RENTED PROP 164.140(4)(b)	PROPERTY
POSS SEX EXPLICIT MATERIALS RE CHILD I 163.688/ II 163.689	6/ 4
POSS STOLEN VEHICLE 819.300	PROPERTY
PRODUCTION ODOT ID CARDS (ORS CH 633)	2
PROMOTING A LIVE SEX SHOW 167.062(3)	3
PROMOTING PROSTITUTION 167.012	8
PUBLIC ASSISTANCE FRAUD 411.630	2
PUBLIC INDECENCY (FELONY) 163.465(2)(b)	6
PUBLIC INVESTMENT FRAUD 162.117	6
PUBLISH CERT OF TITLE 803.080	1
PURCHASE/ SALE OF BODY PART 97.981	5
PURCHASE SEX WITH A MINOR 163.413	U
RAPE III 163.355	6
RECORDING LIVE PERFORMANCE 164.869	PROPERTY
RIOT 166.015	6
ROBBERY III 164.395	5
SEXUAL ABUSE II 163.425	8,7*
SEXUAL ASSAULT OF ANIMAL 167.333	6
SIMULATING LEGAL PROCESS 162.355	3
SODOMY III 163.385	6
SOLICITATION	2 BELOW CRIME (MIN CS 1)
STALKING (FELONY) 163.732(2)(b) or 163.750(2)(b)	8*
STRANGULATION (FELONY) 163.187(4)	6*
SUBJECT OTHER TO SERVITUDE I 163.264/ II 163.263	9,6*/ 5
SUPPLY CONTRABAND 162.185	7,6,5,4*
TAMPER WITH LOTTERY RECORDS 162.305(2)(b)	3
TAMPERING WITH A WITNESS 162.285	6
TAMPERING WITH DRUG RECORDS 167.212	1
THEFT BY EXTORTION 164.075	7,PROPERTY*
THEFT I ($1000+) 164.055	PROPERTY
THEFT BY DECEPTION 164.085	PROPERTY
THEFT BY RECEIVING 164.095	5,3
THEFT OF INTIMATE IMAGE 164.377(2)(c)	5
THEFT OF LOST/ MISLAID PROPERTY 164.065	PROPERTY
THEFT OF SERVICES 164.125	PROPERTY
THROW OBJECT OFF OVERPASS I 166.651	1
TRADEMARK COUNTERFEITING I 647.150/ II 647.145	PROPERTY
TRAFFICKING IN PERSONS 163.266	U
TRAFFICKING IN STOLEN VEHICLES 819.310	6,5*
TREE SPIKING - INJURY 164.886(3) & (1)	8,6*
UNAUTH USE OF VEHICLE 164.135	PROPERTY
UNLAW ADMINISTRATION OF CONTROLLED SUBST 475.910	9,8,5*
UNLAW CONTACT WITH A CHILD 163.479	7
UNLAW DISSEMINATION OF INTIMATE IMAGE (FELONY) 163.472(2)(b)	6
UNLAW POSS FIREARM 166.272	6
UNLAW USE OF VITAL RECORD/ REPORT 432.993	1
UNLAW USE WEAPON 166.220	6
USE MINOR IN DRUG OFFENSE 167.262	8,4*
USE STUN GUN, TEAR GAS, MACE I 163.213	6
WILDLIFE VIOLATION (FELONY) 496.992(9)	2

* See back of grid for further explanation

PERSON CRIME A-MISDOS OAR 213-003-0001(15)
DUII BECOMES PERSON CRIME OAR 213-004-0009
◆ Person felony ◆ Drugs ◆ Property ◆ U-Unranked Felonies

Grid by Lane County DA's Office – AUGUST 2016
DO NOT REPRODUCE WITHOUT PERMISSION

D. Specialty Courts and Programs

Statewide Specialty Courts and Programs Currently Operational in Oregon Counties								
County	**Drug Court**	**Mental Health Court**	**Domestic Violence Court**	**Family Dependency Court**	**Veterans Court**	**Community Court**	**DUII Court**	**Family Drug Court**
Baker								
Benton	X							
Clackamas [1]	X	X	X	X		X	X	X
Clatsop	X	X		X				
Columbia	X			X	X			
Coos		X		X				
Crook	X							
Curry								
Deschutes		X	X					X
Douglas	X	X	X					
Gilliam								
Grant								
Harney	X							
Hood River	X							
Jackson [2]	X	X	X					X
Jefferson [3]	X	X						
Josephine	X	X						
Klamath	X				X			
Lake [4]								
Lane [5]	X	X			X			
Lincoln [6]	X							
Linn [7]	X	X	X					X
Malheur	X	X			X			
Marion	X	X			X			
Morrow								
Multnomah [8]	X	X	X	X	X	X	X	
Polk	X							
Sherman								
Tillamook								
Umatilla	X							
Union	X	X (2017)						
Wallowa	X							
Wasco	X	X		X				
Washington [9]	X	X	X					
Wheeler								
Yamhill [10]	X	X						

1 Community Prosecution Program
2 Recovery Opportunity Court
3 Diversion Program
4 Non-Statutory Intense Supervision Court
5 Low Risk Diversion Program
6 HOPE Court
7 Juvenile Accountability Court, Peer Court for Juveniles
8 DISP Program, STOP, START, MCJRP, Court Mentorship Program, Sex Buyers Accountability and Diversion, Lifeworks New Option for Women Treatment and Supervision, Multnomah County LEAD
9 Diversion Early Case Resolution (DECR), Early Case Resolution (ECR), IRISS, FSAP, DUII Enhanced Bench, DUII Diversion, Juvenile Phase (Gang Court), Juvenile Drug Court, Juvenile Peer Courts, Juvenile Conditional postponements and Formal Accountability Agreements (FAA)
10 Women's Recovery, Youth Drug Court, Restitution Court