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RE: The Work of Pew in Oregon

Dear Members of the Joint Public Safety Committee:

I have worked in the Oregon justice system as a prosecutor since 1981, almost all of that time with the Multnomah County District Attorney's Office. I left that office in October 2012, but during the my last two years there I was assigned to follow the proceedings of Governor Kulongoski's Public Safety Re-Set Committee and the subsequent two Commissions on Public Safety. I have retained a keen interest in the subject of those proceedings and am now assisting several District Attorneys and the Oregon District Attorneys' Association in policy matters that have arisen as a result of the conclusions of those bodies. I write to express extreme dismay at the manner in which data was assembled for the 2012 Commission by the Pew Foundation Center for the States.

As the members of the Governor's Commission on Public Safety know, the presentation of "data" by Pew was tightly controlled, with little input from most, if not all, of the commission members. In fact, although information may well have been shared with certain selected members of the Commission, that information was not made available to most Commission members until it was displayed publicly in PowerPoint presentations at meetings, which effectively eliminated the ability of most commission members to review and evaluate the data prior to the meetings. Most commissioners were never able to learn who made the decisions about what information would be presented to them, how those decisions were made and, perhaps more importantly, what information would *not* be shared.

Even more discouraging was the actual data that the Pew organization presented. As will be outlined below, it is a fair description to say that Pew excluded important information that did not fit their message and handpicked only the data that would support what is established agenda of that organization. A review of extensive Pew Foundation literature available to the public would lead any reasonable observer to conclude that the Pew Foundation Center for the States is committed to a drastic reduction of incarceration in the United States, and that this is a message they seek to convey throughout the nation, with no regard to the dissimilarities among the states in justice and incarceration policies.

Since the 2012 Commission issued its report I have taken time to review in detail the work done by that body, and especially the manner in which the Pew organization presented "data" to the body. I am now convinced that representatives of the Pew Foundation, far from being neutral analysts of data, came to our state as an interest group to advocate their own political position on sentencing. It is still far from clear how a group such as this was selected to do this work and why. Regardless, their presentation of biased data has discredited this process and has directed the work of the commission away from solutions that would effectively reduce costs and only towards prison sentence reductions. And it has risked poisoning the dialogue that produced in Oregon perhaps the best criminal justice system in the nation.

Although I will not raise all of the issues with the performance of the Pew Center in this process, let me just mention a few of the most glaring examples.

**Cost per day.** On June 6, 2012, the Pew Center for the States authored a report entitled "Time Served--the High Cost, Low Return of Longer Prison Terms."<sup>1</sup> In that report, Pew analyzed the corrections budgets of 34 states, as presented to the Vera Institute<sup>2</sup> and to the National Association of State Budget Officers<sup>3</sup>, and computed the 2010 costs per month of inmate incarceration in the various states. At \$5304 per inmate per month (or \$174/day), Oregon was ranked by Pew as the most costly prison system of all states surveyed in the nation (*Attachment 1*).

Three weeks later Pew representatives in Oregon working for the Commission on Public Safety were asked to analyze the daily costs per inmate of Oregon prisons. It was, in fact, the number one request by Commissioners, as listed by Pew on their June 29, 2012 document. This should have been a simple task, since their own organization had just released a report that included those figures.

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<sup>1</sup> Pew Charitable Trusts report, June 6, 2012. <http://www.pewstates.org/research/reports/time-served-85899394616>

<sup>2</sup> Vera Institute and Pew Charitable Trusts, The Price of Prisons, 2/29/12. <http://www.vera.org/pubs/price-prisons-what-incarceration-costs-taxpayers>

<sup>3</sup> National Association of State Budget Officers, Fiscal Survey of States, 2012. <http://www.pewstates.org/research/reports/time-served-85899394616>

Despite the fact that their own organization had just written a report that detailed prison cost, ranking Oregon as the most costly in the nation in their survey, Pew representatives made no mention of their own report, ever, in the entire Commission proceedings. Instead, when called on to produce a per-day bed cost for Oregon prisons on July 23, Pew representatives relied on a figure of \$82.48 per day (*Attachments 2 and 2.2*), as provided by the Oregon Department of Corrections, knowing all the while that their own analysis demonstrated that Oregon inmate costs were more than double that figure. Pew accepted the \$82.48 figure of the Oregon Department of Corrections, apparently at face value, despite the fact that their own agency itself had on February 29, 2012 just released another report which had concluded that cost information from prison administrators could not be trusted because it virtually always concealed true costs.<sup>4</sup> In this February 2012 report Pew in fact actually developed a methodology for analyzing true prison costs which they simply ignored when analyzing Oregon prison costs.

More troubling, on August 23 Pew presented a synopsis of "findings." They attempted to highlight what they judged to be the intolerable taxpayer cost of prisons in Oregon. In Slide 11 of their PowerPoint presentation (*Attachment 3*) that day, in an apparent attempt to demonstrate how "unsustainable" prison spending was in this state, they outlined just how much each county's inmates cost the state. In assembling this data, however, they quietly returned to using a much higher figure, \$165/day, to multiply inmate days to arrive at their total cost, although they pointedly did not mention a daily cost in the graph. The figure seems to be derived from the 2011 budget analysis of the Oregon corrections budget by the National Association of State Budget Officers, the same source used by Pew to assemble the \$174/day number for 2010.

The import of this is obvious. The Pew Group has sought to demonstrate that sentencing policy, not ineffective prison management, is responsible for the cost of Oregon's prisons. Wastefully high prison costs and administration were not topics that Pew, and certain members of the Commission itself, wanted to discuss, because it directed the discussion away from the fundamental goals of changing sentencing policy.

When Pew sought to show that Oregon prisons were operated at what some might view as a reasonable cost, they used the \$82.48 figure provided by DOC, and which our state Legislative Fiscal Office itself admits does not include all corrections costs (*Attachment 2*). When they sought to show that total prison costs were astronomical and unsustainable, they used a figure that was double that, and was supported by their own research, although that multiplier was never explicitly stated and was carefully disguised.

It is deeply troubling that a supposedly neutral group of data analysts would assemble two separate sets of figures for the discussions on a single topic, each to be used according to how it suited their purposes at a given time, and that they would hide their very own studies when it failed to support a political goal that, as purportedly unbiased analysts, they had no right advocating in the first place.

**Increasing prison population of non-violent offenders.** The Pew Group has repeatedly asserted that in Oregon non-violent offenders make up an increasing share of prison inmates. In fact, the Pew PowerPoint presentation on prison cost "drivers," presented June 29 at the very first meeting made exactly this point:

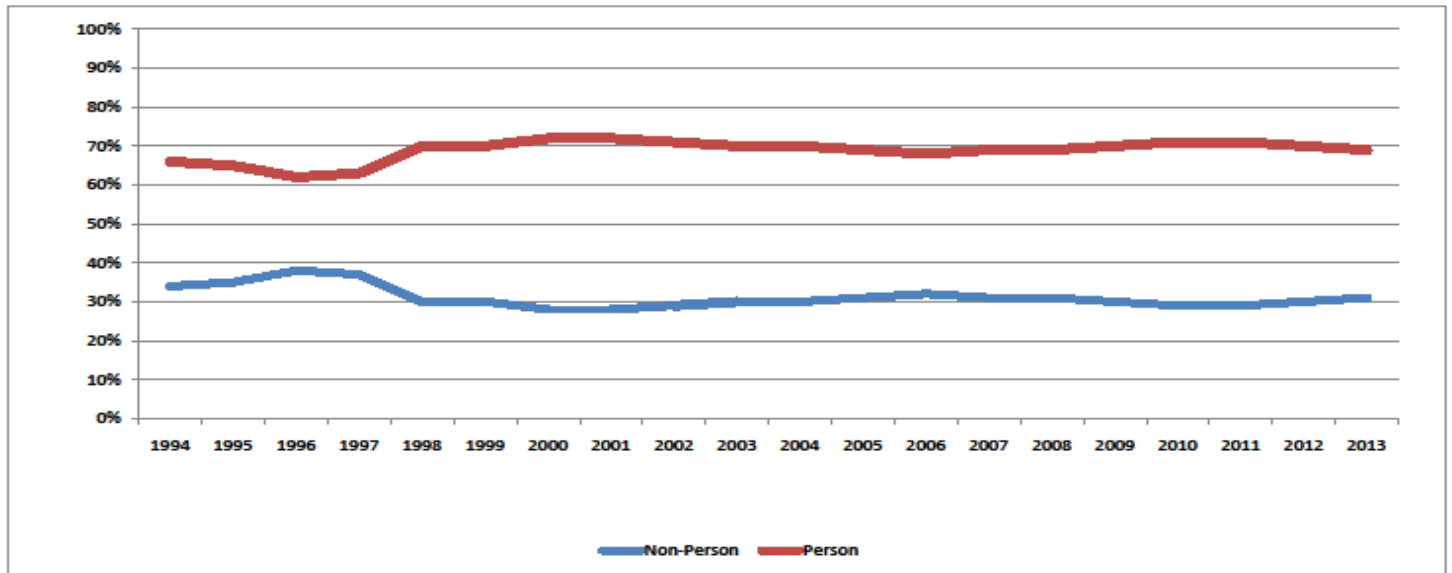
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<sup>4</sup> Vera Institute and Pew Charitable Trusts, *The Price of Prisons*, above.

**“PERSON CRIMES MAKE UP THE LARGEST SHARE OF PRISON INMATES. PROPERTY AND OTHER CRIMES MAKE UP AN INCREASING SHARE COMPARED TO PAST YEARS.”**

This contention was central to the assertion that it was Oregon sentencing policy, especially related to non-violent offenses, that was driving our prison costs up. Pew was advised that this figure was false, and that they need only go to Oregon Department of Corrections statistics to confirm that. In fact, DOC figures, readily available online,<sup>5</sup> reflect the percentage of Oregon prison inmate population comprised of non-violent offenders is 31%, exactly the same as it was ten years ago.

**Actual Oregon Prison Non-Violent Inmate Percentage  
1994 - 2013**



Data compiled from Oregon Department of Corrections Inmate Population Profile for January 1st of noted year.

\*Non-Person category includes crime types: Property, Statute, Other

The percentage of non-violent inmates in Oregon prisons has not changed in a decade. The Pew Group was well aware of this but has continuously and repeatedly ignored the truth in order to promote a vision of Oregon sentencing policy that is false. In fact, when it was pointed out to representatives of Pew that the federal Bureau of Justice Statistics had determined that Oregon has the lowest percentage of non-violent inmates in prison in the nation<sup>6</sup> (*Attachment 4*), that figure was simply ignored by Pew, whose representatives made no mention of it throughout the Commission proceedings, and who continued to falsely claim that Oregon's prisons contain an increasing percentage of non-violent offenders.

**Length of sentence/length of prison stay.** Also central to Pew's policy agenda is their assertion that Oregon prison inmates are receiving greater sentences and serving increasingly long terms than in past years.

<sup>5</sup> See Oregon Department of Corrections Inmate Profiles, [http://www.oregon.gov/DOC/RESRCH/pages/inmate\\_population.aspx](http://www.oregon.gov/DOC/RESRCH/pages/inmate_population.aspx)

<sup>6</sup> See attached data chart in Appendix to this letter, from data series for Bureau of Justice Statistics, *Prisoners in 2010*. The chart was provided by William Sabol, PhD, of BJS <http://bjs.ojp.usdoj.gov/content/pub/pdf/p10.pdf>. Correspondence with Dr. Sabol is available on request.

For instance, at the very first informational meeting on June 29, 2012, Pew representatives asserted that the length of stay in Oregon prisons for property offenders had increased by 7% between 2000 and 2009, from 1.6 months to 1.7 months, and presented a graph documenting this increase (Slide 31 of that PowerPoint presentation). However, Pew's own report, "Time Served," released earlier that same month, addressed the very same issue and concluded exactly the opposite, that average time served for Oregon property offenders had actually declined between 2000 and 2009 by some 9%, from 2.1 years to 1.9 years (*Attachment 5*).

Since Ballot Measure 57 property sentencing structure is a key target of Pew in this process, it is apparent they intended to demonstrate that Oregon sentencing policy was producing increased prison sentences for property offenders. It appears that they were willing, again, to ignore their own statistics in an attempt to demonstrate a point whose falsity is proved by their own organization. They developed a brand new set of figures that was again tailored to their needs of the moment.

Sadly, misstatements and omissions such as these were far from isolated incidents before the Commission on Public Safety. Pew representatives failed to reveal other important information on Oregon non-violent prison sentences before the Commission, information that was readily available to them because it was contained within their own "Time Served" report.

Pew representatives in Oregon failed to report to the Commission that their own researchers had determined in June 2012 that the national average property crime prison length of stay was 21% higher than property crime length of stay in Oregon prisons, and that national drug crime length of stay averaged 29% higher than in Oregon, as well. Since the Pew group went to great lengths to discuss national justice practices (including presenting the state of Texas as an example of enlightened justice policy), it was incumbent upon them, as neutral analysts, to present a comparative picture of Oregon justice practices. This is especially so in light of the fact that their own organization had placed sufficient emphasis on documenting length of prison stays across the nation to publish a detailed report on the topic. Their failure to do so can only be attributed to the fact that it would have been inconvenient for their position to do so.

It would have also been inconvenient for Pew to reveal that their own researchers had determined in June 2012 that non-violent offenders' length of prison stays in Oregon had actually declined by 11% between 1990 and 2009. (*Attachment 6*) According to Pew's own researchers, only four of the 34 states they surveyed reduced non-violent offenders length of prison stays more than Oregon did between 1990 and 2009. That fact would not have fit their goal in Oregon, so they failed to provide that information.

It would have also been inconvenient for Pew that a key Bureau of Justice Statistics report in 2009 determined that felony prison sentences across the nation averaged 59 months in 2006<sup>7</sup>, at a time when Oregon felony prison sentences averaged 34 months.<sup>8</sup> So comparisons with national sentences were never discussed by Pew with the Commission.

**Incarceration rate.** Oregon has a low incarceration rate (ranked in the bottom third of the 50 states), a point that the Pew representatives were forced to acknowledge. Their response to this established fact exemplifies their analysis was intentionally biased to favor the position they were advocating. In Slide 8 of their in their June 29 overview of the Oregon justice system they displayed a

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<sup>7</sup> Bureau of Justice Statistics, Felony Sentences in State Courts, <http://bjs.ojp.usdoj.gov/content/pub/pdf/fssc06st.pdf>, Table 1.3

<sup>8</sup> Oregon Criminal Justice Commission Statistical Spreadsheet on Oregon Prison Sentences, 2012

graph of Oregon's incarceration rate set against the national incarceration rate. The point they chose to underline in their presentation, heavily emphasized throughout the commission proceedings, was that from 2000 to 2009, they had detected the troubling "trend" that Oregon's incarceration rate increased almost four times faster than the national rate. (*Attachment 7*) The intent was obviously to demonstrate just how destructive our sentencing policy had become.

Interestingly, they failed to point out some other reasonable observations that could have been made from their own figures, and engaged in gross statistical distortions, such as:

- When Pew reported these figures to the Commission they chose to utilize two statistical tricks designed to falsely construct "trends" which did not exist.

First, they chose not to use the latest incarceration statistics available to them from the Bureau of Justice Statistics. At the time they testified about incarceration rates on June 29, 2012, the 2010 BJS national incarceration statistics had been available online for over four months. Those statistics showed a marked decline in Oregon's incarceration rate. They would have refuted Pew's argument about inmate population growth rates. They were conveniently omitted even though they were the most current statistics available, and in presentations Pew showed 2009 to be the most current year data was available, even though that was false. Pew chose, however, to use post-2009 statistics in other areas of their presentations, indicating that the omission of 2010 statistics in this one area was intentional.

Second, Pew chose to extend the starting date of their comparison period back to 2000. This was done so they could take advantage of a definite surge in incarceration rates in the early 2000s as Measure 11 came into effect in prison populations. After 2004 there is no dispute that Oregon's incarceration rate flattened out. Had Pew chosen 2004-10 as the appropriate period to demonstrate "trends" they would have been forced to admit the Oregon's incarceration rate actually declined while the national incarceration rate actually increased. So by carefully choosing their period of comparison, and by choosing to omit the most current statistics available to them, Pew managed to demonstrate a "trend" that was the exact opposite of the truth.

- Despite the fact that Oregon has experienced higher incarceration rate growth than in the rest of the nation *in the period of time they chose to highlight*, Pew failed to point out that the national incarceration rate in the rest of the nation (478 per 100,000) was actually 29% higher in 2000 than it is in Oregon today (373 per 100,000). So while Oregon's rate might have increased faster than the nation's from 2000 to 2009, it is still well below the rest of the nation.
- Despite the fact that Oregon experienced a higher incarceration rate growth than in the rest of the nation *in the period of time they chose to highlight*, Pew failed to point out that the 2009 national incarceration rate (502 per 100,000) was still 34% higher than it was in Oregon (373 per 100,000). In fact, Oregon's incarceration rate has been well below the national average since the time the federal government began collecting statistics on the subject in their current data series in 1990. Pew has failed to point out that the 1990 national incarceration rate was 33% higher than Oregon's, and today the national incarceration rate is 34% higher than Oregon's. So, essentially, nothing has changed in the comparison of national and state rates for 23 years, with Oregon's rate being significantly lower than the national rate before and after Measures 11 and 57.

Pew representatives could have chosen any of the above facts to present a fair analysis of Oregon's incarceration practices, but that would not have served their purpose. They chose to cherry pick, and then distort, the one statistic they believed would support their contention that Oregon sentencing policy was excessive and leading our state into financial hardship. This conduct is characteristic of how they presented their so-called data throughout the proceedings.

**“Technical violators” going to prison.** On June 29, 2012 Pew presented PowerPoint Slide 19 which purported to show that in 2011 Oregon sent 534 probationers to prison for “technical violations.” (*Attachment 8*) This slide was presented as part of a larger presentation on “prison cost drivers and as part of their assertion that Oregon was sending more and more people to prison for less serious crimes.

After being challenged to explain this finding, Pew later reported that all of these “technical violators” were in fact serious criminals who had originally been facing presumptive prison sentences because of the seriousness of their crimes of conviction and/or their criminal records. In fact, rather than being sentenced to their presumptive prison terms, these offenders had all been allowed to remain out of custody in the community on supervision, and had failed on that supervision. Furthermore, Pew was later forced to disclose that, in fact, half of those “technical violators” had committed new crimes while on probation. Of course, Pew failed to voluntarily share any of this follow-up information with the commission until they were asked to do so by members of the commission.

In addition, Pew failed to disclose to members of the Commission that, in fact, Pew had themselves published another of their numerous national reports in April of 2011 which had followed prison releases for three years, 2004-07<sup>9</sup>. In that report, Pew praised Oregon for having the lowest percentage of technical violators returned to prison (3%) of any state they studied. In fact, Oregon's former DOC director, Max Williams, is quoted as saying Oregon does not have a “revolving door.”

Of course, Pew never chose in this conversation to share with the members of the commission the fact that they themselves had declared that Oregon was “leading the Nation” in our efforts to manage “technical violators” being returned to prison.

Unfortunately, Pew's 2001 study also failed to disclose that in Oregon very few convicted felons can be sent to prison for failing probation for any reason. The only felons who go to prison have been convicted of much more serious crimes with more serious criminal histories than felons in other states. When this is added to the cumulative effects of 1145 (which requires that any felon who fails on supervision and is given 12 months or less as a sentence must serve it in local jail, not state prison) it is clear that members of Oregon's probation population who fail supervision are much more dangerous than probation populations from other states.

But, of course, Pew chose not share any of this, including their own organization's work, with the Commission, and chose to not even attempt to engage the Commission in any detailed evaluation of their data. And the obvious reason for this type of conduct was to once again direct the discussion towards the result they wanted, which is to prohibit any kind of “technical violators” of supervision from ever being eligible for a prison sentence.

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<sup>9</sup> “State of Recidivism: The Revolving Door of America's Prisons”, Pew Center on the States, April 2011.



**Low risk offenders.** I do not wish to review here the entire subject of Pew's presentation regarding low risk offenders. Their analysis on that topic has already been sufficiently discredited by outside observers. I raise the matter only to illustrate how this organization has brought their misleading data analysis to our state in order to influence public debate. The low risk offender debacle should have alerted everyone involved in this conversation to the fundamental lack of credibility and neutrality of the Pew organization. Having dealt in great detail with this issue, I feel confident in saying that this is a view shared by all District Attorneys and, I suspect, law enforcement in general.

## **PEW'S FAILURE TO FOLLOW THROUGH ON ITS PROMISE TO PRODUCE DATA REQUESTED BY PUBLIC SAFETY COMMISSIONERS**

The Pew organization began its work with the commission last year by asking all the members of the commission to forward their "requests for data" to them, with the clear implication that those requests would help direct the work of Pew. I have attached Commissioner John Foote's email to Pew with his "requests for data" to illustrate the data that particular member of the commission, who represented the Oregon District Attorney's Association, wished to see. (*Attachment 9*). He requested 19 different pieces of data, as well as a discussion about the purpose of sentencing. By the end of the commission process at least 14 of those data requests were unanswered. And a broad discussion about the purpose of sentencing never occurred.

## **CONCLUSION**

What is truly unfortunate about the manner in which the Pew organization was allowed to control Oregon's recent discussion of public safety issues is their efforts to deflect conversation away from what should be the primary issue of daily inmate costs and misdirect it towards the much less financially productive issue of sentence reform. Oregon could quickly and much more effectively solve prison budget issues by modestly reducing prison operating costs than could ever be possible with sentence reductions, particularly when one considers how moderate and effective sentencing policy has been in this state for the past 20 years. Instead of having a robust and productive examination of current costs per day and how they can be effectively reduced, the commission wasted months struggling with how to unnecessarily reduce sentences for violent and career property criminals. We would respectfully suggest that Oregon should redirect its efforts towards the kinds of reforms that would actually save the most money without jeopardizing public safety or criminal justice. That would logically start with prison operating cost reductions, followed by strategic investments in rigorously tested programs for those who are currently failing on probation and parole.

It is with sadness and dismay that I have observed our state's system of public debate being twisted by factual distortions, omissions, and misrepresentations. The introduction of this type of conduct by an officially sanctioned, well-financed out-of-state interest group into our public forums is an unfortunate deviation from the road we have followed in public policy discussion for so long in this state. The fact that a bill is now being debated in our legislature which is entirely based upon such a clearly biased process should be a troubling moment for our state.

Sincerely,



Charles R. French

Policy Advisor for Multnomah, Clackamas and Washington County District Attorneys



# PEW Report – “Time Served”

June 2012

## State by State Data

	Average Cost Per Month	Average Cost Per Year
Oregon	\$5,304	\$63,648
New York	\$5,006	\$60,072
New Jersey	\$4,572	\$54,864
Washington	\$4,315	\$51,780
California	\$3,952	\$47,424
Pennsylvania	\$3,528	\$42,336
Minnesota	\$3,447	\$41,364
North Dakota	\$3,273	\$39,276
Illinois	\$3,189	\$38,268
Wisconsin	\$3,166	\$37,992
Hawaii	\$3,073	\$36,876
Nebraska	\$2,966	\$35,592
New Hampshire	\$2,840	\$34,080
Iowa	\$2,744	\$32,928
North Carolina	\$2,497	\$29,964
Utah	\$2,446	\$29,352
Michigan	\$2,343	\$28,116
West Virginia	\$2,208	\$26,496
Virginia	\$2,094	\$25,128
Arkansas	\$2,033	\$24,396
South Dakota	\$2,014	\$24,168
South Carolina	\$1,909	\$22,908
Missouri	\$1,863	\$22,356
Tennessee	\$1,834	\$22,008
Texas	\$1,783	\$21,396
Georgia	\$1,753	\$21,036
Nevada	\$1,721	\$20,652
Florida	\$1,713	\$20,556
Colorado	\$1,665	\$19,980
Oklahoma	\$1,539	\$18,468
Louisiana	\$1,457	\$17,484
Alabama	\$1,440	\$17,280
Mississippi	\$1,313	\$15,756
Kentucky	\$1,217	\$14,604

Prepared by John Foote – March 4, 2013  
 From PEW Report: Time Served - The High Cost, Low Return of Longer Prison Terms

## Oregon's Average "Direct" DOC Cost Per Day is \$82.48

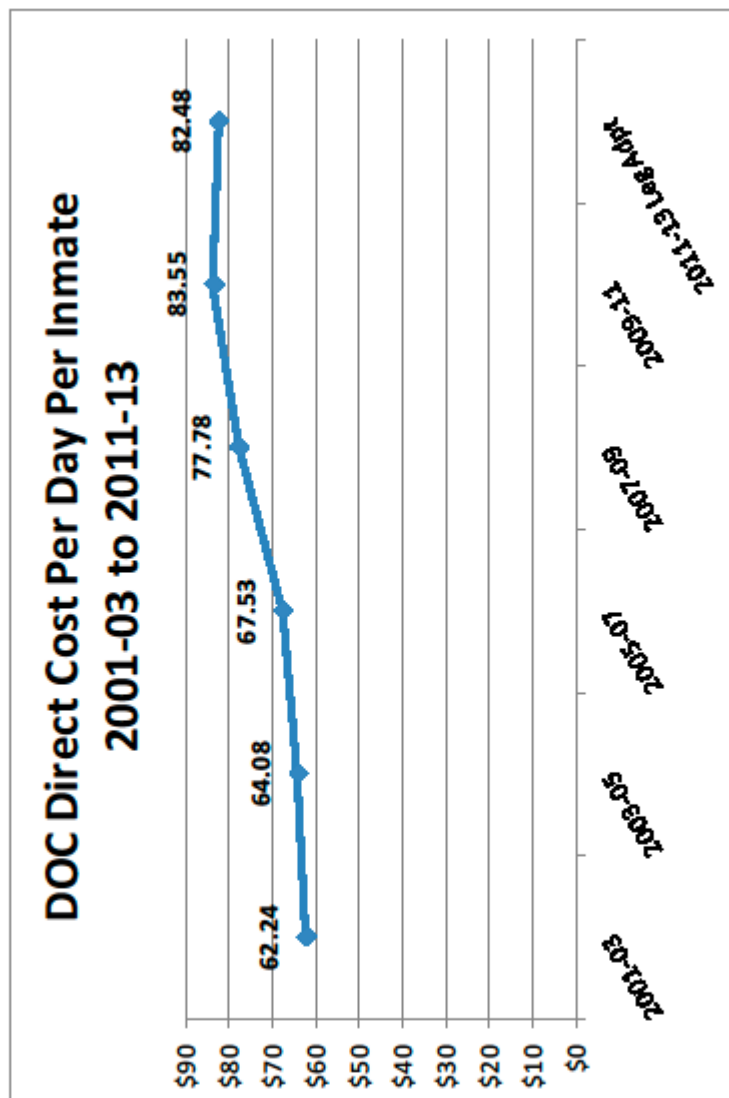


- \$82.48 accounts for 80% of the total costs of incarcerating an offender at a DOC facility
  - Includes:
    - Security, health care, food, and other items
  - Excludes:
    - Community corrections grants, capital construction, start-up costs, and other corrections costs
    - Debt service for the agency's facilities (\$11.01 per day)
    - Indirect management and systems costs (\$11.84 per day)
- Actual cost per day varies across institutions

[www.pewstates.org](http://www.pewstates.org)

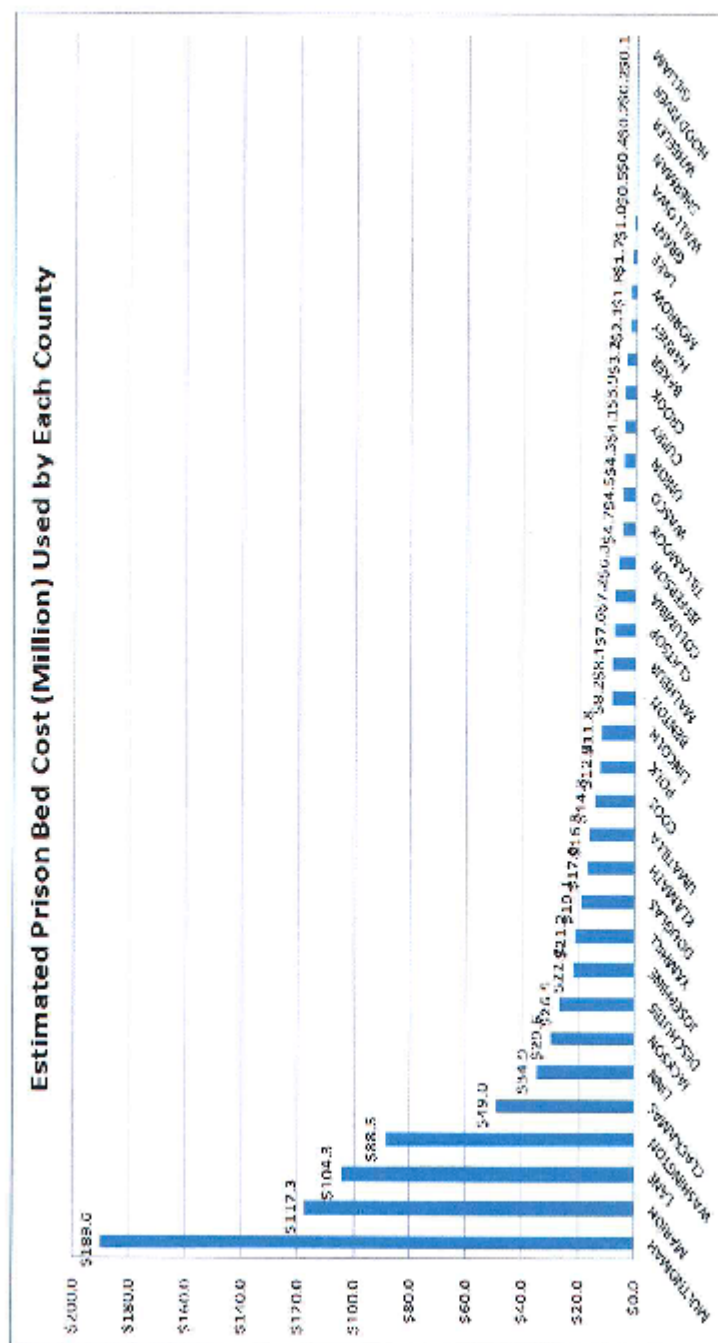
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# The DOC Direct Cost Per Day Grew 33% Since 2001

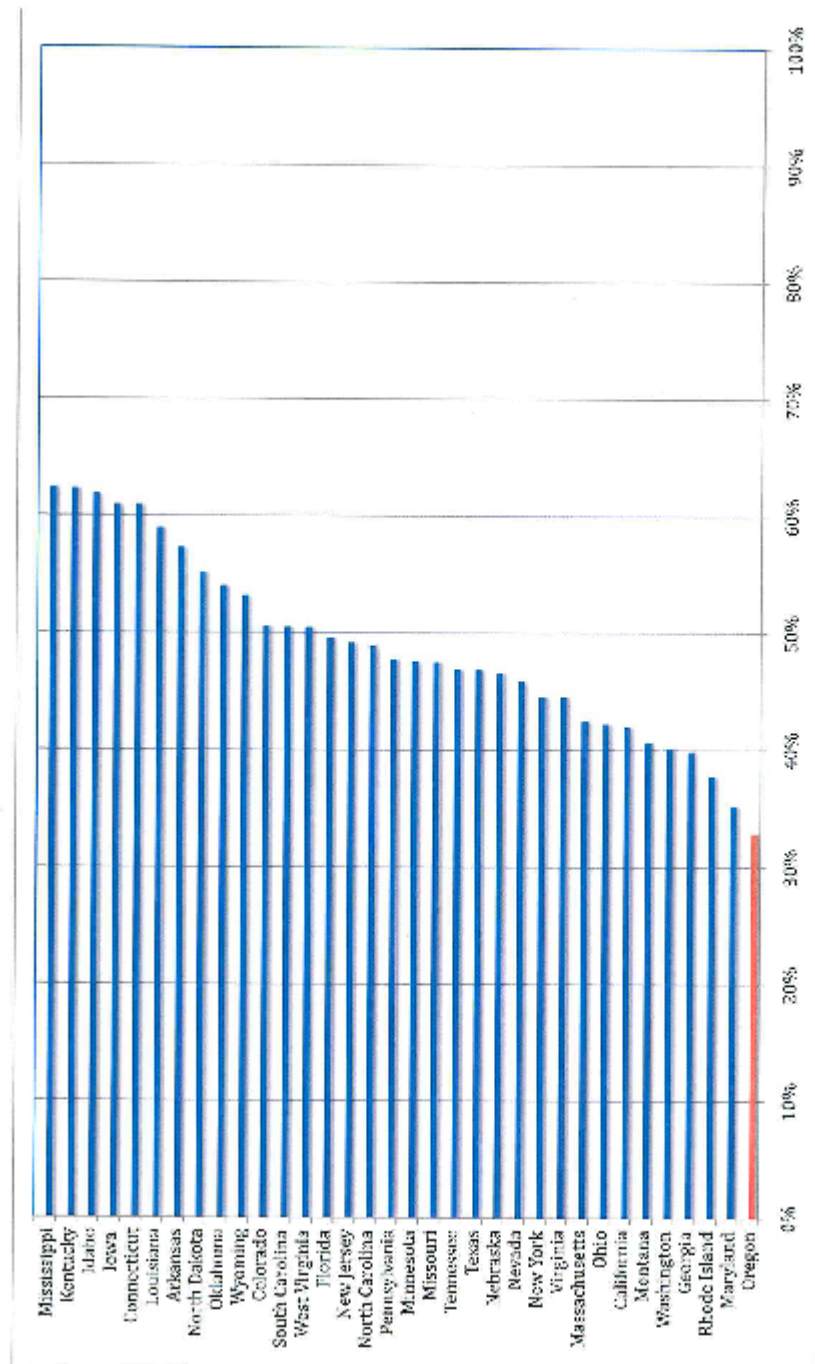


[www.pewstates.org](http://www.pewstates.org)

## Total Prison Bed Use By County (2011)

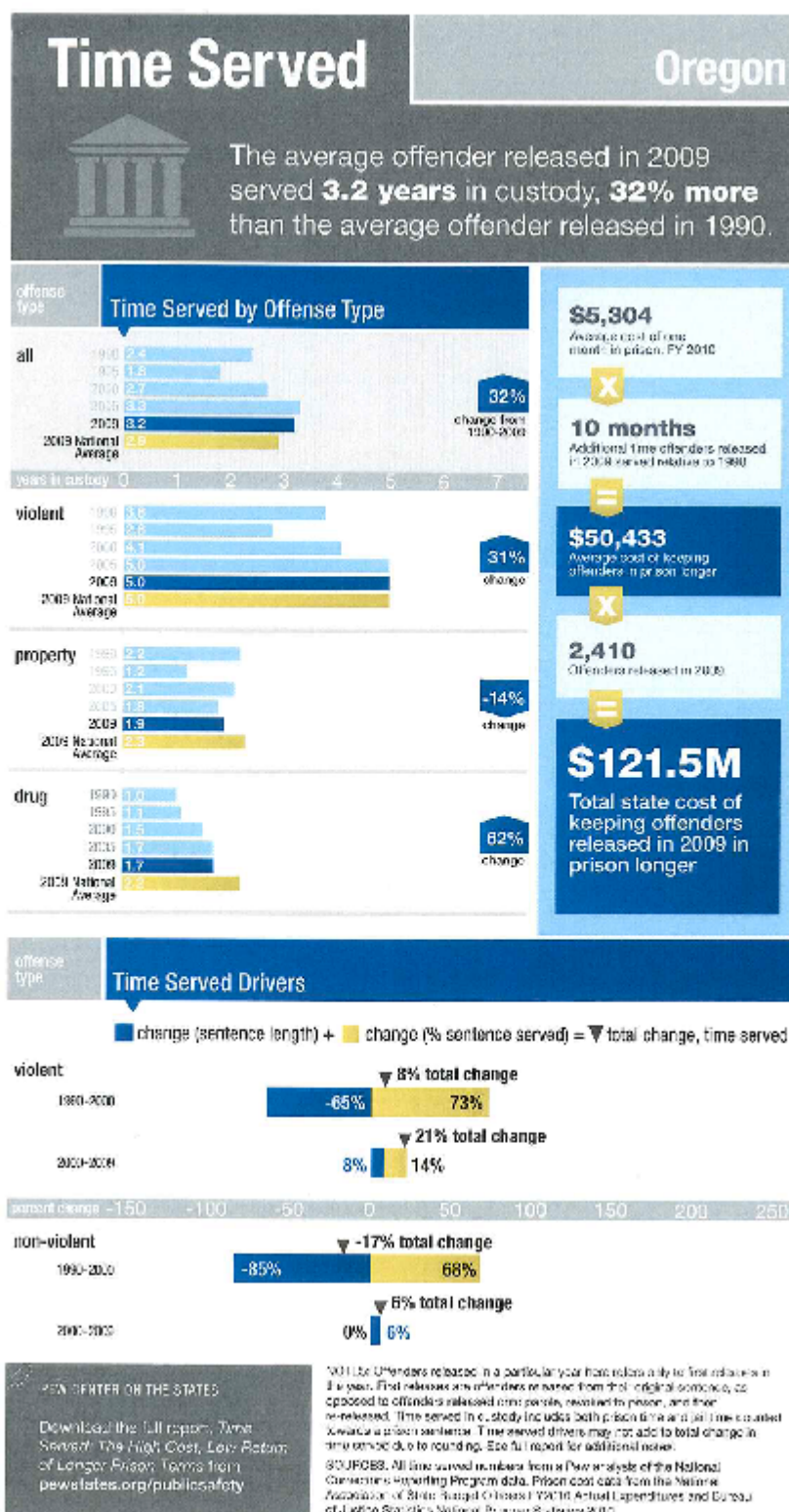


Percent of Sentenced Prisoners with a Non-Violent Offense as the Most Serious Offense by State: 2010



Source: Bureau of Justice Statistics; National Corrections Reporting Program - 2010 by State. William J. Sabol, Ph.D. Deputy Director, Statistical Collections & Analysis, Bureau of Justice Statistics compiled as "Percent of sentenced prisoners with a violent offense as the most serious offense, 2010, by state."





## LENGTH OF STAY IN STATES

**Time Served**

Property offenders released in West Virginia and Hawaii in 2009 served 3.2 and 3.3 years on average, a full year longer than the national average (see Table 3). South Dakota and Tennessee tied for the shortest average LOS for property offenders released in 2009, at 1.3 years in each state, a full year less than the average.

**Trends**

The highest rate of growth was in Florida, where the increase in LOS was 181 percent; Oklahoma (93 percent) and West Virginia (93 percent) also had high increases in LOS. But more than a quarter of states had an overall decrease in LOS for property offenders, including Tennessee (45 percent), South Dakota (23 percent), and Oregon (14 percent). The wide variation among states could reflect changing offense compositions, in which more low-level property offenders are imprisoned, or a deliberate shifting of resources within prisons to make more room for violent offenders. Both possibilities are discussed further below.

**Policy Changes**

Released property offenders served an average of 67 percent of their court-ordered sentences in 2009, a significant jump up from 43 percent in 1990. Average sentences dropped from 4.3 years to 3.4 years, illustrating that time served was

Table 2

**Avg. Time Served Estimates  
PROPERTY CRIMES**

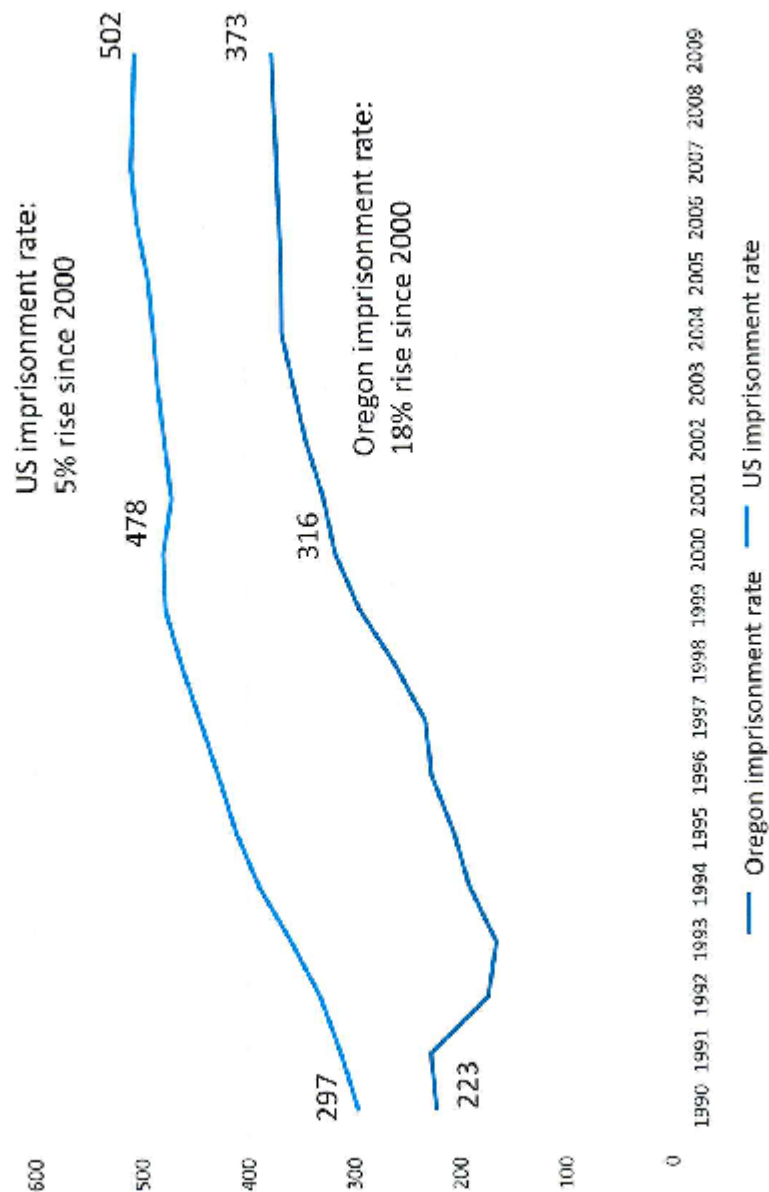
	1990	2009	Percentage change
ALABAMA	1.9	2.4	25%
ARKANSAS	1.7	2.5	46%
CALIFORNIA	1.9	2.2	16%
COLORADO	2.2	2.6	16%
FLORIDA	.9	2.7	181%
GEORGIA	1.5	2.5	66%
HAWAII	3.1	3.3	7%
ILLINOIS	1.9	1.4*	-24%
IOWA	2.0	2.3	12%
KENTUCKY	1.2	1.5*	20%
LOUISIANA	2.2	2.1	-5%
MICHIGAN	2.1	2.9	35%
MINNESOTA	1.4	1.6	16%
MISSISSIPPI	1.5	1.7*	17%
MISSOURI	1.9	1.7	-11%
NEBRASKA	1.7	1.7	0%
NEVADA	2.6	1.9	-26%
NEW HAMPSHIRE	2.5	2.6*	3%
NEW JERSEY	2.1	1.9*	-9%
NEW YORK	3	2.7	-11%
N. CAROLINA	1.4	1.7	20%
N. DAKOTA	1.1	1.6	41%
OKLAHOMA	1.5	2.9	93%
OREGON	2.2	1.9	-14%
PENNSYLVANIA	2.5	2.9	17%
S. CAROLINA	1.6	1.9	13%
S. DAKOTA	1.7	1.3	-23%
TENNESSEE	2.4	1.3	-45%
TEXAS	1.8	2.1	15%
UTAH	2.1	2.3	10%
VIRGINIA	1.6	2.7	62%
WASHINGTON	1.7	1.9	11%
WEST VIRGINIA	1.7	3.2	93%
WISCONSIN	2.3	3.2*	40%
NATIONAL	1.8	2.3	24%

\* The most recent year of available data is 2005.

LOS = Time Served as a percentage of years. Ohio is omitted due to irregularities with 2009 data.

SOURCE: Pew Center on the States, 2012.

## Oregon's Imprisonment Rate Grew Faster in the 2000s Than the U.S. Rate

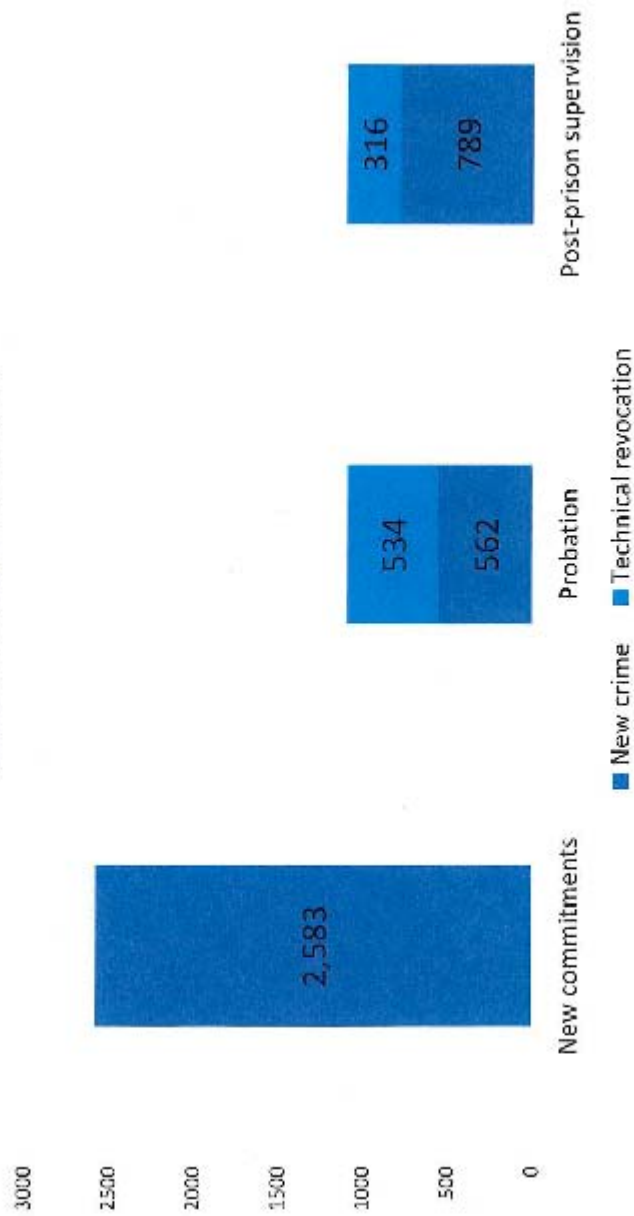


www.pewstates.org

# Nearly Half the 2011 Probation Revocations Were Technical Violations



Admissions to Prison, 2011



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**Foote, John**

**From:** Zoe Towns <ztowns@pewfrustrs.org>  
**Sent:** Friday, June 08, 2012 6:18 AM  
**To:** Foote, John  
**Cor:** 'PRINS Craig \* CJC'  
**Subject:** RE: Requests for Data

DA Foote,

Thanks very much for this. I will review this along with our data team and will reach out for clarification where necessary.

Appreciate your thoughtful questions.

All best,  
 Zoe

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**From:** Foote, John [mailto:JohnFoote@co.clackamas.or.us]  
**Sent:** Thursday, June 07, 2012 4:32 PM  
**To:** Zoe Towns  
**Cor:** 'PRINS Craig \* CJC'  
**Subject:** Requests for Data

Zoe,

At our meeting this week you asked all of us what kind of data we wanted for our future discussions. I have given this a good bit of thought and decided to send these to you as they might apply to each of our upcoming meetings (specifically meetings #2-8). I have tried to make them as understandable as possible, but just in case there is any confusion about how I have asked for the information, please do not hesitate to ask me for a clarification. Thanks.

Data for Meetings #2, #3 and #4:

What is Oregon's incarceration rate (number of inmates compared to state population) each of the past 20 years and how does it compare to the other 50 states?

What has Oregon's violent crime rate been each of the past 20 years as compared to our incarceration rates?

What has Oregon's property crime rate been in each of the past 20 years? What is going on currently with property crime rates in Oregon in 2012? How does the manner in which the FBI collects property crime data (index crimes only) affect the way property crime is reported in Oregon? Does the FBI method of collecting property crime data accurately report the level of all serious property crime in Oregon?

What percentage of convicted felons actually go to prison in Oregon? How does that compare to the other 50 states?



How do the average length of Measure 11 sentences in Oregon compare to the other 50 states? Do any of those states also have mandatory minimum sentences for these crimes? If so, which crimes and in what states?

Have any of the other 16 states in which PEW has worked on public safety issues actually reduced their prison sentences for their Measure 11 equivalent crimes? If so, in which states and for which crimes?

In what percentage of Measure 11 cases does the sentencing judge actually impose a sentence that is longer than the mandatory minimum sentence? Can you give us this information for the time period that Measure 11 has been in place?

What was the presumed sentence for each Measure 11 crime prior to Measure 11?

It has been said that the mandatory sentences in Measure 11 have reduced the number of Measure 11 cases that actually go to trial. Can you provide us with the data for the trial rates for Measure 11 cases over the past 17 years as compared the trial rates for other non-Measure 11 cases?

What is the research show about whether or not incarcerating violent criminals reduces crime or saves money? In particular, I have read studies from Washington State that show significant savings to the public and a dramatic drop in victimization when violent criminals are incarcerated? Can you find that data and provide it to us?

What percentage of Oregon's prison inmates are actually serving a sentence for a violent crime? How does that compare to the other 50 states?

What percentage of Oregon inmates are serving a sentence for a drug offense (other than drug possession which does not carry a possible prison sentence)? How does that compare to the other 50 states?

What is the risk profile for Oregon inmates as compared to other states?

What are the current daily bed costs for Oregon's prisons? How do they compare to the other 50 states? How have they increased or decreased over the past 10 years? How does that history compare to the other states?

What are Oregon's current daily inmate medical costs? How they increased or decreased in the past 10 years? How does that compare to the other 50 states?

What has been the Recidivism rate in Oregon since 2000? Can you give us the Recidivism rates for each of the past 11 years?

How is Recidivism defined in Oregon? How does that definition compare the definition in other states? Does Oregon's definition capture the actual criminal conduct of released or convicted? Do other definitions from other states do a better job of capturing future criminal conduct more accurately?

How many different kinds of treatment programs are there in Oregon right now? Is there an actual inventory? And how many of these programs have been evaluated for their effectiveness in reducing criminal behavior? Can you provide us with the each of the studies that show a program is effective or successful?

#### Information for Meetings #7 and #8:

I would like to make sure we have a full and fair discussion about more than simply the one issue of crime prevention. That is obviously very important to all of us. But, at its core, must criminal sentencing serve other more vital purposes first? Here are some questions I would like to consider in those discussions.

What is the first responsibility in sentencing? Is it to provide justice to victims, defendants and the community? How do we define justice? Is it meted in the concept of a crime(s) of conviction that fairly represent what the defendant has done? (Assuming that the person is actually guilty of the crime(s). If not then justice obviously demands an acquittal or