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May 9, 2013

Representative Chris Garrett
Oregon State Capitol
900 Court St, NE, H-283
Salem, OR 97301

Dear Representative Garrett:

Thank you for providing me a copy of the April 24 response by the Pew organization to the letter from the ODAA. The response, unfortunately, confirms exactly what we have been saying about that organization's lack of neutrality in this policy discussion. Hopefully in this policy process we have moved beyond the participation of this outside organization, but I feel it necessary to discuss some of the things they raised in their response to explain why law enforcement in this state has objected so strenuously to the use of this group to moderate our recent public safety policy debate. Let me focus on some of the points they made.

Failure to use their own methodology to determine prison costs. Pew stated in their April 24 response that they used "direct cost-per-day" in their Commission presentations because "both the DOC and Legislative Fiscal Office uses 'direct costs-per-day' in correctional budgeting."

Our objection to the use of this method for cost determinations, and the reason we have concluded that Pew cannot be trusted to be objective, is that their own organization criticized this very methodology in a report issued just months before the Commission began. That report determined that corrections budgets routinely understate the costs of housing inmates, and determined that an independent methodology is necessary to determine actual costs. Pew's own press release (apparently now taken down on their website) on the report states:

"In partnership with the Pew Center on the States, staff from the Vera Institute of Justice's Center on Sentencing and Corrections and Cost-Benefit Analysis Unit developed a methodology for calculating the full cost of prisons to taxpayers. The application of this methodology, which was developed in collaboration with a panel of advisers in the fields of corrections and public finance and field-tested in five states, is the subject of this report."

This methodology, their own, (which found Oregon to be the costliest prison system in the nation) was simply ignored when Pew representatives came to Oregon, and Pew reverted to using the very same cost analysis that they had found objectionable in their earlier report. When John Foote, a Commission member, and I pointedly questioned Pew representatives about this inconsistency in a March 9, 2013 email, they failed to respond. I will be happy to provide that email if you would like to see it.

In short, it seems abundantly clear that Pew representatives in this state wanted to underplay the daily costs of prisons in Oregon, and to achieve that end they just ignored their own studies and methodology and used a methodology for costs that their organization had earlier justifiably rejected. This is hardly the conduct of neutral data analysts.

Length of stay. In presentations before the Commission, Pew representatives used predicted lengths of stay for offenders entering the prison system. Predicted lengths of stay are just that, predictions. Predicted (or "expected") length of stay is not the methodology used by Pew itself in a major national report issued just weeks before the Commission began. So once again, Pew representatives used a different methodology in Oregon than they used nationally. Had they used the methodology adopted by their own organization, the result would have shown that between 1990 and 2009 prison sentences for property offenders in Oregon showed one of the greatest declines in the nation.

In fact, this dramatic decline in property crime sentences (the fourth largest decline in the nation) certainly even understates just how much Oregon has dialed back property sentences in that period, since in 1996 the Oregon Legislature determined that all sentences of a year or less would not be served on prison. After 1996, therefore, Oregon property crime prison sentence averages were skewed higher since sentences of less than a year were removed from the calculations. If one added back those short sentences into calculations of averages, it is likely that Oregon had the greatest decline in property crime sentences in the nation. Our suspicion, of course, is that this is not a statistic that Pew representatives wanted to advertise, so in Oregon they used a different methodology to produce a different result.

Pew's failure to use the latest available statistics in evaluating incarceration rate. One of the major objections that law enforcement has had with the Pew organization's performance in Oregon has been the selective use of statistics. Their analysis of incarceration rates, and their response to our criticism are prime examples of that conduct.

In this case, the federal Bureau of Justice Statistics released their annual report on incarceration rates in February, 2012. This report covered the period through 2010. That report demonstrated that the Oregon incarceration rate had declined between 2004 and 2010 from 265 to 261 per 100,000 population. It directly contradicted Pew's position about increasing incarceration rates in this state. Pew representatives decided not to present that data to the Commission even though it was the latest available data.

It is easy to suspect that they deliberately failed to do so because it did not fit their message.

In their recent April 24 response, Pew does not address why they failed to present the most recent available BJS data to the Commission. Instead, they claim that their deliberate omission does not matter because BJS revised the 2010 data well after the Commission ended. The issue here, however, is not the data, but the credibility of analysts who appear to have deliberately suppressed information that did not fit their message.

Regarding the revised data referred to in their April 24 memo, Pew has continued to selectively choose data to fit their agenda. The most current data from BJS shows that between 2004 and 2011, the Oregon incarceration rate increased by 1.9% while the national rate increased by 1.2%, so essentially the same amount and not the dramatic and much-heralded four times the national rate we have heard so much about. In their April 24 response Pew referred to 2010 data that was revised in the report on 2011 incarceration rates, but they curiously never referred to the 2011 rates themselves, which again showed a decline in Oregon incarceration rates. Once again, therefore, they chose not to share the latest statistics available.

In summary, the April 24 memo from Pew simply highlights the extreme concerns that policy makers in this state should have about the decision to involve the Pew organization in this process as anything other than what they are, a political interest group that attempts in all instances possible to advocate their own philosophy. It was a mistake to believe that these analysts were in any manner neutral or objective, and their conclusions should have been considered for what they represented, the simple advocacy of their political positions. Because of these concerns, we believe that any public body in this state should look long and hard at performance such as this before engaging the Pew Center on the States in the analysis of public safety policy.

Sincerely,



Charles R. French
Policy Advisor for Clackamas County

cc Zoe Towns
Adam Gelb
Representative Jeff Barker
Senator Betsy Close
Representative Wally Hicks
Representative Wayne Krieger
Representative Greg Matthews
Representative Andy Olson
Senator Floyd Prozanski
Senator Arnie Roblan
Senator Jackie Winters