



John S. Foote, District Attorney for Clackamas County

Victim Assistance Program, 708 Main Street, Oregon City, Oregon 97045
503 655-8616, FAX 503 650-3598

**MEMO REGARDING OUR PROPOSAL TO FUND EVIDENCE-BASED
PRACTICES AND RE-ENTRY PROGRAMS TO TARGET HIGH NUMBER OF
REVOCATIONS OFF OF SUPERVISION**

TO: Zoe Towns

FROM: John Foote

CC: Members of the Public Safety Commission

Date: December 5, 2012

This memo is submitted to fully and accurately respond to the written worksheet that was provided to me on Monday, December 3, 2012 at approximately 5:00 pm via e-mail from Zoe Towns. (A copy is attached as Attachment A). Unfortunately, the contents of the worksheet are so inaccurate and misleading a full explanation is required. Let me begin with a short summary of our original proposal.

If you recall, we originally proposed that we identify the more than 2000 defendants revoked off of supervision each year (parole, post-conviction supervision and probation) to reduce their high revocation rates with proven effective programs. We first raised this proposal in my letter to the commission dated October 10, 2012 and we later proposed it again in my follow up letter to the commission dated November 1, 2012. I have attached both of the letters to this memo for your consideration. (Attachments B and C)

In addition, Doug Harclerod has added more analysis to this concept by examining the current prison forecast. He points out that if we can balance releases and admissions to prison, the prison population will stabilize. It is Doug's understanding that the forecast indicates that over the next few years admissions to prison will exceed releases by approximately 28 offenders per month and if we can reduce revocations statewide by as little as 28 offenders per month we can stabilize the future prison population.

Both Doug and I specifically mentioned re-entry programs as programs that can reduce failures on supervision and I have mentioned community programs such as HOPE Probation (currently a pilot program in Clackamas County) which has been extensively evaluated with randomly controlled trials in Hawaii. This was the framework of our proposal.

Now let me make a few comments and observations about the worksheet as it compares to our proposal. First, we have never proposed that everyone on supervision in Oregon (31,000) should be put in a more expensive evidence-based program like those in Multnomah and Marion Counties. Our target population was about 2,000 offenders who are currently failing on supervision and are being returned to prison each year.

Second, our target was revocations to prison, both as good public policy and as an effective way to control prison growth. Obviously we all are very concerned about recidivism. But this effort is directed towards reducing revocations (and thereby reducing projected prison growth) through better more effective programs of which reduced recidivism would be a natural outcome.

Third, the worksheet's criticism of Doug Harclerod's estimate of approximately 28 defendants per month is misplaced. In fact, the prison forecast itself indicates that the average reduction required to balance intakes and releases from prison over the next three years will be 31 defendants per month and over ten years it drops to 18 defendants per month. So, Harclerod's initial estimate is in fact quite close to the projected numbers.

Finally, please find attached an Oregon Criminal Justice Commission Report to the previous Governor's Commission on Public Safety dated October 21, 2011(Attachment D). I have also enclosed a short transcript of Michael Wilson's testimony in front of the previous Commission on Public safety about this report (Attachment E). The report contains an evaluation of re-entry programs in Oregon, as well as a cost benefit analysis of the same programs. I hope you will have time to review the report.

In summary, it indicates that these kinds of programs can reduce recidivism as much as 27%. Even more on point, this CJC evaluation indicates that the cost for these programs is \$3,400 per offender (far less than the projected cost on the PEW worksheet of \$30 per day for two years or approximately \$21,900 per offender). And I can add from our own experience with the HOPE probation program in Clackamas County that it would cost far less than the worksheet projections, particularly when compared to the already existing costs of our current probation programs which it would replace.

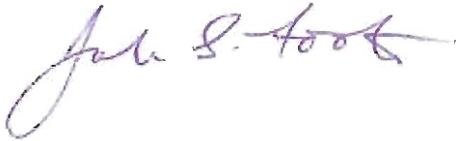
If the Criminal Justice Commission analysis is applied to 2000 offenders it would cost approximately \$6.8 million per year and if it were applied to 4000 offenders the cost would be \$13.6 million per year. Either way, the projected costs would be drastically less than that projected in the worksheet. And as applied to the target of a reduction of 31 revocations per month, this formula would solve the problem of prison population growth for the foreseeable future.

In conclusion, it is puzzling and troubling that people who for some time have been advocating for exactly this type of program as being cost effective, and in fact presented testimony to the commission to that effect, are now revising estimates that make it appear to be prohibitively expensive. It appears increasingly clear that achieving the savings demanded by the governor is less important to some than altering sentencing policy.

I hope you will reconsider our proposal with this new information and disregard the worksheet that has been prepared for you.

Thank you as always for considering my remarks.

John Foote

A handwritten signature in purple ink, reading "John S. Foote". The signature is written in a cursive style with a large, looping initial "J" and a distinct "S" before the last name.

[Attachment A]

Foote, John

From: Zoe Towns <ztowns@pewtrusts.org>
Sent: Monday, December 03, 2012 5:09 PM
To: Foote, John
Subject: funding proposal
Attachments: Fully fund community-based EBP.docx

John,

Sorry for the delay on this. Check out the worksheet attached. I also included some background here on our analysis. I know this is a lot of information - we've spent a long time trying to cover all the various pieces of your proposal and to do justice to some of the analysis Doug Harclerod started. But I might not have been clear in my write-up. Please please call for any clarifications. I'm free tonight and tomorrow to talk on the phone and I can also stop by your office tmw. I'll be driving from PDX to Salem around 2. Let me know.

First, in terms of costing out what it would take to "fully fund" evidence based programs, we looked to CJC's re-entry study, Marion County's 416 pilot program and also spoke at length with Scott Taylor. Fully funding evidence-based programs across the state would obviously be significant to public safety. It could greatly assist in maintaining OR's low rate of recidivism and even bringing it down further. As for how those investments could impact OR's future prison population growth, that's a bit more complicated.

First it's important to appreciate that OR's rate of recidivism (as defined by a felony conviction inside of 3 years) has continued to decline over the last decade. Available evidence shows that the impact of EBP on recidivism depends on many factors such as the type of programs available, the quality of program implementation, the type of offender participating in the program and the availability of programming to address other needs. Given what we know about programming availability and the complexity of the population's needs we modeled a recidivism reduction impact of 5% which is reasonable and a 10% reduction in recidivism, which would be fairly extraordinary. Leaving aside what we don't know about the needs of the population, the availability of community-based programs and the quality of future implementation, among other factors, the impact of such recidivism reduction modeling on prison growth could be significant although it still would not stabilize the prison population growth.

I think it might help to review some of the analysis that Doug Harclerod did on stabilizing admissions and releases to give you an understanding of the dynamics here. His analysis is based on the idea that we could stabilize the prison population by equalizing the number of admissions and releases. Completely true. He uses the first 5 months of 2012 and to calculate the current difference between admission and releases to get 28 more admissions than releases a month. So right now, if you were able to reduce admissions by 28 or increase releases by 28, you could stabilize growth. This would be hard enough to do simply through EBP in community corrections for all the reasons stated above. But what makes it even harder is that the prison population is already growing, so the 28 you need to stabilize the growth is actually going to be a much larger number very soon.

Based on the forecast, two things are driving prison growth in the future: M57 and baseline growth. First off M57's main effect is in lengthening sentences. That means it's going to lengthen LOS. Dynamically, that means fewer releases every month. Secondly: as we have discussed, baseline growth is based on current sentencing and admissions trends, in this case enhanced by growth in the risky portion of the population. So it's a bigger population of people likely to commit crime, going through a system that is becoming increasingly likely to send them to prison. Those two things combined suggest that number of admissions is likely to grow significantly in the future. In other words, the gap between admissions and releases each month is currently 28, but it's not going to stay at 28. That gap will get significantly bigger over the next several years.

In short, these investments would have a significant impact on public safety and reducing crime. It could have also have an effect on prison population growth but would not avert future growth alone.

Happy to talk this through further.
Zoë

Zoë Towns
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Fully Fund Evidence Based Practices

Overview

Offenders either sentenced to probation or released from prison with a period of post-prison supervision are managed in the community through county-based community corrections or sheriffs' departments. Access to programs, the quality of the supervision and treatment available and the use of practices proven to reduce recidivism is largely a county-by-county decision. Thus, there is wide variation among counties for the provision of supervision and services intended to reduce recidivism and manage the population.

The system assessment reviewed by the Commission showed that in some counties, significant resources are directed toward evidence-based correctional practices. These resources include the use of risk and needs assessment tools to identify higher offenders and the factors that drive their criminal behavior. The application of supervision strategies and treatment protocols targeted to the specific characteristics of each offender. And the availability of support services such as transition planning, employment and education services, family therapy and housing assistance that the research has shown improve stability as offenders move back into the community and reduce recidivism. The system assessment also showed that several counties currently have very limited capacity to provide these services, to use assessments in treatment related decisions and to provide comprehensive supervision to manage offenders in the community. Some counties do not have the resources to immediately incarcerate offenders sentenced or directed to jail.

Current cost to the state of community-based supervision and services is \$181,000,000 based on supervising 31,000 offenders at \$8 per day per person for 2 years.

Option

Fully fund evidence-based strategies in all community corrections departments in Oregon. A fully-funded strategy would support supervision, treatment, support services and jail as a sanction. Reviewing current costs of high-functioning programs using evidence-based supervision strategies and programs there are a variety of considerations. Multnomah County's REC program costs \$47 per day per offender. Marion County's pilot project triggered by the model contemplated in SB416 anticipates a \$35-\$40 per day per offender cost.

Impact

Oregon has already achieved a 19% reduction in its recidivism rate in the last decade. It is difficult to approximate how much further Oregon could reduce recidivism, but the below impact measures reductions by 5% and 10%.

5% reduction - 170 prison beds by 2023

10% reduction – 340 prison beds by 2023

Cost

- Fully-fund supervision and treatment to all offenders – 31,000 individuals
\$678,000,000 - \$30 per day per person for 2 years
- Fully-fund supervision and treatment for high and moderate risk offenders – 12,000 individuals
\$284,700,000 - \$30 per day per person for 2 years

- Fund supervision, treatment and services (no additional money for jail beds) for high and moderate risk offenders

\$237,725,000 - \$25 per day per person for two years



[Attachment B]

John S. Foote, District Attorney for Clackamas County

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October 10, 2012

Dear Fellow Commissioners,

RE: Policy Proposals

Let me start by stating again that anyone who considers the options I have listed below first review the various written documents I have previously provided to the Commission. They are available on the Clackamas County District Attorney's Office website under the tab "News." They put into context the suggestions I am going to make below.

PRISON FORECASTING:

First, I believe we need to more accurately describe the problem we are trying to fix. I have previously advocated for a more realistic view of our ability to accurately forecast prison populations ten years from now. The most recent forecast does a better job of distinguishing between prison population growth that is caused by sentencing policy and prison growth that is caused by the growth in Oregon's general population and, in particular, its "at risk" population. We now know that 62% of the projected growth in our prison population over the next ten years is going to be caused by the projected growth in the overall population in Oregon. It should be accompanied by growth in taxes to support it. In fact, the state economist has predicted that state general fund revenues will increase by 48.2% over the next ten years as compared to a predicted 16.2% increase in our prison population. That would seem to suggest the projected prison growth can be sustained financially. And it is important to remember that the state prison budget currently consumes less than 10% of the overall state general fund. We will never address our overall state budget problems on the backs of either DOC or our criminal justice system.

In addition, the most recent forecast shows that eliminating voter-initiated sentencing policies such as Measures 57 and 11 would provide only modest budgetary savings. Since approximately one-third of the projected prison growth is due to sentencing policy,

changing that policy would save only a fraction of the projected \$600 million that the Governor has stated we will need over the next ten years. In fact, even if these measures were eliminated completely and the will of the people ignored, we would only save about \$200 million over ten years. And that does not take into account the potential for increased crime and victimization costs that would far outweigh any savings.

The prison forecasting process should continue to be improved and fully insulated from any and all political pressure. We need the best and most accurate information upon which to base our decisions. And all future long-term forecasts should contain a "margin of error" which takes into consideration the history of long term prison forecasting in Oregon.

However, we also know that tax revenue is under continuous pressure. So, how can we try to responsibly address what does appear to be a projected growth in our prison population? Do we need to change voter-initiated and approved sentencing policy? I would propose that we do not. Let me make some specific proposals.

INCREASED FUNDING FOR EVIDENCE BASED PROGRAMS AND RE-ENTRY PROGRAMS WITHOUT CHANGING SENTENCING POLICY:

According to the information PEW has provided, more than 2,000 offenders are returned to prison each year because they failed on either probation, parole or post-prison supervision. What can we do about that? Do we need to change the rules that are sending them to prison? No. Oregon has been a leader in the growth of "evidence based" programs that we have been told repeatedly will change criminal behavior. And we have been told those programs are shrinking because of reduced funding. So, what if we simply renewed our commitment to fund them adequately? What if we had funding for programs both in the institutions and in the community? And what if we did not try to select, but we let the experts tell us which ones would work best? These programs should include robust funding for drug treatment (such as HOPE courts in the community) and a much stronger re-entry program for inmates released from prison. Let's fund these adequately and let them naturally reduce the number of probation, parole and post-prison revocations. We would only need to reduce that 2,000 number by 300-500 per year to begin to balance the intakes and releases from prison, thereby stabilizing our prison forecast. And we could do this without touching voter-initiated and approved sentencing.

EXPAND OUR DEFINITION OF RECIDIVISM:

We need to change our definition of recidivism to include three categories: arrests, convictions and returns to prison. As we have seen from the 2002 national study on recidivism that I previously provided you each of these definitions gives us information that can help us target our policies most effectively. And it will allow us to more fairly compare ourselves to how other states measure recidivism.

PRISON COSTS:

We have been instructed that we cannot consider the costs of incarcerating inmates. I would submit that if we are not allowed to consider this essential component, we will have one hand tied behind our back. So, at the risk of disobeying our instructions, I believe that prison costs must be on the table. However, as a former Deputy Director of the Oregon Department of Corrections and with great respect for the skill and expertise of the professionals who operate and oversee our prison system (which I believe is one of the very best in the country in terms of safety of staff and inmates and humane treatment of those incarcerated), I do not believe we should attempt to direct how this should be done. That must be left to the professionals and they must be given enough time to make this work. However, Oregon has one of the highest costs per day/per inmate in the country and in 2010 Oregon's costs increased by 16% (according to *The American Correctional Association* of which Oregon is a member) which leads the country by a wide margin.

I would initiate that discussion with the proposal that DOC must reduce its costs per day/per inmate by at least 10% over the next seven years.

AN INVENTORY OF ALL OF OREGON'S EVIDENCED BASED PROGRAMS WITH AN EMPHASIS ON RANDOMLY CONTROLLED TRIALS AS THE GOLD STANDARD FOR ALL TREATMENT EVALUATIONS:

I would request that an inventory of all of Oregon's current evidence-based programs be assembled by type, number and jurisdiction. For instance, many jurisdictions have drug courts. Where are they and how many participants are in each? In addition, this list should include the study or evaluation that is evidence that the program works, and this list should be updated annually.

As a part of this effort, I would advocate that each kind of program should be evaluated with the most rigorous studies (of which randomly controlled trials are the most rigorous). The reason for this should be obvious. If we are to rely on these programs to change recidivism in Oregon we must be confident that they are changing behavior that would not change otherwise. It is not enough that a program feels good or even that those in the program are successful. We should only be investing in programs that are changing behavior that would not change otherwise. I believe we often do not give enough credit to many of the people we deal with to change without a program. And if they can do that, we should not spend money on a program to do it. We should save that money for those who cannot change without the program.

The HOPE program in Hawaii illustrates this perfectly. HOPE has been evaluated with randomly controlled trials. The results were both stunning and extremely informative. With rigorous weekly drug testing and immediate short term consequences, according to this study, 51% of those in the program stopped using drugs with no positive tests and no treatment. Even more interestingly, another 40% actually stopped using drugs after as many as three positive tests and without any treatment. Treatment resources

saved for those who actually needed it and were not wasted on those who had a habit of using drugs, but not a true drug habit.

We need this kind of critical and rigorous approach to all our programs.

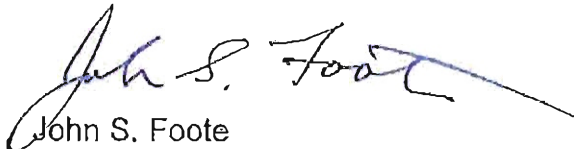
SMALLER SENTENCING REFORM;

I would suggest that we also consider two smaller reforms to our current sentencing policy that do not affect voter-initiated and approved sentencing laws. First, I would suggest that we modify the charge of Felony DWS to exclude the possibility of a prison sentence. When we reviewed the list of "low risk offenders" compiled by PEW we noticed that Oregon has a number of these kinds of defendants in prison. With our current budget challenges, we believe these can be handled locally. In the same spirit and after looking at the "low risk" list, we also would propose a modification of our current sentencing law on the definition of "substantial quantities" of marijuana. We believe it could be modified upwards to be more closely aligned with both Federal law and the rest of our current marijuana statutes. We are ready to engage you in this discussion in a reasonable way.

SUMMARY:

As you can see from our discussion above, we are serious in our attempts to address the problems that we are facing, without damaging our current system which we believe has been both moderate and extremely successful. I look forward to working with you on these issues.

Sincerely,



John S. Foote

cc Zoe Towns
 Gabrielle Priest
 Craig Prins



[Attachment C]

John S. Foote, District Attorney for Clackamas County

Clackamas County Courthouse, 807 Main Street, Room 7, Oregon City, Oregon 97045
503 655-8431, FAX 503 650-8943, www.co.clackamas.or.us/da/

November 1, 2012

Governor's Public Safety Committee

Re: Our Policy Options

Dear Fellow Commissioners,

I would like to address some concerns I have to members of the Commission as we move toward the decision-making process. I also want to present to you again, on behalf of District Attorneys throughout the state, the concrete proposals I would like to be considered.

Unfortunately, I believe that the process we have engaged in, and some of the positions that have been taken during this process, have been misconstrued in the press. I think this is the result of the manner in which information has been provided to members of the Commission. Because data presented by the PEW group to the Commission and the recommendations of Commission members has not been distributed to all the members on the Commission prior to meetings, I for one have not been prepared to assess and discuss potential policy options. As a trial lawyer, and a prosecutor, this process has been completely at odds with our established norms of disclosure of evidence and positions to be taken in a judicial process. It is axiomatic in our profession that better decisions are produced by advance notice, and this has unfortunately not been the case in this process.

This has presented the unfortunate appearance that policies are being drafted and decisions are being made behind the scenes, and that these policies are best not examined closely by members of the Commission. I believe I can say without hesitation that this is the position of members of the Oregon District Attorney's Association. I am sure that you would all agree that this perception is unhealthy for the process. To make sure that this is not the case with my policy suggestions, I wanted to again distribute my proposals to all Commission members, well in advance of when we decide on these matters. These are largely the same proposals that I earlier presented to the Commissioners on October 10. I would also encourage other members to do the same with their proposals, so we all have the opportunity to consider them.

Here are the proposals that I would like to have discussed by the Commission:

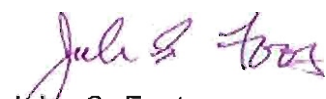
1. Expanded and enhanced re-entry programs for those released from prisons and county jails. National studies and studies conducted by our state Criminal Justice Commission (CJC) have demonstrated that recidivism can be reduced by almost 40% in certain categories of offenders if they undergo well-designed re-entry programs before and after their release from prisons and county jails. Furthermore, according to PEW, more than 2000 probationers and parolees were revoked last year. We believe that the Legislature should step up and fund these programs and all evidence-based programs that reduce criminal behavior that would not change otherwise with new independent funding. With 4000 inmates being released from state prisons each year and many thousands more released from county jails, re-entry programs that reach just a fraction of those offenders should stabilize our prison growth without any changes in sentencing policy.
2. Revised recidivism definition. Oregon needs a new definition of "recidivism" that more appropriately reflects what the average citizen would understand that term to mean. There are, unfortunately, many definitions of "recidivism" used around this nation and because of that it is impossible to accurately compare our system to others. Oregon's definition is certainly one of the loosest in the country. We need to adopt a new definition, or at least have multiple definitions that include convictions, arrests and return to institutions, in this state and elsewhere, that allow us to compare our system to others.
3. The establishment of a robust program to assess and inventory evidence-based programs in this state. We currently have no effective centralized program to assess the effectiveness of offender programming in this state.
4. Establish a system of prison use forecasting that actually allows policy-makers to make meaningful decisions. Prison forecasts have been misused by advocates of policy changes because they have been historically wrong and because they have not been clear about how much prison growth is tied to policies as opposed to simple population growth. It is encouraging that the latest forecast is moving in the direction of clarifying this point. We should establish clear mandates for the forecasters to require future forecasts to do so specifically, in addition to providing a margin of error in forecasts, since they have historically over-predicted prison growth.
5. Decrease prison costs. It is simply unacceptable to prohibit the Commission from considering Department of Corrections (DOC) costs per day, which are some of the highest in the country. The DOC should be allowed to manage prison cost savings, but should be given a target of cost reductions that they must meet.

6. Change laws to prevent prison sentences for certain crime. While the examination of "low risk" offenders in our prisons revealed that virtually all belong in prison, we believe that certain offenses could be excluded from prison sentences, in the interest of saving money, without adversely affecting public safety. The two that could be considered for changes are Felony Driving While Suspended and marijuana distribution in amounts below federal limits for "substantial quantities."
7. Potential Expansion of 1049 Treatment in Measure 11: Oregon District Attorneys remain willing to consider very narrowly constructed sentencing changes to certain non-forcible second degree sex crimes and sex abuse 1 in Measure 11. However, any such reform must be just and rooted in the principles of proportional sentencing and truth in sentencing for violent crimes. Most recent prison forecasts have clearly established that Measure 11 is not contributing to future prison growth, so there is no urgency to address these potential changes. The fundamental purpose of our Commissions' work is to reduce the costs of the system, including incarceration and there is no economic reason to alter Measure 11.

Oregon's District Attorneys remain ready and eager to assist in our efforts to reduce costs and improve our criminal justice system. We will welcome the opportunity to work with the legislature and our law enforcement partners to improve an already successful system of which we can all be proud.

With the exception of the last point on this list, all of these proposals were discussed in greater detail in my October 10 letter. I hope that we can address all of these matters in our discussions.

Sincerely,



John S. Foote

JSK:kas

Commission on Public Safety

Michael Wilson, Economist
Oregon Criminal Justice Commission
October 21, 2011

What is cost-benefit analysis?

- ❑ An approach to policymaking
 - ❑ A systematic tool for evaluating public policy
 - ❑ A method to weigh options
 - ❑ A way for finding out what will achieve the greatest results at the lowest cost
-

Why use cost-benefit analysis?

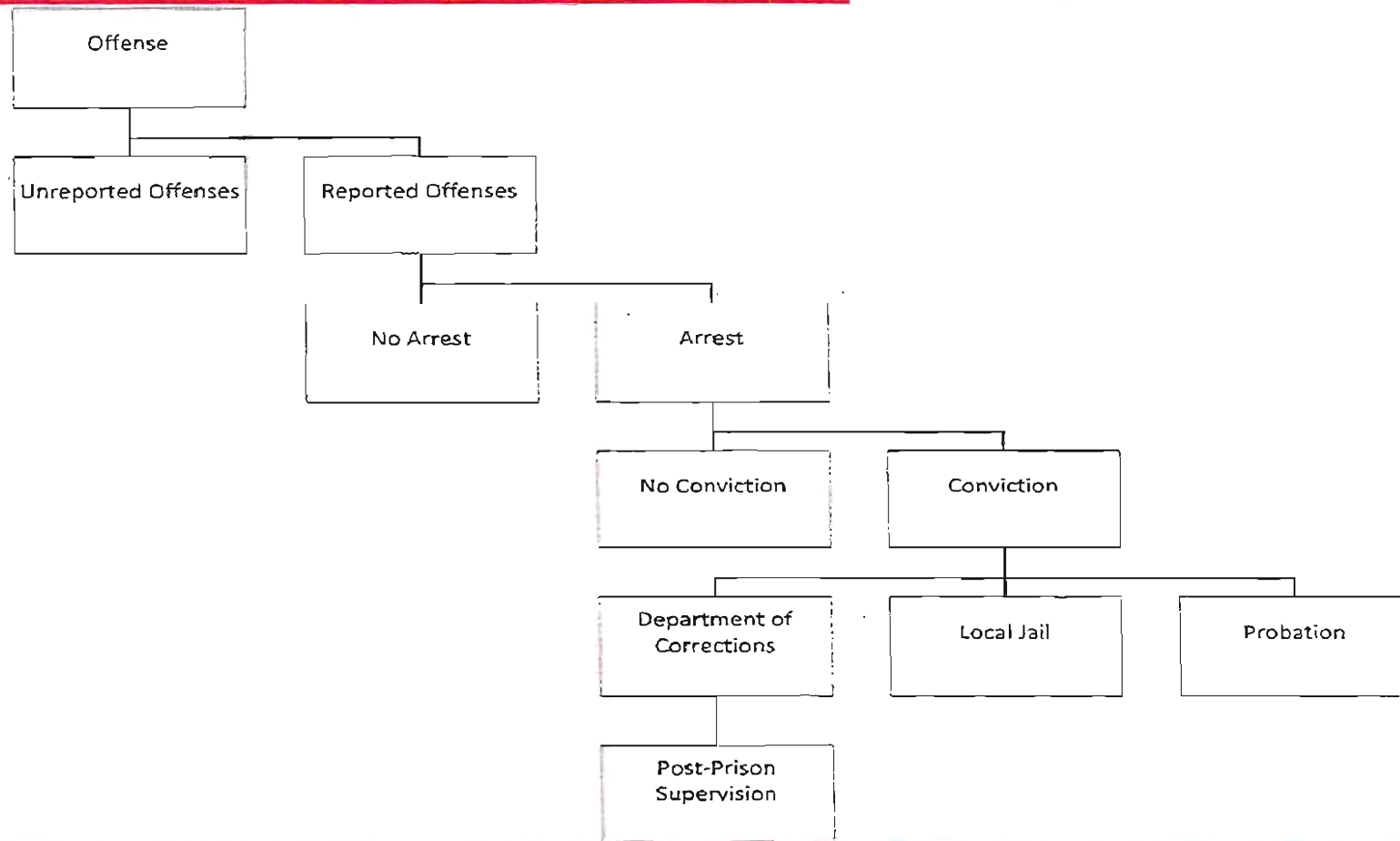
Strengths:

- ☐ Inform policy
- ☐ Efficient use of resources
- ☐ Common measurement

Weaknesses:

- ☐ Accuracy
 - ☐ Dependent on assumptions
-

Figure 1: Probability of Arrest, Conviction and Incarceration

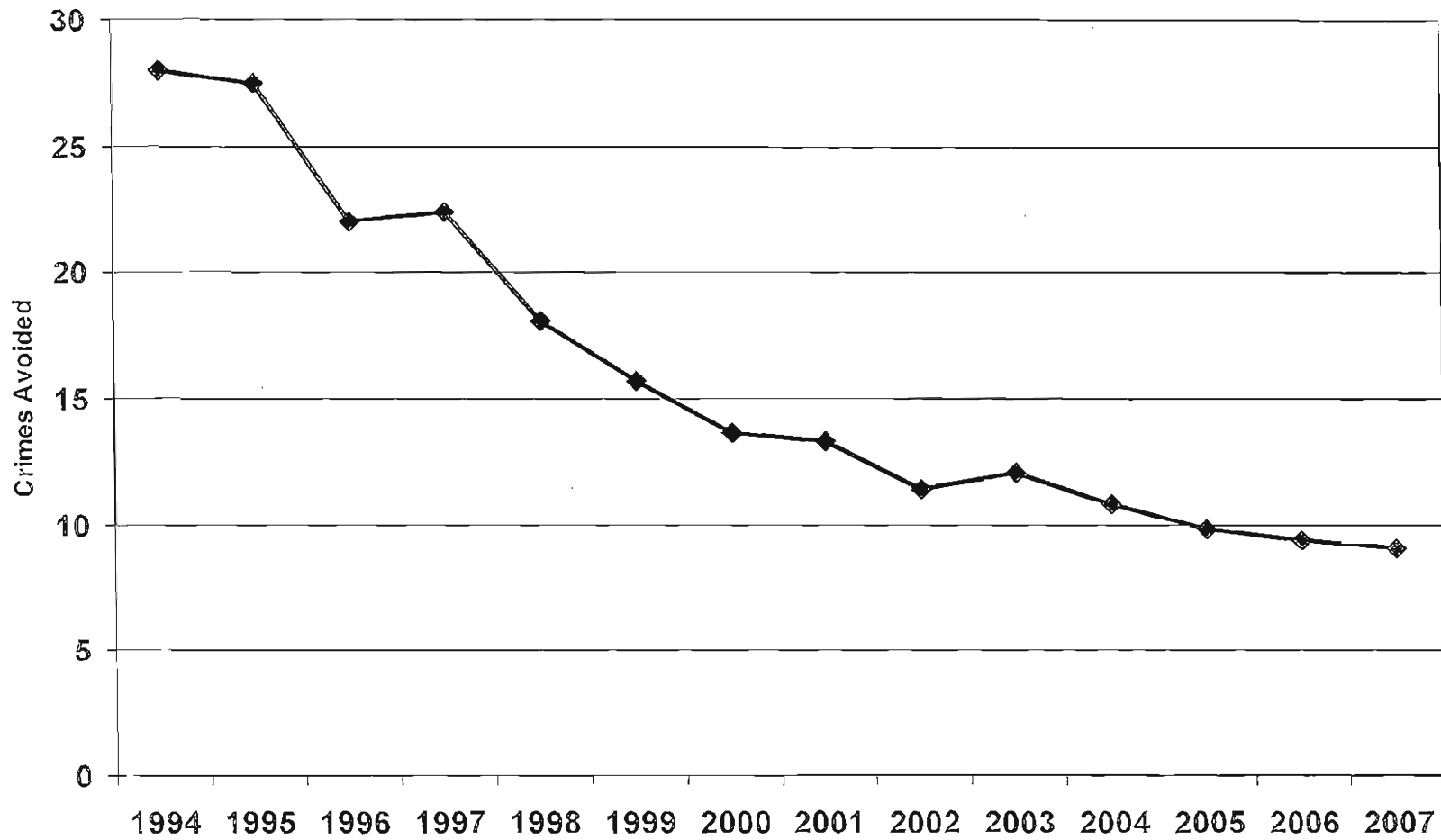


Applications of Cost Benefit: Three Examples

Example 1: Prison Economics

- What is the impact of incarceration on crime?
 - The Oregon Criminal Justice Commission found that a 10% increase in the incarceration rate leads to a 2.6% reduction in crime.
 - Others, including the Washington State Institute of Public Policy (WSIPP), have found similar results.
 - How many crimes are avoided by incarceration?
 - What is the cost-benefit ratio of incarceration?
-

Crimes Avoided by Incarcerating an Additional Offender



Source: Oregon Criminal Justice Commission

Cost-Benefit Analysis of Incarceration

| Cost-Benefit Analysis of Incarceration | | | | |
|--|--------|------------|----------|--------|
| | Oregon | Washington | | |
| Year | All | Violent | Property | Drug |
| 1994 | \$2.78 | \$9.57 | \$2.36 | \$0.37 |
| 1995 | \$2.42 | \$8.20 | \$2.40 | \$0.37 |
| 1996 | \$1.98 | \$7.06 | \$2.23 | \$0.34 |
| 1997 | \$1.81 | \$6.58 | \$2.22 | \$0.36 |
| 1998 | \$1.60 | \$5.85 | \$1.94 | \$0.36 |
| 1999 | \$1.31 | \$5.37 | \$1.74 | \$0.32 |
| 2000 | \$1.10 | \$5.24 | \$1.61 | \$0.31 |
| 2001 | \$1.11 | \$4.87 | \$1.46 | \$0.28 |
| 2002 | \$0.95 | \$4.46 | \$1.20 | \$0.26 |
| 2003 | \$1.01 | \$4.82 | \$1.26 | \$0.29 |
| 2004 | \$1.01 | \$4.33 | \$1.18 | \$0.32 |
| 2005 | \$0.93 | \$4.35 | \$1.10 | \$0.35 |
| 2006 | \$0.96 | N/A | N/A | N/A |
| 2007 | \$0.91 | N/A | N/A | N/A |

Source: Oregon Criminal Justice Commission and WSIPP

Example 2. Cost-Benefit and Programs

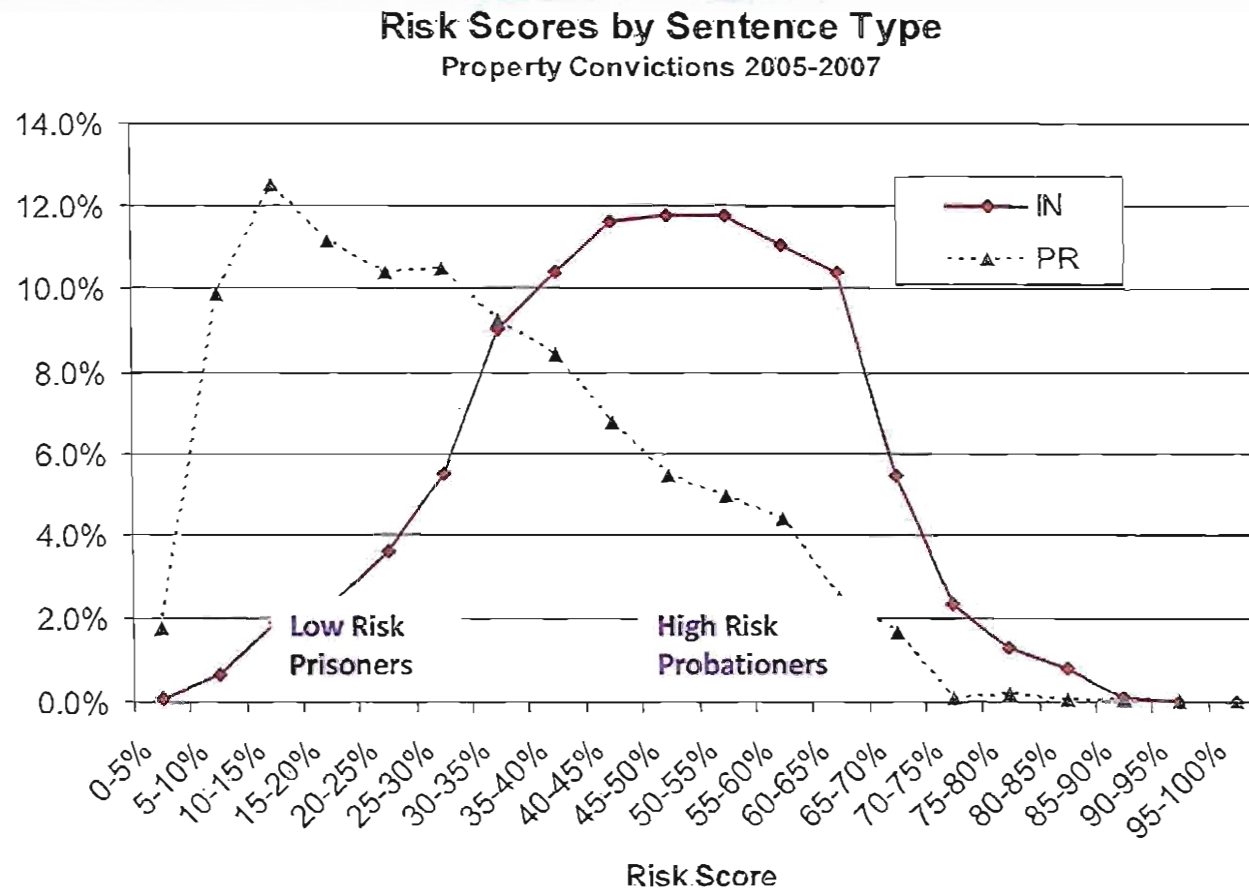
□ Statewide Re-Entry Program

- Reduces recidivism by 27%
- For every 10 participants we estimated that more than three and half felony convictions will be avoided over a 10 year period
- Costs of Oregon's Re-Entry program are \$3,400 per participant
- Benefits are \$8,600 to taxpayers and \$14,000 in avoided victimizations
- Benefit-cost ratio of \$6.73

Example 3. Cost-Benefit and Risk Assessment

- ☐ Examine property offenders from 2005-2007
- ☐ Examined their risk of being reconvicted of a felony
- ☐ Overlap where some high risk property offenders were sentenced to prison and some low risk property offenders were sentenced to probation
- ☐ By using risk at sentencing it is possible to save prison beds while keeping crime constant or to reduce crime while keeping beds constant

Distribution of Risk Scores by Sentence Type for Property Offenders



Swap high risk probationers with low risk prisoners

□ Method 1 – Prison Bed Neutral

- Move 650 high risk probationer to prison
 - Expect to avoid 350 felony arrests
 - Move 650 low risk prisoners to probation
 - Expect to have 240 felony arrests
 - Savings of 110 felony arrests
 - Using the cost-benefit model we avoid an estimated \$3.9 million in costs to tax payers and crime victims
-

Swap high risk probationers with low risk prisoners

☐ Method 2 – Crime Neutral

- Move 780 low risk prisoners to probationer
 - ☐ Expect to have 900 felony arrests
 - Move 550 high risk probationers to prison
 - ☐ Expect to avoid 940 felony arrests
 - Savings of 230 prison beds and avoids 40 felony arrests
 - Using the cost-benefit model based on Oregon's cost of incarceration we save \$3.4 million to tax payers
-

Justice Reinvestment

Justice Reinvestment

- ☐ Can we save taxpayer money and still improve public safety?
 - ☐ Are there programs that can reduce crime at a lower cost than incarceration?
-

WA State Cost-Benefit Model

- ❑ Many states are beginning to look at criminal justice spending through cost-benefit analysis
 - ❑ Oregon is a national leader behind Washington and is the first state to have this tool operational
-

Criminal Justice Programs "Consumer Reports"

| Topic Area/Program | Monetary Benefits | | | Costs | Summary Statistics | | | |
|---|-------------------|-----------|--------------|------------|--|------------------------------------|---|--|
| Benefits and costs are life-cycle present-values per participant, in 2010 dollars. While the programs are listed by major topic area, some programs attain benefits in multiple areas. Also, some programs achieve benefits that we cannot monetize. See Technical Appendix I for program-specific details. | Total Benefits | Taxpayer | Non-Taxpayer | | Benefits Minus Costs (net present value) | Benefit to Cost Ratio ³ | Rate of Return on Investment ⁴ | Measure of Risk (odds of a positive net present value) |
| Juvenile Justice | | | | | | | | |
| Aggression Replacement Training (Inst. ²) | \$66,954 | \$13,669 | \$53,265 | (\$1,473) | \$65,481 | \$45.50 | n/e | 93% |
| Functional Family Therapy (Inst.) | \$60,539 | \$13,719 | \$46,820 | (\$3,199) | \$57,341 | \$18.98 | n/e | 99% |
| Aggression Replacement Training (Probation) | \$36,043 | \$8,144 | \$27,898 | (\$1,476) | \$34,566 | \$24.44 | n/e | 93% |
| Functional Family Therapy (Probation) | \$37,739 | \$9,536 | \$29,203 | (\$3,190) | \$34,549 | \$11.86 | 641% | 99% |
| Multidimensional Treatment Foster Care | \$40,787 | \$8,343 | \$32,443 | (\$7,739) | \$33,047 | \$5.28 | 142% | 85% |
| Multisystemic Therapy (MST) | \$29,302 | \$6,521 | \$22,782 | (\$7,206) | \$22,096 | \$4.07 | 28% | 91% |
| Family Integrated Transitions (Inst.) | \$27,020 | \$5,448 | \$21,572 | (\$10,965) | \$16,052 | \$2.47 | 17% | 86% |
| Drug Court | \$12,737 | \$2,659 | \$9,878 | (\$3,024) | \$9,713 | \$4.22 | 38% | 80% |
| Coordination of Services | \$5,270 | \$1,340 | \$3,930 | (\$386) | \$4,884 | \$13.63 | 444% | 76% |
| Victim Offender Mediation | \$3,922 | \$977 | \$2,946 | (\$566) | \$3,357 | \$6.94 | 89% | 90% |
| Scared Straight | (\$6,031) | (\$1,591) | (\$4,440) | (563) | (\$6,095) | n/e | n/e | 1% |
| Adult Criminal Justice | | | | | | | | |
| Dangerously Mentally Ill Offenders | \$103,596 | \$24,391 | \$79,205 | (\$31,626) | \$71,969 | \$3.28 | 19% | 100% |
| Drug Offender Sentencing Alternative: drug offenders | \$28,013 | \$6,680 | \$21,333 | (\$1,511) | \$26,502 | \$18.57 | n/e | 99% |
| Correctional Education in Prison | \$19,923 | \$4,785 | \$15,138 | (\$1,102) | \$18,821 | \$18.11 | n/e | 100% |
| Electronic Monitoring | \$17,068 | \$4,068 | \$13,000 | \$1,044 | \$18,112 | n/e | n/e | 100% |
| Vocational Education in Prison | \$19,083 | \$4,634 | \$14,449 | (\$1,537) | \$17,547 | \$12.43 | n/e | 100% |
| Drug Treatment in the Community | \$15,419 | \$3,671 | \$11,748 | (\$2,102) | \$13,317 | \$7.35 | n/e | 100% |
| Drug Offender Sentencing Alternative: prop. offenders | \$14,324 | \$3,410 | \$10,914 | (\$1,513) | \$12,811 | \$9.47 | n/e | 76% |
| Mental Health Court | \$14,230 | \$3,424 | \$10,806 | (\$2,878) | \$11,352 | \$4.95 | 44% | 100% |
| CBT (in prison) | \$10,741 | \$2,588 | \$8,153 | (\$217) | \$10,524 | \$49.55 | n/e | 99% |
| Drug Treatment in Prison | \$14,351 | \$3,467 | \$10,883 | (\$3,894) | \$10,456 | \$3.69 | 25% | 100% |
| Intensive Supervision: with treatment | \$17,521 | \$4,216 | \$13,305 | (\$7,712) | \$9,809 | \$2.28 | 11% | 96% |
| Drug Court | \$11,750 | \$2,644 | \$9,106 | (\$4,099) | \$7,651 | \$2.67 | 19% | 100% |
| CBT (in the community) | \$7,739 | \$1,848 | \$5,891 | (\$217) | \$7,522 | \$35.70 | n/e | 99% |
| Work Release | \$6,466 | \$1,552 | \$4,914 | (\$649) | \$5,817 | \$9.97 | n/e | 97% |
| Correctional Industries in Prison | \$6,398 | \$1,546 | \$4,851 | (\$1,387) | \$5,011 | \$4.63 | 36% | 100% |
| Community Employment Training/Job Assistance | \$4,641 | \$1,104 | \$3,537 | (\$132) | \$4,509 | \$35.13 | n/e | 100% |
| Intensive Supervision: surveillance only | (\$556) | (\$132) | (\$424) | (\$4,050) | (\$4,606) | (\$0.14) | n/e | 10% |
| Domestic Violence Perpetrator Treatment Programs | (\$3,724) | (\$886) | (\$2,839) | (\$1,335) | (\$5,059) | (\$2.91) | n/e | 20% |

Justice Reinvestment

- Example of reducing the prison forecast by 100 beds and re-investing 50% in evidence based programs

| Program | Program Cost | Taxpayer Benefits | | | Victim Benefits | Percent of Portfolio | Number of Slots Funded |
|--|--------------|-------------------|---------|------------|-----------------|----------------------|------------------------|
| | | Mean | StdEr | State Pct. | | | |
| Vocational Education in Prison | \$1,536 | \$4,906 | \$703 | 0% | \$12,569 | 20% | 139 |
| Correctional Education in Prison (basic or post) | \$1,102 | \$4,722 | \$1,238 | 0% | \$13,267 | | 0 |
| Cognitive Behavioral Programs in Prison | \$217 | \$2,711 | \$1,012 | 0% | \$7,308 | 5% | 246 |
| Correctional Industries in Prison | \$1,387 | \$1,545 | \$550 | 0% | \$4,192 | | 0 |
| Drug Treatment in Prison | \$3,893 | \$3,459 | \$701 | 0% | \$9,460 | | 0 |
| Drug Treatment in Community | \$2,102 | \$3,671 | \$919 | 0% | \$9,966 | | 0 |
| Drug Courts (adults) | \$4,095 | \$2,511 | \$275 | 0% | \$8,022 | 25% | 65 |
| Employment Training/Job Assistance in Com | \$132 | \$970 | \$367 | 0% | \$2,988 | | 0 |
| Multidimensional Treatment Foster Care | \$7,730 | \$7,747 | \$5,929 | 0% | \$23,902 | | 0 |
| Family Integrated Transitions (JRA) | \$10,993 | \$5,681 | \$2,066 | 0% | \$17,553 | | 0 |
| Coordination of Services | \$386 | \$786 | \$1,216 | 0% | \$2,247 | | 0 |
| FFT (competent) probation | \$3,191 | \$6,305 | \$2,621 | 0% | \$22,219 | 25% | 84 |

Justice Reinvestment

Impact on Taxpayer Costs

Direct (near-term) Fiscal Impact

| | |
|---|--------------|
| Change in prison costs from the ADP policy change | -\$2,139,203 |
| Change in evidence-based program portfolio costs | \$1,069,601 |
| Net change in direct (near-term) costs | -\$1,069,601 |

Indirect (long-term) Fiscal Impact

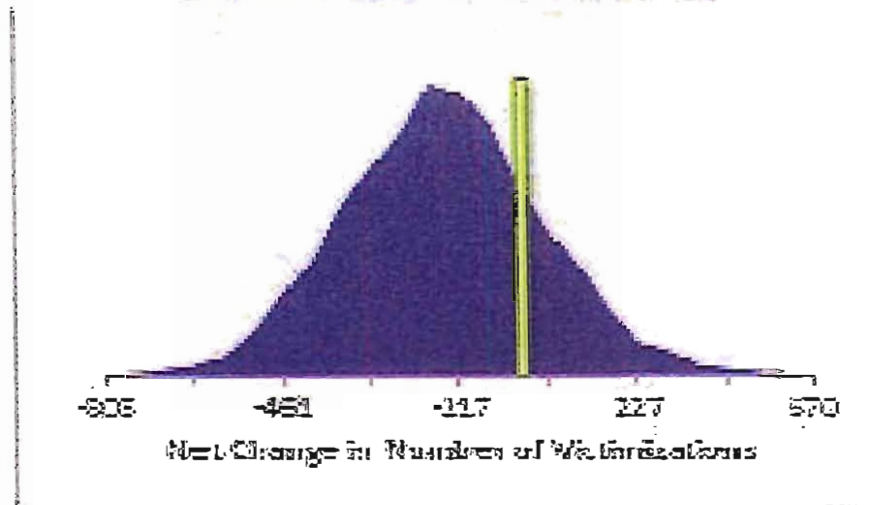
| | |
|---|--------------|
| Present value of additional criminal justice costs from the ADP policy change | \$729,541 |
| Present value of criminal justice costs from the evidence-based portfolio | -\$3,210,540 |

| | |
|---------------------------------------|---------------------|
| Total change in taxpayer costs | -\$3,550,601 |
|---------------------------------------|---------------------|

Justice Reinvestment

Impact on Victimizations

Risk Analysis (results of simulation runs)



Negative numbers = fewer victimizations

Percent of cases when net
victimizations are lower

75%

Average Change in Victimizations

| | |
|--|--------|
| Change from sentencing policy | 205.2 |
| Change from program portfolio | -330.6 |
| Net impact on victimizations | -125.3 |
| Percent change in current crime rate | 0.00% |

Limitations of CBA in criminal justice

- ❑ Requires investment of dollars
- ❑ Requires time for benefit to accrue
- ❑ Requires data on costs and programs
- ❑ Risk adverse investors on 2 year cycle
- ❑ "Past performance does not guarantee future results"

For More Information Contact...

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[Attachment E]

October 21, 2011 Commission on Public Safety meeting, Southern Oregon University, Ashland

Mike Wilson, CJC economist

Audio Tape – Part 10, starting at 13:37

... This is a program we did in Oregon. We did, the Criminal Justice Commission, an evaluation of re-entry programs. We just published this on our website a month or two ago, not too long ago.

We looked at four re-entry program we funded in Oregon. This is a preliminary analysis, just the first year we followed these individuals out.

But it appears that the program is working really well in Oregon, reducing recidivism by around 27%.

So, using the cost-benefit model, we can look at that 27% reduction in recidivism and we can estimate how many crimes we can expect will be avoided. IN this case we looked at a ten-year period and we can then, using that model, we can then estimate the cost of these crimes. The crimes avoided become benefits to taxpayers and crime victims.

So in Oregon, the re-entry programs are around \$3400 per participant.

We looked at the benefits to the taxpayers and the benefits to victims for avoiding victimization. We were able to add these up and found a benefit to cost ratio of around seven, meaning that for each dollar we put into this program we expect to avoid seven dollars in taxpayer costs and victimization costs over a ten-year period.

So for the budget folks, again, you have to invest up front. You're investing \$3400 up front. You are expecting to get your money back, but some of that's going to take many years to get back...