



Oregon District Attorneys Association, Inc.

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May 21, 2013

ODAA PROPOSAL

FACT SHEET

Oregon's district attorneys propose bold new measures to protect public safety, reduce the costs of the prison system, make smart investments in local public safety and control the size of Oregon's prison population.

Introduction

Based upon their extensive experience on the front line of public safety, Oregon's District Attorneys understand the importance of pursuing justice and protecting the rights and safety of victims. They also must manage their office budgets each year and understand the need to control costs and make smart investments in local public safety. Oregon's District Attorneys want to find effective ways to do all these things without jeopardizing the integrity of our criminal justice system or the safety of our communities.

"District Attorneys are very concerned about preserving the most effective parts of our current system, particularly when serious property crime is on the rise," said Colahan, who also serves as Harney County District Attorney. "But we also want to help find ways to be even more effective in reducing the need for prison beds in the future."

The Oregon District Attorneys Association has consistently offered comprehensive legislation to protect the public and reduce costs. Many of these ideas are currently contained in House Bill 3195. However, today the Oregon District Attorneys Association has strengthened these proposals even further.

District Attorneys and law enforcement have faced unrelenting pressure from the legislature in the past year to drastically reduce sentences for violent crime and serious felon property crime. Prosecutors have continuously pointed out that there is no crisis in Oregon's public safety system, starting with the fact that all the previous 10-year prison forecasts have ALWAYS been wrong, on

average 38% high. Therefore, based upon this dismal track record it is very reasonable to assume the current 10-year forecast is also very inaccurate. However, District Attorneys want to make positive changes in our system to control future prison growth. Therefore, the ODAA has put forth the following bold proposals that will do just that.

- **Require the state prison system, one of the most expensive in the nation¹, to operate in a more financially efficient manner. The Department of Corrections' proposed 2013-15 budget includes a 10% increase in costs per day. Reducing the increase to 5% will save \$40 million over two years.**
- **Create a Community Safety Fund (from the savings from reducing costs per day) to support community programs (such as Marion County's Re-entry program or the HOPE probation program from Hawaii) that have been proven to be effective in reducing the number of convicted felons who are returned to prison for new crimes and supervision violations. The Oregon Department of Corrections releases approximately 400 prison inmates each month. Approximately 25% of those released inmates will be convicted of a new felony within 3 years. In addition, each year more than 2,000 offenders on community supervision (probation and parole) are sent to prison for violating the terms of their supervision. If as little as 20 of those inmates are not admitted each month, we will reduce the prison population by 405 beds over the next 2 years.**
- **Reduce marijuana penalties to prevent most marijuana offenders from going to prison.**
- **Replace Ballot Measure 57 drug offense sentences with the lesser state sentencing guidelines sentences that existed before Ballot Measure 57.**
- **Reduce Felony DWS sentences to presumptive probation to keep those offenders from going to prison.**

Estimated Savings

- **If all of these proposals are enacted, over the next 2 years, the prison population will actually shrink by 389. If you look at our graphs, you will see that the prison population is projected to grow to 14,973 by July 1, 2015. If we implement all these proposals, the population will shrink to 14,177 by July 1, 2015, which is a reduction of 796 beds from the forecast. In other words, under these proposals our prison population will not grow, but will actually shrink. Please see the slides for further clarification.**

In addition, over 10 years, the prison population is currently projected to grow to 16,395. If we implement all these proposals, the population will only grow to 15,376, which is a prison bed reduction of 1,019 from the current prison forecast.

Furthermore, the current constructed prison bed capacity of the Oregon prison system is 1,6400, which means that if these proposals are implemented, Oregon will not have to build a new prison for many, many years.

¹ Pew June 2012 National Study of Prison Costs entitled "Time Served"

The ODAA also continues to support the other proposals in HB 3195, including:

- the establishment of a DOC cost reduction task force
- the requirement of a risk and needs assessment for all offenders on probation
- the rigorous evaluation of all public safety programs to ensure that they are effective, including Legislative Fiscal Office (LFO) oversight and evaluation
- a new definition of “recidivism” to include arrests, convictions and returns to prison (consistent with the federal standard)
- the requirement that all future prison forecasts carry a “margin of error” to properly reflect the unfortunate inaccuracy of previous forecasts
- the requirement of a LFO ten year fiscal impact statement for public safety laws
- the establishment of a task force to evaluate the implementation of criminal legislation

Further Details

- ❖ *The ODAA also recommends that the Oregon Department of Corrections reduce their costs per day as part of the formula to control public safety costs. It is not enough to simply reduce prison sentences. Costs per day/per inmate must also be reduced. In fact, the Oregon DOC has proposed a 10% increase in their costs per day for the next two years. If that proposed cost increase is cut in half, it would save approximately \$40 million over those two years which could be re-invested in local community programs that have been proven to reduce crime.*
- ❖ *The ODAA proposes smart investments in community programs that have been rigorously evaluated and shown to change criminal behavior. Each year more than 2,200 criminals on probation or parole are returned to prison for violating the terms of their supervision. If we targeted this group of criminals with effective programs like Oregon re-entry programs that have reduced felony recidivism by 29%, we can dramatically reduce the number of criminals returning to prison. In Michigan a prisoner re-entry program reduced prison re-admissions by 38%.*
- ❖ *Oregon’s District Attorneys strongly oppose the legalization of marijuana. However, we also recognize and respect that Oregon’s initiative process gives our citizens the right to potentially vote on this issue and all indications are that when that happens in the next few years, the initiative may very well be successful. So we need to get ahead of this and be smart about how to shape the public conversation around marijuana. We first propose that we realize the prison bed savings of removing prison sentences from most marijuana convictions as a first step in this conversation. This is predicted to save as many as 200 beds in the next two years. Then we recommend the creation of a state commission, including law enforcement, the courts and the treatment community, to study marijuana legalization, including the potential negative effects on the health of our communities and our young people.*
- ❖ *The legislature created longer sentences for major drug offenses in Measure 57 in 2008. In the spirit of saving prison beds, the ODAA recommends that these Measure 57 drug offense sentences be returned to the sentencing levels that existed before Measure 57 in the sentencing guidelines grid. Currently over 300 Oregon inmates are serving Measure 57 drug prison*

sentences and returning these sentences to pre-Measure 57 levels will save many of these beds by modestly reducing the length of the prison terms.

- ❖ *Reduce sentences for Felony Driving While Suspended to probation. This will save 52 beds in the next two years.*

CONCLUSION:

Despite dramatic decreases in violent crime since Measure 11 was passed by the voters in 1995, Oregon still faces significant increases in property crime. Since 2008, Oregon property crime rates have increased by 19%, while the national property crime rate declined by 7.2%. The situation is even worse in Oregon's big cities, where the latest FBI statistics show a huge increase in property crime in the past two years. Federal statistics show that Oregon has the lowest percentage of non-violent offenders in prison in the entire nation. Despite these challenges the Oregon legislature has proposed reductions in the modest property crime sentences in Measure 57 which the ODAA strongly opposes.

In the alternative, the ODAA proposes smart, targeted, but limited sentence reductions combined with reductions in state prison costs and smart investments in local public safety programs that work. If we make these smart investments combined with important reductions in costs, despite anticipated future state population growth, Oregon will not have to build a new prison for many, many years.

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