



Oregon's 2013 Public Safety Reforms

One year later, sweeping law controls prison growth, invests savings in local public safety efforts

Overview

Anticipating substantial growth in prison population and costs, Oregon lawmakers in 2013 enacted comprehensive sentencing and corrections reform legislation (House Bill 3194). Since then, the state has stabilized its prison population and redirected nearly \$58 million in savings to front-line public safety programs that have been shown to cut crime and reduce recidivism.

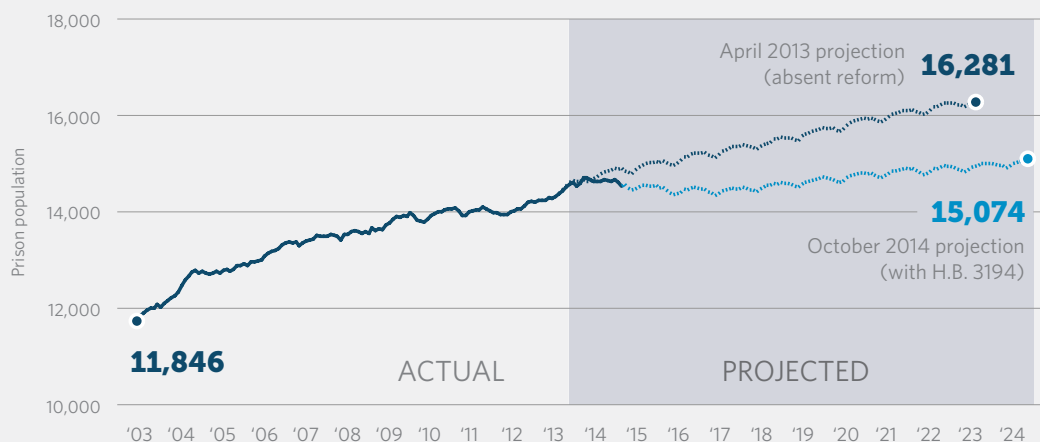
By expanding evidence-based sentencing options and investing in effective crime-prevention strategies, H.B. 3194 is projected to save the state \$326 million in prison construction and operating costs over 10 years. The law prioritizes prison beds for serious and violent criminals; enhances evidence-based, cost-effective community supervision practices to reduce the likelihood of recidivism; establishes performance objectives for criminal justice agencies; and promotes responsible use of corrections dollars.

The law was the product of the Commission on Public Safety, a bipartisan, interbranch group charged by Governor John Kitzhaber (D) with conducting a comprehensive review of the state's criminal justice system and developing policy recommendations. The Pew Charitable Trusts provided technical assistance to the commission and to state leaders.

Figure 1

Reforms Projected to Cut Prison Growth

Oregon expects to save \$326 million over 10 years



Sources: Oregon Department of Corrections (historical data), Oregon Office of Economic Analysis (projections)

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Highlights

Problem

Before Oregon passed its 2013 legislation, the state's sentencing and corrections policies were delivering a poor public safety return on taxpayer investments. Between 2000 and 2012, Oregon's prison population grew nearly 50 percent, from fewer than 9,500 inmates to more than 14,000.¹ During that period, the state's biennial corrections budget increased nearly 40 percent, from \$976 million to more than \$1.3 billion. At the same time, funding was cut for critical public safety programs, including state police, county sheriffs, community corrections, and victim services.² Absent reform, the state projected it would add 2,000 inmates by 2023 at a further cost to taxpayers of \$600 million.³

Findings

The state's Commission on Public Safety conducted a review of criminal justice data, programs, practices, and policies and found that the corrections system had become a more-expensive and less-effective way to hold offenders accountable than it had been a decade earlier. Between 2001 and 2011, Oregon's imprisonment rate increased eight times faster than the national average.⁴ Further, by 2011, state inmates stayed behind bars longer than they had at any point in the previous decade: Time served in prison jumped 22 percent for drug offenders and 20 percent for probation violators. At the same time, budget cuts for community corrections and other public safety priorities threatened to increase the state's recidivism rate.

Reforms

The commission developed policy recommendations to prioritize prison beds for serious and violent criminals; enhance evidence-based, cost-effective community supervision practices to reduce the likelihood of recidivism; establish performance objectives for and measure outcomes of criminal justice agencies; and promote responsible use of corrections dollars. These recommendations were codified into House Bill 3194, which won endorsement from stakeholders and policymakers alike. Both legislative chambers passed the bill with bipartisan support, and Gov. Kitzhaber signed it into law July 25, 2013.

Impact

H.B. 3194 is projected to reduce anticipated prison growth by 870 beds and save state taxpayers \$326 million in construction and operating costs through 2023. The law also immediately redirected nearly \$58 million over two years toward public safety improvements, including investment in victim services, sheriff's departments, and community corrections. One year later, the state has begun to realize the benefits of reform. The prison population has stabilized, and in the 2013-15 biennium, Oregon is projected to save \$17 million in prison costs, with much larger savings estimated in future years.⁵



With Oregon's biennial corrections budget now exceeding \$1.4 billion, we can no longer delay improvements to our corrections system here in Oregon. It's time for us to re-examine which policies are working and fix those that are not providing a clear benefit to our public safety."

Governor John Kitzhaber, May 14, 2012

Impetus for reform

During the 1990s, Oregon earned national recognition for reducing crime, even as it maintained a modest incarceration rate and concentrated its prison beds on serious and violent offenders. In the decade that followed, however, the state increased the number of offenders it sent to prison and kept them there longer, leading to a rapidly growing incarcerated population and rising costs to taxpayers.

Between 2000 and 2012, the number of state inmates grew nearly 50 percent, from 9,491 to more than 14,000. At the same time, the state's corrections budget increased 33 percent, from \$977 million in fiscal 2001-03 to more than \$1.3 billion in fiscal 2011-13.⁶

Furthermore, between 2001 and 2011, the national imprisonment rate rose 2 percent, compared with 14 percent in Oregon.⁷ During the same period, 15 states reduced their imprisonment and crime rates simultaneously.

Without further policy changes, Oregon's prison population was projected to increase by more than 2,000 over 10 years, reaching almost 16,300 by 2023. Nonviolent offenders were projected to drive a significant portion of this growth. The state estimated that the increasing prison population would require reopening two closed facilities and building a third, at a total taxpayer cost of \$600 million.⁸

Even as prisons consumed an increasing share of the state's public safety budget, resources for front-line agencies suffered cuts. Oregon's community corrections programs, lauded across the country for their success in reducing recidivism, sustained a 20 percent reduction in state funding in the 2009-11 biennium. Many counties faced significant shortfalls as they attempted to hold offenders accountable at the local level. Public safety agencies, such as sheriff's departments, victim-service providers, and state police, also faced budget cuts. Taken together, these funding shortfalls raised the specter of more recidivism and increased victimization, which in turn would fuel even faster prison growth.

The Oregon Commission on Public Safety

In May 2012, Gov. Kitzhaber issued Executive Order No. 12-08 to convene the Commission on Public Safety. The governor charged the commission with analyzing Oregon's sentencing and corrections data, auditing existing policies, and identifying and recommending to the Legislature "fiscally responsible and sustainable, evidence-based policies and practices that will control corrections growth, hold offenders accountable, and protect public safety."⁹

The 12-member bipartisan commission included representatives from the executive, legislative, and judicial branches, as well as from law enforcement, community corrections, the prosecutors' and defense bars, and the public. (See page 11 for a list of members.) Pew and its partner, the Crime and Justice Institute at Community Resources for Justice, provided technical assistance to the commission by analyzing the state's sentencing and corrections trends and generating data-driven policy options to reduce recidivism and increase public safety.

The commission met 10 times to review findings, statistics, and trends; to hear testimony; and to discuss policy options. All meetings were open to the public and are archived online.¹⁰ To engage a broad audience from across the state, the commission held meetings in Bend, Salem, and Roseburg, and also considered input from victim round tables in Salem and Klamath Falls.



We have done a lot of things right in our public safety system in Oregon, but we must remain vigilant in maintaining these achievements. We cannot afford even small slips in our commitment to focus prison beds on those offenders who need it most, and to ensure we are using taxpayer dollars in the most effective way to protect public safety in our communities.”

Paul De Muniz, chief justice of the Oregon Supreme Court and chair of the Oregon Commission on Public Safety, Dec. 17, 2012

Based on its extensive analysis, the commission set out to craft a policy package that would help fine-tune Oregon’s already advanced corrections system and ensure that taxpayers receive better public safety returns. In December 2012, the commission issued a report articulating the major findings and featuring a comprehensive set of policy options to improve public safety, hold offenders accountable, and contain corrections spending.¹¹

Key findings

Through its comprehensive review of state data, the Commission on Public Safety identified several trends driving the size and growth of Oregon’s prison population:

Nonviolent felony offenders increasingly likely to receive prison sentences

Like most states, Oregon traditionally sentenced the majority of its felony offenders to probation rather than prison. The commission found that between 2000 and 2011, however, the state increased its use of prison, relative to probation, by 18 percent, particularly for nonviolent offenses. In 2000, Oregon courts sentenced just 14 percent of nonviolent felony offenders to prison, but by 2011 that proportion had grown to 19 percent. Meanwhile, the prison disposition rate—the percentage of convictions that result in a prison sentence—for violent offenders held about steady.¹²

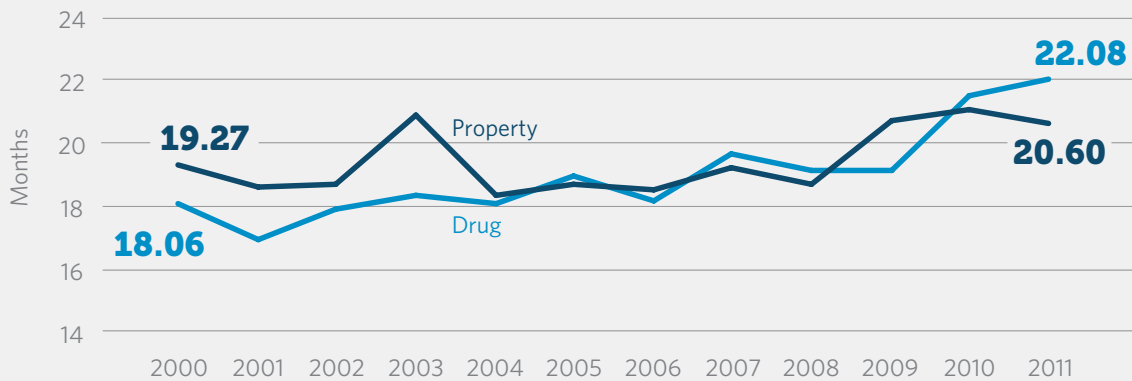
Increase in prison admissions and length of stay for nonviolent offenders

Between 2000 and 2011, nonviolent offenders in Oregon grew as a proportion of prison sentences (relative to violent offenders) and stayed in prison longer. Prison admissions for nonviolent crimes increased by almost 500 offenders a year, while admissions for violent crimes stayed about the same. Five of the top 10 offenses resulting in prison admissions in 2011 were drug or property offenses. During the same period, the average stay in prison for drug offenses climbed 22 percent, from 18 months to 22.

Figure 2

Nonviolent Offenders Stayed in Prison Longer, 2000-11

Time served increased 22% for drug offenders, 7% for property offenders



Source: The Oregon Department of Corrections

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Increase in prison admissions and length of stay for technical violations of supervision

The commission found that many inmates were in prison not for a new crime, but because they had violated the terms of their probation or post-prison supervision, such as missing appointments or failing drug tests. By 2011, technical violators made up nearly 20 percent of prison admissions, up from 15 percent in 2000. Over that period, length of stay for technical probation violations rose from 16 months to 19.

Gaps in evidence-based practices in community corrections

Despite earning national recognition for its achievements in reducing recidivism, Oregon faced gaps in its use of evidence-based practices and programs. In response to a survey conducted by the commission, half of community corrections agencies responsible for probation and post-prison supervision reported a reduction in drug- and alcohol-treatment availability, and 46 percent reported a reduction in mental health services, leading to significant geographic disparities in access.¹³ Additionally, the commission found gaps in the use of other proven supervision practices, including inconsistencies in the use of risk and needs assessments and a failure to employ earned discharge time credits to encourage compliance.

The Joint Committee on Public Safety and H.B. 3194

The report from the Commission on Public Safety laid the foundation for the work of the Joint Committee on Public Safety, a bipartisan group of lawmakers from both chambers, established by Oregon's House speaker and Senate president to consider the work of the commission. (See page 11 for a list of members.) The committee held 18 public hearings between January and May 2013 and passed H.B. 3194 by a 9-1 vote, advancing 14 of the commission's 19 recommendations. The legislation earned the endorsement of a broad coalition of stakeholders.

The Oregon Legislature passed H.B. 3194 with bipartisan support by votes of 19-11 in the Senate and 40-18 in the House. Gov. Kitzhaber signed it into law July 25, 2013.

H.B. 3194 received widespread endorsement

- Association of Oregon Counties
- Oregon Association of Chiefs of Police
- Oregon Association of Community Corrections Directors
- Oregon Association of State Police
- Oregon Coalition Against Domestic and Sexual Violence
- Oregon District Attorneys Association
- Oregon State Sheriffs' Association
- Partnership for Safety and Justice

H.B. 3194 was structured around 5 primary goals

Ensure prison beds are focused on serious and violent offenders

The law reflects a consensus in Oregon that many nonviolent offenders can serve shorter periods of incarceration and then be effectively supervised in the community without jeopardizing public safety. This cost-effective approach prioritizes the most expensive correctional resources—prison beds—for serious and violent offenders. Specifically, the law:

- Expands presumptive probation for marijuana and driving with a suspended license offenses.
- Allows judges greater discretion by removing mandatory minimum sentences for certain drug offenders with multiple convictions.
- Reduces the sentencing range for selected property offenses, including robbery in the third degree and identify theft.¹⁴

Enhance evidence-based, cost-effective community supervision practices

To expand the tools available to community corrections agencies and the state Department of Corrections to change offender behavior and reduce recidivism, the law:

- Implements earned discharge in probation to encourage good behavior, reduce recidivism, and allow community supervision officers to focus more oversight and resources on higher-risk offenders.



We are proud to have been a part of the effort to pass H.B. 3194, which represents a triumph of common sense and evidence-based policymaking and will pay dividends to Oregon for many years to come."

Representatives Andy Olson (R-Albany) and Chris Garrett (D-Lake Oswego), members of the Commission on Public Safety and the Joint Committee on Public Safety, in an op-ed in the *Statesman Journal*, Aug. 11, 2013

- Expands transitional re-entry leave from 30 days to 90, allowing eligible offenders to spend this period in the community with a focus on re-entry supervision and programming.
- Requires supervising community corrections officers to use risk and needs assessments to determine probation supervision terms and conditions.
- Establishes a pilot program for re-entry courts, enabling judges to monitor an offender's compliance with community supervision.
- Implements statewide, evidence-based standards for specialty courts (drug, mental health, and veterans') to ensure that they operate uniformly and use best practices to reduce recidivism.

Establish performance objectives and measure outcomes

To help policymakers and corrections officials assess and manage the overall performance of Oregon's public safety system, the law:

- Creates an oversight group to monitor the outcomes of the reforms.
- Expands the definition of recidivism to include rearrest, reconviction, and reincarceration to facilitate research and comparisons with other jurisdictions.
- Requires a cost-benefit analysis of community corrections investments to ensure that public dollars are spent on programs that reduce recidivism.
- Establishes the Oregon Center for Policing Excellence within the Department of Public Safety Standards and Training to ensure that law enforcement leaders receive cutting-edge training on emergency response, crime reduction strategies, and professional standards.

Promote sustainable use of corrections resources

To measure, report, and reduce costs, the law:

- Gives the Department of Corrections a target for reducing costs per day by 5 percent over 10 years, while ensuring that the reduction does not jeopardize public safety outcomes or decrease funding for prison security or recidivism-reduction programs.
- Improves the state correctional forecast process so prison population changes are attributed to specific policies whenever possible.
- Requires that fiscal impact analyses of proposed sentencing and corrections legislation include a 10-year horizon.
- Establishes a Justice Reinvestment Account to provide grants to counties that are able to reduce recidivism and utilization of state prison.

Reinvest in Oregon's public safety system

Alongside H.B. 3194, Oregon lawmakers passed nearly \$58 million in new investments to support public safety programs recommended by the Commission on Public Safety, including an additional:

- \$17.09 million for community corrections.
- \$5 million for county jails.
- \$7.29 million for victim services.
- \$8.93 million for drug courts.
- \$3.46 million for state police.
- \$1 million to create an Oregon Center for Policing Excellence.
- \$15 million to create a Justice Reinvestment Grant Program, a fund to support county efforts to reduce recidivism and expand prison alternatives.
- \$190,000 for the administration of the Justice Reinvestment Account.

Signs of success

Though it will take several years for the impact of H.B. 3194 to be fully felt, early signs are promising. The prison population has stabilized, and in October 2014 the state projected that the number of inmates will grow by less than 4 percent over the next 10 years—a third of the growth projected before the passage of H.B. 3194.¹⁵

The reduced forecast has allowed the state to postpone reopening shuttered facilities and shelve plans to build an additional prison. In total, state officials estimate that the measure will save \$17 million during the 2013–15 budget cycle.¹⁶ Savings projections for the next budget cycle are much higher—an estimated \$67 million.¹⁷

Investments in local public safety

H.B. 3194 allocated significant investments to counties to strengthen local public safety efforts. In the 2013–15 biennium alone, the state gave localities an additional \$37 million, including \$5 million for county sheriffs, \$17 million for community corrections, and \$15 million for the Justice Reinvestment Grant Program.

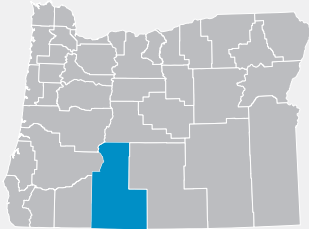
The law created the grant program to distribute savings from averted prison growth into local programs designed to reduce recidivism and crime, such as community corrections, re-entry, substance abuse treatment, and mental health services. Funding is divided among Oregon's 36 counties and distributed according to local needs. Each county submitted a proposal describing how it planned to reduce recidivism and safely reduce its use of state prison beds.

Counties began using grant funds in summer 2013 to implement or expand policies and programs proved to reduce recidivism. Three counties illustrate the success of these efforts.

Klamath County

Pooled investments to expand treatment programs and community corrections

Population, 65,910; Justice Reinvestment Grant, \$342,740



Before H.B. 3194, Klamath County was unable to respond effectively to violations of community supervision due to a critical shortage of treatment services and jail beds. Faced with offenders who repeatedly violated the terms of their supervision, officials were left with two options: Ignore violations or revoke offenders to state prison.¹⁸

After H.B. 3194 became law, the county was able to pool reinvestment dollars—totaling nearly \$900,000, with funds from the Justice Reinvestment Grant, Community Corrections Department, local mental health provider, and Sheriff's Department—to open a treatment-focused jail facility. Opened in fall 2013, the secure facility is designed for short-term sanctioning of offenders on supervision, as an alternative to revoking them back to prison, while addressing their substance abuse and mental health problems.¹⁹

Additionally, with new resources freed up for managing higher-risk offenders, Klamath County was able to make funds available to expand services available to all supervisees. In fall 2013, the county opened a one-stop shop in its Community Corrections Center to provide cognitive behavioral therapy, peer mentoring, outpatient alcohol and drug treatment, and other services.

Note: Population data from United States Census Bureau. Grant data from the Partnership for Safety and Justice.

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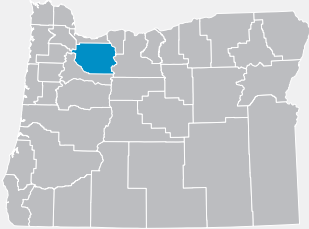
“The Oregon Commission on Public Safety “has come up with an innovative, effective way to promote public safety and save money, to rely on approaches that have been proven to work and to apply the state’s resources to the needs of communities rather than build new prisons.”

The Oregonian, editorial, June 30, 2013

Clackamas County

Used grant funds to expand re-entry services and specialty courts

Population, 388,263; Justice Reinvestment Grant, \$961,758



Before 2013, Clackamas County officials were unable to accept many transitional re-entry leave requests from eligible inmates because of a lack of approved housing options. After passage of H.B. 3194, officials used their reinvestment dollars to open an additional 14 beds at a work-release facility with the aim of supporting eligible inmates' efforts at successful re-entry. The county's grant also funded other re-entry services, including a probation officer focused on transition and a peer mentor.²⁰

In addition to its investments in re-entry, Clackamas County used grant funding to expand evidence-based programs. New dollars went to specialty courts, including child care for the Family Drug Court and Adult Drug Court, which removed a significant barrier to participation for a number of parents. The county has also used the grant monies to support its HOPE (Hawaii Opportunity Probation Enforcement) court program, a research-proven intervention that imposes swift and certain sanctions for failed drug tests and other probation violations.

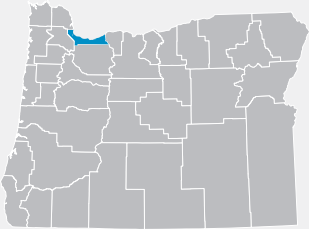
Note: Population data from United States Census Bureau. Grant data from the Partnership for Safety and Justice.

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Multnomah County

Directed grant toward improved offender assessment tools

Population, 766,135; Justice Reinvestment Grant, \$3,165,000



With funding from the Justice Reinvestment Grant, Multnomah County sought to improve the decision-making process through which offenders are diverted from prison, as well as to invest nearly \$1.61 million into additional treatment services. Before the law, the county, which has long benefited from a number of successful alternatives to incarceration, struggled to ensure that the maximum number of offenders who could be safely supervised in the community were not only being diverted from prison, but also being directed to the program that would best address their risks and needs.²¹

In summer 2014, the county piloted an enhanced presentence investigation process for the majority of prison-bound offenses. Offenders charged with these crimes are now directed to an extensive assessment within 21 days of arraignment, ensuring that the defense counsel, prosecution, and judge have the necessary tools to decide which offenders can be safely and effectively supervised in the community.

Note: Population data from United States Census Bureau. Grant data from the Partnership for Safety and Justice.

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Commission on Public Safety

Justice Paul De Muniz (chair), Oregon Supreme Court

Judge John Collins, Yamhill County Circuit Court

John Foote, district attorney, Clackamas County

State Representative Chris Garrett (D-District 38)

Larry Matasar, Oregon Criminal Defense Lawyers Association

Jason Myers, sheriff, Marion County

State Representative Andy Olson (R-District 15)

Colette S. Peters, director, Department of Corrections

State Senator Floyd Prozanski (D-District 4)

Scott Taylor, director, Multnomah County Department of Community Justice

State Senator Jackie Winters (R-District 10)

Dick Withnell, public member

Joint Committee on Public Safety

State Representative Jeff Barker (D-District 28)

State Senator Betsy Close (R-District 8)

State Representative Chris Garrett (D-District 38)

State Representative Wally Hicks (R-District 3)

State Representative Wayne Krieger (R-District 1)

State Representative Greg Matthews (D-District 50)

State Representative Andy Olson (R-District 15)

State Senator Floyd Prozanski (D-District 4)

State Senator Arnie Roblan (D-District 5)

State Senator Jackie Winters (R-District 10)

Access the full text of the commission report at: <http://www.oregon.gov/CJC/Documents/CPS%202012/FinalCommissionReport12.17.12.pdf>

Access the complete legislation at: <https://olis.leg.state.or.us/liz/2013R1/Measures/Text/HB3194/Enrolled>.

Endnotes

- 1 Unless otherwise cited, the analyses in this report were conducted for the Commission on Public Safety by The Pew Charitable Trusts using data provided by the Oregon Department of Corrections.
- 2 Legislative Fiscal Office, Budget Information Report, “Correctional Spending Trends” (September 2011), http://www.oregon.gov/CJC/docs/2011_report_correctional_spending_trends_updated.pdf.
- 3 Oregon Office of Economic Analysis, “April 2013 Corrections Population Forecast” (April 2013), <http://www.oregon.gov/DAS/OEA/docs/prison/DOCForecast201304.pdf>.
- 4 Bureau of Justice Statistics Prisoners series, Imprisonment rate of sentenced prisoners under the jurisdiction of state or federal corrections authorities, date of version: Nov. 19, 2013, <http://www.bjs.gov/index.cfm?ty=nps>. BJS regularly updates previously published data. These data accessed from BJS’ Correctional Statistical Analysis Tool in September 2014.
- 5 *Corvallis Gazette-Times*, “Editorial: Prison Report Offers Good News for State” (April 2013), http://www.gazettetimes.com/news/opinion/editorial/editorial-prison-report-offers-good-news-for-state/article_907e4dbe-bc5c-11e3-9d55-001a4bcf887a.html.
- 6 Legislative Fiscal Office, Budget Information Report, “Correctional Spending Trends.”
- 7 Bureau of Justice Statistics, “Publications & Products: Prisoners,” <http://www.bjs.gov/index.cfm?ty=pbse&sid=40>; and FBI, Uniform Crime Reports, <http://www.fbi.gov/about-us/cjis/ucr/ucr>.
- 8 Oregon Office of Economic Analysis, “April 2013 Corrections Population Forecast.”
- 9 Office of the Governor, State of Oregon, Executive Order No. 12-08: Reconvening the Governor’s Commission on Public Safety (May 2012), http://www.oregon.gov/CJC/docs/2012cps_executive_order.pdf.
- 10 For agendas, presentations, and audio, see <http://www.oregon.gov/CJC/Pages/2012ComPubSaf.aspx>.
- 11 Oregon Commission on Public Safety, Report to the Governor (December 2012), <http://www.oregon.gov/CJC/Documents/CPS%202012/FinalCommissionReport12.17.12.pdf>.
- 12 During this period, the prison disposition rate for violent offenders grew from 50 percent to 52 percent.
- 13 Oregon Association of Community Corrections Directors, “OACCD Member Survey Results” (November 2011).
- 14 This provision of the law is scheduled to expire July 1, 2023.
- 15 Oregon Office of Economic Analysis, “April 2013 Corrections Population Forecast”; and Oregon Office of Economic Analysis, “October 2014 Corrections Population Forecast” (October 2014), <http://www.oregon.gov/DAS/OEA/docs/prison/DOCForecast201410.pdf>.
- 16 *Corvallis Gazette-Times*, “Editorial: Prison Report Offers Good News for State.”
- 17 Les Zaitz, “Oregon Prison Population to Drop as Sentencing Reforms Take Hold,” *The Oregonian* (October 2013), http://www.oregonlive.com/politics/index.ssf/2013/10/oregon_prison_population_to_dr.html.
- 18 Interview with Kiki Parker-Rose, director, Klamath County Community Corrections (August 2014).
- 19 The jail facility also accepts a limited number of lower-level felony offenders (those sentenced to less than 365 days) with an identified treatment need.
- 20 Interview with Chris Hoy, director, community corrections, Clackamas County (September 2014).
- 21 Interview with Lily Yamamoto, Justice Reinvestment project manager, Multnomah County Local Public Safety Coordinating Council, and Suzanne Hayden, executive director, Citizens Crime Commission (August 2014).

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