



Newsletter – Winter 2011

OREGON CRIMINAL JUSTICE COMMISSION

Executive Director's Column – Craig Prins:

Earlier this month, Governor Kulongoski signed the executive order that created the Public Safety Commission (http://governor.oregon.gov/Gov/pdf/eo_1012.pdf). The commission gives leaders of the executive, legislative, and judicial branches of government a forum for a comprehensive review of Oregon sentencing. This commission will respond to the recommendation of the Governor's Reset Cabinet (http://governor.oregon.gov/Gov/docs/pubsafe_subcomreport_final.pdf) to:

“Create a modern system of uniform, transparent, and proportional sentencing guideline practices that optimizes use of the most expensive resource – prison. Incorporate the intent of the mandatory minimum initiatives into a comprehensive guidelines structure. Increase sentences where appropriate for violent offenders posing ongoing risks to the general population.”

I am pleased that the Oregon Criminal Justice Commission will be a part of this important work. Chair Darryl Larson will serve as director of the commission and CJC and Department of Corrections employees will provide the necessary analysis and data for the Public Safety Commission to complete its work.

Why develop a proposal for modern guidelines now when the Oregon legislature is about to convene and will understandably be focused on developing a short-term budget that gets Oregon from today to July 1, 2013? I will answer with a Chinese Proverb: “The best time to plant a tree is twenty years ago. The second best time is today.” We need both short and long term recommendations for how to best use Oregon's tax dollars to give Oregonians what they want the most: the best public safety system our tax dollars can buy. Controlling operational prison costs next biennium, and building a comprehensive sentencing structure that increases public safety, transparency, and accountability over the next decade are two separate and distinct issues that Oregon leaders should face.

The need to consider moving forward to a comprehensive guidelines system is illustrated by the attached table. This table shows the 20 crimes that sent the most people to prison in Oregon in 2009. As you can see, all of the crimes except Felony Assault 4 and Felon in Possession of a Weapon are crimes where the sentence is controlled to some degree by Measure 11, Measure 57, or Measure 73. Controlling prison growth is demanded by fiscal realities we face, and we cannot control the future growth without considering reviewing these measures that impact over 60 % of prison intakes.

Oregon's citizens have passed legislation that lengthens prison sentences on person, property, drug, and DUII crimes. The outcome promised for all of these measures has been increased public safety. Operationally, Department of Corrections will need 2500 more prison beds in the next decade to implement these measures. However, Oregon's budget situation has required the closure, not expansion, of prison facilities (http://www.oregonlive.com/politics/index.ssf/2010/09/oregon_to_close_prison_layoff.html).

Top 20 Prison Intakes, 2009			
Most serious crime of conviction	N	Cumulative % of all 2009 prison intakes	Law affecting sentence
Burglary 1 st Degree	380	8%	Guidelines/M57
THEFT 1 st Degree	287	15%	M57
Identity Theft	251	20%	M57
Unauth. Use Vehicle	250	26%	M57
Delivery of Meth	208	30%	Guidelines/M57
Robber 2 nd Degree	170	34%	M11/Guidelines
Felony DUII	157	37%	M73/Guidelines
Sex Abuse 1 st Degree	151	41%	M11
Assault 2 nd Degree	150	44%	M11/Guidelines
Burglary 2 nd Degree	127	47%	M57
Assault 3 rd Degree	124	50%	Guidelines/M11 Plea
DV Assault 4 th Degree	114	52%	Guidelines
Felon Firearm	110	54%	Guidelines
Att. Assault 2 nd degree	97	57%	Guidelines/M11 Plea
Att. Sex Abuse 1 Degree	87	58%	Guidelines/M11 Plea
Robbery 1 st Degree	82	60%	M11
Delivery of Heroin	81	62%	Guidelines/M57
Rape First Degree	77	64%	M11
Robbery 3 rd Degree	72	65%	M57
Aggravated Theft	71	67%	M57

Oregon will need leaders to look at our resources, the desires of the voters, state expenditures on administration and personnel, and the best evidence we have on what works to keep Oregonians safe to build a sustainable system. The reset report made clear we do not currently have a sustainable system. I am glad Governor Kulongoski asked the Public Safety Commission to take on part of this important task.

Governor Kulongoski is not alone in seeing a need for reform. This month, Newt Gingrich and other national conservatives launched “Right on Crime” calling for reform of US criminal justice policies, including incarceration practices

<http://www.rightoncrime.com/the-criminal-justice-challenge/whats-gone-wrong/>).

That reform is already under way in Texas, Indiana and the rest of the US is signaled by the latest report on incarceration from the Bureau of Justice Statistics: state prison populations in the US declined for the first time since 1977 and 24 states reported a decline in their prison population

<http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>).

The recession requires state leaders to consider reinvestment from incarceration to more cost-effective ways to keep citizens safe.

Recent national polling indicates citizens expect leaders to analyze spending on prisons just like spending on other government programs and redirect investments if they will garner a better return on their public safety dollars http://www.pewcenteronthestates.org/initiatives_detail.aspx?initiativeID=60775). The poll, and Oregon's legislative history, makes clear that how a question about public safety is posed to citizens is critical.

From 1980 to 1986 the Oregon legislature sent three referrals to voters seeking the ability to finance correctional facilities (Measure 8 on 11/4/1980, Measure 3 on 5/18/1982, and Measure 5 on 1986). All three failed. Measure 11 and Measure 73 offered mandatory minimum sentences as the cure for the ills in Oregon's criminal justice policies. The cost of the two measures over the "decade of deficits" will be in the hundreds of millions of dollars. Voters said yes, but didn't identify any additional funding for the costs of incarceration, nor what current spending (education, human services, juvenile services, state police) should be shifted to pay for the costs of implementing longer sentences. In 2008, Measure 57's prison, treatment, and supervision policy garnered more support than Measure 61's mandatory minimums. I believe framing the questions in "cost-benefit" terms, as the poll cited above, is the proper method for the Public Safety Commission to take, and I believe citizens will support leaders who take a hard look at Oregon's resources and provide a sentencing structure that deploys a system that is designed to maximize public safety.

Chair's Column – Judge Darryl Larson:

With apologies to the Commissioners and the public, I want to make up for neglecting to note changes in the makeup of the Commission's membership. Longtime Commissioner Josh Marquis, Clatsop County DA, has been replaced by Marion County District Attorney Walt Beglau and Commissioner Frank Grace has been replaced by Lane County Public Defender, Greg Hazarabedian. A new non-voting member of the Commission will be appointed by the House to replace Representative Brent Barton.

In other business:

1. On December 3rd the Commission voted to adopt the final rules for implementation of SB 77 regarding possible declarations of a "public safety emergency" in any of Oregon's counties. The rules are designed to address how the Commission would make its evaluation and report as required under the legislation. The rules do not, however, provide a route out of any financial quandary which may have led to the crisis. One further note is that, because, if called upon, the Commission is only allowed 14 days to investigate and issue its report, there is no provision for

public hearings as such. An individual county may wish to do so as part of its process but the Commission is neither obligated nor able to do so, given the timelines required.

2. Anyone versed in the public safety system is well aware that it is a complex system involving many levels of government, agencies and entities within those agencies, a plethora of silos, if you will. The CJC's legislatively-mandated purpose is "to improve the effectiveness and efficiency of state and local criminal justice systems by providing a centralized and impartial forum for statewide policy development and planning." Getting accurate, timely, consistent and complete information within the system has often been frustrating and a virtually impossible dream. Oregon's various silos have been making significant strides toward more timely, accurate and complete data within their spheres. Thanks to increased assistance and cooperation from governmental entities like the courts (OJIN), the Department of Corrections, the Oregon State Police (LEDS) and the Oregon Youth Authority, CJC personnel are actively and directly engaged with information resources within those organizations in order to obtain and synthesize the public safety information which helps us better understand what is actually happening and how well the system is operating. That is providing insights into how to improve the system as a whole so the CJC can, much more meaningfully, accomplish its mandated purpose.
3. Finally, the Legislative Session starts in January, 2011. The state's dramatic budget shortfall represents both a problem and an opportunity. Oregon is already a leader in the adoption of Evidence Based Practices and leads the nation in crime reduction statewide. Crime is at its lowest point in four decades. Considerable state and national research has now demonstrated how to identify risk levels among offenders, which ones are most amenable to proven, effective interventions, how to best reduce recidivism and even how to accurately predict by how much. This combination of factors provides the Legislative assembly with an opportunity to limit or reduce prison costs, invest in targeted interventions and make Oregon even safer by reducing recidivism by those already convicted. The CJC plans to help the Legislature look at its options and the various costs and tradeoffs involved. One thing is for sure; 2011 will be an interesting session.

Oregon Statistical Analysis Center (SAC) – Mike Wilson:

FBI Preliminary Semi-Annual Crime Statistics

According to the FBI Preliminary Uniform Crime Report, crime is down across the nation for the first six months of 2010. Violent crime fell by 6.2 percent nationally and 7.2 percent in the West. Property crime also had a decrease of 2.8 percent nationally and 3.1 percent in the West.

The report provides data on Oregon cities with 100,000 or more population which includes Eugene, Gresham, Portland and Salem. These four cities account for just less than one million people or 26 percent of the state. Salem and Eugene both experienced large crime decreases with property crime dropping by 12.5 percent and 16.8 percent respectively, and violent crime dropping by 22.4 percent and 12.7 percent respectively. Portland had a sharp increase in property crime of 11.2 percent and had nearly the same amount of violent crime reported.

Gresham was the only one of the four cities that had a substantial increase in violent crime of 13.2 percent, while property crime was down 3.4 percent. The four city total showed a 3.4 percent decrease that was smaller than the West and U.S. and had a slight increase in property crime that was driven by the sharp increase in Portland.

January to June FBI Preliminary Uniform Crime Report						
City	Violent Crime			Property Crime		
	2009	2010	% Change	2009	2010	% Change
Eugene	237	207	-12.7%	4663	3878	-16.8%
Gresham	174	197	13.2%	1943	1876	-3.4%
Portland	1,509	1,512	0.2%	12323	13698	11.2%
Salem	317	246	-22.4%	3143	2749	-12.5%
4 City Total	2,237	2,162	-3.4%	22,072	22,201	0.6%
West	N/A	N/A	-7.2%	N/A	N/A	-3.1%
U.S.	N/A	N/A	-6.2%	N/A	N/A	-2.8%

While the first half of 2010 crime changes have been more favorable nationally and in the West than Oregon's four largest cities, Oregon as a whole has experienced larger crime drops than the U.S. over the past five years. From 2005 to 2009 Oregon's violent crime rate fell 11 percent, compared to 8 percent nationally. Over this same time period Oregon's property crime rate decrease was the second largest of any state, falling 33 percent, compared to 12 percent nationally.

Cost Benefit Analysis

In 2006, the CJC began its work on cost-benefit analysis of the criminal justice system. In our 2007 report to the legislature we examined the impact of prisons on crime reduction and estimated the avoided victimizations from incarceration and the monetary benefits associated with fewer victims. We continued to improve our cost-benefit model and in 2008 helped ECONorthwest to estimate the number of felony convictions avoided through investment in evidence based programs. In recent years we have worked with the Washington State Institute of Public Policy (WSIPP), national experts on cost-benefit, to improve our cost-benefit model. Through this effort Oregon is now one of the leading states in cost-benefit analysis of criminal justice outcomes.

In recent months WSIPP developed a cost-benefit tool that was designed so that other states could input their costs and sentencing structures and estimate how different sentencing policies and evidence based investments could improve public safety outcomes. This project was funded through a joint effort from the Vera Institute of Justice and the Pew Charitable Trust. As a result of Oregon's previous cost-benefit work we have been asked to be the first state to test the WSIPP tool. This tool will allow policy makers the ability to quickly estimate the impact of different policy changes to the overall budget as well as the impact to future crime.

The tool uses existing research to estimate the impact on crime from changes to the prison population. Research has shown that as we incarcerate more offenders we have a beneficial impact on the crime rate, most likely through incapacitation. If we reduce the prison population we would expect to see an increase in crime as previously incapacitated offenders are now able to commit crimes. The tool also will estimate the impact of policy changes that incorporate risk. If low risk offenders are released from prison or sentenced to probation, the impact on

crime will be lower than if high risk offenders are in the community.



This tool also calculates the change to the state general fund as a result of sentencing changes and also calculates the estimated change in crime from these same sentencing changes. It allows policy makers to reinvest some of the general fund savings from prison reduction into programs. WSIPP has looked at all the literature on what works to reduce recidivism and has created a portfolio of programs that are evidence based. The tool then lets users choose what portfolio they want to invest in and calculates the dollar savings and crime savings of that investment strategy. The tool also provides the confidence level of how often the investment will avoid crime, thus improving public safety. The "right" investment can provide both general fund savings and a reduction in the overall crime rate.

Most of the data needed has already been gathered and is currently being plugged in to the model. We expect this model to be ready to use with Oregon data by January 2011.

Asset Forfeiture and the CJC – Mike Stafford:

As noted in our last issue, Asset Forfeiture online reporting began in July this year. In October the CJC delivered the first report utilizing the system to the Asset Forfeiture Oversight Committee. This report covered the first 10 weeks of the system's operation, July 1st through September 15th, and recorded 50 new Civil Forfeitures reported on the online system with 34 of these cases subsequently entered into the system as Form 2 Asset Distributions. There were also 24 Criminal Forfeitures reported, 20 of these cases were subsequently entered into the system as Form 2 Asset Distributions. Staff believes that the large number of reports coming in within a short period of time does not reflect the number of forfeiture proceedings in the state but is the result of many agencies clearing a backlog of reports.

The following distributions were reported:

Criminal Forfeiture

Using Form 1, nine agencies reported \$102, 521 in cash seized and forfeited. Form 2 reports showed \$93,419 in cash seized with \$861 earned in interest and \$20,946 as liquidated proceeds of other property.

Criminal Forfeiture Distributions:

Oregon General Fund: \$11,369
DEQ Illegal drug Cleanup Fund: \$7,958
AFOAC: \$3,410
State Police or DOJ (State seizures only): \$0
DHS Drug Prevention & Education Fund (State Seizures): \$0
Law Enforcement use: \$40,830
Other Law Enforcement agency distributions: \$4652
Substance Abuse treatment: \$45,479
Total Distributions: \$113,699

Civil Forfeiture

Using Form 1, nine agencies also reported \$294,095 in cash seized, \$12,226 in cash returned leaving \$271,642 in cash forfeited. Form 2 reports showed \$142,550 in cash forfeited at judgment, \$684 earned in interest and \$22,427 as liquidated proceeds of other property.

Civil Forfeiture Distributions

DEQ Illegal drug Cleanup Fund: \$11,265
AFOAC: \$4164
Criminal Justice Commission Drug Court Fund: \$30,382
Commission on Children and Families Relief Nursery Fund: \$15,191
Total Distributions: \$61,005
Cash Distributed to Other Governmental Agencies per ORS 131A.360 (6) (a-e): \$89,751
Total Distributions: \$150,756

The complete report can be found online at:

[http://www.oregon.gov/CJC/docs/Asset Forfeiture in Oregon 2010.pdf](http://www.oregon.gov/CJC/docs/Asset%20Forfeiture%20in%20Oregon%202010.pdf)

Public Safety Policy Review – Mike Stafford:

On September 10th the Criminal Justice Commission and the Lincoln County LPSCC co-hosted the statewide LPSCC Conference at the Oregon Coast Community College in Newport. The Conference was attended by over 60 LPSCC and local Government members representing 18 of Oregon's 36 counties as well as representatives from the Oregon Commission on Children and Families, the Oregon Department of Human Services, the Oregon State Police, the Association of Oregon Counties and the Oregon Anti-Crime Alliance.

The plenary session was a round table discussion:

Balancing the Public Safety System in a time of Budget Cuts using Dr. Lawrence Sherman's webinar "Less Prison, More Police, Less Crime" as the basis for the discussion.

The panel members were:

Doug Harclerod, Oregon Anti-Crime Alliance
Dennis Dotson, Lincoln County Sheriff
Jay Dixon, Benton County Commissioner
Terry Smith, Eugene PD analyst

The afternoon session featured the following break out discussions:

- Legislative and Ballot Measure Update
- SB 77 Rules update
- Oregon Crime Trends
- Emergency Preparedness Planning
- Drug Abuse Trends and Responses

Grant Management – Devarshi Bajpai:

About two-thirds of the grant money that CJC administers goes to provide funding to drug courts. In the last newsletter we reported on the results of two Family Drug Treatment Court evaluations conducted for us in Marion and Jackson counties. In this newsletter, we're excited to report on a new report to be published in January! This report, also conducted by Portland research company NPC Research, reviewed the outcomes of 5,655 drug court participants statewide from 2000-2006. NPC also examined the practices of the 24 largest drug courts to begin to develop a list of practices that appear to improve outcomes. The findings included:

- Drug court participants statewide recidivated 20% less (defined as new charges filed within 3 years) than the comparison group. Some drug courts were more effective than others- two drug courts had no effect and some drug courts reduced recidivism up to 53%.
- The effect on number of new charges was even greater- drug court participants had 44% fewer charges than the comparison group. The effects in different drug courts ranged from -6% to 67%.
- The cost of drug court was about \$18,696, about double the cost of "business as usual" which was conservatively estimated at \$9,389. The 3 year benefit of drug court was \$16,933 per participant including taxpayer and victimization costs. This results in a benefit to the public safety system of \$1.82 for each \$1 invested in drug court. There are additional benefits including health, family, and employment that are not included in this analysis.

There were 24 drug courts involved in the review of promising practices. NPC identified practices that effective programs seemed to have in common. Among the findings:

- Drug courts that included law enforcement on the drug court team had 33% less recidivism compared to drug courts that did not include law enforcement on the team.
- Accepting non-drug charges such as drug trafficking, property offenses and forgery were significantly related to lower recidivism.
- Drug courts that provided wrap-around services such as health and dental care had recidivism rates that were up to 40% lower than courts that did not offer these services. Drug courts that provided culturally specific services had graduation rates that were more than 12 percentage points higher.
- Drug courts that tested 3 or more times per week in the first phase had 25% lower recidivism than drug courts that tested less often.
- Drug courts that had written rules or guidelines regarding the team's response to participant behavior (e.g., rewards and sanctions) and gave the team a copy of these guidelines had recidivism reductions of more than 25% and double the cost savings.
- Drug courts that required participants to attend court sessions once every 2 weeks had less than half the recidivism rates and twice the cost savings.

This evaluation was funded by a grant from the U.S. Department of Justice, Office of Justice Programs. It will be published in January. Watch for it on the "Current Topics" section of our website!

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