

THE
PEW
CENTER ON THE STATES

Oregon Prison Drivers
June 29, 2012

- Snapshot of the prison population historically and today
- Prison growth drivers
 - Admissions
 - Length of stay
 - Impact of current trends

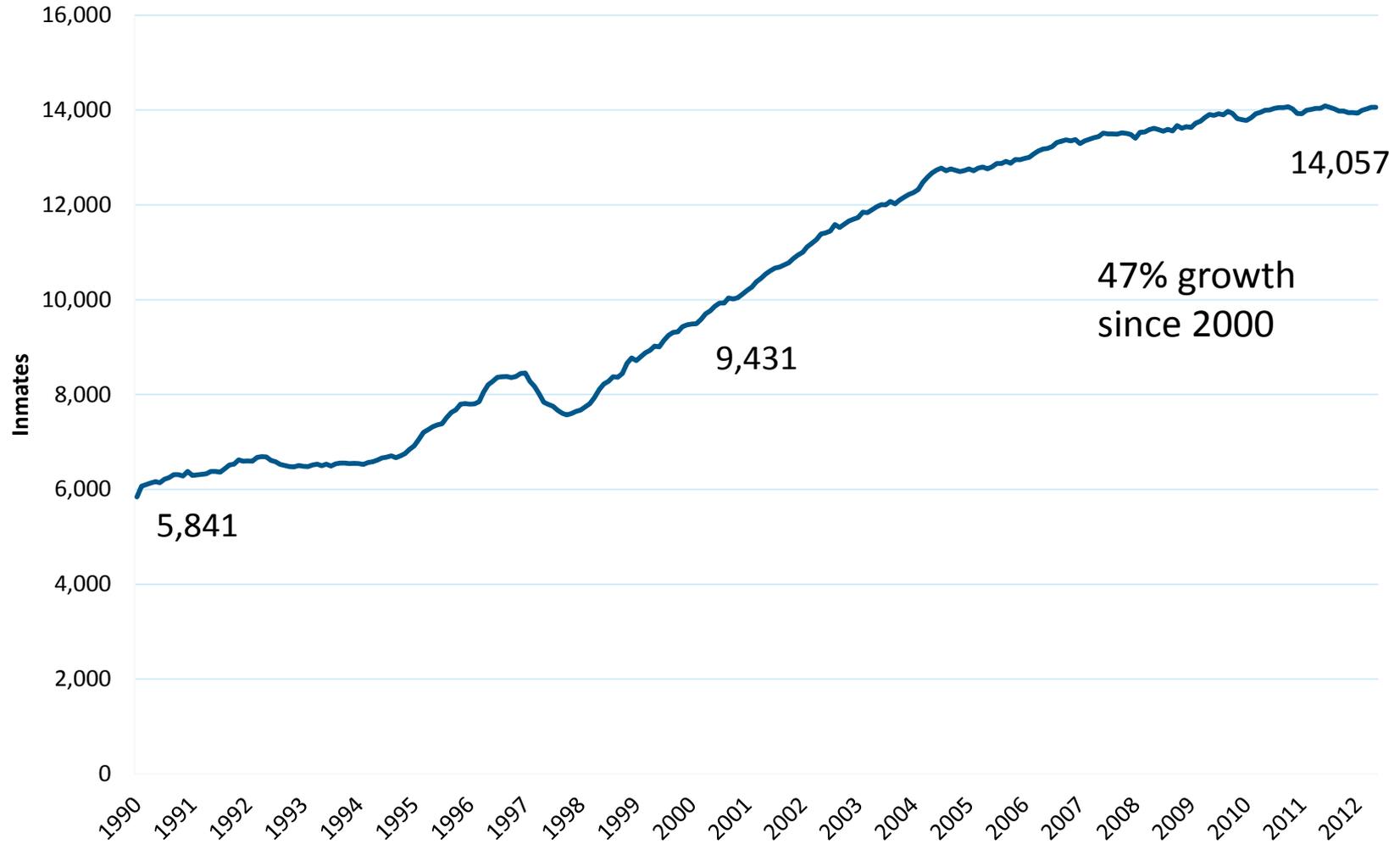
Short break

- Policy drivers
- Forecast/Where will Oregon be in 10 years?

- Crime data from the FBI Uniform Crime Reports
- Felony convictions, admissions, and inmate information from Oregon Department of Corrections individual level offender files
- Forecast provided by the Oregon Office of Economic Analysis
- Other data sources noted below

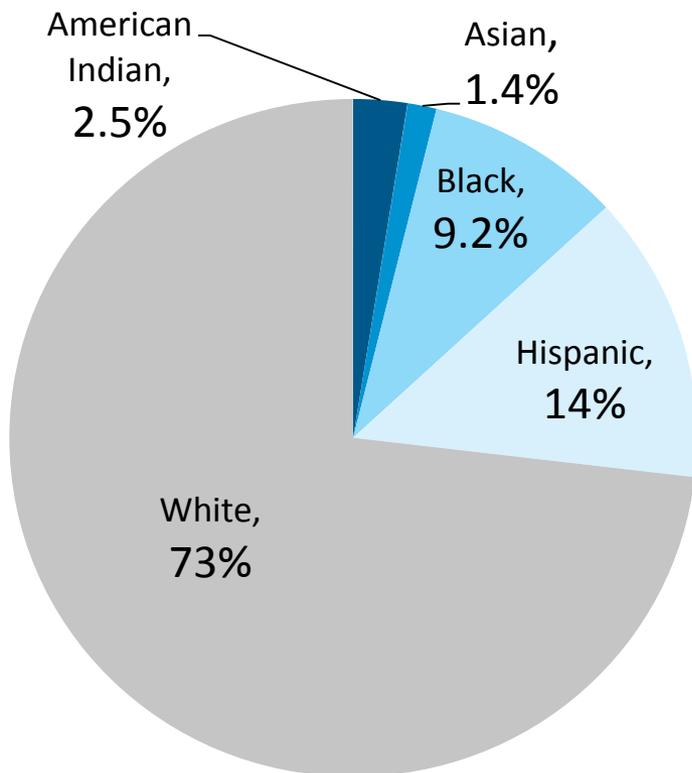
Oregon's Historical Prison Population

January 1990 – May 2012

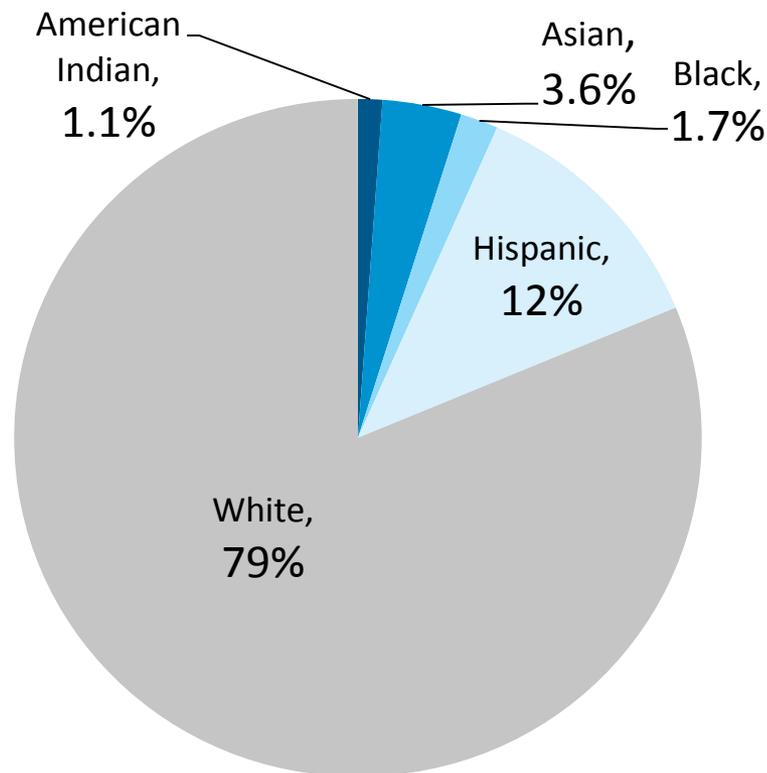


Race/Ethnicity of Prison Inmates

In prison population, 2012

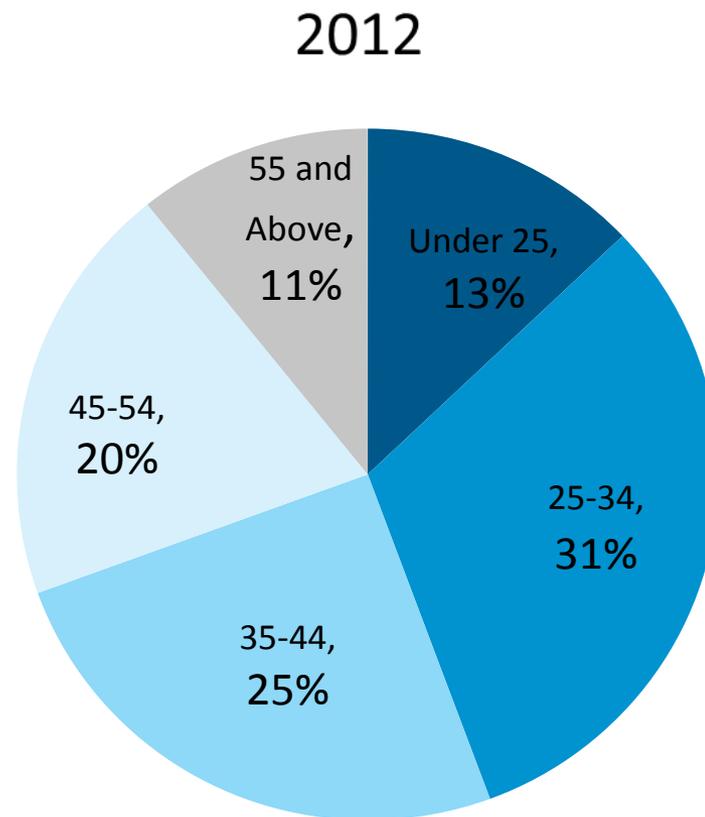


In Oregon population, 2010



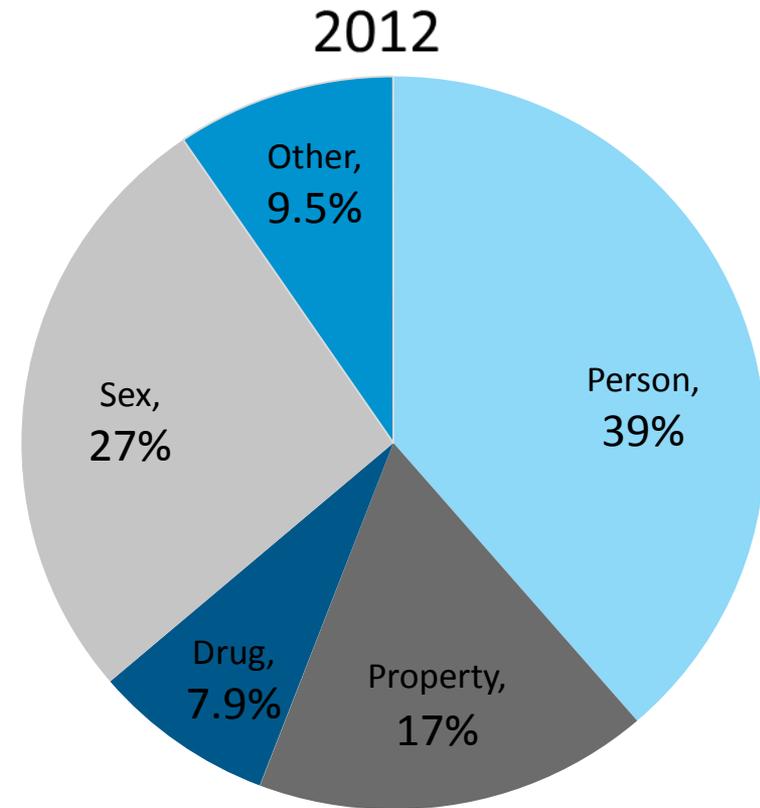
Age Breakdown of Prison Inmates

- Over half (56%) of prison inmates in 2012 are over the age of 35
- 13% are under the age of 25

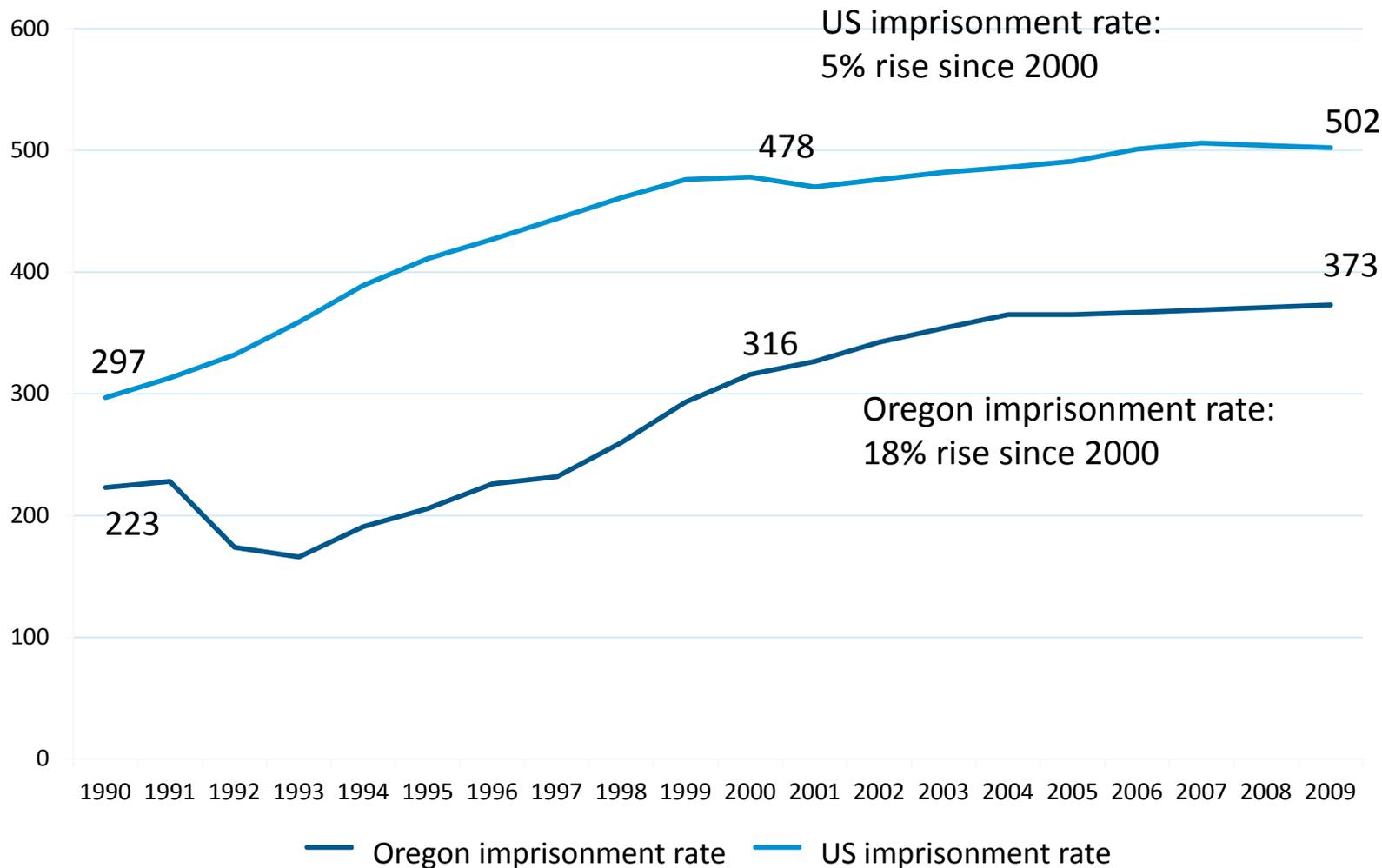


Offense Breakdown of Prison Inmates

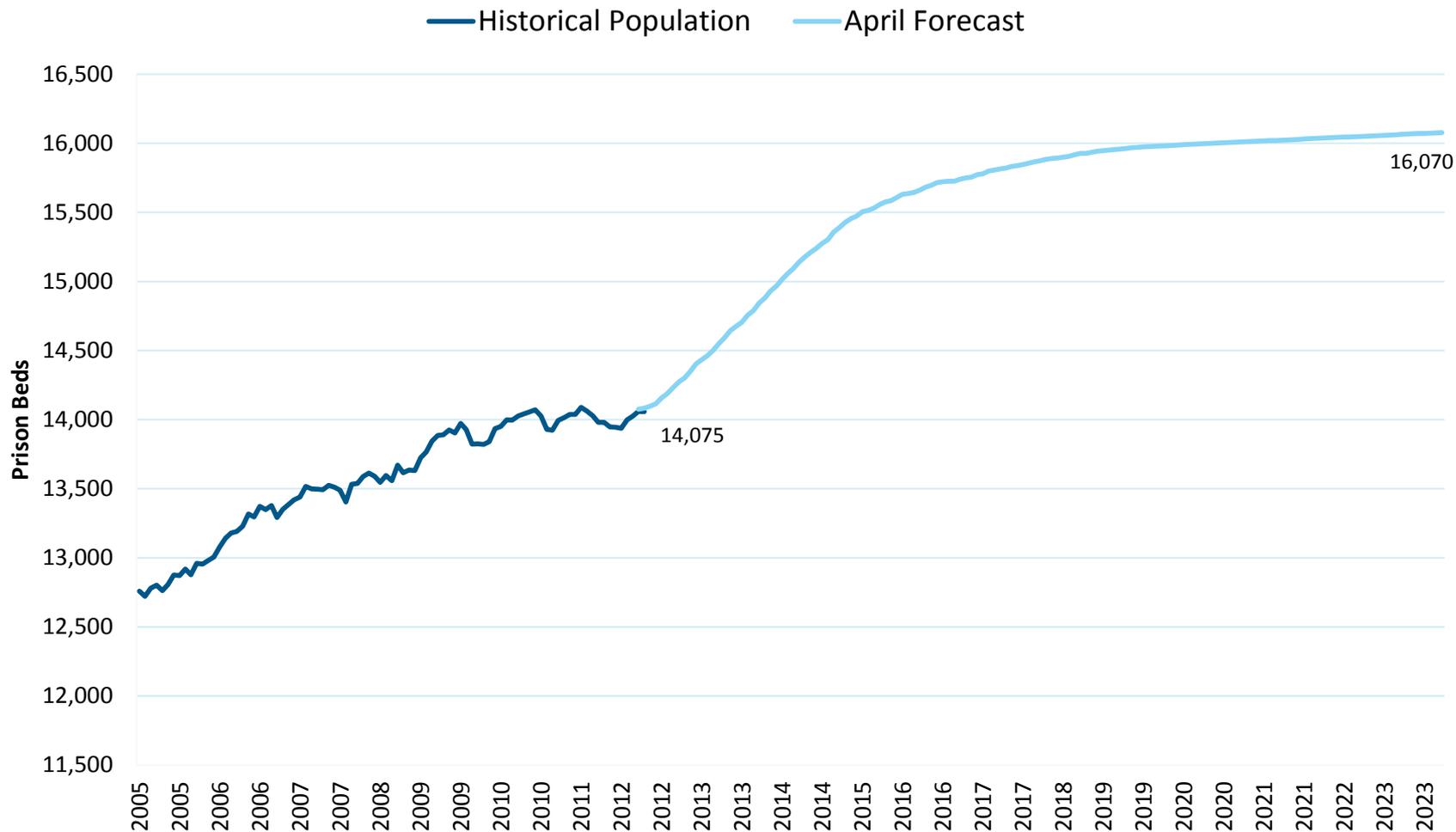
- Person crimes make up the largest share of prison inmates
- Property and other crimes make up an increasing share compared to past years



Oregon's Imprisonment Rate Grew Faster in the 2000s Than the U.S. Rate



April 2012 Prison Pop Forecast

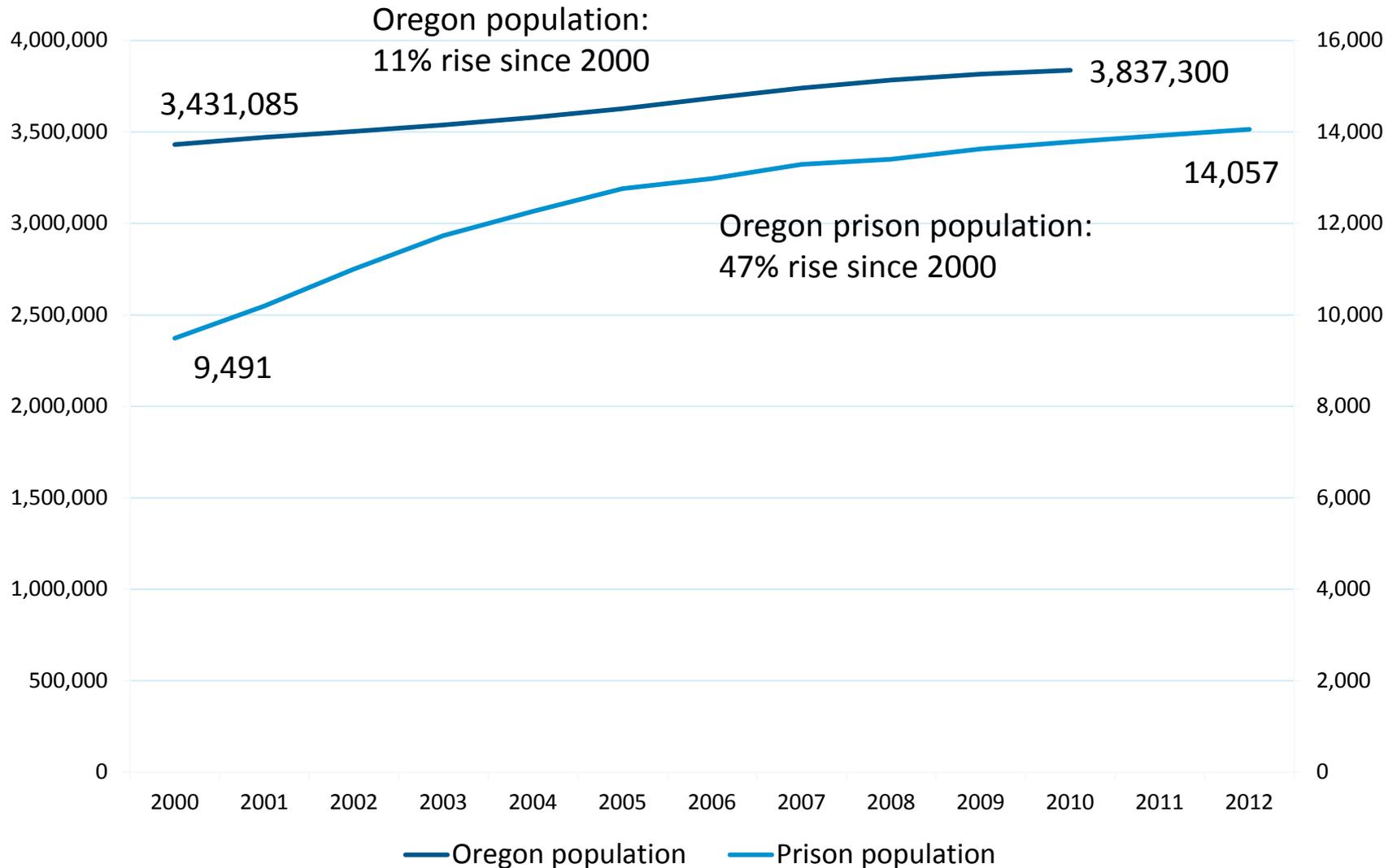


What Drives Prison Growth?

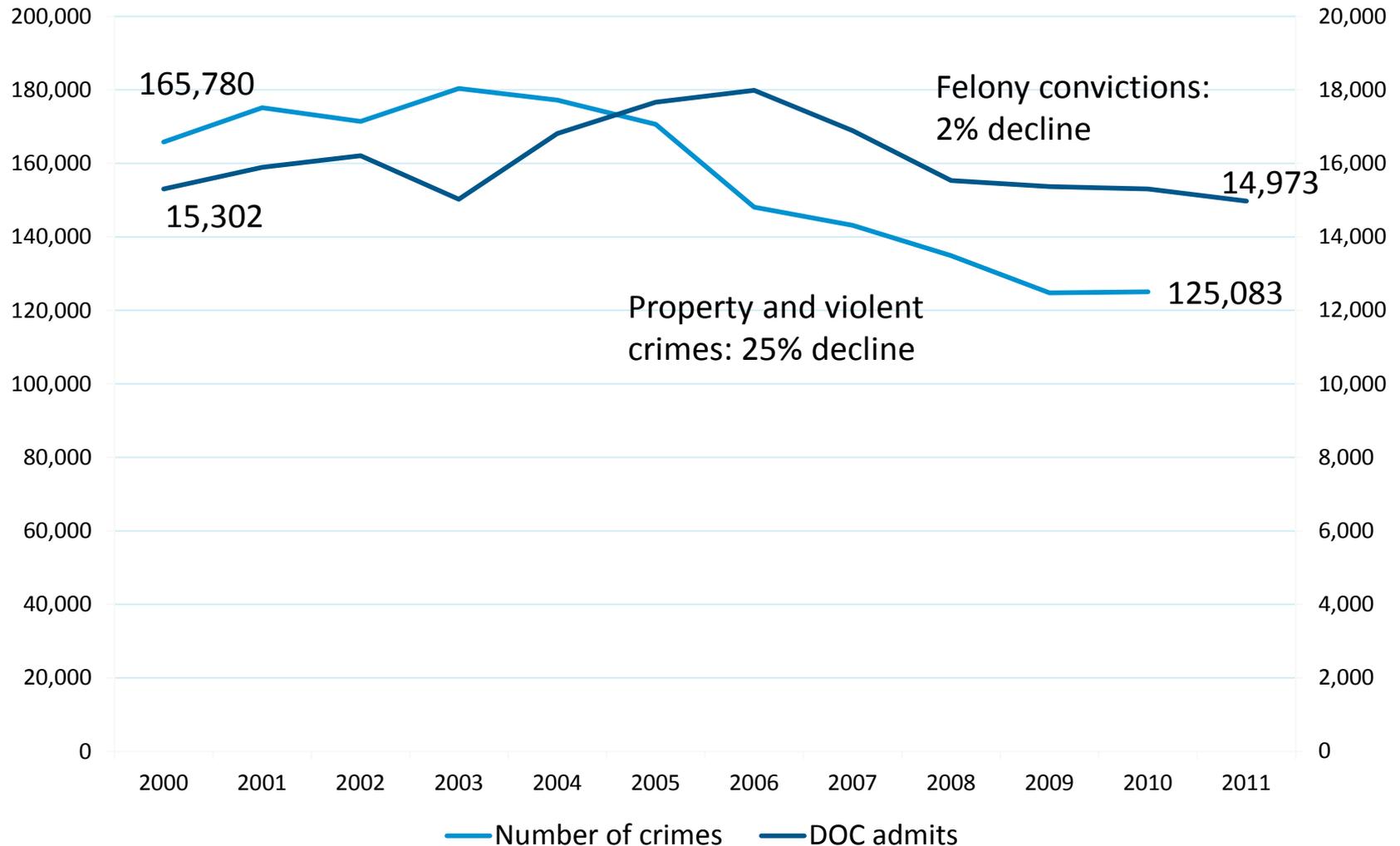
1. Prison admissions: How many people come into prison
2. Length of stay: How long they stay

- State population
- Crime rates
- Felony convictions
- Dispositions (i.e. what happens to sentenced felons)
- State laws and policies

Oregon Prison Population Grew Four Times Faster in the Last Decade than the General Population

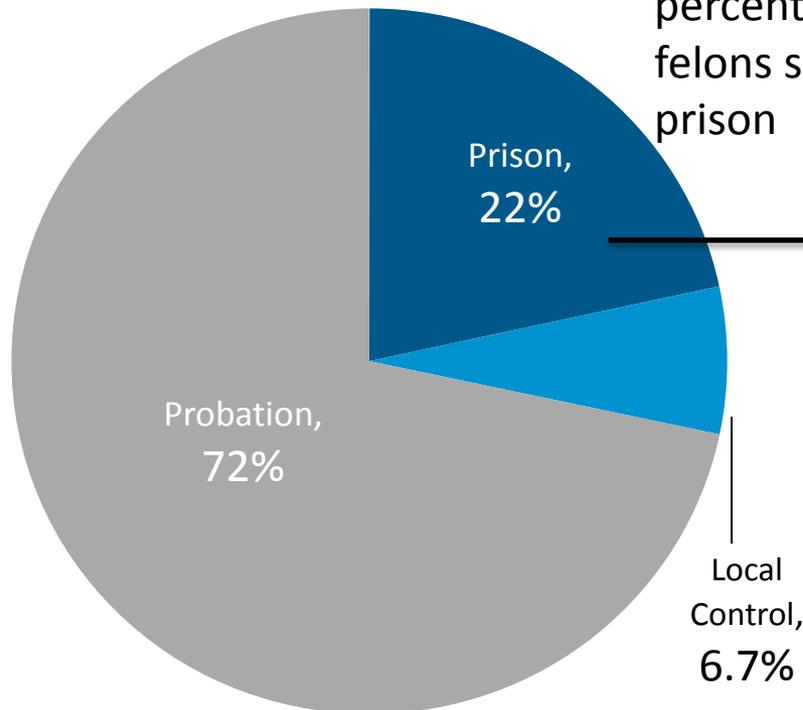


Crimes and Felony Convictions Fell



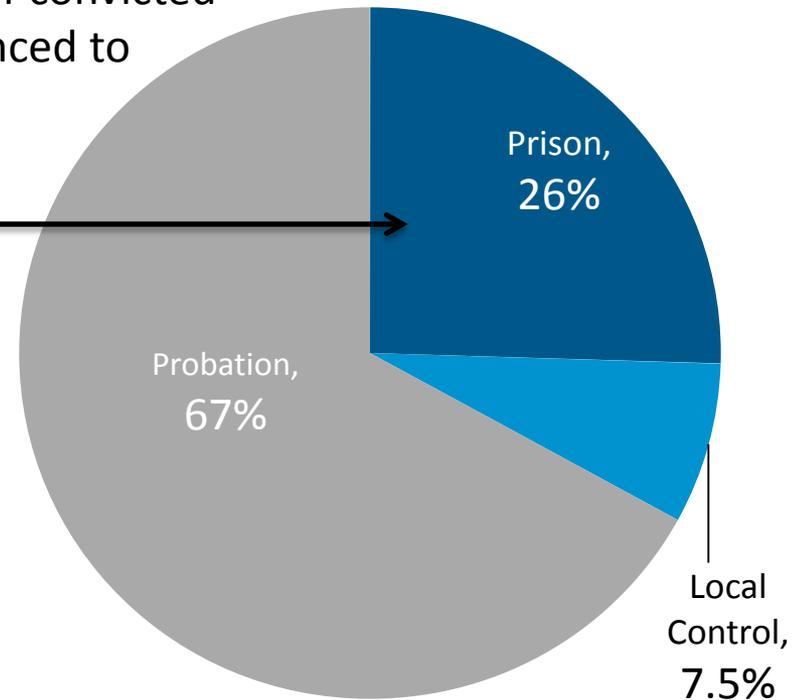
An Increasing Percentage of Convicted Felons Are Being Sentenced to Prison

2000

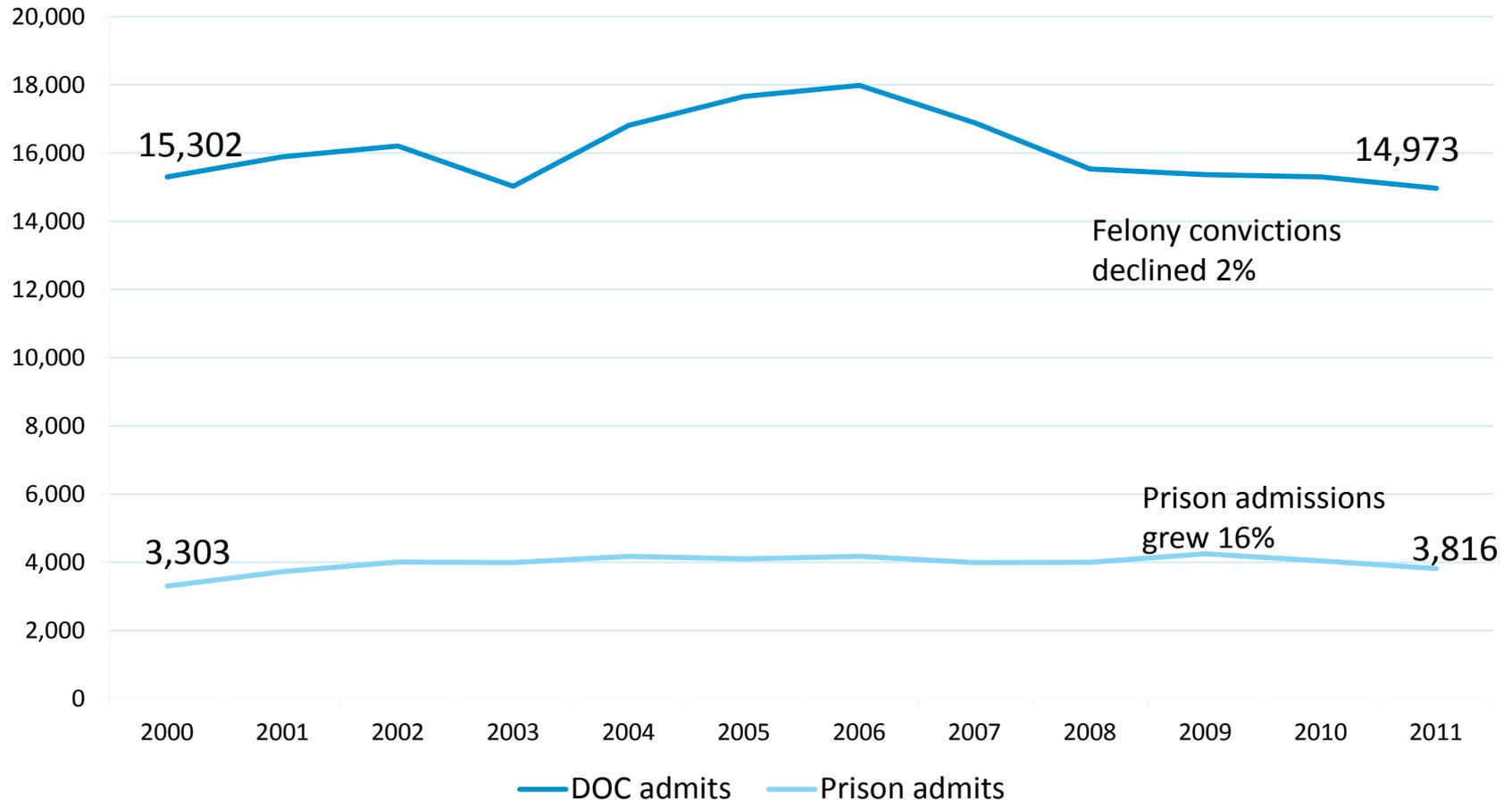


18% growth in the percentage of convicted felons sentenced to prison

2011



Result: Prison Admissions have Grown Despite Falling Felony Convictions



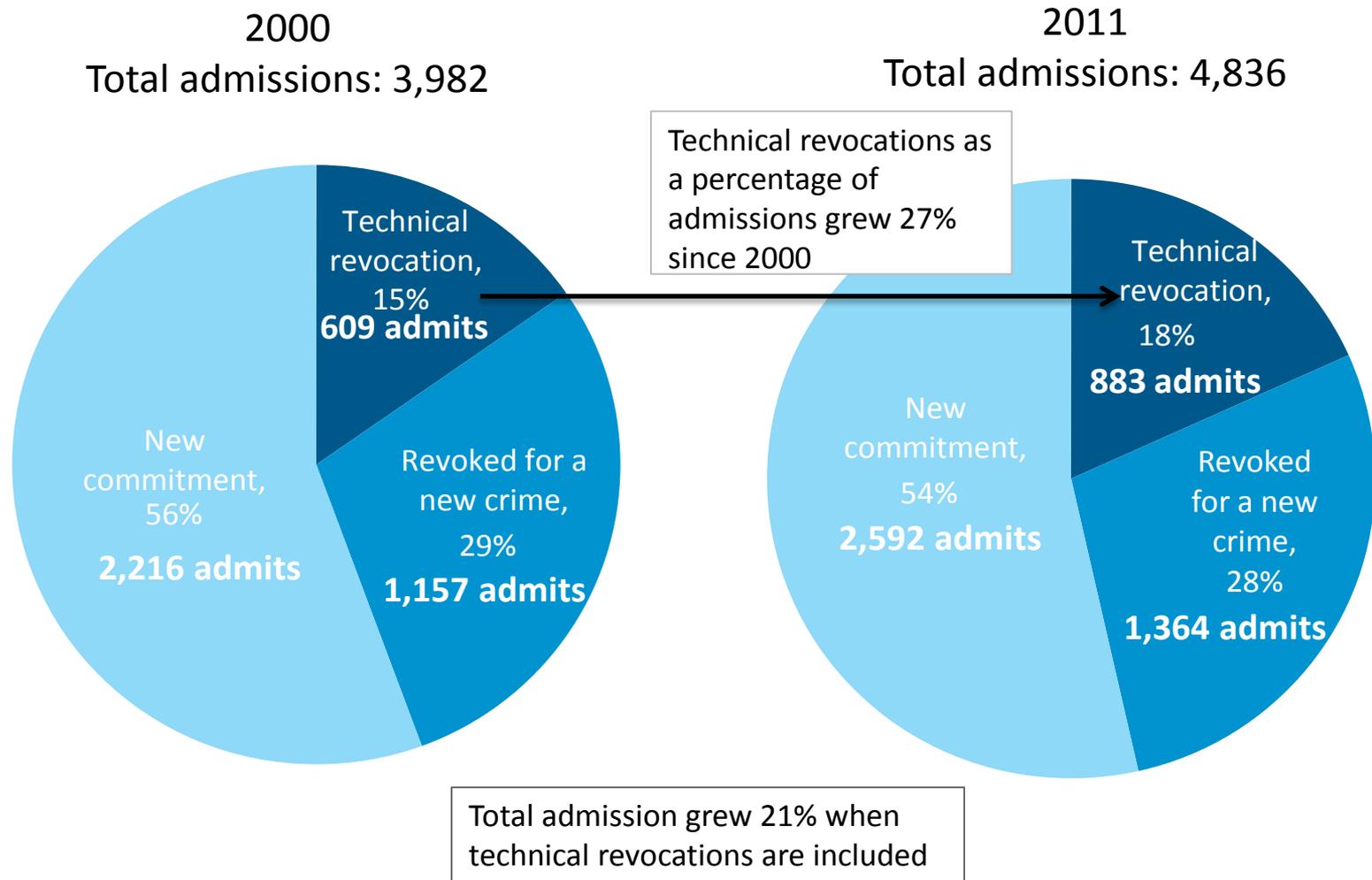
Key Takeaways

- Since 2000, Oregon's prison population has grown 4x faster than its general population
- Crime rates and felony convictions have both fallen since 2000
- Convicted felons are increasingly being sentenced to prison and local control
- Result is that prison admissions have risen 16% since 2000

Who is Entering Prison?

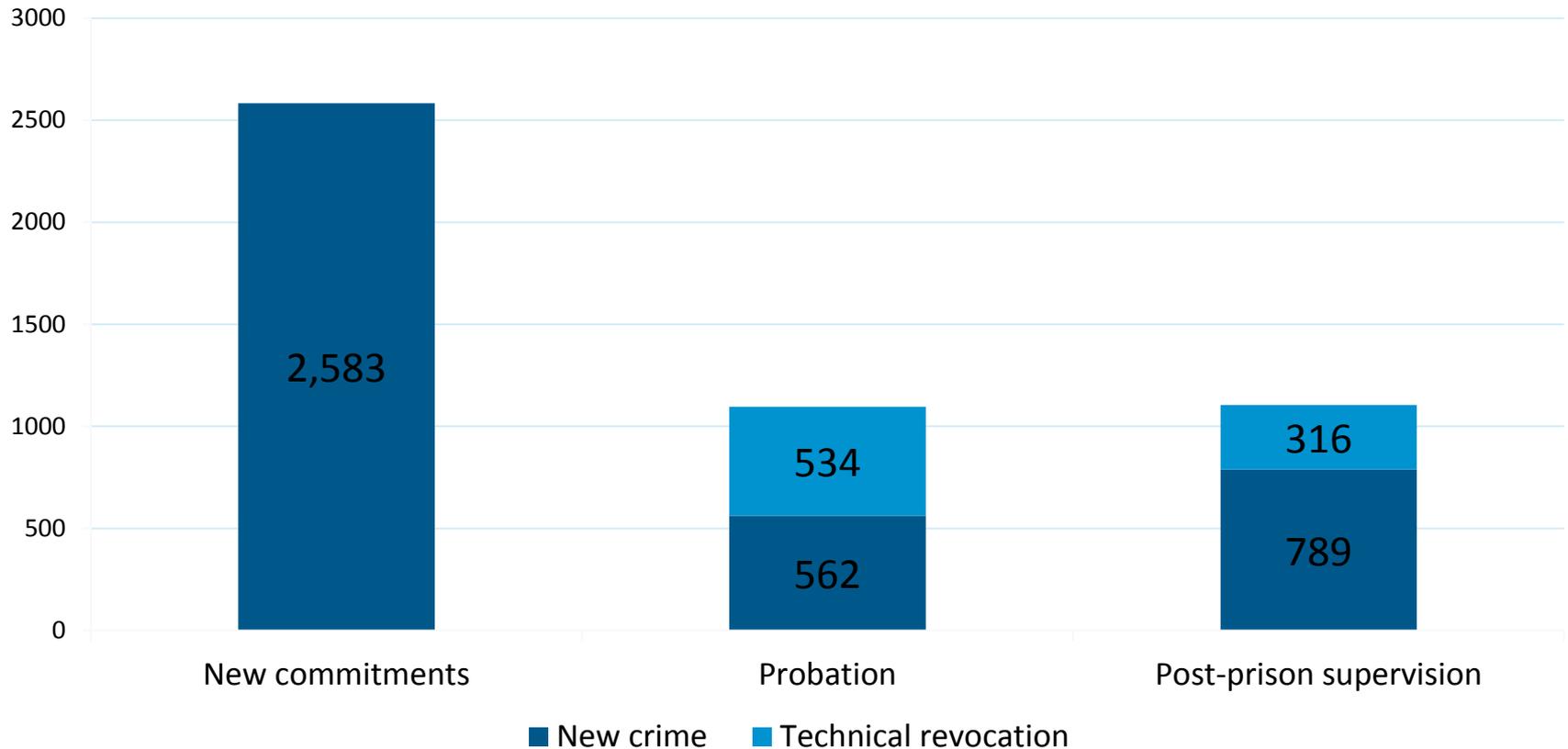
- Revocations versus new commitments
- Offense type
- Risk level
- Criminal history

Nearly Half the Prison Intakes in 2011 Failed on Supervision, Including 18% Admitted for Technical Violations

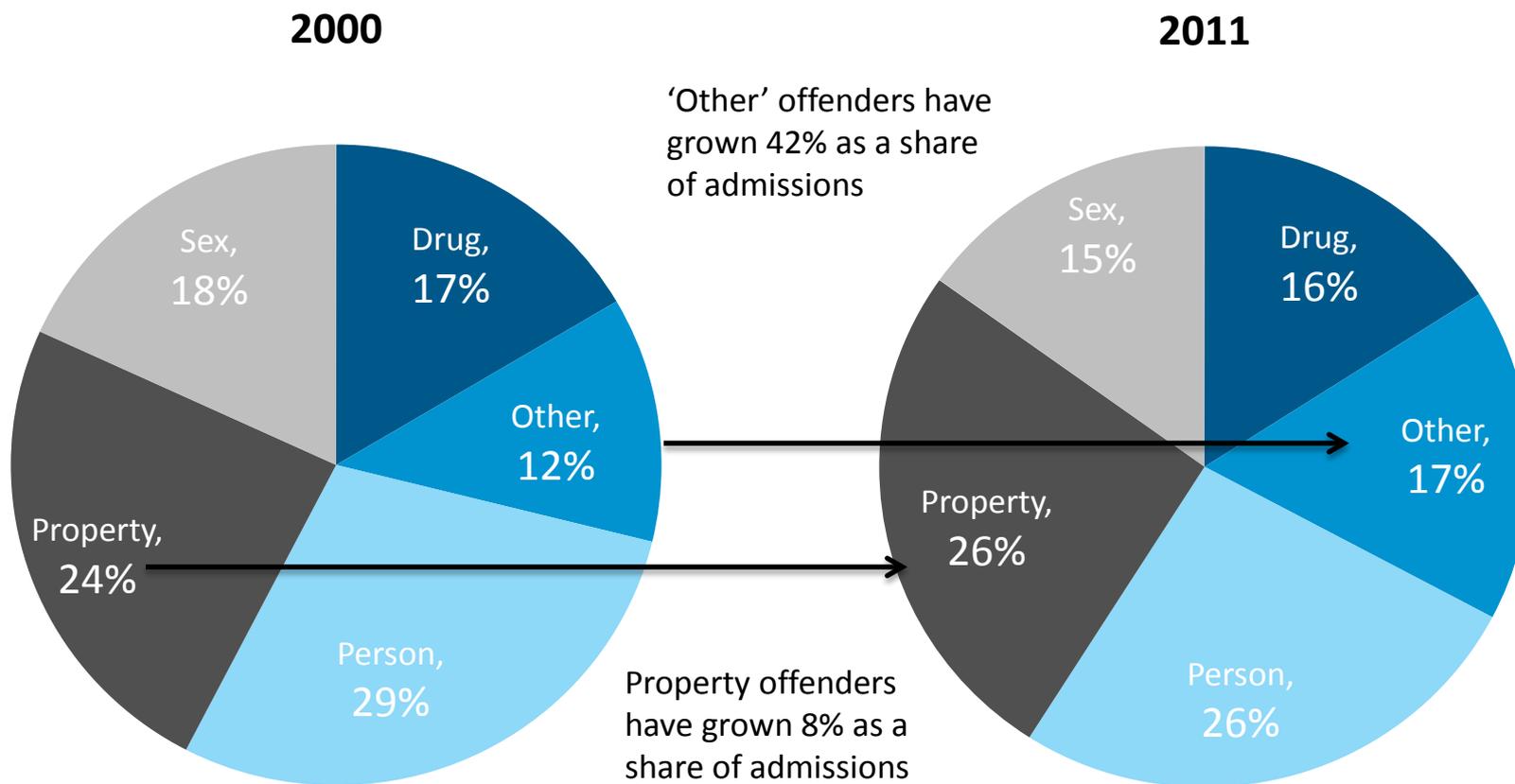


Nearly Half the 2011 Probation Revocations Were Technical Violations

Admissions to Prison, 2011



Property and “Other” Crimes have Grown as Share of Prison Admissions

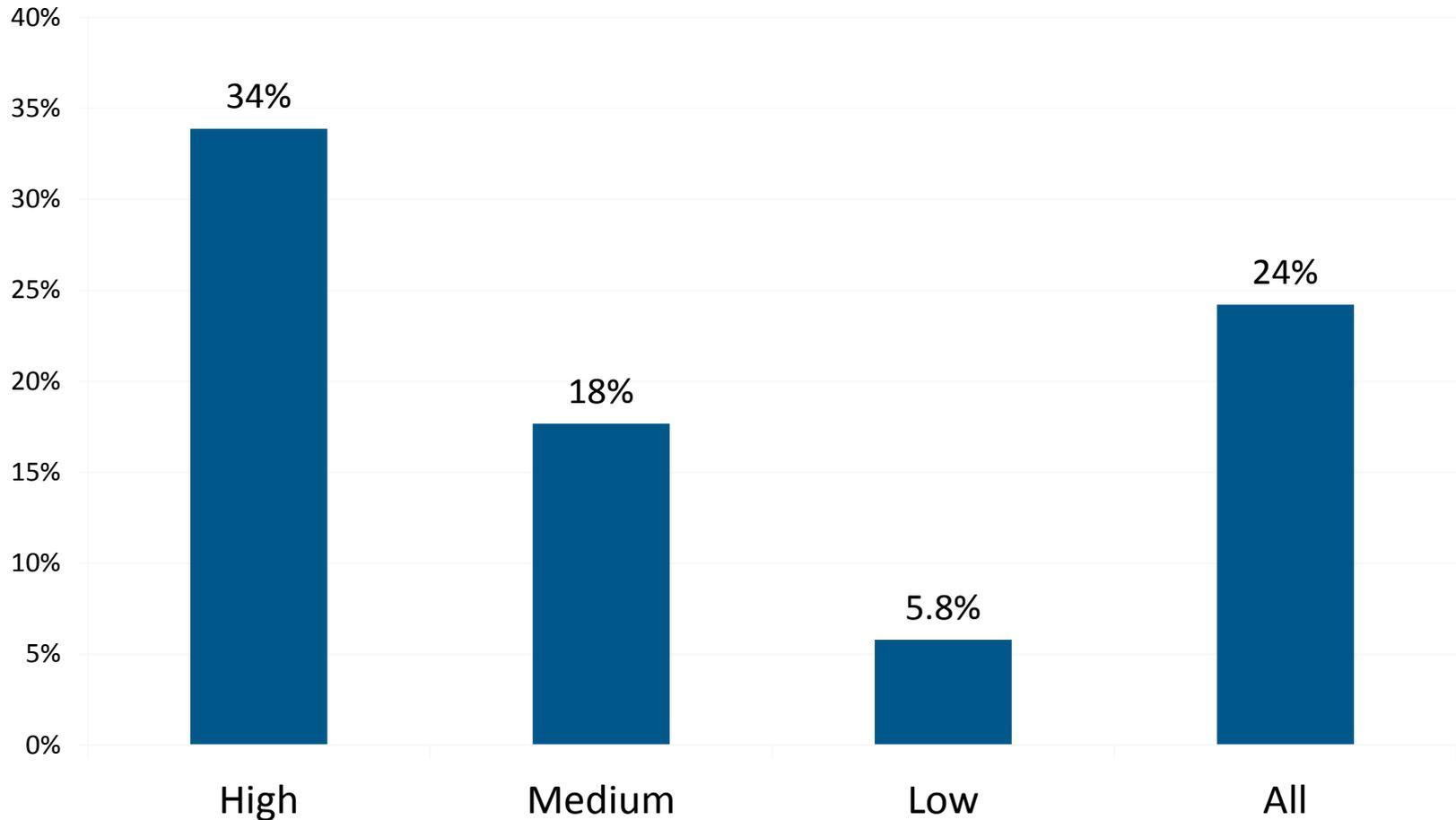


Half of the Top 10 Crimes that Led to Prison Sentences in 2011 Were Drug or Property Crimes

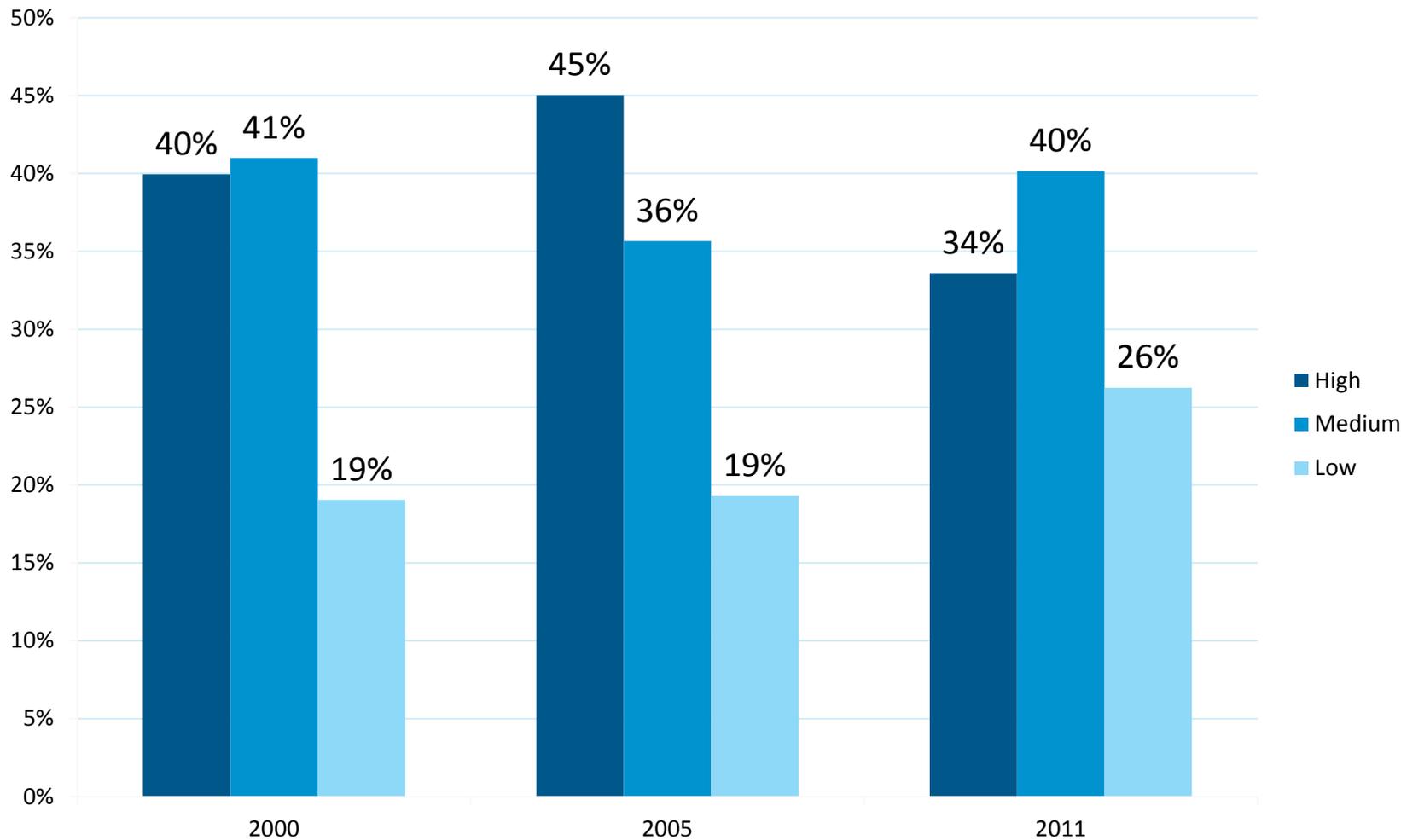
| Top 10 Prison Intakes 2011 | | |
|-------------------------------|--------|-------------|
| | Number | % of Admits |
| BURGLARY I - Level 7 | 132 | |
| BURGLARY I - Level 8 and 9 | 138 | |
| DELIVERY OF METHAMPHETAMINE | 223 | 5.9 |
| THEFT I | 174 | 4.6 |
| UNAUTHORIZED USE OF A VEHICLE | 166 | 4.4 |
| DUII-FELON | 166 | 4.4 |
| ID THEFT | 166 | 4.4 |
| SEX ABUSE 1 N | 147 | 3.9 |
| ASSAULT II | 128 | 3.4 |
| ROBBERY II | 127 | 3.3 |
| DELIVERY HEROIN | 113 | 3.0 |

Oregon's Risk Tool Accurately Identifies High, Medium, and Low Risk Levels

Recidivism Rate of 2008 Release Cohort, by Risk Level



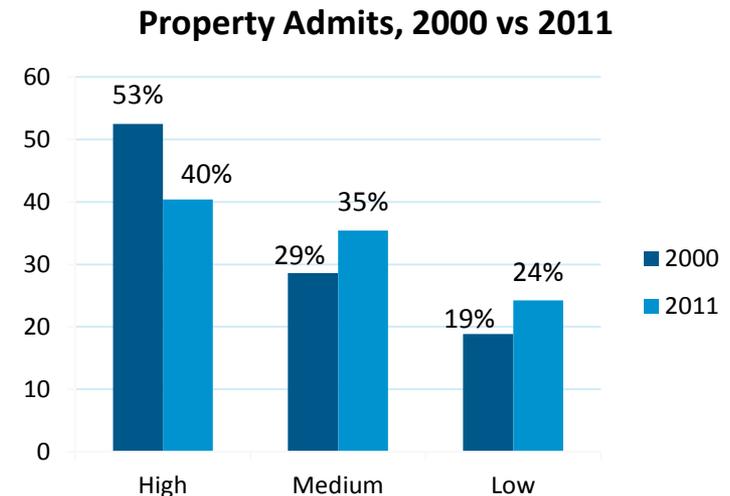
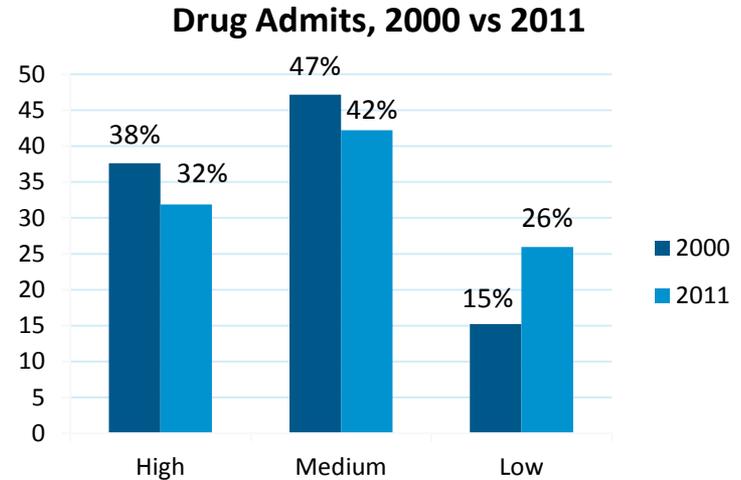
Low and Medium Risk Offenders Made Up Two-Thirds of 2011 Prison Admits*



*Excludes offenders convicted of a sexual offense, who are better evaluated using a tool that evaluates sexual recidivism such as the Static-99.

High Risk Prison Admits Fell and Low Risk Admits Rose for All Crime Types*

- Significant rise in percentage of drug admits that are low risk (from 15% to 26%)
- Significant fall in the percentage of property offenders that are high risk (53% to 40%)
- Overall 60% of property admits and almost 70% of drug admits in 2011 were low or medium risk

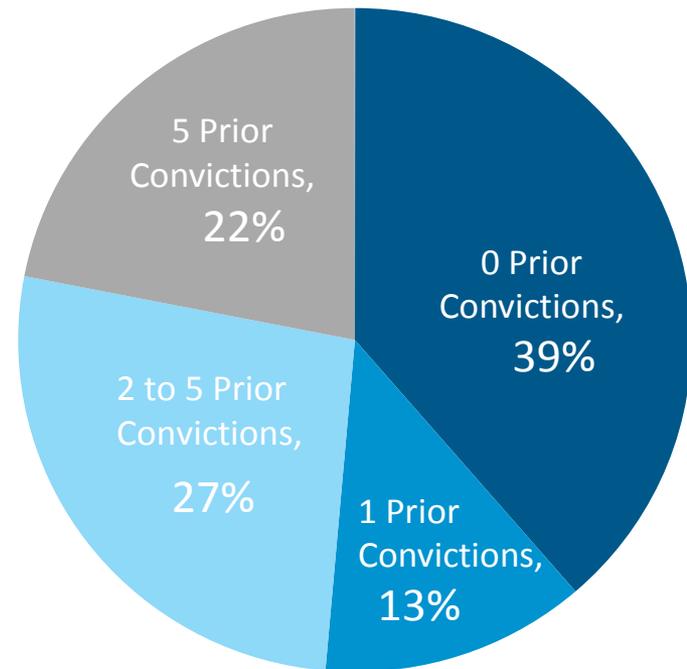


*Excludes offenders convicted of a sexual offense, who are better evaluated using a tool that evaluates sexual recidivism such as the Static-99.

Almost 40% of Prison Admits in 2011 Had No Prior Felony Convictions

- Over 50% of prison admits in 2011 had either zero or one prior felony conviction
- 22% of prison admits had five or more prior felony convictions

2011 Prison Admits



Key Takeaways

- By numerous measures, the offenders admitted to prison in 2011 were less serious than those admitted in 2000
 - More technical revocations rather than new crimes
 - More property and other offenders
 - More low risk offenders
- 46% of people admitted to prison in 2011 were on supervision before coming to prison

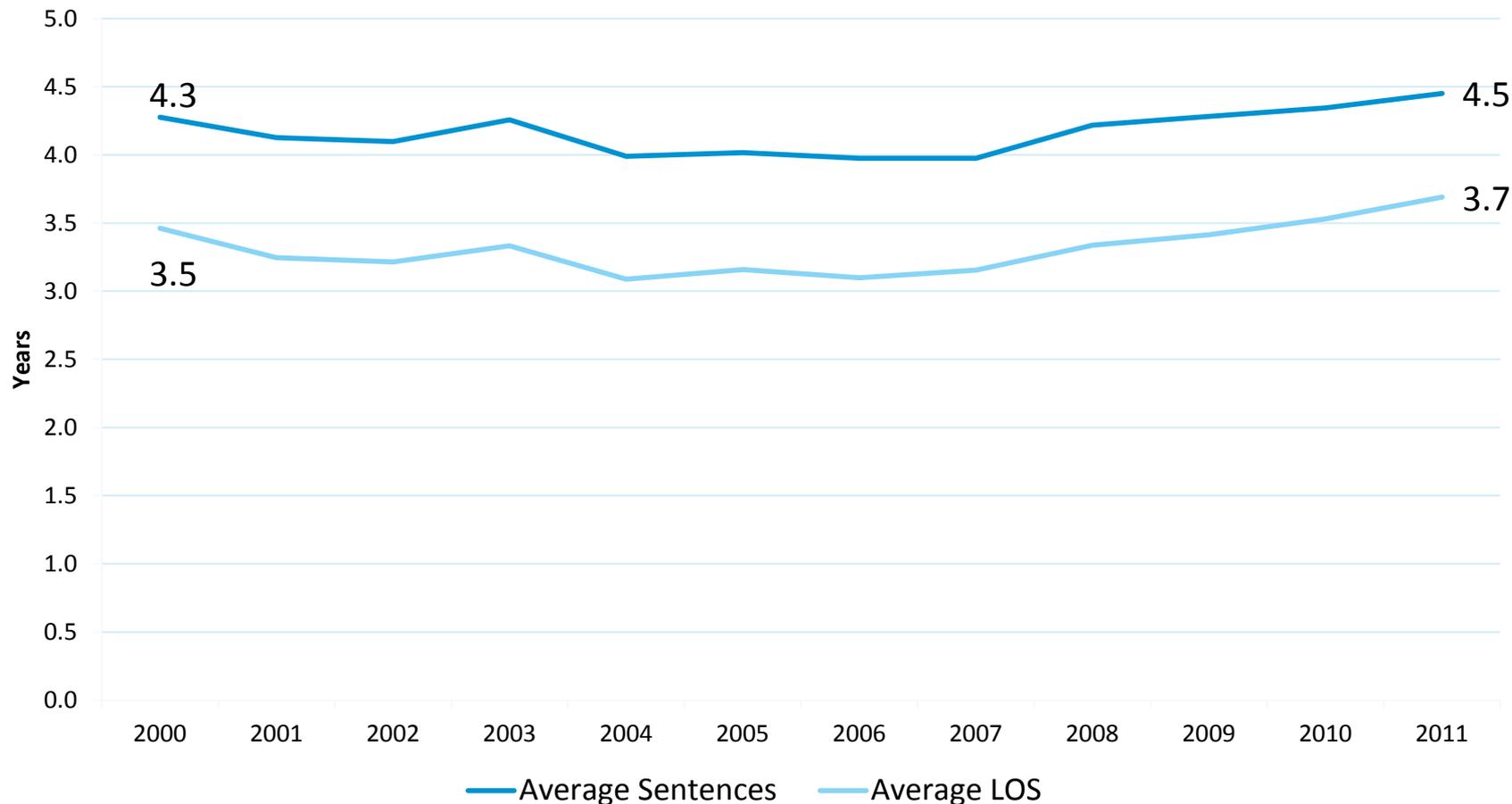
How Long Do Offenders Stay in Prison and Why?

- Sentence vs. length of stay (LOS)
- Factors affecting LOS
 - Crime and convictions
 - Legislation
 - Courts and prosecutors
 - Parole boards/prison administration

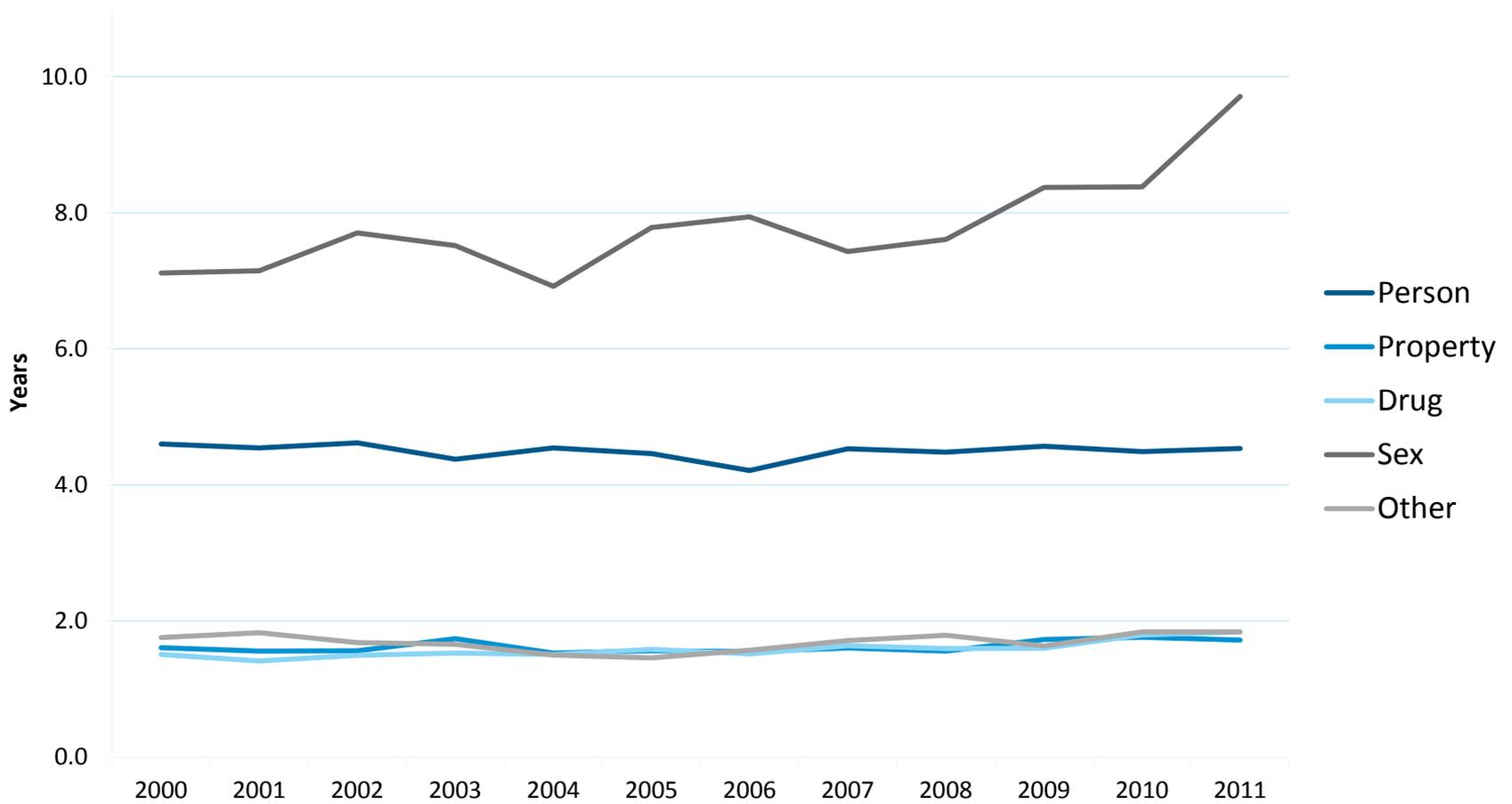
Measuring Length of Stay

- Admission cohort
- Release cohort

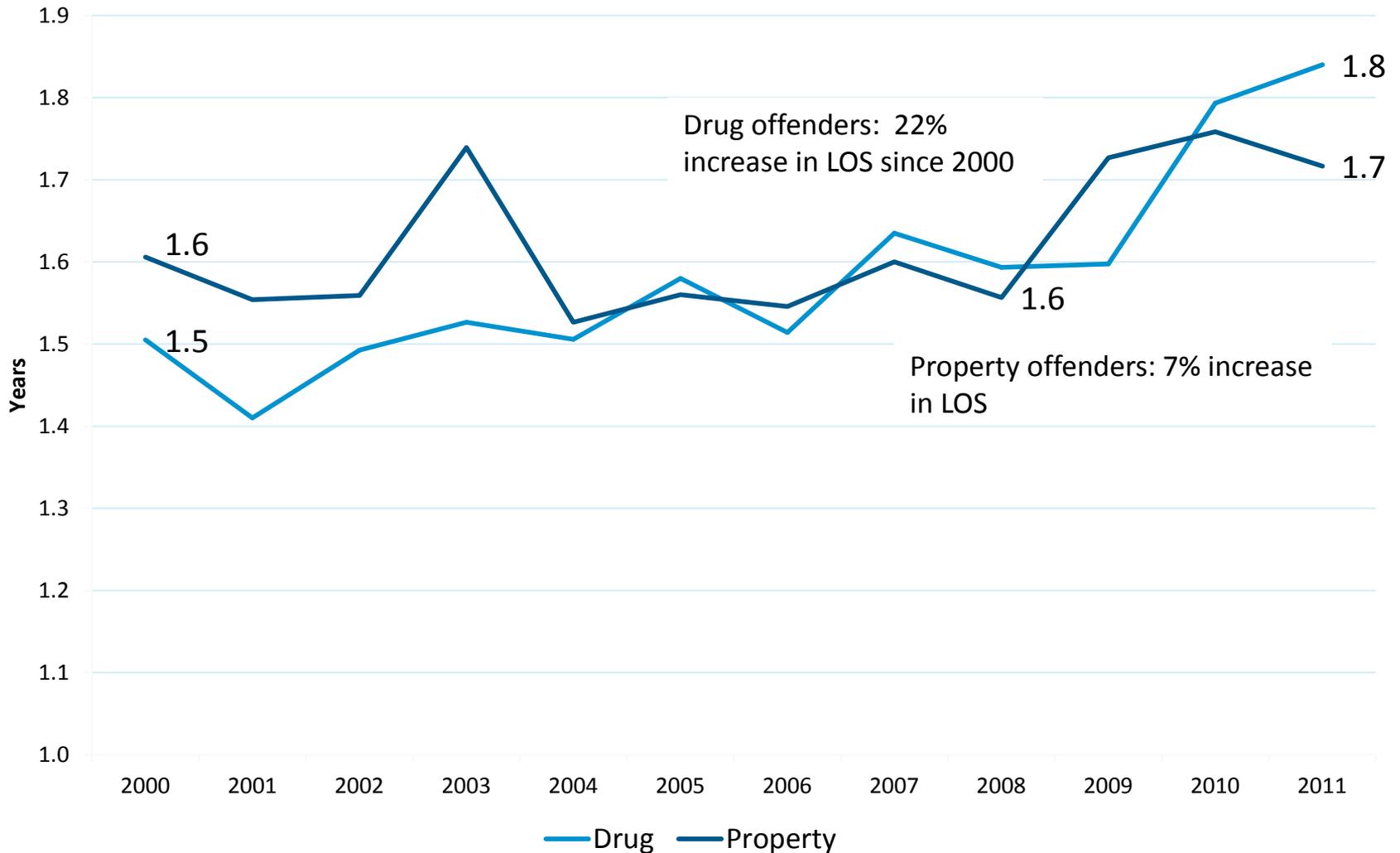
Sentences and Length of Stay have been Rising in Tandem Since 2007



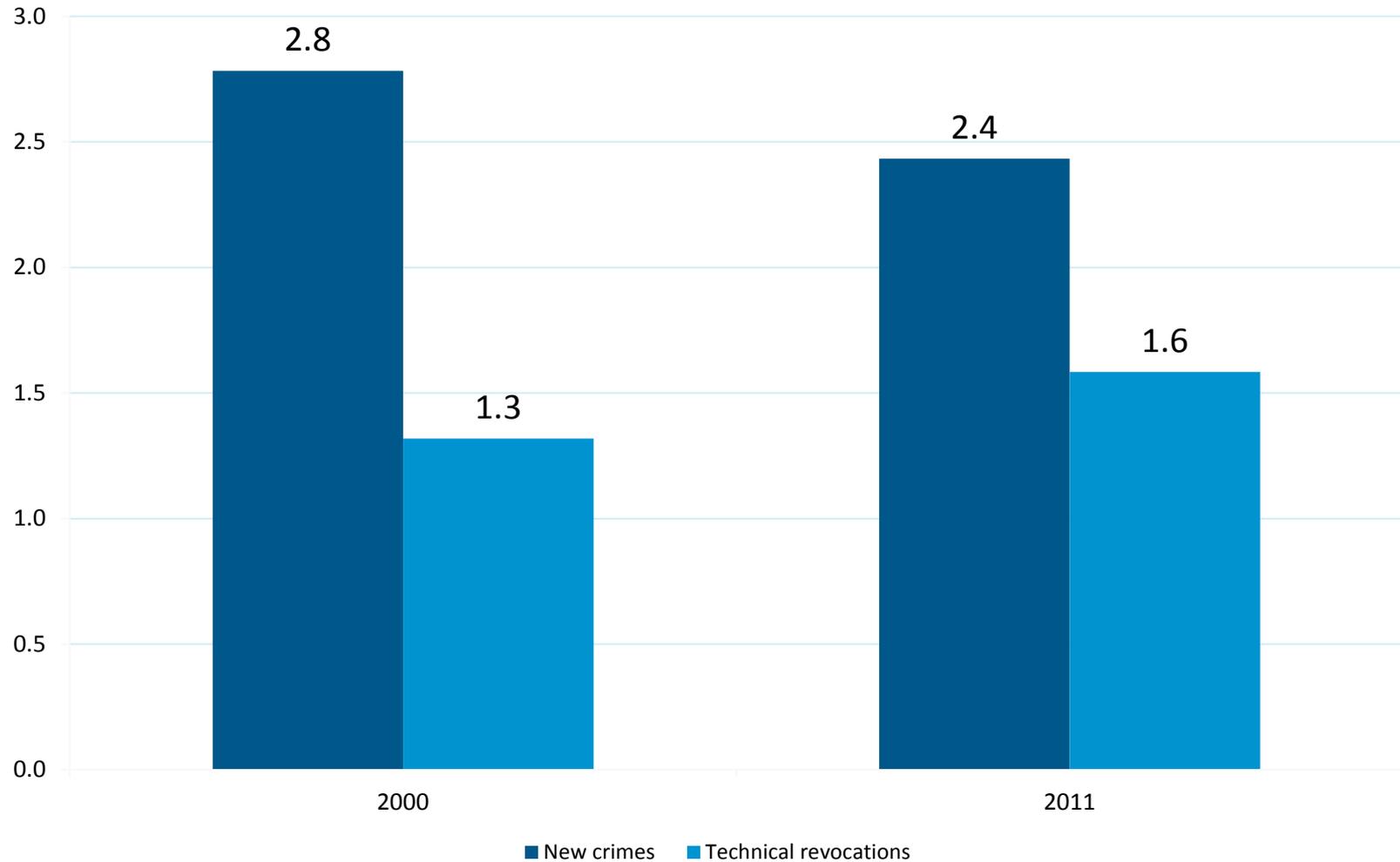
Recent Rise in LOS Driven by Sex Crimes



LOS for Property, Drug Crimes Increased in 2009 and 2010



LOS for Technical Violations of Probation Rose 20% Since 2000



Technical Violators Cost an Extra 500 Beds, Almost the Same Increase as All Nonviolent Offenders

| | Admits for Technical Violations of Probation | LOS (years) | Beds Required |
|------|--|-------------------|---------------|
| 2000 | 232 | 1.3 | 306 |
| 2011 | 523 | 1.6 | 829 |
| | | Difference | 522 |

| | Admits for Nonviolent Crimes | LOS (years) | Beds Required |
|------|------------------------------|-------------------|---------------|
| 2000 | 2,141 | 1.6 | 3,389 |
| 2011 | 2,234 | 1.8 | 3,989 |
| | | Difference | 600 |

Key Takeaways

- Offenders are staying in prison now longer than at any other point in the last decade
 - LOS for property and drug crimes increased in the last three years
 - LOS for sex crimes increased 37% since 2000
- Increased LOS and admissions for technical violators of probation costs the state as many as 500 extra beds for each admission cohort
 - Only slightly smaller than the increasing impact of all nonviolent offenders

Questions?

- Time for a break!
- Up next: policy drivers

Policy Drivers

- Determinate Sentencing Guidelines, 1989
- Key Citizen Initiatives and Legislative Changes

Sentencing Guidelines

- Established in 1989
- Abolished release to parole
- Applies to all felony convictions
- Presumptive sentence, subject to judicial discretion & authority
 - Judge analyzes individual case
 - Decides if mitigating or aggravating circumstances established by law are present
- Offenders in prison can earn up to 20% off their sentences for good behavior and program participation



- Measure 11, 1994
- House Bill 3488 (RPO), 1996
- Measure 57, 2008
- HB 3508, 2009
- Measure 73, 2010

Measure 11

- Mandatory sentences for 16 person crimes (applies at age 15)
- Mandatory sentences range from 70 months for Robbery II to 300 months for murder
- Legislature added six more crimes
- Opt out for some 2nd degree offenses under limited circumstances

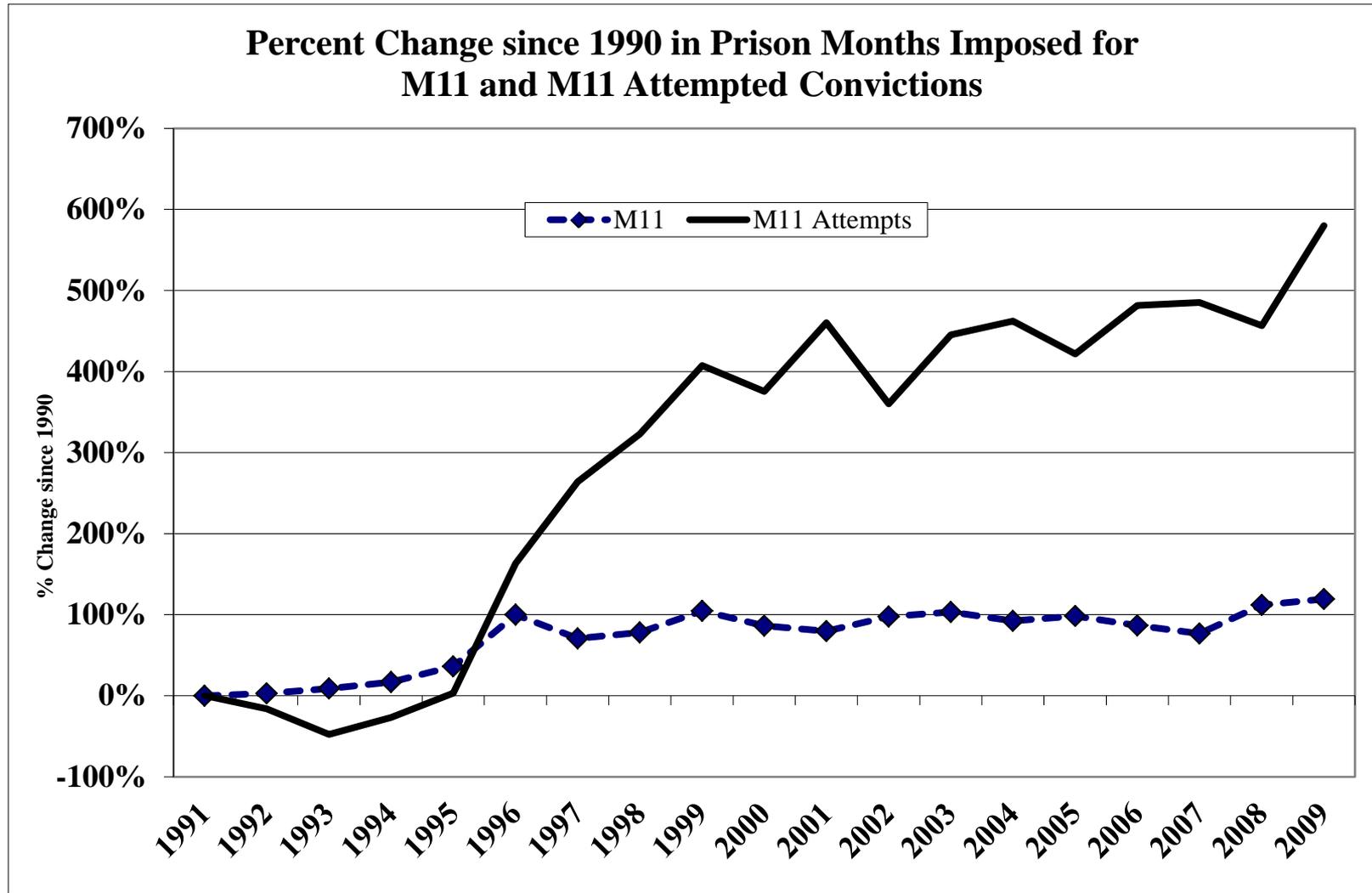
Measure 11 Offenses and Terms

- Arson I (CS 10 only) , 90 months
- Assault I, 90 months
- Assault II*, 70 months
- Attempt or Conspiracy to Commit Aggravated Murder, 120 months
- Attempt or Conspiracy to Commit Murder, 90 months
- Compelling Prostitution , 70 months
- Kidnapping I**, 90, 300 months
- Kidnapping II*, 70 months
- Manslaughter I, 120 months
- Manslaughter II*, 75 months
- Murder, 300 months
- Rape I** , 100, 300 months
- Rape II* , 75 months
- Robbery I, 90 months
- Robbery II*, 70 months
- Sexual Abuse I*, 75 months
- Sexual Penetration II**, 100, 300 months
- Sexual Penetration II*, 75 months
- Sodomy I**, 100, 300 months
- Sodomy II*, 75 months
- Use Child in Display of Sex Act , 70 months
- Aggravated Vehicular Homicide, 240 months

* ORS 137.712 may authorize the court to impose a sentence of less than the M11 minimum.

** 300-month minimum applies only to adult defendants and for crimes committed on or after April 24, 2006.

M11 Led to Increased Sentences



- Measure 11 added an estimated 3,000 beds
- Two major drivers:
 - Increased use of prison and longer sentences for M11 criminal convictions
 - Increased use of prison and longer sentences for offenders indicted for M11 offenses and convicted of lesser offenses

House Bill 3488 (RPO)

- 1996, Repeat Property Offender law
- Prison sentences of 13 and 18 months
- Four prior property offense for most crimes and one prior for certain offenses
- Created in part to take pressure off the local jails from Senate Bill 1145

Measure 57

- Property portion
 - Increased length of presumptive prison sentence and reduced the number of priors needed for prison sentence
 - Limits judge's discretion to sentence to probation or shorter prison sentence
 - Prosecution can stipulate to probation
- Drug portion
 - Created mandatory prison sentences for certain drug manufacturing and delivery
- In effect 2009 through early 2010
- Property portion and part of the drug portion were suspended 2010-2011 (HB 3508)
- In full effect Jan 1, 2012

- 30% earned time for certain nonviolent offenses
 - Applied both prospectively and retroactively with a sunset date of July, 2013
 - Senate Bill 1007, 2010 special session
- Suspended the repeat property and repeat drug portions of Measure 57
- 60 day maximum for revocations of presumptive probation based on technical revocation

Measure 73

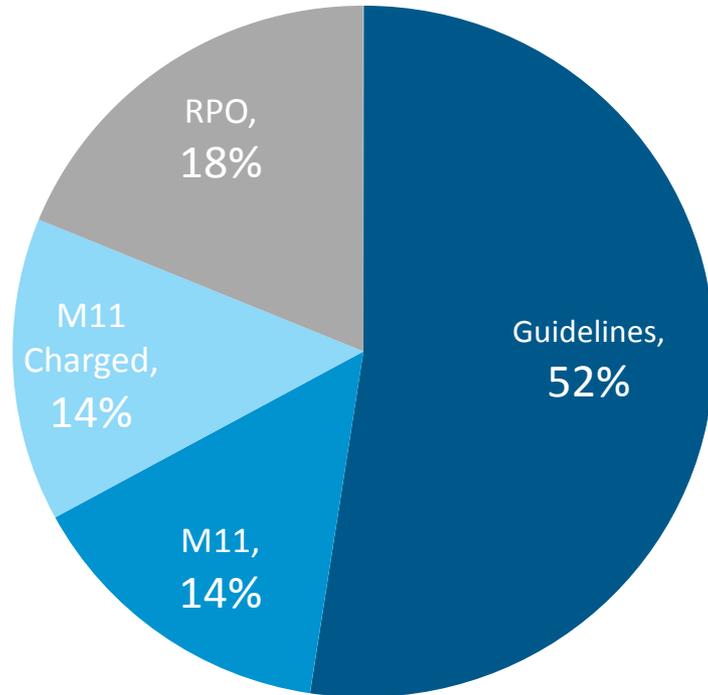
- Passed in November, 2010
- Reduced the number of prior DUII convictions needed to qualify for a felony to three in a 10 year window
- Unintended consequence of creating a presumptive prison sentence
 - Fixed with SB 395 and CJC rule
- Required state to pay for jail stay

17 of the Top 20 Offenses Leading to Prison in 2011 are Impacted by M11, M57, and M73

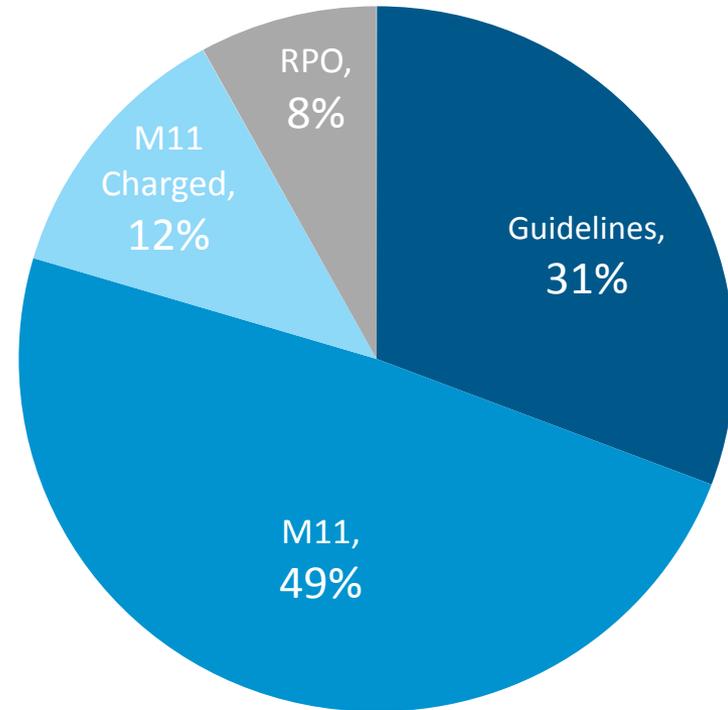
| Top 20 Prison Intakes 2011 | | | |
|-------------------------------|-----|--|----------------------|
| | N | Cumulative Percent of all Prison Intakes | Sentencing Structure |
| BURGLARY I | 292 | 7.65 | Guidelines/M57 |
| DELIVERY OF METHAMPHETAMINE | 223 | 13.5 | Guidelines/M57 |
| THEFT I | 174 | 18.06 | M57 |
| UNAUTHORIZED USE OF A VEHICLE | 166 | 22.41 | M57 |
| DUII-FELON | 166 | 26.76 | M73/Guidelines |
| IDENTITY THEFT | 166 | 31.11 | M57 |
| SEXUAL ABUSE 1 | 147 | 34.96 | M11 |
| ASSAULT II | 128 | 38.32 | M11/Guidelines |
| ROBBERY II | 127 | 41.65 | M11/Guidelines |
| DELIVERY OF HEROIN | 113 | 44.61 | Guidelines/M57 |
| ASSAULT IV CF DV | 111 | 47.52 | Guidelines |
| FELON WITH A WEAPON | 104 | 50.25 | Guidelines |
| BURGLARY II | 96 | 52.77 | M57 |
| WEAPON USE | 77 | 54.79 | Guidelines |
| ASSAULT III | 70 | 56.62 | Guidelines/M11 Plea |
| ROBBERY I | 69 | 58.43 | M11/Guidelines |
| COERCION | 67 | 60.19 | Guidelines |
| ASSAULT II ATTEMPTED | 67 | 61.95 | Guidelines/M11 Plea |
| THEFT AGGRAVATED | 63 | 63.6 | M57 |
| RAPE I | 56 | 65.07 | M11 |

While Over Half of Admissions are Sentenced Under the Guidelines, They Account for Only 31% of the Prison Bed Impact

Prison Admits by Sentencing Structure, 2011



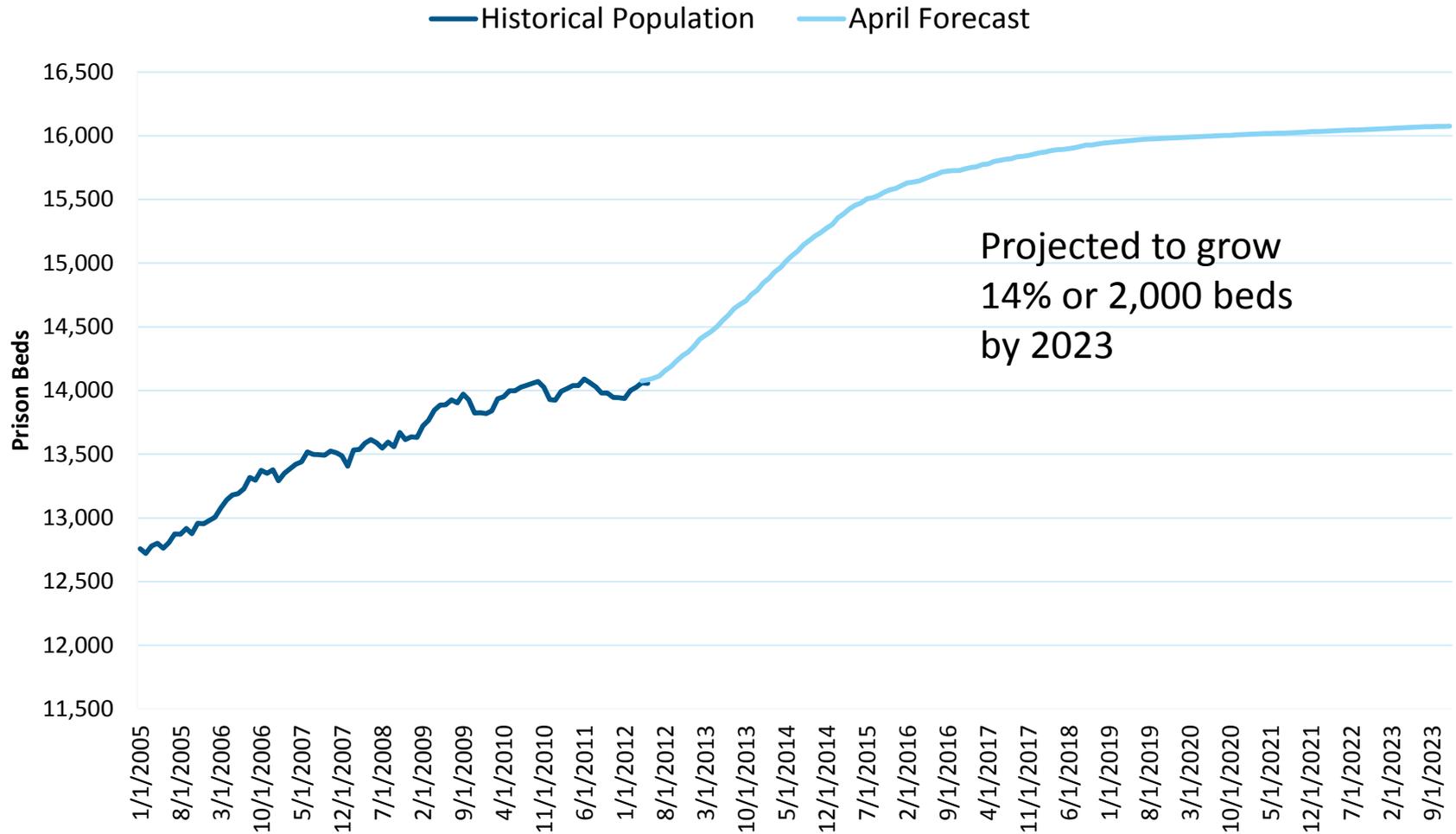
Prison Bed Impact by Sentencing Structure, 2011



Key Takeaways

- Increased prison sentences and length of stay for offenders indicted for M11 crimes accounted for about 3,000 additional prison beds
- Measure 57, which increases penalties for property and drug offenders, is in full effect as of January 1, 2012
- 17 of the top 20 offenses leading to prison in 2011 are impacted by M11, M57, and M73
- While over half of admissions are sentenced under the guidelines, they account for only 31% of the prison bed impact

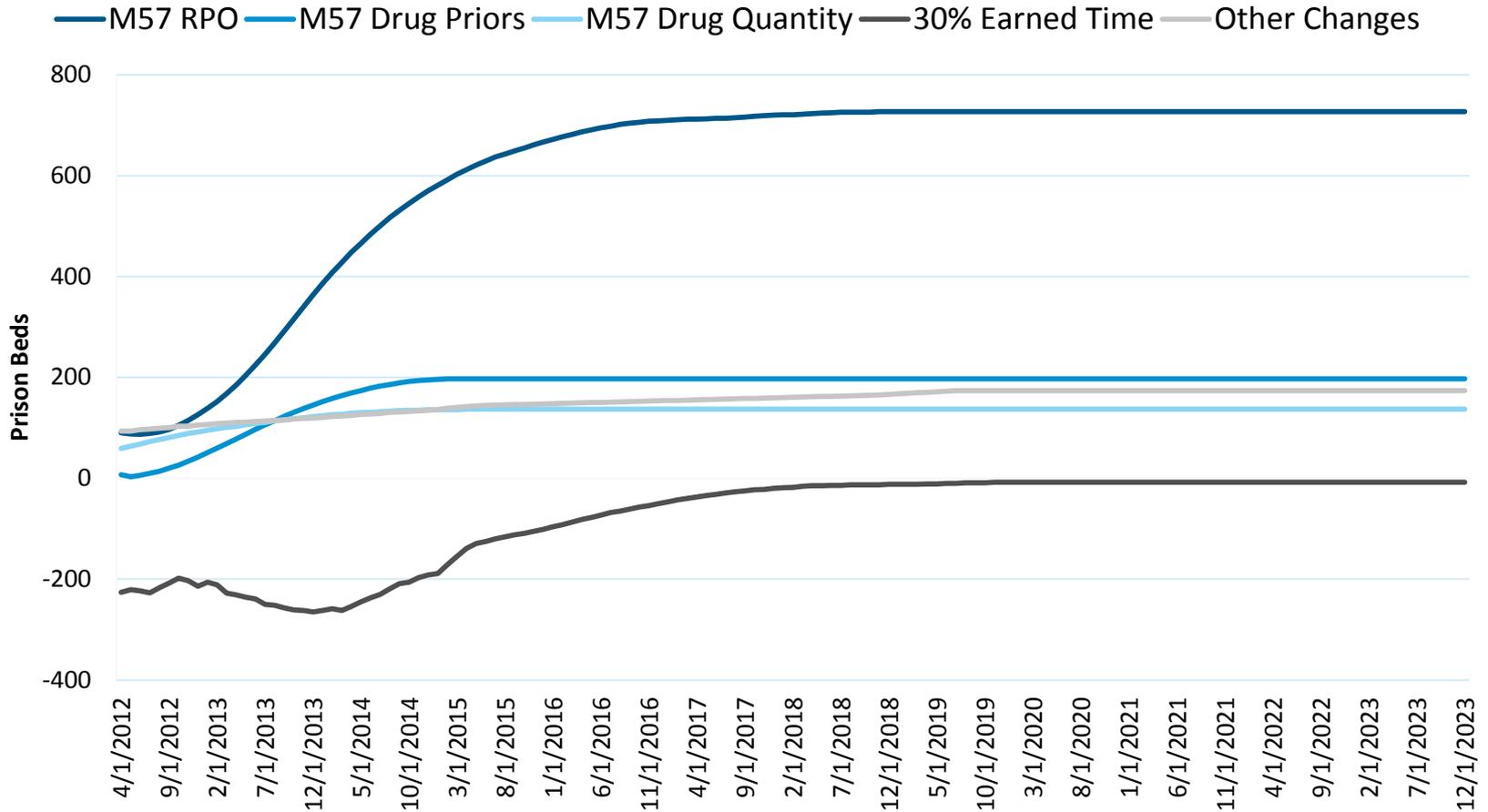
April 2012 Prison Population Forecast



- Increasing use of prison for convicted felons
- Increasing percentage of admissions made up of technical probation violators
- More low risk offenders going to prison
- More property and other (DUI, weapons) offenders going to prison
- Offenders staying longer in prison
- M11 is not causing the most recent growth, but still having a huge impact on the prison population because of lengthy sentences

Measure 57 Expected to Add 1,000 Beds by 2016

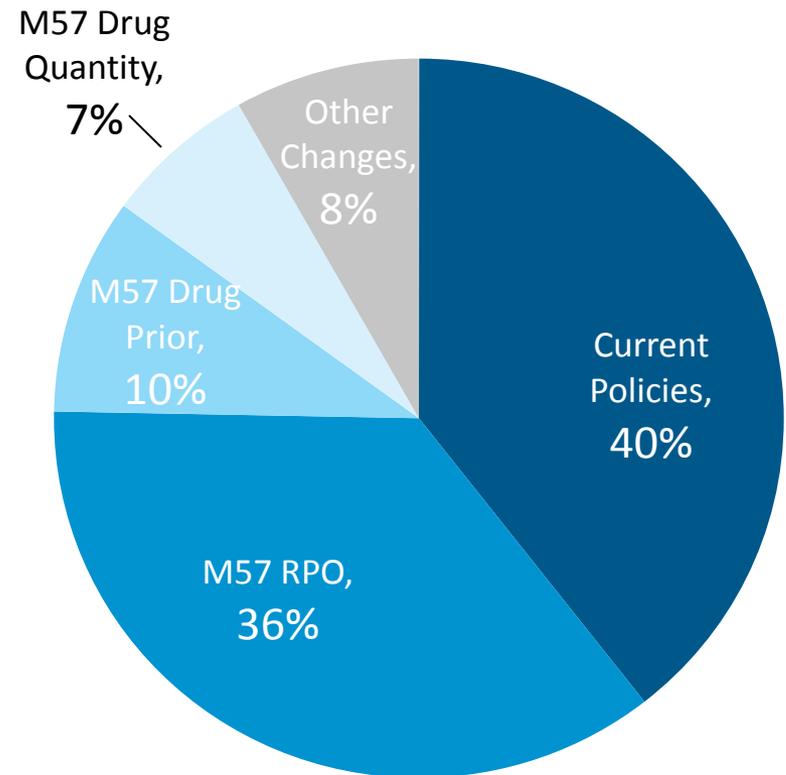
Estimated Impact of Recent Law and Policy Changes



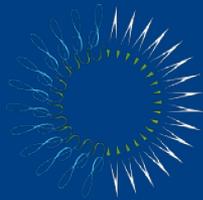
Key Takeaways

- In 10 years Oregon will have added 2,000 prison beds
- What will this growth look like?
 - 40% of growth will be from the continuation of current policy and population trends
 - 36% will be increasing incarceration of property offenders based on M57
 - 17% will be increasing incarceration of drug offenders based on M57
 - 8% from other policy changes

Growth in Prison Population



- Questions?
- Time for Discussion
- Next Commission meeting:
 - Cost drivers
 - Community corrections, local control, OYA



THE
PEW
CENTER ON THE STATES

www.pewstates.org