

Oregon Corrections, Crime, and Sentencing Overview

Craig Prins, Executive Director

Michael Wilson, Economist

Criminal Justice Commission

CJC: Provide information & tools for legislative answers

- Sentencing Structure Today
- Public Perceptions on Public Safety
- Risk Assessment
- Cost-Benefit

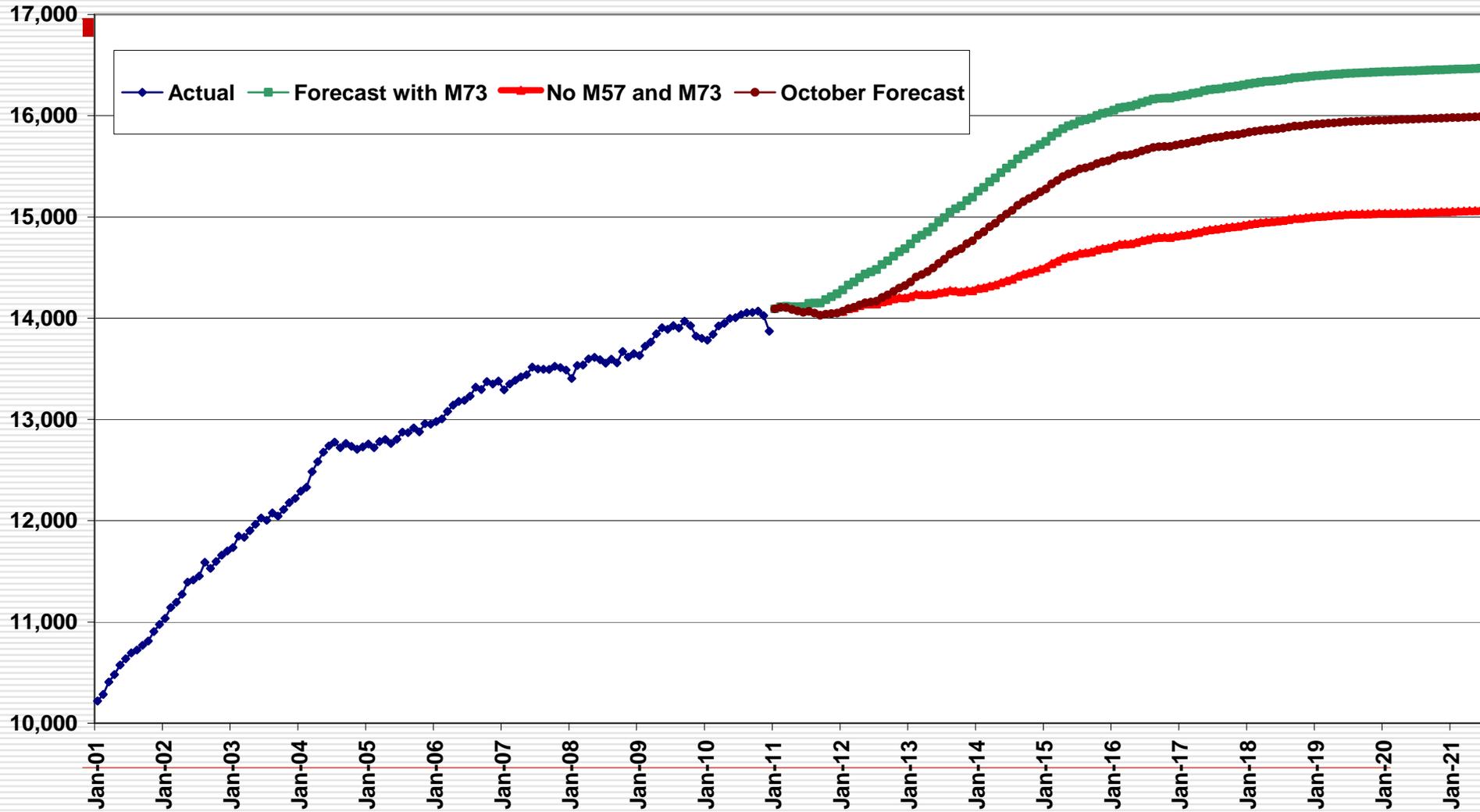
Oregon Crime Rates

- ❑ Violent and Property Crime at 40 year low (FBI UCR)
- ❑ Largest decreases in property crime in the country in the last 5 years
- ❑ Do not assume citizens “feel” safe

Incarceration Trends

- Below U.S. average – 28th highest rate
 - Tripled since 1980, Nation nearly quadrupled
 - Since the 90's Oregon's incarceration rate has increased faster than the U.S. average
 - M73 and reinstatement of M57 will increase need for prison beds
-

Prison Population and Forecast



Oregon's Sentencing Structure: What drives Oregon's need for prison beds?

Current Sentencing Policy

- ❑ The current sentencing structure grows our need for prison beds by 2500 over the “decade of deficits”
 - ❑ Is the forecast a thermometer or a thermostat?
 - ❑ Starting question: Do we agree that we need to control this growth?
 - ❑ How do we do that and maintain public safety?
-

Long and Short Term changes

- ❑ Short Term (2011-2013) “intake control” or “early release”
 - ❑ Long term: comprehensive sentencing guidelines
 - Public Safety informed by best evidence
 - Incorporate the spirit of initiatives
 - By-product of citizen initiatives: legislative and judicial branch have lost control of individual sentencing decisions
 - Who decides based on what information?
-

2011-13 Answers

- ❑ Key: a 10 year or 2 year sentence costs the same in 2011-2013
- ❑ Over 4,300 went to prison in 2010 for a new crime, 2,000 are “non-violent”
- ❑ Which can be safely managed in our county supervision, jail, and services system?
- ❑ Balancing multiple goals of sentencing

Principles of Sentencing

Accountability and Public Safety

- Personal responsibility
- Accountability
- Past Oriented
- Public Values
- Just Deserts
- Blameworthiness
- Seriousness of Offense
- Culpability
- Uniformity
- Proportionality
- Protection of Society
- Reformation
- Future Oriented
- Public Safety
- Reduce Recidivism
- Crime Reduction
- Incapacitation
- Deterrence
- Differentiate
- Individualized

Oregon Sentencing

□ Pre-Guidelines

- Judge and Parole Board control sentence
- Release Matrix implemented
- 1975 to 1987 prison population doubled
- 1980 federal decree to reduce (vacated)
- Three measures to pay for prisons failed

□ 1989 “capacity based” guidelines

- Legislative control

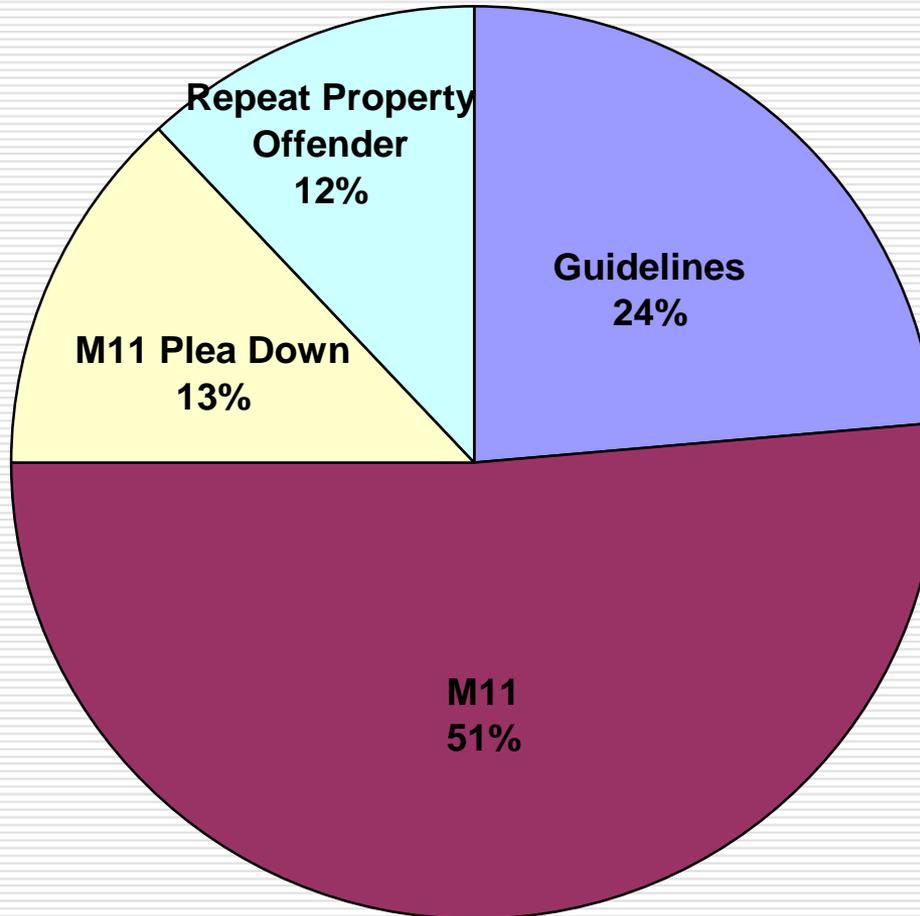
□ 1994 Citizen Control

- DA control through application
-

Most Prison Intakes are Impacted by Voter Approved Initiatives (2/3)

Top 20 Prison Intakes, 2010			
Crime	N	Cumm. %	Sentencing Structure
BURG I	401	8%	Guidelines/M57
THEFT I	248	15%	M57
DELIV METH	220	20%	Guidelines/M57
ID THEFT	219	26%	M57
UN USE VEH	191	30%	M57
ROBB II	153	34%	M11/Guidelines
SEXAB I	137	37%	M11
DUII-FELON	129	41%	M73/Guidelines
ASSA IV CF	129	44%	Guidelines
ASSA III	128	47%	Guidelines/M11 Plea
ASSA II	126	50%	M11/Guidelines
FELON WEAP	119	52%	Guidelines
BURG II	98	54%	M57
ASSA II AT	97	57%	Guidelines/M11 Plea
DEL HEROIN	88	58%	Guidelines/M57
SEXAB II	87	60%	Guidelines/M11 Plea
ROBB I	84	62%	M11
SEXAB I AT	83	64%	Guidelines/M11 Plea
THEFT AGGR	79	65%	M57
WEAP USE	77	67%	Guidelines

Prison Months for all Intakes, 2009



Critical Sentencing Question

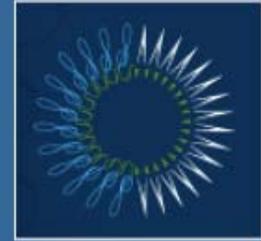
- ❑ Which actor in the criminal justice system is best situated to apply sentencing law in an individual case?
 - ❑ Should a party opponent or the judge evaluate the offense, the offender, and the impact to the victim
 - ❑ 22 states and federal system answer that a guidelines system is the best balance of legislative, executive, and judicial powers
-

Modern Sentencing Guidelines

- ❑ Public Safety Focused: Guided by 20 years of corrections research and criminology
 - ❑ Discretion moved back to neutral judicial officer
 - ❑ Use 9000 beds built since 1989
 - ❑ Guide discretion openly and transparently- currently unguided
-

Is there public support for
sentencing reform?

Methodology:



On behalf of the Pew Center on the States, Public Opinion Strategies conducted phone interviews with 1,200 registered voters (1,080 landline and 120 cell phone only respondents) on March 7-14, 2010 with a margin of error of $\pm 2.83\%$.

For this survey, we used a replicate sample format. The total number of 1,200 interviews were segmented into replicate samples of 600 each. The samples thus mirrored each other in terms of demographic and geographic characteristics.



Voters have a few fundamental thoughts about public safety...

- 1. The emphasis must be on keeping communities and people safe, first and foremost.**
- 2. Without question, voters want a strong public safety system where criminals are held accountable and there are consequences for illegal activities**
- 3. They do believe a strong public safety system is possible while reducing the size and cost of the prison system.**



Voters are also supportive though of reducing prison time as a sentencing option IF there are mechanisms that will hold them accountable and make people feel safe.

Message	% Strongly Favor	% Total Favor
Reduce prison time for low-risk, non-violent offenders so that state funding can be used to keep violent criminals in prison for their full sentence.	58%	87%
Reduce prison time for low-risk, non-violent offenders and re-invest some of the savings to create a stronger probation and parole system that holds offenders accountable for their crimes.	52%	87%



The bottom line... let's reduce crime.

It does not matter whether a non-violent offender is in prison for twenty-one or twenty-four or twenty-seven months. What really matters is the system does a better job of making sure that when an offender does get out, he is less likely to commit another crime.

% Strongly Agree

75%

% Total Agree

91%

Voters support spending less on prisons and reinvesting in programs that have been shown to reduce recidivism.

Prisons are a government program, and just like any other government program they need to be put to the cost-benefit test to make sure taxpayers are getting the best bang for their buck.

% Strongly Agree

% Total Agree

63% **84%**

Ninety-five percent of people in prison will be released. If we are serious about public safety, we must increase access to treatment and job training programs so they can become productive citizens once they are back in the community.

66% **89%**

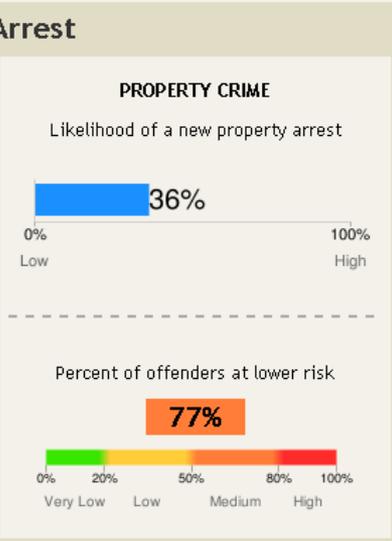
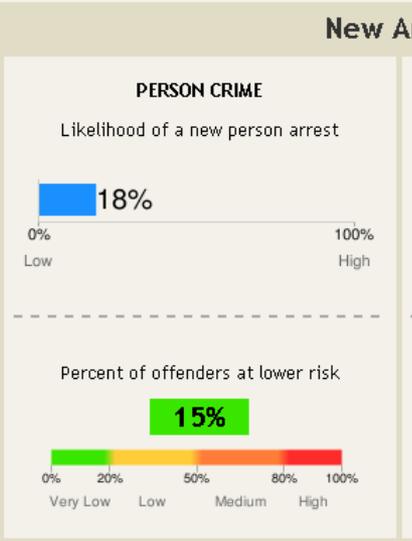


What Resonates with voters?

- ❑ Strong public safety where offenders are held accountable throughout the system
- ❑ Identify Low Risk Offenders for alternative sanctions and mandatory supervision
- ❑ Re-invest to make the public safety system more like a business using cost-benefit analysis, maximizing public safety rather than profits

What are the tools we need to identify low risk offenders and interventions with a high rate of return?

The Public Safety Checklist for Oregon



[Hide this person's comparative risk](#)

Identifying Information

Name: MCCLOSKEY, COURTNEY	DOB: 11-27-1983	Current Crime: IDENTITY THEFT
Gender: Female	Current Age: 26	

[View additional offender public safety factors](#)

[<< Lookup another offender](#)

What Does the Risk Assessment Tool Do?

- Provides a quick, objective, validated assessment of the probability an offender will recidivate based on historical Oregon data and the offender's age, gender, and criminal history.
- Group Dynamics to inform individual decision-making

Where does it fit in Oregon sentencing?

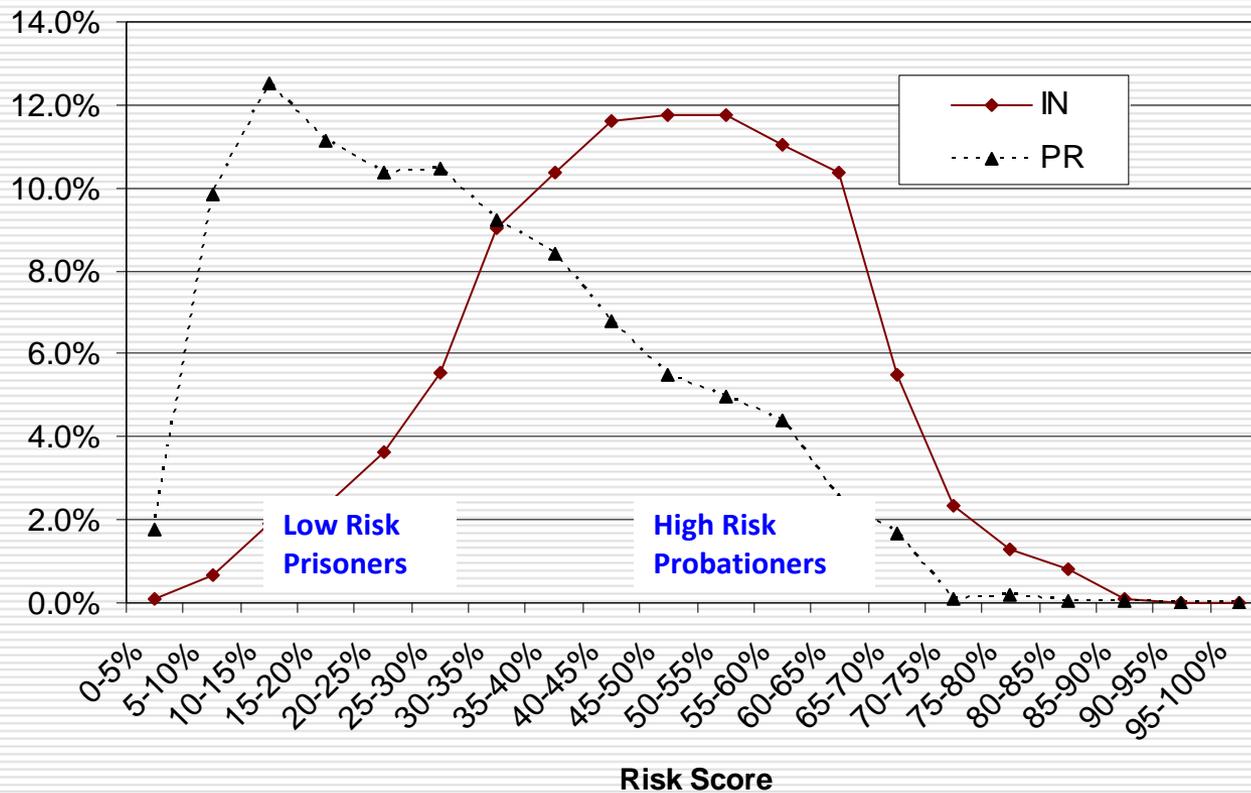
- ❑ Laws for the punishment of crime shall be founded on these principles: **protection of society**, personal responsibility, accountability for one's actions and **reformation**.
 - ❑ Provides detailed information to optimize sentencing decisions
 - ❑ A burglar is not a burglar
-

Why does risk matter in sentencing?

- ❑ 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

Risk Scores by Sentence Type
Property Convictions 2005-2007



What if we swap some of the high-risk probationers with lower-risk prisoners?

	N	Number of Arrests
Lower Risk Prisoners (Risk score less than 43%)	781	894
High Risk Probationers (Risk score 43% or more)	552	938
Difference	229	44

- There are 781 lower risk prisoners who would have had an estimated 894 arrests if they had been on probation
 - There are 552 high risk probationers who had 938 arrests while on probation
 - If we swap these groups we save 229 prison beds and have 44 less arrests in the community
-

What are the soundest investments of taxpayer dollars to increase safety?

□ Prisons

- Have an impact on reducing crime
- Also further “just deserts” purpose of sentencing
- Certain outcome (Incapacitate)
- Expensive (\$84/day)

□ Programs

- Behavior change reduces crime
- Experts determine outcome (What Works?)
- Less expensive
- 93% of Oregon offenders leave prison

What is cost-benefit analysis?

- ❑ Move beyond “cutting costs”
 - ❑ Analyze decisions like a business
 - ❑ Return on Investment
 - ❑ Bang for your buck
 - ❑ A ratio of expected crime avoided per dollar
 - ❑ Puts structure to this discussion
 - ❑ Outcome is maximized crime reduction for dollars invested
-

Where do we invest when we must reduce overall allocation?

- Declining state budget will require Oregon to consider decreasing the prison population
 - Benefit of tax payer savings
 - Cost of increased crime
 - Re-Investing some of the tax payer savings in the right programs can result in a win for both tax payers and potential crime victims
-

Cost-Benefit and Programs

- Are there programs effective at reducing crime?
 - Meta-Analysis
 - Based on available research
 - Washington State Institute of Public Policy analyzed 571 studies to see what works
 - In state evaluations
- Apply cost-benefit analysis to programs that reduce crime

WSIPP Tool

- ❑ Cost-Benefit tool to be used by states to examine criminal justice reinvestment
 - ❑ Estimates tax payers avoided costs as well as crime changes from sentencing changes
 - ❑ Estimates impact from policy choices and how likely it is the crime impact will be favorable
-

Enter Sector Inputs

Enter Program Inputs

Run Models & View Reports

Main Model

Economic

Crime

Education

Child Welfare

Mental Health

Substance Abuse

Teen Births

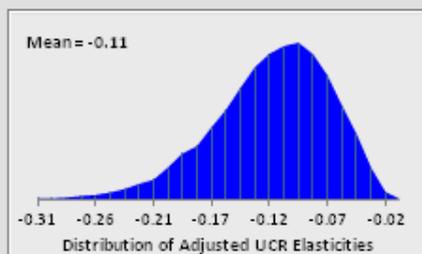
Public Assistance

Public Health

Housing

Sentencing

Inputs: Sentencing Policy Effect on ADP & Prison-Crime Elasticity Effects



Elasticity estimate-----Modal

Minimum crime reduction

Maximum crime reduction

Simultaneity Multiplier-----Modal

Low

High

Policy Multiplier-----Modal

Minimum

Maximum

Prison-Crime Elasticities and Adjustments

UCR Total Violent	UCR Total Property	UCR Total	Felony Drug
-	-	-0.11	-0.11
-	-	-0.02	-0.02
-	-	-0.23	-0.23
-	-	2.58	2.58
-	-	1.47	1.47
-	-	3.69	3.69
-	-	0.36	0.36
-	-	0.26	0.26
-	-	0.46	0.46

Run The Sentencing Model

Select number of Monte Carlo cases:

10000

Check to include capital costs

Check to include local cjs dollars

Prison ADP impact from the sentencing policy change

-133

Inputs: Evidence-Based Program Portfolio Selection

Program	Program Cost	Victimizations Avoided			Taxpayer Benefits			Victim Benefits	Percent of Portfolio
		Mean	StdEr	Per \$1000	Mean	StdEr	State Pct.		
Vocational Education in Prison	\$1,296	0.26	0.06	0.20	\$2,719	\$561	43%	\$7,126	
Education in Prison (basic or post-secondary)	\$1,055	0.22	0.09	0.21	\$2,340	\$893	43%	\$6,008	
Cognitive Behavioral Programs in Prison	\$517	0.19	0.07	0.37	\$1,975	\$683	43%	\$5,100	50%
Correctional Industries in Prison	\$457	0.17	0.03	0.37	\$1,767	\$350	43%	\$4,628	
Drug Treatment in Prison	\$1,758	0.17	0.05	0.10	\$1,775	\$557	43%	\$4,628	
Drug Treatment in Community	\$629	0.14	0.06	0.22	\$1,823	\$781	39%	\$4,830	
Drug Courts (adults)	\$4,792	0.09	0.02	0.02	\$1,923	\$350	40%	\$4,394	
Employment Training/Job Assistance in Com	\$438	0.07	0.03	0.16	\$1,006	\$408	43%	\$2,482	

Enter % of fiscal savings from prison ADP change used to purchase eb slots: 0.8

Enter % of state fiscal benefits to purchase additional slots: 0

Enter portfolio percent for selected program: 0.5

Summary Portfolio Statistics (per participant)

Victimizations	0.349
Standard Error	0.121
Average Cost	1404
Taxpayer Benefits	3364
Standard Error	1168
State Percent	0.42
Total Portfolio %	0.5

Results: Impact on Victimization

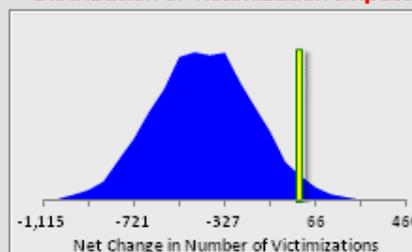
Percent of time the change in victimizations is favorable (i.e., reduced) 96%

Net impact on victimizations -386

Change in victimizations from ADP sentencing policy 200

Change in victimizations from program portfolio -586

Distribution of Victimization Impact



Negative numbers = fewer victimizations

Sentencing Policy Impacts

Total evidence-based program slots 1,682

Total change in taxpayer costs -\$5,510,255

Direct change in prison costs from the sentencing policy -\$590,287

Indirect change in criminal justice costs from the sentencing policy \$726,966

Change in criminal justice costs from the evidence-based portfolio -\$5,646,934

Summary

- ❑ Crime is down
- ❑ Incarceration and Spending is up
- ❑ Most prison intakes are impacted by voter initiatives
- ❑ Informing sentencing decisions by using a risk tool can optimize public safety
- ❑ Can reduce crime and spending by using cost-benefit to wisely invest in programs

For More Information Contact...

- Craig Prins
Executive Director, Criminal Justice Commission
Craig.Prins@state.or.us
(503) 378-4858

 - Michael Wilson
Economist, Criminal Justice Commission
Michael.K.Wilson@state.or.us
(503) 378-4850
-