



Task Force on Public Safety

Executive Summary of the Preliminary Report to the Oregon Legislature

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Prepared by the Oregon Criminal Justice Commission

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Executive Summary

Introduction

The Oregon Legislature reconvened the Task Force on Public Safety (Task Force)¹ in House Bill (HB) 2238, during the 2017 Regular Session.² The Task Force consists of 13 members, each appointed for two-year terms. Although HB 2238 was effective June 21, 2017, appointments were not completed until spring of 2018. Thus, this iteration of the Task Force did not begin its work until May 2018. HB 2238 directed the Task Force to engage in three endeavors:

- (1) Studying security release in Oregon, focusing on reducing racial and ethnic disparity in pretrial incarceration, including:
 - (A) Repealing statutes authorizing security release in favor of courts, or another entity with delegated authority, making release decisions;
 - (B) Utilizing pretrial release risk assessments; and
 - (C) Methods of reducing failure to appear at court hearings;
- (2) Studying the impact of criminal fines and fees; and
- (3) Reviewing the implementation of the Justice Reinvestment Program.³

Task Force's Work To-Date

Pretrial Incarceration

The Task Force's study of security release in pretrial incarceration is underway. However, given the complexity of issues, the Task Force has concluded that further work must be done before comprehensive recommendations are appropriate. As an initial matter, obtaining jail data from which to study pretrial incarceration is a top priority of the Task Force. The Task Force recommends that Oregon Criminal Justice Commission (CJC) staff explore opportunities for obtaining jail data, including, but not limited to, working with county jails and pretrial services programs, as well as exploring opportunities to aid counties in capturing, maintaining, and improving pretrial incarceration data in the future.

Impacts of Criminal Fines and Fees

The Task Force's review of the impacts of criminal fines and fees is in its infancy. The Legislature's directive to study the "impact" of criminal fines and fees must be distilled into specific channels of review, i.e., impacts to criminal defendants, their families, and communities; impacts of the imposition, collection, and distribution of fines and fees on circuit, municipal, and justice courts; and impacts to those systems should the manner in which criminal fines and fees are imposed, collected, and distributed change.

Justice Reinvestment Implementation

As the Justice Reinvestment Program, enacted in 2013 as part of the Justice Reinvestment Act, is in its fifth year of operation, that area of the Task Force's work is the most developed. A comprehensive report on the Justice Reinvestment Program was submitted to the Legislature in October 2016.⁴ Accordingly,

¹ The Oregon Task Force on Public Safety is also known colloquially as the Public Safety Task Force or "PSTF."

² Enrolled House Bill 2238 (2017), available at <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/HB2238>.

³ *Id.* at §1(2).

⁴ See *Task Force on Public Safety Justice Reinvestment Report to the Legislature*, Oregon Criminal Justice Commission (2016), available at <https://www.oregon.gov/cjc/Documents/TaskForceonPublicSafetyJusticeReinvestmentReporttotheLegislature.pdf>.

this report does not replicate that comprehensive review but, rather, provides updates. The content contained in the Task Force's report is organized around the three-percent of grant funds reserved for program studies and the four goals of the Justice Reinvestment Program.

Preliminary Recommendations

General

- The Task Force recommends submission of a second progress report to supplement these initial recommendations.

Pretrial Incarceration

- The Task Force recommends continuing its study of pretrial incarceration. As obtaining jail data from counties is critical to the mission of the Task Force's work, the Task Force recommends continuing its varied efforts to obtain it and improve its completeness, including, but not limited to, working with individual counties on data-tracking methods and data-sharing opportunities, administering a statewide jail survey, and exploring means by which the state may assist counties in tracking, analyzing and improving this data, e.g., by way of technical assistance or other means of support.
- The Task Force recommends adding a focus on reducing economic disparity in pretrial incarceration, in addition to reducing racial and ethnic disparity.

Criminal Fines and Fees

- The Task Force recommends continuing its fines and fees work, including creating distinct channels of review, such as impacts to criminal defendants, their families, and communities; imposition and collection impacts on circuit, municipal, and justice courts; and impacts to those systems should the manner in which criminal fines and fees are imposed, collected, and distributed change.
- The Task Force recommends evaluating avenues for providing Oregon judges with additional discretion to consider an individual's ability to pay and waive financial obligations, where appropriate, and evaluating attendant impacts of expansion of those practices.
- The Task Force recommends evaluating the rates at which court-imposed financial obligations are commuted to community service (i.e., at least minimum wage to ensure programs help individuals pay down debts as much as working would).

Justice Reinvestment

- The Task Force recommends allowing three-percent funding for Justice Reinvestment studies to be used to evaluate local programs and treatment service providers to ensure that these services meet evidence-based practices, are effective in meeting the needs of their populations, and that the state's grant-funding investments are used responsibly.

Report Inquiries

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