EXECUTIVE ORDER NO. 11 – 06

GOVERNOR'S COMMISSION ON PUBLIC SAFETY (CPS)

Executive Order No. 09-13 created the Governor's Reset Cabinet and charged it with studying the core functions of state government and with recommending strategies to increase its efficiencies and improve outcomes in order to better serve the interests and needs of Oregonians. In June 2010, the Reset Cabinet issued its findings on the fiscal crisis facing Oregon and provided a set of strategies to ensure that state government can continue to meet Oregonians' critical public safety, human services, and education needs. With respect to public safety, the Reset Cabinet identified the need to transform Oregon's current sentencing policy.

This Order convenes the leaders of the three branches of state government and one public member as part of the Commission on Public Safety. The Commission shall collect, review, and evaluate arrest, conviction, sentencing, and recidivism data in order to develop recommendations for comprehensive sentencing reform for consideration by the state legislature and by the people of Oregon. In addition, the Commission shall collect, review, and evaluate data related to the costs of Oregon's current sentencing policy. The Commission is an opportunity for the heads of the three branches of government, as well as the citizens of Oregon, to take stock of our current public safety system with its successes and challenges and to chart a path for the future.

In addressing public safety policy, the Commission must focus on four core outcomes: the safety of our citizens in their homes and communities, accountability for criminal offenses, an efficient system that controls costs, and a system that is also smart and fair. Any concepts developed must put the safety of our citizens as the top priority and also ensure that individuals who commit crimes are held accountable for their conduct. At the same time, we must focus on building a smart and efficient system that maximizes our public safety dollars in light of the current economic environment.

In the 2011-13 biennium, Oregon faces a multi-billion dollar deficit and substantial general fund cuts. In the midst of this economic crisis, we must take a strategic look at our sentencing policies. With limited dollars, we must ensure the public's safety by making smart investments across our adult and juvenile justice system, including law enforcement, courts, local jails, state prisons, community corrections and other critical public safety partners.

Since the last comprehensive review of sentencing policy in 1989, our current sentencing structure has been developed by separate legislative actions and ballot

measures. These two processes have created policies that are independent, and in some cases, inconsistent with each other and with little uniformity between the two. Further, as a result of the incarceration costs of our current sentencing policies, Oregon faces the untenable choice of having to fund its prisons or educate our children. Although Oregon is recognized nationwide for its efforts to reduce recidivism and for its support of evidence-based practices, hard economic realities compel us to be more strategic and to take a broad look at our current public safety system. The Commission will study the costs of incarceration and design specific concepts to implement the best use of our limited public safety dollars that will most effectively keep our citizens safe and further justice in an efficient manner.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Governor's Commission on Public Safety ("Commission") is hereby established.

2. The Commission shall consist of no more than seven (7) members, who shall be appointed as follows:

   a. The Chief Justice of the Oregon Supreme Court or his designee, appointed by the Chief Justice;
   b. The Governor of Oregon or his designee, appointed by the Governor;
   c. Each Co-Speaker of the Oregon House of Representatives, or their respective designee, appointed by each Co-Speaker;
   d. The President of the Oregon Senate, or the President's designee, appointed by the Senate President;
   e. A member of the Oregon Senate who is also not a member of the same political party as the President, appointed by the President;
   f. A member of the public to be appointed by a majority vote of the Commission members.

3. The Chair of the Oregon Criminal Justice Commission shall be the Executive Secretary of the Commission.

4. All members shall serve at the pleasure of their appointing authorities. The chair of the Commission will be appointed by the Governor and will serve at the pleasure of the Governor. The chair shall develop a work plan, set the agenda, and provide leadership and direction for the Commission.

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5. A quorum for Commission meetings shall consist of a majority of the appointed members. The Commission shall approve measures on an affirmative vote of a majority of voting members appointed to the Commission.

6. The Commission shall lead and coordinate a process to collect, review and evaluate criminal-justice and cost data, to determine a public safety policy that both protects the public's safety and is cost-effective. This is to be a long-term effort to both develop public safety policy as well as evaluate its effectiveness. Before developing the specific policy concepts called for in the next paragraph, the Commission shall develop a consistent set of definitions for terms for which there have been competing meanings. In this manner, the Commission's definition of terms will serve as a common baseline from which policy makers and the public can make informed decisions on sentencing policy. Additionally, the Commission shall also develop an outreach strategy to educate Oregonians about the public safety system and impacts of our current policies. The Commission, at a minimum, shall work with state and local governments, Oregon colleges and universities, the Criminal Justice Commission, the State Department of Justice, and businesses to implement the data collection, review, evaluation and outreach strategy.

7. The Commission shall develop specific concepts on comprehensive public safety policy for consideration of the public and policy makers that are informed by the recommendations of the Reset Cabinet.

8. In developing its proposals for the three branches of government and the public, the Commission shall form workgroups as deemed necessary by the Chair. Workgroups may include members of the public, interested parties, and public safety stakeholders who are not members of the Commission. Any workgroup created will be given a specific charge by the chair. The Commission will consider proposals and opinions of any workgroups it establishes but it is the Commission that shall be ultimately responsible for making final recommendations consistent with its charge and scope.

9. The Commission shall produce a written report no later than December 15, 2011. The report will include conceptual proposals for the consideration of the public and policy-makers.

10. The Oregon Criminal Justice Commission and the Oregon Department of Corrections shall provide staff support for the Commission. If the Commission requires assistance of any other State agency, then such agency shall provide assistance to the Commission upon request.

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11. The members of the Commission shall not receive per diem for their activities as members of the Commission, but may be reimbursed for expenses incurred in attending Commission business pursuant to ORS 292.495(2), subject to availability of funds.

12. This Order expires on December 31, 2011.

Done at Salem, Oregon, this 15th day of July, 2011.

John A. Kitzhaber, M.D.
GOVERNOR

ATTEST:

Kate Brown
SECRETARY OF STATE