



Presentation to the Nevada Sentencing Commission

101: The Oregon Criminal Justice Commission

Mike Schmidt, Executive Director CJC

Who are the commissioners on the OCJC?

Bob Ball

Chair, Multnomah County

SEBASTIAN TAPIA

Associate Lane County Counsel

KIKI PARKER-ROSE

Community Corrections, Klamath County

WALTER BEGLAU

District Attorney, Marion County

ROB BOVETT

Legal Counsel, Associated Oregon
Counties

WALLY HICKS

Legal Counsel, Josephine County

FLOYD PROZANSKI

Senator, District 4 –Lane & Douglas

GREG HAZARBEDIAN

Public Defender, Lane County

DUANE STARK

Representative, District 4 – Grants Pass

Our Mission is to improve the legitimacy, efficiency and effectiveness of state and local criminal justice systems.



- Providing a centralized and impartial forum for statewide policy development and planning;
- Developing a long-range public safety plan for Oregon;
- Analyzing capacity and use of state prisons and local jails, implementation of community corrections programs and methods to reduce future criminal conduct;
- Funding and evaluating Oregon's drug courts;
- Conducting research;
- Developing fiscal and racial / ethnic impact estimates of crime-related legislation;
- Providing a statistical and data clearinghouse for criminal justice;
- Administering Oregon's felony sentencing guidelines; and
- Staffing the Public Safety Task Force and other advisory committees.

A Timeline of the Oregon CJC

1983 - OPOP

1985 - OCJC

1989 - SGL

1995 - CJC

2005 - Grants

2009 - Reset

The Oregon Prison Overcrowding Project, was established to develop long range strategies for relieving the crowding problem.

State Sentencing Guidelines Board, chaired by the Attorney General, revised and approved Sentencing guidelines by administrative rule. Legislators adopted SGL by HB 2250.

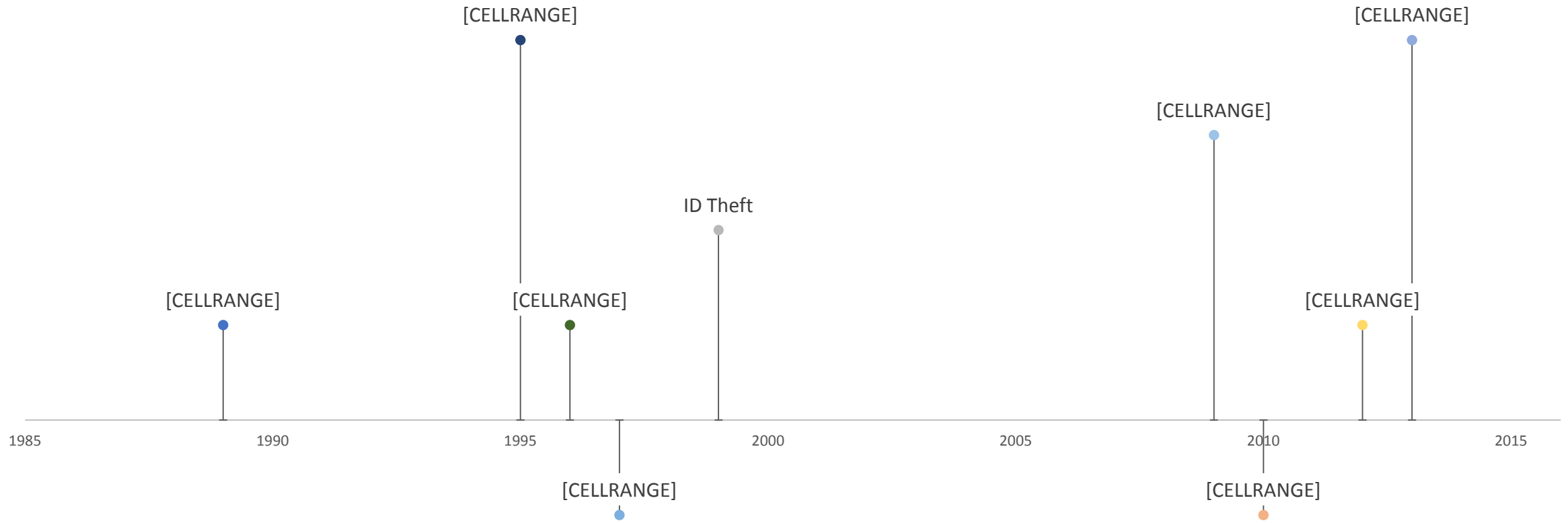
CJC's duties were expanded to include the receipt of grant applications to start or expand drug court programs. It was authorized to track and develop statistics about the effectiveness and costs of drug court programs, and to publish statistics and analyses.

Oregon Criminal Justice Council, to study, evaluate and make recommendations concerning the functioning and coordination of the various parts of the criminal justice; capacity and utilization of facilities statewide; and methods of reducing the risk of future criminal conduct by offenders.

The Criminal Justice Council was allowed to sunset, and a seven-member Criminal Justice Commission (CJC) was created to replace it and the State Sentencing Guidelines Board. The Governor appoints an executive director.

Governor Kulongoski establishes Reset Cabinet to address anticipated budget shortfalls.

Oregon Sentencing Changes Timeline



The Oregon Sentencing Guidelines Grid

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years		3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90			
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	2 Years	12 Mos.	1 Year
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60			
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30			
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			

The presumptive grid block for any felony conviction is the intersection where the crime seriousness ranking and the criminal history classification meet. Grid blocks in the shaded area represent the range of presumptive imprisonment and post-prison supervision (PPS). Non-shaded grid blocks are presumptive sentences of probation (Prob. Term) with local custodial sanctions in days (upper number) and maximum jail days without a departure (lower number).

In grid blocks 4-C and 4-D, for offenders sentenced under 2011 Oregon Laws ch 598 (SB 395), the upper number of sanction units shall be 180, and the lower number of sanction units shall be 90. Offenders sentenced under 2011 Oregon Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days without reduction for any reason.

The probation term of 5 years applies to levels 9-11, the term of 3 years applies to levels 6-8, 2 years applies to levels 3-5, and 1 ½ years applies to levels 1-2.

The upward dispositional departure maximum sentence (Max Dispositional Depart) for a presumptive probation sentence shall be:

- (a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;
- (b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I and 5-G through 5-I; and
- (c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

Under certain conditions a probation sentence may be imposed in grid blocks 8-G, 8-H and 8-I without a departure.

Criminal History Categories

Oregon Administrative Rule 213-004-0007 defines criminal history categories.

A	The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.
B	The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.
C	The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.
D	The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.
E	The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
F	The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.
G	The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony.
H	The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.
I	The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.

BALLOT MEASURE 11 (1994)

In 1994, voters passed Ballot Measure 11 (M11), which created mandatory minimum prison sentences for 16 violent or sexual offenses and created a mandatory waiver for juveniles who were 15 years of age or older who committed those 16 crimes.

Since 1994, the original M11 has been amended by the legislature, so that six additional crimes carry mandatory minimum sentences. The legislature has also increased certain sentences in the original initiative, and since 1997 has also allowed certain offenders convicted of “second degree” or less serious offenses to be eligible for an “opt out” of M11 if they meet certain criteria. These laws, and the original M11, are now found in Oregon Revised Statute at ORS 137.700, ORS 137.707, and ORS 137.712.

SB 1145 (1995)

Senate Bill 1145 Senate Bill 1145 (1995), created a new relationship between the State of Oregon and counties in the area of community corrections. Under the bill, counties assume responsibility for adults convicted of a felony:

- (a) on parole;
- (b) on probation;
- (c) on post-prison supervision;
- (d) sentenced to 12 months or less incarceration; or
- (e) sanctioned by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less for violating a condition of parole or post-prison supervision.

The distinction between state and county responsibility for an adult who has been convicted of a crime is based on the length of incarceration, not the labels of misdemeanor and felony. Twelve months or less and the adult stays in the county jail. Anything above twelve months incarceration and the adult goes to the Oregon Department of Corrections.

Repeat Property Offender – RPO (1996)

In a 1996 special session, the Oregon Legislature passed House Bill 3488 and created the Repeat Property Offender law (ORS 137.717). HB 3488 created sentences of 13 months for certain property offenders with the intent that adults convicted of property crimes would serve their time in state prison, and take pressure off Oregon's jail system.

Identity Theft (1999)

The 1999 Legislative Assembly created the new crime in Oregon of identity theft. It did so in response to the rapidly expanding use of other people's identity for the purposes of fraud.

A person commits a Class C felony of identity theft if the person, with the intent to deceive or to defraud, obtains, possesses, transfers, creates, utters, or converts to the person's own use the personal identification of another person. Personal identification is defined broadly in statute to include almost any identification (including name, date of birth, driver's privileges, personal identification number, or photograph) of a real or imaginary person.

Measure 57 (2008)

M57 was passed by the voters in the November 2008 election. In part, it amended ORS 137.717, the statute controlling RPO sentences. The amendments made by M57 to this statute made the definition of a repeat property offender broader, fewer previous convictions were required for a convicted adult to qualify for prison, and the measure made the sentences longer

The law restricted the judge's ability to give a person classified as a RPO offender a sentence other than the presumptive prison sentence, unless the District Attorney and Defense Attorney stipulated to such a reduction in sentence.

M57 also increased the sentences for adults convicted of drug offenses for manufacturing or delivery of a controlled substance. The measure increased the crime severity for manufacturing or delivery of large quantities of a controlled substance and made it a mandatory prison sentence. M57 also created mandatory prison sentences for repeat manufacturing or delivery of a controlled substance under certain circumstances.

HB 3508
(2009)
M57
Suspended

In 2009, the Oregon Legislature passed House Bill 3508 which partially suspended M57 due to its cost in a time of economic recession. Both the repeat property and the repeat drug portions were suspended for sentences imposed after February 15, 2010. The partial suspension ended in 2012 and again applied to crimes committed on or after January 1, 2012.

The sentencing enhancements for aggravated theft where the victim is over 65 years of age and manufacturing or delivery of a large quantity of a controlled substance remained in place as originally passed by M57.

Justice Reinvestment



www.pewcenteronthestates.com

HB 3194 (2013) The Justice Reinvestment Act

HB 3194 stated goals:

- Reduce recidivism
- Reduce prison utilization
- Increase public safety
- Hold offenders accountable

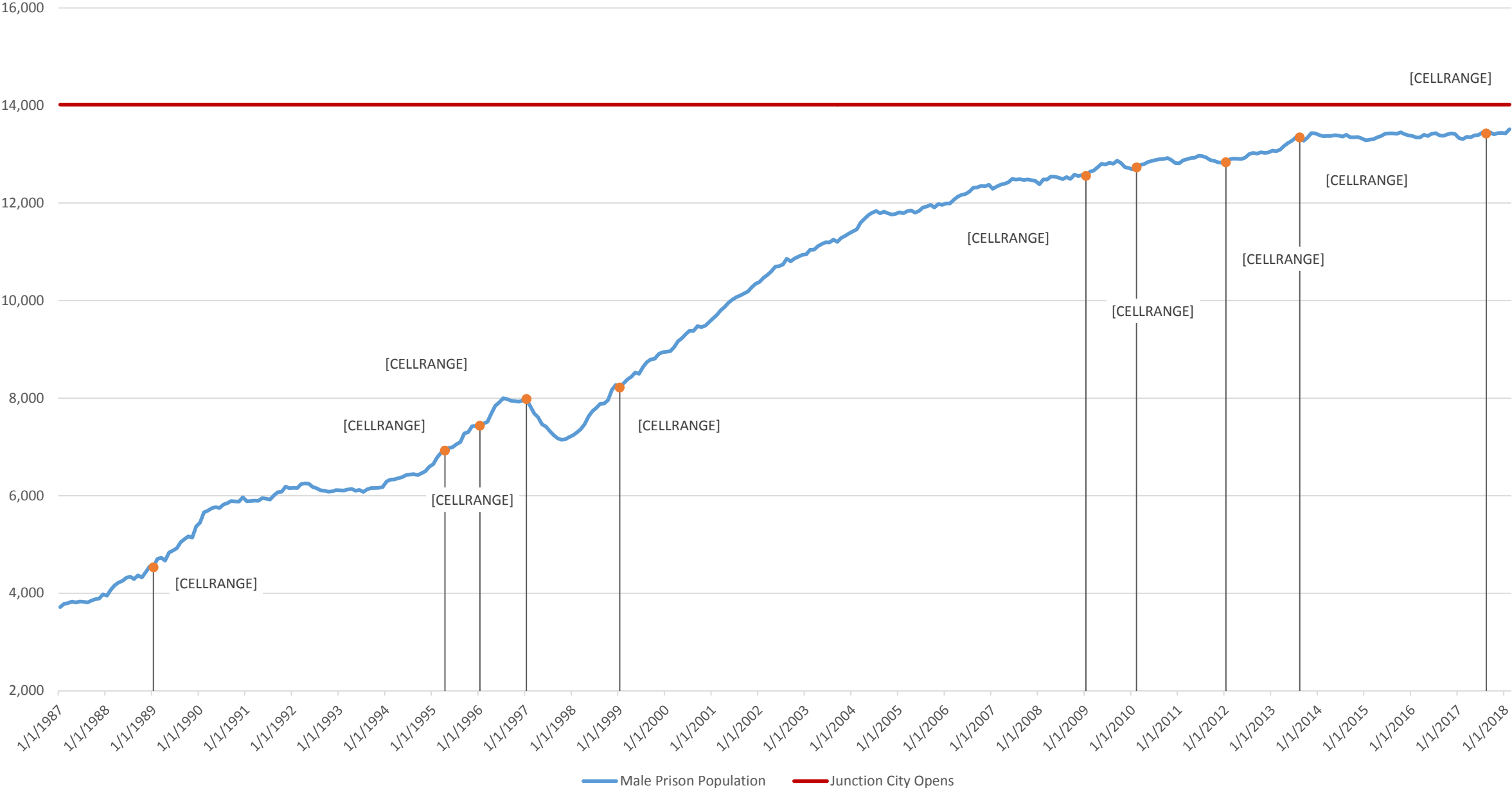
Two Major components:

- JRI Grant Program
- Some modest sentencing reductions

HB 3078
(2017)
Safety and
Savings Act

- Expand Family Sentencing Alternative Program (FSAP)
- Expand Short Term Transitional Leave (STTL) from 90 – 120 days.
- Remove ID Theft & TH I from BM 57 and returns them to old RPO.
- Establishes additional JRI Downward Departure Supplemental grant funding of \$7M

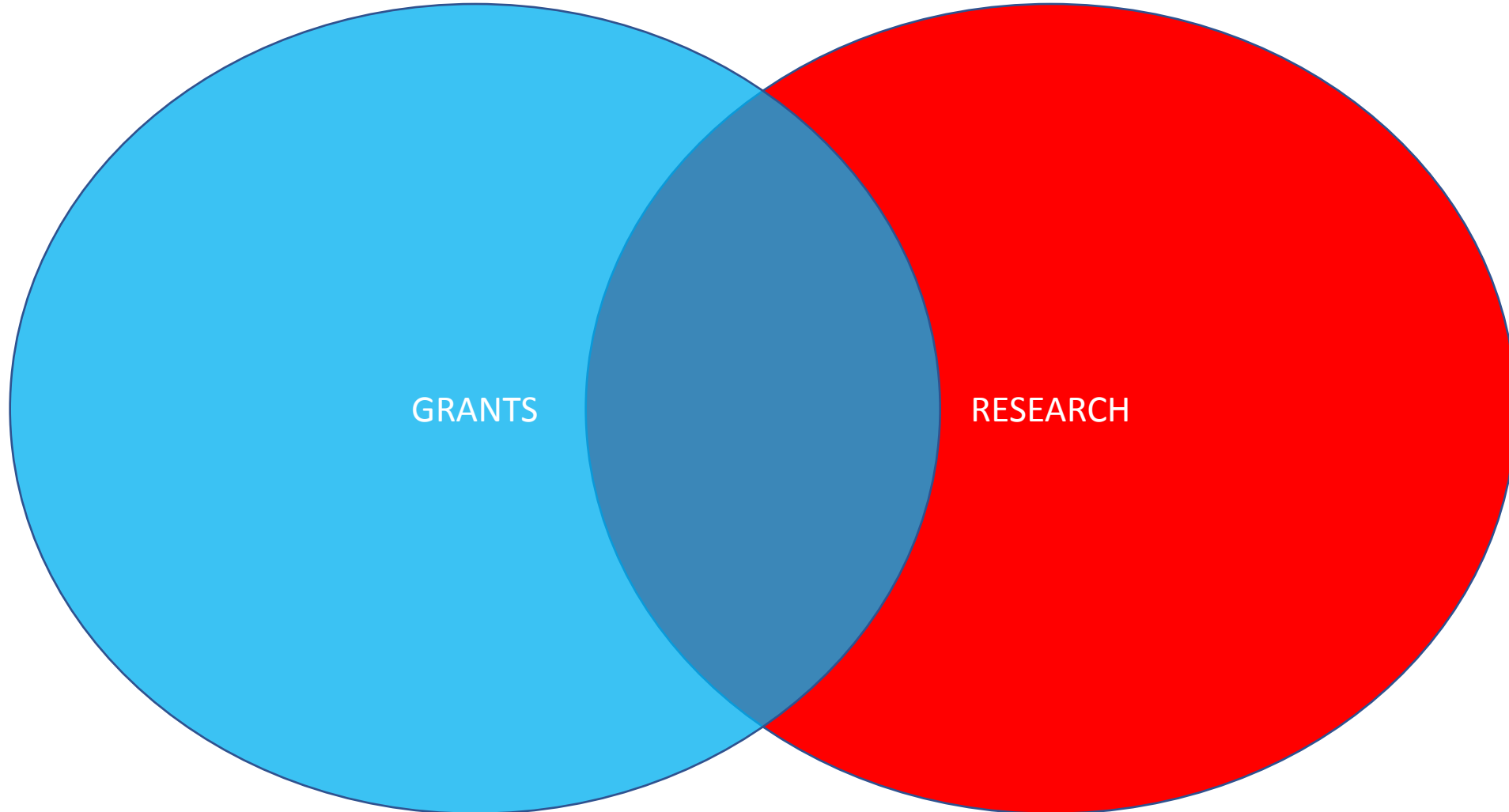
Male Prison Population



Female Prison Population



What does the CJC Do?



Grants:

- **Justice Reinvestment** - \$40 million in 2017-2019 biennium + \$7 million supplemental
- **Specialty Courts** - \$17 million in 2017-2019 biennium
- **CJC** is the State Administering Agency (**SAA**) - Frequently requires us to sign off on, or help apply for many federal grant programs.

Introduction to Justice Reinvestment

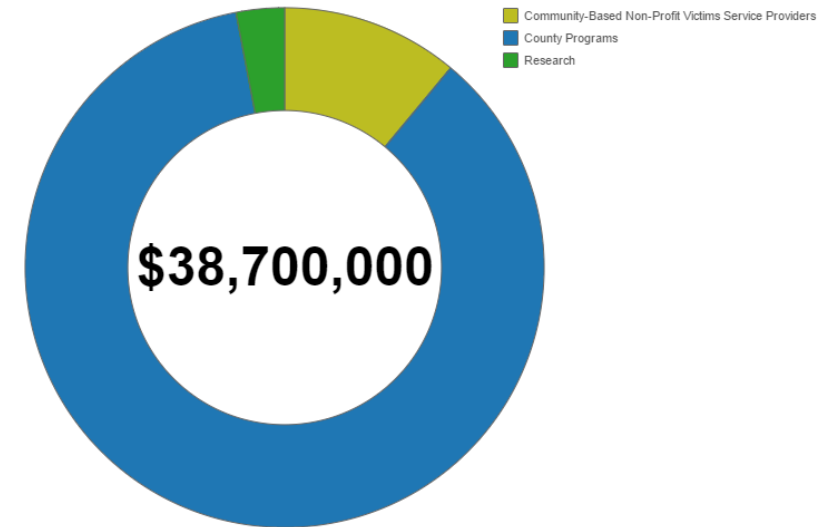
For the 2015-17 budget biennium, the Oregon Legislature allocated **\$38.7 million** to the Justice Reinvestment Grant Program (JRGP) to support county-level public safety programs that meet the four goals of Justice Reinvestment:

- **Reducing recidivism** through evidence-based practices and research
- **Reducing prison populations** and avert future prison construction
- **Increasing public safety**
- **Holding offenders accountable**

As defined by statute, a minimum 10% of JRGP funds must be directed to community-based, non-profit victim services. An additional 3% are reserved for rigorous statewide research and evaluation.

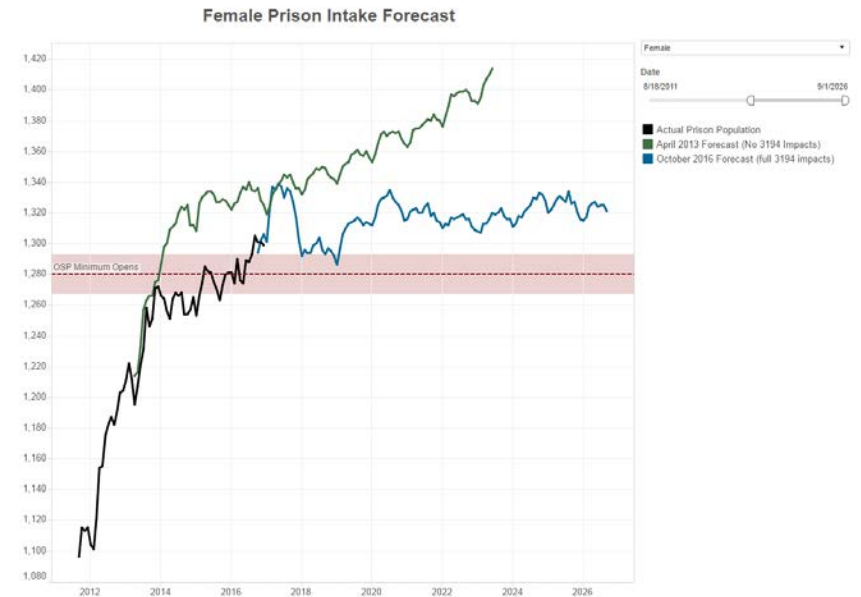
All 36 counties received JRGP funds and provide quarterly Justice Reinvestment Progress Reports to the Criminal Justice Commission. The data from these Progress Reports is represented in this dashboard. As some counties are still in the process of implementing new programs, data may not be shown for all quarters in every county.

This dashboard shows only county programs funded **in whole or in part** by the Justice Reinvestment Grant Program. Counties across the state provide many public



What is Justice Reinvestment?

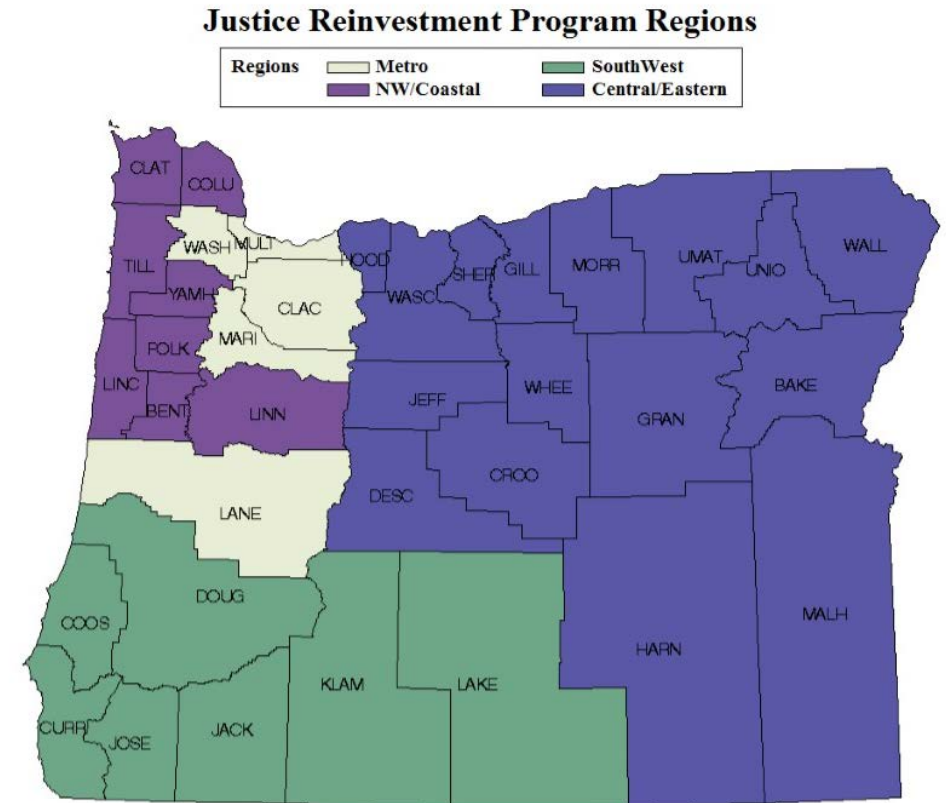
Between 2000 and 2010, Oregon's prison rate increased by nearly 50% growing to 14,000 inmates with a total biennial corrections budget over \$1.4 billion. Justice Reinvestment is an approach to spending resources more effectively with the goals of reducing recidivism, decreasing prison use, protecting the public and holding offenders accountable.



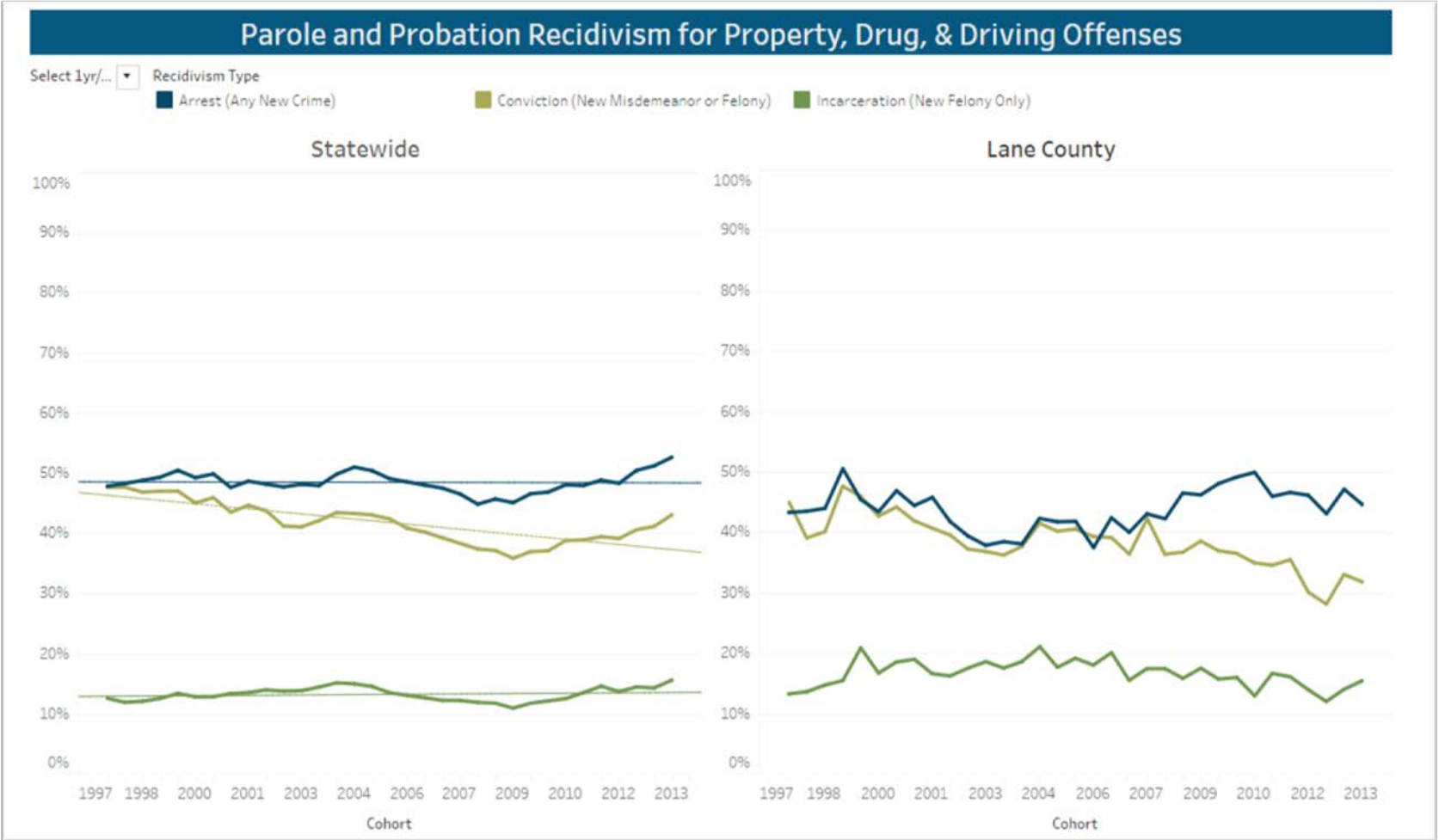
JUSTICE REINVESTMENT IMPLEMENTATION

Statewide **RIC** (Regional Implementation Council) meetings occur on a quarterly basis. These meetings allow for knowledge sharing and collaboration around Justice Reinvestment Program implementation and innovation.

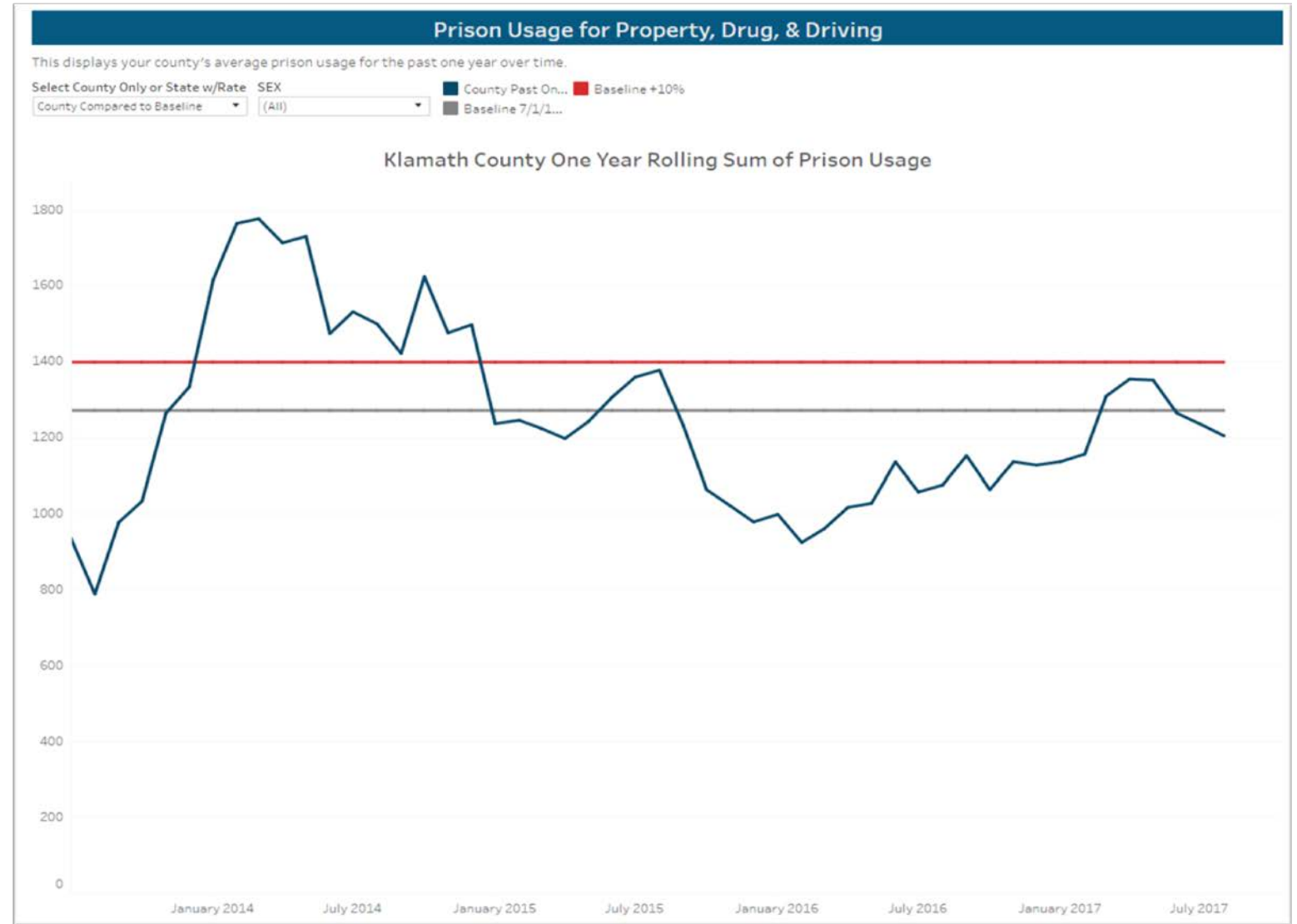
The **LPSCC** - ORS 423.560 (Local Public Safety Coordinating Council) in every county is responsible for developing the local plan to utilize the JRI funds. Members from the LPSCCs attend the RIC meetings, although the meetings are open to the public.



Recidivism



Prison Usage



Public Safety

Oregon Uniform Crime Report

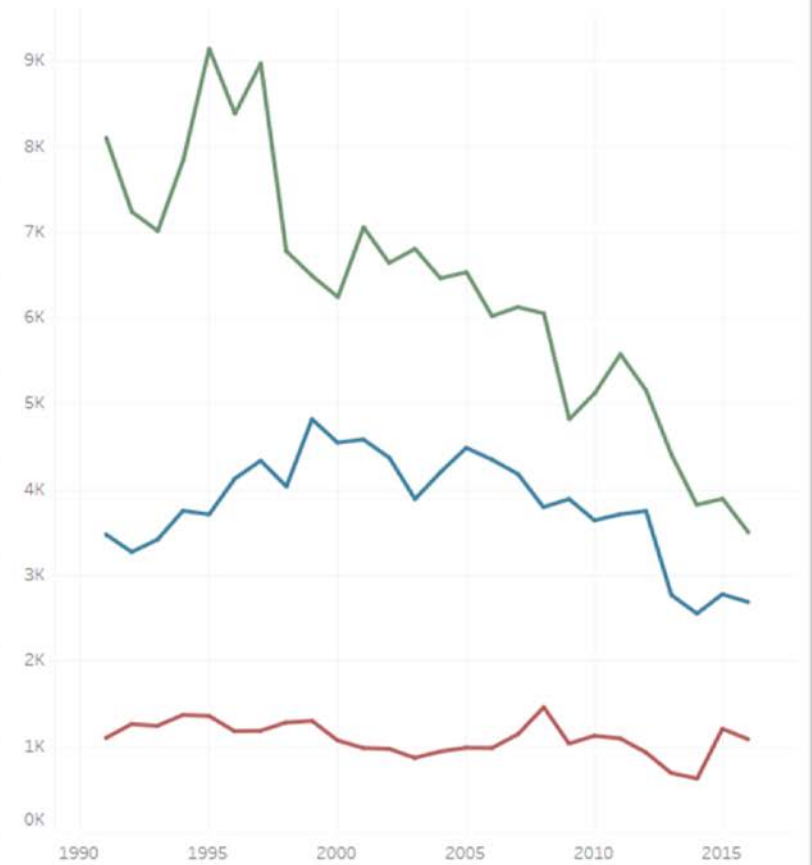
Note: The drop in 2015 is due to a few large population counties not fully reporting.

Select Cou... Behavior Person Property

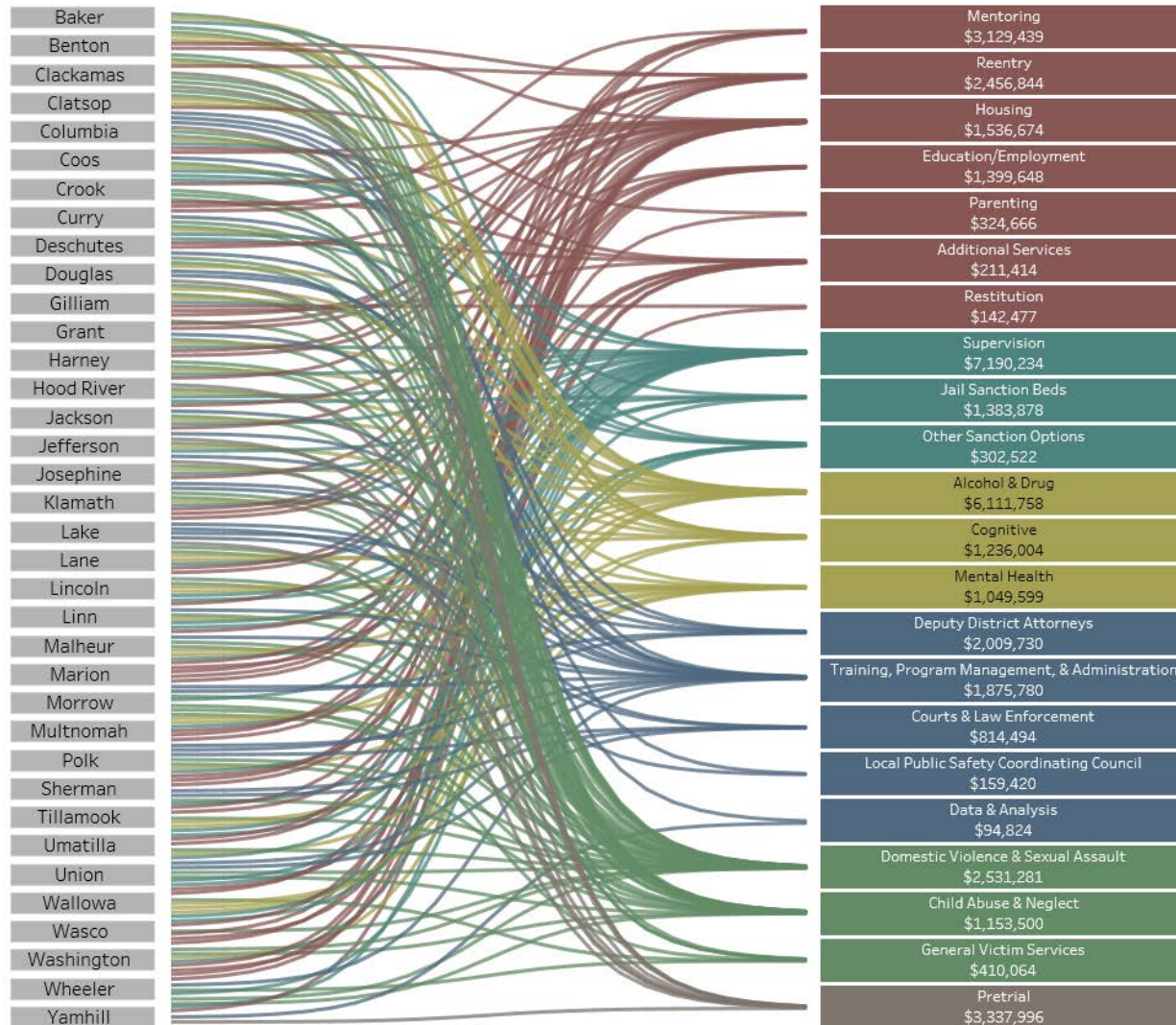
Statewide Rates -- 63% Reporting in 2015



Deschutes County Rates -- 100% Reporting in 2015



2017-2019 Justice Reinvestment Grant Funding by County
 Hover (do not click) on a county name or program category to see how money is being allocated.
 Note: numbers are statewide if not filtered to a county.



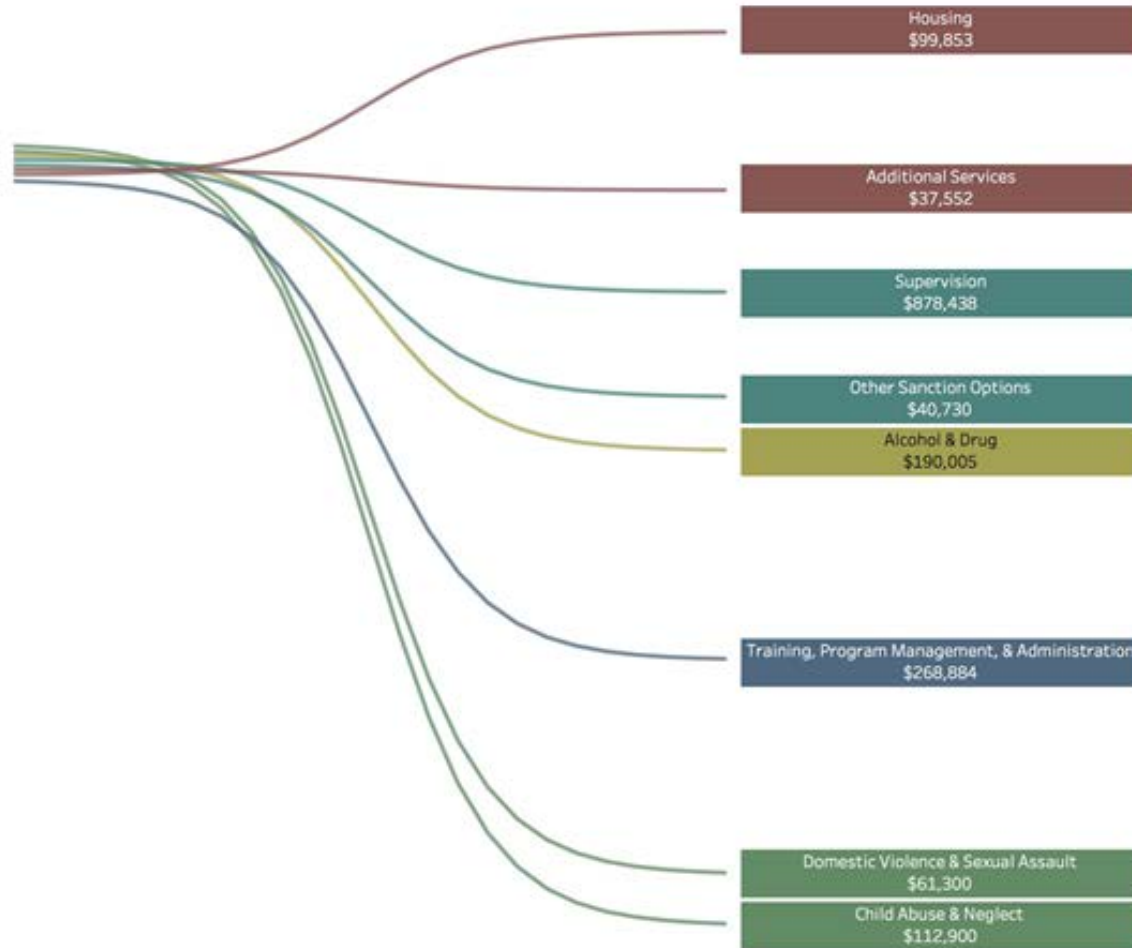
Total Money:

\$38,862,248



2017-2019 Justice Reinvestment Grant Funding by County
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Deschutes

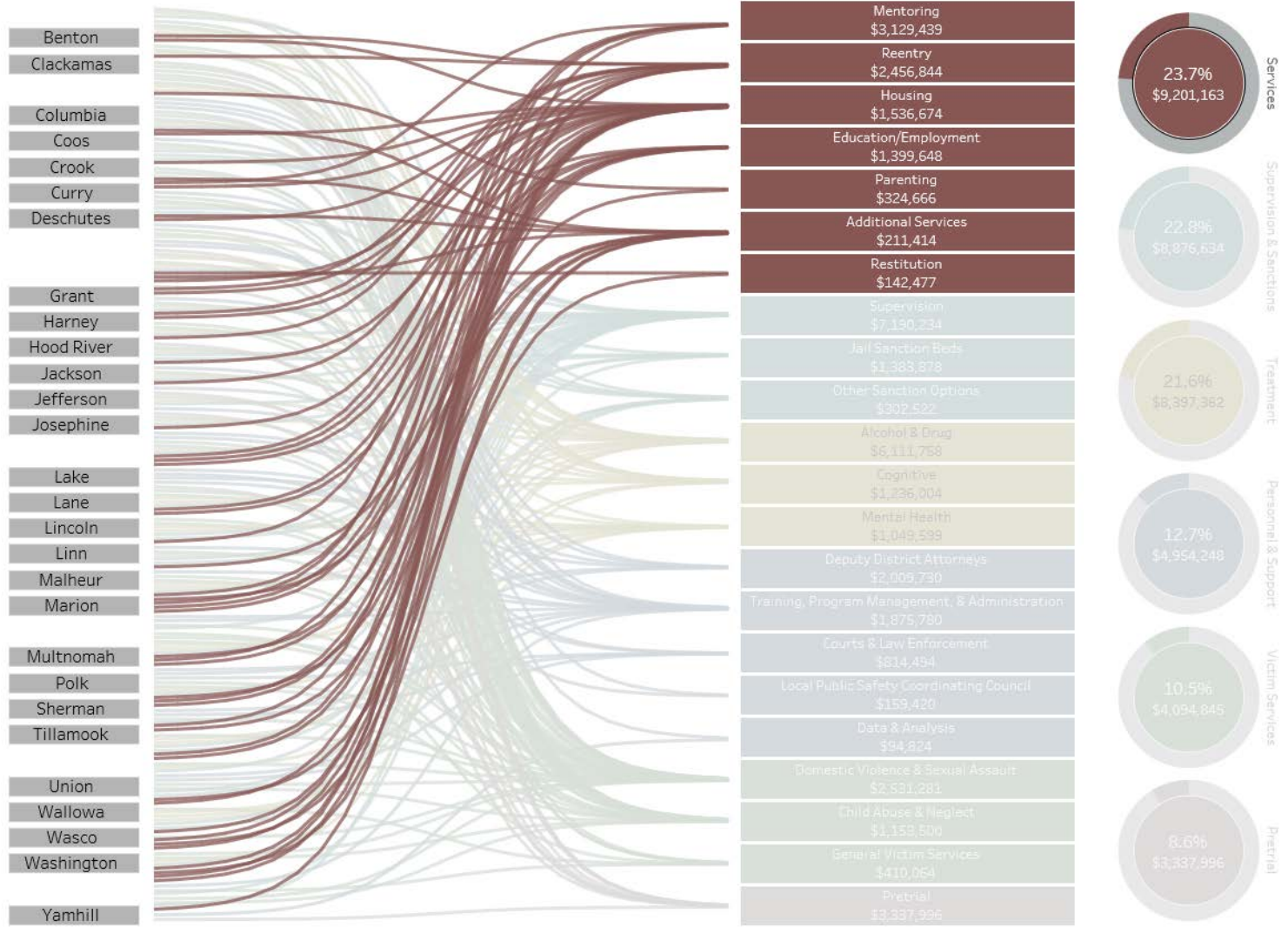


County Deschutes

Total Money:



2017-2019 Justice Reinvestment Grant Funding by County
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Total Money:

\$38,862,248

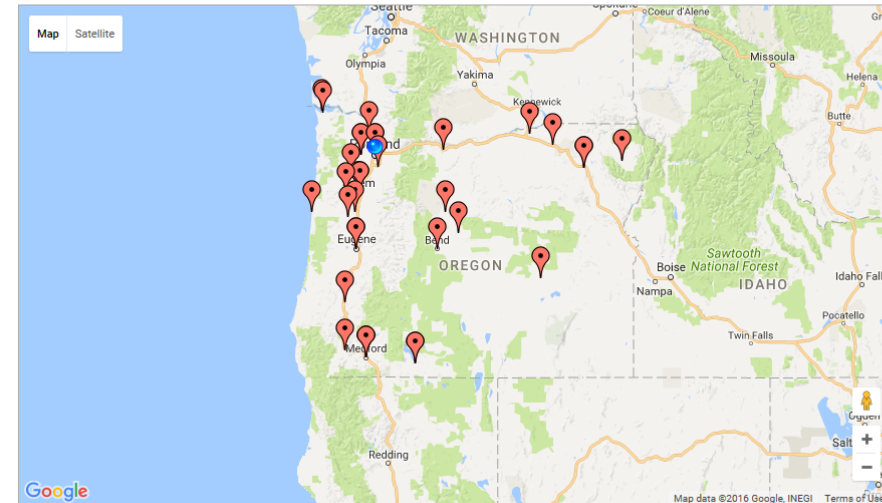


Specialty Courts Grants

Beginning in 2005, the Legislature authorized an initial allocation of \$2.5 million to CJC to fund a competitive drug court program. Those funds, in addition to funding through the Byrne Memorial Justice Assistance Grant program, allowed CJC to expand to a total of 20 state drug courts in 2009. For the 2017-19 biennium, CJC allocated \$17 million in state and federal funds to specialty courts. The CJC currently supports **41 specialty courts**.

Criminal Justice Commission / Specialty Courts / Specialty Courts

Specialty Courts



Locations

Benton Adult Drug Court

120 NW 4th St.
Corvallis, OR 97330
(541) 766-6240

Clatsop Adult Drug Court

749 Commercial St.
Astoria, OR 97103
(503) 325-8555

Columbia Adult Drug Court

230 Strand Street
St. Helens, OR 97051
(503) 397-7210

Crook County Adult Drug Court

300 NE Third Street
Prineville, OR 97754
(541) 447-6541

Douglas County Adult Drug Court

1036 SE Douglas
Room 201
Roseburg, OR 97470
(541) 957-2470

Harney Count Treatment Court

450 N. Buena Vista #9

Enter city, address, or zipcode

Find Me

Filter Locations

Research

CJC houses the State Statistical Analysis Center (SAC)

- 2016 / 2017 CJC Reports:
 - Juvenile Recidivism Analysis
 - Adult Recidivism Analysis
 - Short Term Transitional Leave Program Analysis
 - Reentry Supervision quasi-experimental study taking place in Washington and Linn counties
- 2017 / 2018 CJC Studies in Process:
 - 416 RCT taking place in Marion and Lane counties – expected completion date end of 2018, full report early 2022
 - Basic Housing RCT taking place in Polk, Baker, and Umatilla counties – expected completion date end of 2019, full report early 2023
 - Presentencing Assessment quasi-experimental study taking place in Josephine, Yamhill, and Union counties – expected completion date end of 2017, full report early 2021
 - Victimization Survey – replicating NCVS, full report expected 2019



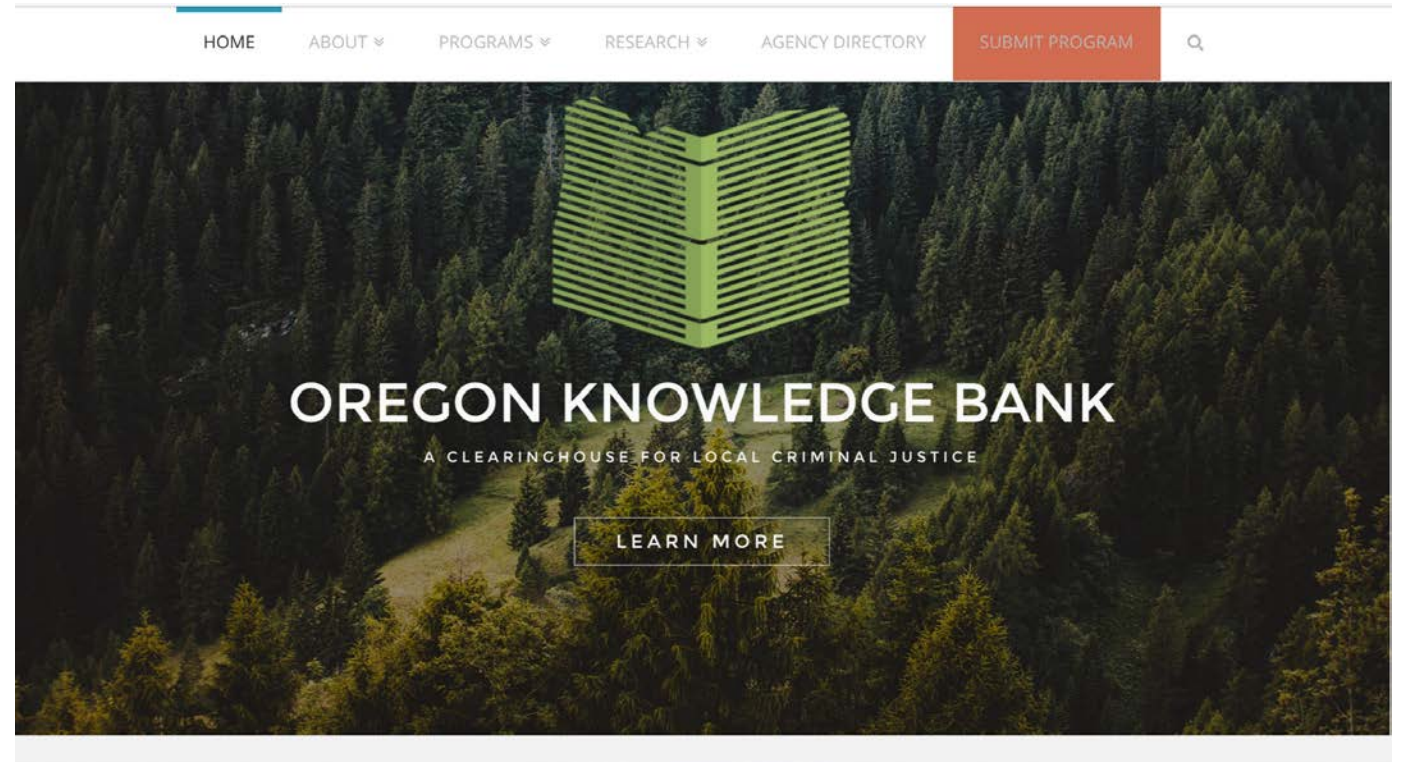
Interactive Data Dashboards

<http://www.oregon.gov/cjc/data/Pages/main.aspx>



Oregon Knowledge Bank

<http://okb.oregon.gov/>





QUESTIONS?