

County of Harney

OFFICE OF THE DISTRICT ATTORNEY
HARNEY COUNTY COURTHOUSE

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April 13, 2015

To: Co-Chairs Shields and Williamson and Members of the Public Safety Sub-Committee, Joint
Committee on Ways and Means

From: Timothy J. Colahan, Harney County District Attorney

Timothy J. Colahan
District Attorney

Joseph W. Lucas
Deputy District Attorney

Angela B. Temple
Office Manager/CSA

IMPLEMENTATION OF HB 3194 IN HARNEY COUNTY

Harney County has implemented all sentencing reforms contained in HB 3194. In addition, we participated in the 2013-15 Justice Reinvestment Grant Program and received \$50,000. I worked in cooperation with the Harney County Sheriff, Circuit Court Presiding Judge, Community Corrections Director and County Judge in deciding how these funds should be spent in order to meet the goals of the legislation, as well as serve public safety. Ultimately, we decided to:

1. Fund Treatment Court to pay for treatment costs of participants. Our Treatment Court has been funded primarily through grants and we were caught between funding cycles. JRI funds provided bridge funding to permit our program to continue;

2. Fund transitional housing for offenders re-entering Harney County from DOC custody.

We identified a third funding need as a Re-entry Court that would operate in cooperation with our Treatment Court for high risk – high needs offenders released into the community from DOC custody. The initial JRI funds received by Harney County were not adequate for this purpose, but we have planned to pursue this in our 2015-17 JRI grant proposal.

As District Attorney, I have attended the Eastern Regional Implementation (RIC) meetings held by CJC. Attached to this testimony is the Justice Reinvestment Fact Sheet for Harney County. In addition, I have worked jointly with Multnomah County District Attorney Rod Underhill and Oregon District Attorneys Association (ODAA) Executive Director Doug Harclerod representing the ODAA in the Justice Reinvestment Strategy meetings that have been working together with other public safety partners and victims advocacy groups in supporting full funding for the Justice Reinvestment Grant Program.

Oregon District Attorneys worked in cooperation with our public safety partners and the legislature to pass HB 3194. Attached to this letter is the news release prepared by ODAA upon the passage of HB 3194. Also attached are letters of commitment by the Governor and legislative leadership to support the changes created by HB 3194, to reinvest the savings from HB 3194 back into our public safety system as well as to not seek further significant sentencing changes. Reinvestment in proven programs that focus on reentry and crime prevention are what HB 3194 was all about. District Attorneys in Oregon are doing our part to support Justice Reinvestment in Oregon.



Justice Reinvestment Fact Sheet Harney County

Created by: Oregon Criminal Justice Commission
Created On: February 2015

2013-15 Justice Reinvestment Grant Award: \$50,000

Local Public Safety Coordinating Council (LPSCC) Chair: District Attorney Tim Colahan

Presiding Judge: William D. Cramer

Sherriff: David M. Ward

Community Corrections Director: David R. Glerup

Harney County's Use of the Reinvestment Funds:

Harney County has used their Justice Reinvestment funds to meet the expense of treatment court expenditures and to provide transitional housing for clients.

Potential Future Activities if More Funds Are Provided:

If Harney County were to receive additional funds, they would like to endorse a reentry court.



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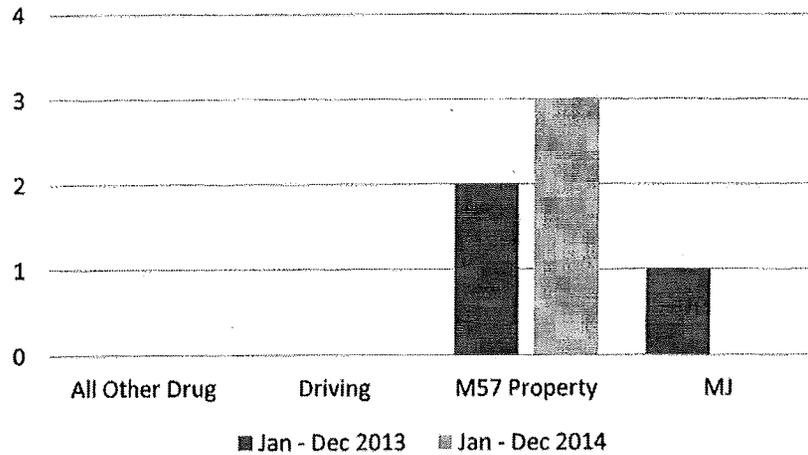
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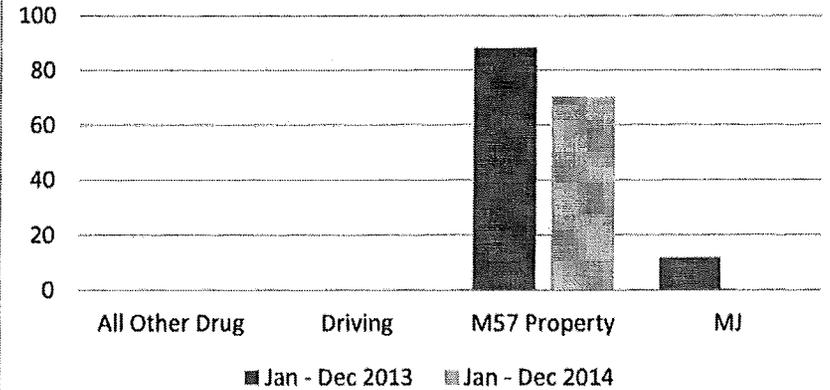
**Oregon Criminal Justice
Commission**
885 Summer St NE
Salem, OR 97301

www.oregon.gov/CJC

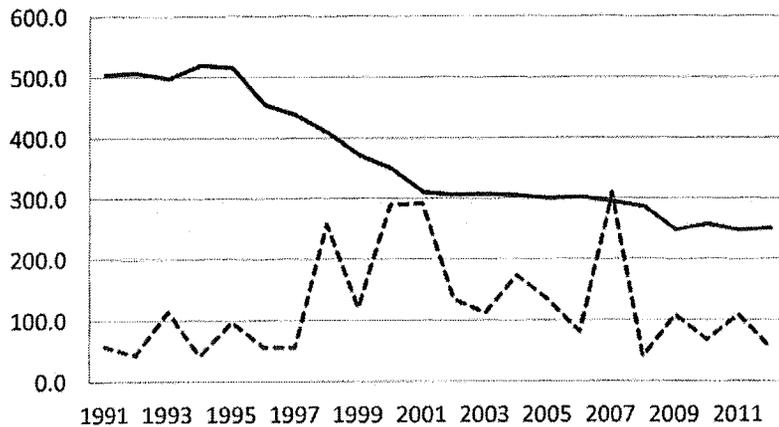
Harney County Prison Intakes



Harney County Total Prison Months



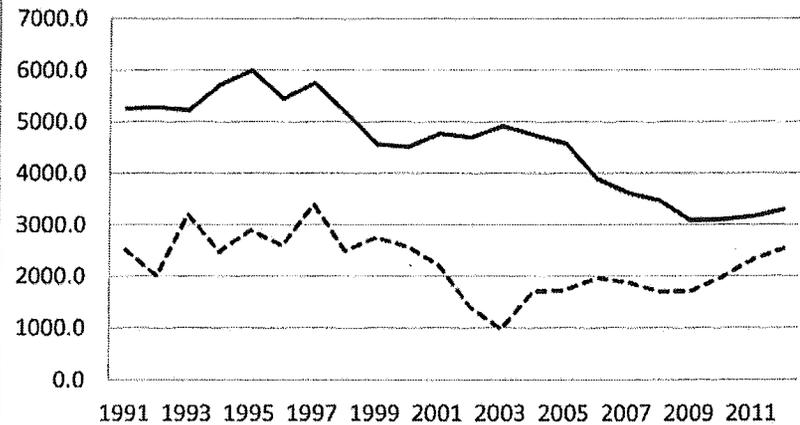
Person Index Crime Reported Offenses Rate



Source:
 QUCR

----- Harney County — Oregon

Property Index Crime Reported Offenses Rate



Source:
 QUCR

----- Harney County — Oregon



Oregon District Attorneys Association, Inc.

2013 Board of Directors:

Timothy Colahan, President
Robert Hermann, 1st Vice President
Paul Frasier, 2nd Vice President
Daina Vitolins, Secretary/Treasurer

Richard Wesenberg, Director
Matt Shirtcliff, Director
Rod Underhill, Director
Eric Nisley, Immediate Past President

NEWS RELEASE

July 1, 2013

Governor Kitzhaber and legislative leadership have joined together with law enforcement leadership to support a new package of laws that will improve public safety in Oregon. The package is the result of vigorous public debate and discussion, as well as robust negotiations between all the various parts of state and local government.

The Oregon District Attorneys Association feels privileged to have participated in the public process that was designed to analyze the performance of the public safety and criminal justice institutions in our state. Despite the fact that some claimed Oregon needed drastic changes because our prisons were growing at a pace which was out of control and was compromising our education system, and that our sentencing laws were overly harsh as compared to other states, the public debate proved these claims to be without factual basis. Oregon's District Attorneys welcomed this public debate because we knew how well our criminal justice works to protect the public and manage its resources carefully. Furthermore, we knew that Oregon is a much safer place than it was 20 years ago, due in large part to voter approved laws that have strengthened sentences for violent and serious repeat property crime. We knew that Oregon has a very low percentage of criminals in prison for non-violent crime and that Oregon has perhaps the best criminal justice system in the nation. Oregon has benefitted by a public safety debate which has brought these facts to the public's attention.

We have attached a list of facts about Oregon's Criminal justice system which we hope you will have time to review. These facts illustrate how well we are doing in managing these important public safety resources.

However, Oregon's District Attorneys are also firmly committed to working with our partners to continually improve our criminal justice system. In that spirit we have joined with Governor Kitzhaber and legislative leadership to support HB 3194. This bill makes targeted sentencing changes that, while not perfect, will responsibly reduce prison growth in Oregon, which was one of the primary objectives of the Governor's Public Safety Commissions. In addition, HB 3194 makes targeted investments in vigorously tested community programs that will reduce the number of offenders who fail supervision and return to prison. This will only further protect the public and control prison growth. In addition, HB 3194 establishes a new and much more independent process for continuing this public safety discussion into the future, with the establishment of the Public Policy Institute, Justice Reinvestment Committee and Reentry Court steering committees. We remain hopeful that these new

Doug Harclerod, Executive Director

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independent organizations will be valuable instruments to re-invigorate our public safety discussions with sound facts and independent information upon which all parties can rely.

Finally, Governor Kitzhaber and important legislative leadership have made a commitment to let these new reforms take full effect over time before there are any new efforts to change our fundamental sentencing structure. We have enclosed a copy of their public letter of commitment for your review. We believe this is also good public policy.

We regret that the rhetoric surrounding attacks on voter approved ballot measures reached fever pitch during the past two years, often based upon false or misleading information. Such actions only confuse and frustrate our citizens, and never serve the public interest. We believe HB 3194 is the beginning of a new constructive approach to public safety policy. We look forward to working with our governor and legislative leadership to continue to make our public safety system the very best for our citizens.

OREGON'S PUBLIC SAFETY ACCOMPLISHMENTS

Oregon has the lowest percentage of non-violent offenders in prison in the nation.

Oregon has the second lowest percentage of drug offenders in prison in the nation.

Oregon has the lowest parole recidivism rate in the nation.

Oregon returns the lowest percentage of parolees to prison for supervision violations in the nation.

Oregon's incarceration rate is one of the lowest in the nation. The national prison incarceration rate is 31% higher than our state's rate. The national county jail incarceration rate is 30% higher than our state's rate.

Measure 11 sentences are moderate by national standards. Average prison sentences for comparable violent crime across the nation exceed Measure 11 sentences by a significant amount.

Despite extremely moderate justice policies, Oregon has been the national leader in the reduction of violent crime since Measure 11 passed.

Oregon was the first state in the nation to require evidence-based practices in criminal justice.

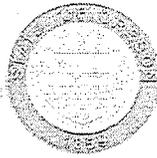
Prison growth in Oregon is currently driven almost entirely by state population growth, and not by sentencing policy, as had earlier been contended.

Importantly, Oregon's prisons are no threat to the funding of our education system. Only 2% of Oregon's budget is spent on prisons while over 23% is spent on education and 35% on human services.

Contact Information:

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Doug Harclerod, ODAA Executive Director – 541.868.6994



June 27, 2013

JOHN A. KITZHABER, MD
Governor

Oregon Association of Chiefs of Police
1191 Capitol Street NE
Salem, OR 97301

Oregon District Attorneys Association
610 Hawthorne Avenue SE, Suite 210
Salem, OR 97301

Oregon State Sheriffs' Association
PO Box 7468
Salem, OR 97301

RE: Agreement to refrain from pursuing significant sentencing changes if prison population is controlled

My Fellow Oregonians:

House Bill 3194-A represents a negotiated resolution based on recommendations from the Commission on Public Safety. It's important that we give these agreed-to changes, along with grant opportunities for prevention and re-entry programs, a chance to take effect. By adopting these changes to public safety and corrections, our forecasting models predict that the prison population will drop in the current biennium and not approach its current population until mid-2018. In addition, our investments in proven programs that focus on re-entry and prevention will reduce recidivism and initial victimization, which will produce further bed savings beyond what we are able to forecast currently.

Assuming our forecasts hold true, over the next five years, the prison population should remain level, and we will avoid the need to build new corrections facilities. We'll also avoid an over-reliance on temporary and emergency beds within the Department of Corrections. This will achieve costs savings, which was one of the primary goals of the Commission on Public Safety, and these savings can then be re-invested in our public safety system.

I believe these assumptions will hold, and therefore I do not foresee a need to pursue additional significant sentencing changes. My preference is to instead focus our efforts on rebuilding a

Oregon Association of Chiefs of Police
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more collaborative relationship between the Legislature and its local law enforcement partners. It is my hope that as we continue to collaborate, we will produce measured improvements to our system, starting with how juveniles are treated.

This legislation represents a meaningful turning point, and I applaud the law enforcement community for its productive engagement.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Kitzhaber". The signature is fluid and cursive, written over the printed name.

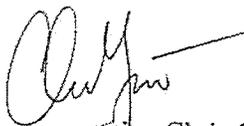
John A. Kitzhaber, M.D.
Governor

JAK:kml

Statement on HB 3194

HB 3194 makes significant changes to Oregon criminal justice policy. It is important to give these changes a chance to work. State forecasting models predict that under HB 3194, the prison population will drop in the 2013-2015 biennium and not approach its current population until mid-2018. In addition, our reinvestments in proven programs that focus on reentry and prevention are expected to reduce recidivism and initial victimization which should produce even further bed savings beyond what we have the ability to forecast.

Based on these forecasts, we will avoid additional construction of corrections facilities and also avoid an expansion of temporary and emergency beds within the Department of Corrections over the next five years. By avoiding those costs we will have accomplished one of the primary goals of the 2012 Commission on Public Safety. Assuming our forecasts hold true, the prison population should remain below 15,200 through 1/1/2018. If all of these assumptions prove to be correct, and barring any judicial invalidation of HB 3194 in whole or in part, then for the next several years we do not foresee a need to pursue recommendations of the Commission on Public Safety beyond those encompassed in HB 3194, except as may be accomplished through collaboration with law enforcement stakeholders. We look forward to the work of the Task Force on Public Safety (established in HB 3194), particularly in the area of juvenile criminal justice. Our preference will be to focus our efforts on rebuilding a more collaborative relationship between the Legislature and its local law enforcement partners. In doing this work we will realize the potential to produce agreements on measured improvements to our system of incarcerating adults and juveniles.


Representative Chris Garrett


Representative Andy Olson


Representative Val Hoyle