

OREGON CRIMINAL JUSTICE COMMISSION

Joint Ways and Means Public Safety Committee
2019-21 Agency Presentation

Michael Schmidt, Executive Director

AGENCY OVERVIEW

Mission Statement

To improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

Primary Duty of the Commission

To develop and maintain a state criminal justice policy and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses public safety, offender accountability, crime reduction and prevention, and offender treatment and rehabilitation. (ORS 137.656)

AGENCY OVERVIEW

The Commission

Robert Ball, Chair – CEO Robert Ball Companies

Sebastian Tapia – Associate Counsel, Lane County

Wally Hicks – Legal Counsel, Josephine County

Rob Bovett – Legal Counsel, Associated Oregon Counties

Jessica Kampfe – Public Defender, Marion County

Rod Underhill – District Attorney, Multnomah County

Jessica Beach – Department of Community Justice Director, Yamhill County

Senator Floyd Prozanski – North Douglas and South Lane Counties (non-voting)

Representative Duane Stark – Grants Pass (non-voting)

KEY PERFORMANCE MEASURES

KPM 1 – Customer Service

Percentage of customers rating their satisfaction with the agency's customer service as "good" or "excellent" [Target = 98%]

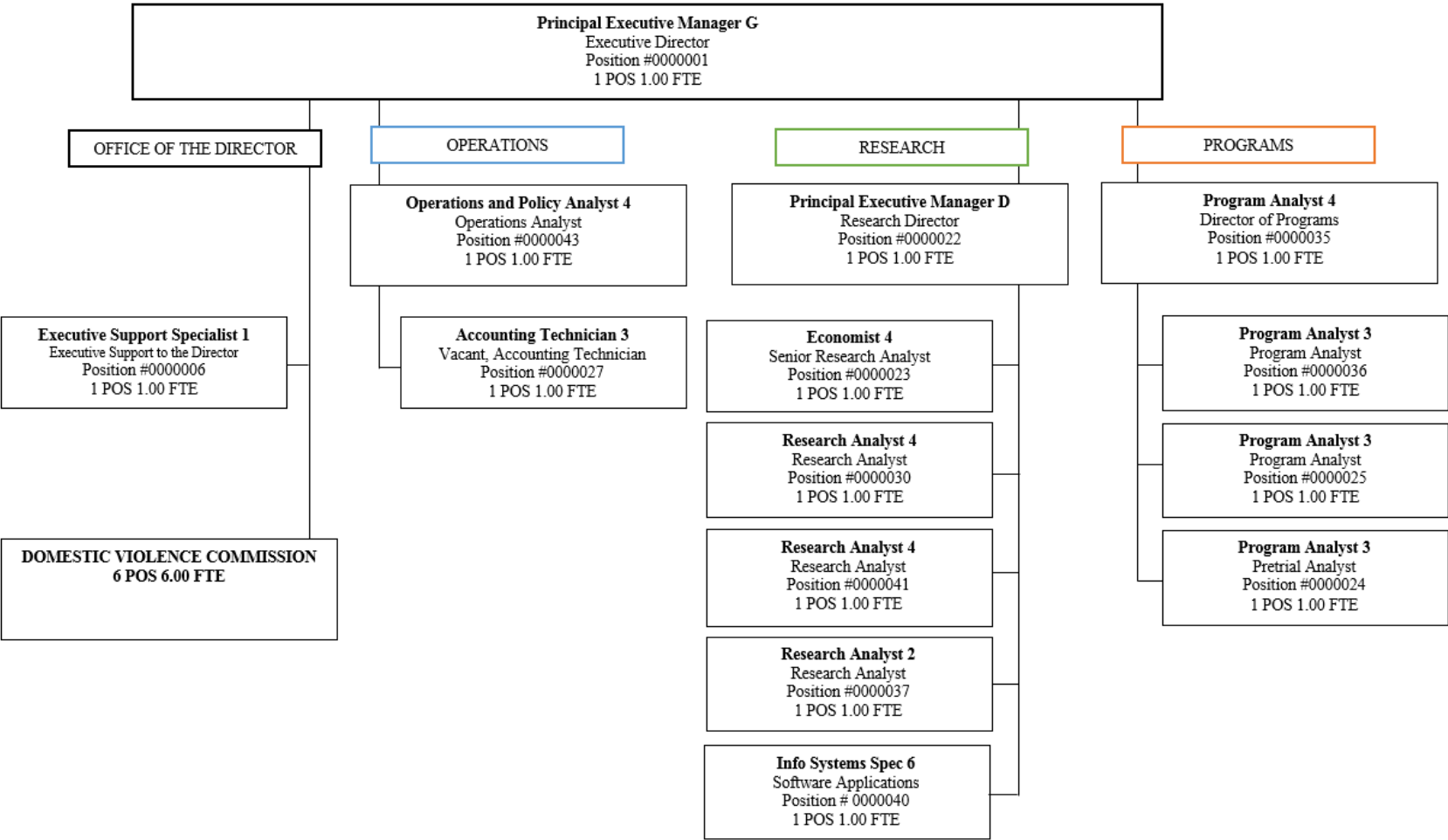
RESULTS: Agency continues the upward trend reaching 99% in 2017. Continued evaluation of processes allows the agency to refine current practices for increased efficiencies and continued customer service.

KPM 2 – Grant Administration

Percentage of administered grant programs that "meet" or "exceed" 75% or more of the grant requirements [Target = 95%]

RESULTS: Agency's grant administration met the 95% target in 2017. Analysts offer technical assistance to secure program and financial reporting compliance.

AGENCY ORGANIZATIONAL CHART



AGENCY FOCUS AREAS

- 1) State Administering Agency
- 2) Statistical Analysis Center
- 3) Justice Reinvestment Formula Grant Program
- 4) Justice Reinvestment Supplemental Grant Program
- 5) Specialty Courts Grant Program
- 6) Illegal Marijuana Market Enforcement Program (IMMEGP)
- 7) Planning and Policy Development / Public Safety Task Force (PSTF)
- 8) Sentencing Guidelines
- 9) Statistical Transparency of Policing Program (STOP)
- 10) Asset Forfeiture Oversight Advisory Committee
- 11) Oregon Domestic Violence Commission (ODVC)

1. STATE ADMINISTERING AGENCY

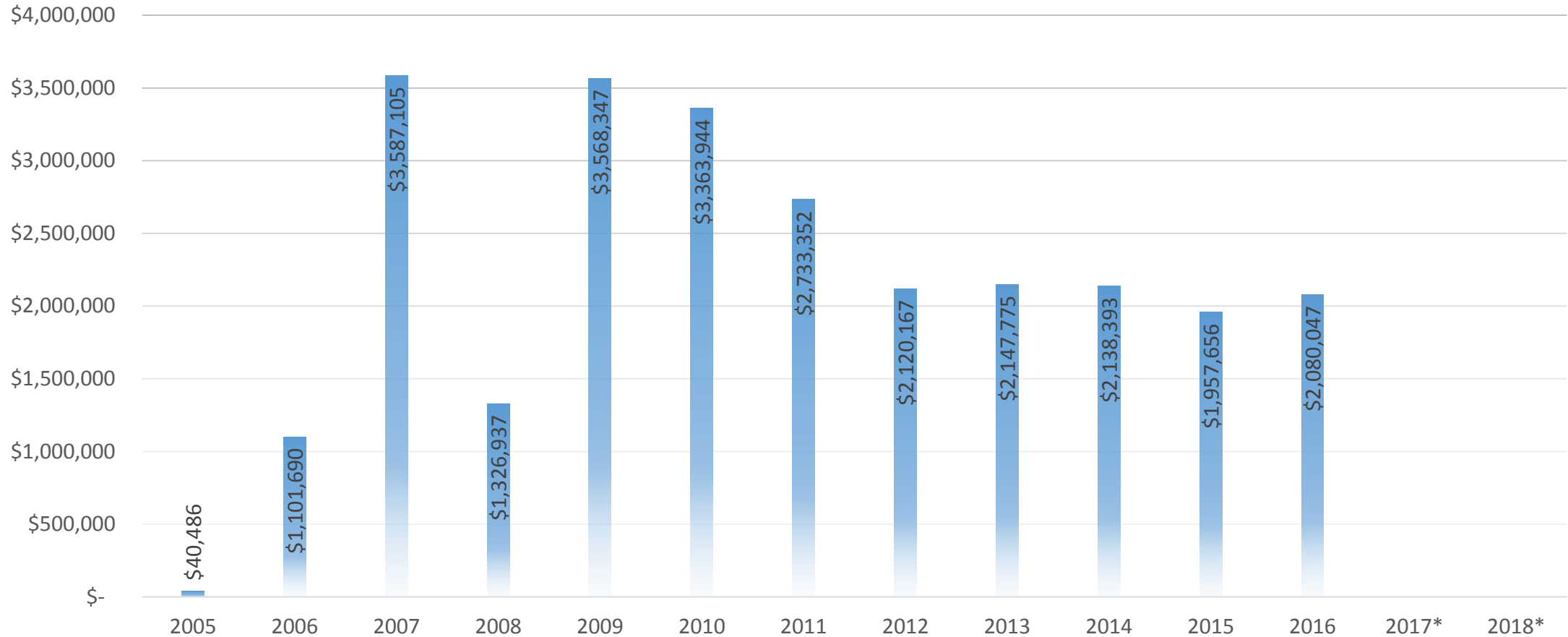
The CJC has been designated as the SAA for the State of Oregon. As the SAA we administer the statewide Edward Byrne Justice Assistance Grant (JAG) on behalf of the state. The Commission meets and votes on all uses of the federal Byrne JAG dollars.

“The JAG program, specifically authorized under [34 U.S.C. §§ 10151-10158](#), is the leading source of federal justice funding to state and local jurisdictions. The JAG program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives and mental health programs and related law enforcement programs, and corrections programs, including behavioral programs and crisis intervention teams.”

- Bureau of Justice Assistance (BJA)

1. STATE ADMINISTERING AGENCY

Oregon Edward Bryne JAG Award



2. STATISTICAL ANALYSIS CENTER

The agency provides the Governor, Legislature, and public safety stakeholders with a criminal justice clearing house for objective research and data analysis through:

- Recidivism analysis
- Fiscal policy analysis
- Racial and ethnic impact analysis
- Synthesis of data from Oregon State Police's LEDS system, the courts Odyssey system, and the Department of Corrections data warehouse
- Conduct quasi-experimental and randomized controlled trial studies of criminal justice interventions



2. STATISTICAL ANALYSIS CENTER

CJC is one of a handful of agencies across the country that provide regularly updated criminal justice interactive dashboards to the public. We are routinely asked to present to and consult with other agencies across the country on how they can develop their own data dashboards.



2. STATISTICAL ANALYSIS CENTER

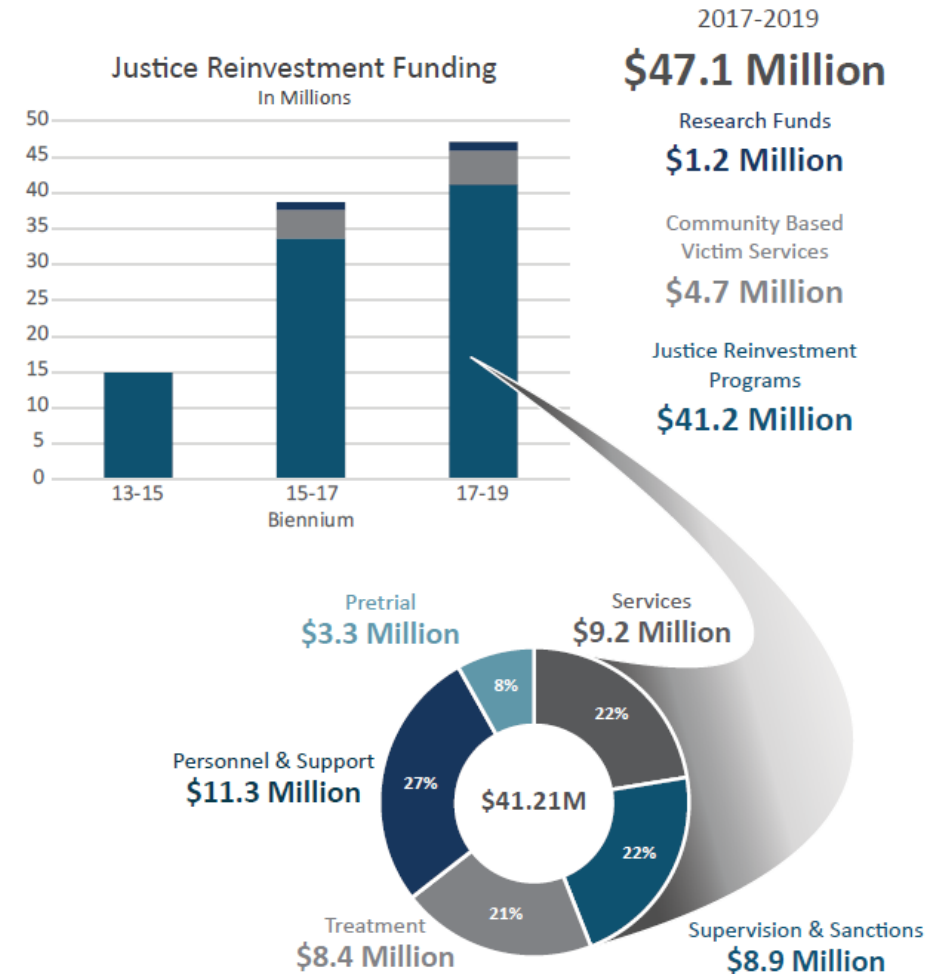
National Awards

- 2018 Douglas Yearwood National Publication Award for Excellence in Statistical/Management Reports, presented by the Justice Research and Statistics Association - *Oregon Recidivism Analysis*
- 2016 Douglas Yearwood National Publication Award for Excellence in Research/Policy Analysis, presented by the Justice Research and Statistics Association - *Short-Term Transitional Leave Program in Oregon*
- 2016 Douglas Yearwood National Publication Award for Excellence in Statistical/Management Reports, presented by the Justice Research and Statistics Association - *Oregon Recidivism Analysis*
- 2011 Phillip Hoke National Publication Award for Excellence in Research/Policy Analysis, presented by the Justice Research and Statistics Association - *Longitudinal Study of the Application of Measure 11 and Mandatory Minimums in Oregon*
- 2007 Phillip Hoke National Publication Award for Excellence in Research/Policy Analysis, presented by the Justice Research and Statistics Association - *Incarceration, Costs and Crime*
- 2002 Statistical Analysis Center Web Site Award, presented by the Justice Research and Statistics Association

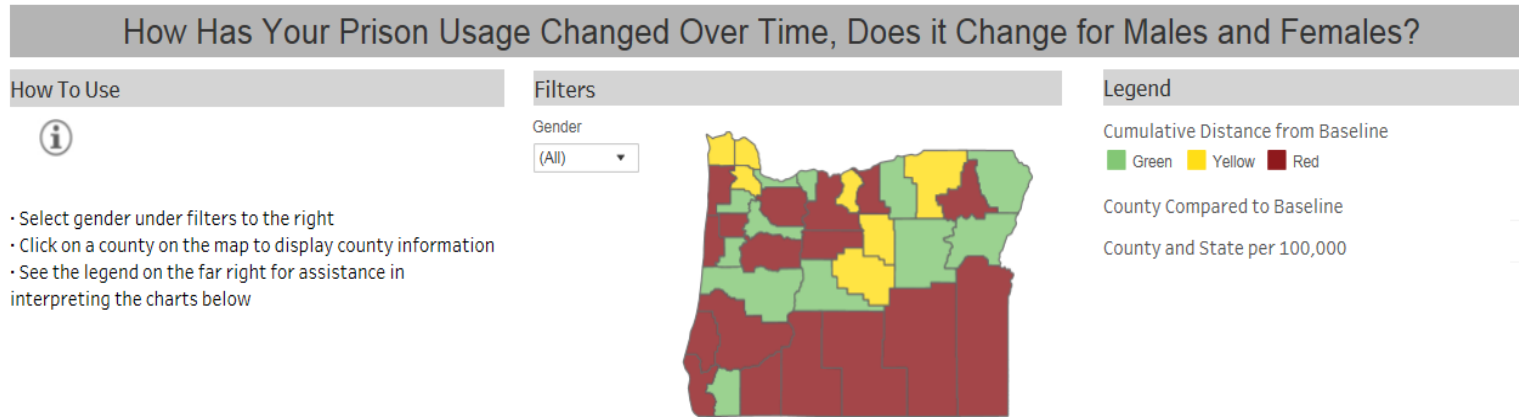
3. JUSTICE REINVESTMENT GRANT PROGRAM

Program Goals

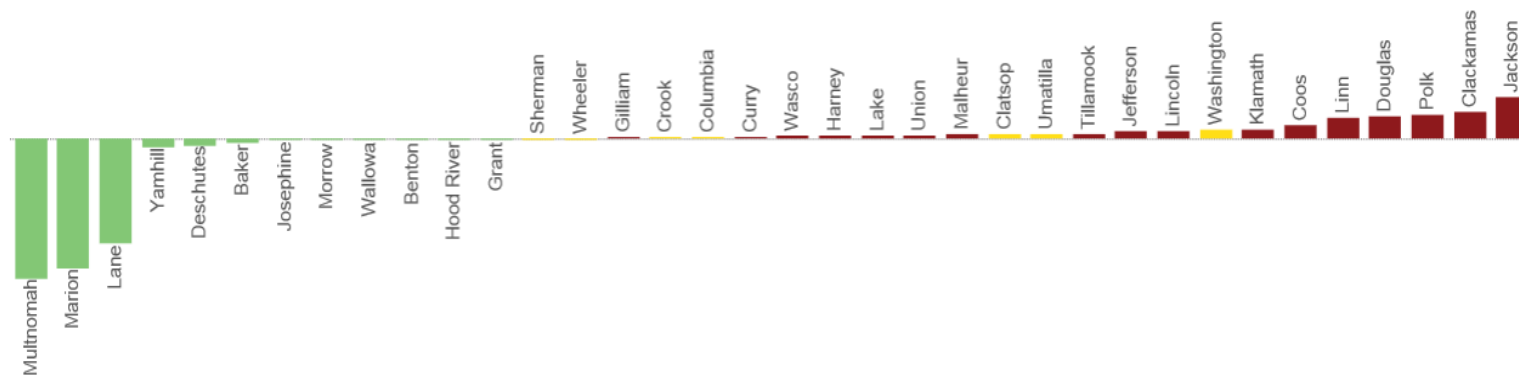
- Reduce prison populations and avert future prison construction;
- Reduce recidivism through evidence-based practices and data-driven research;
- Increase public safety through collaboration; and
- Hold offenders accountable.



3. JUSTICE REINVESTMENT GRANT PROGRAM



January '14 - November '18 Cumulative Distance From Baseline



3. JUSTICE REINVESTMENT GRANT PROGRAM

Reduce Recidivism

- Redefined to include arrest, conviction, or incarceration for a new crime (ORS 423.557)
- Update the statewide recidivism report bi-annually, to continue to track the new measures of recidivism
- Create dashboard for counties to track individual recidivism rates and compare to state and regional rates



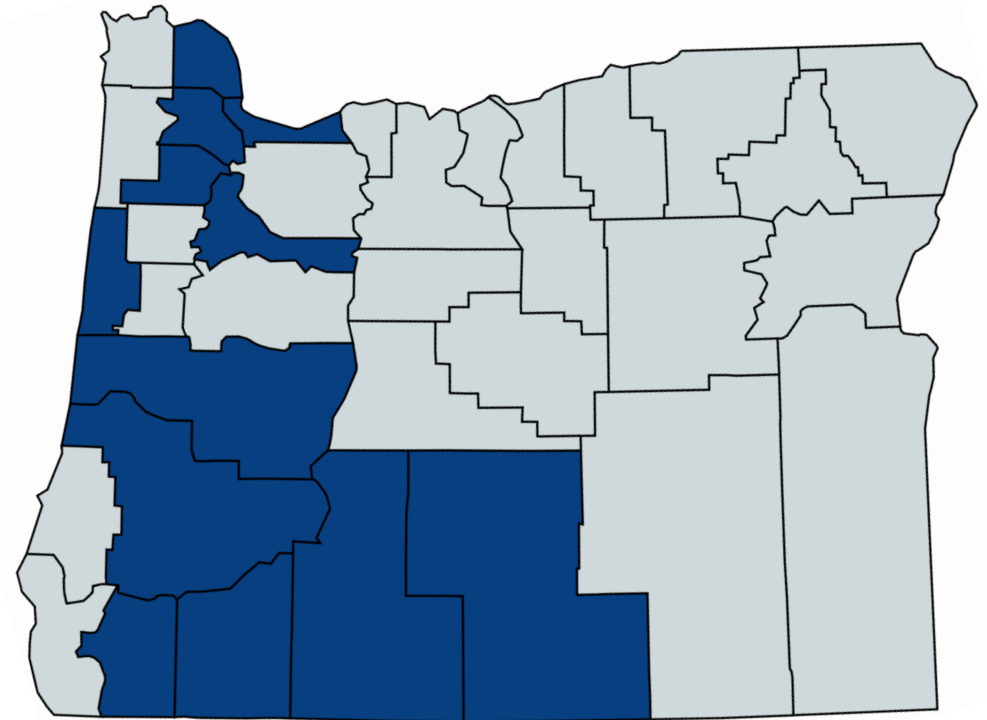
<http://www.oregon.gov/cjc/data/Pages/recidivism.aspx>

3. JUSTICE REINVESTMENT GRANT PROGRAM

Biennium	Net Avoided Cost (From October 2018 Corrections Population Forecast)	Justice Reinvestment Program Funding
2013-15	\$12,839,656	\$15,000,000
2015-17	\$53,434,486	\$38,700,000
2017-19	\$218,746,576	\$40,131,000
2019-21	\$104,467,463	\$39,031,196 (GRB)
2021-23	\$138,039,502	To Be Determined
Total	\$527,527,683	\$100,831,000

4. JRI SUPPLEMENTAL GRANT PROGRAM

- HB 3078 allocated additional \$7 million
- Targeted to fund downward departure prison diversion programs
- Competitive grant
- Position focused
- Twelve Counties awarded



4. JRI SUPPLEMENTAL GRANT SPENDING BREAKDOWN

Josephine County: Justice Reinvestment Program

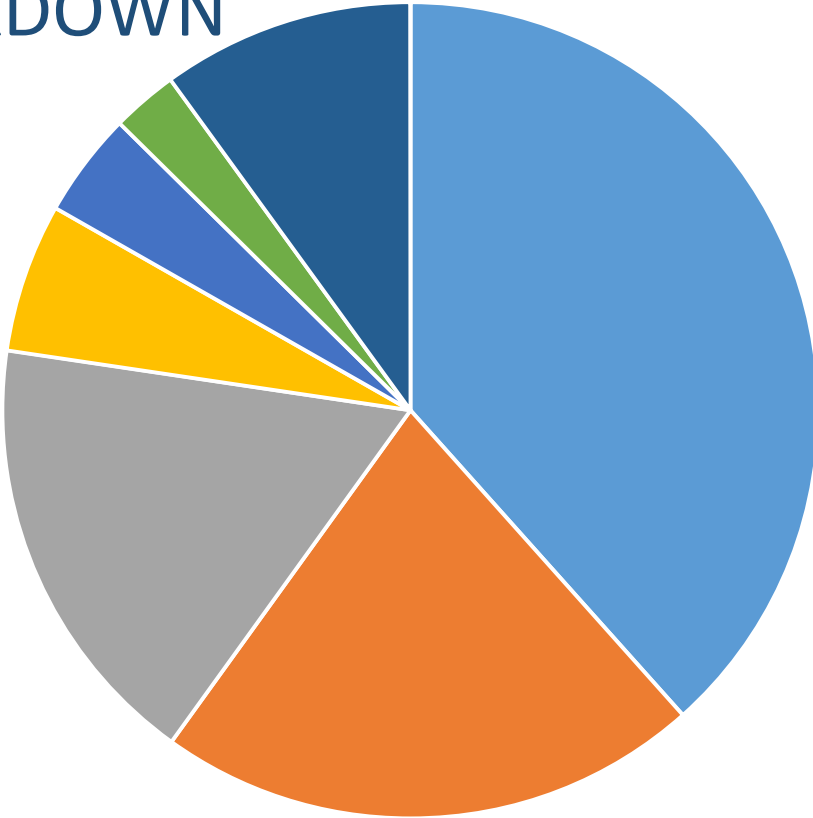
Targeted Population: Male and female prison-eligible property and drug crimes
Program: Downward departures to probation with treatment and other wrap-around services. Additional jail sanction capacity added.

Klamath County: Klamath Evidence-based Sentencing (KEBS)

Targeted Population: Medium or high risk prison-bound repeat property offender with a focus on those with substance abuse problems
Program: Clients assigned specialized, intensive mentoring, outpatient substance abuse treatment and/or cognitive programming. KEBS P.O. and DDA collaborate closely.

Marion County: 416 Program

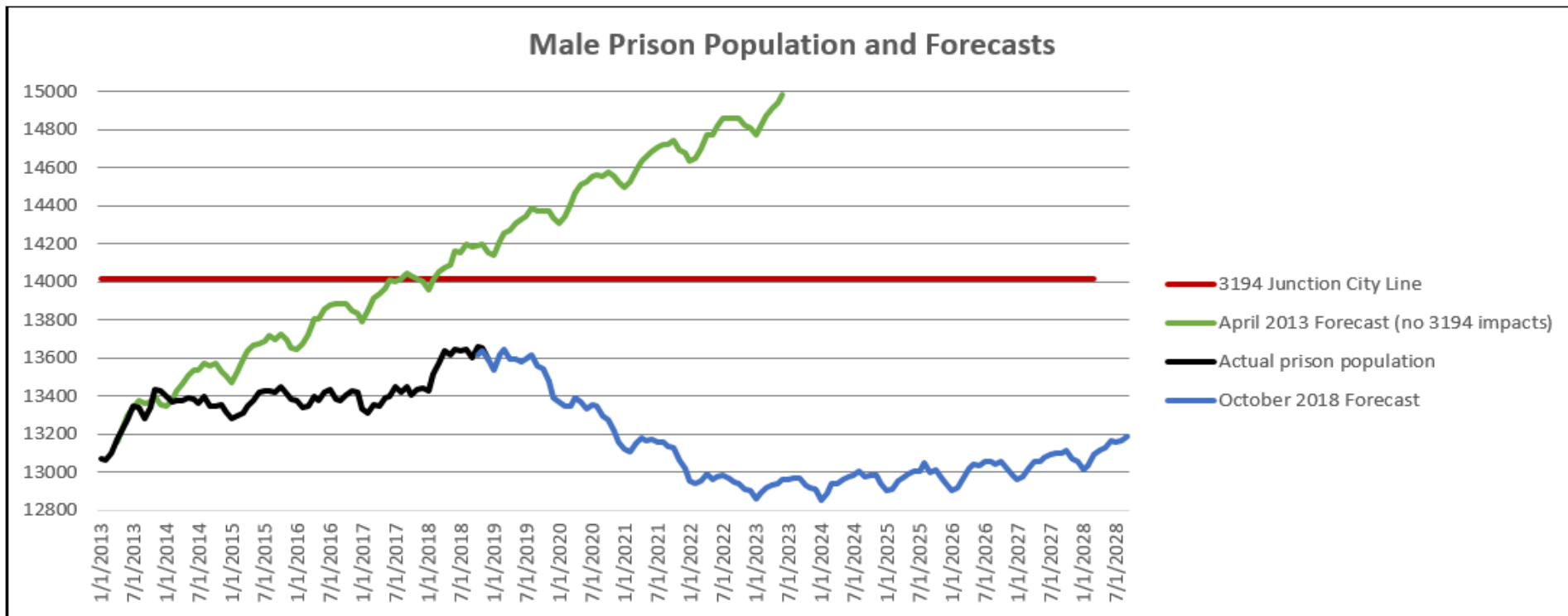
Targeted Population: Medium to high risk, prison-bound, non-violent property and drug offenders with identifiable substance abuse issues and motivation to change.
Program: Enhanced supervision with structured sanctions. Clients attend cognitive-behavioral intervention, treatment, mentoring, and receive housing support



- Deputy District Attorneys
- Supervision
- Law Enforcement
- Circuit Courts
- Public Defense Services
- Data, Analysis, & Other Support
- Victims Services

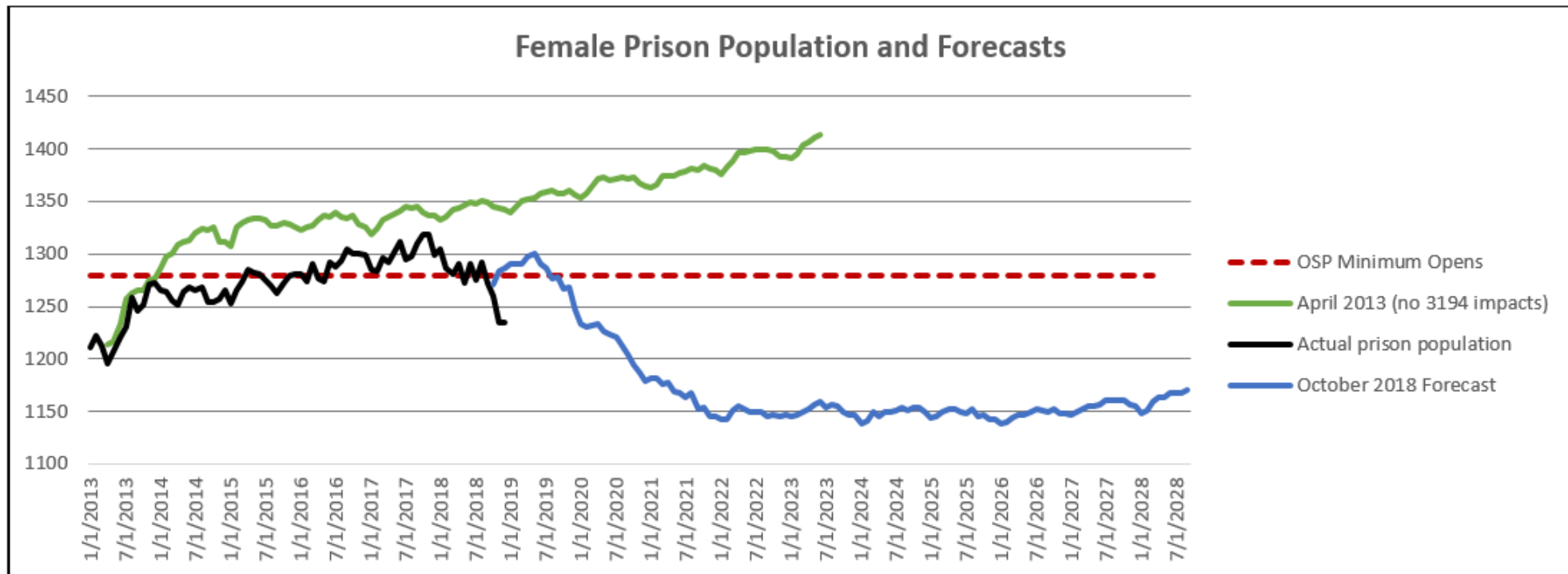
3-4. JUSTICE REINVESTMENT PROGRAMS

Reduce Prison Populations – **MALE** PRISON POPULATION AND FORECASTS



3-4. JUSTICE REINVESTMENT PROGRAM

Reduce Prison Populations – **FEMALE** PRISON POPULATION AND FORECASTS



5. SPECIALTY COURTS GRANT PROGRAM

In 2013, the Oregon Legislative Assembly's adoption of HB 3194 expanded the CJC's charge to include serving as a "clearinghouse and information center for the collection, preparation, analysis and dissemination of the best practices applicable to specialty courts" (ORS 137.680).

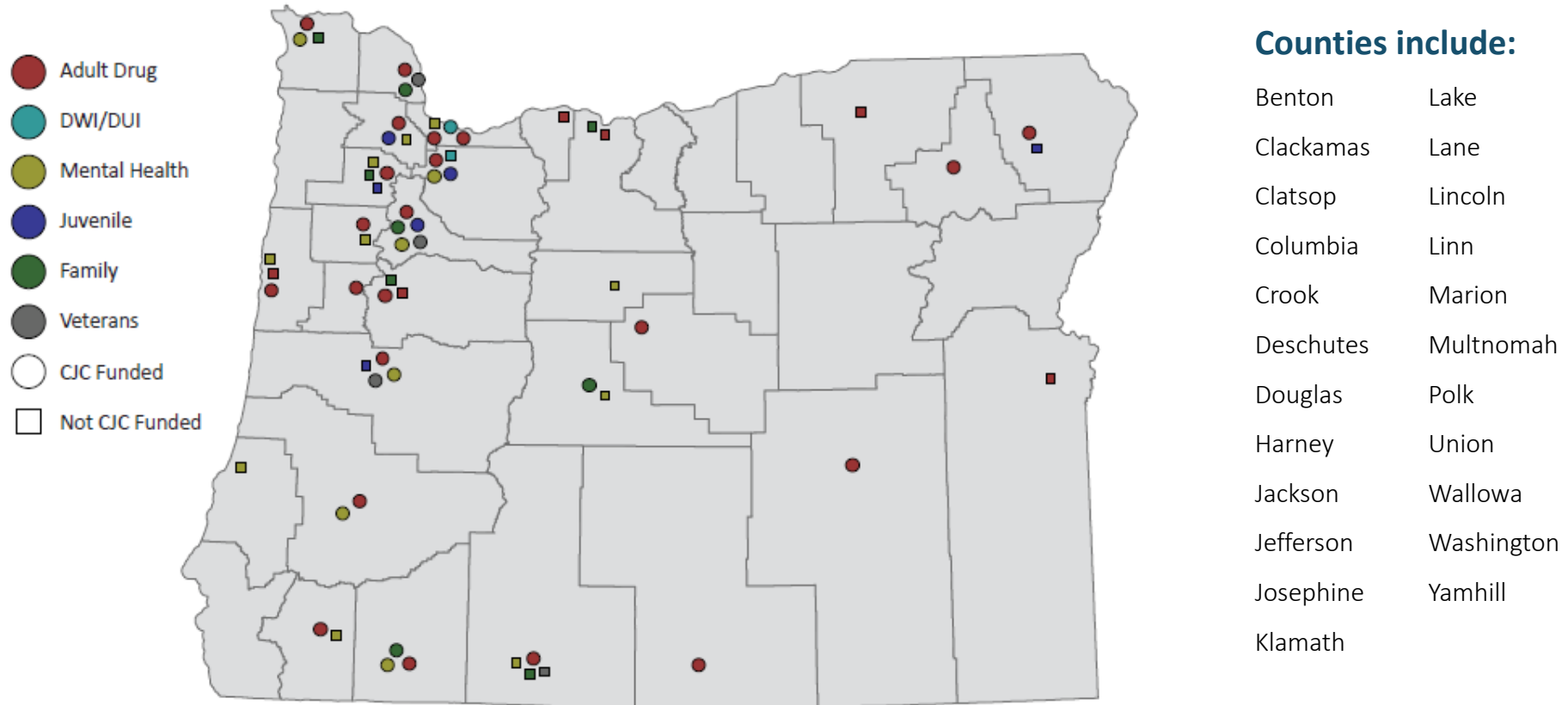
This clearinghouse function includes:

- coordinating research and distributing research results;
- coordinating specialty court-specific trainings; and
- supporting the implementation of programs and evidence-based practices.

In consultation with the Oregon Judicial Department, CJC developed and released Oregon Specialty Court Standards in January 2018.

5. SPECIALTY COURTS GRANT PROGRAM

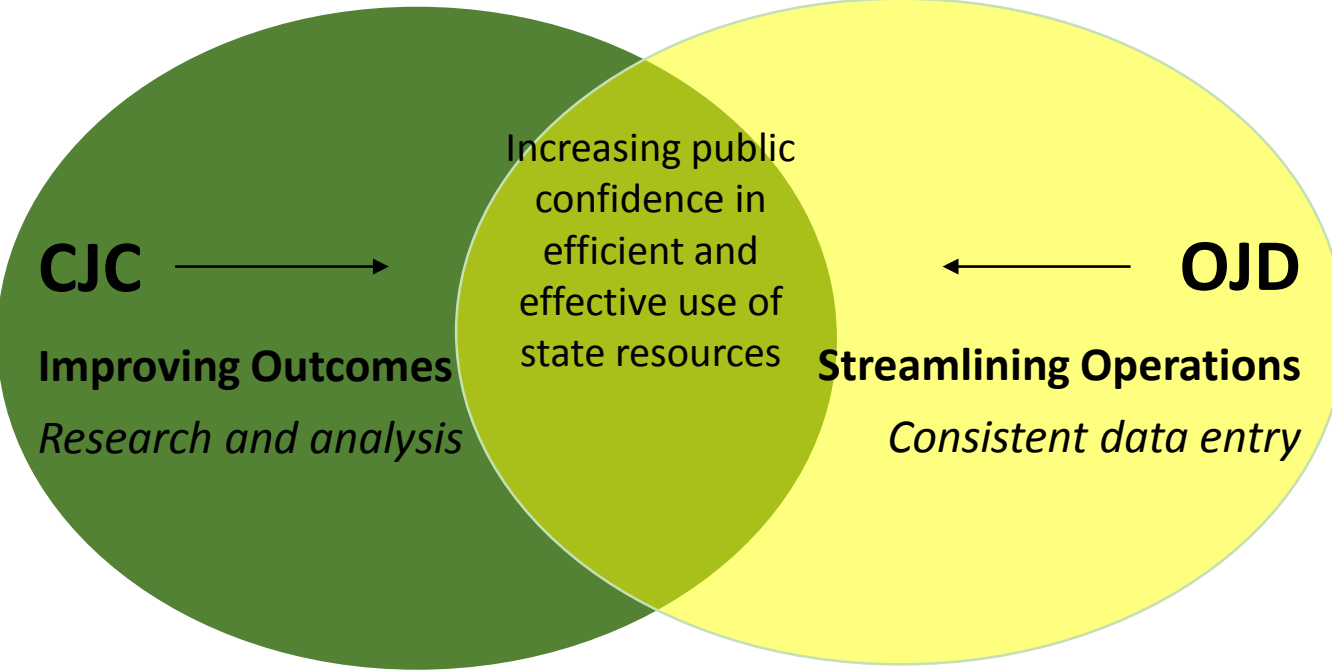
In 2017-19 CJC awarded 41 specialty court grants in 23 counties.



5. SPECIALTY COURTS GRANT PROGRAM

Biennium	General Fund	Other Fund	Federal Fund	Specialty Court Grant Program Funding
2009-11	\$2,997,174	\$50,000	\$7,045,241	\$10,092,415
2011-15	\$3,706,463	\$176,384	\$7,840,328	\$11,723,175
2013-15	\$6,621,332	\$1,046,330	\$4,366,544	\$12,034,206
2015-17	\$12,822,726	\$441,595	\$1,811,000	\$15,157,239
2017-19	\$13,908,049	\$406,541	\$4,406,942	\$18,721,532
2019-21	\$19,394,748	\$940,906	\$0	\$20,335,653 (GRB)

5. SPECIALTY COURT CASE MANAGEMENT SYSTEM (SCMS)



5. SPECIALTY COURTS GRANT PROGRAM

Implementation

- OJD coordinates all training events
- In-person training for courts and team members
- Vendor leads training
- OJD / CJC on-site to answer questions at each training event
- Training materials available
- Pilot court Subject Matter Experts (SMEs) assist at all go-live events

Circuit Courts	Go-Live Date
Klamath	10/24/18
Lane	11/19/18
Douglas	12/12/18
Columbia; Marion	01/28/19
Crook; Deschutes; Hood River; Jefferson; Wasco	03/18/19
Clatsop; Multnomah	04/08/19
Coos; Jackson; Josephine; Lake	04/29/19
Benton; Lincoln; Linn; Polk; Yamhill	05/20/19
Clackamas; Washington	06/03/19
Harney; Malheur; Union; Umatilla; Wallowa	06/24/19

6. ILLEGAL MARIJUANA MARKET ENFORCEMENT GRANT PROGRAM

Enrolled Senate Bill 1544 §13(1) established a grant to assist cities and counties in addressing unlawful marijuana cultivation or distribution operations.

Grantee	1-Year Contract Amount
Deschutes County/City of Bend	\$143,175
Jackson County/City of Medford	\$543,961
Josephine County	\$401,228
Klamath County	\$204,553

6. ILLEGAL MARIJUANA MARKET ENFORCEMENT GRANT PROGRAM

Reporting Priorities

- Felony arrests concerning illegal marijuana market enforcement operations, listing ORS provisions
- Asset seizures (money, weapons, plants, products, etc.) concerning illegal marijuana market enforcement operations
- Indictments and/or convictions (including unsuccessful indictments) filed in felony illegal marijuana market enforcement operations
- Grant-related trainings attended, the relevant topics covered, and the staff selected to attend

7. PLANNING AND POLICY DEVELOPMENT

The agency is focused on providing analysis, data, and evidence-based expertise to local stakeholders in the improvement planning for their local systems.



Dallas PD Naloxone Deployment

The Dallas Police Department has partnered with Polk County Behavioral Health to train every sworn officer on the use of naloxone.



Portland Area Canine Therapy Teams

PACTT provides support to participants of local specialty courts by canines and their handlers accompanying participants to court hearings to provide comfort and alleviate stress.



Marion County Jail Reentry Program

Provides 90 days of treatment delivered by multiple agencies to successfully prepare Marion County Transition Center inmates to transition when they return to the community.

Real-time data availability increases the transparency and legitimacy of the criminal justice system and is critical to Justice Reinvestment Initiative and, more broadly, the Governor's Healthy and Safe Oregonians initiative.

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

7. PLANNING AND POLICY DEVELOPMENT

Evaluating the Efficacy of Investments

- Rigorous evaluations including randomized controlled trials (“RCT”) funded through state Justice Reinvestment funding
 - 416 Program Randomized Controlled Trial (2 sites)
 - Transitional Housing Randomized Controlled Trial (3 Sites)
 - Reentry Programming Quasi-Experimental Study
 - Pre-sentencing Assessment Programming Quasi-Experimental Study
 - Quasi-Experimental LS-CMI Risk Tool Assessment

7. PUBLIC SAFETY TASK FORCE

House Bill 2238 (2017) tasked the PSTF with studying:

- 1) Security release (“bail” system) in Oregon, focusing on reducing racial and ethnic disparity in pretrial incarceration, including:
 - Repealing statutes authorizing security release in favor of courts, or another entity with delegated authority, making release decisions
 - Using pretrial risk assessments
 - Methods of reducing failure to appear at court hearings
- 2) “Impact” of criminal fines and fees
- 3) Justice Reinvestment grant program implementation

7. PUBLIC SAFETY TASK FORCE

September 2018 Progress Report

Initial pretrial recommendations:

- Continuing efforts to obtain and improve jail data and failure-to-appear (FTA) data
- Adding a focus on reducing economic disparity in pretrial incarceration, in addition to racial and ethnic disparity as called for in HB 2238

Initial fines and fees recommendations:

- Exploring options for expanding judicial discretion to consider an ability to pay fines/fees
- Exploring options for repayment of fines/fees through community service

Initial Justice Reinvestment recommendations:

- Allowing three-percent funding for Justice Reinvestment studies to be used to evaluate local programs/treatment service providers to ensure that these services meet evidence-based practices and the needs of their populations

8. SENTENCING GUIDELINES

Administration of Oregon’s Felony Sentencing Guidelines

- Administrative Rules (“OAR”) established to guide sentences imposed for felony crimes
- Adopt new rules to conform the guidelines to new policies and the activity of the Legislature

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	2 Years	12 Mos.	1 Year
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60			
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60	1 ½ Years	6 Mos.	1 Year
3	120-60	120-60	120-60	120-60	120-60	120-90	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.

9. STATISTICAL TRANSPARENCY OF POLICING PROGRAM

- The Statistical Transparency of Policing (STOP) Program was created to implement the requirements of HB 2355 for traffic/pedestrian stop data collection. STOP has been a collaboration between CJC, OSP, and DPSST.
 - The STOP Program has developed the technological means for LEAs to report data as required by HB 2355 and provides assistance to LEAs in meeting their reporting requirements.
 - Currently, the 12 Tier 1 agencies are reporting into the STOP database, as well as 11 Tier 2 and 1 Tier 3 agency.
 - Starting in December 2019, the CJC will submit an annual report to the Legislature analyzing STOP data.

9. STATISTICAL TRANSPARENCY OF POLICING PROGRAM

TIER 1 AGENCY (12)

- Begin reporting July 1, 2018
- 100 + officers

TIER 2 AGENCY (44)

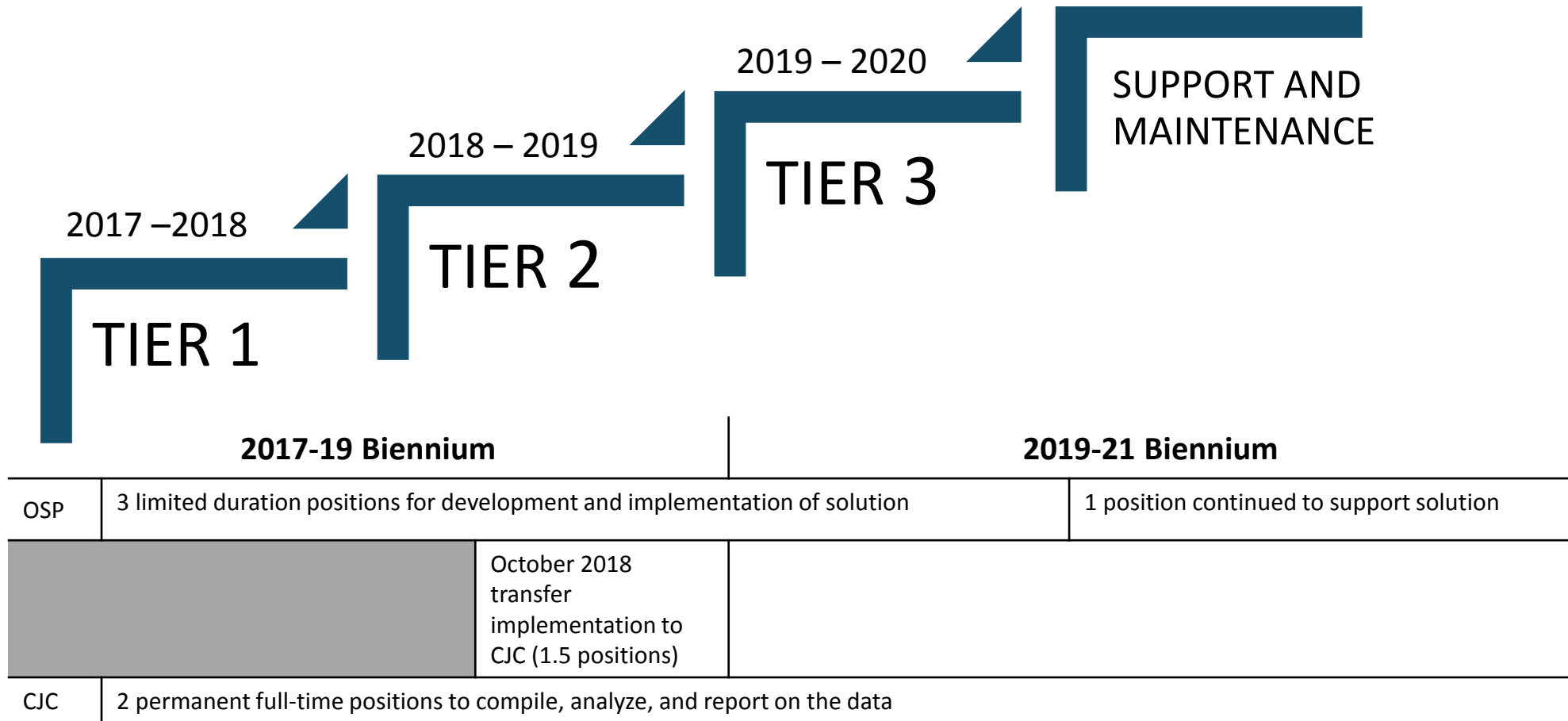
- Begin reporting July 1, 2019
- 25 – 99 officers

TIER 3 AGENCY (142)

- Begin reporting July 1, 2020
- 24 and less officer

Greater detail regarding the STOP program is available at <https://www.Oregon.gov/cjc/stop>

9. STATISTICAL TRANSPARENCY OF POLICING PROGRAM



10. ASSET FORFEITURE OVERSIGHT ADVISORY COMMITTEE

The agency is responsible for the preparation of reports detailing the number and nature of civil and criminal forfeitures carried out under ORS 131.550 to 131.600, including the disposition and use of the proceeds from the forfeitures.

Twenty (20) percent of civil forfeitures are used to support specialty courts through the Agency's Specialty Court Grant Program.

11. OREGON DOMESTIC VIOLENCE COMMISSION

Mission Statement

To improve Oregon's response to domestic violence with the goal of enhancing the safety of all Oregonians in their intimate family relationships.

Vision Statement

To ensure that Oregon's public agency response to domestic violence is coordinated and committed to supporting and promoting equality, dignity and respect so that individuals are safer in their intimate and family relationships.

11. OREGON DOMESTIC VIOLENCE COMMISSION

Four Primary Roles

- **Policies and Practices:** Advise the governor and the legislature on policies and best practices for state response to domestic violence;
- **Training:** Train professionals from all state agencies about the intersection of domestic violence in their daily practice;
- **Coordination:** Facilitate coordination between state agencies and organizations regarding response to domestic violence;
- **Public Awareness:** Serve as a resource regarding the issue of domestic violence by disseminating regular public awareness campaigns, publishing materials for use by non-profits and survivors and highlighting best practices.

POLICY AND PROGRAM ALTERNATIVES

The agency 10% reduction option for state general fund reduces the Justice Reinvestment Grant Program by \$6,753,801.

The reduction will impact counties statewide, reducing the number of criminal justice programs available and the level of services offenders will receive.

QUESTIONS

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