



# Legislative Testimony

## OREGON DEPARTMENT OF CORRECTIONS

February 25, 2021

The Honorable Janelle Bynum, Chair  
House Committee on Judiciary

### **Re: House Bill 2002**

Chair Bynum and members of the committee, I am Jeremiah Stromberg, Assistant Director of the Community Corrections Division for the Oregon Department of Corrections (DOC). This testimony is being provided to share information regarding HB 2002. DOC has had good communication and dialogue with the drafters of the bill, and there appears to be a desire to clarify and possibly amend certain sections. However, there are significant negative impacts should the bill pass in its current state.

### **What the Bill Does:**

HB 2002 makes several changes. This testimony addresses sections which amend statutes specific to peace officers, conditions of probation and post-prison supervision, earned discharge, sanctions, and revocations. The impact of the changes are as follows:

### **Section 27**

This section would prohibit Probation and Parole Officers, who are Peace Officers in the execution of their duties, from any type of uniform. While the intent may be to ensure they do not resemble a member of the regular police force, this language is ambiguous and creates confusion as to what could or could not be worn.

### **Section 28**

This section would limit where an officer carries a firearm. Limiting when and where an officer can carry a firearm creates a dangerous public safety outcome. To limit an officer – while acting in their official capacity – from carrying a firearm in places where the general public has the right to, creates a confusing and concerning precedent. Officers cannot predict when a use of force situation may arise and prohibiting them from carrying out their duties and responsibilities in certain settings creates an ineffective model for supervision. Many times, if an officer is onsite at a social service agency or place of employment, it is to support and reinforce the positive work and behaviors of the individual. Dressing professionally and in an identified manner shows respect and clarifies the agency the officer is representing.

### **Section 30**

The Earned Discharge Program has been a highly successful outcome of HB 3194 (2013). During the 19-21 biennium alone, more than 3,000 individuals were discharged from supervision due to substantial compliance with the terms of their supervision. Oregon's program is being studied for its effectiveness by the Crime and Justice Institute, with support from the Urban Institute and has already been exemplified nationally as one of the most progressive models to ensure individuals do not remain on supervision longer than necessary. This bill would change the structure of the program and result in a more difficult process for individuals to be discharged and would not incentivize or hold a person accountable for their most recent behavior. It would take the program back to the structure prior to amendments made in 2015 and would not rely on the completion of a national study. There are ways to improve outcomes of the program; however, these amendments would not achieve those results.

### **Section 31**

This section would eliminate “*no possession of a controlled substance*” from being a condition of supervision. With changes in drug possession laws under Ballot Measure 110, there is a need to continue to adopt supervision strategies as they relate to substance abuse disorders. With that said, drug use remains a core component for many who commit crimes whether to feed an addiction, or cause the individual to act out impulsively, violently, and/or in a manner that harms themselves and others.

Prior to the introduction of this bill, the Board of Parole and Post Prison Supervision, County Community Corrections, and DOC made plans to look at the conditions of supervision in their entirety and to initiate legislation during the 2023-25 session. Ideally, the drafters of this bill will join these agencies and others on a comprehensive review of all conditions to ensure they are evidence-based and in the best interest of reformation and public safety.

In addition, this section limits the ability to revoke an individual’s supervision unless they “willfully abscond” or commit a new crime. A person could therefore not comply with any conditions of supervision including contact with their victims, violations of sex offender conditions that protect youth and vulnerable adults, failure to attend treatment or programs, and never report to a parole officer; yet they would successfully complete supervision. This section erodes the balance of “carrots and sticks” to ensure supervision is both incentive-based and able to hold individuals accountable when they present a risk to the community.

### **Section 36**

Similar to section 31, the amendments here would limit the use of jail for anyone on supervision who uses a controlled substance. It is not a regular response of the system to jail individuals for substance abuse, as the probation profession sees this as a health issue where relapse is part of recovery. However, this amendment would impede treatment compliance and not allow for jail when the person repeatedly violates the terms of drug court, treatment, or their supervision case plan. DOC is responsible for the creation of a sanctioning grid, where drug use can result in jail time when the person is of high risk to the community. Limiting this would create a public safety risk.

### **Requested Action:**

For the reasons explained above, the department respectfully requests the sections described above be removed from the bill and the drafters engage with DOC and other criminal justice stakeholders to address the concerns this bill intends to impact.

Thank you for your time and consideration. I am happy to answer any questions you may have.

*Submitted by:*

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