

Submitter: Ken Nolley
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: SB1122
TO: Chair Kropf, Vice-Chairs Chotzen and Wallen, and members of the committee

FROM: Ken Nolley

I am writing to you to express significant concern over SB 1122. I served on the work group that drafted HB 2549 in 2013 when the current registry system was set up and then served on two separate advisory groups for BPPPS dealing with issues of implementing the new system. I am well-versed in the system and in the research behind current law.

In 2013, the Static 99R was the most highly regarded and widely used risk assessment tool in use both in the U.S. and abroad. Five years later in 2018 that the same research team that developed the Static 99R released new research that showed that initial risk levels at the time of release declined predictably over time for individuals who remained offense free. If that research had been available when Oregon's system was set up, it probably would look significantly different than it does now.

Today we have a system that is only partially focused on risk and partly on the type of crime, even though the research tells us that the type of crime has little correlation with risk of re-offending. Additionally, current Static 99 protocols include corrections to the original scoring based on research that shows that risk at release declines by 50% with every 5 years spent offense-free in the community. But SB 1122 requires Oregon to ignore the new research in violation of the protocols that are a now part of the instrument we continue to use.

The problem here is not merely that changing scoring rules midstream will cause inequities; not changing the scoring rules perpetuates inequities as well by ignoring years of offense-free life in the community for the many historical registrants who are only now being scored for the first time.

The fix we need is not the fix called for by SB 1122, nor is it simply to change scoring procedures as ordered by the court. Oregon law needs to recognize the research that now underlies the Static 99R by revamping current law to conform with the protocols called for by the risk tool we use. We need to make more fundamental changes than the little patch that SB 1122 in its current form would apply.