



Oregon

Tina Kotek, Governor

Oregon Department of Corrections

Headquarters

3723 Fairview Industrial Drive SE 200

Salem, OR 97302



February 9, 2026

Representative Jason Kropf
900 Court St. NE, H-491
Salem, OR 97301

Representative Willy Chotzen
900 Court St. NE, H-4485
Salem, OR 97301

Representative Kim Wallan
900 Court St. NE, H-388
Salem, OR 97301

Subject: House Bill 4041

Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan, and Members of the House Committee on Judiciary:

The mission of the Oregon Department of Correction (DOC) is to protect communities, promote accountability, and transform lives. During the last six months following the [Torres-Lopez v. Fahrion](#) (*Torres-Lopez*) decision – where the Oregon Supreme Court directed DOC to change the way sentences are calculated – DOC has had to wrestle with how to be compliant with decisions made by the Court while remaining true to our mission.

The *Torres-Lopez* decision marked the biggest change in sentence computation work DOC has seen in decades. We have one goal when it comes to sentence computation: accuracy. Our Offender Information and Sentence Computation (OISC) team undergoes a year or more of training before being approved to fully function in their roles. This training allows the team to review and often recalculate Projected Release Dates (PRD) throughout an adult in custody's (AIC) sentence, up to and including the day before release, to ensure accuracy. It is a responsibility DOC takes very seriously.

Accuracy in sentence computation, however, requires more than ensuring staff are appropriately trained and effective quality assurance processes are in place. Accuracy requires that judgment order language is both exceedingly clear and a true reflection of the courts' intentions. At the present time, judgement order structure and language vary widely across Oregon's courts, complicating the work of sentence computation.

Guided by our commitment to public safety, transparency, and accountability, we recognize that a series of events led to the current situation affecting DOC, our public safety partners, victims, adults in custody, and their families. The following timeline outlines the key events that brought us to where we are today.

Timeline of Key Events

July 2025

The current challenges began with an Oregon Supreme Court ruling issued in July 2025, known as the *Torres-Lopez* decision. The ruling, which was retroactive to 2015, marked a significant change in the way presentence incarceration credit is awarded. Upon receipt of the ruling, DOC recognized there were likely hundreds of sentences impacted, if not more. Given the significance of the ruling and potential impacts, DOC immediately sought legal advice from their counsel, the Oregon Department of Justice (DOJ) on implementation. DOJ also filed a request for reconsideration with the Supreme Court, citing a technical error decision.

August 2025

Beginning in August 2025, DOC's sentence computation team hand-reviewed 11,000 Judgment Orders to determine eligibility for the additional credit. The team had to do this work quickly, as there was a good chance the *Torres-Lopez* ruling meant DOC was overincarcerating some AICs. Following the review, 388 of the 11,000 cases had their PRD adjusted to an earlier date—most by days or months, and a small number by several years.

During DOC's review of approximately 11,000 judgment orders, we identified language in some cases indicating that the court had ordered duplicate credit. In those instances, credit was applied as directed by the court.

Fall 2025

By early Fall, DOC began to hear concerns related to cases in which duplicate credit was awarded based on judgment orders. Based on those concerns, DOC sought additional legal counsel from DOJ and began regularly communicating with impacted stakeholders on affected cases.

November 2025

In November 2025, the Supreme Court denied DOJ's request for reconsideration and opened the door a bit further as it relates to what qualifies as presentence incarceration credit. Also in November, following legal consultation, DOC made a policy decision to recalculate sentences where duplicate credit was applied, essentially removing the duplicate credit. The recalculations had to be applied consistently, which meant it would not only impact those still in custody, but also those who'd been released under the initial calculation.

Although computation errors resulting in premature releases are historically rare, for decades DOC has relied on its statutory authority ([ORS 144.350](#)) to issue an order of arrest and subsequent warrant in such cases. We proceeded in exactly that way with these cases and, as a result, 22 people were returned to DOC custody. The remaining individuals were either incarcerated with another agency or were able to avoid law enforcement contact while the warrants were active.

December 2025

In mid-December, the first Habeas Petitions were filed with the Supreme Court for three of the individuals taken back into custody. On Christmas Eve, the court ruled that DOC lacked the appropriate statutory authority to return these individuals to custody using ORS 144.350. DOC was ordered to release all three individuals and did so without delay. In addition, we canceled the remaining open warrants for those individuals who could not be located and were not brought back into custody.

January 2026

By mid-January, additional petitions were filed with the court on behalf of three additional AICs. In late January, DOC was again ordered by the Supreme Court to release them, and we did so.

In addition to the six released on Habeas Petitions to date, others with short amounts of time remaining to serve released normally. Currently there are 12 individuals remaining in DOC custody who were returned on warrants and have not completed their court-ordered sentence, and Habeas Petitions continue to be filed. Eighteen individuals have been released to the community despite owing additional court-ordered time. The process for returning them to custody is unclear.

February 2026

DOC engaged with Representative Kropf, Representative Chotzen, Representative Wallen, our public safety partners, and committee staff to share details around the process the agency goes through to respond to court rulings. We remain committed to working with our partners in enhancing public safety to provide clarity in the law.

While we are navigating uncharted territory, we remain committed to working collaboratively toward a resolution. We share a common goal: safe communities, a functional and fair legal system, and prison sentences that lead to accountability and meaningful transformation. Thank you for your leadership in bringing us to this moment, including a statutory fix that addresses many of the challenges we have worked through over the past six months.

Thank you for your consideration of this important matter,



Larry Bennett

C: Harvey Mathews, DOC Legislative Manager
 Jennifer Black, DOC Chief of Staff
 Valerie Colas, Governor's Public Safety Advisor