



Newsletter – Winter 2009

OREGON CRIMINAL JUSTICE COMMISSION

Executive Director's Column – Craig Prins:

Since our last newsletter the legislature has reconvened and we are in the middle of tracking and providing impact estimates on a variety of bills. For those of you who are not familiar with our function during legislative sessions, one of our most important jobs is to assist the Legislative Fiscal Office in determining the fiscal impact of different crime measures. Usually, this boils down to estimating how many prison beds would be needed if a certain measure is enacted. Mike Wilson and I take on analyzing the measures, and Mike Stafford then coordinates our findings with local governments and other agencies. If you have a question about a criminal law bill, we can help explain it and the estimated impact we think it will have on the system.

We have had a couple staffing changes that I want you to be aware of as we deal with different issue areas. Mike Stafford has taken over the staffing of the Asset Forfeiture Oversight Advisory Committee, as Frank Silva has accepted a new position as a community liaison with the Portland Police Bureau. Devarshi Bajpai is now our single contact for all drug court grant and federal grant questions. We are working toward becoming the State Administering Agency (SAA) for the Byrne/JAG grants. Thank you to Jeanette Ewald and Diana Fleming, two experts on these grants who were temporarily stationed with us by the Oregon State Police. As they have moved on, and we have yet to hire new program analysts that will handle these grants in the future, Devarshi will coordinate all inquiries.

This legislative session we are moving from estimating the impact of Measure 57, to actually tracking its implementation. We are working with the courts, corrections, and prosecutors to make sure we can track how offenders are handled under the new sentencing concepts provided in the measure. We are also pleased to be working with the Department of Corrections on the methodology we will use to track how programs contemplated in the measure work in reducing crimes, and addressing addiction and criminal thinking through treatment, supervision, and sanctions.

Thank you for reading our newsletter, and please use our contact information to ask us any questions you have this session.

Chair's Column – Judge Darryl Larson:

As I noted in my last column, several years ago the CJC began to restructure itself to better provide the planning and analysis with which it is charged. In order to achieve its mission, access to accurate data and expert analysis is essential. Fortunately for Oregon, the Criminal Justice Commission now has statistical analysis experts on staff and considerable baseline data is now also available to them. The relatively recent entry of ORS numbers on each drug crime of conviction now permits considerable analysis not previously possible.

Like a number of states, Oregon has moved its sentencing policy ever more toward mandatory sentences, providing ever

less room for evidence-based sensible policies affecting the capacity and use of state prisons or the reduction of future criminal conduct. Prologue to the future is, however, an examination of the past and present. With that in mind, the CJC staff has been examining data to determine what has been really happening with sentencing in Oregon and to begin working to establish a valid risk tool. CJC's 2008 survey of prosecutors, Judges and defense attorneys suggests there is wide agreement that Oregon's Sentencing Guidelines do not have a strong relationship to actual risk posed by offenders. Additionally, Chief Justice Demuniz and the Chief of the Missouri Supreme Court recently co-authored a letter to then President-Elect Barack Obama requesting development of policies and strategies toward a more objective risk-based approach to sentencing in America. The effort at CJC is one such early attempt to begin that development in Oregon.

A risk tool is already in use at DOC and in most correctional systems. Our goal is to develop a risk tool available to lawyers and judges which could help identify who is at most and least statistical risk for reoffense. It would not be intended to answer what the sentence should be but, rather, as an adjunct in shaping the level and extent of needs of the offender. The goals for such a risk tool include the following: it is automated, it is fast, it is objective and it is more accurate than subjective "clinical judgment." In the future, CJC intends to develop and provide three risk scores: one for any felony, one for property crimes in Repeat Property Offenders, and one for person felonies.

There is considerable work left to do but, for the first time, the CJC is in a position to be able to get substantial and more accurate baseline data on criminality in Oregon. We look forward to providing interested officials, agencies and the public with the best and most useful information possible and are working hard to make that happen.

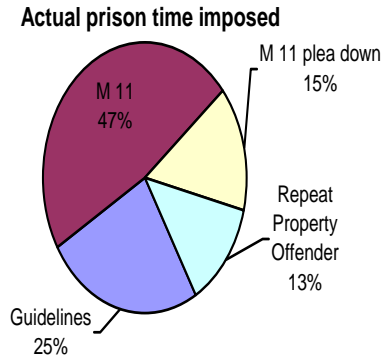
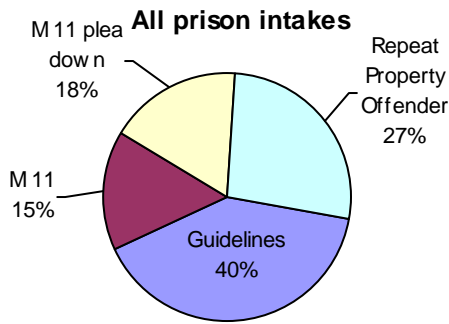
Oregon Statistical Analysis Center (SAC) – Mike Wilson:

Overview

Oregon voters passed Measure 57 in November 2008 and with its passage, changed the sentencing of Oregon's drug and property offenders. This article will give you an overview of sentencing in Oregon at the time of its passage.

Prison intakes vs. prison time served

The pie charts on the following page illustrate the difference between looking at which sentencing structure sends offenders to prison, and the amount of prison time imposed under Oregon's different sentencing schemes. For example, repeat property offenders are 27% of the total number of offenders sentenced to prison, but constitute 13% of total months of prison sentenced by a judge in 2007. Measure 57 will increase both the number of intakes and total months of prison repeat property offenders serve, and will decrease guideline sentences.



Drug crime convictions 2000-2007

This table shows the number and percentage of drug manufacturers and dealers sentenced to prison and the total number convicted of these crimes. This table does not include those convicted of drug possession. Measure 57 will increase the use of prison for those offenders who manufacture or deliver a large amount of heroin, ecstasy, cocaine, and methamphetamine or who have prior convictions for selling or manufacturing these illegal drugs.

Year	Incarceration		All
	Number	% to Prison	
2000	505	26%	1956
2001	583	27%	2166
2002	663	30%	2227
2003	557	29%	1929
2004	512	26%	1953
2005	488	25%	1935
2006	495	26%	1877
2007	446	26%	1722

Sentencing of Felons 2000-2007

This table shows a historical trend of whether a sentenced felon is sent to prison, jail (local control), or receives probation. The majority of offenders convicted of felonies serve probation.

	Incarceration		1 year or less in Jail		Probation	
	Number	%	Number	%	Number	%
2000	3350	20.75	1458	9.03	11335	70.22
2001	3772	22.72	1487	8.96	11340	68.32
2002	4093	24.14	1496	8.82	11363	67.03
2003	4067	25.95	1244	7.94	10359	66.11
2004	4270	24.4	1554	8.88	11677	66.72
2005	4239	22.43	1643	8.69	13014	68.87
2006	4362	22.92	1653	8.69	13016	68.39
2007	4171	22.98	1516	8.35	12462	68.66

Property crime convictions 2000-2007

This table shows an upward trend in the number and percent of offenders sentenced to prison for property crimes that will be impacted by Measure 57, such as burglary, car theft, identity theft and larceny. Measure 57 will continue this trend of increased use of incarceration for property offenders.

Year	Incarceration		All
	Number	% to Prison	
2000	469	19%	2479
2001	605	21%	2855
2002	734	25%	2957
2003	720	27%	2624
2004	879	29%	2986
2005	985	30%	3258
2006	1008	27%	3670
2007	989	27%	3668

Oregon Felony Convictions by Most Common Offense, 2007

These are the ten most common felony convictions in Oregon. This shows the number convicted regardless of whether the offender was sentenced to probation, jail, or prison. Measure 57 will increase the use of prison for Theft 1, ID Theft, Unauthorized Use of a Vehicle, Burglary I, Delivery of Meth and Burglary II.

	Number
Possession of Meth	3306
Theft I	1256
ID Theft	859
Unauthorized Use of Vehicle	839
Burglary I	781
Delivery of Meth	595
Felony DV Assault	553
Possession of Controlled Substance, Schedule II (general)	547
Burglary II	540
Possession of Cocaine	516

Grant Management – Devarshi Bajpai:

We continue to work towards transitioning the JAG Grant Program from Oregon State Police (OSP) to the CJC. Diana Fleming left her position as a grant coordinator on the JAG grants for a position at DOJ. In the next few months, CJC will be working with OSP to hire two grant coordinators and a fiscal analyst to assist in managing and transitioning the grants.

The Governor's Recommended Budget includes \$6 million for continuation of the Drug Court Grant Program for the next biennium. We are currently in the review and approval process for the Prisoner Re-Entry grants and will be beginning development of a new JAG Drug Court Grant Program in the upcoming months. Watch the website for more details!

AFOAC – Mike Stafford:

First, Frank Silva's move has resulted in the move of the AFOAC portfolio to Mike Stafford. The Committee met in late January and elected Senator Floyd Prozanski chair and Representative Andy Olson vice chair. Several people have called asking for an updated Asset Funds Distribution contact list. The following list, which is also on our website, has the most current contact information.

Asset Forfeiture Distribution Contacts

(Criminal Forfeitures)

Oregon Department of Justice:

(payments to DOJ)
Kellie Spendal
Criminal Justice Accountant
Oregon Department of Justice
1162 Court St. NE
Salem, OR 97301

Oregon State Police:

(payments to OSP)
OSP – Drug Enforcement Section
255 Capitol St. – 4th Floor
Salem, OR 97310

Oregon Department of Human Services:

(drug prevention and education funds)
Edie Woods
Operations & Contracts Administrator
Addictions and Mental Health Division (AMH)
500 Summer ST NE E-86
Salem, OR 97301-1118

Oregon Department of Environmental Quality

(DEQ drug clean up fund)
Department of Environmental Quality
Business Office
811 SE Sixth Avenue
Portland, OR 97204

State of Oregon

(State General fund)
State of Oregon
Department of Administrative Services
Attn: Cashier
155 Cottage St. NE
Salem, OR 97301

Asset Forfeiture Oversight Advisory Committee

(AFOAC)
c/o Oregon Criminal Justice Commission
885 Summer St. NE
Salem, OR 97301

Civil forfeitures

Relief Nursery funds

State Commission on Children & Families
530 Center Street NE, Suite 405
Salem, Oregon 97301

Oregon Department of Environmental Quality

(DEQ drug clean up fund)
Department of Environmental Quality
Business Office
811 SE Sixth Avenue
Portland, OR 97204

Drug Court and AFOAC Funds

c/o Oregon Criminal Justice Commission
885 Summer St. NE
Salem, OR 97301

Office location:

885 Summer Street NE
Salem, OR 97301
(in the McGilchrist House across from the State Archives Building)

CJC Contacts:

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Mike Stafford, Public Safety Coordinator – (503) 378-4845
Mike.Stafford@state.or.us
Mike Wilson, Economist – (503) 378-4850
Michael.K.WILSON@das.state.or.us