

Lawmakers have opportunity to flatline prison growth

BY DAVID ROGERS
CONTRIBUTING COLUMNIST

On Nov. 30, Gov. John Kitzhaber released his proposed budget for 2013-15. The budget included no money for prison expansion — despite the fact that the state projects it will need more than 2,000 new prison beds at an estimated cost of \$600 million over the next decade.

The governor based his budget, instead, on the idea that it's time to stop the skyrocketing increase in Oregon's prison population — to hold prison growth flat — a bold and important step

for Oregon.

How can prison growth be flatlined while still maintaining community safety? The governor created a high-level commission of experts to answer that very question. In December, the Commission on Public Safety provided its final report, recommending a package of reforms that would smartly reduce the prison population prospectively (meaning recommended policy changes would not apply to individuals currently in prison) and shift the focus of our public safety system to prevention and local interventions.

Here are highlights from those recommendations:

1) Currently, the Department of Corrections does not sufficiently assist people soon to be released from prison or provide enough of a transition period to ensure that people leaving prison are better prepared for successful re-entry into the community. The commission recommends extending transitional leave and strengthening the transitional leave application process. This is a period where certain people are released early into the community while still under the authority of DOC and receive intensive re-entry support and supervision.

2) Our current mandatory minimums prevent judges from using discretion and force longer than appropriate sentences for some lower-level Measure 11 crimes. Modest

reforms that allow judicial discretion for select offenses can ensure the appropriate accountability without increasing prison capacity.

3) Ballot Measure 57 created increased sentences for drug and property crimes. Most people convicted under Measure 57 would be better served by shorter sentences and increased access to addiction treatment. Measure 57 is the key reason for the current prison forecast that indicates we will need more than 2,000 more prison beds in the next decade. Phasing out large portions of Measure 57's sentence enhancements while increasing drug court diversions provides a better approach to breaking the cycle of addiction-driven crime.

4) Oregon prisoners are staying in prison longer than at any other point in the last decade, and this increased length of stay is a core driver of the growing prison population. The commission recommends expanding earned-time eligibility by 10 percent for those that are currently eligible. Earned-time is a policy implemented by the DOC that can provide people with time off their sentences for program participation and active rehabilitation work. This policy provides an incentive to use time in prison productively and can reduce recidivism. The recommendation would increase total allowable earned time to 30 percent and would not apply to those sentenced under Measure 11.

5) Despite an overwhelming amount of research that suggests the contrary is needed, Oregon regularly charges and sentences youth as adults. Youth serving mandatory minimum adult sentences and who successfully complete all available programming have a chance to have a judge look at their progress and determine whether a different level of supervision is useful for the remainder of the sentence. The commission recommends requiring a hearing part-way through a young person's mandatory sentence where a judge can determine if the youth should remain in prison or could be transferred for mandatory supervision by a parole officer.

6) Currently, counties that reduce their impact on the state prison population

through decisions made in sentencing, supervision, and revocation have no financial incentive to do so. For instance, if a county court focuses on effective sanctions for holding a probation violator accountable without sending them to state prison, the county bears the cost. This means that counties can often focus on more expensive and less effective prison sanctions for low-level infractions. The commission recommends creating a voluntary performance incentive program that provides fiscal incentives for counties to reduce recidivism and safely reduce their impact on the state prison population.

In addition to the above policy recommendations, the governor and the Commission on Public Safety are looking to shift the way we fund Oregon's public safety infrastructure. Currently, a majority of our public safety spending goes to our prison system, which in many ways means we have failed. The governor is advocating that we shift funding to strengthen local intervention and crime prevention programs. This means more resources for addiction treatment and mental health services and more resources for community corrections and drug courts, for example.

There is a huge hope that community-based victim services also receive a significant increase in funding. In 2011, more than 20,000 requests for emergency shelter for domestic and sexual violence victims went unmet in Oregon. We can, and must, do something about this. Providing domestic violence victims with access to shelter, safety planning and legal advocacy can reduce re-assault by up to 70 percent, and yet these programs are tragically underfunded.

The policy changes that reduce prison expansion are critical, but without investing in our local public safety infrastructure, we will not actually be strengthening Oregon's approach to crime and accountability in sustainable ways.

The governor has laid out a bold agenda and the upcoming Legislative Session begins on Feb. 4. Sensible public safety reform will be one of the most impactful issues the legislature will attempt to tackle. Here is hoping they can get it done.

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David Rogers is the executive director for Partnership for Safety and Justice. PSJ is a statewide, non-profit advocacy organization dedicated to making Oregon's approach to crime and public safety more effective and just.

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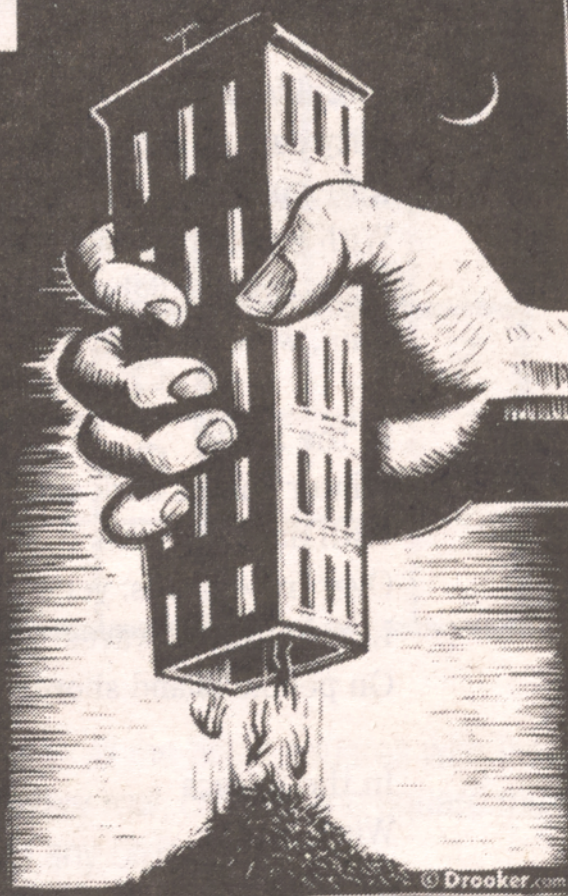
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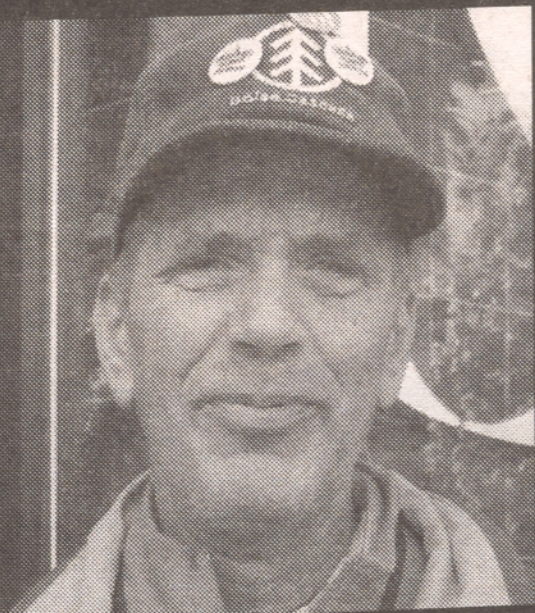
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The New York Times 2 April 2012.



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