

Human investment

Justice reinvestment programs help keep people out of prison, so why are legislators starving the funds?

BY EMILY GREEN
STAFF WRITER

Carole Hinojosa didn't expect a second chance.

She grew up in a drug house in deep Southeast Portland in the 1970s, where, she says, she began her long affair with alcohol and methamphetamine as a little girl — she was only 8 years old when she started using.

At 28, she was sentenced to 13 months in prison on drug-related charges, and later, she says, she spent eight years of her adult life in a “very bad,” abusive relationship, resulting in post-traumatic stress disorder.

Rock bottom came in the early 2000s, when homelessness became a way of life for Hinojosa.

In July, at age 46, she was homeless, drunk and high from smoking meth when police arrested her on felony assault charges near St. Francis Park in Southeast Portland.

En route to Central Precinct for booking, police reports indicate Hinojosa uttered, “Fuck, I’m gonna go to prison for this.”

It was an accurate assessment of her situation.

Based on the charge and her criminal history, she was facing 46 to 50 months in prison, says her probation officer, Jamie Tynan.

But Hinojosa didn't go to prison. Instead, she received in-patient drug and alcohol treatment, mental health services, a mentor and housing as part of a five-year probation sentence.

Since House Bill 3194 passed in 2013, counties across Oregon have invested in an array of programs that are helping to keep offenders out of prison and in their communities.

The idea is simple: Instead of spending money on more prison beds, spend the money saved by keeping people out of prison on treatment and other wrap-around services. The goal is to help offenders become contributing members of society rather than a burden on taxpayers.

So far it's working. The state Criminal Justice Commission predicts Oregon will likely add about 900 fewer prison beds by mid-2017 than it would have prior to making this change in its justice investment strategy.

It's working for Hinojosa too. Her probation officer says she's been able to stay clean, has paid restitution in full and has not had a single violation since she started probation in November. If she fails to comply with the terms of her probation, she will be sent to prison.

“She has expressed what appears to be a sincere desire to get off the streets, address her addiction and other high-risk areas of her life,” Tynan says.

But the Legislature's draft recommended budget for the next biennium provides only a fraction of the funding supporters say is needed to sustain justice reinvestment programs across the state — which will



PHOTO BY DIEGO DIAZ

Carole Hinojosa was given drug and alcohol treatment, mental health services, a mentor and housing as part of a five-year probation sentence. It was an option afforded her through the Multnomah County Justice Reinvestment Program that works to divert people from prisons.

ultimately lead to more people going to prison.

Criminal justice experts and proponents of the program across the state estimate \$58.5 million should be invested over the next two years to ensure its success. Former Gov. John Kitzhaber followed suit and recommended that full amount in his budget proposal earlier this year. But the co-chairs of the Ways and Means Committee have cut that figure to \$20 million.

“One could easily make the case the state's going to spend this money one way or another; we're either going to spend it on prison beds or we're going to spend it on justice reinvestment,” says Ginger Martin, deputy director of the Department of Community Justice at Multnomah County.

There are 81 people participating in the probation program that Hinojosa is enrolled in. Martin says the county needs the full investment in order to get it up to full capacity, where it could serve 160 offenders at any given time.

She says the statewide investment would need to get bumped up to at least \$30 million just to sustain it at its current level.

Since Multnomah County began implementing its new, intensive probation in July, not one of its participants has been revoked and put into prison.

Slowing prison growth

When a 2011 report predicted Oregon would need an additional 2,300 prison beds

by 2021, Kitzhaber tasked the Oregon Commission on Public Safety with finding a way to control prison growth while still holding offenders accountable.

This directive led to the 2013 passage of House Bill 3194, which weakened the harsher sentencing guidelines in voter-passed Measures 57 and 11 and created the Justice Reinvestment Grant Program.

The program works this way: Each county receives a grant that it puts toward reducing its contribution to Oregon's prison population. Some counties invested it in previously established programs, such as drug courts and post-prison re-entry programs. Smaller counties pooled their money on shared programs, and some larger counties, such as Multnomah, created new programs.

Mike Schmidt, executive director of Oregon's Criminal Justice Commission, which analyzes state prison and crime data, says the state saw 188 fewer prison intakes in 2014 than in 2013.

“I think it's fair to say the majority of those were (House Bill) 3194 responsible,” Schmidt says. “The areas where prison intakes are down are property crimes, drug crimes and identify theft.”

If person-to-person and sex crimes hadn't gone up in 2014, the state's decrease in new inmates would have been even greater, Schmidt says, because most people diverted from prison were convicted of non-violent drug and property crimes.

His agency was tasked with projecting

how much money Oregon would save each biennium from redirecting people away from prison, and it came up with the \$58.5 million figure for the next two years based on current growth trends.

The text of HB3194 states, “Future savings resulting from the passage of this 2013 Act must continue to be invested in our local public safety systems.”

But as Schmidt explains, “It's not statutory. One legislature can't bind a future legislature on funding. But I think it reads pretty clearly about what the reinvestment future savings would be.”

He says the Oregon Legislature needs to show counties it is committed to funding the grants so they can proceed to grow their programs with confidence.

The Association of Oregon Counties, the Oregon Business Association, various victim advocacy groups, district attorneys and law enforcement agencies have all come out in support of investing the full \$58.5 million that both the Criminal Justice Commission and Kitzhaber recommended.

Many proponents of full investment point to studies proving treatment and housing services reduce recidivism, and to the reductions already shown from investments made just this past year.

Oregon has already diverted drastically from the projected prison growth that would have meant building a new prison had HB3194 not been enacted. But while that

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