



Michael Miyamura

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# Community vs. incarceration

*Multnomah County's program to keep high-risk offenders out of prison is working, but politics and money woes threaten to undercut its success*

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Since July 2014, Multnomah County has sent more than 600 offenders, who in the past would have likely gone to prison, into an intensive probation program within the community instead.

The program is part of a statewide effort to cut down on incarceration rates of people convicted of nonviolent drug and property crimes, while at the same time maintaining public safety.

The county recently ran the numbers on the first year of the program, and the results are in: It's working.

"We are reducing the number of people sent to prison and not compromising public safety," said Abbey Stamp, director of Local Public Safety Coordinating Council and a member of a workgroup that helped put together the report.

Unfortunately, a proposed repeal of the Affordable Care Act and Oregon's budgetary shortfalls in the upcoming biennium threaten the future of this program and could reverse the trend toward incarcerating fewer nonviolent offenders.

To avoid opening another prison, the Oregon Legislature passed House Bill 3194 in 2013, creating a grant program to fund programs in counties across Oregon aimed at lowering recidivism rates and prison usage.

With those funds, Multnomah County created its Justice Reinvestment Program. Now, eligible offenders facing likely prison sentences are evaluated to determine whether a probation program could be used in the place of incarceration.

Each participant, who agrees to join the program voluntarily, is sent through an in-depth pre-sentencing assessment process to determine risk factors such as criminality, community support, addiction issues and mental health.

Once assessed, the judge, prosecutor, defense team, and probation and parole staff hold a conference with the defendant where the group makes an informed decision on sentencing that often includes probation paired with a program plan tailored to fit the individual's needs. That plan can include drug and alcohol treatment, mental health services, housing and job placement, as well as other wraparound services.

Of the 2,375 offenders who have gone through the evaluation process to date, 22 percent were still initially sentenced to prison. But the vast majority were sentenced to regular or intensive probation instead, with the condition that if they failed to comply with the requirements, they could be revoked to prison for the remainder of their sentence.

To determine whether the program was working, the report's authors compared offenders who were sent through this new process to a control group of similar offenders who went through the county justice system before the program was implemented.

It found that 42 percent of offenders who would have gone to prison under the old system were put on probation instead. But the real win was the discovery that they were no more likely to be re-arrested within the first year after sentencing than offenders the county was already putting on probation before the program started.

*Michael Miyamura said the county's Justice Reinvestment Program saved his life. He was facing 15 years in prison but was diverted into intensive probation instead. Now he's been clean for two years and has started his own carpentry business.*

According to the county's report, 32 percent of participants in the first year of the program were re-arrested and incarcerated, either for new crimes or serious probation violations.

Lane Borg, director of Metropolitan Public Defenders, said he was "ecstatic" the recidivism rate "didn't blow up."

"We took a much riskier group of people," he said, "and the recidivism rate was about the same as we saw with the control group that, in theory, had selected out these more risky people and sent them off to prison."

But he cautions against drawing too many conclusions from this report.

He said it's unlikely any future year will mirror the program's first, as everyone at the table – prosecutors, defense attorneys and the county's Department of Community Justice – are getting better at matching offenders with the right programs and identifying deficiencies.

One problem the county identified early on was there aren't enough providers of some services needed by program participants, such as in-patient drug and alcohol treatment and cognitive therapy for criminal thinking.

And, he warned, "that is only going to get more challenging with the results of the national election."

He said if the Affordable Care Act is repealed, "that's going to jeopardize the program."

The Affordable Care Act funds drug and alcohol treatment for individuals on parole and probation, which freed up money for the county to spend on other crucial services, such as housing, he said.

If wraparound services provided to people on intensive probation go away, they will be more likely to fail the program.

Street Roots first spoke with Michael Miyamura in March 2015 when he was just 60 days into his sentence with the county's Justice Reinvestment Program. He was at a ceremony for the initial group of offenders to complete the first 120 days of intensive probation. At that time he told us that if they could do it, so could he.

Now, he said, the program saved his life.

"I'm still clean two years later," he said. "I'm working, I got my driver's license – I'm doing pretty good."

He was homeless and addicted to meth when he was arrested for stealing cars. If not for the program, he said, he was looking at a 15-year prison sentence.

"The program is as hard as the individual wants to make it," he said. "If I can stay clean, I can be an example for others to be what they want to be someday."

His only complaint was that when he reached that 120-day mark, he was no longer provided with housing.

Luckily, he had friends he could stay with until he got on his feet. Today he has his own apartment and is self-employed in carpentry, a trade he learned long before drugs took

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