NEW LEGISLATION

State lawmakers approved legislation this year to lessen prison sentences for drug and property crimes.

• **House Bill 3078:** Intended to slow the spike of prison use among women and avoid opening another women's prison.

– Lowers the presumptive prison sentences for theft and identity theft to 13 months, down from 18 months.

– Expands the short-term transitional leave program for prison inmates to 120 days, up from 90 days.

– Creates the Family Sentencing Alternative Pilot Program aimed at women with children.

– Devotes $7 million in grants to counties with downward departure prison diversion programs.

• **House Bill 2355:** Designed to limit racial profiling by police and the racial disparities among people convicted of drug crimes.

– Requires the Oregon Criminal Justice Commission to develop a method for law enforcement to record data on pedestrian and traffic stops.

– Lowers the first-time penalty for possession of small amounts of heroin, methamphetamine and other illegal drugs from a felony to a misdemeanor.

Oregon Department of Corrections

Santiam Correctional Institution in Salem. Oregon will spend another $40 million over the next two years on incentives to counties to reduce prison use.

Prison use: County's 60-bed jail in Astoria is chronically overcrowded

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"I honestly believe we are investing way too much money in our prison system, and we're not investing in people anymore," said state Rep. Tawna Sanchez, D-Portland, one of the chief sponsors of the bill approved by the Legislature to reduce theft and identity theft sentences and expand short-term transitional leave. "Sadly enough, we have a greater divide, every single day, between the rich and the poor. And the investment in human beings — that actual human capital — is decreasing."

Slow the spike

The bill, awaiting Gov. Kate Brown's signature, would lower presumptive prison sentences for theft and identity theft to 13 months, down from 18 months. Lawmakers hope the change, along with an alternative sentencing pilot program aimed at women offenders with children, will slow the spike in prison use among women and help avoid opening a second women's prison.

Under the bill, prisoners would also be eligible for short-term transitional leave 120 days before their scheduled release dates, up from 90 days.

Marquis, in an email, characterized the bill as "hocking a huge loogie into the face of Oregon's voters" who passed Measure 57 in 2008. The measure, a compromise supported by Marquis and other district attorneys, increased prison sentences for drug and property crimes. It was an alternative to a competing measure that would have set mandatory minimum prison sentences, like the state does for convictions for violent crimes.

Marquis said state lawmakers have whittled away at Measure 57, undermining voter intent. The district attorney also stresses that recidivism — people who commit new crimes after they are released from prison — still hovers around 40 percent.

"If all this 'hug-a-thug' is working so well, why is recidivism so bad?" Marquis asks.

Another bill passed by the Legislature is intended to address racial profiling by police and the racial disparities in convictions for drug crimes. The bill would downgrade the first-time possession of small amounts of heroin, meth and other illegal drugs from a felony to a misdemeanor.

Marquis predicts that relaxing the penalties for drug possession will weaken the incentive for people to choose drug court — a path that promotes treatment — since they will no longer be facing a felony. The district attorney said the bill is like "sending up the white flag in surrender to the two most insidious and dangerous drugs in our society — meth and heroin."

MORE ONLINE

• Read the bills at http://bit.ly/2uyDh61 and http://bit.ly/2v9fkOR

• See how the $40.1 million would be divided between counties at http://bit.ly/2v7zJoj

County strategy

The Daily Astorian reported in March that Clatsop County was among the top five in prison use for drug and property crimes above a state baseline created by the Oregon Criminal Justice Commission to track justice reinvestment.

Judge Paula Brownhill, the presiding judge of the Circuit Court, formed a work group to examine some of the factors that contribute to the county's prison use. The work group is made up of Brownhill, Marquis, Judge Dawn McIntosh, Lt. Matt Phillips at the county jail, trial court administrator Lee Merrill, and defense attorney Kirk Wintermute.

Judge Brownhill said in an email that the work group is developing procedures for a new pretrial release program, which could take effect in September. "When we finish pretrial release, we'll decide if there is any need for the work group to continue," she said.

Lt. Phillips, in an email, explained that the pretrial release program is being designed to help the Sheriff's Office better manage the inmate population at the county jail and provide monitoring of the offenders who are released.

The county's 60-bed jail in Astoria is chronically overcrowded. Often, as many as 70 percent of inmates at the jail are awaiting trial. One of the concepts behind justice reinvestment is for counties to supervise more offenders locally, but that is difficult when the jail is constantly at capacity.

County commissioners authorized the Parole and Probation Division to add a specialist and a corrections deputy for the pretrial release and alternative custody program using justice reinvestment and state grant-in-aid money.

"The pretrial release program will evaluate arrestees' risk to the community and make recommendations to the court," Phillips said. "Risk and the current charge the arrestee is facing will largely determine the level of monitoring the individual will receive while on pretrial release. Some individuals will be identified as being too great a risk to the community for release and will stay in custody."

Parks: 'Clearly, there's a lot more to go'

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provide a measure of stability for the parks department. Since it is uncertain how much money will come in through donations, City Manager Brett Estes recommended holding off on bringing back parks programs canceled this year.

The City Council's decision was unanimous, though Councilor Cindy Price was reluctant to put the $3 parks fee aside. She asked the council to consider putting the fee in place for at least a year and then move toward voluntary donations. The others were not convinced.

Councilor Tom Brownson was concerned about the extra work and money it would take to impose and collect the parks fee; Mayor Arline LaMear and Councilor Zetty Nemlowill opposed it outright. Councilor Bruce Jones, who had previously supported the idea of the fee, said he would rather see residents give money voluntarily.

Colin Murphey/The Daily Astorian

Seating was at capacity at Monday's Astoria City Council meeting as residents crowded the chambers to hear whether fees and taxes would be increased to finance park operations and maintenance.

Standing room only

The standing-room only crowd spilling into the hall and conference rooms outside council chambers was divided in its opinion of the parks fee, but nearly unanimous in its support of parks. Even those who said they were against the fee indicated they would happily donate money.

Since the ordinance was only tabled, it could be brought back up again if the City Council believes voluntary donations will not be enough. For now, Estes and city staff will look at the best way to allow citizens to donate.

"I think it's a really good step forward," said Angela Cosby, the director of the Parks and Recreation Department. She feels the department can begin to implement a parks master plan finalized last year. She added, "Clearly, there's a lot more to go."

Concerns

"I have concerns," Price said afterward, "but I also have faith in our community. … I still think a $3 fee is a better way to go. It's budgetable, it's equitable."

Parks and Recreation Board President Norma Hernandez shared Price's reservations.

"I'm a little bit disappointed," she said. The future of parks remains uncertain until there is a dedicated funding source in place, she and Price said.

But, Hernandez added, the council's decisions Monday are "baby steps" in the right direction.

"We have been too long dealing with this," she said. "It's too long."

Up until the discussion and vote Monday, Nemlowill had thought she was alone in opposing the parks fee. She supported the idea of voluntary donations, but argued Monday and at past meetings that the city shouldn't impose a fee on water bills unless customers were receiving a benefit directly related to that utility.

Two people, both the owners of bed and breakfasts, spoke against an increase to the lodging tax. They said the town relies on tourism and the increase, coupled with a state tax, would actually bring local rates up to over 12 percent. There was little opposition to the tax increase otherwise.

"I feel very good about it," LaMear said. "I think that we balanced the raising of funds between the tourists and our citizens."

But, she said, "With the voluntary donation, we need to explain to them why the parks are costing so much more."

Challenges

In the past 40 years, the parks department has added 42 parks to a long list of responsibilities that include numerous programs as well as running the Aquatic Center and maintaining the Ocean View Cemetery in Warrenton. Staffing and funding levels have not kept pace. Though Cosby and her predecessor brought in more revenue through programs and services, the money has not been enough to keep up with rising costs and increasing responsibilities.

For the past six months, City Council and city staff have examined a number of long- and short-term funding options, including the possible sale of park lands and the fee and tax items on the table Monday.

Echoing a comment from another Astoria resident, Jones said the city and council need to take a hard look at how the situation came about and examine where the parks department could be more efficient.

"We really need to look at how this happened and how we avoid this happening in the future," Jones said, adding, "We don't want to be back here in two years having the same conversation."

Colin Murphey/The Daily Astorian

The needle-exchange program coming to Clatsop County in August would be the first on the North Coast and would make the county the ninth in Oregon to establish such a program. The effort began sprouting nationwide 25 years ago.

Needles: 'I'm sick of having needles in our parks'

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Information about dates and times will be shared through social media and word of mouth among those known to use syringes. People who participate in the exchange also will receive sharps containers and nurses will be available to answer questions. McNickle said he will direct nurses to shut down an exchange site if illegal drugs or drug paraphernalia are spotted.

McNickle has been prepping for the exchange program since he became health director in September. "It's probably overdue, actually," he said. "In the next few years, I see that we're going to be on the forefront."

Sheriff Tom Bergin and other skeptics in law enforcement agreed not to actively attempt to block the pilot program, but they made their concerns clear.

"I don't believe there is a compromise when it comes to free needles," Bergin said. "I think it's a ludicrous, feel-good program."

Increase in heroin

Advocates for needle exchange cite increases in heroin use nationwide and the health risks from viruses such as HIV, syphilis and Hepatitis C, which can be spread through intravenous drug use.

Since creating completely drug-free communities is not realistic, public health personnel focus on reducing harm as much as possible, McNickle said. One of the sources he cites is a 2008 study from the federal Centers for Disease Control and Prevention that found that the spread of HIV from injection drug use had decreased by 80 percent, partially a result of the more than 200 needle-exchange programs operating in the country.

The price of a sterile syringe, about 15 cents, is also an enormous cost benefit compared to the hundreds of thousands of dollars spent to treat HIV infections over the course of a lifetime, McNickle said.

Representatives from Columbia Pacific Coordinated Care Organization and a local nonprofit offered their support for the program during a work session Wednesday with the county Board of Commissioners.

Needle-exchange programs began sprouting nationwide about 25 years ago. Today, the issue is not as politically contentious as, for example, taking marijuana off the federal list of the most dangerous drugs, said Scott Lee, the board's chairman. The board unanimously offered its support during the work session.

"Our goal is encouraging safe disposal of the needles," said Debbie Morrow, a member of the Columbia Pacific CCO Board of Directors. "As a mother, I'm sick of having needles in our parks."

Her concerns are not unique. Warrenton Police receive calls every couple of weeks from someone reporting a needle in one of the city's parks, Police Chief Mathew Workman said.

"It's kind of counterintuitive to provide the tools for drug users to continue using, but I am all for this program if it reduces the number of needles in our parks," Workman said.

Kerry Strickland, founder of Jordan's Hope for Recovery, a support group for people and families struggling with drug and alcohol addiction, said the exchange program could be a step toward reducing the stigma of drug dependency.

"There's a humanity side to this program, as well," said Strickland, whose son, Jordan, died from a heroin overdose in 2015. "To change the way we're looking at this disease is a huge step in helping solve the problem. I don't know any addicts that want to be where they are."

Numerous studies have revealed that exchange programs do not encourage additional drug use, advocates say.

"No one is going to say, 'Hey, Clatsop County has a needle-exchange program now. Let's use heroin,'" Morrow said.

'Hugging and holding'

McNickle spoke to police chiefs, Clatsop County District Attorney Josh Marquis and Sheriff Bergin during the planning stages of the exchange program.

Bergin believes tougher drug sentences are the most effective option to counter the spread of diseases through syringe usage. When drug users are in jail, he said, they can receive treatment without the access to drugs they normally would have.

"We've tried this hugging and holding for the last 20 years and it doesn't work," Bergin said. "It sounds like we're being heartless, but it's more humane to provide treatment."

Marquis added that, while he saw value in the exchange program, he is concerned about a potential snowball effect. He pointed to safe injection centers in British Columbia, where users can legally inject themselves with drugs in a clean environment, as an example of a measure he hopes the county will never adopt.

Public health advocates and law enforcement officials both acknowledge the existence of an insurmountable idealogical barrier. But, at least within the scope of the pilot program, the two sides have agreed to coexist.

"They are good people," Bergin said, "They just think differently from law enforcement. But it takes all kinds to make the world turn."