

State forecast projects significant drop in imprisonment

By AUBREY WIEBER
Capital Bureau

The incarceration rate in Oregon's prison system is projected to fall 15 percent over the next decade due in large part to sentencing reform.

The projection, done by the Oregon Department of Administrative Services and published Oct. 1, found that recent legislation lowering mandatory minimums for crimes like theft and identity theft is the driving force behind the reduction. The constitutionality of that reform is being reviewed by the Oregon Supreme Court.

"That's really the sea shift in the last 22 years," Michael Kennedy, a state economist who authored the forecast, said of the reform. "There was a big move to be harder on crime, and then what we've seen in the last 10 years is sort of a moving away from that."

According to the report, Oregon holds 14,875 inmates in prisons. By 2028, that is projected to be 14,356, a 3.5 percent decline. That might not seem huge, but the state's general population is expected to increase by 13 percent in that time frame.



Staff photo by E.J. Harris

Inmates eat lunch in the cafeteria at Eastern Oregon Correctional Institution in Pendleton on June 27.

The new forecast shows incarceration dropping lower than previously projected. In the newest forecast, the population will remain level a little longer than previously thought, but will then go into a steep decline for several years

until it starts to slowly climb back up around 2023 due to an increase in at-risk populations.

The noted decline is credited to recent legislation, House Bill 3078, which amends Measure 57, a mandatory minimum sen-

tencing law for property crimes approved by voters in 2008.

The history of how to sentence for property crimes since 2008 gets messy.

Under Measure 57, the sentence for theft was bumped from 13 months to 18 months.

Seven months after law took effect, legislators voted with a two-thirds majority to push the presumptive sentence back to 13 months, but that sunset in 2012.

In 2017, the Legislature voted to lower the sentence back to 13 months.

A court challenge ensued, contending that the Oregon Constitution requires a two-thirds majority of legislators to vote for reduced criminal sentences. The Supreme Court is now deciding the matter in a ruling expected next year.

Kennedy said if the court finds the reduction in sentences is unconstitutional, it's unclear if just those portions of the law will be erased, or if the entire piece of legislation will disappear. That distinction would impact the prison population, he said.

Following the measure, the incarceration rate of women rose. Looking forward, the female population is expected to spike over the next year to 1,300 inmates, before taking a plunge to just under 1,150.

The population is expected to level out around 2022 and stay well under 1,200 through 2028. Overall, the female population is projected to see an 8 percent decline over 10 years due to the relaxing of property crime sentences.

Legislators also approved putting some offenders back into the community 30 days before their sentence was up. However, prisons rarely exercised the authority. The 2017 law increased that time to 120 days, and prisons were instructed to follow. The goal was to reduce the growing prison population so the state wouldn't have to build another prison, Kennedy said.

That tweak has already shown to be fruitful for the prison system, as the latest forecast shows the system is using 45 fewer beds than expected. Since 2017, around 70 percent of eligible inmates

have been released early, Kennedy said.

That's coupled with the justice reinvestment program, which gives counties grant money to fund for community-based programs and services to be used as an alternative to incarceration.

Kennedy's forecast considers all current state laws. But it doesn't anticipate new ones. To account for that, Kennedy looked at the historical variance in the prison population, which is influenced by new laws. With that information, he determined there is a 95 percent probability that the actual population in 2028 will differ from the forecast by up to 11 percent.

Kennedy said research shows large sentences don't provide much deterrent, especially for heat-of-the-moment crimes, which are often not repeat-offender crimes, such as theft or drug crimes.

"These minimum mandates only have an effect through incapacitation," he said, adding it's also a really expensive way to fight crime.

But Kennedy also said he doesn't foresee massive criminal justice reform in Oregon. Much of that has already taken place, he said. The one major law left is Measure 11, Oregon's sentencing law for violent crimes.

Kennedy said the 2017 legislation was basically the result of a bargain between the Legislature and Oregon district attorneys, judges and sheriffs. The results of the negotiation, he said, was that Measure 11 won't be touched.

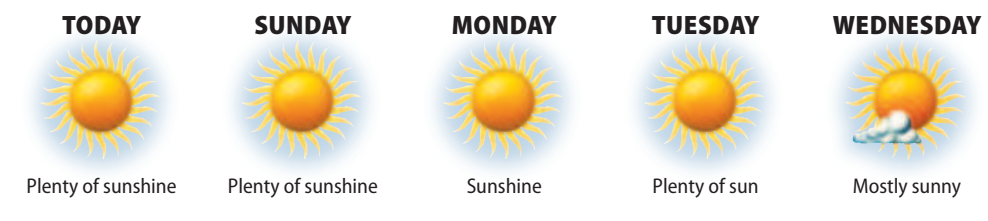
"Prosecutors love Measure 11," he said.

Kennedy said prosecutors use Measure 11's long sentences as leverage to get defendants to take plea deals.

Reporter Aubrey Wieber: aubrey@salemlreporter.com or 503-575-1251. He is a reporter for Salem Reporter working with the Oregon Capital Bureau, a collaboration of the Pamplin Media Group, EO Media Group, and Salem Reporter.

Forecast for Pendleton Area

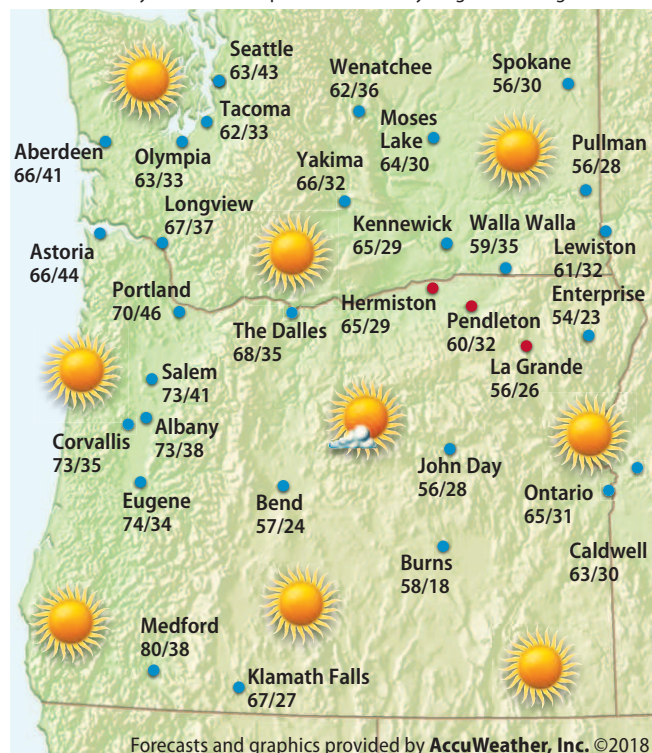
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PENDLETON TEMPERATURE FORECAST				
60°	32°	61°	33°	65°
32°	61°	33°	64°	34°
65°	36°	66°	35°	68°
36°	66°	35°	68°	35°

OREGON FORECAST

Shown is today's weather. Temperatures are today's highs and tonight's lows.



ALMANAC

PENDLETON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	67°	38°
Normals	65°	41°
Records	85° (1895)	24° (2008)

PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	1.39"
Normal month to date	0.38"
Year to date	7.91"
Last year to date	12.54"
Normal year to date	9.32"

HERMISTON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	70°	34°
Normals	67°	39°
Records	84° (1952)	20° (2008)

PRECIPITATION

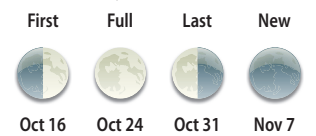
24 hours ending 3 p.m.	0.00"
Month to date	1.14"
Normal month to date	0.20"
Year to date	6.29"
Last year to date	7.18"
Normal year to date	6.76"

WINDS (in mph)

	Today	Sun.
Boardman	NNE 6-12	NE 4-8
Pendleton	NNW 6-12	NE 4-8

SUN AND MOON

Sunrise today	7:09 a.m.
Sunset tonight	6:13 p.m.
Moonrise today	11:57 a.m.
Moonset today	9:23 p.m.

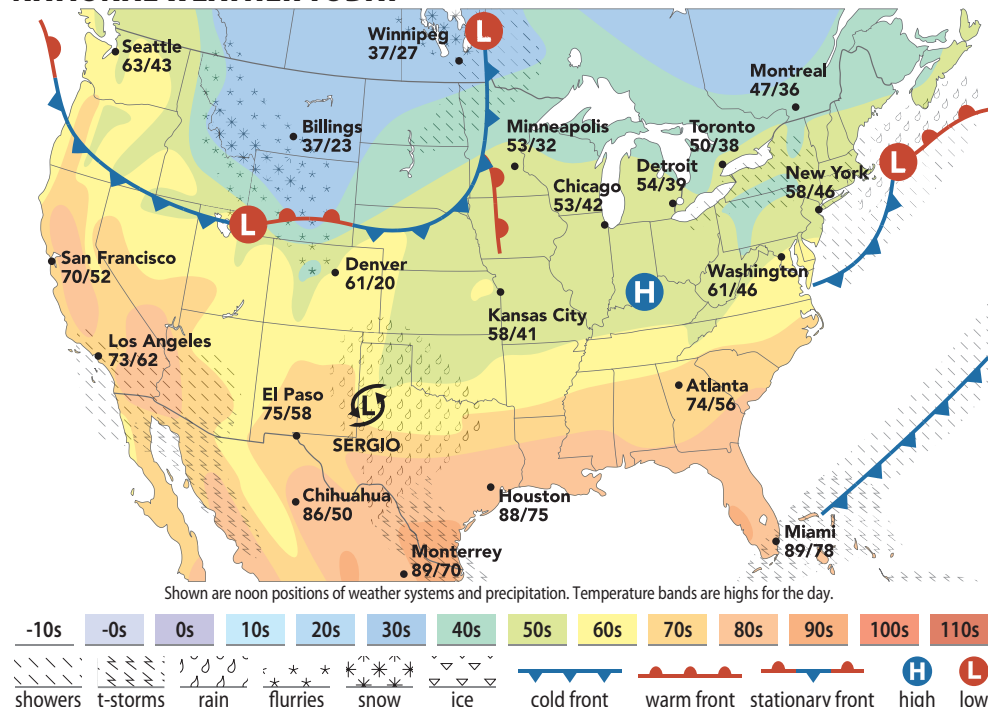


NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)

High 92° in Zapata, Texas Low 9° in Grand Forks, N.D.

NATIONAL WEATHER TODAY



Buehler criticizes proposed U.S. rule changes on immigrants

PORTLAND (AP) — State Rep. Knute Buehler, seeking middle ground on immigration issues in his race for governor of Oregon, criticized the Trump administration for pursuing rule changes that could hurt health care for immigrants.

Oregon Public Broadcasting reports that Buehler on Thursday blasted a proposed rule from the Department of Homeland Security. It would make it harder for immigrants to win permanent residency in the U.S. if they use Medicaid and other public health programs.

"Access to care is critical to living a healthy and fulfilled life," Buehler said in a statement. "We should not be discouraging access to health care, particularly for children, as a condition for citizenship. This does not reflect Oregon's values and it is not the message we should be sending to our immigrant communities."

Buehler, the Republican gubernatorial candidate, has been facing heat from immigration advocates upset at his support for Measure 105. That initiative would repeal Oregon's three-decade-old sanctuary law, which limits state and local police cooperation with federal immigration authorities.

Democratic Gov. Kate Brown has criticized Buehler for supporting the measure, which she argues could lead to racial profiling and discourage immigrants from reporting crimes to the police.

Buehler himself has played down his support for Measure 105, saying at a debate earlier this week that the initiative is "not something I'm campaigning on."

He added that he differed with the Trump administration on several immigration policies. He said he backed protections for immigrants brought

here illegally as children, and opposed the administration's policy of separating children from parents seeking to cross the border.

Brown's campaign spokesman, Christian Gaston, charged in a statement that Buehler is "twisting himself in knots trying to cover up his record" in the Legislature on health and immigration issues.

Among other things, he cited Buehler's vote against a 2017 bill aimed at providing health coverage to all children, including undocumented immigrants. Buehler said at the time that he couldn't justify the added cost of the legislation.

Corrections

The East Oregonian works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

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