

Issue Brief – Summer 2009

OREGON CRIMINAL JUSTICE COMMISSION

Executive Director's Column – Craig Prins:

The legislative session is over, and the CJC is welcoming a new responsibility and new staff members. The CJC now serves as Oregon's State Administering Agency of the federal Byrne/JAG funds. This is a big new responsibility, especially in light of the influx of one time stimulus dollars into Oregon. The CJC staff looks forward to working with the Governor's office, our commissioners, and our stakeholders to wisely invest these dollars to improve public safety in Oregon. We also thank the Oregon State Police for helping make this a smooth transition.

Fortunately, the legislature approved new staff positions to go with our new responsibility of administering approximately \$20 million in grants. We were able to begin the hiring before the session started, so I'm happy to say our new staff is already in place.

Mark Werner is our new Fiscal Analyst. Mark comes to us from the railroad industry. He has experience administering budgets and federal grants, and is new to the criminal justice world. Mark lives in Gates, Oregon with his wife and daughter on an "animal farm" full of well loved critters.

Lorin Dunlop has accepted a position as grant coordinator. She will be focusing on the law enforcement grants and reentry grants. Lorin is returning to Oregon from Nebraska, and has a wealth of experience administering federal and private grants. She has been making site visits to meet her sub-grantees and is also new to criminal justice. Lorin will also be working on implementing a new online grant management system, which we are very excited about and hope will make the federal reporting requirements easier to meet for our subgrantees.

Amber Kaatz joined us on August 10th and also will serve as a grant coordinator. She will be focusing on our treatment court grants, which make up almost 60% of our total grant funds. Amber has a wealth of knowledge about drug courts and community corrections that she gained in Umatilla County. She is eager to get started working on problem solving courts with our partners to provide a community based response to this challenging offender population.

After volunteering with us for several years Dr. Susan Schwartz has joined our team as a research analyst. Susan wrote the Lane County report that is attached, and will be staffing the JRSA grant funded evaluation of probation and post prison supervision outlined below. She has prior experience with drug courts, parole and probation, and crime and corrections statistics. Susan has made great contributions on a part time basis and we are confident she will continue her fine work in the future.

Along with our grant work, the legislature has asked each district attorney in Oregon to send the CJC to reports on how

their offices are applying Measure 57. We are planning on reporting on how Measure 57 is being implemented to the legislature in early 2010. Finally as required in House Bill 3508 we have also been tasked with monitoring and analyzing how the shift in maximum earned time for certain offenders affects recidivism.

We are excited about our new responsibilities and look forward to working with all of you.

Chair's Column – Judge Darryl Larson:

Difficult financial times tend to cause change. This fact of life appears to be true with respect to the function and duties of the Oregon Criminal Justice Commission as well. While most governmental organizations are the victims of cutbacks, the CJC is growing, and growing significantly. Craig Prins' column in this Newsletter details some of the significant additions to the staff and duties of the Commission.

The so-called Timber Money which has historically been paid to western Oregon timber counties is in serious jeopardy of being phased out and has already been reduced significantly. Several of these counties which have relied heavily on timber receipts and federal timber payments may be at risk of crisis when and if the federal timber payments end. By enacting Senate Bill 77, the Legislature has directed the Commission to begin examining how this might affect public safety and the appropriate responses. Over the next few months, the Commission and its staff will be discussing this with local policy makers and public safety officials in order to be prepared to respond to any such future public safety crisis.

The Commission is also recently in receipt of approximately \$13 million dollars of Federal funds for criminal justice programming support. Although the Legislature placed Initiative Ballot Measure 57 in a holding pattern for the time being, the Commission is considering how to fund some proven alternatives to incarceration programs aimed at the Measure 57 target population. Hopefully, this will give policy makers additional information about how to more effectively and safely use tax payer dollars when implementation of Measure 57 is once again before the Legislature.

This is a vibrant time for the CJC and your thoughts and comments on these and other public safety issues are always welcome.

Oregon Statistical Analysis Center (SAC) – Mike Wilson:

On June 1st, the FBI released the preliminary annual uniform crime report. The report provides data on crime throughout the nation as well as cities with population greater than 100,000. Nationally, in 2008, the number of violent crimes reported to law enforcement fell by 2.5 percent and the number of property crimes decreased by 1.6 percent. The West saw a 3.4 percent drop in reported violent crimes and a 4.2 percent decrease in reported property crime, the largest of any of the regions in the US.

In Oregon, four cities have more than 100,000 population and their crime changes are shown in the table below.

| 2007-2008 UCR Crime Change | | |
|-----------------------------------|-------------------------|--------------------------|
| | % Violent Change | % Property Change |
| Eugene | 16.4% | 25.8% |
| Gresham | 5.3% | -10.2% |
| Portland | -6.9% | -7.4% |
| Salem | -1.9% | -3.6% |
| 4 Cities | -3.3% | -2.0% |
| West | -3.4% | -4.2% |
| U.S. | -2.5% | -1.6% |

Eugene saw a large increase in both property and a violent crime while Portland experienced large decreases in both property and violent crime. Eugene's property crime increase of 26 percent was the largest out of 266 cities listed in the FBI preliminary data. When the 4 cities are averaged together, Oregon's four largest cities had a decrease of 3.3 percent in reported violent crime and a 2.0 percent decrease in reported property crime. Both of these decreases were larger than the nation as a whole and smaller than the West.

Based on this data the Criminal Justice Commission convened a study group to look at county level data in order to assess crime, and the resources to combat crime, locally in Oregon counties. The group focused on conditions in Lane County in response to concerns that this community is not following the state and national trend of decreasing crime rates.

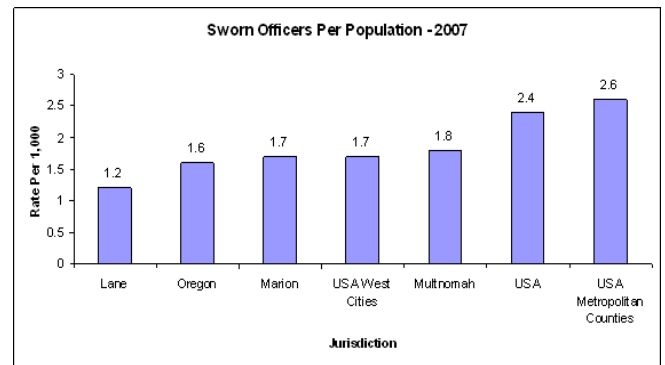
The study group's report (<http://www.oregon.gov/CJC/docs/LaneCountyCriminalJusticeReportSec.pdf>) presents a recent snapshot of available data on offenses, arrests, jail bed availability, prison intakes, and sworn officer staffing, along with time trends and selected regional and national data for comparison. Tables with complete data for all counties can be found in the report's appendices.

With respect to Lane County data we found:

- Lane County consistently has crime rates higher than 50 % of Oregon's counties, though never the highest.
- Both property and violent crime rates in Lane County have risen in recent years, contrary to the trends in most counties.

- In 2008, Lane County had the second lowest rate of prosecutors to population among Oregon's counties.
- In recent years, Lane County has ranked in the bottom 25 % of Oregon counties in jail beds per offense, jail beds per population, and jail beds per arrest. In 2008, it had the lowest rate of jail beds per capita in the State.
- In 2007, Lane County had the second lowest rate of sworn officers per population, and the highest ratio of Index offense to officer.
- Lane County has an arrest-to-offense ratio higher than 75 % of all counties.
- Lane County contributes a disproportionately high number of new intakes to Department of Corrections' prisons.

Sworn officers: Oregon, as is characteristic of the US West, has rates that are well below the national average. In 2007, Oregon was the 2nd lowest state in the nation, virtually tied with Washington.

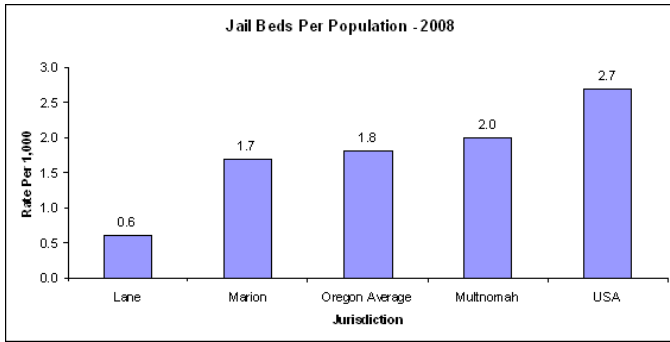


Another measure of the adequacy of law enforcement staffing levels is the ratio of the number of offenses to the number of officers. When we look at OUCR offense counts and sworn officer numbers, we see that there is a higher burden on the officer in Lane County than in Marion, Multnomah, or in Oregon overall. In 2007, the "average" Oregon officer would have been responsible for about 25 Index offenses, while the Lane County officer would face approximately 50% more, the highest in the state.

OUCR Offenses per Sworn Officer for Selected Jurisdictions – 2007

| COUNTY | All Offenses Per Officer | Index Offenses Per Officer |
|------------|--------------------------|----------------------------|
| Lane | 95.3 | 36.6 |
| Marion | 79.5 | 26.9 |
| Multnomah | 70.9 | 33.2 |
| All Oregon | 69.1 | 24.7 |

Jail Beds The report looked at the number of jail beds available to a county relative to (1) the county's population and (2) to the number of offenses. By both measures, even though Lane County's rates were higher in 2007 than in 2006, they were lower than 75% of all Oregon counties. In 2008, Lane County's rate of jail beds per 1,000 population dropped to 0.6 – the lowest in the state. By comparison, the national rate for 2008 is 2.7.



Also, the Statistical Analysis Center (SAC) at CJC received a competitive grant from the Bureau of Justice Statistics (Justice Research and Statistics Association) to participate in a multi-state study of factors related to post-prison supervision violations and revocations. The SAC, will collaborate with CJC and Department of Corrections research staff in studying how policies and practices interact with case characteristics in determining sanctions for violations, as well as evaluating the effectiveness of those sanctions. The purpose is to develop evidence based policy recommendations for cost effective strategies that do not compromise public safety.

The research looks at Oregon's 21,720 offenders on probation or post-prison supervision (P/PPS) for at least one day in 2006. Data covering the offenders' static characteristics, criminal history, risk assessments, supervision conditions, and P/PPS violations will be compiled from DOC's Corrections Information System (CIS), LEDS, and OJIN. Each state will contribute a similar dataset for a multi-state analysis. In Oregon, we will also collect and analyze data that characterizes the communities into which the offenders are released. The measures will serve as proxy indicators for the public safety, public health, and re-entry resources available. In addition, study participation requires that we survey those involved in P/PPS administration at the local level. The study team plans visits throughout the state, under the auspices of the LPSCC's, to conduct focus groups and structured interviews with members of the local supervisory authorities and community corrections.

Grant Management – Devarshi Bajpai:

CJC solicited input on funding priorities for the Justice Assistance Grants in an online survey. Over four hundred respondents from the criminal justice community ranked public safety priorities and allocated \$100 among program options. Table X lists the high priority issues by professional affiliation. Chart Y shows how the \$100 would be collectively spent. More detailed results will be posted on the CJC website.

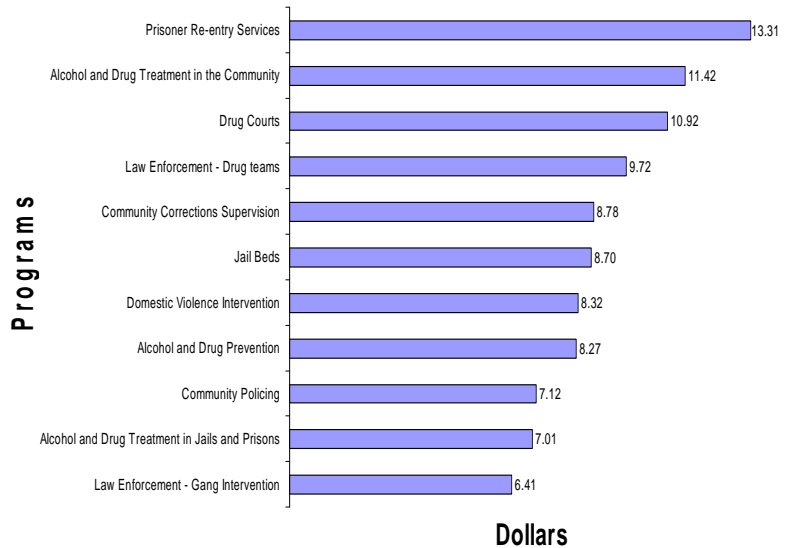
We thank those of you that participated in this important exercise. This data will help guide our funding decisions in the next several years as we determine how best to use our limited resources to increase public safety.

Table X: High Priority Issues

| | N | First | Second | Third |
|-----------------------|-----|----------------------|------------------------------------|-------------------------------------------------|
| All respondents | 414 | Rape | Drug Dealing | Domestic Violence |
| Community Corrections | 27 | Rape Unemployment | Guns/Weapons | Domestic Violence Drug Abuse Homelessness |
| County Admin | 28 | Rape | Drug Abuse | Domestic Violence Drug Dealing |
| Defense Attorney | 16 | Drug Dealing | Rape Drug Abuse Unemployment | Homelessness |
| District Attorney | 17 | Domestic Violence | Rape Burglary | Drug Dealing |
| Judicial | 65 | Drug Dealing | Rape | Drug Abuse |
| Law Enforcement | 40 | Drug Dealing | Drug Abuse Domestic Violence | Rape |
| Treatment | 80 | Rape Unemployment | Drug Dealing | Domestic Violence |
| Other / Unknown | 141 | Rape | Drug Dealing | Domestic Violence |

Chart Y: Funding Distribution

\$100 Funding



AFOAC and the CJC – Mike Stafford:

The Asset Forfeiture Oversight Advisory Committee was created in ORS 475A.155, and is referred to in Article XV, section 10 of the Oregon Constitution and is staffed by the Criminal Justice Commission. The AFOAC is tasked with reporting to the legislature on the effect of Asset Forfeiture law and the manner in which it is applied. The Committee gathers information on Asset Forfeitures from seizing law enforcement agencies and prepares reports and carries out analysis

detailing the sum and the type of forfeitures. There are 10 members appointed to the AFOAC. They include:

Governor's Appointments:

- Rob Bovett – Lincoln County DA
- Michael Dingeman – Oregon State Police
- Gail L. Meyer – Oregon Criminal Defense Lawyers Assn.

Attorney General's Appointments:

- David Fidanque – ACLU of Oregon
- Steven Bechard – Chief of Police, Lincoln City
- Dennis Dotson – Sheriff, Lincoln County

Senate President's Appointments:

- Sen. Ted Ferrioli
- Sen. Floyd Prozanski

House Speaker's Appointments:

- Rep. Jeffrey Barker
- Rep. Andy Olson

Oregon has both civil and criminal asset forfeiture. In contrast to traditional criminal proceedings, in a civil forfeiture proceeding the property seized by law enforcement (any property that is instrumental in committing prohibited conduct or facilitating prohibited conduct), not the property owner, is the defendant. A person, such as the person from whom the property was seized, may file a claim on the property for the court to consider, in which in the case the person is a claimant, not a defendant. A civil process by its nature has a lower burden of proof than does a criminal matter and does not create a right to legal counsel or to a jury trial. The statute does not require that a person be charged with a crime.

In May 2008, Oregon voters passed Ballot Measure 53; the passage of the measure amended Ballot Measure 3 (November 2000), which restricted civil forfeiture. Although law enforcement agencies continued to pursue criminal forfeitures, civil forfeitures effectively ended. Measure 53 amended civil forfeiture as follows:

(1) Constitutes the proceeds of the crime for which the claimant has been convicted; (2) Was instrumental in committing or facilitating the crime for which the claimant has been convicted; (3) Constitutes proceeds of one or more other crimes similar to the crime for which the claimant was convicted; and (4) was instrumental in committing or facilitating one or more other crimes similar to the crime for which the claimant was convicted.

Asset Forfeiture, both criminal and civil, is used to fight crime in a variety of ways. While criminal forfeiture is used for all crimes, under Ballot Measure 53 civil forfeiture is only used in drug cases. The property seized is used to fund: Investigations and prosecutions; the Illegal Drug Clean-up Fund; Drug Courts; Relief Nurseries for the State Commission of Children and Families; and the staffing of the Asset Forfeiture Oversight Advisory Committee (AFOAC).

Public Safety Policy Review – Mike Stafford:

This session the legislature, with the support of the Association of Oregon Counties, passed SB 77 which requires that the Criminal Justice Commission create criteria (rules) by which a county's public safety services are evaluated to determine whether the county is in a state of public safety services

emergency. The measure was passed with the timber county payment reductions in mind. The measure also establishes the steps the CJC and a financial review board will take to:

- a) determine if the county is in a public safety emergency, and
- b) make recommendations to alleviate the emergency.

This fall I will meet with LPSCCs statewide to discuss the process the Commission will be using to meet the requirements of SB 77, including the involvement of local officials. The Commission will start the formal process in 2010.

The Governor's Methamphetamine Task Force was created in January 2004, and transitioned to a CJC Task Force in 2008. Effective September 2009, the Methamphetamine Task Force will cease to exist as a stand-alone Task Force. Along with several other state councils and committees the work of the Task Force will be rolled into the Alcohol and Drug Policy Commission created by HB 3353. Arguably, the Task Forces' biggest success has been integrating law enforcement, treatment and prevention in the fight against meth.

The Meth Task Force successes include: the near elimination of meth labs through making pseudoephedrine prescription only (2005); Breaking out drug crimes into individual statutes for possession, manufacture and delivery to allow trend analysis of each type of drug arrest (2005); Creating Community Meth Kits (2006); Supporting Statewide Drug Court creation through the CJC drug Court grant programs (2005 and 2006); Prescription Drug Monitoring program (2009); Vehicle Hidden Compartments law (2009); Metal Theft (2007 and 2009); and Reestablishing Civil Forfeiture (2007, 2008 and 2009).

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