Marion County
HB 3194 Presentation

Mike Schmidt
Oregon Criminal Justice Commission
December 8, 2015
Key provisions of HB 3194: Sentencing

• **Probation for all Marijuana offenses**
  • Exceptions: Manufacture or Delivery w/in 1000 feet of a school & Delivery to a minor.

• **Probation for Felony Driving While Suspended**
  • Exceptions: Murder / Manslaughter / Criminally Negligent Homicide / Assault with serious physical injury / Aggravated vehicular Homicide / Aggravated Driving While Suspended.

• **Robbery in the Third & Identity Theft**
  • Presumptive sentence reduced to 18 months prison from 24 months in prison.
Key provisions of HB 3194: Sentencing

• **Drug delivery & manufacturing sentences.**
  - ORS 475.933 repealed until 2023.
  - Gives judges ability to give optional probation on drug offenses even where the person has previous convictions for the same or similar drug offenses.

• **Transition Leave**
  - The final 90 days of a prison sentence may be served in the community under certain circumstances.
  - Department of Corrections identifies eligible offender and works with community to which they will be released to set rules and a transition plan.
Key provisions of HB 3194: Justice Reinvestment Program

• Establish the Grant Review Committee to write rules for future JRI grant applications and to make recommendations to the CJC for awarding future grants.

• Commissioners of the CJC have the final say on LPSCC plans being funded.

• Reinvesting money not spent on prison into community based sanctions, services and programs.

• Marion County 2013-15 funding: $1,507,834.

• Marion County 2015-17 funding: $3,534,081.
Prison Population and Forecasts
Why the increase in the October forecast?

- From the Office of Economic Analysis and October 2015 Forecast Summary:
  - Diminishing impacts from HB 3194 sentencing changes
  - Changes in release profile
    - Slightly longer average estimated length of stay
    - Fewer intakes with an estimated short length of stay (0 to 12 months)
Prison Intakes Average LOS

- The average estimated length of stay for all prison intakes has slightly increased
Prison Intakes

• The number of intakes with an estimated length of stay of less than 12 months has gradually declined
Prison Population and Forecasts by Gender
Female Prison Population and Forecasts

OSP Minimum Opens
April 2013 (no 3194 impacts)
Actual prison population
October 2015 Forecast (full 3194 impacts)
Female Prison Population and Forecasts to Sept 2025

- April 2013 (no 3194 impacts)
- Actual prison population
- April 2015 Forecast (full 3194 impacts)
- October 2015 Forecast (full 3194 impacts)
Male Prison Population and Forecasts

- Deer Ridge Opens
- Junction City Opens
- Actual prison population
- April 2013 Forecast (no 3194 impacts)
- April 2015 Forecast (full 3194 impacts)
- October 2015 Forecast (full 3194 impacts)
Male Prison Population and Forecasts to Sept 2025

- Deer Ridge Opens
- Junction City Opens
- Actual prison population
- April 2013 Forecast (no 3194 impacts)
- April 2015 Forecast (full 3194 impacts)
- October 2015 Forecast (full 3194 impacts)
Statewide Prison Usage All Offenses
October 2012 - September 2015
Total Prison Intakes

- **Person**
- **Sex**
- **M57Prop/Drug/Driving**
- **Other**

Statewide Prison Usage:
M57 Property and Drug Offenses
October 2012 - September 2015
Prison Intakes

Property and Drug Prison Intakes

First Sentences Probation Revocations First Sentences Probation Revocations

M57 Property

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>First Sentences</td>
<td>1389</td>
<td>1299</td>
<td>1249</td>
</tr>
<tr>
<td>Probation Revocations</td>
<td>376</td>
<td>392</td>
<td>481</td>
</tr>
<tr>
<td>First Sentences</td>
<td>590</td>
<td>498</td>
<td>493</td>
</tr>
<tr>
<td>Probation Revocations</td>
<td>166</td>
<td>185</td>
<td>163</td>
</tr>
</tbody>
</table>
Average LOS

Property and Drug Prison Intakes Average LOS

- First Sentences
- Probation Revocations


Oct 2014-Sept 2015: M57 Property and Drug Prison Intakes

Legend:
- Oct 2012-Sept 2013
- Oct 2013-Sept 2014
- Oct 2014-Sept 2015
Total Prison Months

Property and Drug Total Prison Months

First Sentences Probation Revocations


M57 Property

First Sentences 34661 33083 31391
Probation Revocations 6454 7413 9510

First Sentences 12491 12040 12820
 Probation Revocations 2956 3113 2787


Drug


Probation Revocations 2956 3113 2787

Comparison across different time periods and categories.
M57 Property Sentence Types

M57 Property First Sentences by Sentence Type

- Oct 2012-Sept 2013: 60% Prison, 4% Local Control, 36% Probation
- Oct 2013-Sept 2014: 64% Prison, 4% Local Control, 32% Probation
- Oct 2014-Sept 2015: 61% Prison, 4% Local Control, 34% Probation
County Level Prison Usage

October 2012 to September 2015
Marion County Total Prison Intakes

Marion County Total Prison Intakes

Oct 2012-Sept 2013
Oct 2013-Sept 2014
Oct 2014-Sept 2015

Person
Sex
Other
M57Prop
Drug
Driving

Oct 2012-Sept 2013
Oct 2013-Sept 2014
Oct 2014-Sept 2015
Marion County Prison Intakes

Marion County Property and Drug Prison Intakes

<table>
<thead>
<tr>
<th></th>
<th>M57 Property</th>
<th>Probation Revocations</th>
<th>First Sentences</th>
<th>Drug</th>
<th>Probation Revocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Sentences</td>
<td>164</td>
<td>41</td>
<td>93</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>Oct 2012-Sept 2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oct 2013-Sept 2014</td>
<td>160</td>
<td>52</td>
<td>66</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Oct 2014-Sept 2015</td>
<td>162</td>
<td>47</td>
<td>73</td>
<td>24</td>
<td>24</td>
</tr>
</tbody>
</table>
Marion County Total Prison Months

Marion County Property and Drug Total Prison Months

First Sentences
- Probation Revocations

M57 Property
- Oct 2012-Sept 2013
- Oct 2013-Sept 2014
- Oct 2014-Sept 2015

Drug
- Oct 2012-Sept 2013
- Oct 2013-Sept 2014
- Oct 2014-Sept 2015
Marion County M57 Property Sentence Types

Marion County M57 Property First Sentences by Sentence Type

Oct 2012-Sept 2013: 37% Prison, 12% Local Control, 51% Probation
Oct 2013-Sept 2014: 38% Prison, 10% Local Control, 52% Probation
Oct 2014-Sept 2015: 43% Prison, 13% Local Control, 44% Probation
Marion County Drug Sentence Types

Marion County Drug First Sentences by Sentence Type

- Oct 2012-Sept 2013:
  - Prison: 15%
  - Local Control: 34%
  - Probation: 51%

- Oct 2013-Sept 2014:
  - Prison: 11%
  - Local Control: 46%
  - Probation: 43%

- Oct 2014-Sept 2015:
  - Prison: 14%
  - Local Control: 40%
  - Probation: 47%
JRI Prison Utilization by Metro Counties
Oct 2014 - Sept 2015

Baseline
Oct 2014 - Sept 2015
M57 Property Prison Usage
County Comparison

October 2014 to
September 2015
M57 Property Prison Intakes

Prison Intakes M57 Property
Oct 2014 - Sept 2015

M57 Property Prison Intake Rate per 100,000 Population  Oct 2014 - Sept 2015

First Sentences Probation Revocations

Clackamas | Lane | Marion | Multnomah | Washington
--- | --- | --- | --- | ---
First Sentences | 138 | 143 | 162 | 131
Probation Revocations | 22 | 45 | 47 | 55

Clackamas | Lane | Marion | Multnomah | Washington | Statewide
--- | --- | --- | --- | --- | ---
First Sentences | 35.2 | 39.9 | 49.7 | 31.5 | 12.1
Probation Revocations | 5.6 | 12.5 | 14.4 | 10.8 | 9.8
M57 Property Prison Average LOS

Prison Intakes M57 Property Average LOS
Oct 2014 - Sept 2015

First Sentences Probation Revocations

<table>
<thead>
<tr>
<th></th>
<th>Clackamas</th>
<th>Lane</th>
<th>Marion</th>
<th>Multnomah</th>
<th>Washington</th>
<th>Statewide</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Sentences</td>
<td>18.8</td>
<td>37.6</td>
<td>31.6</td>
<td>24.0</td>
<td>20.9</td>
<td>25.1</td>
</tr>
<tr>
<td>Probation Revocations</td>
<td>18.6</td>
<td>14.5</td>
<td>16.5</td>
<td>25.3</td>
<td>25.3</td>
<td>19.8</td>
</tr>
</tbody>
</table>
M57 Property Total Prison Months

**Total Prison Months M57 Property**
*Oct 2014 - Sept 2015*

- Clackamas: 2591, 5378
- Lane: 410, 5113
- Marion: 2742, 4407
- Multnomah: 1137, 1189
- Washington: 1137, 1202
- Statewide: 4407, 1202

**First Sentences Rate per 100,000 Population**
*Oct 2014 - Sept 2015*

- Clackamas: 661.8
- Lane: 1498.9
- Marion: 1567.8
- Multnomah: 1498.9
- Washington: 1567.8
- Statewide: 1570.1

**Probation Revocations Rate per 100,000 Population**
*Oct 2014 - Sept 2015*

- Clackamas: 0.0
- Lane: 316.9
- Marion: 364.5
- Multnomah: 489.3
- Washington: 157.0
- Statewide: 240.0
M57 Property Sentence Types

M57 Property First Sentences by Sentence Type
Oct 2014 to Sept 2015

- Clackamas: 55% Prison, 2% Local Control, 43% Probation
- Lane: 52% Prison, 5% Local Control, 43% Probation
- Marion: 44% Prison, 13% Local Control, 43% Probation
- Multnomah: 68% Prison, 2% Local Control, 20% Probation
- Washington: 60% Prison, 6% Local Control, 34% Probation
- Statewide: 61% Prison, 4% Local Control, 34% Probation

Legend:
- Blue: Prison
- Orange: Local Control
- Gray: Probation
Drug Prison Usage
County Comparison

October 2014 to September 2015
Drug Prison Intakes

**Prison Intakes Drug**
Oct 2014 - Sept 2015

<table>
<thead>
<tr>
<th></th>
<th>First Sentences</th>
<th>Probation Revocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clackamas</td>
<td>38</td>
<td>8</td>
</tr>
<tr>
<td>Lane</td>
<td>31</td>
<td>16</td>
</tr>
<tr>
<td>Marion</td>
<td>73</td>
<td>24</td>
</tr>
<tr>
<td>Multnomah</td>
<td>74</td>
<td>31</td>
</tr>
<tr>
<td>Washington</td>
<td>61</td>
<td>21</td>
</tr>
</tbody>
</table>

**Drug Prison Intake Rate per 100,000 Population**
Oct 2014 - Sept 2015

<table>
<thead>
<tr>
<th></th>
<th>First Sentences</th>
<th>Probation Revocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clackamas</td>
<td>9.7</td>
<td>22.4</td>
</tr>
<tr>
<td>Lane</td>
<td>8.6</td>
<td>7.4</td>
</tr>
<tr>
<td>Marion</td>
<td>9.7</td>
<td>9.7</td>
</tr>
<tr>
<td>Multnomah</td>
<td>10.9</td>
<td>12.4</td>
</tr>
<tr>
<td>Washington</td>
<td>12.4</td>
<td>4.1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>First Sentences</th>
<th>Probation Revocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statewide</td>
<td>0.0</td>
<td>4.0</td>
</tr>
<tr>
<td></td>
<td>5.0</td>
<td>4.0</td>
</tr>
<tr>
<td></td>
<td>10.0</td>
<td>3.7</td>
</tr>
<tr>
<td></td>
<td>15.0</td>
<td>4.1</td>
</tr>
<tr>
<td></td>
<td>20.0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>25.0</td>
<td></td>
</tr>
</tbody>
</table>
Drug Prison Average LOS

Prison Intakes Drug Average LOS
Oct 2014 - Sept 2015

First Sentences Probation Revocations

<table>
<thead>
<tr>
<th></th>
<th>Clackamas</th>
<th>Lane</th>
<th>Marion</th>
<th>Multnomah</th>
<th>Washington</th>
<th>Statewide</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Sentences</td>
<td>21.7</td>
<td>23.4</td>
<td>24.1</td>
<td>26.0</td>
<td>11.3</td>
<td>19.2</td>
</tr>
<tr>
<td>Probation Revocations</td>
<td>20.6</td>
<td>12.5</td>
<td>13.8</td>
<td>17.1</td>
<td>23.7</td>
<td>26.3</td>
</tr>
</tbody>
</table>
**Drug Total Prison Months**

**Total Prison Months Drug**
Oct 2014 - Sept 2015

<table>
<thead>
<tr>
<th></th>
<th>First Sentences</th>
<th>Probation Revocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clackamas</td>
<td>1573</td>
<td>2253</td>
</tr>
<tr>
<td>Lane</td>
<td>1468</td>
<td>173</td>
</tr>
<tr>
<td>Marion</td>
<td>825</td>
<td>90</td>
</tr>
<tr>
<td>Multnomah</td>
<td>438.5</td>
<td>495</td>
</tr>
<tr>
<td>Washington</td>
<td>226.3</td>
<td>388</td>
</tr>
<tr>
<td>Statewide</td>
<td>210.8</td>
<td>289</td>
</tr>
</tbody>
</table>

**Drug Total Prison Months per 100,000 Population**
Oct 2014 - Sept 2015

<table>
<thead>
<tr>
<th></th>
<th>First Sentences Rate per 100,000 Population</th>
<th>Probation Revocations Rate per 100,000 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clackamas</td>
<td>210.8</td>
<td>90</td>
</tr>
<tr>
<td>Lane</td>
<td>690.8</td>
<td>105.7</td>
</tr>
<tr>
<td>Marion</td>
<td>438.5</td>
<td>226.3</td>
</tr>
<tr>
<td>Multnomah</td>
<td>323.5</td>
<td>50.7</td>
</tr>
<tr>
<td>Washington</td>
<td>261.9</td>
<td>51.5</td>
</tr>
<tr>
<td>Statewide</td>
<td>70.3</td>
<td>151.7</td>
</tr>
</tbody>
</table>
Drug Sentence Types

Drug First Sentences by Sentence Type
Oct 2014 to Sept 2015

Clackamas: 70% (7% Prison, 23% Local Control, 40% Probation)
Lane: 77% (11% Prison, 12% Local Control, 54% Probation)
Marion: 47% (14% Prison, 12% Local Control, 21% Probation)
Multnomah: 87% (3% Prison, 19% Local Control, 65% Probation)
Washington: 71% (9% Prison, 19% Local Control, 53% Probation)
Statewide: 76% (8% Prison, 16% Local Control, 52% Probation)
Intakes Reduction Goal
Intakes Reduction Goal

• To avoid additional permanent beds intakes must be reduced

• A statewide reduction of 25 male intakes a month beginning December 2015 will avoid new permanent beds

• A statewide reduction of 6 female intakes a month beginning December 2015 will also avoid new permanent beds
Central/Eastern Region

- 3 fewer male intakes a month
- 1 less female intake a month

Central/Eastern: 10% of total prison months
NW Coastal Region

- 3 fewer male intakes a month
- 1 less female intake a month

NW Coastal: 14% of total prison months
Southwest Region

- 4 fewer male intakes a month
- 1 less female intake a month

Southwest: 15% of total prison months
Metro Region

- 15 fewer male intakes a month
- 3 fewer female intakes a month

Metro: 61% of total prison months

If Marion were to get intakes down to the statewide rate:
- 66 fewer property intakes over a year (5.5 per month)
- 43 fewer drug intakes (3.5 per month)

If Lane were to get intakes down to the statewide rate:
- 31 fewer property intakes over a year (3 per month)

With this drop in intakes we would avoid Deer Ridge in 2016.

If Marion and Lane could get the average LOS down, that would help in the longer term. More of Lane’s prison use is driven by LOS than intakes. The drug intake rate for Lane is currently below the statewide average, but the LOS is almost double the statewide average.
OSP Minimum is avoided in the 10 year horizon
Male Prison Population and Forecasts to Sept 2025

- Deer Ridge comes online July 2020
- Junction City is avoided in the 10 year horizon
JRI Prison Utilization by County
Dec 2014 - Nov 2015

- Baseline (3 year average of total prison months from July 2012 to June 2015 for M57 property, drug, and driving offenses)
- Dec 2014 - Nov 2015 (Total prison months for M57 property, drug, and driving offenses)
Questions?

• ross.caldwell@oregon.gov

• 503-378-6229