

>> to House Judiciary Committee

>>

>> re HB 3078

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>> Chair Barker and members of the committee, my name is Barbara Ross,

>> and I am here to testify on behalf of the Coalition for Safety and

>> Savings and their bill 3078.

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>> In view of the gaping hole in the state budget we need to be

>> receptive to every opportunity to save state funds. This is exactly

>> what the Safety and Savings act will do if we accept all the policy

>> changes it proposes..

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>> Modest reductions in sentences for property and drug related crimes,

>> implementing modifications in the Family Sentencing Alternative,

>> expanding Short Term Transitional leave, and continuing funding for

>> the Justice Reinvestment program will all result in a reduction of

>> the need for costly prison beds. By taking these steps, Oregon can

>> avoid the expense of reopening a

>> new women's prison at the price tag of twenty million dollars.

>> Also, we can significantly delay the three hundred million dollars

>> it will cost to construct a new prison facility.

>>

>> I will not repeat the details of the studies of results that you have

>> gotten from the Criminal Justice Commission. In summary, these

>> strategies are working. The need for prison beds is being

>> reduced. The recidivism rates are holding steady or going down.

>> Studies by the CJC show no adverse affects on public safety.

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>> I would like to discuss the arguments being made by opponents of the

>> bill, particularly the District Attorney's Association.

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>> The opponents point to an agreement reached in 2013 signed by

>> Representatives Chris Garrett, Andy Olson and Val Hoyle Actually the

>> wording of the statement is quite vague. No real promises were made

>> to any one. It just states that If all of their assumptions prove

>> correct the signers do not see a reason to pursue any more of the

>> recommendations of the Commission on Public Safety. It makes no

>> clear reference to a five year waiting period. It was not signed by

>> any one from the senate, not the Senate president or any other

>> Senator. It was not signed by the Speaker of the House.

>> Also, no legislature can bind a future legislature, so the

>> agreement has no actual legal strength. Furthermore, HB 3078

>> has no emergency clause and will not go into effect till January,

>> 2018, five years later. This "agreement" should not be seen as a

>> legitimate obstacle to improving our criminal justice system in ways

>> that will save money without compromising public safety.

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>> To be fair, many opponents at the time believed that an agreement had  
>> been reached, supported by then Governor Kitzhaber, that Justice  
>> reinvestment would go forward, but no measure eleven offenses would  
>> be changed for a period of 5 years. They cooperated based on that  
>> understanding. While the agreement could never have been viewed as  
>> legally binding, we should understand the views of those who accepted  
>> HB 3194 programs based on the belief that the legislature would  
>> abide by the spirit of the agreement.. It should also be clear that  
>> many important stake holders were not part of the negotiations that  
>> resulted in the agreement, particularly Senate leadership, and they  
>> were naturally resentful of the limits put on future policy  
>> adjustments.

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>> What we all need to do now is look at the situation before us with  
>> clear eyes. It will have been 5 years since this compromise was  
>> informally agreed upon before HB 3078 goes into effect.. We are in a  
>> budget crisis. We have strong data supporting the effectiveness of  
>> alternate community solutions. We need to work together to avoid the  
>> huge cost of new prisons. We need to make  
>> an equal commitment to holding offenders accountable, We must  
>> respect one another and fine tune research based strategies that  
>> reduce the need for incarceration

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>> In many counties, district attorneys have been key partners in the  
>> success of the Justice Reinvestment Program. They have worked with  
>> judges, defense attorneys, community corrections staff, and drug  
>> treatment professionals to help see that the offenders diverted from  
>> prison got the structure, the services and the support they needed to  
>> move toward a healthier and crime free life. They deserve credit for  
>> coming together with other stake holders to build programs that would  
>> reduce the number of offenders sent to  
>> prison and at the same time keep a strong focus on public safety.  
>> They have listened to others and been willing to try new innovative  
>> approaches. They should be given full credit for the constructive  
>> role they have played in many counties.

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>> We hope that district attorneys and other community leaders will  
>> recognize the need to respond to the budget crisis in an assertive  
>> way. We hope that they will see the new policies as an opportunity  
>> to craft services that best meet the needs of their  
>> own communities. We all should agree on three goals: saving  
>> money by sending fewer folks to prison, keeping communities safe.  
>> and helping offenders build healthier law abiding lives.

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>> Even if HB 3078 were approved unchanged, local communities still  
>> have tremendous discretion in how the programs are implemented  
>> locally. They are not required to use all of the new authority to  
>> expand short term transitional leave. For example some counties

>> may not be able to take full advantage of this new flexibility  
>> because of a lack of appropriate housing. Each Local Public Safety  
>> planning council has to decide how to structure their programs to  
>> meet their own community needs.

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>> Now let me talk about the "truth in sentencing" argument

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>> Opponents assert that victims are being misled when they hear the  
>> number of months the offender is being sentenced only to learn later  
>> that the sentence may be reduced by good behavior, or short term  
>> transitional leave or work release programs. We would emphasize  
>> nothing in the bill is retroactive. The changes in practice will be  
>> going forward and not affecting anyone already sentenced. The judge  
>> has considerable discretion about which programs the convicted person  
>> will be eligible for. None of this is secret. At the time of  
>> sentencing the courts and the DA's can be forthright with the victim  
>> about sentencing, sentencing modifications and which programs the  
>> offender is likely to receive.

>> In summary, I would urge that we come together and support HB  
>> 3078 as a strategy for improving our corrections practices, and  
>> helping us avoid opening a new women's prison. We can not  
>> afford to waste scarce funds on incarcerating offenders who can  
>> safely and more cheaply be supervised in the community

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>> The bottom line is that we must save money where ever we can as long  
>> as we are keeping our communities safe The actions called for in  
>> this legislation will do just that.

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>> I thank you for this opportunity to testify.

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