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May 24, 2017

TO: Honorable Jennifer Williamson, Chair
Members of the House Rules Committee

FROM: Tim Colahan, Executive Director, Oregon District Attorneys Association

RE: HB 3078

As President of ODAA, I participated in the HB 3194 workgroup in 2013 and, now as ODAA's Executive Director, I also served on Speaker Kotek's sentencing workgroup this session. Throughout the workgroup process I consistently stated that ODAA does not support any changes to Ballot Measure 57's repeat property offender laws or transitional leave for offenders. Consequently, ODAA opposes HB 3078 and the -2 amendments.

By way of background, in 2013 HB 3194 made a number of substantial changes to Oregon's sentencing laws. The biggest changes were the expansion of transitional leave from 30 to 90 days. Transitional leave allows offenders to get out of prison early to find housing and work; yet they are still considered to be in DOC custody. The bill also reduced sanctions for felony driving while suspended, Robbery 3, ID Theft, and marijuana delivery. The goals of HB 3194 were two-fold, to save money which could be reinvested in community corrections and victims services, hence the name "Justice Reinvestment" and to delay the building of a new prison.

The ODAA supported the legislation, despite reservations that it may increase the crime rates and recidivism rates in our communities.

We know that the policy has saved a tremendous amount of money, over \$220 million if you include the savings associated with delaying any new prison construction. That's good news. However, we are still waiting on two critical data points – the 3-year recidivism rates and the 2015 crime rates. It is these two items that should really be driving evidence-based sentencing policy decisions. If probationers and parolees are reoffending at higher rates, or the overall rate of property crime is on the rise, expanding HB 3194 may not be the right course.

HB 3078 and the Speaker's task force did not consider these points, nor could they, as they are not yet available. As a result, the most significant changes proposed by HB 3078 are based entirely on a desire to save money, not on evidence-based factors targeting the reduction of crime. That is one important reason we suggest you oppose this legislation and re-open this

discussion in 2018, at which point the Criminal Justice Commission will have the full picture available.

That is not, however, the only reason we oppose this bill. With the exception of the expansion of the Family Sentencing Alternative Program, we believe it is absolutely unnecessary and may, in fact, impede future success. Many Oregon counties, led by the five largest that represent nearly 60% of all criminal cases, are already engaged in aggressive programs designed to use prison as the tool of last resort. Some of those programs have been in place for years. We believe that with adequate funding for those SB 416 type programs, coupled with the statewide expansion and eligibility changes made to FSAP, the Women's prison population will be controlled and public safety will be protected.