

Multnomah County, Oregon
District Attorney
Rod Underhill



WHAT WORKS CONFERENCE
2016

JUSTICE REINVESTMENT
INITIATIVE:
NEW APPROACHES AND EMERGING
CHALLENGES FOR PROSECUTORS

Oregon Prosecutor's Helped Draft and Supported HB 3194



- Oregon District Attorneys Association, Inc.
 - NEWS RELEASE: July 1, 2013
- “Governor Kitzhaber and legislative leadership have joined together with law enforcement leadership to support a new package of laws that will improve public safety in Oregon.”
- “...we have joined with [the Governor] and legislative leadership to support HB 3194.”

HB 3194: When Signed in to Law



- Sentencing and other law changes to safely and responsibly help reduce Oregon's prison bed usage.
- Save approximately \$19 million for the 13-15 biennium.
- Projected to save up to \$60 million for the 15-17 biennium.
- Avoided prison costs are to be re-invested in local community public safety. *10% of which will go to non-profit victim services (1st in the country to provide).*
- Support of scientifically based research of community programs that will help reduce recidivism and will have both short term and long term positive impacts.

Oregon District Attorney's HB 3194 Support Continues



- Justice Reinvestment Grant Review Committee;
- Task Force on Public Safety;
- Regional Implementation Committees around the state;
- The state of Oregon is estimated to save \$53 million dollars in avoided costs for the 2015-17 biennium as a result of the passage of HB 3194;
- Supported efforts resulting in the legislature placing over \$38 million in county grant opportunities;
- DOC prison bed usage is tracking with most recent forecast.

Multnomah County's Justice Reinvestment Program: MCJRP DA Goals



- Increase short term and long term public safety;
- Decrease victimization and increase victim input in process;
- Reduce recidivism;
- Decrease utilization of Oregon Department Of Corrections prison beds;
- Increase restitution identification and collection;
- Hold offenders accountable.

MCJRP Focus Points



- MCJRP sentencing practices go beyond the changes listed in HB3194:
 - Larger range of drug and property crimes
 - Some person crimes and Tier II BM 11 offenses
- System-wide collaboration between the prosecution, defense, court and probation department.
- Increase in offender supervision, services, satisfaction of obligations to victims and accountability.
- Better informed professional decision making at critical points.

Better Informed How?

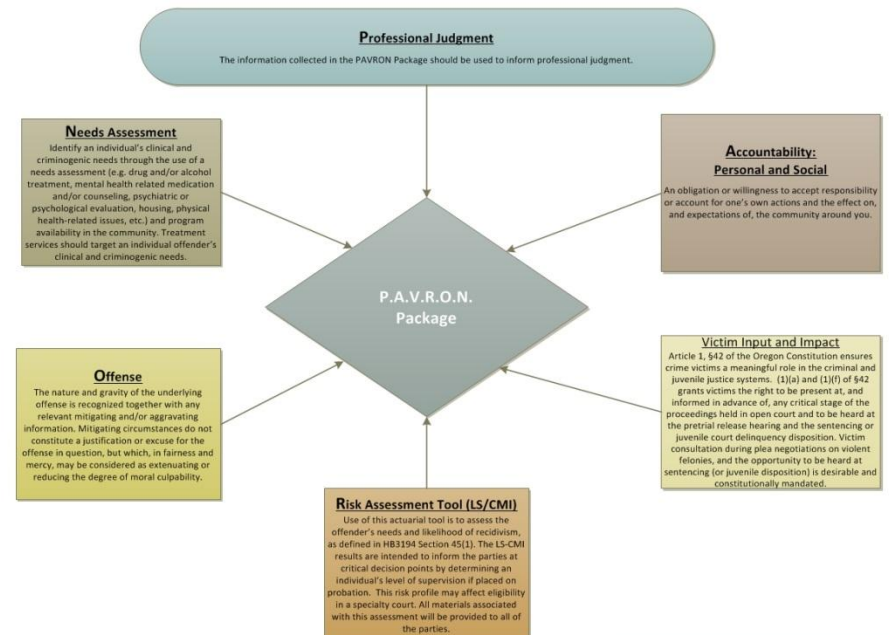
PAVRON Package Information

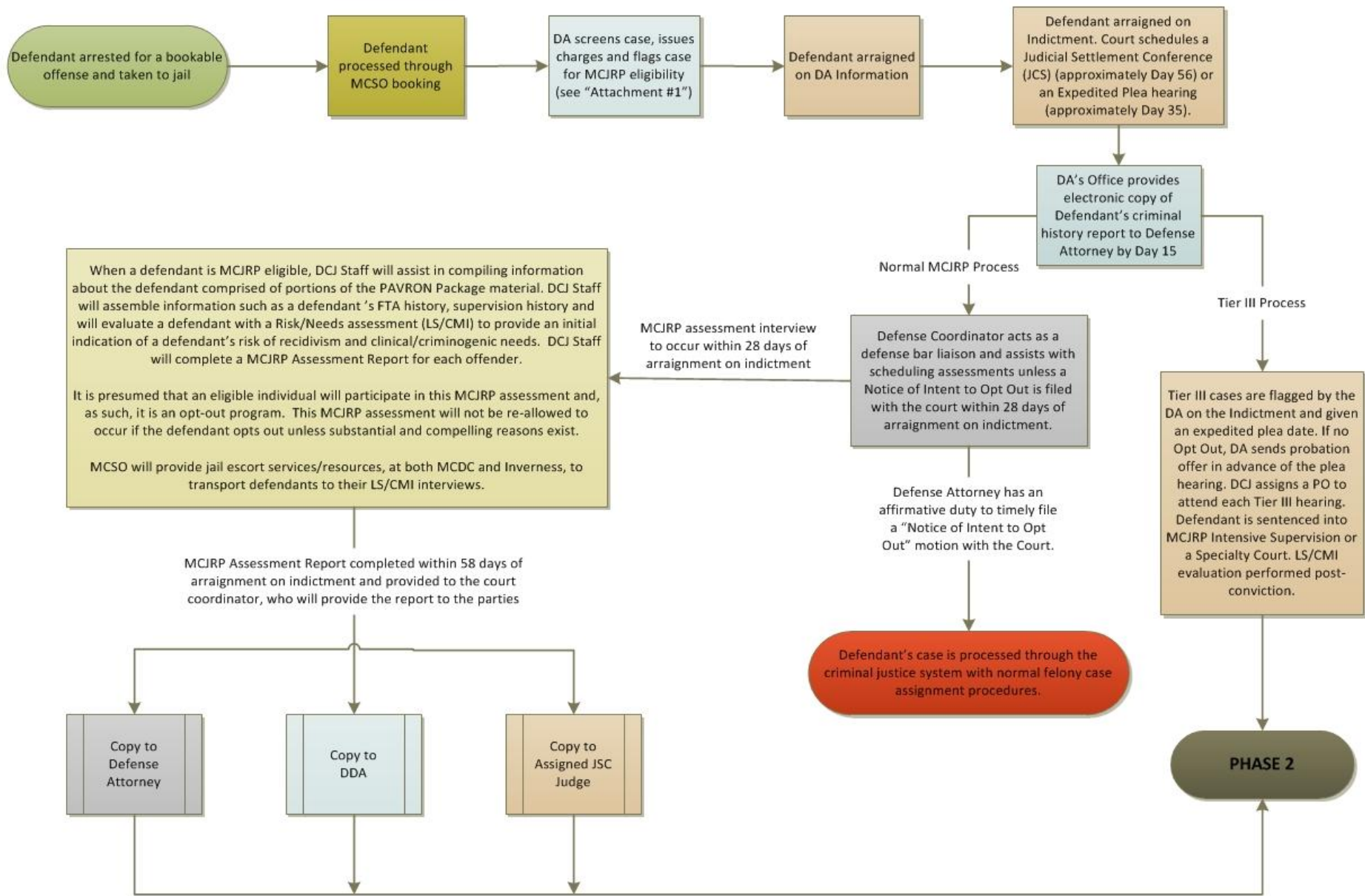


- PAVRON Package Information to be collected on each MCJRP case
- Professional Judgment
- Accountability
- Victim Input/Impact
- Risk Assessment
- Offense Analysis
- Needs Assessment
- See Attachments 1-6

December 18, 2015

Professional judgment, Accountability, Victim input, Risk, Offense, Needs (PAVRON) Package





MCJRP Assessment Form:



The information in the Assessment Report can ONLY be used for settlement and sentencing purposes (e.g. not to be used at release hearings, not to be used to file upward departure enhancements, etc.)

- Presiding Judge's order

**Multnomah County Justice Reinvestment Program
(MCJRP)**

Defendant Assessment Report

CONFIDENTIAL DOCUMENT:

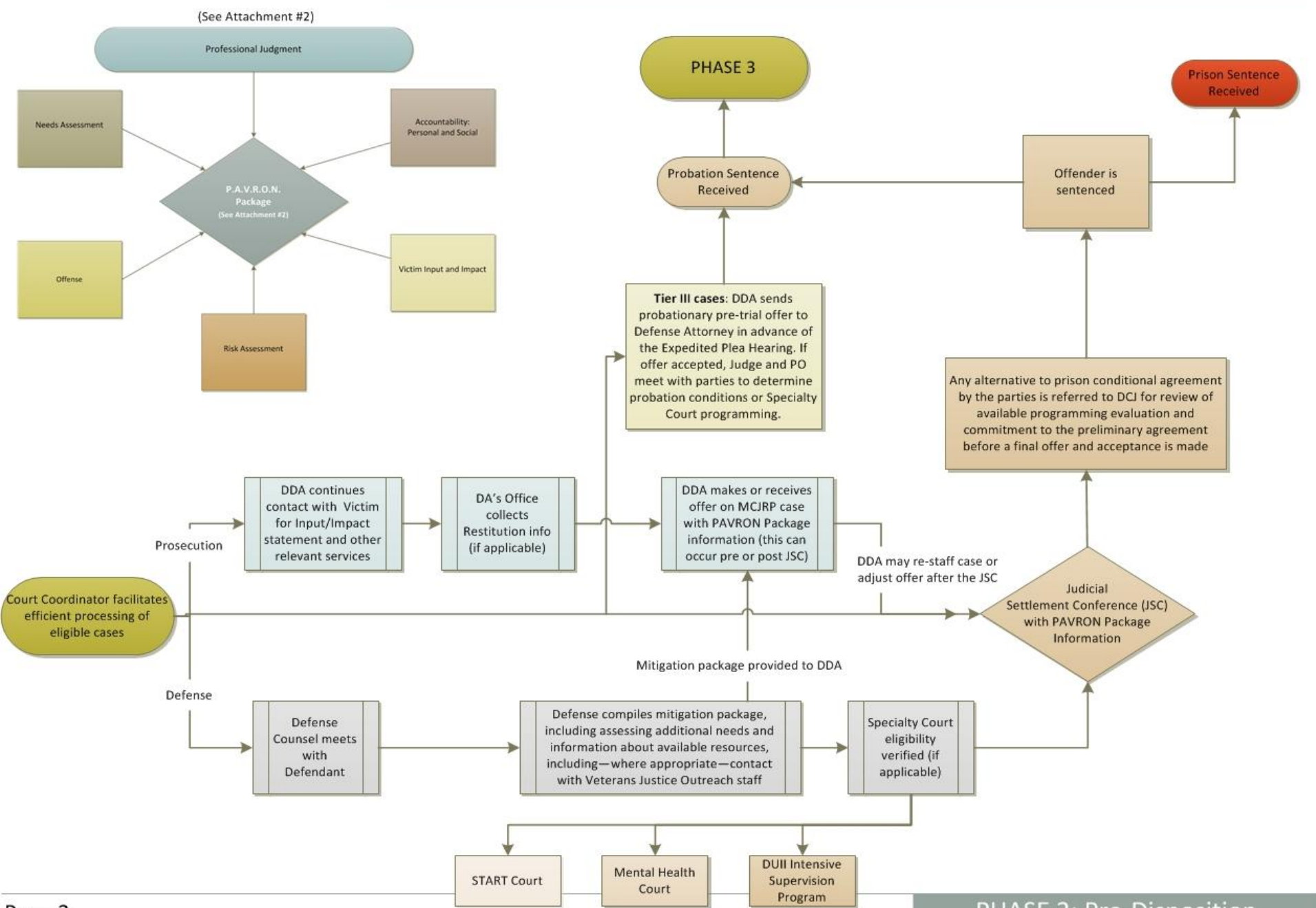
This assessment form shall only be used for settlement and sentencing purposes.

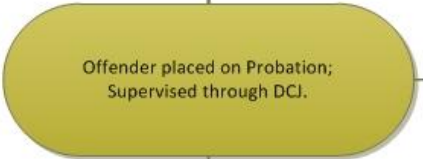
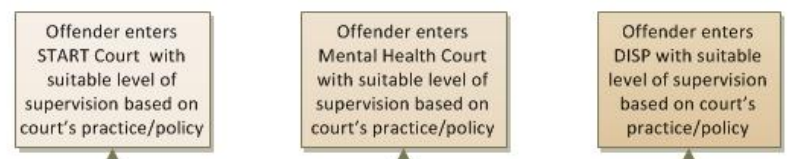
**Do not release as a public record pursuant to
ORS 192.502(2), ORS 192.502(4) and ORS 137.077.**

MCJRP Assessment Form Summary



- LS/CMI score with breakdown
- Responsivity Factors
- Risk Reduction Targets
- Housing
- Children/DHS involvement
- Military Service
- FTA History
- Supervision History
- Criminal History
- Early Defendant Analysis
- Defendant's Top 3 Strengths





MCJRP Data Team (including individuals from DCJ, LPSCC, MCDA, MCSO, OJD, and PPB) will collaborate to systematically and objectively generate data and evaluate whether, and to what extent, the Multnomah County Justice Reinvestment Program is achieving its goals and objectives.

MCJRP 120-Day Intensive Supervision:

If an offender enters into a specialty court (DISP, MHC, or START), the defendant must abide by the terms and conditions of that court, including supervision contact plans. Otherwise, unless the parties negotiate an alternative, the following supervision plan will apply: A defendant who is placed on probation as a result of the MCJRP will have, at a minimum, 120 days of intensive (high) level supervision with regularly scheduled case staffing events (DCJ, DA's Office & possibly the Court Coordinator and/or the Defense Coordinator). During this time, and possibly beyond, strict compliance with the agreed upon plan of supervision and a "swift and certain" sanction philosophy will be employed.

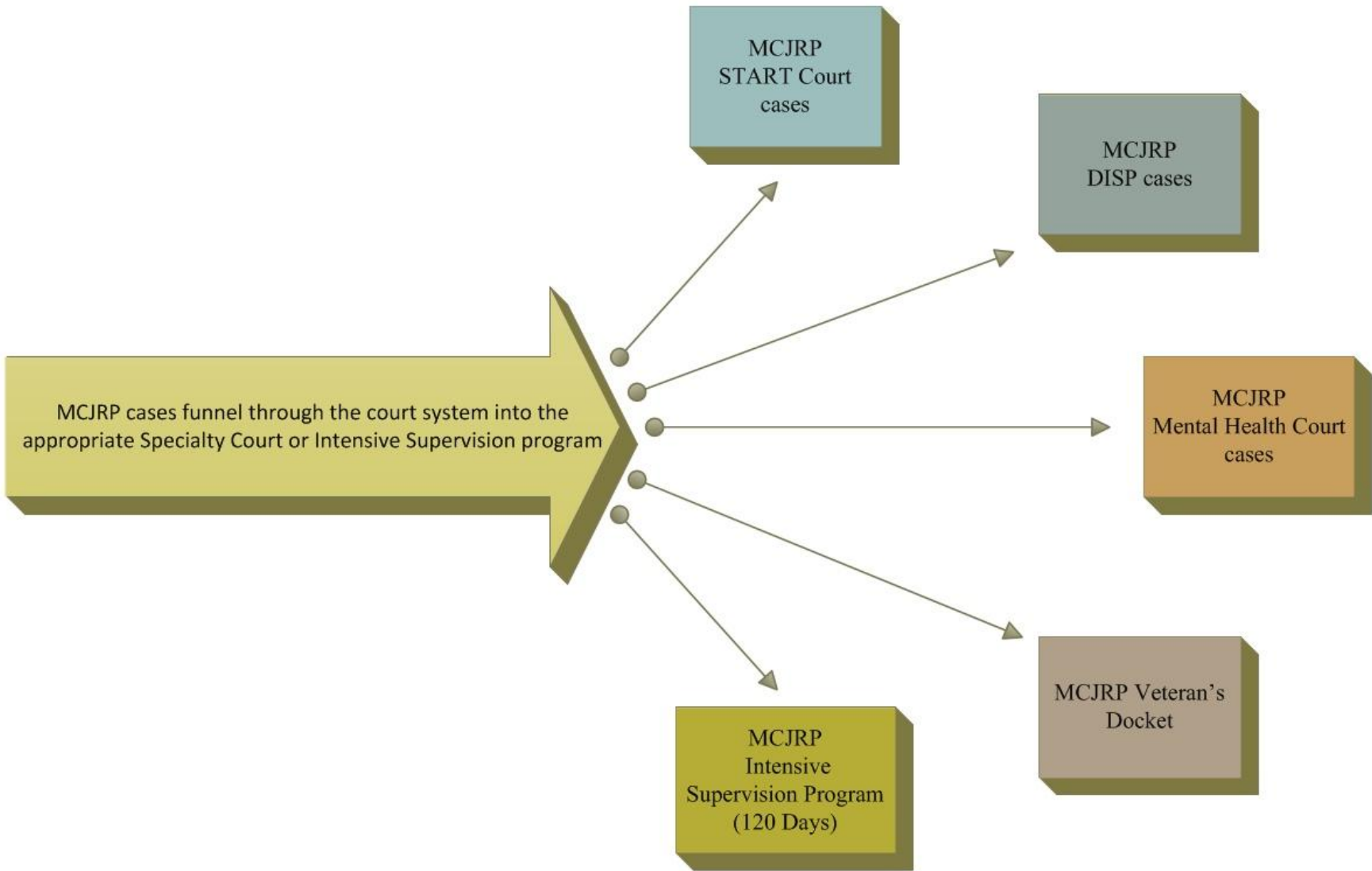
MCJRP Intensive Supervision Level Defined: Initial supervision of MCJRP cases will be similar to the Level 2 supervision level at DCJ (previously known as high risk supervision). Cases placed on MCJRP intensive supervision will have a minimum of four PO contacts per month and one home visit within the first 30 days of supervision. The rate of PO contacts can be adjusted to more than four contacts per month based on the behavior of the offender. Additional home and community contacts will occur as needed after the first 30 days. Offenders will be reviewed regularly for compliance with treatment, programming, and conditions. Case plans and risk assessments will be updated as needed. The officer will monitor and investigate all police contacts, will file jail detainers for serious violations, and will impose administrative sanctions when appropriate. The period of MCJRP supervision includes regular case staffing events with the PO, the DDA, and possibly the court. Offenders who engage in treatment, comply with conditions of supervision, and are making positive changes are eligible for decreased contacts with their PO after the 120 day MCJRP intensive level supervision period is completed.

If DCJ would have placed the MCJRP offender on Level 1 Supervision, the Level 1 Supervision procedures and policies will apply *in addition* to regularly scheduled case staffing events.

Law enforcement will assist in prevention and interdiction with increased law enforcement visibility and supervision support via reduced response time, home visits, and enforcement of court orders (including warrants). They will assist in providing swift and certain offender sanctions in collaboration with Probation Officers.

Offender will be assessed by DCJ for MCJRP wrap-around services, which may include behavioral health care (e.g. alcohol/drug treatment, mental health services, etc.), housing, employment development, and/or peer-mentor support.





MCJRP Data Collection

- Data Collaboration between multiple agency partners
- Benefits of Collaboration:
 - Shared language
 - Informed decision-making
 - Leveraged resources
 - Trust building



MULTNOMAH COUNTY
JUSTICE REINVESTMENT
PROGRAM

HB3194 DATA WORKGROUP

QUARTERLY REPORT:

FY15 Q1 & Q2

JULY-DECEMBER 2014

MCJRP Data Examples

Offender Accountability

- Of the 946 Assessment Group cases, 487 (51.5%) cases have a victim associated*.
*Slight inconsistencies between Primary Charge counts here and the Waterfall totals will be resolved in future reports.
- Of the 487 cases with a victim associated, 94 (19.3%) have a Victim Advocate assigned.
- Of the 487 cases with a victim associated, 485 (99.6%) were restitution applicable.
- Of the restitution applicable cases, 100% had a restitution clerk assigned.

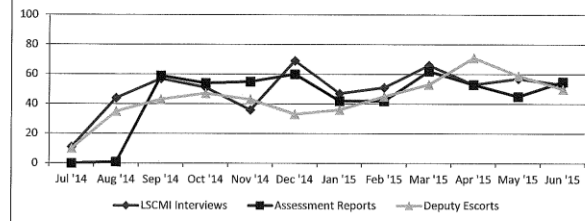
Sentenced Cases with Restitution Ordered from July 1, 2014 to June 30, 2015

Charge Category	Assessment Group		Opt Out Group		Total	
	Cases Convicted and Sentenced	Sum of Total Restitution Ordered	Cases Convicted and Sentenced	Sum of Total Restitution Ordered	Cases Convicted and Sentenced	Sum of Total Restitution Ordered
BM11	24	\$96,899	2	\$129,862	26	\$226,761
BM57 - Property Offender	98	\$1,530,347	12	\$30,750	110	\$1,561,098
Other Property	25	\$221,065	2	\$1,506	27	\$222,571
BM57 - Drug	0	\$0	0	\$0	0	\$0
Other Drug	1	\$12	0	\$0	1	\$12
Behavioral	11	\$122,938	0	\$0	11	\$122,938
Person	6	\$6,034	0	\$0	6	\$6,034
Vehicle	3	\$101,867	0	\$0	3	\$101,867
Grand Total	168	\$2,079,162	16	\$162,119	184	\$2,241,280

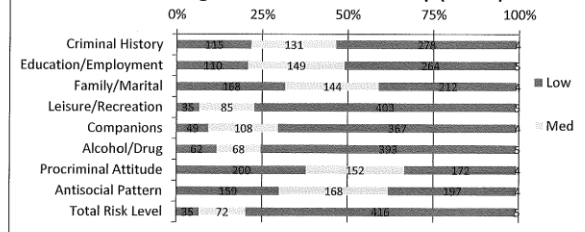
Assessments

	Completed To Date
LSCMI Interviews	595
In-custody Interviews Facilitated by MCSO HB3194 Escort Deputies	525
Assessment Reports Completed	528

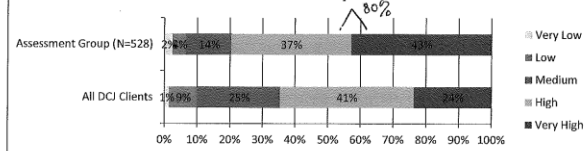
Monthly # of LSCMI Interviews, Assessment Reports, and Deputy Escorts



LSCMI Categories for Assessment Group (N=528)



Overall LSCMI Risk Level by MCJRP Status



Is MCJRP Working? Recall the Goals



- Increase short term and long term public safety;
 - Decrease victimization and increase victim input in process;
 - Reduce recidivism;
 - Decrease utilization of Oregon Department Of Corrections prison beds (See Attachment 7- estimated to be just under 20 million biennium savings);
 - Increase restitution identification and collection;
 - Hold offenders accountable.
-
- We are clearly meeting some of the goals of JRI/MCJRP however;
 - Oregon Definition for Recidivism from HB 3194: Arrest, conviction, or incarceration for a new crime within 3 years of conviction or release from custody.
 - Are we collecting restitution on behalf of crime victims?
 - In order to answer the remaining very important questions we need more time to keep working hard and review the data.

PAVRON Package: Professional Judgment



- The information collected in the PAVRON Package should be used to help inform Professional Judgment.

- Attachment 1

PAVRON Package: Accountability (Personal and Social)



- An obligation or willingness to accept responsibility or account for one's own actions and the effect on, and expectations of, the community around you.

- Attachment 2

PAVRON Package: Victim Input and Impact



- Article 1, §42 of the Oregon Constitution ensures crime victims a meaningful role in the criminal and juvenile justice systems. (1)(a) and (1)(f) of §42 grants victims the right to be present at, and informed in advance of, any critical stage of the proceedings held in open court and to be heard at the pretrial release hearing and the sentencing or juvenile court delinquency disposition. Victim consultation during plea negotiations on violent felonies, and the opportunity to be heard at sentencing (or juvenile disposition) is desirable and constitutionally mandated.
- Attachment 3

PAVRON Package: Risk Assessment



- Level of Service/Case Management Inventory (LS/CMI).
- Use of this actuarial tool is to assess the offender's needs and likelihood of recidivism (HB3194 Section 45(1)). The LS/CMI results are intended to inform the parties at critical decision points by determining an individual's level of supervision if placed on probation. This risk profile may affect eligibility in a specialty court. All materials associated with this assessment will be provided to all of the parties.
- Attachment 4

PAVRON Package: Offense



- The nature and gravity of the underlying offense is recognized together with any relevant mitigating and/or aggravating information. Mitigating circumstances do not constitute a justification or excuse for the offense in question, but which, in fairness and mercy, may be considered as extenuating or reducing the degree of moral culpability.
- Attachment 5

PAVRON Package: Needs



- Identify an individual's clinical and criminogenic needs through the use of a needs assessment (e.g. drug and/or alcohol treatment, mental health related medication and/or counseling, psychiatric or psychological evaluation, housing, physical health-related issues, etc.) and program availability in the community. Treatment services should target an individual offender's clinical and criminogenic needs.
- Attachment 6

Oregon DOC Cost Avoided Savings



1 Year Calculated Savings

(July 1, 2014-June 30, 2015)

MCJRP 12 months savings:	\$8,134,711.20*
STTL 12 months savings:	<u>\$1,634,953.84**</u>
Combined savings:	=\$9,769,665

2 years anticipated savings: \$19,539,330

Note: The above calculation does not include savings to be realized in the near future regarding MCJRP related cases and the associated LOS related issues. Overall, Multnomah County is below the statewide average for LOS on first sentences.

*12 month calculated number of offenders avoiding prison due to MCJRP: 231 X \$96.48 X 365 days .

**12 month calculation received from Multnomah County Department of Community Corrections.

Attachment 7