

Challenges and Opportunities Sentencing in Justice Reinvestment

Multnomah County Justice Reinvestment Program (MCJRP)

Presented by Judge Eric J. Bloch, Circuit Court Judge
Participating Judge, MCJRP

ing Judge, Success Through Accountability, Restitution and Treatment (

Justice Reinvestment (HB 3194) as Response to Oregon's Current "Prison Crisis"

Need to Construct new prison capacity.

- Back in the late 1980's, one response to the "prison crisis" was creating drug courts:
 - "drug possession" offender
 - into adult drug court
 - Multico. STOP Court 2nd or 3rd in U.S.

Multnomah County Justice Reinvestment Program

- MCJRP response to today's "prison crisis" is more robust and varied:
 - Wide category of "presumptive prison" defendants
 - Most are high risk/high need with drug addiction/co-occurring disorders
 - sentenced into probation with appropriate supervision, support and services:
 - specialty court (drug court, DUII court, veterans court, mental health court)
 - 120-day (minimum) intensive supervision

Question?

- How well does MCJRP do at:
 - identifying “right” defendant for probation?
 - getting the defendant into “right” supervision, support and services?
 - providing the proper “dose” (frequency and duration)?

Overview of MCJRP Sentencing and Supervision

- Step 1:
 - Defendants participate in the development of a report to inform sentencing

Overview of MCJRP Sentencing and Supervision

- Step 2:
 - Reports are prepared by probation officer for use by the judge, D.A., defense lawyer, probation officer and defendant at the judicial settlement conference (JSC).

Overview of MCJRP Sentencing and Supervision

- Step 3:
 - JSCs include meeting(s) with the defendant to promote information exchange and engagement.

Overview of MCJRP Sentencing and Supervision

- Step 4:
 - Judge, informed by the report and by the other participants in sentencing, chooses prison or probation
 - If choosing probation, Judge sentences defendant into program of probation determined to best address the defendant's risks and needs.

Overview of MCJRP Sentencing and Supervision

- Step 5:
 - Defendant participates in probation program or specialty court until successfully completed or revoked.

Opportunities of MCJRP Sentencing and Supervision

Opportunities

- Probation vs. prison, and which probation program or specialty court, is more influenced by risk/needs assessment and other developed information, and far less determined or influenced by crime charged or convicted

Opportunities

- System Partners' (judge, D.A., defense attorney, P.O.) joint involvement in sentencing promotes better understanding of, and respect for, each others' roles and responsibilities.
 - Encourages to "stay in own lane."

Opportunities

- System partners' different attitude and approach to "doing business" captures attention of defendants - often the system's high recidivists - encouraging in them a different attitude and approach.

Challenges of MCJRP Sentencing and Supervision

- Breaking down system impediments to “program matching”: putting right defendants in the right program with the right supervision, support, and services.
 - lack of good system information/understanding regarding programs
 - “lagging” resource allocation

Challenges of MCJRP Sentencing and Supervision

- Mustering the “system patience” to permit the proper dose to be administered, and the full reformation benefit to be realized.

MCJRP Report Card

- ✓ MCJRP does a good job of identifying and sentencing to probation “presumptive prison” offenders in the criminal justice system whose criminality and public safety risk is tied to addiction, mental health and other highly “treatable” factors and who are “amenable” to change.
 - Grade: B+

MCJRP Report Card: “Identification”

- To improve “identification”:
 - gather all relevant information in JSC reports
 - avoid the “trap” of being charge-driven
 - Keep all options open for all eligible defendants:
 - “If nothing changes, nothing changes”

MCJRP Report Card

- ✓ MCJRP does a fair job of “program matching”:
 - Grade: B-

MCJRP Report Card: “Program Matching”

- To improve “program matching”:
 - Develop and utilize uniform information regarding programs
 - Embrace research and tools that guide which defendants would “fit” best in which programs
 - Adult Drug Courts very effective for high risk/high need addicted offenders
 - “Demand-driven” resource allocation

MCJRP Report Card

- ✓ MCJRP does a “better than in the past” job at assuring supervision, support and services are administered in the proper dose (amount and duration)
 - Grade: INCOMPLETE

MCJRP Report Card: “Dose”

- To better achieve proper dose:
 - Have the right expectations at the right time (proximal vs. distal goals) to “build” success.
 - Maintain trust among System Partners through maximum transparency and engagement, consistent with constitutional roles and adversarial processes.

MCJRP Report Card: “Dose”

- To better achieve proper dose:
 - Revoke where victim rights and/or public safety is demonstrably harmed by the defendant’s persistent non-compliant behavior.
 - Not necessarily the same as failing to do everything that is mandated by probation.
 - Not because defendant has had “enough” chances.
 - Benefit of revocation must outweigh the individual, community and system “costs.”

- Thank you