



NATIONAL FORUM
ON CRIMINAL JUSTICE
July 22-25 2018 | Ft Worth TX

SAA Perspective on Pre-trial Reform

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Oregon Criminal Justice Commission

Background on Oregon CJC (ORS 137.656)



The purpose of the Oregon Criminal Justice Commission is to improve the effectiveness and efficiency of state and local criminal justice systems by providing a centralized and impartial forum for statewide policy development and planning.

The primary duty of the commission is to develop and maintain a state criminal justice policy and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses public safety, offender accountability, crime reduction and prevention and offender treatment and rehabilitation. The plan must include, but need not be limited to, recommendations regarding:

(c) - Alternatives to the use of prison and **jail facilities**;

Background on Oregon CJC

- We are the SAA
- We are the SAC
- We are an executive branch agency
- We **do not** have a bail bonds industry in Oregon





Problem Statement Summary

- **Jails** - overcrowding leading to forced releases; local resource issues
- **Racial and ethnic disparity** - reflected in jail populations of defendants who are not released pretrial.
- **Data Gap** - Oregon does not collect or measure the numbers of pretrial defendants in custody or defendants released on security or on release agreements. (Fail to Appear data)
- **Justice / National legal challenges** - Some defendants incarcerated pretrial do not present a substantial risk of failure to appear or a threat to public safety, but may be being held solely due to financial inability to post security. Conversely, some with financial means are released from jail despite a risk of flight or threat to public safety.

Problem Statement Summary (cont'd)

- **Validated actuarial risk tool** - most jurisdictions do not use one.
- **Behavioral health** – people accused of low level offenses can spend significant time in jail preventing them from accessing treatment, medical and social security benefits, as well as their family and community supports. (Aid and assist population / SUD treatment)
- **Destabilizing effect** - on individuals held (lose housing, lose job, etc.)

NCJRP Opportunity



In 2016 Oregon received a grant of technical assistance by the National Criminal Justice Reform Project. The work group took a look at the pieces of pretrial systems in Oregon and drafted the **Oregon Pretrial State Plan**, producing a report with recommendations for the state to pursue in improving its local pretrial operations at the end of 2017.



OREGON PRETRIAL WORKGROUP



VISION: Oregon will improve the state's pretrial justice system through state and local collaboration to increase public safety, address mental health issues, and protect the constitutional and statutory rights of both victims and defendants.



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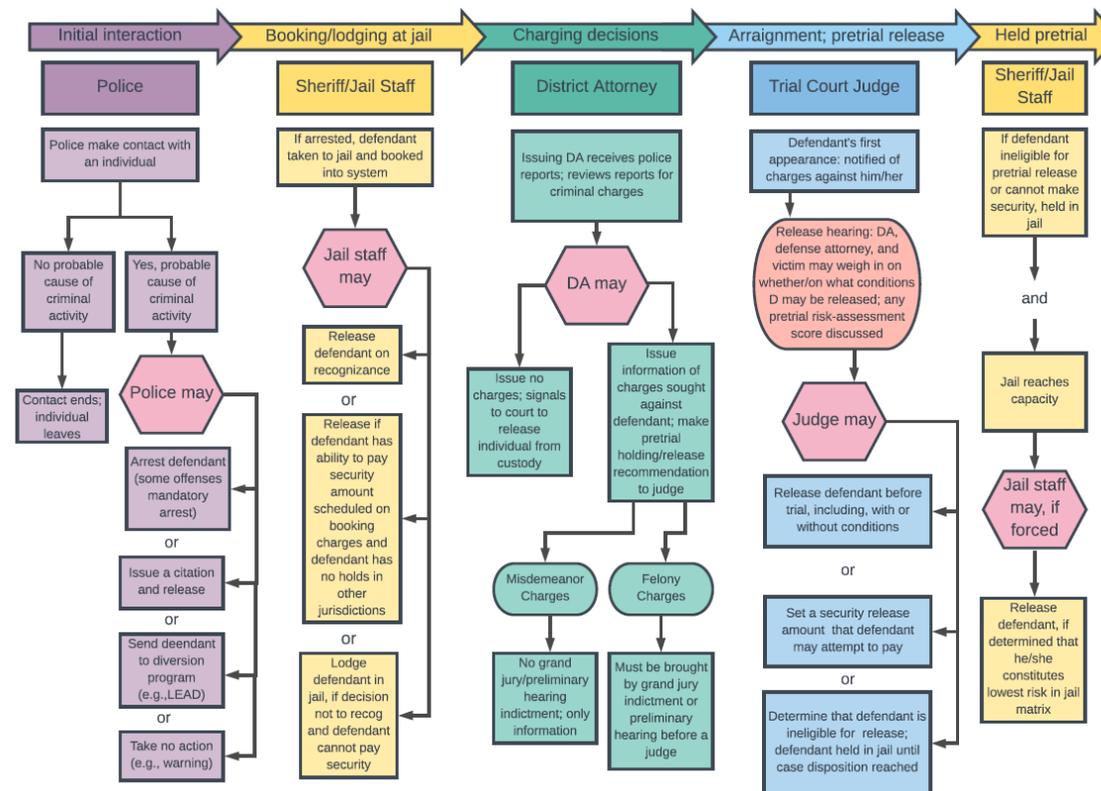
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Pretrial Release Decisions

- The Oregon Pretrial State Plan focused on these categories:

- Pre-arrest/Arrest
- Custody
- Risk Assessments
- Arraignment
- Pretrial Monitoring



Public Safety Task Force – Pretrial Study*

The Oregon Legislature passed legislation in 2017 creating the PSTF and tasked them with studying:

- Security release in Oregon, focusing on reducing racial and ethnic disparity in pretrial incarceration, including
 - Repealing statutes authorizing security release in favor of courts, or another entity with delegated authority, making release decisions;
 - Using pretrial risk assessments; and
 - Methods of reducing failure to appear at court hearings.

*A report on the PSTF's findings is due to the Legislature and the Governor on September 15, 2018.

Statutory subcommittee

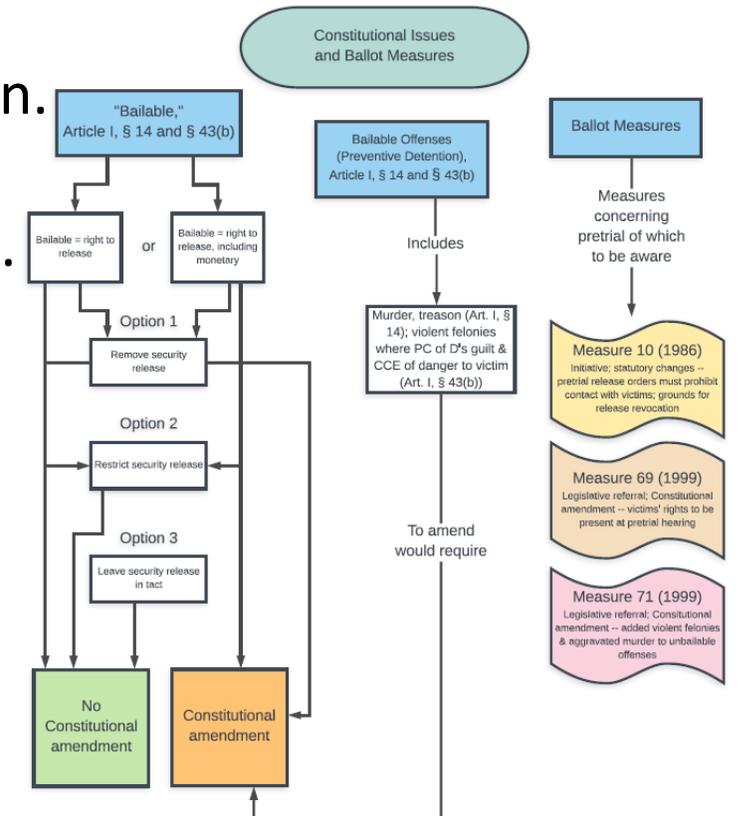


Oregon is a “Constitutional Right to Bail” state with the exception of those charged with murder and treason.

- We must determine what “bail” means in our constitution.
- Separation of Powers issues re: pre-trial supervision.
- Ballot Measures that impact our pre-trial system.
- In the absence of security, is our preventative detention statute robust enough?

Methamphetamine Example.

Preliminary Constitutional Questions for Potentially Amending Oregon Security Release Laws





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Pretrial data and evaluation subcommittee

- This subcommittee is focused on obtaining critical information the Task Force needs to evaluate the status of pretrial systems across the state and developing tools and best-practices for county-level implementation of reforms. This includes detailed jail data on pretrial populations and security-release practices, among other data points.
 - Jail survey to be administered statewide by jail commanders
 - Pretrial risk-assessment tools
 - Defining what constitutes FTA (willful, accidental, how FTA is recorded by circuit courts, holds in one jurisdiction leading to FTAs in others, etc.)



Future Possible Subcommittees

- **Victims' services subcommittee** to ensure that the rights of victims are adequately considered during any reform of pretrial procedures and/or laws in Oregon and development or adoption of local pretrial risk-assessment tools and policies
- **Racial and ethnic disparity subcommittee** to ensure that the PSTF is informed as to actual and/or potential disparities in pretrial incarceration in Oregon and takes steps on a state and local level to address and remove these disparities.
- **Security release funds subcommittee** to examine what these funds are used for throughout the state, what would be left unfunded, and alternative sources for security-based funding.

Oregon Pretrial Network



- The Pretrial Network (PTN) is a group of county-level community corrections, law enforcement, and judicial leaders and staff who have already begun developing and implementing pretrial services reform work in their jurisdictions, as well as counties interested in doing so. The PTN is independent of the PSTF but is a valuable group from which the PSTF may learn about what works already and where issues or resource-shortages exist at the local level. The PTN has been working with the CJC's pretrial reform Core Team since 2016, when Oregon first received a technical assistance grant to look into pretrial reform.

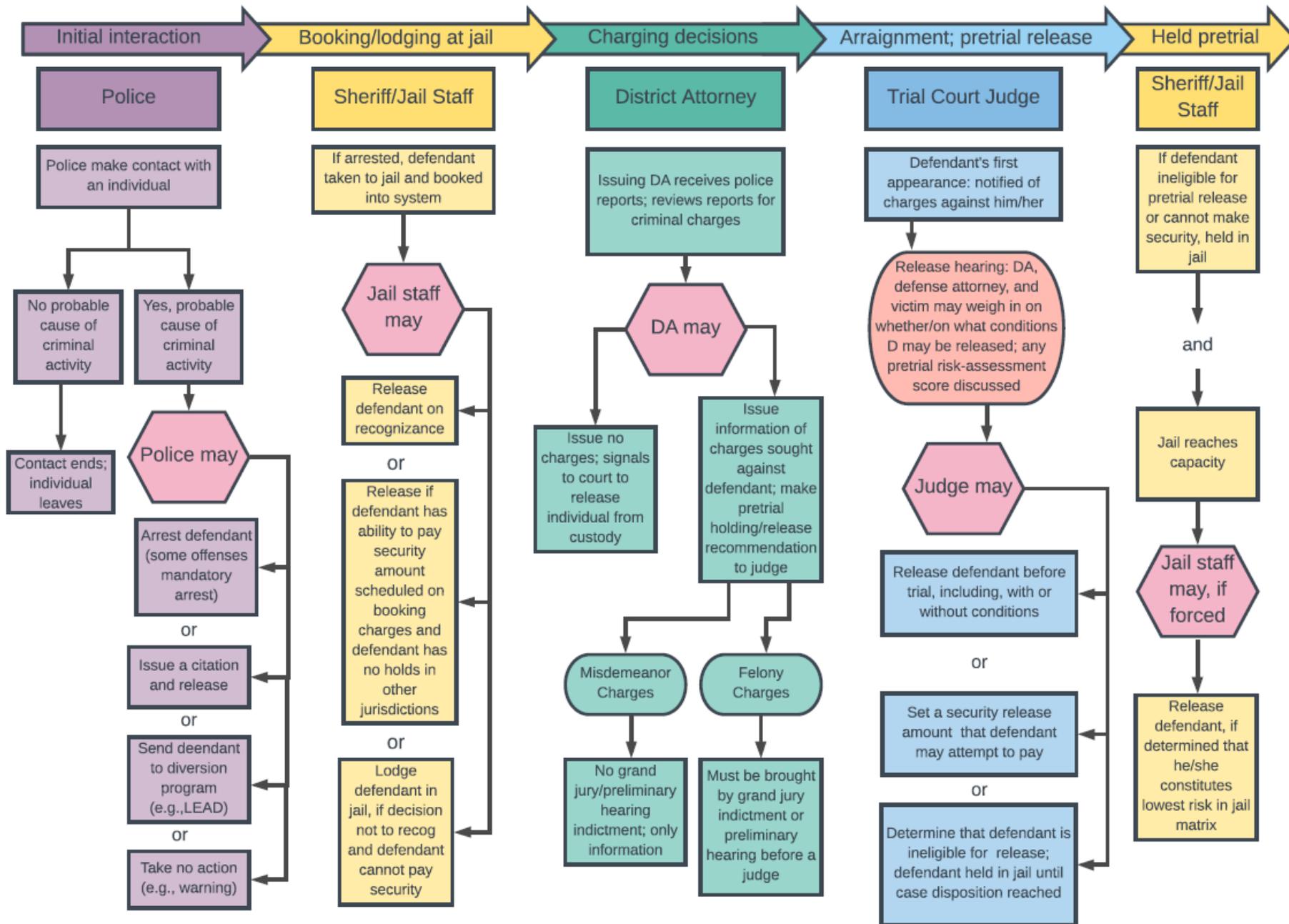


Local Public Safety Coordinating Councils

- One goal of the Task Force is to develop county specific tool-kits that the LPSCC can take in order to evaluate their system, and be informed of best practices.
 - Implementation is ultimately going to take place at a local level, so engaging these groups early is critical.
 - Justice Reinvestment grants are also an opportunity for counties to focus on their pretrial system.

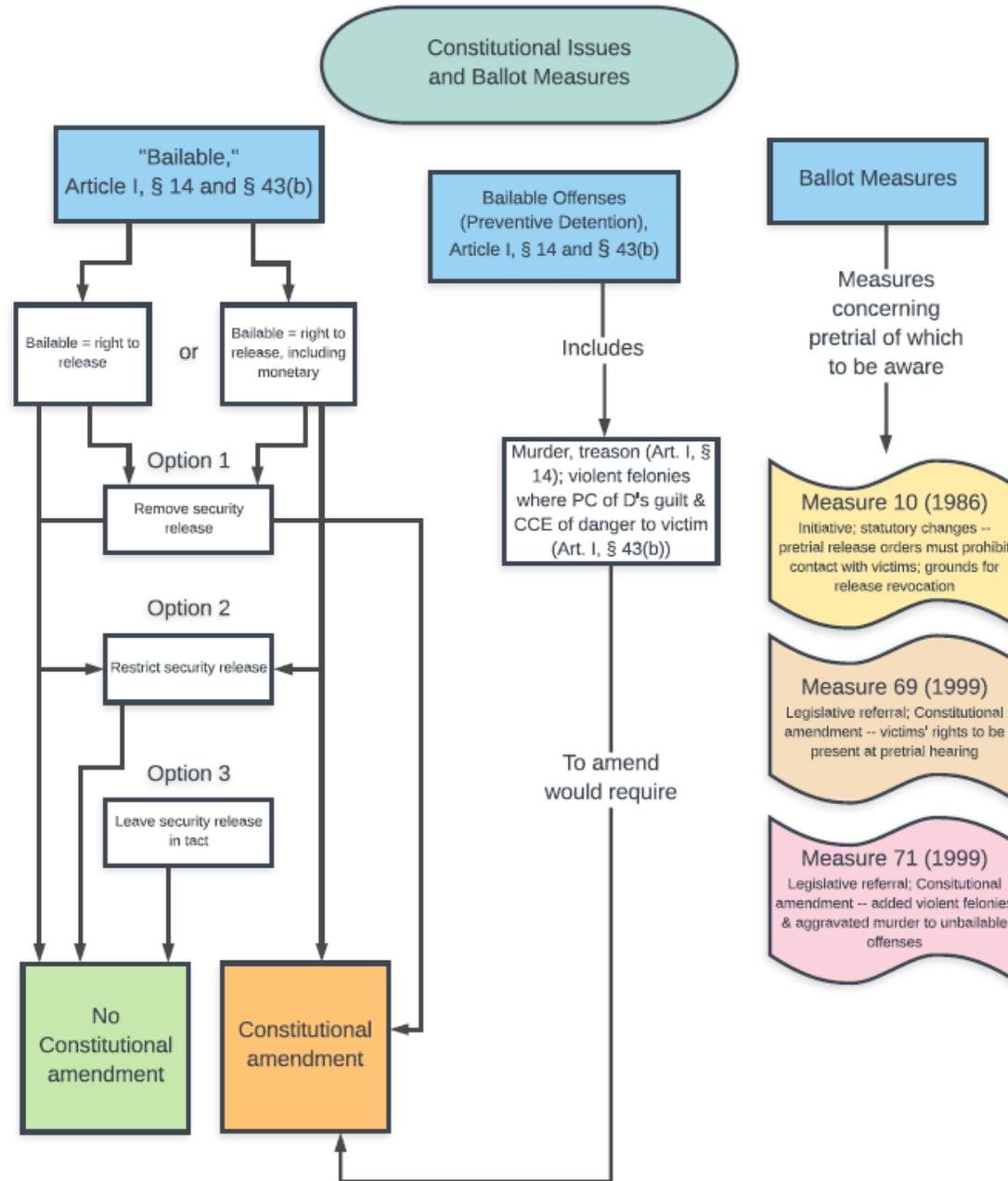
Outcomes

- Fail To Appear (FTA) Rates Decreased
- Jail overcrowding mitigated
 - Smaller percentage of inmates on Pre-trial status
 - Less forced releases from jail
 - Hold the “right people” (risk based)
- Public Safety Improved (Crimes while on release status stable or decreased)
- More alternatives for individuals with Behavioral Health issues
- Racial and Ethnic Disparity tracked in an ongoing evaluation process, and decreased where possible



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Questions?

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