

Executive Summary

Oregon requested/received a National Criminal Justice Reform Project technical assistance grant to engage in planning for pretrial justice reform in Oregon. A pretrial workgroup was created for this purpose. This report describes the results of the workgroup planning efforts and provides a path forward for Oregon pretrial justice reform. This state plan/ report provides a background on the problem, describes the Pretrial Workgroup activities to date, and includes a list of opportunities to improve the Oregon pretrial justice system. The state plan will be presented to Governor Brown at the conclusion of 2017. It is anticipated that the report will be vetted by Oregon's Public Safety Task Force when they begin their work in January 2018 and establish a process to implement the plan for Oregon pretrial reform.

This plan concerns efforts in Oregon to improve the systems by which our state deals with people who are arrested and charged with a crime before their case is resolved. When someone is arrested and jailed on a criminal charge, a judge must decide whether to release or detain the accused, assign an amount of security the person may post to be released from custody, and establish conditions of release. These decisions have an impact on the manner in which criminal cases are disposed, affect the accused and victims of crime, as well as county resources including county jails and supervision agencies.

There are currently many states changing the way their pretrial systems operate. These changes stem from issues including racial and ethnic disparity on who is held in jail pretrial, low risk accused persons unnecessarily held pretrial because they lack the financial resources to post bail (which can lead to the loss of employment, housing, or other resources), dangerous offenders released pretrial because they have access to large financial resources, and people in mental health crisis held pretrial without access to proper medical care and services who then further decompensate. Pretrial systems exist in Oregon's counties, but there is a paucity of data about who is held, how effective local systems are, and what downstream effects the system creates. There is a broad body of research that shows validated risk assessment tools inform better pretrial decisions. However, most Oregon counties do not use a risk assessment tool to assist the determination of who to hold until trial.

In recent years, there have been multiple efforts in Oregon to improve local pretrial systems. In 2016, those efforts were combined in a Pretrial Workgroup organized by the Criminal Justice Commission (CJC). The Governor's Office and CJC then applied for and were awarded a one-year strategic planning and technical assistance opportunity as part of the National Criminal Justice Reform Project (NCJRP). The following statement, outcomes, and recommendations are a result of that year of strategic planning with technical assistance from the NCJRP staff.

VISION: Through state and local collaboration, Oregon's pretrial justice system increases (or promotes) public safety, addresses mental health issues, and protect the constitutional and statutory rights of both victims and defendants.

MISSION: To utilize a policy-driven, data-informed strategic planning process to develop a statewide plan that will increase effective collaboration between state and local agencies, resulting in the implementation of improved pretrial practices, policies, and programs.

Oregon will achieve its mission through a continuous strategic planning process resulting in a state plan, a county toolkit, and a set of recommendations that emphasize outcomes on:

- Improved planning and increased data access and sharing to improve performance;
- Leveraged, dedicated, and targeted resources for planning and implementation;
- Access to evidence-based tools for more informed decision-making by pretrial programs;
- Practices that effectively divert the mental health population and provide mental health services within jails;

- Practices that prioritize public safety for both rural and urban communities;
- Improved public health outcomes; and
- Evaluation of processes and performance.

OUTCOMES:

1. A completed pretrial decision point analysis;
2. A completed data inventory assessment that identifies data availability and needs, strengths, and barriers for each pretrial decision point;
3. A statewide plan, consistent with the state's county-driven system, for improving pretrial services and programs;
4. A draft plan for a best-practice toolkit for counties to utilize during implementation;
5. Recommendations from the Public Safety Task Force on next steps for implementing sustainable pretrial justice reform; and
6. An evaluation of the success of the project/state plan/implementation.

INITIAL RECOMMENDATIONS:

- 1. Convene and orient the Oregon Public Safety Task Force;**
- 2. Examine Oregon Constitution and statutes pertaining to pretrial justice;**
- 3. Examine Oregon pretrial operational and policy issues;**
- 4. Develop increased capacity for collection and analysis of Oregon pretrial data and to evaluate the pretrial reform efforts in Oregon; and**
- 5. Recognize Oregon pretrial reform "Associate counties" consisting of those counties who have engaged or plan to engage in local pretrial reform.**
- 6. Create a County Tool Kit.**

Pretrial Workgroup

The Pretrial Workgroup was developed as the governing body of the technical assistance opportunity for strategic planning for pretrial reform. It is comprised of representatives from the governor's office, Oregon Criminal Justice Commission, Oregon Judicial Department, Circuit Courts, Oregon Health Authority, victim's rights community, mental health advocate community, law enforcement, district attorneys, defense attorneys, local jails, and pretrial service programs.

1. Heidi Moawad, Public Safety Policy Advisor, Office of Governor Kate Brown
2. Mike Schmidt, Director, Oregon Criminal Justice Commission
3. Dave Factor, Counsel, Oregon Judicial Department
4. Hon. John Collins, Judge, Yamhill County Circuit Court
5. Jessica Kampfe, Public Defender, Marion County
6. Ross Caldwell, Justice Reinvestment Liaison, Oregon Criminal Justice Commission
7. Jessica Beach, Director, Yamhill County Department of Community Justice
8. Walt Beglau, District Attorney, Marion County
9. Jeff Wood, Commander, Marion County Parole & Probation Division
10. Patty Perlow, District Attorney, Lane County
11. Elizabeth Rambo, Trial Court Administrator, Lane County
12. Brian Snaza, Pretrial Services Supervisor, Lane County
13. Brad Berry, District Attorney, Yamhill County
14. Michael Morris, Behavioral Health Policy Administrator, Oregon Health Authority
15. Eric Deitrick, Attorney, Office of Public Defense Services
16. Jim Ferraris, Chief of Police, Woodburn
17. Helen O'Brien, Crime Victim Rights Program Coordinator, Oregon Department of Justice
18. Shannon Sivell, Director of Crime Victim Services Division, Oregon Department of Justice
19. Tim Svenson, Sheriff, Yamhill County
20. Ted Smietana, Project Coordinator, Oregon Criminal Justice Commission

Core Team

To keep the work moving, the Pretrial Workgroup is guided by a Core Team, which includes the governor's criminal justice policy advisor, the state administering agency, a Circuit Court judge, staff counsel from the Oregon Judicial Department, representatives from pretrial services and community corrections programs, a district attorney, and a defense attorney. Further, the Criminal Justice Commission hired a part-time project coordinator to support the CJC and the Pretrial Workgroup in this pretrial justice reform effort.

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8. Brad Berry, District Attorney, Yamhill County
9. Ted Smietana, Project Coordinator, Oregon Criminal Justice Commission

Subgroups

To better ensure stakeholder engagement and comprehensive planning, the Pretrial Workgroup designated the following four subgroups and named co-chairs to the subgroups as follows:

Pre-arrest/Arrest:

The legal principle of pretrial release on the least restrictive conditions should start with the initial contact with law enforcement. As such, many arrests for minor offenses can be addressed with the issuance of a citation or summons in lieu of detention. Many jurisdictions in the nation now use simple in-field proxy tools to determine if a defendant needs to be taken into custody. This subcommittee examined how to maximize policies that would utilize citation releases by law enforcement in lieu of custodial arrests for non-violent offenses when the individual's identity is confirmed, and no reasonable cause exists to suggest the individual may be a risk to the community or to miss court dates.

Custody:

Once a person is taken into custody, a determination can be made regarding whether or not they should be held in custody pending arraignment. Early screening of cases by prosecutors allows for appropriate and prompt charging or dismissal decisions, as well as early diversion or problem-solving court eligibility determinations. Jurisdictions should ensure, to the greatest extent possible, that defense counsel is engaged as early as possible prior to the initial appearance and is prepared to represent the defendant on the issue of pretrial release. Additional assessments may be useful to the advocates and judges in making release decisions, or other determinations for alternatives to detention and prosecution. This subcommittee considered “book and release” guidelines for jails and the use of additional assessments to maximize release with appropriate conditions without compromising public safety.

Pre-Arrest/Arrest/Custody Subgroup: Co-Chairs: Jeff Wood, Jessica Kampfe, Tim Svenson

Risk Assessment Subgroup

Currently only four Oregon counties use a risk assessment instrument for pretrial services, and those four counties are using three different instruments. With expansion of legal and evidence-based pretrial programs in Oregon, implementation of a risk assessment tool will be critical. Oregon will continue to research available risk assessment instruments and/or will develop a tool to be made available to Oregon counties who choose to implement pretrial reform. Local validation of risk assessment instruments will be critical in determining the effectiveness of reform efforts.

Risk Assessment Subgroup: Co-Chairs: Brad Berry, Mike Schmidt

Arraignment:

Money bail (or the posting of Security in Oregon) as a means of ensuring the appearance of a defendant at the various future stages of the criminal process, is being challenged all over the nation for lack of effectiveness, and for its discriminatory implications. The rights of victims are implicated at this critical stage in the criminal justice process. Victims must be given a meaningful opportunity to be heard in the pretrial release decision making process. This subcommittee analyzed state law and identified statutes that

might be revised to support risk-based release decisions and ensure non-financial release alternatives are utilized when appropriate (and that financial release options are available without the requirement for a surety).

Arrestment Subgroup: Co-Chairs: Judge John Collins, Patty Perlow

Pretrial Monitoring:

Monitoring pretrial defendants on release can greatly improve pretrial outcomes (maximized release, court appearance and public safety) by providing appropriate conditions and services for those awaiting disposition of their case. Monitoring should be used with those who need it based on individual strengths and weaknesses, and then only to meet the goals of ensuring future appearances and protecting the public. Findings of research on the “risk principle” assert that over monitoring of low risk defendants produces poor outcomes and wastes resources.

Common pretrial monitoring conditions could include automated court appearance reminder calls or texts, checking in with a pretrial case manager, court date reminders, drug testing, GPS supervision, and/or treatment referrals. This subcommittee considered various pretrial services programs or similar entities that provide monitoring of defendants released by the court, reminders to defendants of their upcoming court dates, and alerts the court of violations of release conditions and other court orders.

Pretrial Monitoring Subgroup: Co-Chairs: Walt Beglau, and Ted Smietana

Background to the Problem

Judicial decisions about the pretrial release or detention of criminal defendants can have a significant, and sometimes determinative, impact on defendants and the disposition of their cases, while adding financial stress to the jails which hold them.

There is evidence that holding people in custody for even a short amount of time can have a destabilizing effect on these individuals—which is not consistent with the goal of public safety. There is also evidence of racial and ethnic disparity reflected in jail populations of defendants who are not released pretrial.

Currently, Oregon does not collect or measure the numbers of pretrial defendants in custody or defendants released on security or on release agreements. The exact status of defendants pretrial is also not easily determined. This is a significant data need for Oregon.

It is likely that a share of the 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.

Evidence-based assessments of a defendant's risk of failure to appear and risk of danger to the community can increase successful pretrial release decisions. Imposing appropriate conditions on a defendant following a valid risk assessment will substantially reduce pretrial detention without impairing the judicial process or threatening public safety. Some jurisdictions in Oregon utilize a validated actuarial risk tool to inform their pretrial release decisions, but most do not.

Additionally, people with mental health issues arrested for low level offenses can spend significant amounts of time in jail without access to appropriate services, which can cause them to further decompensate and become a higher risk to the community. This has led to a rise in defendants being held in jail who become unable to aid and assist in their own defense, and subsequently being committed to the Oregon State Hospital for evaluation and treatment. This disconnects that population from local services in their community which could be utilized to restore their fitness to proceed in criminal cases, and causes additional expense for the state.

If more individuals are able to be safely released pretrial in the community, they will be able to maintain their living situation, day treatment participation, medical and social security benefits, as well as their family and community supports.

The issues inherent in the discussion of enhancing Oregon's pretrial release functionality impacts all actors in the criminal justice system across multiple decision points.

In 2010, Yamhill County Oregon was chosen as one of seven jurisdictions in the nation to participate in the National Institute of Corrections (NIC) Evidence-Based Decision-Making Initiative (EBDMI). Yamhill County implemented a local EBDMI Policy Team consisting of all appropriate local leaders in the criminal justice system. Yamhill County then mapped the multiple decision points in the criminal justice system, and chose four areas of focus for reform.

One of the decision points chosen was the pretrial decision point. Yamhill County began implementing several strategies for pretrial reform, including a locally validated pretrial risk assessment tool, a guideline for release of certain low risk defendants prior to arraignment, training for all local stakeholders, and an automated court date reminder system. By 2016, Yamhill County was able to enjoy several positive outcomes. The local jail pretrial population had dropped by approximately 20%, while failure to appear rates dropped from 17% at first measure down to 4%, where they have remained for nearly two years.

As the EBDMI grant expired in 2013, Yamhill County received a Bureau of Justice Assistance Local Justice Reinvestment Grant, which provided additional technical assistance to support Yamhill County pretrial reform efforts. In 2016 Yamhill County held a Pretrial Summit, open to all thirty-six Oregon Counties. The Summit was co-sponsored by the Criminal Justice Commission and the Association of Oregon Counties. The grant provided a strong faculty of national level experts on pretrial justice. Eighteen Oregon counties participated.

In 2016, the Oregon Judicial Department and the Oregon Criminal Justice Commission sent teams of state criminal justice representatives to a Conference of Chief Justices meeting in New Mexico and a Pretrial Justice Institute conference in Arizona. Both conferences focused on pretrial reform.

After these conferences, the two teams brought Oregon criminal justice system stakeholders together. That group devised a plan to begin working on Oregon pretrial reform which led to the creation of several workgroups that focused on the different pretrial decision points. Those workgroups began meeting to form recommendations for pretrial reform.

In late 2016 the Oregon Criminal Justice Commission applied for and received the National Criminal Justice Reform Project (NCJRP) technical assistance grant to focus on strategic planning for Oregon pretrial justice reform. The 2017 Legislative Assembly included pretrial justice reform as an area of focus in the charge of the Public Safety Task Force.

Strategic Planning Activities

During the strategic planning period, the Pretrial Workgroup has held bi-monthly in-person meetings. At the NCJRP kick-off meeting, the Pretrial Workgroup discussed Oregon's pretrial history and goals for the project. Subsequently, NCJRP technical assistance staff presented on the importance of strategic planning, evaluation, and data/information sharing, and held a work session on mapping the Oregon process for reform. Later in the process, NCJRP staff presented on the essential elements of an effective pretrial services agency and evidence-based decision-making; walked through a logic model exercise; and assigned subgroups to conduct a gap analysis of key pretrial decision points.

Because of the states' interest in adopting a model pretrial risk assessment tool, the NCJRP hosted a webinar presentation on the Arnold Foundation Public Safety Assessment risk tool. The Pretrial Workgroup also met in-person in July, where NCJRP staff presented on evaluation and logic model development, and received initial report outs from subgroups. During this time, the core team held bi-weekly calls to receive status updates, discuss any issues, and plan upcoming meetings.

Additionally, Oregon hosted a four-day NIC Pretrial Executive Training for stakeholder teams from eight Oregon counties. The training, co-sponsored by the NCJRP, provided comprehensive information on the history of bail, the case for reform, and opportunities for team interaction and goal setting. As a result of the training, all eight participating counties reported a strong interest in addressing pretrial reform in their jurisdictions. Upon conclusion of the training, the participants reported out on what support they desired from the State. They indicated they needed: funding for staff, technical assistance, updated pretrial legislation, additional pretrial and jail data access, and support in implementing court date reminder systems, as well as more effective assessment and practices for special populations (such as special needs and domestic violence).

Subgroup Process

Through numerous meetings, each of the subgroups were asked to conduct a "gap analysis" exercise on their assigned intercept point to evaluate how the current systems operates, what data is/should be collected, and what improvements should be made that align with best practices.

Gap Analysis:

As subgroups reported back to the Pretrial Workgroup with their completed gap analysis exercises, the Pretrial Workgroup vetted their findings and used these recommendations to inform the drafting of the state plan for pretrial justice improvement.

Data:

Pretrial data issues were identified in each of the subgroups. It is clear that Oregon's pretrial reform efforts would benefit from enhanced data on:

1. Failure to appear rates;
2. Jail pretrial population vs. sentenced population;
3. Capacity based jail releases;
4. Risk assessments of individuals in jail;
5. Percentage of jail inmates with a diagnosed mental illness; and
6. Length of time for mental health assessment (if assessments are happening).

Coordination with Ongoing Initiatives

One important lesson from Oregon's history with state-county partnerships, community corrections structure through SB1145 and our state-supported Justice Reinvestment effort is that counties are not able

to effectively supervise offenders in the community without the jail space for needed sanctions. Often those jail beds are occupied by pretrial defendants who could be released and monitored without reducing public safety or increasing failure to appear rates. This nexus with Oregon's ongoing Justice Reinvestment effort to manage the prison and jail population makes Pretrial Reform a natural next step in improving Oregon's public safety system.

Oregon has strengthened its public safety network through the state-funded Justice Reinvestment Program. Public safety stakeholders in all counties across the state now meet regularly for data-driven discussions about how to achieve better outcomes. Pretrial reform would be a direct extension of the state Justice Reinvestment Program.

The Public Safety Task Force oversees Justice Reinvestment implementation and is the ideal body to oversee pretrial justice reform while continuing to enhance data-driven decisions. Pretrial reform in Oregon will benefit from the roads built by Justice Reinvestment, and Justice Reinvestment will benefit from Pretrial Reform's impact on our jails. Oregon Justice Reinvestment is focused on limiting prison growth in Oregon. Research shows that defendants held in custody pretrial are more likely to receive a sentence of incarceration, and a longer term of incarceration.

Recommendations

As the Pretrial Workgroup progressed through their work, many recommendations to effectively reform Oregon's pretrial justice program became evident.

First, there is a need for a consistent method to capture, collect, analyze and correlate relevant pretrial data. Without this data there is an inability to implement quality programs as well as an inability to evaluate pretrial program performance in Oregon.

Secondly, pretrial operational practices vary greatly in Oregon counties. Funding for pretrial services and the organization of pretrial services also vary greatly. Several operational and policy recommendations focus on operational improvement and consistency within and between Oregon pretrial justice programs.

More analysis of Oregon's constitutional and statutory pretrial justice scheme is necessary to guide this reform effort

The following is an overview of the recommendations of the Oregon Pretrial Workgroup:

1. **Convene and orient the Public Safety Task Force to the evidence based underpinnings of pretrial justice reform, review Oregon's pretrial justice programs, and identify key issues to ensure implementation of high functioning pretrial justice programs in Oregon.**
2. **Examine the Oregon Constitution and statutes related to pretrial justice.** Create a workgroup to review statutes and consider whether amendments may be desired regarding:
 - **Arrest mandates for certain Oregon crimes.** Is this statute aligned with best practices?
 - **Delegation of release authority.** Are there conflicting statutes and rules or interpretation of statutes and rules pertaining to release authority?
 - **Preventive Detention.** Do current statutes allow the Court to hold dangerous defendants without release when appropriate?
 - **Victim's rights.** Do statutes effectively and appropriately protect the rights of victims during the pretrial stage?
 - **Criteria for release of pretrial defendants.** Do Oregon statutes need to be updated to reflect legal and evidence-based practices?
 - **Security release.** Research indicates no correlation between the posting of security to positive pretrial release outcomes. Should reliance on security release be eliminated or reduced? Do Oregon pretrial statutes need to be updated?
 - **Mandated treatment.** Should statutes permit the Court to mandate treatment for pretrial defendants as condition of release?
 - **Examine civil commitment and other statutes related to persons with special needs in jail custody.** Do Oregon statutes allow for effective evidence-based practices for defendants with substance abuse and/or mental health needs while on pretrial status?
3. **Examine Oregon pretrial operational and policy issues:** Create a work group to develop and implement necessary changes and improvements.
 - Consider financial incentives to Oregon counties to implement evidence-based, risk informed pretrial programs.

- Develop a standard, best practice model to ensure effective defense counsel representation at pretrial “first appearance”.
- Determine Court’s/Sheriff’s Offices/Pretrial Service Agencies ability to “clear” outstanding warrants from other jurisdictions.
- Determine current use of video arraignments and the impact to Oregon pretrial justice.
- Develop or select an automated static pretrial risk assessment to be made available to Oregon counties.
- Consider future development of a dynamic pretrial risk assessment instrument.
- Consider selection or development of pretrial substance abuse and mental health risk assessment instruments.
- Implement statewide use of pretrial risk assessment tools.
- Consider a future mandate of county use of a pretrial risk assessment tool.
- Encourage counties to engage communities in conversations regarding priority of detention, risk-based release policy, and overall use of jail space.
- Educate community and stakeholders regarding goals and evidence-based practices in pretrial justice programs and pretrial risk assessment.
- Discuss how communities determine local practices and establish priority use of jail space.
- Implement pretrial risk assessment for special populations (such as domestic violence, sex offenders, DUI).
- Consider including Municipal and Justice Courts in Oregon pretrial reform.
- Assist counties with local implementation of evidence-based pretrial monitoring programs and practices (including imposition of least restrictive risk-based conditions and appropriate violation response).
- Assist local implementation of automated court-date reminder systems.
- Educate practitioners and stakeholders about victims’ rights with emphasis on the pre-trial stage and implement the use of victim centered practices to honor those rights.

4. **Increase capacity for collection and analysis of Oregon pretrial data and evaluate the pretrial reform efforts in Oregon.** Create a workgroup to develop a system for long-term data integration.

- **Complete an analysis of pretrial data and data systems in Oregon to establish what is currently available, what is wanted in the future, and develop a plan to reach the desired goal.**
- Complete a statewide inventory of jail and pretrial databases currently in place.
- Determine how victim notification of release is achieved, measured and monitored for compliance.
- Improve access to local jail and court pretrial data.
- Improve access to state and local pretrial performance data, including jail population, appearance rate, public safety rate, risk level and capacity based release data.
- Complete a validation of pretrial risk assessment tools.
- Develop access to technical knowledge and additional technology resources such as “SEARCH.
- Develop an evaluation plan that accurately gauges state and county programs “effectiveness” in meeting agency and statewide justice system goals.
- Determine a data-driven process to universally measure “Failure to Appear” in all counties in Oregon.
- Complete a “jail data snapshot” of all Oregon county jails.

- Using current available data complete an analysis of the financial impacts of reducing or eliminating security release in Oregon.
5. **Recognize Oregon Pretrial Reform “Associate Counties,” by engaging counties who have already begun local pretrial reform efforts, and establish communication links between the Task Force, Pretrial Workgroup, and the counties.** Along with key local partners, the Oregon Criminal Justice Commission will monitor progress, provide technical assistance to associate counties, and evaluate the success of the implementation plan.
6. **Create a “County Took Kit” with step by step guidance to implement and enhance pretrial release programs at the local level.** Local jurisdictions who engage in pretrial reform should:
- Determine factors used to make decision on whether to arrest or cite;
 - Honor victim’s rights via a victim-centered process;
 - Educate community and law enforcement regarding risk factors and effectiveness in determining risk of FTA and re-offense, and maximizing release;
 - Re-prioritize decision-making factors emphasizing use of resources, available services and use of jail as last resort;
 - Determine the use of a tool for law enforcement to use in the field to assess risk and make arrest decision;
 - Develop and maintain county-centered inventory of resources for law enforcement to utilize in lieu of arrest and detention, and update this inventory regularly;
 - Maintain close collaboration between disciplines within the county;
 - Educate officers about need for services and loss of health insurance when offender is incarcerated;
 - Provide Crisis Intervention Training for officers (CIT);
 - Conduct cross-training sessions between police departments and sheriff’s office;
 - Determine factors impacting decisions regarding use of jail space and use of risk;
 - Conduct regularly scheduled “snapshots” of jail population including agreed upon list of items to track;
 - Engage in community conversations regarding priority use of detention;
 - Select, implement, and validate a pretrial risk assessment tool;
 - Establish standard for inclusion of defense counsel at “first appearance”;
 - Determine local use of video arraignments and the impact on local pretrial reform efforts;
 - Implement local automated court date reminder systems and track data regarding impact on local appearance rate; and
 - Implement process for sequential bail review.

State Leadership

It is evident that Oregon pretrial reform must consist of a state and county partnership. State leadership is critical in terms of revising and updating Oregon statutes so that counties have the proper structure to implement legal and evidence-based pretrial justice programs. State leadership is also critical to assist in building capacity for data collection and analysis. To be an evidence-based pretrial justice program, a jurisdiction must have accurate and reliable data to analyze and modify their programs and practices to improve outcomes.

Counties often lack the resources, knowledge and capacity to implement modern data systems without outside assistance. State leadership is also essential to assist counties with technical reforms and evidence-based tools, such as a validated risk assessment instrument. Similarly, as pretrial justice programs are primarily the responsibility of local jurisdictions, training and ongoing technical assistance is absolutely necessary for counties to effectively implement legal and evidence-based pretrial reform. Effective pretrial reform at the local level involves the implementation of many technical steps, but, moreover, it requires local leaders to commit to the reform and commit to working collaboratively with criminal justice leaders within their jurisdiction.

Conclusion

Pretrial justice reform is a critical step towards overall improvement in the criminal justice system in Oregon. These efforts will yield many positive outcomes, including:

- A risk-informed pretrial release decision making system;
- Improved planning and increased data access and sharing to improve performance;
- Practices that effectively divert the mental health population from jails when appropriate and provide mental health services within jails;
- Practices that honor crime victim’s rights.
- Practices that prioritize public safety for both rural and urban communities;
- Improved public health outcomes;
- Maximizing the release of pretrial defendants who can be safely monitored in the community;
- Effectively identifying high risk defendants who should be detained in jail;
- Improving court appearance rates of those defendants released while on pretrial status;
- Improved county management of local jail population;
- Local jurisdictions have improved collaborative efforts;
- Local jurisdictions use data to inform their policy and practice regarding pretrial justice;
- Local jurisdictions benefit from a more effective use of jail resources;
- All Oregon counties benefit from the implementation experience of the Associate Counties and the other Oregon counties who have already engaged in significant pretrial reform;
- Knowledge gained informs future reform efforts and/or statutory changes; and
- All citizens and taxpayers benefit from a more efficient and productive pretrial justice system.

Immediate next steps include the following:

1. Orient the Oregon Public Safety Task Force;
2. Examine Oregon Constitution and statutes pertaining to pretrial justice;
3. Examine Oregon pretrial operational and policy issues;
4. Increase capacity for collection and analysis of jail population, pre-trial release and pre-trial supervision, services and performance data at the state and county levels;
5. Recognize Oregon pretrial reform “associate counties” consisting of those counties who have engaged or plan to engage in local pretrial reform;
6. Create a county tool kit.

Technical Assistance

The Oregon Pretrial Workgroup has developed the following suggestions for future technical assistance to the (NCJRP) Oregon pretrial justice reform project:

- Technical assistance to educate the members of the Oregon Public Safety Task Force.
- Technical assistance to review and suggest changes to Oregon pretrial statutes.
- Technical assistance to guide the selection or development of a pretrial risk assessment that can be made available to all Oregon counties.
- Technical assistance to gather and evaluate existing Oregon pretrial data, and to assist in the effort to build capacity for further pretrial data.
- Technical assistance training to Oregon counties to implement and evaluate legal and evidence-based pretrial service programs.
- Technical assistance to develop the County Tool Kit.

This plan is being presented for consideration to Governor Brown, and the Oregon Public Safety Task Force. The Oregon Pretrial Workgroup will continue to operate with guidance and direction from the Governor and from the Task Force.

This report is also being presented to the National Criminal Justice Reform Project in satisfaction of Oregon's technical assistance grant requirement, and with the hope that future assistance to Oregon will be granted. Ongoing technical assistance and financial assistance would be beneficial as Oregon moves into the implementation phase of pretrial reform, including help identifying appropriate statutory changes and the implementation of key operational changes. These include building data capacity and analytical capacity, as well as practical training for state and local programs. An example of just one such challenge is the creation or selection of a model pretrial risk assessment instrument to be made available to all Oregon jurisdictions.

Appendix

Logic Model

Subgroup membership

Pretrial Workgroup Activity Report

NIC Pretrial Training Agenda