

2009 Safety & Savings Bill **LC39** (House Bill 3508)

The 2009 Safety and Savings Bill (House Bill 3508) is a smart approach to restoring fiscal responsibility to the Public Safety budget in Oregon. This bill saved the state approximately \$50 million to be reinvested in other safety priorities.

Why did we need to save money in the Public Safety budget?

Oregon spends more of its general fund dollars on corrections than any other state in the country.ⁱ

With Oregon facing significant revenue shortfalls, the State needed to better prioritize expenditures in all areas of the budget, including public safety.

How much was saved and where did those savings go?

The bill uses evidence-based practices and the phased-in implementation of Measure 57 to create savings. This money, nearly \$50 million, was re-invested into our public safety infrastructure: the Oregon State Police, the Oregon Youth Authority and the Oregon Domestic and Sexual Violence Services Fund, among others.

Are other states re-evaluating public safety budgets and priorities?

Oregon is one of many states that have seen prison costs skyrocket in recent years (The Oregon Department of Corrections' budget is at almost \$1.5 billion) while other critical services are being cut. In an attempt to curb these costs, **Oregon, along with twenty-five other states, cut its corrections' budget for 2010.ⁱⁱ**

Who supported the bill?

Four legislators – Senators Verger, Prozanski and Shields, and Representative Jeff Barker, crafted the 2009 Safety and Saving Bill. It was also supported by a broad coalition of organizations and agencies, including the Oregon Association of Community Corrections Directors and the Oregon State Police.

Who opposed the bill?

Our position as the highest ranked state in corrections spending is in large part due to the very people who are currently fighting the 2009 Safety and Savings Bill: Kevin Mannix (through his lobbyist Doug Harcelroad), some district attorneys and Steve Doell. These are the same people who put us in this bind with their “*one-size fits all*” approach via ballot measures.

What is Earned Time?

For over 20 years, Oregon has allowed prisoners to earn a reduction in their sentences by participating in programs (drug and alcohol treatment, education, etc) and maintaining appropriate behavior while in prison. Oregon and 30 other states allow earned time for prisoners. It has been proven effective at controlling costs and providing an incentive for prisoners to do well in prison.

Who decides if a prisoner gets earned time?

In Oregon, a judge decides if a prisoner gets the chance to try to earn time off of his sentence. The final decision is then made by the Department of Corrections after assessing the prisoner's behavior and program participation. Earned time is **never** automatic or guaranteed. Some have claimed the 2009 Safety and Savings Package was insufficient because it did not allow the prisoner's behavior while incarcerated, to be considered in the hearings. However, it did not need to be because the Department of Corrections already takes it into account. Not everybody granted the opportunity for additional earned time will actually be permitted to take it.

How did the 2009 Safety and Savings Bill change earned time?

The 2009 Safety and Savings Bill added a modest 10% increase to the already existing 20% earned time provision in Oregon. Measure 11 crimes and many other crimes were specifically excluded from the 10% eligibility increase.

Why are victims having to go back to court?

Oregon's Constitution rightly gives crime victims a voice in the criminal justice process. Anytime there is a re-sentencing hearing, the victim and the district attorney are notified and have a right to be heard if they chose to be. As far as we know, in the vast majority of cases (if not all) when the victim has objected the judge has denied the 10% eligibility increase. The process is working as it should.

Why has there been such a burden on the workloads of district attorneys, public defenders and the Department of Corrections?

The first phase of the bill required that people who are currently in prison would become eligible for the 10% increase in earned time. It also required a quick processing time to have any hearings where there was an objection. By the end of January, all of those cases should be processed – unless the case has been continued for some reason. For future cases, the determination about earned time eligibility will be done at sentencing. To be clear, there has been a workload increase but it should be over by the end of January.

Will there be changes to the Earned Time provision of the 2009 Safety and Sentencing Bill in February?

We expect that the Legislature will add crimes to the exclusion list that were unintentionally omitted in the original bill. However, there will be a push to exclude even more crimes and make it more narrow than good policy dictates.

Are the earned time changes permanent?

No, the earned time provision of the bill sunsets in 2013. The Oregon Criminal Justice Commission will be studying its impact both on savings and public safety.

Is “earned time” good policy?

Yes. Earned time has been shown to be effective at reducing recidivism and creating savings.ⁱⁱⁱ It's strong public safety policy that Oregon legislators were smart to implement and study.

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ⁱ PEW Center on the States, *1 in 100 Behind Bars in America 2008*

ⁱⁱ VERA Institute of Justice, *The Fiscal Crisis in Corrections: Rethinking Policies and Practices 2009*

ⁱⁱⁱ National Conference of State Legislatures, *Cutting Corrections Costs: Earned Time Policies for State Prisoners*