

## **Thoughts on the Oregon Public Safety Commission August, 2012 Meeting**

In 2010, as the second of his two terms in office came to a close, former Oregon Governor Ted Kulongoski, appointed a "reset" committee to make proposals on how Oregon could restructure state government. This led to a seven member "Public Safety Commission", appointed by Governor Kitzhaber, which met from August to December, 2011. The commission was expanded to 12 members in 2012.

On August 23rd, 2012, the Governor's 2012 Public Safety Commission held its fourth meeting. Several days later I listened to the audio<sup>1</sup> of the meeting. The audio is available in 10 .mp3 files labeled "Part 1" through "Part 10", and lasts for a total of several hours.

As I listened I heard some things that cried out for comment. So I spent many hours making notes, and for some sections, transcripts, of the meeting in order to present it in written format. The two sections that most piqued my interest are reproduced below with my comments interspersed.

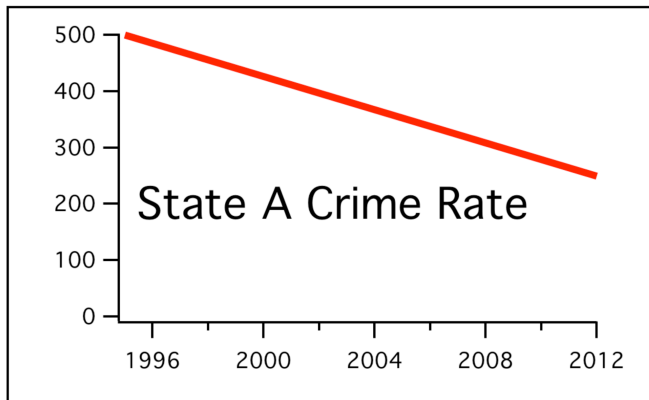
Before getting into the transcripts, here are my main observations in a nutshell.

### **Recidivism as the Quintessential Measure of the Criminal Justice System**

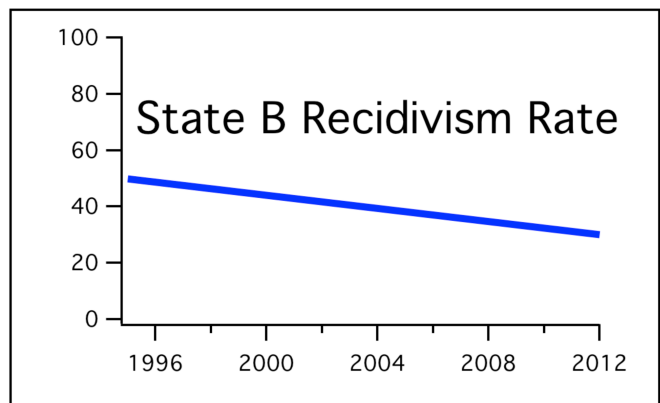
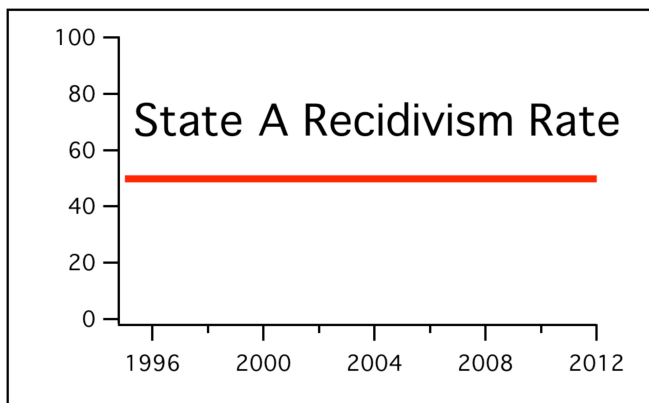
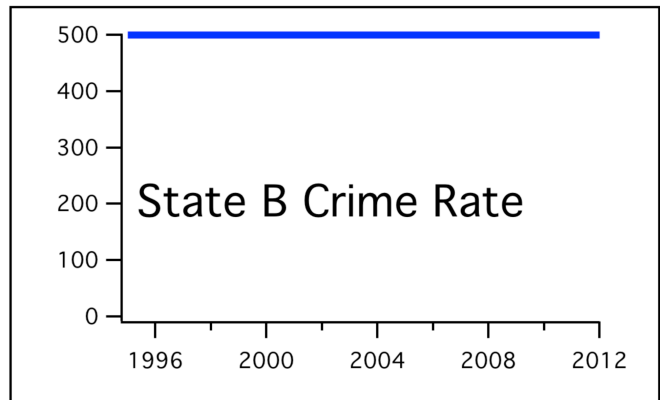
There is an assumption underlying the entire discussion that recidivism is the principle measure of the criminal justice system. I think this is profoundly misguided.

Imagine that there are two identical states and you observe them over time. State A has steadily decreasing crime rates and a flat recidivism rate. State B has flat crime rates and a steadily decreasing recidivism rate. Which state is better off?

## State A



## State B



Clearly crime rates are far more important than recidivism rates.

You might say "it's impossible to drive crime rates down without driving recidivism rates down." No, it's not impossible. In fact that is pretty much what has happened in Oregon. Crime rates have declined far faster than recidivism rates. One reason for this disconnect is that crime rates are largely driven by the numbers of people who **enter** the criminal arena, as well as by the actions of those who are already there.

Oregon has approximated State A over nearly two decades. Yet I hear very little analysis of crime rates and very little talk about how to continue driving crime rates down. Instead I hear a virtual obsession with recidivism rates. I think this is because discussion of Oregon's crime rate history does not fit the narrative required to justify where the Governor and the majority of commission members want to go.

I am not disparaging attempts to reduce the recidivism rate. I'm just saying that we should not lose sight of the bigger picture.

### General Deterrence

Deterring new participants from entering the crime arena is called "general deterrence". In 20 years of closely following criminal justice in Oregon, I have rarely heard it mentioned. But it is, I believe, one of the most important functions of the criminal justice system.

The idea of general deterrence is often sometimes as quaint. "Do you really think we can deter criminals?", people say.

Consider this thought experiment: The legislature passes a law and the governor announces that for the next year there will be no arrests, no prosecutions, no convictions, and no punishment for any crimes. How many additional thefts do you think would occur? How many additional assaults, robberies, molestations, rapes and homicides?

The additional crimes that would occur if there were no risk of punishment are the crimes that are currently prevented by general deterrence. I think it's a lot of crimes. And yet general deterrence is completely absent from the commission's discussions.

### **"Low Risk"**

Much of the meeting was devoted to examining the claim that Oregon is incarcerating an increasing number of "low risk offenders" with the implication that we are wasting money by sending these people to prison.

The whole subject is plagued by misleading terminology.

"Low risk" is taken to be an abbreviation for "low risk to reoffend". That's a four-word phrase. The words "low" and "to" are used properly. The other two words are misused.

First, the concept is not "risk" but "probability".

Second, what is, supposedly, "low" is not the probability of reoffending, it is the probability of a new felony conviction in Oregon within three years, as estimated by some risk measurement protocol.

A lot of people "reoffend" but do not get a new felony conviction in Oregon within three years. These include:

- Criminals who commit new misdemeanors whether they are caught and convicted or not
- Criminals who commit new felonies but are never caught
- Criminals who commit new felonies and are arrested but allowed to enter diversion programs in lieu of conviction
- Criminals who commit new felonies and are arrested and convicted but not in Oregon
- Criminals who commit new felonies after three years

The correct terminology is not "low risk to reoffend" - it is "low probability of a new felony conviction in Oregon within three years".

We are assured that when people use the term "low risk", it is understood that they mean "low probability of a new felony conviction in Oregon within three years". I'm not reassured. Try asking a sampling of people in corrections in Oregon what "low risk" means and see how many of them give the correct definition. Try asking a sampling of people in the general public.

The most glaring example of the abuse of this terminology came from a poll<sup>2</sup> of Oregonians conducted by the Pew Center on the States, a de-incarceration advocacy organization that purports to be an impartial purveyor of fact. Among the many agenda-driven questions was this one:

*Some of the money that Oregon is spending on locking up lower-risk inmates should be shifted to strengthening mandatory community supervision programs like probation and parole.*

77 percent of respondents agreed with this statement. But how many respondents knew:

- That roughly 75 percent of Oregon felony criminals, and 100 percent of misdemeanants, already receive probation or local control (which may include a short jail stay), not prison.
- That "lower risk inmates" includes murderers, armed robbers, kidnappers and other violent criminals.
- That "lower risk inmates" includes drunk drivers with many prior convictions who have already blown off community supervision multiple times.
- That "lower risk inmates" includes criminals with 5, 10, 20 and 30 prior convictions.
- That "lower risk inmates" means "estimated low probability of a new felony conviction in Oregon within three years" and has **nothing to do with the ordinary concept of "risk"**.
- That, according to the Oregon Public Safety Checklist, you can have a 23.9 percent probability of a new felony conviction in three years and still be classified as "low risk"!

This is far from the only deceptive question in Pew's sleazy poll.

### **Oregon Felony Reconviction Probability Tool Accuracy**

In the Oregon criminal justice system, recidivism is defined as having a new felony conviction in Oregon within three years of release from prison or the start of supervision under probation.

The protocol that Oregon uses to estimate the probability that a criminal will recidivate has some glaring flaws:

- It does not consider juvenile convictions
- It does not consider arrests, just convictions
- It does not consider misdemeanor convictions
- It does not consider out-of-state convictions
- It does not consider out-of-country convictions
- It does not consider a new Oregon felony conviction beyond three years to be recidivation

In other words, it systematically ignores highly relevant information. By normal scientific standards, this renders it unsuitable for the purpose.

Two cases that illustrate the danger of these omissions come to mind.

On January 23, 2006, Richard Koehrsen was arrested for murder in Portland. This was three days after his release from the Multnomah County Jail with a "risk" score of 13 out of 100. What was not known was that he had a "20-year history of assault, sex abuse and alcohol-fueled violence" and was on an Oklahoma arrest warrant for domestic assault and battery. (Portland Tribune, 2006-01-31)

On September 1, 2002, Maximiliano Silerio Esparza (one of several pseudonyms) raped one nun and raped and murdered another in Klamath Falls. He had been released from Portland on a drug charge. Oregon authorities did not know that he had previously been convicted for robbery in California or that he had been deported, or that he had been caught re-entering the U.S. after being deported. (The Oregonian, 2002-09-04, 2002-09-05, 2002-09-06, 2002-10-09)

Such cases will be dismissed as "anecdotes". They should be regarded as object lessons.

As if these design flaws were not enough to raise skepticism about Oregon's "risk tools", the members of the Public Safety Committee were presented with concrete evidence in the form of the criminal records of 815 offenders deemed "low risk". The information was gathered by Oregon's District Attorneys under the guidance of Clackamas County DA John Foote who is a member of the commission. Mr. Foote described the data this way:

So there are 57 defendants in here who either have committed a homicide or tried to commit one, an attempt. There are 78 assaults, many of them domestic violence, 45 individual domestic violence case, 53 robberies, 52 repeat drunk drivings, and these are people with many priors, 85 burglaries, most of them residential - these are homes. You'll see that these people, a lot of them have long records.

The district attorneys' data tabulated known prior convictions for the 815 "low risk offenders". On average they had 6 known prior convictions. One had 114 convictions, 11 had 30 to 39 convictions, 19 had 20 to 29 convictions, and 155 had 10 to 19 convictions. 577 of the 815 had more than one prior conviction. And these figures do not even count the crimes for which they are currently serving time.

The members of the commission had not yet inspected the data provided by the district attorneys, but they wasted no time going on defense. The data represented a challenge to two of the lynch pins of their view: first that Oregon is incarcerating large numbers "low risk offenders" who don't need to be in prison and second that they can accurately measure who is "low risk".

A transcript of the commission's discussion of "risk" is included below.

### **Evidence-Based Practices**

There is much discussion of "evidence-based practices" and this meeting was no exception. Oregon is a pioneer in evidence-based practices as implemented by Senate Bill 267 passed in 2003. The bill requires that programs aimed at reducing drug use and recidivism be based on "scientific evidence".

This sounds wonderful but the reality is less rosy. The issue is "what constitute scientific evidence"?

In the pharmaceutical and medical research studies are required to use randomized controlled trials. This means that there is a treatment group and a control group selected at random from a common pool. The treatment group receives treatment and the control group does not. After a period of time, outcomes are

compared. In these fields this level of rigor is **required** because it is the **only** way to know with any degree of certainty that you are measuring what you think you are measuring.

In criminal justice randomized controlled trials are rarely use. Of all of the Oregon programs that claim to be "evidence-based", none - not one - has been evaluated in Oregon using randomized controlled trials. And the vast majority have never been evaluated anywhere using this rigorous methodology.

As far as I can tell, it is impossible to get a list of Oregon program that are claimed to be evidence-based along with the specific evidence that each program is effective. Instead you mostly get vague generalities ("studies show . . .").

District Attorney John Foote summarized this problem at the commission meeting by asking for specifics:

- How many different kinds of programs?
- How many of each kind?
- For each kind, let us see the evaluation that says that program is effective?
- Not all evidence is equal - how rigorous are they, how scientific?
- Are they based on randomized controlled trials?

Mr. Foote noted that the more rigorous the study, the more certain we are getting bang for buck and made a distinction between "feels good versus real evidence".

Absent answers to these questions, "evidence-based practices" should be considered more a marketing slogan than a scientific reality.

### **Cost Structure**

In 2010 Oregon spent \$84 per day per prisoner compared to \$52 in Idaho. The proponents of de-incarceration constantly point out Oregon's high incarceration costs but show no interest in investigating why we have high costs despite ranking 33rd in incarceration rate.

This commission is no different. Toward the end of the meeting, Chairman De Muniz said:

I think we ought to take something off the table that's not part of our charge and we had information about this. It always is an issue about what is the cost per day for incarcerating a person . . . We also got into what I consider a side issue. That is the cost of employment, if you will, and comparisons that were attempted to be made between other states and what it costs to incarcerate people here.

I think that's beyond our charge . . . That's beyond my pay grade.

The questions of public employee unions, the questions of contracts, the questions of those things, are going to have to be decided between someone else other than this commission. And so I thought it might be important to let the record reflect that it is not part of our charge.

I hope all the commission members agree with that - that this is really not part of that and that will be something that the legislature and the executive branch can take up at a future time.

John Foote responded:

I wouldn't have any problem with that if we didn't make money an issue for why we have to change. If we're going to say that we have to change because we have budget problems then I don't think you can take off the cost per inmate.

I know you feel differently, judge, and I respect that but I think that if we're going to say that we can't sustain the the cost of prisons and we don't look at how much it's costing per day per inmate, then we are taking off the table one of the core drivers of what's making it cost.

And I just think that that's an unbalanced conversation - putting all the responsibility on something else when cost-per-day is a big part of this.

I would add just this. Since 1995 when Measure 11 passed, opponents of tough sentencing have attempted to convince people that Oregon was spending an inordinate amount of money on corrections because we have gone off the deep end with incarceration. The truth is that, after more than doubling our prison population, we still rank just 33rd in incarceration rate. And we still reserve prison for the violent criminals, serious sex offenders and repeat-repeat-repeat property and drug criminals.

If our costs are high, it is not because we have gone off the deep end with incarceration. It is because our cost structure is high. If Chairman De Muniz wants to take cost structure off the table then I think he and the entire commission should formally acknowledge this in their recommendations.

### **Cost/Benefit Analysis**

There is incessant discussion about the costs of incarceration but not about the benefits. The commission has shown no interest in examining the cost/benefit ratio. Neither this commission, nor any government agency, has ever published an analysis of the cost/benefit ratio for Measure 11.

I suspect that this is because they are afraid of the answer they will get. A 2007 paper from the Criminal Justice Commission pointed out that Washington State estimated that \$4.35 were saved for every \$1.00 spent incarcerating violent criminals.

### **"Low Risk" - Transcript With Comments**

The following is a transcript that I made, to the best of my ability, of a portion of the August 23, 2012 meeting of the Commission on Public Safety. This was the portion in which Clackamas County District Attorney presents data that he collected to answer the question "who are these 'low risk offenders'".

Pew found that Oregon is incarcerating a growing number of "low risk offenders" with the implication that Oregon could save money without jeopardizing public safety by putting some of them on probation. Mr. Foote wanted to drill down on exactly who these "low risk offenders" were.

The meeting audio was posted on the Oregon Criminal Justice Commission web page in 10 audio files named "Part 1.mp3" through "Part 10.mp3". In the material below, the left column shows the name of the speaker, the part, and the time relative to the start of that part. The right column shows the transcript of what was said with my comments in italics.

The speakers are:

Clackamas County District Attorney John Foote

Yamhill County Judge John Collins

Marion County Sheriff Jason Myers

Oregon businessman Dick Whitnell

Department of Corrections Director Colette Peters

State Senator Floyd Prozanski

State Representative Chris Garrett

Commission Chairman Justice Paul De Muniz (retired)

Foote Part 2 12:35	<p>Members of the commission, I've given you a folder of something that the DA's put together because if you remember back on June 29th we had a slide, which is in your folder, which represented this kind of look, but it was a snapshot of all new admittees to prison in the last three years, 2009, 10, and 11, and represented an increasing number of what was described as low-risk defendants, peaking at 26 percent in 2011.</p> <p>We all understood that that risk score was developed by, I guess it was the Criminal Justice Commission although I've never really been sure who did it - the Oregon Public Safety Checklist.</p>
Foote Part 2 13:25	<p>So I chewed on that for a couple of days. And I'll be honest with you, that's not the people we are sending to prison, are low risk, in our county, I don't think so. That was just my gut.</p> <p>Obviously I don't do it everyday any more.</p> <p>So I asked for the list of defendants, 857 from this 26 percent in 2011. Who are they? I want to see who they are because we're the people who send them.</p> <p>It took me about three weeks, finally got them. And I sent that list by county to all the DA's. And I said, these are your people, who are they? Tell me who they are?</p> <p>And I started to get some individual emails about murderers and people on death row.</p> <p>And I said, hold on a second, let's get this organized, so everybody take your group and give me some basic information about them including:</p> <ul style="list-style-type: none"><li>• Crime of conviction - the lead crime</li><li>• A basic description of the facts, got to be short, just to give you a sense of what the crime was about</li><li>• Criminal history</li></ul> <p>And send it to me and we developed a form.</p> <p>What you have in front of you is about 800 of 850 defendants with that kind of information.</p> <p>There are about 60 defendants that weren't given to us for a variety of reasons. A couple of counties had some problems. Josephine is drowning and they're just trying to get their</p>



	<p>work done so they didn't send theirs. They are about 40 of the 60 that are missing. So you will see there aren't factual descriptions for the 60 in the list.</p>
<p>Foote Part 2 15:07</p>	<p>Now, I think this list has a lot of use because it's real - it's not some number up there.</p> <p>And these are real cases. And it gives you a snapshot of who we are being told are the lowest risk people going to prison last year by county. Every sheriff can look at it, every DA can look at it, every legislator can look at it, and you can see who they are and I encourage you to do that.</p> <p>I tried to color code some of the crimes so they're kind of easier to understand. You'll notice that there are a lot of prior convictions in red because they weren't counted in this public safety checklist because they are either out-of-state or they are juvenile. And we don't pretend to have all the convictions because they're sometimes hard to get. For instance Multnomah County doesn't get B&amp;C misdemeanors because the just can't retrieve them anymore, not that those are the most important, but, as an example.</p>
<p>Foote Part 2 16:05</p>	<p>So, there are 57 defendants in here who either have committed a homicide or tried to commit one, an attempt. There are 78 assaults, many of them domestic violence, 45 individual domestic violence case, 53 robberies, 52 repeat drunk drivings, and these are people with many priors, 85 burglaries, most of them residential - these are homes. You'll see that these people, a lot of them have long records.</p>
<p>Foote Part 2 16:40</p>	<p>There are two people on death row. One is from this county who was involved in the bombing in Woodburn. He's listed here as low risk.</p> <p>A faith healing parent from Clackamas County - one of the parents, because one is female and one is male, so the female is listed as low risk, which I think is problematic about this risk tool in sentencing.</p> <p><i>[ What is the rationale for including age and gender in the risk assessment? What is the rationale for excluding race?]</i></p> <p>And then there are a lot of drug cases. There are 122 drug dealing cases in here, which is probably a reflection of that.</p> <p>So, what I'd like you to do, is to think about what this is. First of all, I would submit to you as my letter said, that the reason this group looks the way it does is we have already sorted out so many low risk people. 75 percent of felons in this state don't go to prison.</p> <p>We talk about the cost of prisons per county - counties spend far more on dealing with these people than prisons do when you add it all up. So, we are already doing this. That's why this looks like this.</p>
<p>Foote Part 2 17:45</p>	<p>Now, is there something here to talk about that you want to do with policy? That'll be the legislature's decision eventually. But I thought you ought to see who these people really are. Now this is only one year, it's only the low risk people, but I thought this would have great value for you.</p> <p>Also in here is an email from Craig Prins that he sent to me when he sent me the list saying this is how the risk score worked, this is how its use, and I thought you ought to see that as well.</p>

	<p>I believe risk tools have a value - I know from working in corrections how useful they are to manage populations of people, whether you're in prison or on supervision, they're very important. But we also know they are often overridden because they aren't that precise.</p>
<p>Foote Part 2 18:35</p>	<p>The problem I have with that slide from June 29th was, it made a representation that these were the low-risk people, not that there may not be a low-risk person in here that you think is low risk, but this is the low-risk group.</p> <p>They should have told us who's in here, whoever made this, because I don't think you would tell me that everybody on this risk is low risk, by any means. There are a lot of people on here who aren't low risk either because of the criminal history or because of the crime they committed. So I thought you ought to know.</p> <p>It was a shock to me, it was a shock to the DA's when we saw it, and maybe it won't be a shock to you. That's your call - I don't know, but that's the spirit in which I offer this.</p>
<p>Collins Part 2 19:25</p>	<p>Just one comment. I wouldn't say it's a shock to me. I think that the Public Safety Checklist is not designed to be a perfect tool - it's not.</p> <p><i>[ No one expects it to be perfect. Some do question its accuracy and usefulness. ]</i></p> <p>When we find the perfect tool I hope somebody will let us know cause let's use it. But it is a place to start. It's a guideline and it helps us make . . .</p>
<p>Collins Part 3 0:00</p>	<p>. . . this committee and that's a differential approach to sentencing based upon risk.</p> <p>And the public safety checklist is an actuarial prediction anyway - it's not a prediction as to this specific person.</p> <p><i>[ The proponents of "risk" analysis tools are pushing to use it as tool in sentencing individual criminals. That is not using it as an actuarial tool. ]</i></p> <p>And it has its flaws, as the ones that Mr. Foote pointed out like not counting out-of-state convictions and maybe not capturing even some of the in-state convictions.</p> <p>But it's something and it doesn't surprise me - just because we are sending people to prison that are low risk doesn't mean we shouldn't.</p> <p>Otherwise we wouldn't send half of the murder defendants to prison because many of them are going to score at low risk despite the heinous nature of what they did.</p> <p>Just cause we're sending low people to prison doesn't mean we shouldn't but it does mean I think we need to look at how we're making that decision and how the risk factor plays into the decision.</p> <p>It's not a decision-maker. It's a decision tool.</p>
<p>Myers Part 3 1:00</p>	<p>I'd just like to echo what the judge was talking about. We use the Public Safety Checklist - it is a validated tool, correct? It's been validated.</p> <p><i>[ Given the data presented by Mr. Foote, if the tool was validated, you have to wonder about the validation. ]</i></p> <p>We use it for release decisions at the jail cause we don't have enough capacity to hold</p>

	<p>everybody that comes in pre-trial and we have to use something to determine who poses the greatest risk and it's worked very well for that piece.</p> <p>Is it perfect, no, because we're dealing with human beings and they're unpredictable - that's just the reality of it. But it does give us a basis to work off of based on that actuarial - looking at the predictors in the past.</p>
<p>Whitnell</p> <p>Part 3</p> <p>1:45</p>	<p>"Low risk" means "low risk" to the public. We have to use language that they understand.</p> <p><i>[ The Pew Oregon survey, discussed above, clearly mislead the public who naively think that "low risk" means "low risk". ]</i></p> <p>I think at the end of the day we're going to have to go to the public and the public perception. When we use the word "low risk" - means something - I mean to me "low risk" means "low risk".</p> <p>So we're going to have to come forward to get the public to be - on any changes that we make we're going to have to use the language that they understand.</p> <p>And so anything that we can clarify on our walk to that point - this [garbled] low risk is - interesting.</p>
<p>Peters</p> <p>Part 3</p> <p>2:18</p>	<p>To take onto your comments, Mr. Whitnell</p> <p>I think it's important to understand that "low risk to reoffend" is "low risk to reoffend". The tool that we use is based on actual recidivism data.</p> <p><i>[ In fact, it is not "low risk to reoffend". People in the Oregon corrections system, where "recidivate" means "receive a new felony conviction in Oregon within three years", have lost sight of the fact that someone can "reoffend" without receiving a new felony conviction in Oregon within three years. The correct term is "relatively low probability of a new felony conviction within three years." Yes, this is unwieldy but it has the virtue of being accurate.</i></p> <p><i>In many states recidivism is measured based on rearrests, not reconvictions, and even rearrests does not capture more than a fraction of total "reoffenses". ]</i></p> <p>That doesn't take into account punishment and accountability . . . This is part of the tool and the decision-making process that not only we do use but we should use in making these decisions.</p> <p>Like Sheriff we use the tool internally for different reasons - we don't have release authority. But we utilize a different risk tool to determine who's going to receive programming and treatment. It's those who are high-risk to reoffend and those who have a high need for that treatment.</p> <p><i>[ This represents another pervasive problem in thinking in Oregon. A high need for treatment has to be based not only on the probability of a new felony conviction in Oregon within three years but also on the nature of the prisoner's crime. The aim should be to reduce the most serious damage, not to reduce the recidivism rate. ]</i></p> <p>And I think that it's important for us to remember here that when we are talking to the public, as you are suggesting, that we are very clear about what that means as we move forward but that we're very clear here too. Because I do think that our ability to refine</p>

	<p>the system is going be reliant upon these risk assessment tools.</p> <p><i>[ The Oregon establishment has put all of its eggs in the "risk assessment tool" basket. That concerns me greatly. I would put more in the "inculcation of values" and "deterrence" baskets. ]</i></p> <p>And while I haven't had the opportunity to review what you've given, Mr. Foote, but will, I'd be interested in knowing based on this risk to reoffend conversation and the data that you've collected, were there there offenders that you think could have been better served in the community and not utilizing a prison bed.</p> <p><i>[ I would be interested to know how the defenders of this "risk" tool can justify classifying someone with 30 priors as "low risk to reoffend", not to mention the offender with 114 priors. ]</i></p>
Prozanski Part 3 3:55	<p>I want to make certain the record reflects when we talk about low risk it is low risk to offend that we're talking about as compared to some other type of low risk definition.</p> <p><i>[ If you want to make it clear, stop using misleading terminology! ]</i></p> <p>Clearly everyone that goes into the system are not the same risk. And so what I'm hearing is that we look at those that are within the system and rank them as to their risk to reoffend.</p> <p>And so the population, be it DOC or any county jail, they're not all going to be at the same risk - They're going to - broad span of different risk for different situations but this is key to the accountability.</p> <p>And I guess the philosophy issue is do you sentence based on any separate point of the purpose for criminal sentencing or do you look at it as a whole. Do you say, for accountability, we're going to set a sentence that's this no matter what else or are we going to look at other mechanisms to get the best bang for the buck, making certain that that individual when they come out, have less opportunity, or less, or have the tools maybe instead of saying less, of creating more victims through recidivism. And how do you cut that recidivism.</p> <p>And to me what I'm hearing is that those that are reaching out at low risk may be the ones that we want to be addressing and trying to somehow get out of those bed spaces to make certain we have enough for those who are high risk and who are in fact going to be more of a detriment to our communities and more than likely will recidivate and cause for more victims to come into the system.</p> <p><i>[ I agree that the focus should be on "detriment to our communities". "Detriment" has two factors: the likelihood of a new crime and the <b>severity</b> of the new crime. The proponents of "risk" tools invariably ignore the severity factor. ]</i></p>
Foote Part 3 5:50	<p>Colette, I would be glad to have that conversation. I think that's a good conversation to have. That's kind of the spirit in which I have offered this. This is real information.</p> <p>But I would say I think this risk tool is being misused in this context. I think we were given information, and I'm not blaming Pew - I don't know who did this. But you look at these cases and tell me if you think these people are low risk.</p> <p>Some people have 15 or 20 priors and they have done violent crime and they are</p>

	<p>breaking into people's homes.</p> <p>Can you go in there and find some people - yeah, of course - everybody's got their own barometer of what's low risk. But I challenge you to tell me that this is a group of consistently low-risk people.</p> <p>So that's the first thing.</p> <p>The second thing is, I know that you use risk tools to manage jails. You use risk tools to manage community corrections. You use risk tools to manage prisons. I'm very comfortable with that.</p> <p>I think that probably of all the DA's, I'm more comfortable because I worked in the system.</p>
<p>Footnote Part 3 6:51</p>	<p>But I know how imprecise it is. And I know managing groups of people, to make everyone safe, and to try and make rational decisions about what you do with people when they're under your supervision - in a jail, on corrections or anywhere - is a different decision than what we do at sentencing.</p> <p>And especially on serious crimes - felonies. The first question is not risk - the first question is proportional punishment and I'm telling you, that's what it is, and if you disregard that, you do it at your own risk as policymakers.</p> <p>So, yes, risk plays a part. We do it in our release decisions. We have twice as many misdemeanors in the system as we do felonies. And risk really plays much more of a part there. We know that. Risk plays a part in some of these, but it's not the first thing.</p> <p>My first problem is, this slide and this message is not accurate.</p> <p>And number two, that we should have a conversation about what this group is and whether there are people on here.</p> <p>If you want to make policy decision we don't send drug dealers to prison, you've knocked out 122 people. But go look at the cases. I think this is a more useful way to make decisions than slides.</p> <p>Cause we've been down this road before. I was thinking of 3508. You know it blew up in the hands of some. My friend Brent Barton - it blew up in his hands. That was a very unfortunate situation.</p> <p>I was talking to Chris this morning and I said "I think this is useful for people, especially policymakers, to say who are these people, we see this slide - who are they?"</p> <p>And this is only one year, but it's the most recent year that we have.</p> <p>And this was a ton of work, I will just tell you. The DA's worked hard at this to get this for you at my request and they got sick of the emails. They got sick of my emails. I have now 15 counties. I mean I was like a coach, because I thought the more information the better.</p> <p>And we tried to make it non-inflammatory and there might be mistakes in here although we have gone over it a million times back and forth. And I offer it in the spirit of improving the conversation.</p>

<p>Foote Part 3 9:00</p>	<p>But also I'm a little irritated - I'll be honest with you, you can hear it in my voice, that we were told this is low risk.</p> <p>And I'm sorry, and I agree with Dick - I'm sorry - outside a bunch of people in corrections who understand what that means in your world - that's not what this group is. And I think judges know this.</p>
<p>Collins Part 3 9:20</p>	<p>I'll try not to belabor the point but I think that what this does is it tells us who scores low risk on the Public Safety Checklist. That's what it tells us. It doesn't say whether they are in fact low risk.</p> <p><i>[ So stop calling them "low risk"! ]</i></p> <p>But having that information is better than no information.</p> <p><i>[ Not if the information fails to capture significant part of the offenders' criminal history. Not if it produces manifestly absurd results. ]</i></p> <p>And it's a huge signal, I think, to our progress, that we're even considering recidivism and crime prevention as part of the role that we play in the courts and in crime prevention.</p> <p><i>[ Crime prevention requires preventing new entrants into the field. That requires inculcation of values and deterrence and has to be applied to those who have not yet entered the field. ]</i></p> <p>It used to be just raw just desserts. You do the crime, you do the time. And now we're considering what can we do to reduce the probability of the next crime. And that's very important.</p> <p><i>[ How about we reduce the probability of the <b>first</b> crime. ]</i></p> <p>I want to commend Sheriff Myers for using that risk list at their jail. And I would add that I visited and I got the tour, so to speak, on that. And I was impressed that you take another step to sort of recalculate, to include out-of-state convictions. That's really a good thing. That's important.</p> <p><i>[ If the sheriff can include out-of-state convictions, why can't the "risk" tool do it? ]</i></p> <p>The reason why the Public Safety Checklist, as I understand it, doesn't include that information is because it was inherently based upon Department of Corrections Oregon data that didn't include those. It's just the way it was constructed.</p> <p><i>[ Then reconstruct it. ]</i></p> <p>And it's good. It's a lot better than nothing and I'm glad we're using it.</p> <p>There are several different stages where risk assessment can be very important and useful, not as the decision-maker but as a tool.</p> <p>There may be better tools, for example, to assess pre-trial risk than there are sentencing risk. Virginia uses and we're using in my county one called the Virginia Risk Assessment Instrument - VRAY or VRAT sometimes when they call it a tool, that measures risk of failure to appear, which is a big consideration at pre-trial. And while might be a consideration of sorts at sentencing, mostly that's such a key decision at pre-</p>

	<p>trial that needs to be factored in.</p> <p>The Public Safety Checklist, as it's been pointed out, shouldn't be the only tool we're using with sex offenders or domestic violence offenders. So it's just all a piece of a complex puzzle and I think our job here is to sort it out and apply it in the best way we can to reduce crime and to make our community safer.</p>
<p>Garrett Part 3 11:50</p>	<p>I just wanted to say to Mr. Foote that I do think this is helpful and I appreciate the effort that went into collecting it.</p> <p>Also as I told you privately, I never understood the point of the slide previously to be that none of these folks belong in prison.</p> <p><i>[ The point of the slide was to give the impression that Oregon is incarcerating a lot of people who don't belong in prison. As Mr. Foote pointed out, we already filter out 75 percent of felony criminals who do not go to prison. The ones who do have either committed violent crimes, serious sex offenses, or have flunked out of probation. ]</i></p> <p>I take it to mean our costs have gone up. At the same time the percentage of folks who are low risk has gone up. That's a relevant factor that should provoke the discussion it's obviously provoked here.</p> <p>I don't think anybody is under the impression that these people should not go to prison because they score a certain way on a risk tool.</p> <p><i>[ That is <b>precisely</b> the impression that Pew attempted to give. ]</i></p> <p>But I think we're zeroing in on a more fundamental question which is whether the use of risk analysis is appropriate at sentencing. And you've said clearly you think it isn't and I think there's going to be disagreement on that.</p> <p>So my question for the presenters is, at some point, are we going to receive a presentation about the efficacy of risk tools that have been used elsewhere and something on which we can base a decision about empirically do these things work or not?</p>
<p>Foote Part 3 13:00</p>	<p>Can I just say for the record, I didn't say risk didn't matter, Representative Garrett. I said that in serious crimes it's not the thing that's decided in the courtroom. And I'd say serious, I mean in the felonies. That's not the first priority.</p> <p>I didn't say risk, in fact I said risk plays a big part in how the system's run and many more misdemeanors and that there might be cases in here where you'd say risk is a bigger, more important thing.</p> <p>But I will tell you from 30 years experience in this, when you're in the courtroom doing a sentencing, and you're on a serious crime, that is not what people are talking about. They're talking about proportional punishment. That's the first thing. Just to be clear.</p>
<p>De Muniz Part 3 13:50</p>	<p>I wanted to compliment all of the commission members for their engagement in this process. And I thank you Mr. Foote for bringing that information.</p> <p>Just looking at it from where I sit and 22 years in the court system, I think this discussion that we've had today and the information from Pew and that you have put together will be important to us when we move to the policy phase. And one of the</p>

	<p>things that we'll be talking about in the policy phase are what are the principles of sentencing.</p> <p>And I think that when we talk about the principles of sentencing, these kinds of issues that we have described here will come in.</p> <p>Because I go far enough back, as does Judge Collins, to where what I was raised with as a lawyer was the idea that you look at the characteristics of the offender and you look at the characteristics of the offense as fundamental principles that went into this.</p> <p>And so I think the discussion we're having now is a part of that where you talk about proportionality with regard to the characteristics of the offense and a variety of other things.</p> <p>I think this has been a very robust discussion. I think this is what makes Oregon a different place. We can share this kind of information and we share it transparently and publicly as it should be.</p> <p>So I'm very pleased with that and thank you again John for bringing that information.</p>
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### **"Summary of Overarching Themes" - Transcript With Comments**

Toward the end of the meeting, Pew's Zoe Townes gave a summary of "overarching themes" (i.e., the narratives that Pew wants to advance). This was followed by a discussion of what the commission members took away from Pew's data presentations.

Here is a partial transcript of these discussions. Because of the time-consuming nature of transcribing the audio I cut it off at a certain point.

The speakers are:

Pew Analyst Zoe Townes

Commission Chairman Justice Paul De Muniz (retired)

Department of Corrections Director Colette Peters

Yamhill County Judge John Collins

Multnomah County Community Corrections Director Scott Taylor

Marion County Sheriff Jason Myers

State Senator Jackie Winters

Clackamas County District Attorney John Foote

State Representative Chris Garrett

Townes Part 8	<p>I'm just going to very briefly sum up some of the overarching themes you've been returning to over the course of these last three meetings.</p> <p>To start with the big picture, since 2000 prison population has grown by nearly 50% to</p>
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<p>2:30</p>	<p>more than 14,000 inmates.</p> <p>Oregon's incarceration rate does remain lower than the national average but it has grown more than four times faster than the national average since 2000.</p> <p>And I appreciate the need to place these findings into a larger context and so I'd start by saying that what you all saw in your Oregon prison drivers data was, as expected, a story about the significant impact of Measure 11 on the prison population.</p> <p>And over the last 10 years Oregon has focussed the majority of its state prison space on offenders convicted of violent and sex offenses. But against that backdrop, what you have also been seeing in your prison drivers data is a wavering of this focus over the last 10 years - so a competing narrative that's been developing is a prison population that's growing to include increasing percentages of non-violent and low-risk offenders. And we're talking about offenders convicted of non-violent offenses and offenders assessed as low-risk as well as offenders who are both convicted of non-violent offenses and assessed as low-risk.</p> <p>So we thought that this trend stood out in stark relief both because it bucks the trend internally in the state and it also bucks national trends. Across the nation, prison populations are hardening, which is to say that they are increasingly-focussing their prison space on violent offenders and sex offenders. And the majority of prison populations across the country are also in decline.</p> <p>Oregon's ten year forecast bucks both these trends - your prison population is expected not only to grow, is expected to grow almost entirely in offenders convicted of non-violent offenses.</p> <p><i>[ We are starting from the lowest proportion of non-violent offenders of all 50 states. ]</i></p>
<p>Townes Part 8 4:20</p>	<p>So just to get a little more specific here and just to pull out some of these key takeaways that I just alluded to. And hopefully you can view these perhaps as opportunities to take with you into the policies discussion.</p> <p>An increasing share of convicted felons are sentenced to prison - this is from 2000 through to today, that's up 18 percent.</p> <p><i>[ Still far lower than the national average. Roughly 25 percent of Oregon convicted felons are sentenced to prison compared to a national average of 40 percent. ]</i></p> <p>By several measures, the offenders admitted in 2011 were less serious than those admitted in 2000. We're talking about more technical revocations, more property and other offenses, more low-risk offenders.</p> <p><i>[ Oregon still has the highest percentage of violent criminals in the prison population of all states. ]</i></p> <p>Offenders are staying in prison longer in 2011 than at any other point in the last decade. Most notably, length of stay for drug offenses, length of stay for technical violators of probation has increased, and sex offenses has increased the most predominantly, 37% since 2000.</p> <p>So as I said before the growth from Measure 11 has leveled off in the past five years but it is a major contributor to the prison population due to length sentences from that</p>

	measure.
Townes Part 8 5:30	<p>What we say when we looked at the community corrections evidence-based practices was a state that has really led the country in its early embrace of evidence-based practices and this is particularly illustrated by SB 267.</p> <p>We also saw significant opportunities for improvement. There are gaps in the use of risk and needs assessment. There are gaps in earned compliance credits for inmates and also an absence in earned compliance credits for probationers. While there is a statutory requirement for structured sanctions, it's very easy to waive. And finally the most pressing thread to recidivism reduction in Oregon's community corrections programs is the shortfall of local sanctions and services.</p> <p>So with those findings I'll leave you all to discuss and you let me know if you want me to switch the slides back and forth I'm happy to do that.</p>
De Muniz Part 8 6:25	<p>As I said, now is the time for us as a commission to start to engage in a conversation about these findings. So to try to get that going I'd ask what strikes you as most important in what we've seen so far - and we try to sum up together in a way what we've learned from the data.</p>
Peters Part 8 6:50	<p>Peters - If I might start first with in the summary of what strikes me as absent, because it's not in the summary but it certainly was in the presentation today. And that is not just the shortfall of local services but also in-prison services. And I was very appreciative of the evidence-based practices presentation today because I think we've spent a lot of time talking about where the influx is coming from, where the flow into the prison is coming from, but I think it is so important that, as we look at reform and look at refining what is already a well-run public safety system, that we don't lose sight of that. Because if we start warehousing offenders in prison, or if we start case-banking offenders in the community, we're going to end up with poor ... outcomes. So if we could just include that . . .</p>
De Muniz Part 8 7:45	<p>Could I ask just for my own clarification to make sure what you said, I thought what you said was, budget reductions, if you will, are causing a decrease in prison services. Is that correct.</p>
Peters Part 8 8:05	<p>Absolutely. And I don't know if, even prior to the last 10 years of budget reductions, if we had the dollars that we needed to provide the appropriate programming and treatment.</p>
Collins Part 8 8:22	<p>It seems to me the most obvious thing we have learned in our presentations is the need to implement what I call evidence-based decision-making. That's distinguished from evidence-based practice - practice is well-defined today by our presenters but the decision-making element is a just little different because you are applying the science of evidence-based practices to making decisions.</p> <p>And it emphasizes, as we have said several times, that risk tools here like the PSC are</p>

	<p>just that - they are a tool. And it's something to be used in making decisions. By doing that we engage in what one of our forefathers here so to speak, Michael Marcus from Portland, would call "smarter sentencing". So we are making the right distinctions based on science, not just on our gut, or one would might say our gut aided by science because we don't want to discount professional judgment entirely. We're sorting things out layer by layer.</p> <p>And it doesn't just apply at sentencing although that's the focus of this. I think it applies at every major decision point, whether it's the police officer's decision to arrest or cite, the jail's decision whether to release someone or keep them, the DA's decision whether to allow a person to be engaged in a diversionary program without conviction, the charging decision, the plea bargaining. And then of course we get the sentencing and then all the other decision points afterwards like how you handle the probation violations when somebody does violate probation. Including in it, in all of our thinking, the evidence-based practices that help us make better, smarter decisions that will also be more cost effective.</p>
De Muniz Part 8 10:22	<p>Could I make a summary ... I understood you to say evidence-based decision-making throughout the system.</p>
Taylor Part 8 10:50	<p>I think we are going to continue to have a dynamic discussion about the whole punishment/retribution piece and when do we start to focus on the change. And when is the balance in that. And as I watch this and I listen to this it seems that there are a variety of places in the system where we can be ready to move to the changing of the individual and we can examine the degree of proportional or punishment that we have engaged in, are we getting for.</p> <p>I believe we do have now a variety of cost/benefit tools that we can put data in. We can look at what works, what doesn't work, what makes a difference. And I believe that as long as we stay in the proportional or in this responsive model, when I think about what our charge is, even given the forecast being off, I think about, even the growth of, I'm guessing, another 500 beds means we will open the next prison. And at that point all of the economics change. And as you've seen from the presentation today, at that point the infrastructure to be able to work with these folks evaporates. And we will then be in a continuous funding model because of the size and the importance of containing these folks.</p> <p>I heard, and continue to believe, that the models, we have a whole really solid foundation here in Oregon. And we have some things we can basically tweak and still be able to manage these people.</p> <p>And, the last thing that I guess I would say is, this confirms for me, as being a person who manages both adult and juvenile probation and parole, all of these people end up in the community, or 93 percent of them. So really it's a discussion about when - when do they get there and what am I able to do when they get there.</p> <p><i>[ I think Mr. Taylor's view does not give enough weight to prevention, including prevention through specific and general deterrence. Without deterrence, I believe both probation and prison populations would grow dramatically. I also think it does not</i></p>

	<i>recognize the critical role that the threat of prison plays in community corrections. ]</i>
Myers Part 8 13:20	<p>I kind of echo on what Scott just talked about. I see that we're doing a lot of things right in Oregon, which is really good. And I like the ideas of local control. I think local decision-making, and that's really where we get the best bang for the buck cause we get investment at a local level because we get investment at the public safety level or the community leader level.</p> <p>Is there room for improvement in our system? Absolutely. I think you pointed out some areas that we could take a look at so there's opportunities there.</p> <p>I think one of the things for me that is very important is that we have a balanced system. That we not be heavy in one particular area because whenever we do that, it kind of throws the whole system off. So making sure that there's a balance with our system, ensuring that we're funding community corrections at the level it needs to be funded to keep our community safe, because there's tremendous value in changing behavior and prevention. And so just making sure that we take a look at the funding formula that was arrived at 15 years ago, making sure it's relevant to the practices we are following today and the things that we are doing today with the offender base.</p>
Winters Part 8 14:50	<p>I echo my good sheriff here and also Scott. There are a lot of things that we are doing right in Oregon and I think the information you gave us told us that. And I would also agree that ... just like anything else there are always things you can do even better.</p> <p>I was very interested in talking about the structured sanctioning and looking at that piece and looking at it in comparison to the HOPE program in Hawaii. Are there some lessons and are there some things we can take and capture there to build on? I think we can always build on improvement.</p> <p>I think the other thing that you pointed out for us is the community correction piece, recognizing as Scott said that 93 percent of the individuals are going to be returned back into the community. And are we doing enough on that end to assure that they are not coming back to Colette in her system.</p> <p>The other piece that you pointed out for us which is of real value is what I call the front end piece. What can we do on that front end so that we're not getting them into the other parts of the system. And embodied in all that - to still continue to keep our communities safe. I think you pointed out for us some options - some things that we could begin to look at. I was very interested in some of the treatment and alternatives that the judicial branch can - and that goes along with HOPE and what they're doing ...</p> <p>Those are some of my takeaways. I'm sure there's probably others ... the juvenile piece and pointing out to us that piece and maybe some changes that we can do, that does not include Measure 11, but are there some actions that can be taken.</p> <p>I think probably one of the biggest ones - the data - and we've had both pros and cons and we've heard a lot even from out in the community, and we never think about it, was the fact that we are doing, we have done a very good job in Oregon. We have provided some leadership across the country. I'm one of these individuals that, when you become a leader, you continue to maintain yourself as the leader. And so that means that you constantly look at what you're doing and you constantly look at new tools and to</p>

	continue to improve.
<p>Foote Part 8 17:55</p>	<p>I recognize I'm a different voice than the rest of the panel. I wish there were a few more voices like me on the panel but I accept the role I play. I know I speak for a lot of people when I'm talking.</p>
<p>Foote Part 9 0:00</p>	<p>So let me say a few things.</p> <p>First of all, I'm troubled by this characterization that we need to do something. Other than money.</p> <p>And other than the fact that we're always trying to improve. The culture in Oregon is that we're always trying to get better - we're always trying to get smarter.</p> <p>Most of us in my profession don't take any particular pleasure in somebody being in prison, but it's one of the things we need to do.</p> <p>I think we have a very balanced system - the most balanced system since I've worked in Oregon in 32 years.</p> <p>And it's been an incredible struggle to get to where we are against a lot of obstacles. So that's the first thing.</p> <p>And we done it with a very low - not just below the national average but we're in the bottom third in the country in our incarceration rate.</p> <p>And I just wish we would get this picture a little clearer. 25 percent of convicted felons go to prison. 75 percent of them don't.</p> <p>The bullets that are here trouble me a little bit.</p> <p>This prediction that we are going to grow 2,000 beds in 10 years. I got some pushback last time so I went back and looked at the 10-year prison forecast average over the 14 forecasts. I've got the document.</p> <p>I handed it out. I'll give it to Pew. It's off anywhere from 14.5 to 7 percent - always high. And if you multiply that times the predictions we're going to probably be somewhere between 1,000 and zero more inmates. I don't know what it's going to be, but it's not 2,000 if you go on the track record.</p> <p>So why are we trying to change? Well we're trying to get better. And we've got a money problem.</p> <p>That's why we applied for the HOPE program because, if you've been in the system for a long time, you know that you can do things better. And you're trying to sort out doesn't work - what may feel good but doesn't work.</p> <p>So I think we need to tackle cost per day. I think we need to set targets about where we want corrections to go. I don't think it's good enough to say we can't do anything - I think that has to be part of the solutions. Can't be a quick target, and I say that with a lot of respect for the people who work in corrections.</p>
<p>Foote Part 9</p>	<p>When it comes to programs, I think we need to become much become more rigorous about how we evaluate programs.</p>

2:35	<p>Before we call them evidence-based, we need to make the gold standard random controlled trials.</p> <p>And if something doesn't prove that it changes people who would not change otherwise, that's the place where we should not spend the money.</p> <p>We shouldn't be afraid to say somebody doesn't need to be supervised. We shouldn't be afraid of that.</p> <p>The truth is if we're seeing somebody once a month, if they're sending in a report, we're barely supervising them anyway. We're waiting to see if they get re-arrested. So I think we need to do a better job of evaluating programs.</p>
Foote Part 9 3:15	<p>We are a national model. We are not an incarceration state. We are almost an anti-incarceration state.</p> <p>I think the value of this list that I provided to you is that it gives you a snapshot of who are being described as the lowest risk group so you can see for yourself who they are.</p>
Foote Part 9 4:40	<p>When it says we're sending an increasing percentage of convicted felons to prison we're talking from 23 to 26 percent. It says 18 percent but it's basically a quarter and it's been a quarter for a long time.</p> <p>I just think there's an effort to make it feel like something's fundamentally wrong when I think we've struck a remarkably good balance. I would like to see us recognize that and then work on getting better, looking at, if we have to cut money where do we cut - where's the rational - even if it's not a good idea where do we cut. I don't think DA's are afraid of that - we have to do the same thing with our budgets. But that we stop this push to describe us as something we are not, or something that we are headed in a direction we are not.</p> <p>And this idea that we've grown our incarceration rate in the last 12 years, well the reason it is is because we were even farther behind before - with all that push we're still 33rd out of 50.</p> <p>So we may be moving faster than other states right now but we are still a low-incarceration state.</p>
Foote Part 9 5:00	<p>So those are the things I see. And I want to be helpful in thinking about how we can do things smarter. I know my colleagues want that. But I hope that we will strike this balance.</p> <p>I hope that while we are focussing on state costs, because we're in Salem, we don't forget that the vast majority of the costs are being carried by the communities with all the misdemeanors and 75 percent of the felons being in the community.</p> <p>When we talk about saving state costs, when that usually happens that means that cost is moving somewhere else. That's not free.</p> <p>I recognize the funding problem in community corrections. I do. It's a problem.</p> <p>I hear about it every year in my own county from my own community corrections</p>

	<p>director who's struggling. Our county funds - steps in to fund some of it.</p> <p>Finally on the recidivism rate - I did look it up - I misspoke.</p> <p>It turns out that the recidivism rate is higher for 1145 than for parole which is sort of my same point. Which is really my point. This study from 2002, national study, shows exactly the same thing. That it isn't automatic that when somebody goes to prison they have a higher recidivism rate. That is not necessarily true. Especially when you'd think they'd be higher risk.</p>
<p>Foote Part 9 6:42</p>	<p>I just hope we don't fall into easy stereotypes and characterizations that don't really describe what's going on at the ground level, and that you look to people in my profession as people who can help solve problems. Because we have done that. We did that with ballot measures and we've done it with modifying Measure 11. We did it with a whole bunch of things.</p> <p>So while I'm here to say "wait a second", that doesn't mean that we don't want to help. I think it is good to talk about it even when we have fundamental differences of opinion on some things.</p> <p>I want to thank you all for listening.</p>
<p>Garrett Part 9 7:30</p>	<p>Yes we are doing a lot of things right and I think Mr. Foote has brought some clarity to the discussion in asking some tough questions. But I also think that just because we are doing some things right doesn't mean that circumstances aren't forcing us to look for different ways and cheaper ways to continue getting the same good results that we may be getting.</p> <p>It seems clear that that the risk profile of some of our population has gone up, the length of stay has gone up. I think you have fairly raised some questions about the degree to which those things are true, but they're true to some degree. And the affordability of that is something we have to seriously evaluate.</p> <p>I'm not aware, I don't think we've seen, any convincing evidence that the higher length of stay correlates to lower crime. If a 70 month sentence could be just as effective as a 65 month sentence, we're talking then about some potentially significant resources to reinvest in these evidence-based programs that we have every reason to believe would work.</p> <p>So, although I sincerely appreciate a lot of the information you've presented and the arguments you made, I think you're helping us correct our course where we need it. But I haven't changed our opinion that we are on a course that we need to continue.</p>
	<p>For the rest, see <a href="http://cms.oregon.gov/CJC/Pages/2012ComPubSaf.aspx">http://cms.oregon.gov/CJC/Pages/2012ComPubSaf.aspx</a></p>

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<sup>1</sup> Audio can be downloaded from <http://cms.oregon.gov/CJC/Pages/2012ComPubSaf.aspx>

<sup>2</sup> [http://www.pewstates.org/uploadedFiles/PCS\\_Assets/2012/Pew\\_Oregon\\_summary.pdf](http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/Pew_Oregon_summary.pdf)