

OFFICE OF THE SECRETARY OF STATE

KATE BROWN
SECRETARY OF STATE

BARRY PACK
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR
800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701
Facsimile (503) 378-4118

Oregon Criminal Justice Commission

Administrative Overview

November 2010

Introduction

The Oregon Criminal Justice Commission is responsible for improving the efficiency and effectiveness of state and local criminal justice systems by providing a centralized and impartial forum for statewide policy development and planning. The nine member commission is charged with developing and maintaining a state criminal justice policy and comprehensive, long-range plan for a coordinated state criminal justice system that encompasses public safety, offender accountability, crime reduction and prevention and offender treatment and rehabilitation; maintaining the state's sentencing guidelines; serving as a clearinghouse for the collection, preparation, analysis and dissemination of information on Oregon's criminal justice system; providing assistance to local public safety coordinating councils; making grants for drug court programs; and conducting studies with other state agencies, boards and commissions. Its voting members are appointed by the Governor and confirmed by the Senate (ORS 137.651 - 137.673).

History

The Criminal Justice Commission (CJC) was created by the Legislative Assembly in 1995 to coordinate the development of state criminal justice policy and planning; and to continue the research, analysis and information distribution role of its predecessor agency, the Criminal Justice Council (see below). It assumed the State Sentencing Guidelines Board's responsibility to consider and submit amendments to the criminal sentencing guidelines (O.L. 1995, Ch. 420).

Like many states, Oregon's prison and jail populations began exceeding capacity in the mid-1970s, and the result was unwanted litigation, court intervention, and a loss of credibility throughout the criminal justice system. Pursuant to a recommendation of Governor Robert Straub's Task Force on Corrections, Oregon legislators passed the Community Corrections Act in 1977 to increase the ability of counties to manage offenders in the local community through alternatives to incarceration and improved services; funds were allocated through grants from the Corrections Division, and a governor-appointed Community Corrections Advisory Board was created to monitor progress and recommend changes (O.L. 1977, Ch. 412; OPOP, 3; Task Force, 2). Regarding the constitutionality of Oregon's prison conditions, see federal appellate opinions in Capps v. Atiyeh: [495 F.Supp. 802 \(D. Ore. 1980\)](#), and [559 F.Supp. 894 \(D. Ore. 1982\)](#).

The Oregon Prison Overcrowding Project (OPOP), composed of representatives from each element of the criminal justice system, and assisted by the National Prison Overcrowding Project, was established in 1983 to develop long range strategies for relieving the crowding problem. OPOP collected and analyzed valuable data about Oregon's offenders, the sanctions and services used in each county, and public opinion regarding corrections issues (OPOP, i-5).

In its 1985 report, OPOP noted the anticipated increase in Oregon's jail and prison population, resulting not only from a larger risk group population and improved efficiency in arresting and convicting offenders, but also from uncoordinated policy changes throughout the system, and confusion over the use of criminal sanctions. It questioned whether the appropriate offenders were being incarcerated. OPOP supported the Commission on the Judicial Branch's proposal to create a Criminal Justice Council as a permanent forum for criminal justice communication, coordination and planning, and a key element in moving toward a systematized, expanded, coordinated, and validated punishment/risk management sanctioning philosophy – applied throughout the criminal justice system, not just within corrections (OPOP, 10, 20, 41 and 50).

In the optimistic words of OPOP's chair, former U.S. Attorney General for Oregon Sid Lezak: "If our vision is fully implemented, it will reserve expensive jail and prison space for those high risk offenders most deserving of punishment, and will enhance development of a wide range of community-based services and sanctions" (OPOP, Transmittal Letter, March 18, 1985).

The Legislative Assembly created the Oregon Criminal Justice Council in 1985, initially to study, evaluate and make recommendations concerning the functioning and coordination of the various parts of the criminal justice system (including community corrections); capacity and utilization of facilities statewide; and methods of reducing the risk of future criminal conduct by offenders. The new council was directed to report annually to the Governor, Chief Justice, President of the Senate, and Speaker of the House of Representatives. The Law Enforcement Council (created in O.L. 1969, Ch. 177) was abolished in this session (O.L. 1985, Chs. 44, 558).

Between 1980 and 1986 Oregon voters defeated three legislatively approved and referred bond measures for the construction of correctional facilities (O.L. 1980 SS, Ch. 8 and HJR 53; O.L. 1981, Chs. 795, 914 and HJR 22; O.L. 1985, Ch. 699 and HJR 36; Task Force, 2; [Blue Book](#)).

Early in 1987 Governor Neil Goldschmidt formed the Governor's Task Force on Corrections Planning to develop an emergency plan for siting up to 1,000 additional minimum security beds, and to begin working on a comprehensive plan to evaluate and address the need for all types of state and local correctional facilities. It was directed to consult with the Criminal Justice Council and the Corrections Division (Department of Corrections) in compiling plans (EO 87-01, 87-16).

Legislators endorsed the Governor's task force mission, and created an Emergency Corrections Facilities Siting Authority to make site selections (O.L. 1987, Ch. 321). Marking a dramatic year for Oregon's criminal justice system, the Department of Corrections (DOC) was made a stand-alone agency in a transfer of the division from the Department of Human Resources (O.L. 1987, Ch. 320). The state was given responsibility for the incarceration of individuals convicted of felonies, and the counties assigned misdemeanants; the Criminal Justice Council was directed to study the impact of this demarcation of duties, and to submit recommendations for implementing it as a part of a revised sentencing system to the 65th Legislative Assembly (O.L. 1987, Ch. 470).

The Legislative Assembly also concluded in 1987 that it was impossible to ensure reasonably uniform and proportionate sentences from the decisions of judges in the existing system, and created the State Sentencing Guidelines Board to adopt and maintain sentencing guidelines for all offenses punishable by imprisonment. The Criminal Justice Council was directed to develop and propose the sentencing guidelines for the board's consideration; to provide the board with staff support; and to make recommendations to legislators regarding additional needed changes. Sentencing guidelines set presumptive sentences based on the seriousness of the crime of

conviction and the offender's criminal history. Judges were required to provide substantial and compelling reasons (in writing) for deviating from a presumptive sentence (O.L. 1987, Ch. 619). Adopting a recommendation of the Oregon Jail Overcrowding Project (OJOP), the Criminal Justice Council was charged by legislators with developing pretrial release standards, for use by magistrates, identifying risk factors to reasonably predict when defendants will fail to appear at future proceedings or engage in violent conduct while on release (O.L. 1987, Ch. 590; OJOP, 3).

Composed of state and local officials, OJOP convened from 1984 to 1988 to analyze and make recommendations regarding Oregon's widespread jail overcrowding, and the lawsuits, political controversy, public frustration, and struggle for resources this was creating. OJOP was optimistic about the newly-created Criminal Justice Council's authority regarding policy coordination and sentencing guidelines; the ability of the Task Force on Corrections Planning to identify needs; and the modest increases in state and local corrections resources. OJOP was unable, however, to reach consensus on the development of needed statewide jail standards (OJOP, 1-6, 58-59).

The Task Force on Corrections Planning delivered a number of specific observations and recommendations regarding the state's criminal justice system (largely beyond the scope of this overview). Its directive to compile an emergency plan for new minimum security facilities was completed and adopted by the Governor (EO 87-18). In evaluating current facilities and compiling a long-range strategic plan, the task force found that the rise in the state's prison population was much steeper than the crime rate; the system's sanctioning capacity was not keeping pace with its "tougher on crime" policies; sentencing guidelines were needed to strike a balance between sanctioning and capacity; community sanctions (e.g. parole) required use in a balanced manner and management as a limited resource in order to realize its potential; the use and administration of intermediate sanctions (e.g. work release) needed strengthening; the Community Corrections Act lacked clarity, oversight and funding; the range and quality of mental health services in correctional facilities was inadequate; and a statewide correctional facilities siting plan and selection criteria were needed (Task Force, 7, 19, 24, 61, 73, 88, 146).

Regarding the Criminal Justice Council, the Governor's task force recommended that legislation be adopted to establish the Criminal Justice Information Systems Users' Group, operating informally under the council and task force, in order to improve the state's entire criminal justice information system. It also recommended that the council be extended as the coordinating body between state and local governments and the three branches of government (Task Force, 166).

As directed, the Criminal Justice Council developed and presented the sentencing guidelines to the State Sentencing Guidelines Board in 1988. The board, chaired by the Attorney General, revised and approved them by administrative rule. Legislators adopted HB 2250 to implement the sentencing guidelines, adding one underlying principle to those adopted by the board:

"Oregon's current sentencing system combines indeterminate sentences with a parole matrix. Although many citizens believe the indeterminate sentence sets the length of imprisonment, that sentence only sets an offender's maximum period of incarceration and the matrix controls actual length of stay. The frequent disparity between the indeterminate sentence length and time served under the matrix confuses and angers the public and damages the corrections system's credibility with the public. Sentences of imprisonment should represent the time an offender will actually serve, subject only to any reduction authorized by law" (O.L. 1989, Ch. 790, section 96).

In 1989 the Legislative Assembly passed a statewide civil forfeiture law (HB 2282), authorizing the seizure of personal and real property assets linked to prohibited narcotics transactions. An Asset Forfeiture Oversight Committee (AFOC) was established to prepare reports for the Legislative Assembly detailing the number and nature of the forfeitures carried out, and any related recommendations. AFOC's 12 members were appointed by the Governor, Attorney General, President of Senate, and Speaker of the House of Representatives (O.L. 1989, Ch. 791).

A number of amendments to the forfeiture law were approved in the 1991 legislative session. Forfeiture proceeds were specifically dedicated to public safety, law enforcement, and criminal justice purposes (O.L. 1991, Ch. 934). AFOC was renamed as the Asset Forfeiture Oversight Advisory Committee (AFOAC); forfeiture counsel was directed to report each forfeiture to AFOAC, and political subdivisions receiving proceeds were required to report quarterly on their use of forfeiture proceeds (O.L. 1991, Ch. 290). The CJC was later directed to provide AFOAC with staff support, and the Asset Forfeiture Oversight Account was established and appropriated continuously to the CJC for purposes of carrying out these responsibilities (O.L. 1997, Ch. 592).

The Oregon Court of Appeals upheld the constitutionality of the state's sentencing guidelines in 1991, ruling they did not violate Article I, section 15, Article I, section 16, or Article III, section 1 of the Oregon Constitution (State v. Spinney, 109 Or App 573 (1991); [Oregon Constitution](#)). The Criminal Justice Council was directed by the Legislative Assembly to evaluate the impact, implementation and overall effectiveness of the new sentencing guidelines (O.L. 1991, Ch. 455).

In 1993, the Legislative Assembly expanded the Criminal Justice Council to 24 members, and directed it to issue annual state corrections population forecasts for prisons, jails and community centers; assess the impact of sentencing guidelines quarterly and make recommendations to legislators regarding needed changes; assist in maintaining and developing the quality and reliability of data from the state's criminal justice information systems; act as the state's criminal justice grants authorization clearinghouse; and serve as a center for depositing and disseminating information about Oregon's criminal justice system. The Department of State Police was directed to establish a Criminal Justice Information System to coordinate information among state criminal justice agencies; the Criminal Justice Council's executive director was named to a Criminal Justice Information Systems Advisory Board to oversee the system (O.L. 1993, Ch. 188). The presiding judges of judicial districts statewide were directed to establish local criminal justice advisory councils (if not already in existence) to address the coordination of indigent defense and related services in a cost effective and constitutional manner (O.L. 1993, Ch. 481).

The State Sentencing Guidelines Board was directed by the Legislative Assembly in 1993 to adopt administrative rules to integrate the DOC's new "special alternative incarceration program," which stressed a highly structured and regimented routine (O.L. 1993, Ch. 681).

In 1995 the Criminal Justice Council was allowed to sunset, and a seven-member Criminal Justice Commission (CJC) was created to replace it and the State Sentencing Guidelines Board. The CJC was created with a governor-appointed executive director, and directed to seek the counsel of the Chief Justice of the Oregon Supreme Court and the State Court Administrator in matters impacting court operations. The CJC's chair was authorized to create committees within the commission as necessary, and directed to appoint members from all segments of the justice system impacted by the committee's work. State corrections forecasting was transferred from the CJC to the Department of Administrative Services (DAS) (O.L. 1995, Ch. 420).

In the wake of the voter-approved mandatory minimum sentencing initiative (Measure 11), and the increased demand for resources, the division of state-county incarceration responsibilities required modification. The DOC was directed to operate prisons for those sentenced to more than 12 months of incarceration, with counties supervising felony offenders on probation or post-prison supervision/parole confinement, provided a statutorily-prescribed level of state funding. The CJC was directed to provide assistance to local public safety coordinating councils; those counties without such councils were directed to create them (O.L. 1995, Chs. 2, 423).

Oregon counties were authorized in the 1996 special session to enter into agreements with each other for the confinement/detention of convicted offenders, and to establish intergovernmental corrections entities to provide local correctional facilities (O.L. 1996 SS, Ch. 4). The following year, the CJC was directed by state legislators to review all new legislation creating crimes or modifying existing crimes, and to adopt by rule the necessary modifications to the crime seriousness scale of the sentencing guidelines to reflect legislative action (O.L. 1997, Ch. 691).

Establishing a state policy for serving children and families, and directing state agencies to work in partnership with local communities to plan, coordinate and provide appropriate programs, the Legislative Assembly created the Juvenile Crime Prevention Advisory Committee within the CJC in 1999 to review the components of the local coordinated comprehensive plans that address local high-risk juvenile crime prevention plans; ensure that high-risk juvenile crime prevention planning criteria are met by state and local public and private entities; coordinate federal grants or coordinated partnerships focused on high-risk youth; recommend high-risk juvenile justice and juvenile crime prevention policies to the Governor and Legislature; review data and outcome information; establish and publish review and assessment criteria for the local high-risk juvenile crime prevention plans; review and coordinate county youth diversion plans and grants with the local high-risk juvenile crime prevention plans; ensure broad-based citizen involvement in the planning and execution of high-risk juvenile crime prevention plans; and to periodically report to the Governor and Legislative Assembly on the committee's progress (O.L. 1999, Ch. 1053).

The following year voters approved the initiative petition Ballot Measure 3 (Oregon Property Protection Act of 2000), a constitutional amendment that prohibited entering civil forfeiture judgments without a criminal conviction of the owner involving the property; required the value of forfeitures to be proportional to the crime of conviction; and dedicated all forfeiture proceeds to the treatment of drug abuse unless otherwise specified by law ([Oregon Constitution](#), Article XV, section 10; [Blue Book](#)). Constitutional challenges to Measure 3 were eventually rejected by the Oregon Supreme Court ([Lincoln Interagency Narcotics Team v. Kitzhaber](#), 341 Or 496, 2006). In response to Measure 3, the Legislative Assembly amended the state civil forfeiture law (O.L. 2001, Ch. 780), and broadened the application of *criminal* forfeiture (O.L. 2001, Ch. 666).

The CJC was expanded in 2001 to nine members, with the President of the Senate appointing one Senator as a nonvoting member, and the Speaker of the House of Representatives appointing one Representative as a nonvoting member (O.L. 2001, Ch. 919). The 71st Legislative Assembly also created the Law Enforcement Contacts Policy and Data Review Committee (LECC) to analyze demographic data to ensure that Oregon law enforcement agencies were performing their missions without inequitable or unlawful discrimination based on race, color or national origin, and to annually report to the public with their findings. The CJC was requested to provide the governor-appointed committee with staff support (O.L. 2001, Ch. 687). In 2007 the CJC's LECC staff support responsibilities were transferred to Portland State University (O.L. 2007, Ch. 190).

In 2003 the CJC, DOC, Oregon Youth Authority, State Commission on Children and Families, and the Department of Human Services' mental health and addiction programs, were each directed by the Legislative Assembly to spend at least 25, 50 and 75 percent of the state money that each agency receives for evidence-based programs in the biennia beginning 2005, 2007 and 2009 respectively. 'Evidence-based programs' were defined as those that incorporate significant and relevant practices based on scientific research, and are cost effective. Each agency was directed to submit a biennial report to legislators assessing its expenditures, and authorized to adopt rules necessary for execution, including but not limited to rules defining a reasonable period of time for purposes of determining 'cost effectiveness' (O.L. 2003, Ch. 669).

In January 2004 Governor Ted Kulongoski asked the CJC to oversee a comprehensive review of the state's public safety system, and created several task forces (Adult Sentencing, Criminal Justice Systems, Elder Abuse, and Methamphetamine) and a Juvenile Justice Summit to address topical issues. A Public Safety Review Steering Committee was created to coordinate and review the work, and to submit final recommendations to Governor Kulongoski (Public Safety, 3-6).

In 2005 the CJC's duties were expanded to include the receipt of grant applications to start or expand drug court programs (as defined in ORS 3.450), the passage of rules to govern the grant process, and the award of grant funds. It was authorized to track and develop statistics about the effectiveness and costs of drug court programs, and to publish statistics and analyses (excluding information identifying individual drug court program participants) (O.L. 2005, Ch. 706). The Criminal Justice Research and Policy Institute was created in the Mark O. Hatfield School of Government at Portland State University to, inter alia, strengthen links among the Legislative Assembly, state and local governments, the CJC, the Department of Public Safety Standards and Training, and the academic community, in the interest of more informed policymaking, the application of best practices, and the pursuit of needed academic research (O.L. 2005, Ch. 453).

The CJC was also directed in 2005 to conduct a study on the possibility of incorporating the reduction of criminal conduct and the crime rate into its sentencing guidelines. The chair of CJC was directed to establish a committee to assist in the study. The final written report of findings and recommendations was requested for the 74th Legislative Assembly (O.L. 2005, Ch. 474). The CJC's responsibilities regarding the Juvenile Crime Prevention Advisory Committee were legislatively transferred to the State Commission on Children and Families (O.L. 2005, Ch. 503).

The forfeiture laws passed in 2001 by the Legislative Assembly in response to Ballot Measure 3 sunsetted in 2005. New forfeiture legislation (HB 3457) was passed to place the civil forfeiture burden of proof on the state to show that property was a fruit or instrumentality of prohibited conduct; and a criminal forfeiture statute was reenacted (O.L. 2005, Ch. 830). The passage of this legislation, however, was prior to the Oregon Supreme Court upholding the constitutionality of Measure 3, which mandated criminal conviction for forfeiture (see above). The Legislative Assembly addressed the issue by referring a constitutional amendment to the voters that stated property *generally* should not be forfeited without a criminal conviction, allowing the action if one took property with intent to defeat forfeiture, knew or should have known the property constituted proceeds or an instrumentality of criminal conduct, or acquiesced in criminal conduct. Legislators also proposed re-allowing the use of forfeiture proceeds for law enforcement purposes (2007, SJR 18). Oregon voters narrowly approved the amendment in 2008 as Ballot Measure 53 ([Oregon Constitution](#), Article XV, section 10; [Blue Book](#)). The state's entire civil forfeiture law was then reenacted to ensure its constitutionality (O.L. 2009, Ch. 78).

The Governor's Task Force on Methamphetamine was reconvened and reconstituted in 2006 to act as a planning forum and conduit to reach out to communities affected by methamphetamine addiction. The CJC staffed the 11-member force, which completed its work in 2007 (EO 06-13).

In its 2008 special session the Legislative Assembly referred an act to the voters to increase the punishment for those who commit high-level or repeat drug and property crimes; increase the availability of treatment for drug-addicted offenders; and require punishment for those who refuse or fail to successfully complete treatment as a condition of probation, parole or post-prison supervision. The legislation, which was approved by the voters as Measure 57, required the CJC to make grants to counties to provide supplemental funding for drug courts for the drug-addicted, including the costs of appropriate treatment services and incarceration of individuals who have violated the terms and conditions of a drug court (O.L. 2008 SS, Ch. 14; [Blue Book](#)).

President Barack Obama's signature on the American Recovery and Reinvestment Act of 2009, abbreviated ARRA (Pub. L. 111-5) provided the CJC with \$13.5 million in Edward Byrne Memorial Justice Assistance Grant (JAG) funds from the U.S. Department of Justice Bureau of Justice Assistance to support a broad range of state/local projects. The CJC advised Governor Kulongoski to use the JAG funds for drug court supervision of non-violent property offenders otherwise eligible for prison based upon their repeated criminal behavior (Public Safety, 31).

In September 2009 Governor Kulongoski established the seven member Governor's Reset Cabinet to develop options for "resetting" state government in order to preserve and improve the critical services it provides to Oregonians (EO 09-13). Addressing the expected \$2.5 billion shortfall in the 2011 biennial state budget, and the anticipated increase in demand for prison space, the Reset Cabinet's Public Safety Subcommittee, with CJC membership and Reset Cabinet member DOC director as chair, made a number of recommendations, including restructuring sentencing policy to a uniform sentencing guideline system focusing on offenders posing the greatest long term threat to communities; adopting federal earned-time guidelines for all offenders not incarcerated for life; and increasing the use of transitional resources such as halfway houses and electronic monitoring at the end of sentences (Public Safety, 49-54).

The Governor's Reset Cabinet adopted the Public Safety Subcommittee's proposals, and added recommendations that legislators selectively adjust Measure 11 sentences to provide sufficient protection for the public; continue the temporary suspension of Measure 57 implementation; enhance the effectiveness of community corrections agencies in reducing recidivism; and incentivizing uniformity in local charging, sentencing and offender management (Reset, 62-66).

Faced with a budget shortfall, legislators passed HB 3508 in 2009 to "phase in" implementation of Measure 57, and increase the maximum possible time reduction for good behavior (earned time credits) from 20 to 30 percent. District attorneys were directed to identify offenders eligible for sentencing under Measure 57, and to provide these and other statistics to the CJC, which was requested to conduct a study on the impact of the measure and HB 3508 on recidivism (O.L. 2009, Ch. 660). In 2010 access to the increased earned time was restricted (O.L. 2010 SS, Ch. 2).

The CJC was authorized in 2009 to apply for and receive gifts and grants from any public or private source, and to award grants from funds appropriated by the Legislative Assembly or any other source to further its statutory duties as a commission (O.L. 2009, Ch. 308). The AFOAC was reduced in size in this legislative session from 12 to 10 members (O.L. 2009, Ch. 506).

Concerned about the potential impact of a loss of federal dollars (Safe and Secure Rural Schools funds, formerly known as timber payments) on particular Oregon counties, the 75th Legislative Assembly passed SB 77 to enable the Governor and county governing bodies to declare that a state of fiscal distress has compromised a county's ability to provide a minimally adequate level of public safety services. The CJC was directed to establish by administrative rule public safety service guidelines identifying the minimally adequate level of county public safety services; to conduct an analysis of their provision by a county when requested by the Governor or a county governing body; and to report findings and recommendations to the Governor. If the Governor elects to declare a public safety services emergency, a fiscal control board will be formed by the Governor, President of the Senate, and Speaker of the House of Representatives (and Secretary of State, State Treasurer, and director of the Department of Revenue as ex officio members) to form a recovery plan to restore minimally adequate public safety services (O.L. 2009, Ch. 789).

Despite a budget shortfall and anticipated rise in prison costs, Oregon voters approved Measure 73 in the 2010 general election, increasing the mandatory minimum period of incarceration for certain repeated sex crimes and driving under the influence convictions ([Blue Book](#)).

Current Organization

Commission

The mission of the Criminal Justice Commission (CJC) is to provide centralized policy and planning development for the state and local criminal justice systems. The commission's primary duty is to provide and maintain a long-range public safety plan for Oregon, and to serve as an impartial forum for the development of public safety policy. Planning responsibilities include making recommendations on the capacity and use of state prisons and local jails, the implementation of community corrections programs, and methods to reduce criminal conduct. The CJC is composed of seven members appointed by the Governor and confirmed by the Senate; one nonvoting representative appointed by the Speaker of the House; and one nonvoting senator appointed by the President of the Senate. Commission members serve four year terms. The CJC's executive director is appointed by the Governor (ORS 137.651 - 137.673).

The CJC administers the state's sentencing guidelines, covering most felony convictions, by administrative rule and statute. It reviews all state legislation that creates new crimes or modifies existing crimes, and makes modifications to the crime seriousness scale of the guidelines to reflect the legislative action (ORS 137.667; OAR 213 Division 2). The commission's governor-appointed chairperson is authorized to create committees, and to select committee members from all segments of the criminal justice system affected by the committee's work (ORS 137.658).

Administration

Administration coordinates the work of the CJC and its state employee staff. It is lead by the CJC's executive director, who is responsible for the performance of all duties assigned by the commission. Administration supports the development and maintenance of organizational policies and procedures, and ensures the appropriate use of public funds by the agency. The program provides operational support for the commission's meetings, policy making, and reporting; facilitates the implementation of commission policy by CJC program staff; and performs administrative, financial, payroll and personnel functions for the entire organization.

Asset Forfeiture

The CJC's Asset Forfeiture program provides staff support to the Asset Forfeiture Oversight Advisory Committee (AFOAC), a ten member group appointed by the Governor, Attorney General, President of the Senate, and the Speaker of the House of Representatives. AFOAC is responsible for collecting information on all state law forfeitures; receiving reports on the use of forfeiture proceeds by public bodies; compiling detailed annual forfeiture reports; conducting studies to improve the oversight of forfeiture; and making recommendations to increase the effectiveness, fairness and efficiency of Oregon forfeiture actions (ORS 131A.450 - 131A.460).

Grants Management

CJC's Grants Management program administers several grants, including the federal Edward Byrne Memorial Justice Assistance Grant (JAG) (42 U.S.C. 3751(a)); the state General Fund drug court grant (ORS 137.656(3)(d)); and the federal Residential Substance Abuse Treatment (RSAT) grant (42 U.S.C. 3796ff et seq.). Grants Management uses JAG funds to administer Byrne JAG Drug Court; Law Enforcement; Re-entry Resource Center and Offender Re-Entry; and ARRA Measure 57 Intensive Drug Court grant programs. The program distributes funds through grant awards to state and local units of government, and qualified non-profit. It uses a web-based Oregon Online Grant System (OOGS) to manage grant applications and reporting.

Local Public Safety Coordinating Council

The Local Public Safety Coordinating Council (LPSCC) program provides advice and assistance to the LPSCCs convened by Oregon counties pursuant to ORS 423.560 et seq. The program collects annual reports from boards of county commissioners summarizing the program, service and budget changes made in response to the recommendations of its LPSCC; and compiles them in annual summary to the Legislative Assembly. The LPSCC program fulfills the commission's statutory responsibility to provide LPSCCs with technical assistance and support (ORS 137.656).

Statistical Analysis Center

The Statistical Analysis Center (SAC) provides the Governor, Legislative Assembly, criminal justice agencies, and the general public with current and historical statistics, objective research, and data analysis regarding Oregon's criminal justice system. It supports the development of legislative fiscal impact statements regarding proposed legislation, and serves as the CJC's clearinghouse for the collection, preparation, analysis and dissemination of information on statewide sentencing practices (ORS 137.656). SAC operates as the state's criminal justice data collection and analysis center under the federal SAC program operated by the U.S. Department of Justice, Bureau of Justice Statistics (42 U.S.C. 3732). The program uses and applies dynamic data and information from a variety of state and federal government agencies.

Primary Controlling Statutes (ORS) and Administrative Rules (OAR) Chapters

- | | |
|----------|---|
| ORS 137 | Judgment and Execution; Parole and Probation by the Court
- ORS 137.651 - 137.673: Criminal Justice Commission purpose and duties |
| ORS 131A | Civil Forfeiture
- ORS 131A.450 -131A.460: Criminal Justice Commission staffing of Asset Forfeiture Oversight Advisory Committee; Asset Forfeiture Oversight Account |

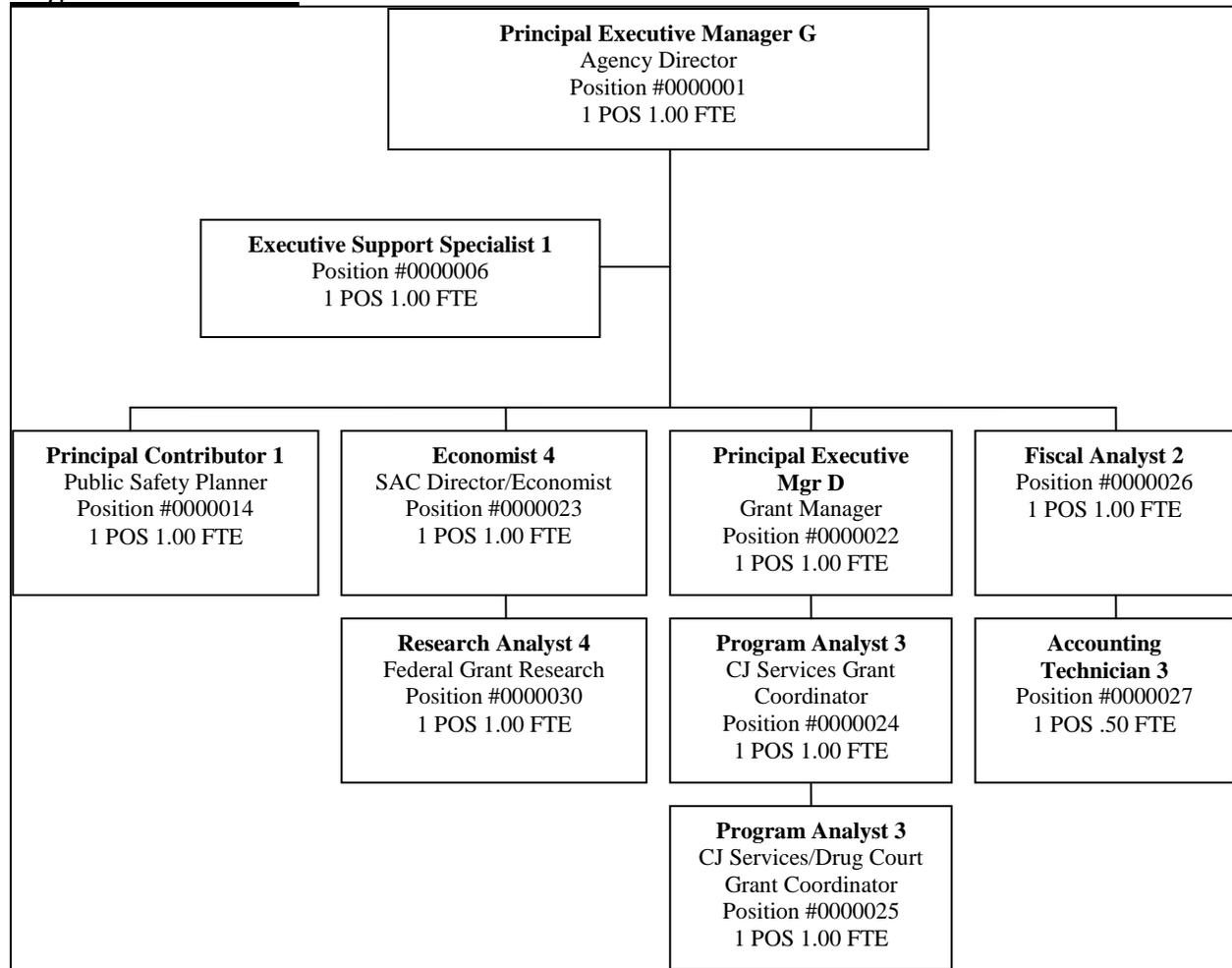
[continues on next page]

- ORS 203 County Governing Bodies; County Home Rule
 - ORS 203.095: Criminal Justice Commission findings and recommendations in event of Governor's declaration of county public safety services emergency
- ORS 423 Corrections and Crime Control Administration and Programs
 - ORS 423.150: Criminal Justice Commission grants to counties for drug courts, treatment services, incarceration; evaluations of county drug courts
- OAR 213 Oregon Criminal Justice Commission

Chronology

- 1975 Governor Straub appoints Task Force on Corrections
- 1977 Community Corrections Act passed
- 1985 -Criminal Justice Council created
 -Law Enforcement Council abolished
- 1987 -Governor Goldschmidt appoints Task Force on Corrections Planning
 -State Sentencing Guidelines Board created
 -Criminal Justice Council directed to develop state sentencing guidelines
- 1988 Criminal Justice Council develops sentencing guidelines
- 1989 -Sentencing guidelines adopted by the Legislative Assembly
 -Civil forfeiture law adopted by the Legislative Assembly
 -Asset Forfeiture Oversight Committee (AFOC) created
- 1991 AFOC renamed as the Asset Forfeiture Oversight Advisory Committee (AFOAC)
- 1994 Mandatory minimum sentencing initiative (Measure 11) approved by Oregon voters
- 1995 -Criminal Justice Commission created
 -Criminal Justice Council abolished
 -State Sentencing Guidelines Board abolished
 -Counties responsible for post-prison supervision, and incarceration less than 12 months
- 1997 -Criminal Justice Commission directed to provide staff support to AFOAC
 -Asset Forfeiture Oversight Account established
- 2000 Voters approve Ballot Measure 3
- 2001 Criminal Justice Commission expanded to nine members
- 2004 Governor Kulongoski directs Criminal Justice Commission to oversee comprehensive review of the state's public safety system; appoints various topical task forces
- 2005 Criminal Justice Commission tasked with drug court program grants and evaluations
- 2008 Voters approve Ballot Measures 53 and 57
- 2009 -Governor Kulongoski establishes Reset Cabinet to address anticipated budget shortfalls
 -Criminal Justice Commission tasked with minimum public safety service guidelines
 -Civil forfeiture law reenacted by Legislative Assembly

Organizational Chart



Bibliography

Association of Oregon Counties, Oregon Jail Overcrowding Project. "Final Report of the Oregon Jail Overcrowding Project" (February 18, 1988). [Cited herein as OJOP.]

Oregon Council on Crime and Delinquency, Oregon Prison Overcrowding Project. "Punishment and Risk Management as an Oregon Sanctioning Model, Final Report" (March 20, 1985). [Cited herein as OPOP.]

Oregon District Attorneys Association. "Implementation of Measure 57" (March 31, 2010); http://images.bimedia.net/documents/Implementation+of+Measure+57_FINAL_4.docx, accessed October 11, 2010.

Robben, Janine. "Losing By Forfeit?" Oregon State Bar Bulletin (November 2006); <http://www.osbar.org/publications/bulletin/06nov/forfeiture.html>, accessed September 30, 2010.

State of Oregon, Criminal Justice Commission website, <http://www.oregon.gov/CJC/>, accessed September 8, 2010.

State of Oregon, Criminal Justice Commission. "Report to the Legislature: January 2007;" <http://library.state.or.us/repository/2009/200912231050293/>, accessed September 8, 2010.

State of Oregon, Criminal Justice Commission. “Felony Sentencing in Oregon 1994” (June 1997); <http://www.oregon.gov/CJC/ocjcsac/SentGuid94.shtml>, accessed September 10, 2010.

State of Oregon, Criminal Justice Commission. “Governor’s Public Safety Review, 2004” (January 2005); <http://library.state.or.us/repository/2007/200704121044324/>, accessed October 6, 2010. [Cited herein as Public Safety.]

State of Oregon, Criminal Justice Council. “Oregon Sentencing Guidelines Implementation Manual” (September 1989); <http://library.state.or.us/repository/2010/201007020912155/>, accessed September 20, 2010.

State of Oregon, Department of Administrative Services, Office of Economic Analysis. “Oregon Corrections Population Forecast” (April 2010); <http://library.state.or.us/repository/2007/200710191548035/>, accessed October 11, 2010.

State of Oregon, Governor’s Office website, http://governor.oregon.gov/Gov/exec_orders.shtml, accessed September 8, 2010. [Executive Orders cited herein as EO.]

State of Oregon, Governor’s Reset Cabinet. “Final Report” (June 2010), <http://library.state.or.us/repository/2010/201006251644165/>, accessed October 19, 2010. [Cited herein as Reset.]

State of Oregon, Governor’s Reset Cabinet. “Report of the Reset Subcommittee on Public Safety” (June 2010); <http://library.state.or.us/repository/2010/201007131548082/>, accessed October 19, 2010. [Cited herein as Public Safety.]

State of Oregon, Governor’s Task Force on Corrections Planning. “A Strategic Corrections Plan for Oregon: Restoring the Balance” (August 1988). [Cited herein as Task Force.]

State of Oregon, Office of Legislative Counsel. Oregon Laws (1843 – 2010); http://www.leg.state.or.us/bills_laws/, accessed September 8, 2010 [cited herein as O.L.].

State of Oregon, Office of Legislative Counsel. Oregon Revised Statutes (ORS) (1953 – 2009); <http://www.leg.state.or.us/ors/>, accessed September 8, 2010.

State of Oregon, Office of Secretary of State, Archives Division. Oregon Administrative Rules (OARs); http://arcweb.sos.state.or.us/rules/number_index.html, accessed September 8, 2010.

State of Oregon, Office of Secretary of State, Archives Division website, <http://arcweb.sos.state.or.us/>, accessed September 8, 2010.

State of Oregon, Office of Secretary of State. Oregon Blue Book (1911 – 2010); <http://bluebook.state.or.us/>, accessed September 8, 2010. [Cited herein as Blue Book].

State of Oregon, Oregon State Library, Government Research Services Division. Voters' Pamphlet Project, http://library.state.or.us/databases/subjects/Voters_Pamphlet.php, accessed September 29, 2010.

United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance website, <http://www.ojp.usdoj.gov/BJA/index.html>, accessed October 19, 2010.