



Oregon District Attorneys Association, Inc.

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April 8, 2020

RE: Early Release of DOC Inmates

We write today to urge your thoughtful and deliberate response to recent activist calls for early release of convicted felons at the Department of Corrections (DOC). We believe that just as inmates have a right to be incarcerated in a healthy manner, the public has a right to live in safe communities and victims have a right to truth in sentencing.

As you are aware nearly 70% of the DOC population have been convicted for committing violent crimes against Oregonians. Unlike many states across the country, Oregon's prison population is *not* substantially made up of individuals serving long sentences for drug possession crimes but rather they are primarily serving sentences for violent Measure 11 offenses, which include murder, rape, robbery and kidnapping. Even those serving *non*-Measure 11 crimes encompass a vast array of violent felonious behavior. Offenses like Child Abuse, Sexual Offenses, Domestic Violence, Unlawful Use of a Weapon and Burglaries in which firearms were used, Attempted Assaults, Attempted Kidnappings and Assaults on Public Safety Officers are all potentially non-Measure 11 offenses. These are serious crimes, many with vulnerable victims and many committed by criminals with violent histories who have thus *earned* their eventual stay in an Oregon institution.

During the COVID crisis we must strike a balance between public health, public safety and justice. ODA has significant public safety concerns about prison inmates being released prior to the completion of their sentences. Such actions undermine truth in sentencing and discount the safety and security of victims who trusted in a sentence handed down by the court. Those victims have constitutional rights to be heard, rights that should not be overlooked as actions such as these are contemplated. We are already hearing from victims expressing worry about these potential releases. Accordingly, ODA strongly opposes mass release of these convicted criminals and call upon you as State leaders in cooperation with the Department of Corrections to meet your duties to keep our communities safe.

In doing so, any early release or commutation discussions must prioritize community safety first and foremost. The COVID crisis should not lead to reduced criminal sentences that place our communities at greater risk.

As such, we oppose all early release due to the COVID crisis of any offender serving a Measure 11 sentence.

Additionally, for any non-Measure 11 offenders, we urge careful review of the State's ability to provide necessary supervision, housing, and medical care to these inmates should they be released into our communities; especially in light of the resulting increased demand on our already strapped law enforcement partners.

We must trust DOC professionals to make practical decisions as it relates to individual release, both in evaluating the availability of reentry beds (which may include hospital beds, treatment beds or community housing beds, none of which are readily available today), and by relying on *existing* DOC programs like Compassionate Leave or Short Term Transitional Programs to appropriately manage their population with the safety and health of all Oregonians as the ultimate goal.

We understand that current considerations include:

1. Those with an approved private residence (approx. 300)
2. All inmates within 8 weeks of release (approx. 1000)
3. The most vulnerable (No M11) to contract COVID-19 according to DOC Health Services who have served 50% or more of their sentence
4. Second tier of vulnerable (No M11) to contract COVID-19 according to DOC Health Services who have served 50% or more of their sentence
5. All inmates over the age of 60 (No M11)
6. Inmates (No M11) within 6 months of release having served 50% of their sentence
7. Inmates (No M11) within 6-12 months of release having served 50% of their sentence

While we appreciate that Measure 11 offenders appear to have been taken off the list of consideration for early release, the balance of these offenders must nevertheless be considered with community safety first and individual COVID-risk secondary. The current stressors and burdens upon all Oregonians are already significant enough without the added worry of criminals being released into our neighborhoods before they have served their sentences.

We urge you to keep all Oregonians safe.

Respectfully,



Tim Colahan
Executive Director
Oregon District Attorneys Association



Paige Clarkson
District Attorney, Marion County
President, Oregon District Attorneys Association

Tim Colahan, Executive Director