



Issue Brief - 2007

OREGON DEPARTMENT OF CORRECTIONS

Mandates Preventing DOC from Changing Sentences

Overview

The Oregon Department of Corrections (DOC) houses a rapidly growing inmate population, resulting in the need for additional prison space. As the department explores options to address this growth, discussion frequently centers on sentencing practices.

Sentencing practices in Oregon have changed dramatically over the years, with a tendency for longer sentences, which translate into these larger inmate populations.

Matrix/Indeterminate sentencing

Inmates whose crime dates occurred prior to November 1, 1989, are subject to the parole matrix system. The Board of Parole and Post-Prison Supervision determines the inmate's release date (indeterminate sentencing). Except for inmates serving life sentences, these inmates are eligible for earned time off their sentence based on their incarceration period as well as work and educational involvement.

Sentencing guidelines

Sentencing guidelines became effective November 1, 1989. They were enacted to ensure consistent statewide prison sentences based on the severity of the crime and the offender's criminal history.

Sentencing guidelines enable the state to manage the use of incarceration resources, (i.e., the length of prison terms can be adjusted based on changing budget and policy environments). Inmate sentences may be adjusted across the board or individually. If adjustments in sentencing guidelines are necessary or new crimes are enacted, the Oregon Criminal Justice Commission analyzes and recommends adjustments in prison terms to the Legislative Assembly.

Measure 4

Ballot Measure 4 was enacted in statute by voters in November 1988, and became effective for crimes committed on or after January 1, 1990. Commonly known as the "Denny Smith Amendment," it requires statutory mandatory minimum sentences for selected repeat felony offenders. It prohibits probation for those sentenced under the law, with sentences not subject to override by the Parole Board or other form of early release.

Measure 4 (ORS 137.635) can be repealed or amended only by a two-thirds majority vote of both houses of the Legislature.

Measure 11

Ballot Measure 11 was enacted in statute by the voters in November 1994, and established statutory mandatory minimum sentences for a range of offenses committed on or after April 1, 1995. It requires that offenders sentenced under its provisions fully serve the entire term of imprisonment, prohibiting any form of early release from custody or reductions in sentence for good conduct or other reasons.

Measure 11 (ORS 137.700) can be amended or repealed only by a two-thirds majority vote of both houses of the Legislature.

Measure 74

Ballot Measure 74 was enacted by the voters in November 1999, and amended the Oregon Constitution (Article I, Section 44) to require that terms of imprisonment announced in court be fully served (truth in sentencing), eliminating reductions in sentences for good conduct or other reasons unless authorized by the sentencing court, or by the governor in the exercise of his constitutional power to grant reprieves, commutations, and pardons, or by an appellate or post-conviction court.

Measure 74 (Article I, Section 44 of the Oregon Constitution) can be overridden only by voters.

Other statutes

ORS 137.750 has most of the same requirements as Measure 74. However, it also requires that terms of imprisonment announced in court be fully served, eliminating reductions in sentences for good conduct or other reasons unless authorized by the sentencing court but is effective for all crimes committed on or after December 5, 1996.

Sentence reductions

Earned time credit: In general, only those inmates who were sentenced under sentencing guidelines and who do not meet the requirements of Measure 4, Measure 11, Measure 74 or ORS 137.750 may earn prison term reduction credits. These credits may equal up to 20 percent of the sentence imposed and are awarded when inmates comply with their Corrections Plans and demonstrate positive institutional conduct.

Alternative Incarceration Programs: Among those eligible for sentence reductions are participants in DOC's three Alternative Incarceration Programs (AIPs). Inmates who complete six months of rigorous residential treatment and programs are released for 90 days of supervised transitional leave.

Those who successfully complete both the residential component and the transitional leave component are eligible for time cuts to their sentences and return to their communities for post-prison supervision. ■

**The mission of the
Oregon Department of Corrections
is to promote public safety by
holding offenders accountable for their
actions and reducing the risk of future
criminal behavior.**



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