

ANNOTATED MINUTES

*Tuesday, April 18, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

BOARD BRIEFINGS

- B-1 Update on the 1995 Legislative Session. Presented by Rhys Scholes, Gina Mattioda and Laurie Beth English.*

RHYS SCHOLES, GINA MATTIODA AND LAURIE BETH ENGLISH PRESENTATION, COMMENTS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD CONSENSUS THAT STAFF OBTAIN INFORMATION AND SCHEDULE ADDITIONAL BRIEFING TO DISCUSS TAX EXEMPTIONS WITH JANICE DRUIAN, SANDRA DUFFY AND A REPRESENTATIVE FROM THE PORT OF PORTLAND.

- B-2 Presentation of the Multnomah County Library Plan 1995. Presented by Don Barney, Paul Bragdon and Bill Naito.*

GINNIE COOPER, BILL NAITO, PAUL BRAGDON, DON BARNEY PRESENTATION, COMMENTS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

- B-3 Presentation of the PSU Graduate Student Re-engineering Project for the Multnomah County Sheriff's Office. Presented by Jim Munz.*

JOAN PASCO, JIM MUNZ AND THE RE-ENGINEERING PROJECT TEAM PRESENTATION, COMMENTS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

- B-4 Update on the Progress of the Previously Approved North Portland Health Clinic Remodeling Project. Presented by Commissioner Hansen, Dwayne Prather, Lenny Sobo, City Parks Director Charles Jordan and Other Representatives from the City of Portland.*

COMMISSIONER HANSEN, DWAYNE PRATHER, SUSAN HATHAWAY MARXER AND LENNY SOBO PRESENTATION, COMMENTS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

Thursday, April 20, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen, Tanya Collier and Dan Saltzman present.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER SALTZMAN, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-3) WAS
UNANIMOUSLY APPROVED.**

NON-DEPARTMENTAL

C-1 *In the Matter of the Appointment of Katherine Anderson to the Department of Community Corrections Citizen Budget Advisory Committee, Position 1, for a Two Year Term Ending 9/30/97*

SHERIFF'S OFFICE

C-2 *In the Matter of the Transfer of Found/Unclaimed Property as Listed 95-1 to the Department of Environmental Services as Outlined in Multnomah County Code 7.70*

C-3 *In the Matter of the Transfer of Found/Unclaimed Property as Listed 95-2 to the Department of Environmental Services as Outlined in Multnomah County Code 7.70*

REGULAR AGENDA

PUBLIC COMMENT

R-1 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

**COMMISSIONER SALTZMAN REQUESTED A MOMENT
OF SILENCE IN MEMORY OF THE VICTIMS
RESULTING FROM THE BOMBING OF THE FEDERAL
BUILDING IN OKLAHOMA CITY.**

DISTRICT ATTORNEY'S OFFICE

R-2 *PROCLAMATION in the Matter of Proclaiming the Week of April 23 to 29, 1995*

as Oregon Crime Victims Rights Week in Multnomah County, Oregon

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-2. HELEN SMITH PRESENTATION. PROCLAMATION READ. PROCLAMATION 95-78 UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-3** *PROCLAMATION in the Matter of Proclaiming the Week of April 23 to 29, 1995 as the Week of the Young Child in Multnomah County, Oregon*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-3. PROCLAMATION READ. PROCLAMATION 95-79 UNANIMOUSLY APPROVED.

- R-4** *RESOLUTION in the Matter of Defining the Role of Multnomah County in a Proposed Development Project at the Russellville Site*

COMMISSIONER HANSEN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-4. MIKE RAGGSDALE PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. DON BOLLINGER AND VIVIAN GRUBB TESTIMONY IN SUPPORT. RESOLUTION 95-80 UNANIMOUSLY APPROVED.

COMMUNITY AND FAMILY SERVICES DIVISION

- R-5** *Budget Modification CFSD #5 Requesting Authorization to Increase the Developmental Disabilities Program Budget by \$2,299,623 to Reflect Changes in the State Mental Health Developmental Disabilities Services Division (MHDDSD) Intergovernmental Agreement*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-5. SUSAN CLARK PRESENTATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-6** *Budget Modification CFSD #8 Requesting Authorization to Increase the Adult Mental Health Budget by \$2,054 to Add Trial Visit Services to the Adult Mental Health Commitment Program*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF

**R-6. SUSAN CLARK PRESENTATION. BUDGET
MODIFICATION UNANIMOUSLY APPROVED.**

DEPARTMENT OF HEALTH

- R-7 Request for Approval of a Notice of Intent to Apply for a Grant (\$400,000 Annually Over a 5 Year Period) from the National Institute of Drug Abuse (NIDA) of the Department of Health and Human Services to Support the Development and Implementation of a Community Based Model of Partner Notification of HIV Seropositive Status**

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER HANSEN SECONDED, APPROVAL OF
R-7. JEANNE GOULD PRESENTATION AND
RESPONSE TO BOARD QUESTIONS. NOTICE OF
INTENT UNANIMOUSLY APPROVED.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-8 RESOLUTION in the Matter of Setting a Public Hearing Date for Surrendering Jurisdiction of County Roads to the City of Fairview**

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL OF
R-8. BOB THOMAS PRESENTATION AND EXPLAIN
ITEMS R-8, R-9 AND R-10. RESOLUTION 95-81
UNANIMOUSLY APPROVED SETTING PUBLIC
HEARING ON THURSDAY, JUNE 1, 1995 .**

- R-9 RESOLUTION in the Matter of Setting a Public Hearing Date for Surrendering Jurisdiction of County Roads to the City of Gresham**

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL OF
R-9. RESOLUTION 95-82 UNANIMOUSLY APPROVED
SETTING PUBLIC HEARING ON THURSDAY, JUNE 1,
1995.**

- R-10 RESOLUTION in the Matter of Setting a Public Hearing Date for Surrendering Jurisdiction of County Roads to the City of Troutdale**

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL R-
10. RESOLUTION 95-83 UNANIMOUSLY APPROVED
SETTING PUBLIC HEARING ON THURSDAY, JUNE 1,
1995.**

Thursday, April 20, 1995 - 10:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

B-5 Status Report on Edgefield Station. Presented by Terry Crook and Sue O'Halloran.

TERRY COOK AND SUE O'HOLLORAN PRESENTATION, COMMENTS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. CHAIR STEIN REQUESTED FACILITIES MANAGEMENT STAFF PROVIDE AN UPDATED MAP OF AVAILABLE COUNTY PROPERTY STILL FOR SALE. MR. COOK ADVISED THAT A TASKFORCE WILL BE ESTABLISHED TO WORK ON A FINANCIAL PLAN FOR EDGEFIELD STATION.

B-6 Update on the Regional Partnership for Expansion of Juvenile Detention Capacity. Presented by Bill Farver and Elyse Clawson.

BILL FARVER, ELYSE CLAWSON AND HOWARD KLINK PRESENTATION, COMMENTS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. RESOLUTIONS FOR BOARD CONSIDERATION AND POSSIBLE ACTION ON THURSDAY, APRIL 27, 1995.

There being no further business, the meeting was adjourned at 11:35 a.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**


Carrie A. Parkerson



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

APRIL 17, 1995 - APRIL 21, 1995

Tuesday, April 18, 1995 - 9:30 AM - Board Briefings Page 2

Thursday, April 20, 1995 - 9:30 AM - Regular Meeting Page 2

Thursday, April 20, 1995 - 10:00 AM - Board Briefings Page 4

OR IMMEDIATELY FOLLOWING REGULAR MEETING

Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen by Paragon Cable subscribers at the following times:

Thursday, 6:00 PM, Channel 30

Friday, 10:00 PM, Channel 30

Saturday, 12:30 PM, Channel 30

Sunday, 1:00 PM, Channel 30

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, April 18, 1995 - 9:30 AM

*Multnomah County Courthouse, Room 602
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- B-2 Presentation of the Multnomah County Library Plan 1995. Presented by Don Barney, Paul Bragdon and Bill Naito. 45 MINUTES REQUESTED (APPROXIMATE START TIME 10:00 AM).*
- B-3 Presentation of the PSU Graduate Student Re-engineering Project for the Multnomah County Sheriff's Office. Presented by Jim Munz. 30 MINUTES REQUESTED (APPROXIMATE START TIME 11:00 AM).*
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NON-DEPARTMENTAL

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SHERIFF'S OFFICE

- C-2 In the Matter of the Transfer of Found/Unclaimed Property as Listed 95-1 to the Department of Environmental Services as Outlined in Multnomah County Code 7.70*

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COMMUNITY AND FAMILY SERVICES DIVISION

- R-5 *Budget Modification CFSD #5 Requesting Authorization to Increase the Developmental Disabilities Program Budget by \$2,299,623 to Reflect Changes in the State Mental Health Developmental Disabilities Services Division (MHDDSD) Intergovernmental Agreement*
- R-6 *Budget Modification CFSD #8 Requesting Authorization to Increase the Adult Mental Health Budget by \$2,054 to Add Trial Visit Services to the Adult Mental Health Commitment Program*

DEPARTMENT OF HEALTH

- R-7 *Request for Approval of a Notice of Intent to Apply for a Grant (\$400,000 Annually Over a 5 Year Period) from the National Institute of Drug Abuse (NIDA) of the Department of Health and Human Services to Support the Development and Implementation of a Community Based Model of Partner Notification of HIV Seropositive Status*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-8 *RESOLUTION in the Matter of Setting a Public Hearing Date for Surrendering Jurisdiction of County Roads to the City of Fairview*

- R-9 *RESOLUTION in the Matter of Setting a Public Hearing Date for Surrendering Jurisdiction of County Roads to the City of Gresham*
- R-10 *RESOLUTION in the Matter of Setting a Public Hearing Date for Surrendering Jurisdiction of County Roads to the City of Troutdale*
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Thursday, April 20, 1995 - 10:00 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

- B-5 *Status Report on Edgefield Station. Presented by Terry Crook and Sue O'Halloran. 45 MINUTES REQUESTED.*
- B-6 *Update on the Regional Partnership for Expansion of Juvenile Detention Capacity. Presented by Bill Farver and Elyse Clawson. 30 MINUTES REQUESTED.*

****PROPOSED AS OF 4/12/95****

MULTNOMAH COUNTY 1995-96 BUDGET DELIBERATIONS
PUBLIC HEARING/BOARD WORK SESSION SCHEDULE

9:30 am	Tuesday, 4/25/95	Chair Stein Presentation of 1995-96 Budget Message
9:30 am	Thursday, 4/27/95	Consideration of Resolution Approving Budget for Transmittal to Tax Supervising and Conservation Commission
1:30 pm	Tuesday, 5/2/95	Public Testimony/Central CBAC Report/Budget Revenue Overview/Auditor Financial Condition/Budget Work Session
9:30 am	Wednesday, 5/3/95	Public Testimony/Department of Library Services CBAC Report/Budget Work Session
9:30 am	Tuesday, 5/9/95	Public Testimony/Aging Services Division CBAC Report/Budget Work Session
9:30 am	Wednesday, 5/10/95	Public Testimony/Department of Environmental Services CBAC Report/Budget Work Session
1:30 pm	Thursday, 5/18/95	Public Testimony/Department of Community Corrections CBAC Report/Budget Work Session
9:30 am	Friday, 5/19/95	Public Testimony/District Attorney CBAC Report/Budget Work Session
9:30 am	Tuesday, 5/23/95	Public Testimony/Sheriff's Office CBAC Report/Budget Work Session
9:30 am	Wednesday, 5/24/95	Public Testimony/Juvenile Justice Division CBAC Report/Budget Work Session
10:00 am	Tuesday, 5/30/95	Public Testimony/Community and Family Services Division CBAC Report/Budget Work Session
1:30 pm	Wednesday, 5/31/95	Public Testimony/Non-Departmental (Commissioners, Auditor, Management Support Services, Non-County Orgs) CBAC Report/Budget Work Session

9:30 am	Tuesday, 6/6/95	Public Testimony/Health Department CBAC Report/Budget Work Session
7:00 pm	Tuesday, 6/6/95	Budget Hearing - Multnomah County Sheriff's Office Auditorium, 12240 NE Glisan
2:00 pm	Wednesday, 6/7/95	Public Testimony/Budget Work Session
10:30 am	Thursday, 6/8/95	Tax Supervising and Conservation Commission Public Hearing on the 1995-96 Annual Budgets of Dunthorpe-Riverdate County Service District No. 1; Mid-County Service District No. 14; and Multnomah County
9:30 am	Tuesday, 6/13/95	Public Testimony/Budget Work Session/If Needed
7:00 pm	Tuesday, 6/13/95	Budget Hearing - Courthouse Room 602, 1021 SW Fourth
9:30 am	Wednesday, 6/14/95	Public Testimony/Budget Work Session/If Needed
1:30 pm	Wednesday, 6/14/95	Public Testimony/Budget Work Session/If Needed
9:30 am	Thursday, 6/15/95	Possible Consideration of Resolution Adopting Budget
9:30 am	Tuesday, 6/27/95	Public Testimony/Budget Work Session/If Needed
9:30 am	Wednesday, 6/28/95	Public Testimony/Budget Work Session/If Needed
1:30 pm	Wednesday, 6/28/95	Public Testimony/Budget Work Session/If Needed
9:30 am	Thursday, 6/29/95	Possible Consideration of Resolution Adopting Budget

Meeting Date: APR 18 1995

Agenda No.: B-1

(Above Space for Board Clerk's Use *ONLY*)

AGENDA PLACEMENT FORM

SUBJECT: Briefing on 1995 Legislative Session

BOARD BRIEFING: Date Requested: Tuesday April 18, 1995
Amount of Time Needed: 45 Minutes Requested

REGULAR MEETING: Date Requested: _____
Amount of Time Needed: _____

DEPARTMENT: _ Nondepartmental DIVISION: _ Chair's Office

CONTACT: _ Rhys Scholes TELEPHONE: _ 248-3928
BLDG/ROOM: _ 106/1515

PERSON(S) MAKING PRESENTATION: Rhys Scholes, Gina Mattioda, Laurie Beth English

ACTION REQUESTED:

[XX] INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if available):

Update on 1995 Oregon Legislative Session

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

OR

MANAGER: _____

Any Questions? Call the Office of the Board Clerk at 248-3277 or 248-5222.
forms\apf.doc

BOARD OF
COUNTY COMMISSIONERS
1995 APR 13 AM 11:03
MULTNOMAH COUNTY
OREGON

MEMORANDUM

Date: April 13, 1995
From: Rhys Scholes
To: Board of County Commissioners
Subject: April 18 Briefing

As we go to press issues important to Multnomah County are moving fast in the Oregon Legislature. Here is our best forecast of issues to be discussed at next weeks briefing.

- Transfer of some CSD functions to counties. (HB 3180). Carol Wire from the Multnomah Commission on Children and Families will join us to update you on the various discussions and negotiations on this proposal. You have already received information from Gina Mattioda on this issue.
- Transfer of offenders from state prisons to county jails.
- Mental Health funding.
- Oregon Health Plan and capitation issues.
- Gas tax and transportation issues.

If there are other issues that you would like to be briefed on, please let me know. Thanks.

Board Briefing
4-18-95
Handout #1
B-1

April 6, 1995

TO: Commissioner Collier
Commissioner Hansen
Commissioner Kelley
Commissioner Saltzman
Chair Stein

FR: Gina Mattioda, Public Affairs Coordinator

RE: HB 3180 A-Engrossed

House Bill 3180 A-Engrossed will be discussed at the AOC Legislative Committee meeting on Monday, April 10, 1995 in Salem. I understand many of you will be in Salem, Monday and I wanted to provide you with some background information on the bill before AOC's meeting. Attached to this memo are: a copy of HB 3180 A-Engrossed, the fiscal impact statement, Letter from Multnomah's Commission and Governor's memo on HB 3180. Please feel free to contact me with any questions - Ext. 6474 or Pager 202-5321.

BACKGROUND: HB 3180 would mandate the transfer of all family preservation functions of CSD to local Children and Families Commission. It abolishes CSD and creates the Child Protective Services Division (CPSD). CPSD will be responsible for assessment, investigation and provision of out-of-home services, including foster care, residential care and adoption services. Local Commissions on Children and Families will be responsible for all family support and family preservation activities to prevent out-of-home placements and may contract with CPSD to provide remedial services for families with children in out-of-home care. For additional information on background see attached document entitled "Fiscal Analysis of Proposed Legislation."

Although the Multnomah Commission on Children and Families was not taken a position on this bill, committee members have concerns about certain provisions of the bill. Carol Wire of the Commission has put together an excellent document outline our concerns. Those concerns focus on the following:

HB 3180 is a mandate rather than a choice, unlike HB 2004 (1993) which gives counties the option to take on services and resources, HB 3180 requires counties to assume new responsibilities whether or not they fit into their local plan.

HB 3180 asks local commissions on children and families to take a significant expanded role in the area of child welfare on a extremely short timeline.

HB 3180 is unclear in regards to funding. Will this new system jeopardize federal funding? What is the impact on county governments."

For more information on our local commission's view see document from Legislative Action Committee, Multnomah Commission on Children and Families.

GOVERNOR'S POSITION: Attached is an April 5 memo from the Governor's office which clearly states the Governor's strong concerns about HB 3180. For instance, the memo states, "the bill generates a fiscal impact that is not anticipated in his budget and which he will not support."

STATUS: This bill was voted on in the House on Friday, March 31, it passed 38-20-2 excused were Gordly and Tiernan. The following Multnomah County legislators voted no on HB 3180: Kate Brown, Margaret Carter, George Eighmey, Mike Fahey, Antria Rassmussen, Gail Shibley, Frank Shields, and Sharon Wylie. On Tuesday, April 4 HB 3180 A-Engrossed was referred to Senate Labor and Government Operations (not a real friendly committee for advocates) Gene Derfler, Chair (R - Salem); Brady Adams (R- Grants Pass); Neil Bryant (R- Bend); Bob Kintigh (R- Springfield); Randy Leonard (D - Portland); Bill McCoy (D- Portland). A public hearing has not been set as of 4/6/95.

1995 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Legislative Fiscal Office

MEASURE NUMBER: HB 3180

STATUS: A-Engrossed

SUBJECT: Implements Chapter 676 (HB 2004), Oregon Laws 1993, by completing the abolishment of the Children's Services Division and creating the Child Protective Services Division (CPSD). Clarifies duties and procedures of Division, State Commission on Children and Families and local commissions. Redefines child abuse and neglect and establishes new court procedures.

GOVERNMENT UNIT AFFECTED: Children's Services Division (CSD); State Commission on Children and Families; Judicial Department ? *counties*

PREPARED BY: Ann Glaze

REVIEWED BY: Michelle Fusak, Rob Sims

DATE: March 24, 1995

	<u>1995-97</u>	<u>1997-99</u>
EFFECT ON EXPENDITURES:	(see comments)	
EFFECT ON REVENUES:	(see comments)	

GOVERNOR'S BUDGET: This measure is not anticipated in the Governor's recommended budget.

COMMENTS: This measure abolishes the Children's Services Division and creates the Child Protective Services Division (CPSD). CPSD will be responsible for assessment, investigation and provision of out-of-home services, including foster care, residential care and adoption services. Local commissions on children and families will be responsible for all family support and family preservation activities to prevent out-of-home placements and may contract with CPSD to provide remedial services for families with children in out-of-home care. ? *staff*

The process established in the bill for investigation of a complaint of abuse or neglect begins with the receipt of a complaint by CPSD or law enforcement. Under current law and in this bill, CPSD investigates the complaint, following the protocols established by local multidisciplinary teams. Upon completion of the assessment, CSD determines whether the complaint is unfounded, founded but the child is not removed from the home or founded with removal of the child. At this point, the bill substantially changes existing practices.

For unfounded complaints and in situations in which the complaint was founded, but a determination was made that removal of the child was not necessary, the bill requires CPSD to refer those cases to the local Commission on Children and Families. The local Commission may establish a voluntary service plan for these referrals. CPSD would provide no casework services to families in either category, except that CPSD must make reasonable efforts to prevent removal of a child.

*C-policy
this is
system
? staff*

For founded complaints in which a child is taken into protective custody and removed to temporary shelter care, CPSD or law enforcement first must notify parents and any absent non-custodial parent about the reason the child was taken into custody and the general location of the child. Removal can occur only if conditions listed in the bill are met or if the parent(s) consents. CPSD prepares an affidavit to submit to the court within 24 hours describing what reasonable efforts have been made to maintain the child in the home and what circumstances result in probable cause that a condition leading to child removal exists.

If the court upholds the protective custody, an order for temporary shelter placement will be issued. CPSD must give first priority for placement to relatives of the child.

Once the court order is issued, the judge will appoint a family group conference coordinator, an employee of the judicial branch in the Office of the State Court Administrator. The coordinator will contact extended family and arrange a family group conference with 15 days after the preliminary hearing. The conference consists of three stages and results in a plan developed by the family to provide for the health, education and safety of the child.

The family plan will remain in effect for one year. At the end of the year, the parents must prove that termination of parental rights or permanent placement are not warranted based on progress in achieving the steps needed to reunite the family. Another family group conference will be convened if the court determines that termination or permanent planning is warranted. The family will agree to a long-term plan for the child. If no agreement is reached, CPSD will establish the plan.

The fiscal impact of the bill involves transfers of substantial federal and state dollars. Identification of actual amounts to be transferred from the new CPSD to the State Commission on Children and Families will require detailed review of the uses of funds within CPSD, which will take more time than was available for development of this fiscal impact statement. The assumption is that funding for services provided by CPSD for family preservation and family support will be a straight transfer to the State Commission. No additional revenues will be needed, assuming that there is no expansion of services at the local level and that the services are targeted to the population who formerly would have been CSD clients. There is a concern about expanded services, however, because there is no requirement to manage services at the local level to meet limited resources and the targeted population. For example, services generally are not provided to "non-founded" clients. The bill requires a referral and allows for a voluntary service plan, which could lead to increased utilization of services. Another example is the separation of authority for identifying needed services through the Judicial Department staff, while the responsibility for paying for those services rests with CPSD.

The bill has the potential to achieve foster care savings by establishing a specific schedule for permanent planning. The planning could result in earlier resolutions of child custody cases, thereby reducing the length of stay in foster care. The family conference approach also appears promising for decreasing time children spend in foster care before they are reunited with their families. Experience with the new process is required before these potential savings can be quantified.

The transfer of federal funds from CSD to the State Commission can be accomplished, but planning is required that is not specifically addressed in the bill. There is a risk that the decentralized service delivery system will not be able to maintain the level of federal funding that CSD has achieved for case management and other services. Care must be taken in the implementation of the bill to ensure that a planning and reporting system is in place that will generate information required under the federal funding regulations and withstand biennial audits. A related need is the development of a system that identifies eligible costs of local services and submits reimbursement claims from the appropriate funding sources based on the eligibility of the client. CSD's current automated system performs this function to maximize federal reimbursement for its clients.

The bill also authorizes local commissions, rather than CPSD, to provide mental health treatment services for children who do not have severe cognitive, physical and medical impairments. The children with severe impairments will continue to be served through Day and Residential Treatment Programs, in conjunction with the Mental Health and Developmental Disabilities Services Division.

COMMISSION ON CHILDREN AND FAMILIES

The Commission plans to use the money transferred from CPSD to fund community-based family support services and family preservation services.

what is the formula for more \$ *1 - staff is that enough*

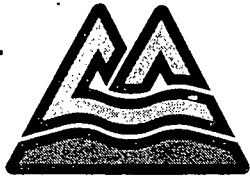
In addition, all counties will receive funding for a service coordinator and an accountant. Counties with larger populations will receive proportionally more staff funding. Funding also will be provided to local Commissions for the installation and maintenance of toll-free phone lines so that the public can receive information on services. The State Commission will add a limited amount of administrative staff. Investment will be necessary in a computer network to provide the automation of data collection and distribution.

CHILD PROTECTIVE SERVICES DIVISION

The agency will transfer all federal and state funding except that required for initial assessment and investigation; services for children in protective custody, generally in an out-of-home setting; and adoption and permanent planning. At least 176 direct-service and clerical positions would be abolished. CPSD will be responsible for developing and resource and conflict resolution brochure available for all families.

JUDICIAL DEPARTMENT, OFFICE OF THE STATE COURT ADMINISTRATOR

The family group conference coordinator program will add 58 new positions -- 35 coordinators and 23 supervisory and support staff, at an estimated cost of \$7.2 million. In addition, increased indigent defense costs of \$800,000 are expected for court-appointed attorneys for the child(ren) involved in the conference. Increased judicial workload is expected to cost \$107,100 per biennium. If the program is expected to provide transportation for extended family members to attend the conferences, an additional \$200,000 would be needed, although the bill does not specifically require this service.



MULTNOMAH COUNTY OREGON

MULTNOMAH COMMISSION ON CHILDREN AND FAMILIES
ROOM 1410, PORTLAND BUILDING
1120 SW FIFTH AVENUE
PORTLAND, OR 97204
PHONE (503) 248-3897 FAX: (503) 248-3093
COUNTY INFORMATION TDD (503) 248-5040

TO: Interested Parties

FROM: Legislative Action Committee
Multnomah Commission on Children and Families

RE: House Bill 3180

The House has passed HB 3180 which creates significant changes in the local service system for abused and neglected children. There are some very positive directions in the bill, including greater assurances that children will be placed with family members, increased emphasis on family preservation, a structure to assure that the family is involved in decisions about their children, increased judicial oversight of removals and establishment of more precise standards for removal from the family. While the Multnomah Commission on Children and Families supports the underlying philosophy of the localization of services and has a continuing interest in the transfer of services and resources when it is in the best interests of children and families, committee members have concerns about certain provisions of the bill. The Multnomah Commission on Children and Families as a whole has not yet taken a position on this bill. We request that the Senate consider carefully the design, impact and cost of this transfer.

Mandate rather than Choice

HB 2004 offers counties the opportunity to transfer services and resources which fit into the local comprehensive plan. The strength of HB 2004 is that it allows counties to phase in transfers based on local priorities, capacities and decisions. That kind of transfer supports local determination, the core design feature of local commissions. HB 3180 mandates that counties assume these new responsibilities whether or not they fit into their plan, whether or not they are ready to assume expanded responsibilities and whether or not they are able to provide adequate services.

Timeframe

HB 3180 asks local commissions on children and families to take an enormously expanded role in the arena of child welfare on a short timeline. This schedule denies local communities a planned, deliberate and successful transition and assures children and families a disjointed, unprepared system of services, at least in the short run. As local commissions assume more and more responsibility for services to children and families, it is critical that they have the time to build partnerships, integrate services, deliberate on directions, and familiarize the community with the changes so that children and families experience the best, rather than the worst, of the system.

The Cookie Cutter Approach to Family Preservation

We applaud the bill's supporters for recognizing the critical importance of incorporating family in the decisions around their child. We have concern, however, that the program model mandated by the bill does not allow for families who do not fit the typical profile, families who are unable or unwilling to participate in this process, families who have a history of abusiveness, families who are unable to function due to drug or alcohol abuse. HB 3180 needs to provide more flexibility so that issues of individual families and children can be taken into account.

We are also concerned that the bill does not balance the child's mutual needs for safety and for family connection.

How will this system work?

HB 3180 is vague in its detail. How will these two new systems work together? How will we assure that a child does not get lost between systems? Who will be responsible for oversight? How will the family plans be implemented and who will assure that progress is made? How will we assure continuity for the child? If these details are to be worked out locally, time is needed to design an effective system and a smooth transfer. The Juvenile Rights Project (JRP) has been working with CSD and national consultants to design a model child welfare system. The concepts proposed by JRP complement the localization of some services. This JRP proposal, which incorporates national and international best practices, has not been considered in HB3180.

Fiscal Impact

The fiscal impact of HB3180, both locally and statewide, is unclear. Will this new system jeopardize federal funding? What is the impact on county governments? Will the re-direction of Title XX funds leave the Child Protective Service with adequate funding to serve their populations? If not, will there be general fund dollars to supplant those monies? Like any effective systems change, localization will require significant investment at the beginning and a stable, predictable source of funding for the long run.

Conclusion

The Legislative Action Committee of the Multnomah Commission on Children and Families urges you to consider significant changes when this bill comes before the Senate. Local commissions and counties need to have time to consider the impacts of this systems change and testify before the committee. Details must be deliberated and a planned transition considered. Additional public testimony and legislator deliberation are needed to develop a bill that will build a family-centered, values-based, fiscally stable child welfare system in Oregon

JOHN A. KITZHABER
GOVERNOR



April 5, 1995

TO: Gordon Fultz

FR: Mark Gibson

RE: HB 3180

This is to follow up on our telephone conversation regarding HB 3180.

The Governor's position on this bill is as follows:

- He adamantly opposes dividing responsibility for children who have experienced confirmed abuse. He believes that the state has a responsibility for insuring that these critical services are delivered and that the state is better positioned to avoid some of the difficulties that can arise around these sensitive issues at the local level. Furthermore, he believes this sets up a potential for budget gamesmanship and dumping between jurisdictions leading to a situation where it could become impossible for the agencies to manage their budgets.
- He believes that it makes sense to transfer services other than protective services to the local level as soon as the local jurisdictions have demonstrated the ability to adequately provide those services.
- He strongly supports the role of the State Commission on Children and Families in planning and coordinating services within local jurisdictions and he has directed CSD to participate in these processes and utilize to the greatest extent possible locally developed systems.
- The bill generates a fiscal impact that is not anticipated in his budget and which he will not support. ! !

The Governor's office, the Commission on Children and Families, and CSD are currently working on a set of amendments that they will submit to the Senate committee and discuss with Representative Meek. If you have any questions feel free to give me a call.

AOC convened a task force of county technical people to review the measure and recommend a position to the AOC Legislative Committee. After several meetings, including Representative John Meek and staff, representatives of the State Children and Families Commission, and discussion with the Governor's office, the group recommends the following major directions for AOC:

1. Responsibility for provision of any program or service is optional to local Children and Families Commissions, but must be delineated in the local comprehensive plan.
2. The local comprehensive plan shall, among other things, identify an organizational structure for the delivery of family support and family preservation services in the county or region, including the delivery of such services to children for whom the State (Child Protective Services Division) and the family group conference coordinators are responsible pursuant to this Act. Such services shall be provided through existing state or local government entities or through contracts with local private agencies or vendors. The term "local family support system" means the system of family support and family preservation services described in the local comprehensive plan. The term "family support and family preservation services" means community-based services that offer sustained assistance to families to promote parental competencies and behaviors that will promote children's safety and lead to the health and positive personal development of children and families.
3. Any child taken into protective custody by the Child Protective Services Division based upon abuse as defined in ORS 419B.005 is the responsibility of the Child Protective Services Division, which shall provide services to the child utilizing the local family support system through a single point of access as defined in local plans. CPSD shall not be able to dictate services for which they do not provide resources.
4. Time lines - Counties will submit any plan amendments which will include changes reflective of HB 3180 during the usual plan amendment cycle in May and November of each year and as needed.
5. The transfer of any responsibilities to counties under HB 3180 must include adequate funding for those responsibilities. Any such transfers are conditional on a continuing level of adequate funding. Counties may transfer any responsibilities back to the State if the funding level is reduced or the level of program responsibility increases without adequate funding.
6. AOC shall continue to review other issues including the role of the Citizen's Review Board as it negotiates on HB 3180.

Board Briefing
4-18-95
Handout #2
B-1

House Bill 3180

Statement of Local Commission Concerns

TO: Members of the Senate
FROM: Local Commissions from _____ Counties
DATE: April 21, 1995
SUBJECT: House Bill 3180

House Bill 3180 proposes significant changes in Oregon's services to abused and neglected children. Many of the directions in the bill are positive, including increased family involvement in decision-making and greater emphasis on family preservation. We, as a group of local commissions, have concerns about several other parts of the bill.

House Bill 2004, which established the local commissions, is a revolutionary piece of legislation. It gives each locality the authority and responsibility to plan in a comprehensive way and to select services which respond to local needs. It compels local communities to look for partnerships and to build on each other's strengths. We have just started doing that--and we want to do an excellent job. We urge you not to diminish local control by legislatively mandating us to take on services before we are ready to do them well.

HB 2004 authorized the transfer of a state service to a local government **only after** approval by the Board of County Commissioners and **only after** a finding by the State Commission that the county has a "comprehensive and competent plan." Only two years later, HB 3180 would transfer all services for very difficult and complicated children and families to the counties without county approval and without a State Commission finding that a competent and comprehensive plan is in place.

Children's Services Division has problems; let's fix them together. But do not ask local commissions to compromise our mission as policy and planning bodies by becoming child welfare service providers. We urge you to consider the following as you deliberate about HB 3180.

Maintain the role of local commissions. Uphold the role of the commissions as policy, planning and allocation bodies; do not undermine that role by asking commissions to take on special accountability for one service system.

Preserve local options. Provide the opportunity for local communities to assume increasing responsibilities *as they are ready*. HB 3180 mandates that counties assume new responsibilities on a short timeline whether they believe they have the capacity to do so or not.

Support local service system planning. Assure that Child Protective Services actively participates in and is accountable to the local comprehensive planning process. Require local commission plans to address the entire system of services for abused and neglected children.

Build a cohesive child welfare system. Do not divide responsibility for children who have experienced confirmed child abuse. These children should be the responsibility of the child protective services agency which must assure consistent, sensitive services for the child and family. Local commissions will continue to plan and implement family support services for children and families where there is no founded allegation of abuse or neglect.

Outline a flexible system. Not all families are the same. Local delivery systems need the flexibility to respond to individual needs. Provide a system context which will allow local communities to design programs responsive to their families. Do not determine the program design in legislation.

Provide funding. Provide adequate funding for new county responsibilities. Responsibility and accountability for positive outcomes must match control of resources. Assure that county commissions have the ability to withdraw if funding changes.

We urge you to give extremely careful and deliberate consideration to the re-designing of the child welfare system which serves our most vulnerable citizens.

A-Engrossed House Bill 3180

Ordered by the House March 28
Including House Amendments dated March 28

Sponsored by Representative MEEK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Implements House Bill 2004 (1993) from 67th Legislative Assembly by completing abolishment of Children's Services Division and creating Child Protective Services Division. Clarifies duties of division, State Commission on Children and Families and local commission.

[Divides child abuse and neglect cases under division into categories to determine action to be taken.]

Establishes Family Group Conference Coordinator program.

Modifies certain juvenile court proceedings.

Declares emergency, effective July 1, 1995.

A BILL FOR AN ACT

1
2 Relating to children; creating new provisions; amending ORS 147.035, 336.580, 339.147, 339.505,
3 417.735, 417.760, 417.775, 418.001, 418.005, 418.782, 419A.170, 419B.005, 419B.150, 419B.185,
4 419B.337, 419B.349, 420.017, 430.021 and 430.705 and section 28, chapter 676, Oregon Laws 1993;
5 repealing ORS 419B.020 and section 11, chapter 676, Oregon Laws 1993; and declaring an
6 emergency.

7 Whereas it is a basic right of a child to be safe; and

8 Whereas a family is just as capable, if not more so, of making decisions regarding the well-being
9 of its children as the state; and

10 Whereas it is a fundamental responsibility of a family to care for its children and provide for
11 their health, wellness and safety; and

12 Whereas children benefit from the links that exist between generations within extended families;
13 and

14 Whereas families are entitled to information regarding their children; now, therefore,

15 Be It Enacted by the People of the State of Oregon:

16 **SECTION 1.** (1) The Child Protective Services Division is established in the Department
17 of Human Resources.

18 (2) The division shall be responsible for foster care and residential care for children and
19 adoption services.

20 (3) The division shall be responsible for child protective services including:

21 (a) Assessing child abuse and neglect reports;

22 (b) Providing substitute care for children who cannot be with their own families; and

23 (c) Permanent planning including adoption.

24 **SECTION 2.** (1) The Assistant Director of the Child Protective Services Division shall be
25 appointed by the Governor subject to confirmation by the Senate pursuant to ORS 171.562

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in boldfaced type.

1 and 171.565 from among persons well qualified by training and experience to oversee the
2 performance of the duties and the provision of the services of the division.

3 (2) The assistant director shall hire and supervise qualified personnel required to perform
4 the duties and provide the services of the division and may contract as necessary with ap-
5 propriate public and private providers for such services.

6 (3) The assistant director shall oversee the development of standards and procedures for
7 the assessment, investigation and provision of out-of-home services.

8 SECTION 3. Section 4 of this Act is added to and made a part of ORS 417.705 to 417.790.

9 SECTION 4. (1) Local commissions on children and families are responsible for all family
10 support and family preservation services to prevent foster care and other residential place-
11 ments for children.

12 (2) Local commissions shall provide family support and family preservation services
13 through existing state or local government services, or contracts with local private agencies
14 or vendors. Family support and family preservation services include but are not limited to
15 parent training, counseling, respite care, day care, homemaker services, family unity and
16 support teams, alcohol and drug abuse treatment, family strengthening teams and any other
17 activity designed to prevent child protective orders.

18 (3) Local commissions may establish voluntary service plans for children and families in
19 order to preserve and support families when cases are transferred to a commission.

20 SECTION 5. Federal entitlement programs authorized by the federal Social Security Act
21 and other funds appropriated by the Legislative Assembly shall be used to fund services in
22 sections 4 and 8 of this Act and ORS 430.021 (8).

23 SECTION 6. ORS 419B.005 is amended to read:

24 419B.005. As used in ORS 418.747, 418.748, 418.749 and 419B.005 to 419B.045, unless the context
25 requires otherwise:

26 (1) "Abuse" [means:] includes sexual abuse, physical abuse, neglect and emotional abuse.

27 [(a) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child
28 which has been caused by other than accidental means, including any injury which appears to be at
29 variance with the explanation given of the injury.]

30 [(b) Any mental injury to a child, which shall include only observable and substantial impairment
31 of the child's mental or psychological ability to function caused by cruelty to the child, with due regard
32 to the culture of the child.]

33 [(c) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration
34 and incest, as those acts are defined in ORS chapter 163.]

35 [(d) Sexual abuse, as defined in ORS chapter 163.]

36 [(e) Sexual exploitation, including but not limited to:]

37 [(A) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
38 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in
39 the performing for people to observe or the photographing, filming, tape recording or other exhibition
40 which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described
41 in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any
42 conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed
43 to serve educational or other legitimate purposes; and]

44 [(B) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in
45 ORS chapter 167.]

1 [(f) *Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care. However, any child who is under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or the child's parent or guardian shall not, for this reason alone, be considered a neglected or maltreated child under this section.*]

6 [(g) *Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.*]

8 (2) "Emotional abuse" means behavior, intentional or unintentional, that creates substantial and observable impairment of a child's psychological, cognitive, emotional or social well-being or functioning.

11 [(2)] (3) "Child" means an unmarried person who is under 18 years of age.

12 (4) "Neglect" means a serious lack of supervision, the withholding of the basic necessities of food, clothing, shelter and medical care or a persistent lack of basic care to a child leading to physical or emotional injury or failure to thrive.

15 (5) "Physical abuse" means an injury to a child that, regardless of motive, is inflicted or allowed to be inflicted by nonaccidental means. "Physical abuse" includes but is not limited to any injury that could not reasonably be the result of the explanation given or is consistent with a pattern of unexplained injuries. Examples of injuries that may result from physical abuse include head injuries; bruises; lacerations; internal injuries; burns or scalds; injuries to bone, muscle, cartilage or ligaments; poisoning; electric shock and death.

21 [(3)] (6) "Public or private official" means:

22 (a) Physician, including any intern or resident.

23 (b) Dentist.

24 (c) School employee.

25 (d) Licensed practical nurse or registered nurse.

26 (e) Employee of the Department of Human Resources, a county health department, a community mental health and developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

29 (f) Peace officer.

30 (g) Psychologist.

31 (h) Clergyman.

32 (i) Licensed clinical social worker.

33 (j) Optometrist.

34 (k) Chiropractor.

35 (L) Certified provider of day care or foster care, or an employee thereof.

36 (m) Attorney.

37 (n) Naturopathic physician.

38 (o) Licensed professional counselor.

39 (p) Licensed marriage and family therapist.

40 (q) Firefighter or emergency medical technician.

41 [(4)] (7) "Law enforcement agency" means:

42 (a) Any city or municipal police department.

43 (b) Any county sheriff's office.

44 (c) The Oregon State Police.

45 (d) A county juvenile department.

(8) "Sexual abuse" means any incident of sexual contact including but not limited to rape, sodomy, incest and sexual penetration with a foreign object, as those acts are defined in ORS chapter 163. "Sexual abuse," regardless of explanation, includes all contacts and interactions in which a child is used to sexually stimulate or gratify another person and includes but is not limited to:

- (a) Exposing oneself before a child;
- (b) Exposing the genitals of a child;
- (c) Kissing, touching and fondling a child in an intimate manner;
- (d) Nonphysical activities such as coercive verbal or visual suggestions to engage in sexual activities; or
- (e) Sexually exploiting the child by forcing, permitting or encouraging the child to watch or participate in pornographic materials or sexual activities or forcing, permitting or encouraging a child to engage in prostitution.

SECTION 7. ORS 419B.020 is repealed and section 8 of this Act is enacted in lieu thereof.

SECTION 8. (1) In all substantiated cases of abuse as defined in ORS 419B.005, the role of the Child Protective Services Division is to:

- (a) Complete a comprehensive assessment of risk of abuse;
- (b) Assess service needs and provide immediate protective services as necessary; and
- (c) Identify special medical needs and provide remedial services to ensure the health, education and safety of the child.

(2) In all cases of abuse when a criminal investigation occurs, the role of law enforcement agencies is to provide a legally sound, child sensitive investigation of whether abuse has occurred and to gather other evidence and perform other responsibilities in accordance with any interagency agreements.

(3) The Child Protective Services Division and law enforcement agencies shall conduct the investigation and assessment concurrently, based upon the protocols and procedures of the multidisciplinary team in each jurisdiction. Within 15 days of notification, the division shall complete initial background information checks on relatives that the Family Group Conference Coordinator, as described in section 16 of this 1995 Act, is considering for temporary care during the initial shelter period.

(4) When conducting a joint investigation and assessment, the activities of the division and law enforcement agencies are to be clearly differentiated by the protocols of the multidisciplinary team.

(5) Nothing in this section is intended to be inconsistent with ORS 418.747, 418.748 and 418.749 and ORS chapter 419B.

(6) Upon receipt of an oral report of child abuse, the Child Protective Services Division or the law enforcement agency shall immediately conduct an initial assessment to determine whether abuse as defined in ORS 419B.005 has occurred.

(7) If a law enforcement agency conducting an investigation finds reasonable cause to believe that abuse has occurred, the law enforcement agency shall notify by oral report followed by written report the local office of the Child Protective Services Division.

(8) The Child Protective Services Division shall make reasonable efforts to prevent the out-of-home placement of a child by referring the case to local family support and family preservation agencies, unless the child is in imminent danger. In any case involving an Indian child, the division shall make active efforts to prevent such placement.

1 (9) If a child is taken into protective custody by the Child Protective Services Division,
 2 the division shall promptly ascertain the name and address of the child's parents or guardi-
 3 ans.

4 (10)(a) If a child is taken into protective custody by the division or a law enforcement
 5 agency, the division or agency shall advise the parents or guardians immediately, regardless
 6 of the time of day, that the child has been taken into custody, the reasons why the child has
 7 been taken into custody, general information about the child's placement and the telephone
 8 number and any after-hours telephone numbers of the division or agency office.

9 (b) Notice may be given by any means reasonably certain of notifying the parents or
 10 guardians, including but not limited to notification in person, by telephone or in writing. If
 11 the initial notification is not in writing, the information required by paragraph (a) of this
 12 subsection also shall be provided to the parents or guardians in writing as soon as possible.

13 (c) The division shall notify a noncustodial parent of the information required by para-
 14 graph (a) of this subsection immediately.

15 (d) The division shall notify the Family Group Conference Coordinator, as described in
 16 section 16 of this 1995 Act, immediately upon taking a child into protective custody. Such
 17 notice shall include the date, time and location of the preliminary hearing.

18 (e) If a child is taken into custody while under the care and supervision of a person or
 19 organization other than the parent, the division, if possible, shall immediately notify the
 20 person or organization that the child has been taken into protective custody.

21 (11) If the Child Protective Services Division or law enforcement agency, when taking a
 22 child into protective custody, has reasonable cause to believe that the child has been sexually
 23 abused as defined in ORS 419B.005 and that physical evidence of the abuse exists and is likely
 24 to disappear, the court may authorize a physical examination for the purpose of preserving
 25 evidence if the court finds that it is in the best interest of the child to have such an exam-
 26 ination. Nothing in this section affects the authority of the Child Protective Services Division
 27 to consent to physical examination at other times.

28 (12) A child 12 years of age or older may refuse to consent to the examination described
 29 in subsection (11) of this section.

30 (13) The examination shall be conducted by or under the supervision of a physician li-
 31 censed under ORS chapter 677 or a nurse practitioner licensed under ORS chapter 678 and,
 32 whenever practicable, trained in conducting such examinations.

33 (14) The Child Protective Services Division may not take a child into protective custody
 34 under this section unless the parent or guardian of the child consented, or the conditions
 35 of abuse as defined in ORS 419B.005 exist.

36 (15) If the court places a child in temporary custody with a relative, the citizens review
 37 board shall have jurisdiction to review such cases.

38 SECTION 9. ORS 419B.150 is amended to read:

39 419B.150. (1) A child may be taken into protective custody by a peace officer, counselor, em-
 40 ployee of the [Children's] Child Protective Services Division or any other person authorized by the
 41 juvenile court of the county in which the child is found, in the following circumstances:

42 [(1) Where the child's condition or surroundings reasonably appear to be such as to jeopardize the
 43 child's welfare; or]

44 (a) The child has or may suffer abuse, as defined in ORS 419B.005, and there is no readily
 45 available way to protect the child by restraining order, voluntary placement or other means;

1 or

2 (b) The child poses a danger to self or others and will continue to do so unless taken into
3 custody.

4 (2) A child may be taken into protective custody pursuant to subsection (1) of this section
5 when [where] the juvenile court, by order indorsed on the summons as provided in ORS 419B.271
6 or otherwise, has ordered that the child be taken into protective custody.

7 (3) A child may be taken into protective custody prior to the issuance of an order under
8 this section only if the following conditions exist:

9 (a) Immediate action is necessary to prevent the harm threatened; or

10 (b) The child will not remain within the reach of court process if not immediately taken
11 into protective custody.

12 SECTION 10. Sections 11, 13, 14 and 15 of this Act are added to and made a part of ORS
13 chapter 419B.

14 SECTION 11. (1) If the juvenile court issues an order of removal of a child, indorsed on
15 the summons as provided in ORS 419B.271, the order shall be obtained on affidavit, which
16 shall be submitted to a judicial officer within 24 standard hours, by a person described in
17 ORS 419B.150 (1). The affidavit shall state:

18 (a) Such specific facts, including but not limited to those of time, place, dates and person,
19 as to establish probable cause that one of the circumstances under ORS 419B.150 (1) exists;
20 and

21 (b)(A) What reasonable efforts have been made to maintain the child in the home; or

22 (B) Why it is unwarranted under the circumstances to make a reasonable effort prior to
23 removal of the child to maintain the child in the home or to place the child with relatives.

24 (2) Prior to issuing an order of removal pursuant to subsection (1) of this section, the
25 judicial officer shall consider the child's age and the degree of emotional abuse, as defined
26 in ORS 419B.005, that will be caused by separation from the child's parent or guardian, sib-
27 lings or other members of the child's household and shall balance that harm against that
28 which is alleged to justify the order of removal.

29 SECTION 12. ORS 419B.185 is amended to read:

30 419B.185. When the child is taken, or is about to be taken, into protective custody pursuant to
31 ORS 419B.160, 419B.165, 419B.168 and 419B.171 and placed in detention or shelter care, a parent or
32 child shall be given the opportunity to present evidence to the court at the hearings specified in
33 ORS 419B.183, and at any subsequent review hearing, that the child can be returned home without
34 further danger of suffering physical injury or emotional harm, endangering or harming others, or
35 not remaining within the reach of the court process prior to adjudication. At the hearing, [:]

36 [(1)] the court shall make a written finding as to whether:

37 (1) The court has jurisdiction of the case under ORS 419B.100;

38 (2) The Child Protective Services Division made contact with the family of the child and
39 if no contact was made with the family, the reason;

40 (3) The division has made reasonable efforts, considering the circumstances of the child and
41 parent, to prevent or eliminate the need for removal of the child from the home or to reunify the
42 family;

43 (4) The division has made a reasonable effort to place the child with the child's extended
44 family;

45 [(2)] (5) [In determining whether a child shall be removed or continued out of home, the court shall

1 consider whether] The provision by the local commission on children and families of reasonable
 2 and available services can prevent or eliminate the need to separate the family;

3 (6) The conditions stipulated in ORS 419B.150 were met;

4 [(3)] (7) [The court shall make a written finding in every order of removal that] It is in the best
 5 interest and for the welfare of the child that the child be removed from the home or continued in
 6 care; and

7 [(4)] (8) [The court shall determine whether] The child is an Indian child as defined in ORS
 8 419A.004 or in the applicable State-Tribal Indian Child Welfare Agreement.

9 SECTION 13. Any case that is not abuse as defined in ORS 419B.005 shall be referred by
 10 the assessing or investigating agency to the local commission on children and families.

11 SECTION 14. In all cases of abuse as defined in ORS 419B.005, the Child Protective Ser-
 12 vices Division shall first attempt to remove the alleged perpetrator from the home, with the
 13 removal of the child from the home as the last alternative to be considered.

14 SECTION 15. Any child taken into protective custody by the Child Protective Services
 15 Division based upon abuse as defined in ORS 419B.005 is the responsibility of the Child Pro-
 16 tective Services Division, which may contract with the local commissions on children and
 17 families for remedial services for the child under its protection. Services may include but are
 18 not limited to counseling, assessment, evaluation and substitute foster care. The Child Pro-
 19 tective Services Division must coordinate its services with the Family Group Conference
 20 Coordinator program established under section 16 of this 1995 Act to facilitate family reu-
 21 nification efforts while a child is under its protection, including a family service plan.

22 SECTION 16. (1) A Family Group Conference Coordinator program is established within
 23 the office of the State Court Administrator. The office shall oversee the Family Group
 24 Conference Coordinators.

25 (2) A Family Group Conference Coordinator shall be appointed by the court to a family
 26 during a hearing as described in ORS 419B.183.

27 (3) The Family Group Conference Coordinator shall:

28 (a) Be present at the hearing to meet the parents of the child upon notification by the
 29 Child Protective Services Division executing a protective custody action. If a parent is not
 30 present at the hearing, the coordinator shall meet with the parent as soon as possible;

31 (b) Contact extended family of the child in protective custody of the Child Protective
 32 Services Division;

33 (c) Arrange for a Family Group Conference as described in section 17 of this Act; and

34 (d) Coordinate delivery of services through existing state and local government programs
 35 and local commissions on children and families.

36 (4) The coordinator shall be immune from any criminal prosecution or civil liability for
 37 or resulting from any act or omission done or made while engaging in duties done pursuant
 38 to this section and section 17 of this Act.

39 SECTION 17. (1) The Family Group Conference Coordinator shall arrange a Family Group
 40 Conference within 15 days after the preliminary hearing.

41 (2) Prior to the Family Group Conference, the Family Group Conference Coordinator
 42 shall:

43 (a) Meet with the parents of the child to identify the support system of the child;

44 (b) Contact as many extended family members of the child as possible and invite the
 45 family members to the Family Group Conference;

1 (c) Work with the family of the child to determine what resource guests should be
2 available to the family during the Family Group Conference, and invite those resource guests
3 to the Family Group Conference; and

4 (d) Determine, in conjunction with law enforcement agencies and the Child Protective
5 Services Division, which family members are to be denied attendance at the Family Group
6 Conference due to substantiated risk.

7 (3) A Family Group Conference shall consist of three phases:

8 (a) Phase one includes all family members of the child, including any child 12 years of
9 age or older who wishes to attend, or any child 12 years of age or younger whom the Family
10 Group Conference Coordinator allows to participate, or the child's court-appointed repre-
11 sentative, and invited resource guests such as police, court appointed special advocates,
12 State Commission on Children and Families representatives, caseworkers, community re-
13 sources, members of the multidisciplinary teams and others who can directly contribute to
14 the needs of the child and family. During this phase, the coordinator invites the resource
15 guests to work with the family to identify strengths and issues of concern, offer resources
16 to address the issues and answer questions the family may have regarding the family's
17 options;

18 (b) Phase two of the Family Group Conference includes only the family members, the
19 coordinator, unanimously approved family friends, and the child's court-appointed represen-
20 tative. All resource guests, including the Child Protective Services Division representatives,
21 police and adult family member legal representation shall not be present during this phase
22 in order to allow the family to develop a plan for the health, education and safety of the
23 child, which can include resources enumerated in phase one of the Family Group Conference;
24 and

25 (c) Phase three is when the family reaches agreement and invites all the resource guests
26 from phase one of the Family Group Conference to discuss the plan. The coordinator shall
27 appoint a family member as executor of the plan.

28 (4)(a) Unless there is written consent of the party in the Family Group Conference whose
29 materials or communications are affected, Family Group Conference communications shall
30 be confidential. With the exception of the plan itself, all memoranda, work products and
31 other materials contained in the case files of the coordinator are confidential without written
32 consent.

33 (b) The coordinator shall not be compelled to testify in any civil proceeding concerning
34 information divulged during the Family Group Conference.

35 (5) The Child Protective Services Division shall support the family group plan unless the
36 plan does not protect the child from continued abuse as defined in ORS 419B.005. The family
37 shall have the duration of the initial temporary shelter placement order to create an ac-
38 ceptable plan.

39 (6) The plan shall be approved by the court. The Family Group Conference Coordinator
40 shall advocate for the plan. The Child Protective Services Division may state any objections
41 to the plan in court. The coordinator shall not be considered to be a legal party and is not
42 entitled to counsel. If no plan meets the requirements of protecting the child from continued
43 abuse or neglect in the determination of the Child Protective Services Division and the co-
44 ordinator, the Child Protective Services Division may continue substitute foster care.

45 (7) Alleged perpetrators of sexual abuse, physical abuse or emotional abuse, as defined

1 in ORS 419B.005; or other members of the extended family whom the Family Group Confer-
 2 ence Coordinator deems an undue risk to the success of the Family Group Conference, after
 3 researching all available resources, may not attend a Family Group Conference. However,
 4 any family member excluded by the Family Group Conference Coordinator may contribute
 5 to the Family Group Conference through written communication. The Family Group Con-
 6 ference Coordinator may remove any Family Group Conference participant who is hindering
 7 the process of the Family Group Conference.

8 (8) Any successful Family Group Conference may be reconvened upon the written notifi-
 9 cation of at least two participants to all members of the Family Group Conference, the Child
 10 Protective Services Division and the Family Group Conference Coordinator in order to review
 11 the plan and to make new recommendations.

12 (9) In all Family Group Conferences, any state officer that is participating as a resource
 13 guest shall disclose to the family any public documents and any other information or docu-
 14 ments the Family Group Conference Coordinator deems important to the success of the
 15 Family Group Conference.

16 (10) Before participating in a Family Group Conference, each participant shall swear or
 17 affirm to keep confidential the information disclosed by the Family Group Conference Coor-
 18 dinator and to disclose such information only as authorized by law.

19 (11) The Child Protective Services Division shall provide a resource and conflict resol-
 20 ution brochure to families. The Child Protective Services Division shall consult with the
 21 State Commission on Children and Families, multidisciplinary teams and juvenile justice
 22 representatives to provide the brochure.

23 (12) Nothing in this section is intended to diminish the Child Protective Services Divi-
 24 sion's authority to protect children from abuse as defined in ORS 419B.005.

25 SECTION 18. ORS 418.001 is amended to read:

26 418.001. As used in ORS 418.003 to 418.030: []

27 (1) "Child" or "juvenile" means an individual under [21] 18 years of age.

28 (2) "Family member" means any person related by blood, marriage or adoption to the
 29 child, including but not limited to a grandparent, stepparent, aunt, uncle, sister, brother,
 30 cousin, second cousin, great grandparent, great aunt or great uncle.

31 SECTION 19. ORS 418.005 is amended to read:

32 418.005. (1) In order to establish, extend and strengthen welfare services for the protection and
 33 care of homeless, dependent or neglected children or children in danger of becoming delinquent, the
 34 [Children's] Child Protective Services Division may:

35 (a) Make all necessary rules and regulations for administering child welfare services under this
 36 section.

37 (b) Accept and disburse any and all federal funds made available to the State of Oregon for child
 38 welfare services. The division shall disburse any and all funds that are for services not pro-
 39 vided by the division.

40 (c) Make such reports in such form and containing such information as may from time to time
 41 be required by the Federal Government and comply with such provisions as may from time to time
 42 be found necessary to [insure] ensure correctness and verification of such reports.

43 (d) Cooperate with medical, health, nursing and welfare groups and organizations and with any
 44 agencies in the state providing for protection and care of homeless, dependent or neglected children
 45 or children in danger of becoming delinquent.

1 (e) Cooperate with the United States Government or any of its agencies in administering the
2 provisions of this section.

3 (2) In addition to the advisory committees established under ORS 423.320 and 657A.500 to
4 657A.530, there is created an advisory committee which shall consist of 21 members to advise the
5 [Children's] Child Protective Services Division on the development and administration of the poli-
6 cies, programs and practices of the division. Members shall be appointed by and serve at the pleas-
7 ure of the assistant director of the division.

8 (a) Advisory committee membership shall include representatives of other state agencies con-
9 cerned with services, representatives of professional, civic or other public or private organizations,
10 private citizens interested in service programs, and recipients of assistance or service or their rep-
11 resentatives.

12 (b) Members of the advisory committee shall receive no compensation for their services. Mem-
13 bers of the advisory committee other than members employed in full-time public service shall be
14 reimbursed for their actual and necessary expenses incurred in the performance of their duties by
15 the [Children's Services] division. Such reimbursements shall be subject to the provisions of ORS
16 292.210 to 292.288. Members of the advisory committee who are employed in full-time public service
17 may be reimbursed for their actual and necessary expenses incurred in the performance of their
18 duties by their employing agency.

19 (c) The advisory committee shall meet at least once every three months.

20 (3) Subject to the allotment system provided for in ORS 291.234 to 291.260, the division may
21 expend the amounts necessary to carry out the purposes and administer the provisions of this sec-
22 tion.

23 SECTION 20. ORS 419B.337 is amended to read:

24 419B.337. (1) Where a child has been found to be within its jurisdiction, and when the court
25 determines it would be in the best interest and for the welfare of the child, the court may place the
26 child in the legal custody of the [Children's] Child Protective Services Division for care, placement
27 and supervision. When the court enters an order removing a child from the child's home or an order
28 continuing care, the court shall make a written finding as to whether:

29 (a) Removal of the child from the child's home or continuation of care is in the best interest and
30 for the welfare of the child; and

31 (b) Reasonable efforts, considering the circumstances of the child and parent, have been made
32 to prevent or eliminate the need for removal of the child from the home or to make it possible to
33 reunify the family.

34 (2) When the Family Group Conference under section 17 of this 1995 Act yields no ac-
35 ceptable plan and the Child Protective Services Division places the child in nonrelative foster
36 care, either temporary or otherwise, the court shall make a written finding that states the
37 reasons for not placing the child with a family member.

38 [(2)] (3) The court may specify the particular type of care, supervision or services to be provided
39 by the [Children's Services] division to children placed in the division's custody and to the parents
40 or guardians of such children, but the actual planning and provision of such care, supervision or
41 services shall be the responsibility of the [Children's Services] division. The division may place the
42 child in a child care center authorized to accept the child.

43 [(3)] (4) Uniform commitment blanks, in a form approved by the Assistant Director for Children's
44 Services, shall be used by all courts for placing children in the legal custody of the [Children's
45 Services] division.

1 [(4)] (5) If the child has been placed in the custody of the [*Children's Services*] division, the court
 2 shall make no commitment directly to any residential facility, but shall cause the child to be deliv-
 3 ered into the custody of the [*Children's Services*] division [*at the time and place fixed by rules of the*
 4 *division*]. No child so committed shall be placed in a Department of Corrections institution.

5 SECTION 21. ORS 419B.349 is amended to read:

6 419B.349. Commitment of a child to the [*Children's*] Child Protective Services Division does not
 7 terminate the court's continuing jurisdiction to protect the rights of the child or the child's parents
 8 or guardians. Notwithstanding ORS 419B.337 [(3)] (4), if upon review of a placement of a child made
 9 by the [*Children's Services Division*] Child Protective Services Division, the court determines that
 10 the placement is so inappropriate as to violate the rights of the child or the child's parents or
 11 guardians the court may direct the [*Children's Services Division*] Child Protective Services Divi-
 12 sion to place the child in a specific type of residential placement, but the actual [*planning and*]
 13 placement of the child shall be the responsibility of the [*Children's Services Division*] Child Pro-
 14 tective Services Division. Nothing in this section affects any contractual right of a private agency
 15 to refuse or terminate a placement.

16 SECTION 22. (1) The initial petition shall be adjudicated. If a child is removed from the
 17 home, the burden rests on the state to prove that the child should remain out of the home
 18 for one year after the hearing is held pursuant to ORS 419B.310. At the end of the year, the
 19 burden rests on the parents to prove that permanent placement and termination of parental
 20 rights is not warranted based upon lack of progress through reunification efforts.

21 (2) Should the court determine at the end of one year that conditions warrant permanent
 22 placement and termination of parental rights, a Family Group Conference shall be held
 23 within four months to determine whether a long-term permanent plan for the child can be
 24 agreed upon.

25 (3) If the Family Group Conference cannot determine acceptable long-term permanent
 26 plans for the child that continue to maintain the health, education and safety of the child,
 27 the Child Protective Services Division shall establish plans for the permanent placement of
 28 the child.

29 (4) When a child under the jurisdiction of the Child Protective Services Division is re-
 30 turned to the family, the Family Group Conference Coordinator shall ensure that the child
 31 and family are referred to a local commission on children and families.

32 SECTION 23. ORS 417.775 is amended to read:

33 417.775. (1) The main purpose of the local commission is to promote wellness for the children
 34 and families in the county or region and to develop policy and oversee the implementation of the
 35 local plan developed to achieve the outcomes outlined in subsection (2) of this section.

36 (2) The local commission shall assess needs and identify county or regional outcomes to be
 37 achieved. It shall develop and prepare a comprehensive area-wide service delivery plan for each
 38 biennium for all services to be provided for children and families in the county or region during the
 39 biennium. The local plan shall be designed to achieve state and county or regional outcomes, in-
 40 cluding the Oregon benchmarks, based on state guidelines and to maintain a level of services con-
 41 sistent with state and federal requirements.

42 (3) The local commission shall prepare the county or regional plan and application for funds to
 43 implement ORS 417.705 to 417.790 and 419A.170. The plans, policies and proposed service delivery
 44 systems shall be submitted to the board or boards of county commissioners for approval prior to
 45 submission to the state commission. The county or regional plan shall be based on identifying the

1 most effective service delivery system allowing for the continuation of current public and private
2 programs where appropriate. The local commission shall monitor progress of key outcomes related
3 to the county or regional plan.

4 (4) The plan shall include:

5 (a) Subject to the availability of funds:

6 (A) Consideration of prenatal and postnatal screening, assessment and referral to the appropri-
7 ate services for at-risk children and families, including home visitations and health care, to promote
8 the wellness of the child at the earliest possible time and also include consideration of crisis nurs-
9 eries; and

10 (B) Services to children who are newborn through 18 years of age and their families; and

11 (b) A list of staff positions budgeted to support the local commission on children and families.
12 The list shall indicate the status of each position as a percentage of full-time equivalency dedicated
13 to the implementation of the plan. The county board or boards of commissioners shall be responsible
14 for providing the level of staff support detailed in the plan and shall [insure] ensure that funds
15 provided for these purposes are used exclusively to carry out the plan.

16 (5) The plan shall be based on:

17 (a) Children's support areas;

18 (b) Local needs and desired outcomes;

19 (c) Local, state and federal resources;

20 (d) Best practices for the specific community; and

21 (e) Continuation of current public and private services where appropriate.

22 (6) In developing the local comprehensive plan, the local commission shall:

23 (a) Secure the active participation of local and state service providers, educators, courts, rep-
24 resentatives of advisory groups and other groups planning for the delivery of services to children
25 and families, consumers, juvenile justice professionals, child and family advocates, business leaders,
26 citizen review boards, churches, populations representing a diversity of genders, cultures, orien-
27 tations and disabilities of the county or region, and other private organizations and citizens;

28 (b) Include the Family Group Conference Coordinator as a resource;

29 [(b)] (c) Provide for community participation in the planning process, including media notifica-
30 tion;

31 [(c)] (d) Conduct an assessment of the community that identifies needs and strengths;

32 [(d)] (e) Identify opportunities for service integration;

33 [(e)] (f) Develop a comprehensive plan and budget to meet the priority needs of a county or re-
34 gion;

35 [(f)] (g) Inform the citizenry about the contents of the plan and provide for a public review and
36 comment period; and

37 [(g)] (h) Develop a method for evaluating service outcomes.

38 (7) The State Commission on Children and Families may disapprove a local plan in whole or in
39 part only upon making specific findings that the local plan substantially fails to conform to the
40 principles, characteristics and values identified in ORS 417.710 to 417.725. If the state commission
41 disapproves a local plan in whole, the state commission shall identify with particularity the manner
42 in which the local plan is deficient. If the state commission disapproves only part of the plan, the
43 remainder of the plan may be implemented. The staff of the state commission shall assist in reme-
44 dying the deficiencies in the local plan. The state commission shall set a date by which the local
45 plan or the deficient portion thereof shall be revised and resubmitted.

1 (8) If a local commission determines that the needs of the county or region it serves differ from
 2 those identified by the state commission, it may ask the state commission to waive specific re-
 3 quirements in its list of children's support areas. The process for granting waivers shall be devel-
 4 oped by the state commission prior to the start of the plan approval process and shall be based
 5 primarily on a determination of whether the absence of a waiver would prevent the local commission
 6 from best meeting the needs of the county or region.

7 (9) From time to time, the local commission may amend the local plans and applications for
 8 funds to implement ORS 417.705 to 417.790 and 419A.170 upon approval of the board or boards of
 9 county commissioners and the State Commission on Children and Families.

10 (10) The local commission shall provide an opportunity for public and private contractors to
 11 review the components of the plan, to receive notice of any component that the county intends to
 12 provide through a county agency and to comment publicly to the county board of commissioners if
 13 they disagree with the proposed service delivery plan.

14 SECTION 24. ORS 430.021 is amended to read:

15 430.021. Subject to ORS 417.300 and 417.305:

16 (1) The Mental Health and Developmental Disability Services Division is responsible for the
 17 administration of the state mental health and developmental disabilities programs and the mental
 18 health and developmental disabilities laws of the state.

19 (2) The division shall direct, promote, correlate and coordinate all the activities, duties and di-
 20 rect services for the mentally or emotionally disturbed, mentally retarded and developmentally dis-
 21 abled, alcoholic and drug-dependent persons and for families requiring family support services as
 22 described in ORS 417.342 and 417.344; and promote, correlate and coordinate the mental health and
 23 developmental disabilities activities of all governmental organizations throughout the state in which
 24 there is any direct contact with mental health and developmental disabilities programs.

25 (3) The division shall develop cooperative programs with interested private groups throughout
 26 the state to effect better community awareness and action in the field of mental health and devel-
 27 opmental disabilities, and encourage and assist in all necessary ways community general hospitals
 28 to establish psychiatric services.

29 (4) To the greatest extent possible, the least costly settings for treatment, outpatient services
 30 and residential facilities shall be widely available and utilized except when contraindicated because
 31 of individual health care needs. State agencies that purchase treatment for mental or emotional
 32 disturbances shall develop criteria consistent with this policy in consultation with the Mental
 33 Health and Developmental Disability Services Division and the office of the director. In reviewing
 34 applications for certificates of need, the director shall take this policy into account.

35 (5) The division shall establish, coordinate, assist and direct a community mental health and
 36 developmental disabilities program in cooperation with local government units and integrate such
 37 a program with the total state mental and developmental disabilities health program.

38 (6) The division shall promote public education in the state concerning mental health and de-
 39 velopmental disabilities and act as the liaison center for work with all interested public and private
 40 groups and agencies in the field of mental health and developmental disabilities services.

41 (7) The division shall accept the custody of persons committed to its care by the courts of this
 42 state.

43 (8) The division shall be responsible for psychiatric residential and day treatment services
 44 for children and specialized services for children with severe cognitive, physical and medical
 45 impairments.

SECTION 25. ORS 417.760 is amended to read:

417.760. (1) The board of county commissioners of a county or the boards of county commissioners of contiguous counties that *[agree to]* appoint a regional commission:

(a) Shall appoint a chairperson and a minimum of eight members to a local commission for children and families in the manner described in ORS 417.765.

(b) Shall appoint a local staff director. The staff director shall hire and supervise any other support staff necessary for operation of the local commission. The staff director and staff are subject to county personnel policies and other administration policies and ordinances. The staff director shall be responsible for all management functions of the local commission.

(c) Must approve the local plan before it may be submitted to the State Commission on Children and Families. If the local plan has been revised or is amended, the revised or amended plan must be submitted to the board or boards for approval before it is submitted to the state commission.

(2) The board or boards of county commissioners must approve any transfer of responsibility for a state service and its funding to a local commission.

(3) Funds payable to implement local plans shall be paid to the county. The board or boards of county commissioners are responsible for the expenditure of such funds subject to county budget and fiscal operating procedures.

SECTION 26. Section 28, chapter 676, Oregon Laws 1993, is amended to read:

Sec. 28. [(1) Effective July 1, 1995, the State Office for Services to Children and Families shall be responsible for child protective services, close custody services, foster care, residential care for children and adoption services and other entitlement programs currently administered by the Children's Services Division.]

[(2) The Mental Health and Developmental Disability Services Division shall be responsible for psychiatric residential and day treatment services for children and specialized services for children with severe cognitive, physical and medical impairments.]

[(3) Notwithstanding subsection (1) of this section, beginning on the effective date of this Act,] The Department of Human Resources and the State Commission on Children and Families may agree to establish pilot programs in counties that are capable of handling the program to administer foster care programs under the department's jurisdiction. The pilot program must be accepted by the board of county commissioners in the comprehensive local plan. The pilot program shall be subject to federal requirements and the restrictions agreed upon between the department and the county where the pilot program is located.

SECTION 27. ORS 418.782 is amended to read:

418.782. As used in ORS 418.780 to 418.796:

(1) "Child abuse" means "abuse" as defined by ORS 419B.005 [(1)(a) to (f)].

(2) "Community assessment center" means a community-based center to which a child may be referred to receive a medical assessment for the purpose of determining whether the child has been abused or neglected.

(3) "Regional assessment center" means a neutral, child-sensitive center where a child may be referred to receive a thorough assessment consisting of a medical evaluation and a videotaped interview by trained professionals for the purpose of determining whether the child has been abused. In addition, a regional assessment center provides education, training and technical assistance for community assessment centers.

SECTION 28. ORS 336.580 is amended to read:

336.580. (1) Every child at a youth care center, as defined in ORS 420.855, *[which]* that is op-

1 erated by a private agency, is entitled to receive appropriate education suited to the needs of the
 2 child in the least restrictive environment in which the child can function until the child is no longer
 3 of compulsory school age or receives a high school diploma or an equivalent.

4 (2) The district shall develop an educational plan for the children in the youth care center in
 5 consultation with the director of the center. The plan shall be submitted to the Department of Ed-
 6 ucation annually. In the second and subsequent years, the district also shall report on the operation
 7 of the previous year's plan in such detail as the State Board of Education shall specify by rule.

8 (3) Payments from the Department of Education from funds appropriated specifically for this
 9 section shall be distributed on a per capita basis according to the number of children for whom the
 10 [Children's Services Division or the State Office for Services to Children and Families] Child Pro-
 11 tective Services Division contracts for care and rehabilitation under ORS 420.855 to 420.885.

12 (4) In order to be eligible for any funds under subsection (3) of this section, an attending district
 13 must provide education leading to a diploma or equivalent.

14 (5) The Superintendent of Public Instruction shall have the authority to enforce the provisions
 15 of ORS 336.575, 339.137 and this section. If a district fails to comply, the superintendent shall find
 16 the district deficient and shall apply the penalty provided in ORS 327.103.

17 (6) The State Board of Education shall adopt rules to implement this section.

18 (7) Nothing in this section limits or otherwise applies to educational rights of children in youth
 19 care centers operated by public agencies.

20 SECTION 29. ORS 339.147 is amended to read:

21 339.147. (1)(a) Notwithstanding ORS 339.141, no district school board shall require tuition for
 22 courses not part of the regular school program, except for driver instruction, from a pupil who is
 23 a member of a low-income family in an amount in excess of what the low-income family may receive
 24 as money specifically to be used for payment of such tuition.

25 (b) As used in this subsection, "low-income family" means a family whose children qualify for
 26 free or reduced price school meals under a federal program, including but not limited to the Na-
 27 tional School Lunch Act and the Child Nutrition Act of 1966, and all their subsequent amendments.

28 (2) A family that does not qualify under subsection (1) of this section but believes the payment
 29 of school tuition is a severe hardship may request the district school board to waive in whole or in
 30 part the payment of such tuition.

31 (3) Any parent or guardian who believes that payment of any fee authorized under ORS 339.155
 32 is a severe hardship may request the district school board to waive payment of the fee and the board
 33 shall waive in whole or in part the fee upon a finding of hardship. Consideration shall be given to
 34 any funds specifically available to the parent, guardian or child for the payment of fees or other
 35 school expenses.

36 (4) No district school board shall impose or collect fees authorized under ORS 339.155 from any
 37 student who is a ward of a juvenile court or of [the Children's Services Division or the State Office
 38 for Services to Children and Families] the Child Protective Services Division unless funds are
 39 available therefor in the court's[office's] or division's budget.

40 (5) No district school board is required to waive any fee imposed under ORS 339.155 (5)(a) or (d).

41 SECTION 30. ORS 339.505 is amended to read:

42 339.505. (1) For purposes of the student accounting system required by ORS 339.515, the follow-
 43 ing definitions shall be used:

44 (a) "Graduate" means an individual who has not reached 21 years of age or whose 21st birthday
 45 occurs during the current school year; has met all state requirements and local requirements for

1 attendance, competence and units of credit for high school; and has received one of the following:

2 (A) A high school diploma issued by a school district.

3 (B) An adult high school diploma issued by an authorized community college.

4 (C) A modified high school diploma based on the successful completion of an individual educa-
5 tion plan.

6 (b) "School dropout" means an individual who:

7 (A) Has enrolled for the current school year, or was enrolled in the previous school year and
8 did not attend during the current school year;

9 (B) Is not a high school graduate; and

10 (C) Has withdrawn from school.

11 (c) "School dropout" does not include a student described by at least one of the following:

12 (A) Student has transferred to another educational system or institution that leads to graduation
13 and the school district has received a written request for the transfer of the student's records or
14 transcripts.

15 (B) Student is deceased.

16 (C) Student is participating in home instruction paid for by the district.

17 (D) Student is being taught by a private teacher or parent pursuant to ORS 339.030 (3).

18 (E) Student is participating in a Department of Education approved public or private education
19 program, including an alternative education program, a Department of Human Resources facility or
20 a hospital education program.

21 (F) Student is temporarily residing in a juvenile detention facility or a [*Children's Services Di-*
22 *vision or State Office for Services to Children and Families*] Child Protective Services Division
23 certified shelter care program.

24 (G) Student is enrolled in a foreign exchange program.

25 (H) Student is temporarily absent from school because of suspension, a family emergency, or
26 severe health or medical problems which prohibit the student from attending school.

27 (2) The State Board of Education shall prescribe by rule when an unexplained absence becomes
28 withdrawal, when a student is considered enrolled in school, acceptable alternative programs under
29 ORS 336.615 to 336.665 and the standards for excused absences for purposes of ORS 339.065 for
30 family emergencies and health and medical problems.

31 SECTION 31. ORS 417.735 is amended to read:

32 417.735. (1) The State Commission on Children and Families shall promote the wellness of chil-
33 dren and families at the state level and shall act in accordance with the principles, characteristics
34 and values identified in ORS 417.710 to 417.725. The state commission shall provide no direct ser-
35 vices, but shall be responsible for statewide planning, standards setting and policy development for
36 services to children and families provided by the local commissions.

37 (2) Funds for local commissions shall consist of federal entitlement programs authorized by
38 the federal Social Security Act and other payments from moneys appropriated therefor to the
39 State Commission on Children and Families by the Legislative Assembly. The state commission shall
40 develop an equitable formula for the distribution of funds to counties or regions for services to
41 children and families, and a minimum annual grant shall be provided to each county or region.

42 (3) The state commission shall:

43 (a) Adopt goals and priorities for serving children and families;

44 (b) Determine which services[*excluding those identified in section 28 (1) and (2), chapter 676,*
45 *Oregon Laws 1993,*] may be transferred to the local commissions on children and families based on

1 consultation with appropriate state agencies and each local commission during its planning process.
 2 Responsibility for services to children and families shall be transferred to a local commission at the
 3 request of the board or boards of county commissioners of a county or region and after a finding
 4 by the state commission that the county or region has a comprehensive and competent plan for de-
 5 livery of services which focuses on prevention and is integrated with all services to children and
 6 families;

7 (c) Be responsible for statewide planning, outcome standard setting and policy development for
 8 service to children and families in consultation with appropriate state and local agencies and local
 9 commissions;

10 (d) Advise the Legislative Assembly and the Governor concerning possible solutions to problems
 11 facing children and families;

12 (e) Identify outcomes relating to children and families for incorporation in the Oregon
 13 benchmarks;

14 (f) Determine a list of children's support areas that local commissions must address and assure
 15 that each local plan identifies which entities will be responsible for implementing segments of the
 16 plan;

17 (g) Review and approve or deny local plans after a review and comment period and following a
 18 public hearing;

19 (h) Assure that all services for children and families are integrated and evaluated according to
 20 their outcomes;

21 *[(i) By January 1, 1995, recommend to the Legislative Assembly what additional proposals of "A*
 22 *Positive Future for Oregon's Children and Families" by the 1991-1992 Oregon Children's Care Team*
 23 *Interim Task Force should be undertaken;]*

24 *[(j)]* (i) By January 1, 2000, implement other recommendations of "A Positive Future for Oregon's
 25 Children and Families";

26 *[(k)]* (j) Establish a uniform system of reporting and collecting statistical data from counties and
 27 other agencies serving children and families;

28 *[(L)]* (k) In conjunction with the Department of Human Resources, educate, inform and give
 29 technical assistance to local commissions about federal and state laws, regulations and rules, and
 30 changes therein, governing the use of federal and state funds; and

31 *[(m)]* (L) Make recommendations to the Commission for Child Care for the development of the
 32 state's biennial child care plan.

33 (4) The state commission, in coordination with the local commissions on children and families,
 34 shall:

35 (a) Assist the local commissions in the development and implementation of performance and
 36 outcome criteria for evaluating services at the local level;

37 (b) Monitor the progress in meeting criteria in the local plans;

38 (c) In coordination with the Department of Human Resources or other appropriate state agency,
 39 provide technical assistance to the local commissions in developing the capacity needed to offer all
 40 services funded in the approved local plan;

41 (d) Conduct research and disseminate information to local commissions on children and families;

42 (e) Negotiate federal waivers, plan amendments and expansion of existing programs au-
 43 thorized by a statewide plan, for programs authorized by the federal Social Security Act and
 44 other federal laws to include state and local commission programs and activities in consulta-
 45 tion with the Department of Human Resources;

(f) Transfer state and federal funds to the local commission upon approval of its local plan. In those cases where two or more counties have combined to deliver services, the counties shall not receive less as a group than they would have received if each county had participated separately; and

(g) Develop a process for reviewing requests for waivers from requirements of the state commission. Requests for waivers shall be granted or denied as a part of the plan approval process.

(5) The state commission shall employ a staff director who shall be responsible for hiring and supervising any additional personnel necessary to assist the state commission in performing its duties. The director shall represent the state commission on the Oregon Coordinating Council for Children and Families. The staff shall be responsible for management functions of the state commission subject to policy direction by the state commission.

(6) To the extent that federal funding is not jeopardized, the State Commission on Children and Families shall enter into an interagency agreement with the Department of Human Resources in which they agree on a system to:

(a) Distribute all Title XX Social Services Block Grant funds on and after July 1, 1995;

(b) [Insure] In consultation with the Department of Human Resources, ensure that federal and state requirements are met for federal funds administered by the state commission; and

(c) Carry out the necessary auditing, monitoring and information requirements for federal funds distributed by the state commission.

(7) In addition to the authority under subsection (4)(f) of this section, the state commission may direct the Department of Human Resources or the appropriate state department providing services for children and families, as defined in ORS 417.705, to negotiate federal waivers, plan amendments and expansion of existing programs authorized by a statewide plan. If the Department of Human Resources or any other state agency does not pursue a federal waiver recommended by the state commission, the state commission may ask the governor to direct the Department of Human Resources or other state agency to apply for and negotiate the waiver or plan amendment.

(8) If the Department of Human Resources or any other state agency refuses to distribute state or federal funds as requested by the state commission, the state commission may ask the Governor to direct the Department of Human Resources or other state agency to distribute the funds.

(9) The programs shall be funded as fully as possible by Title XX of the federal Social Security Act. The community programs and services funded by local commissions shall be paid for by federal entitlement programs authorized by the federal Social Security Act and other payments from moneys appropriated therefor to the State Commission on Children and Families by the Legislative Assembly, consistent with the terms and conditions of the block grant program and the local plans that reflect community priorities established by the local planning process.

(10) In conjunction with the Department of Human Resources, the state commission, as soon as possible, shall develop a plan to re-engineer and integrate the data processing systems related to children's programs with the objective of making management information more accessible. The state commission shall make regular presentations to the Joint Legislative Committee on Information Management and Technology on its progress in developing and implementing the plan.

(11) Before each regular session of the Legislative Assembly, the state commission shall report to the Governor and to the appropriate joint interim committee as determined by the Speaker of the House of Representatives and the President of the Senate the following:

(a) The status of the children's service system in all counties;

(b) The progress in service areas provided by the state;

- 1 (c) Services identified for funding at or transfer to the local level;
- 2 (d) Services identified to stay at the state level; and
- 3 (e) The status of integration of service delivery for children and families with the Department
- 4 of Education.

5 [(12) If it is necessary for any interagency agreements to be executed between the Department of
6 Human Resources and the State Office for Services to Children and Families, the agreements shall be
7 executed no later than July 1, 1995.]

8 [(13)(a)] (12)(a) The state commission may solicit, accept and receive federal moneys or moneys
9 or other property from persons or corporations, public or private, for the purpose of carrying out
10 the provisions of ORS 417.705 to 417.790 and 419A.170.

11 (b) All federal moneys collected or received under paragraph (a) of this subsection shall be ac-
12 cepted and transferred or expended by the state commission upon such terms and conditions as are
13 prescribed by the Federal Government.

14 (c) All moneys and other property accepted by the state commission under this subsection shall
15 be transferred, expended or used upon such terms and conditions as are prescribed by the donor in
16 a manner consistent with applicable law.

17 SECTION 32. ORS 419A.170 is amended to read:

18 419A.170. (1) In every case involving an abused or neglected child which results in a judicial
19 proceeding in juvenile court, the court shall appoint a court appointed special advocate. The court
20 appointed special advocate shall be deemed a party in these proceedings, and in the furtherance
21 thereof, may be represented by counsel, file pleadings and request hearings and may subpoena, ex-
22 amine and cross-examine witnesses. If the court appointed special advocate is represented by coun-
23 sel, counsel shall be paid from funds available to the Court Appointed Special Advocate Volunteer
24 Program. No funds from the State Indigent Defense Fund or Judicial Department operating funds
25 shall be used for this purpose.

26 (2) Subject to the direction of the court, the duties of the court appointed special advocate shall
27 be to:

- 28 (a) Investigate all relevant information about the case;
- 29 (b) Advocate for the child, assuring that all relevant facts are brought before the court;
- 30 (c) Facilitate and negotiate to [insure] ensure that the court, [*Children's Services Division or*
31 *State Office for Services to Children and Families*] the Child Protective Services Division, if ap-
32 plicable, and the child's attorney, if any, fulfill their obligations to the child in a timely fashion; and
- 33 (d) Monitor all court orders to [insure] ensure compliance and to bring to the court's attention
34 any change in circumstances that may require a modification of the court's order.

35 (3) If a juvenile court does not have available to it a CASA Volunteer Program, or a sufficient
36 number of qualified CASA volunteers, the court may, in fulfillment of the requirements of this sec-
37 tion, appoint a juvenile department employee or other suitable person to represent the child's in-
38 terest in court pursuant to ORS 419A.012 or 419B.195.

39 (4) Any person appointed as a court appointed special advocate in any judicial proceeding on
40 behalf of the child shall be immune from any liability for defamation or statements made in good
41 faith by that person, orally or in writing, in the course of the case review or judicial proceeding.

42 (5) Any person appointed as a court appointed special advocate, CASA Volunteer Program di-
43 rector, CASA Volunteer Program employee or member of the board of directors or trustees of any
44 CASA Volunteer Program shall be immune from any liability for acts or omissions or errors in
45 judgment made in good faith in the course or scope of that person's duties or employment as part

1 of a CASA Volunteer Program.

2 (6) Whenever the court appoints a court appointed special advocate or other person under sub-
3 sections (1) to (3) of this section to represent the child, it may require a parent, if able, or guardian
4 of the estate, if the estate is able, to pay, in whole or in part, the reasonable costs of CASA services
5 including reasonable attorney fees. The court's order of payment shall be enforceable in the same
6 manner as an order of support under ORS 419B.408.

7 (7) Upon presentation of the order of appointment by the court appointed special advocate, any
8 agency, hospital, school organization, division or department of the state, doctor, nurse or other
9 health care provider, psychologist, psychiatrist, police department or mental health clinic shall per-
10 mit the court appointed special advocate to inspect and copy any records relating to the child or
11 children involved in the case, without the consent of the child or children or parents.

12 (8) All records and information acquired or reviewed by a court appointed special advocate
13 during the course of official duties shall be deemed confidential under ORS 419A.255.

14 (9) For the purposes of a Child Abuse Prevention and Treatment Act (42 U.S.C. § 5101 et seq.)
15 grant to this state under Public Law No. 93-247, or any related state or federal legislation, a court
16 appointed special advocate or other person appointed pursuant to subsections (1) to (3) of this sec-
17 tion shall be deemed a guardian ad litem to represent the interests of the minor in proceedings be-
18 fore the court. Any provisions of this section and ORS 419B.035 and 419B.045 which shall cause this
19 state to lose federal funding shall be considered null and void.

20 (10) There is created a Court Appointed Special Advocate (CASA) Fund in the General Fund.
21 The fund shall consist of all moneys credited thereto. Moneys appropriated to the Court Appointed
22 Special Advocate Fund by this section and ORS 419B.035 and 419B.045 may be used only to carry
23 out the purposes of this section. The State Commission on Children and Families may apply for and
24 receive funds from federal and private sources for carrying out the provisions of this section and
25 ORS 419B.035 and 419B.045.

26 (11) The state commission may expend moneys from the Court Appointed Special Advocate Fund
27 directly or indirectly through contracts or grants for the creation, supervision and operation of
28 CASA Volunteer Programs statewide in accordance with the provisions of ORS 423.310 to 423.350.
29 The commission may also expend moneys from the Court Appointed Special Advocate Fund to pay
30 the reasonable costs of its administration of the Court Appointed Special Advocate Fund. The com-
31 mission shall adopt rules for carrying out its responsibilities under this section and ORS 419B.035
32 and 419B.045.

33 SECTION 33. ORS 420.017 is amended to read:

34 420.017. (1) The [*Children's Services Division or the State Office for Services to Children and*
35 *Families*] **Child Protective Services Division** shall develop annually a plan for diversion of delin-
36 quent youth from commitment to the juvenile training schools to alternative community services.

37 (2) In consultation with the local commissions on children and families established under ORS
38 417.760, the juvenile departments shall develop a plan for services needed to divert the commitment
39 of youth from the juvenile training schools, and how these services are to be administered if funds
40 are provided. Following review and comment by local commissions, the plan must be approved in
41 the form of a resolution by the governing body of the appropriate county and of a letter of concur-
42 rence from the presiding judge of the juvenile court having jurisdiction in juvenile cases.

43 (3) The division or the office shall develop a statewide diversion plan after taking the local ju-
44 venile departments' plans into consideration.

45 SECTION 34. ORS 430.705 is amended to read:

1 430.705. The State of Oregon, through the [*Children's Services Division created under chapter 401,*
 2 *Oregon Laws 1971,*] local commissions on children and families, may establish the necessary fa-
 3 cilities and provide comprehensive mental health services for children throughout the state. These
 4 services may include, but not be limited to the prevention of mental illness, and the [*prevention,*
 5 *treatment and restoration of emotionally disturbed, mentally ill and drug-dependent children*] treat-
 6 ment of children without severe cognitive, physical and medical impairments.

7 SECTION 34a. ORS 147.035 is amended to read:

8 147.035. (1) Losses compensable under ORS 135.905 and 147.005 to 147.365 resulting from death
 9 or injury to a victim include:

10 (a) In the case of injury:

11 (A) Reasonable medical and hospital expenses, including psychiatric, psychological or counseling
 12 expenses and further including, in cases of child sexual abuse, [*rape of a child and exploitation de-*
 13 *scribed in ORS 419B.005. (1)(c), (d) or (e),*] counseling expenses of the victim's family up to a maxi-
 14 mum amount of \$10,000;

15 (B) Loss of earnings, not exceeding \$200 per week up to a maximum amount of \$10,000; and

16 (C) Rehabilitation up to a maximum amount of \$3,000.

17 (b) In the case of death:

18 (A) Reasonable funeral expenses up to a maximum amount of \$2,000;

19 (B) Reasonable medical and hospital expenses up to a maximum amount of \$10,000;

20 (C) Loss of support to the dependents of the victim not exceeding \$200 per week up to a maxi-
 21 mum amount of \$10,000, less any amounts paid for loss of earnings; and

22 (D) Reasonable counseling expenses for the survivors of a deceased victim up to a maximum
 23 amount of \$10,000 for each deceased victim.

24 (2) Compensable losses do not include:

25 (a) Pain and suffering or property damage; or

26 (b) Aggregate damages to the victim and to the dependents of a victim exceeding \$23,000.

27 (3) Notwithstanding subsections (1) and (2) of this section, in the case of abuse of corpse in any
 28 degree, losses compensable under ORS 135.905 and 147.005 to 147.365 resulting from the abuse of the
 29 corpse include:

30 (a) Reasonable funeral expenses up to a maximum amount of \$2,000; and

31 (b) Reasonable counseling expenses for emotional distress up to a maximum amount of \$10,000
 32 for each incident.

33 (4) A claim for benefits expires and no further payments shall be made with regard to the claim
 34 when three years have elapsed since the entry of a determination order under ORS 147.135.

35 (5) The Department of Justice shall adopt rules for medical fee schedules. The schedules shall
 36 represent at least the 75th percentile of the usual and customary fees charged to the public as de-
 37 termined by the department. An applicant or victim may not be charged for the percentile amount
 38 reduced by the department.

39 SECTION 35. The Children's Services Division is abolished. On the effective date of this
 40 section, the Assistant Director for Children's Services shall become the Assistant Director
 41 for Child Protective Services.

42 SECTION 36. There are imposed upon, transferred to and vested in the Child Protective
 43 Services Division all the duties, functions and powers of the Children's Services Division.

44 SECTION 37. Notwithstanding the transfer of duties, functions and powers by this Act,
 45 the lawfully adopted rules of the Children's Services Division in effect on the effective date

1 of this Act continue in effect until lawfully superseded or repealed by rules of the Child
 2 Protective Services Division. References in rules of the Children's Services Division to the
 3 division or an officer or employee thereof are considered to be references to the Child Pro-
 4 tective Services Division or an officer or employee thereof.

5 SECTION 38. The transfer of duties, functions and powers to the Child Protective Ser-
 6 vices Division under this Act does not affect any action, suit, proceeding or prosecution in-
 7 volving or with respect to such duties, functions and powers begun before and pending at the
 8 time of the transfer, except that the Child Protective Services Division shall be substituted
 9 for the Children's Services Division in such action, suit, proceeding or prosecution.

10 SECTION 39. (1) Nothing in this Act relieves a person of an obligation with respect to a
 11 tax, fee, fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation
 12 accruing under or with respect to the duties, functions and powers transferred by this Act.
 13 The Child Protective Services Division may undertake the collection or enforcement of any
 14 such tax, fee, fine, charge, interest, penalty, forfeiture or other liability, duty or obligation.

15 (2) The rights and obligations of the Children's Services Division legally incurred under
 16 contracts, leases and business transactions executed, entered into or begun before the ef-
 17 fective date of this Act are transferred to the Child Protective Services Division. For the
 18 purpose of succession to these rights and obligations, the Child Protective Services Division
 19 is considered to be a continuation of the Children's Services Division and not a new author-
 20 ity, and the Child Protective Services Division shall exercise such rights and fulfill such ob-
 21 ligations as if they had not been transferred.

22 SECTION 40. There are transferred to the Child Protective Service Division:

23 (1) All the supplies, materials, equipment, records, books, papers and facilities of the
 24 Children's Services Division.

25 (2) All the employees of the Children's Services Division, subject to the right of the As-
 26 sistant Director for Child Protective Services to abolish positions and change duties to the
 27 extent that the assistant director finds it desirable for the sound, efficient and economical
 28 administration and enforcement of the duties, functions and powers transferred by this Act.
 29 However, subject to the right of the assistant director to abolish positions and change duties
 30 under this subsection, in the case of any transfer of personnel made under this subsection,
 31 an employee occupying a classified position under the State Personnel Relations Law who is
 32 so transferred shall retain the same salary classification and civil service status insofar as
 33 possible.

34 SECTION 41. (1) The unexpended balances of amounts authorized to be expended for the
 35 biennium beginning July 1, 1995, from revenues dedicated, continuously appropriated, appro-
 36 priated or otherwise made available for the purpose of administering and enforcing the du-
 37 ties, functions and powers transferred by this Act, are appropriated and transferred to and
 38 are available for expenditure by the Child Protective Services Division, to the extent provided
 39 in subsection (2) of this section, for the biennium beginning July 1, 1995.

40 (2) For the purpose of administering and enforcing the duties, functions and powers
 41 transferred by this Act and for the payment of the expenses lawfully incurred by the Chil-
 42 dren's Services Division with respect to the administration and enforcement of such duties,
 43 functions and powers, the Child Protective Services Division may expend the money that is
 44 authorized to be expended by the Children's Services Division for administering and enforcing
 45 the duties, functions and powers transferred by this Act and that is unexpended on the ef-

Senate Bill 1145

Sponsored by Senator BRYANT (at the request of Governor John Kitzhaber)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Modifies Community Corrections Act.

A BILL FOR AN ACT

Relating to corrections; creating new provisions; amending ORS 137.124, 137.661, 144.108, 144.232, 144.340, 423.500, 423.505, 423.520, 423.525, 423.530, 423.535, 423.540, 423.555, 423.560 and 423.570; and repealing ORS 423.510, 423.515, 423.545, 423.550, 423.551, 423.552, 423.553 and 423.554.

The Legislative Assembly finds and declares that:

(1) Passage by the voters of chapter 2, Oregon Laws 1995 (Measure No. 11), has created mandatory minimum penalties for certain violent offenses, and the probable effect thereof will be a significant increase in the demands placed on state and local secure facilities.

(2) These demands are a shared responsibility of the State of Oregon and its county governments. The state recognizes that it is in a better position than are counties to assume responsibility for serious violent offenders and career property offenders.

(3) Counties are willing, in the context of a partnership with the state, to assume responsibility for offenders sentenced to 12 months or less.

(4) Under the terms of the partnership agreement, the counties agree to assume responsibility for the offenders described in paragraph (3), subject to the state agreeing to provide adequate funding to the counties for this responsibility.

(5) The provisions of this Act are intended to acknowledge and implement the terms of the partnership between the state and the counties.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 423.500 is amended to read:

423.500. As used in ORS 423.500 to 423.560, unless the context requires otherwise:

(1) "Director" means the Director of the Department of Corrections.

[(2) "Advisory board" means the Community Corrections Advisory Board created by ORS 423.510.]

[(3)] (2) "Department" means the Department of Corrections.

[(4)] (3) "Plan" means the [comprehensive] **biennial** community corrections plan required by ORS 423.535.

[(5) "Program" means those programs and services described in ORS 423.525.]

SECTION 2. ORS 423.505 is amended to read:

423.505. **Because counties are in the best position for the management, oversight and administration of local criminal justice matters and for determining local resource priorities,** it is declared to be the legislative policy of this state to establish an ongoing partnership between

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

1 **the state and counties and to finance with appropriations from the General Fund statewide com-**
 2 **munity correction programs on a continuing basis. The intended purposes of this program are to:**

3 (1) Provide appropriate sentencing *[alternatives]* **and sanctioning options including commu-**
 4 **nity supervision, sanctions and services;**

5 (2) Provide improved local services for persons charged with criminal offenses with the goal of
 6 reducing the occurrence of repeat criminal offenses;

7 (3) Promote local **control and** management of community corrections programs; *[and]*

8 (4) Promote the use of the most effective criminal *[sanction]* **sanctions** necessary to **protect**
 9 **public safety, administer punishment to the offender[,] and rehabilitate the offender; [and protect**
 10 **public safety.]**

11 (5) **Enhance, increase and support the state and county partnership in the management**
 12 **of offenders; and**

13 (6) **Enhance, increase and encourage a greater role for local government and the local**
 14 **criminal justice system in the planning and implementation of local public safety policies.**

15 **SECTION 3.** ORS 423.520 is amended to read:

16 423.520. The Department of Corrections shall make grants to assist counties in the implementa-
 17 tion and operation of community corrections **programs** including, but not limited to, preventive or
 18 diversionary correctional programs, probation, parole, work release[, *and community corrections*
 19 *centers for the care and treatment of criminal defendants]* **and local correctional facilities and**
 20 **programs for offenders.**

21 **SECTION 4.** ORS 423.525 is amended to read:

22 423.525. (1) A county *[may]* **shall** apply to the Director of the Department of Corrections in a
 23 manner and form prescribed by the director for *[financial aid]* **funding** made available under ORS
 24 423.500 to 423.560. The application shall include a community corrections plan. The *[director]* **De-**
 25 **partment of Corrections** shall provide consultation and technical assistance to counties to aid in
 26 the development and implementation of community corrections plans.

27 (2) **The county may include in the application a section requesting funding for the con-**
 28 **struction of correctional facilities by the county or group of counties. The department shall**
 29 **review the applications for funding for construction of correctional facilities for viability**
 30 **based on the county's ability to provide for ongoing operations. If the application is approved,**
 31 **the department and the county or group of counties shall jointly manage the construction**
 32 **of the approved correctional facility. The facility shall be financed with financing agreements,**
 33 **and certificates of participation issued pursuant thereto, as provided in ORS 283.085 to**
 34 **283.092.**

35 *[(2)]* (3) The director[, *with the advice of the Community Corrections Advisory Board, shall adopt*
 36 *rules prescribing minimum standards for the establishment, operation and evaluation of community*
 37 *corrections under a community corrections plan and other rules as]* **shall adopt rules that** may be
 38 necessary for the administration, **evaluation** and implementation of ORS 423.500 to 423.560. The
 39 standards shall be sufficiently flexible to foster the development of new and improved supervision
 40 or rehabilitative practices **and maximize local control.**

41 (4) **When a county assumes responsibility under ORS 423.500 to 423.560 for correctional**
 42 **services previously provided by the department, the county and the department shall enter**
 43 **into an intergovernmental agreement that includes a local community corrections plan con-**
 44 **sisting of program descriptions, budget allocation, performance objectives and methods of**
 45 **evaluating each correctional service to be provided by the county.**

1. [(3)] (5) All community corrections plans shall comply with rules adopted pursuant to ORS
 2. 423.500 to 423.560, and shall include but need not be limited to **an outline of the basic structure**
 3. **and the supervision, services and sanctions to be applied to offenders:**

- 4. (a) On parole;
- 5. (b) On probation;
- 6. (c) On post-prison supervision;
- 7. (d) Sentenced to 12 months or less of incarceration; and
- 8. (e) Who have violated a condition of parole, probation or post-prison supervision if the
 9. sanction for the violation is 12 months or less.

10. [(a) Proposals for correctional programs that demonstrate the need for the program, its purpose,
 11. objective, administrative structure, staffing, staff training, proposed budget, evaluation process, degree
 12. of community involvement, client participation and duration of the program;]

13. [(b) A provision that the correctional program shall be available only to misdemeanants, to
 14. parolees, to probationers, to offenders on post-prison supervision and to persons convicted of other than
 15. murder, treason or Class A felonies;]

16. [(c) The location and description of facilities that will be used by the county pursuant to ORS
 17. 423.500 to 423.560, including but not limited to halfway houses, work release centers and jails;]

18. [(d) The manner that probation, parole, post-prison supervision and other correctional services will
 19. be provided. Consideration shall be given to contracting with proven private correctional agencies;]

20. [(e) The manner in which counties that jointly apply for participation under ORS 423.500 to
 21. 423.560 will operate a coordinated community corrections program;]

22. [(f) Correctional services that will be made available to persons who are confined in local
 23. correctional facilities;]

24. [(g) The manner in which the local corrections advisory committee will participate in community
 25. corrections; and]

26. [(h) The projected field population of parolees, probationers and offenders on post-prison super-
 27. vision.]

28. [(4) All community corrections plans shall provide that an adequate amount of the financial aid
 29. received under ORS 423.500 to 423.560 shall be used for staff training and that an adequate amount
 30. of the financial aid shall be used for evaluation of county correctional programs. The plan shall specify
 31. the manner in which these requirements shall be met.]

32. [(5)] (6) All community corrections plans shall designate a community corrections manager of
 33. the county or counties and shall provide that the administration of community corrections under
 34. ORS 423.500 to 423.560 shall be under such manager.

35. [(6)] (7) No amendment to or modification of [an approved] a **county-approved** community cor-
 36. rections plan shall be placed in effect without prior [approval of] **notice to the director for pur-**
 37. **poses of statewide data collection and reporting.**

38. **SECTION 5.** ORS 423.530 is amended to read:

39. 423.530. (1) Financial grants for community corrections pursuant to ORS 423.500 to 423.560 shall
 40. consist of the:

- 41. (a) **Grant-in-Aid Program.** The Grant-in-Aid Program consists of [payments from] moneys
 42. appropriated to the Department of Corrections for the purposes of management, support services and
 43. supervision of parolees, probationers, [and] offenders subject to post-prison supervision, offenders
 44. sentenced to 12 months or less of incarceration and offenders who have violated the condi-
 45. tions of parole, probation or post-prison supervision when the sanction for the violation is

1 **12 months or less.** The department shall determine, prior to July 1 of each odd-numbered year, each
 2 county's percentage share of the amount appropriated for the purposes of this subsection. Such de-
 3 termination shall be *[made by use of a workload formula adopted by the department by rule, which*
 4 *formula shall be in effect beginning July 1, 1991, and which formula shall include all parole and pro-*
 5 *bation appropriations subject to review and comment by the Community Corrections Advisory Board*
 6 *before the rule becomes final. This determination]* **adopted by rule and based upon a weighted**
 7 **formula of workload and population.** Workload shall be based upon the community supervision
 8 workload and the difficulty and cost of servicing that workload. **Population shall be determined**
 9 **on the most recent census data as provided by the Center for Population Research and**
 10 **Census at Portland State University.**

11 *[(b) Enhancement grants from the department for the purpose of providing community corrections*
 12 *services. The department shall determine, prior to July 1 of each odd-numbered year, each county's*
 13 *percentage share of the amount appropriated for the purposes of this subsection. Such determination*
 14 *shall be made by use of a workload formula adopted by the department by rule, which formula shall*
 15 *be in effect beginning July 1, 1993. This determination shall be based upon the community supervision*
 16 *workload and the difficulty and cost of servicing that workload. The formula shall be subject to review*
 17 *and comment by the Community Corrections Advisory Board before it becomes final.]*

18 **(b) New Impact Fund.** The New Impact Fund consists of moneys appropriated to the de-
 19 partment for the purposes of management, support services and supervision of offenders
 20 sentenced to 12 months or less of incarceration and offenders who have violated the condi-
 21 tions of parole, probation or post-prison supervision when the sanction for the violation is
 22 12 months or less. The department shall divide the moneys in the New Impact Fund and shall
 23 allocate:

24 **(A) One-half for the first year of a biennium, commencing July 1, 1995, based on each**
 25 **county's percentage share of the estimated fiscal year incarceration impact of offenders**
 26 **sentenced to 12 months or less and persons who have violated the conditions of parole, pro-**
 27 **bation or post-prison supervision when the sanction for the violation is 12 months or less;**
 28 **and**

29 **(B) One-half for the second year of a biennium, commencing July 1, 1995, and each**
 30 **biennium thereafter, based on each county's percentage share of the actual impact as de-**
 31 **termined by a review by a committee of state and local representatives in January of each**
 32 **even-numbered year.**

33 *[(c) (2) [Appropriations to counties] Funding received by a county pursuant to ORS [423.550]*
 34 *423.500 to 423.560 approved for [local government] county corrections programs shall not be reduced*
 35 *by the department except by action of the Legislative Assembly or the Emergency Board. Such re-*
 36 *ductions shall be made proportionately using the applicable allocation formula.*

37 *[(2) The department shall by rule provide for computation of each county's entitlement in each*
 38 *biennial period in the event participation by the county is for less than a biennial period. Such com-*
 39 *putation shall be based upon any actions approved by the Legislative Assembly relative to the timing*
 40 *of expenditures with respect to appropriations for purposes of subsection (1) of this section.]*

41 **SECTION 6.** The community corrections appropriation for the 1995-1997 biennium estab-
 42 lishes the baseline for subsequent bienniums. At a minimum, each subsequent biennium's
 43 appropriation must be established at this baseline plus inflation as established by the growth
 44 in the overall state General Fund. If the total state community corrections appropriation is
 45 less than the baseline plus inflation, a county may discontinue participation by written no-

tification to the director 180 days prior to implementation of the change. If a county discontinues participation, the responsibility for correctional services transferred to the county, and the portion of funding made available to the county under ORS 423.530 reverts to the Department of Corrections. In no case does responsibility for supervision and provision of correctional services to misdemeanor offenders revert to the department.

SECTION 7. ORS 423.535 is amended to read:

423.535. [(1) To receive moneys for the operation of the community corrections program authorized by ORS 423.500 to 423.560, the county must notify the Director of the Department of Corrections 90 days prior to the proposed beginning date of participation. Such notification shall be by resolution of the appropriate board or boards of county commissioners.]

[(2)] (1) Prior to [participation in the program] **receiving funds**, the county shall have a [comprehensive] **biennial** community corrections plan [approved by the department].

[(3) The Department of Corrections, in consultation with the respective board of county commissioners, may use moneys which would have been made available to the county pursuant to ORS 423.530 (1) and (2) to provide the community corrections services described therein. In providing such services,]

(2) The county and the Department of Corrections shall enter into an intergovernmental agreement referring to the plan.

(3) The [department] county may contract with public or private agencies including, but not limited to, other counties, cities, special districts and public or private agencies for the provision of services to offenders. [convicted felons. Any agreement to reimburse counties for the cost of providing services for felons shall include a provision that the department shall deduct from such reimbursement the cost incurred by the department of supervising misdemeanor probationers.]

SECTION 8. ORS 423.540 is amended to read:

423.540. (1) The Director of the Department of Corrections shall [periodically review the performance of counties participating] **annually review a county's compliance with the intergovernmental agreement** under ORS 423.500 to 423.560. A county must substantially comply with the provisions of its community corrections **intergovernmental agreement and plan** [and the operating standards] established pursuant to ORS 423.525 (4) [(2) to remain eligible to participate]. If the director determines that there are reasonable grounds to believe that a county is not in substantial compliance with the **intergovernmental agreement or plan** [or operating standards], the director shall **contact the county regarding the alleged noncompliance and offer technical assistance to reach compliance. If the county does not resolve the alleged noncompliance, the director shall**, after giving the county not less than 30 days' notice, conduct a hearing to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. After **technical assistance is provided and the hearing occurs**, the director[with the advice of the Community Corrections Advisory Board,] may suspend any portion of [financial aid] **the funding** made available to the county under ORS 423.500 to 423.560 until the required compliance occurs.

(2) [Financial aid] **Funding** received by a county pursuant to ORS 423.530 shall not be used to replace moneys, other than federal or state funds, currently being used by the county for existing correctional programs. [for misdemeanants and shall not be used to develop, build or improve local correctional facilities as defined by ORS 169.005 (3).]

SECTION 9. (1) The Department of Corrections shall:

(a) Operate prisons for offenders sentenced to terms of imprisonment for more than 12 months;

(b) Provide institutional release planning for long-term inmates;

(c) Provide central information and data services; and

(d) Provide interstate compact administration and jail inspections.

(2) Subject to section 6 of this Act, the county, in partnership with the department, shall assume responsibility for community-based supervision, sanctions and services for offenders:

(a) On parole;

(b) On probation;

(c) On post-prison supervision;

(d) Sentenced to 12 months or less of incarceration; and

(e) Who have violated a condition of parole, probation or post-prison supervision if the sanction for the violation is 12 months or less.

SECTION 10. ORS 423.555 is amended to read:

423.555. The Department of Corrections shall establish and operate, with the cooperation and participation of county community corrections agencies, a statewide evaluation and information system to monitor the effectiveness of correctional services provided to criminal [defendants] offenders under ORS 423.500 to 423.560.

SECTION 11. ORS 423.560 is amended to read:

423.560. (1) The board or boards of county commissioners of a county [that is participating under ORS 423.500 to 423.560 shall designate a local corrections advisory committee] shall convene a local public safety coordinating council. The [committee] council shall include, but need not be limited to:

[(a) A law enforcement officer;]

[(b) A district attorney;]

[(c) A circuit court judge;]

[(d) A public defender or defense attorney;]

[(e) A probation or parole officer;]

[(f) A representative of a private correctional agency, if a suitable agency exists in the county;]

[(g) A county commissioner from each county;]

[(h) Seven lay citizens, one of which shall be a member of a minority ethnic group if such a group exists in the county; and]

[(i) An ex-offender.]

(a) A police chief selected by the police chiefs in the county;

(b) The sheriff of the county or, if two or more counties have joined together to provide community corrections services, a sheriff selected by the sheriffs in the counties;

(c) The district attorney of the county or, if two or more counties have joined together to provide community corrections services, a district attorney selected by the district attorneys of the counties;

(d) A state court judge, and a public defender or defense attorney, both appointed by the presiding judge of the judicial district in which the county is located;

(e) A director of community corrections, a county commissioner, a juvenile department director, a health or mental health director and at least one lay citizen, all appointed by the county commissioners;

(f) A city councilor or mayor and a city manager or other city representative, both selected by the cities in the county; and

(g) A representative of the Oregon State Police, who is a nonvoting member of the

1 council, selected by the Superintendent of State Police.

2 (2) *[The committee shall actively participate in the design of the county's community corrections*
 3 *plan and application for financial aid, observe the operation of community corrections in the county,*
 4 *make an annual report and develop appropriate recommendations for improvement or modification to*
 5 *the county commissioners or community corrections manager of the county.]* The local public safety
 6 coordinating council may be a combination of local governmental units, including multiple
 7 counties by means of regional intergovernmental agreements. Local officials may combine
 8 the council with existing local criminal justice advisory councils established under ORS 1.851.
 9 The local public safety coordinating council shall, at a minimum:

10 (a) Develop and recommend to the county board of commissioners the plan for use of
 11 state resources to serve the local offender population; and

12 (b) Coordinate local criminal justice policy among affected criminal justice entities.

13 **SECTION 12.** ORS 137.124 is amended to read:

14 137.124. (1) If the court imposes a sentence of imprisonment upon conviction of a felony, it shall
 15 not designate the correctional facility in which the defendant is to be confined but shall commit the
 16 defendant to the legal and physical custody of the Department of Corrections.

17 (2) After assuming custody of the convicted person the Department of Corrections may transfer
 18 inmates from one correctional facility to another such facility for the purposes of diagnosis and
 19 study, rehabilitation and treatment, as best seems to fit the needs of the inmate and for the pro-
 20 tection and welfare of the community and the inmate.

21 (3) Notwithstanding subsection (1) of this section or any other provision of law, if the
 22 court imposes a sentence of imprisonment *[upon conviction of a misdemeanor, it shall commit the de-*
 23 *fendant to the custody of the executive head of the correctional facility for the imprisonment of*
 24 *misdemeanants designated in the judgment]* of 12 months or less, it shall commit the defendant
 25 to the custody of the supervisory authority of the county in which the crime of conviction
 26 occurred.

27 (4)(a) When a person under 18 years of age is waived under ORS 419C.349, 419C.352, 419C.364
 28 or 419C.370 and subsequently is sentenced to a term of imprisonment in the custody of the Depart-
 29 ment of Corrections, the department shall transfer the person to a juvenile training school for
 30 physical custody as provided in ORS 420.011 (3).

31 (b) When a person under 16 years of age is waived under ORS 419C.349, 419C.352, 419C.364 or
 32 419C.370 and subsequently is sentenced to a term of imprisonment in the county jail, the sheriff shall
 33 transfer the person to a juvenile training school for physical custody as provided in ORS 420.011 (3).

34 **SECTION 13.** ORS 137.661 is amended to read:

35 137.661. All officers, boards, commissions and other agencies of the State of Oregon shall coop-
 36 erate with the Oregon Criminal Justice Council to accomplish the purposes of this section and ORS
 37 137.651, 137.653[,] and 137.655 *[and 423.510]*.

38 **SECTION 14.** ORS 423.570 is amended to read:

39 423.570. (1) A person sentenced to probation or placed by an authority on parole, post-prison
 40 supervision or other form of release, subject to supervision by *[either the Department of Corrections*
 41 *or, directly or indirectly, by]* a community corrections program established under ORS 423.500 to
 42 423.560, shall be required to pay a monthly fee to offset costs of supervising the probation, parole,
 43 post-prison supervision or other supervised release.

44 (2) A person sentenced to probation or placed by an authority on parole, post-prison supervision
 45 or other form of release, subject to supervision other than by *[either the Department of Corrections*

or] a community corrections program established under ORS 423.500 to 423.560, may be required by the releasing authority to pay a monthly fee to offset costs of supervising the probation, parole, post-prison supervision or other supervised release.

(3) When a fee is required under subsection (1) of this section, the fee shall be determined and fixed by the releasing authority but shall be at least \$25, and if the releasing authority fails to establish the amount of a released person's required fee, the fee shall be \$25.

(4) Fees are payable one month following the commencement of probation, parole, post-prison supervision or other supervised release and at one-month intervals thereafter. *[Fees shall be collected as follows:]*

[(a)] If the released person is supervised under county authority, *other than by the Department of Corrections*], the county shall collect or provide by contract for the collection of the fee from the released person and shall retain the fee to be used by the county for funding of its community corrections program *[or, if it has no community corrections program, then for general governmental purposes]*.

[(b) If the released person is supervised by the Department of Corrections, the department shall collect or provide by contract for the collection of the fee from the released person and shall retain the fee. Moneys received by the Department of Corrections are continuously appropriated to the Department of Corrections for use in financing department field services.]

(5) Except in the case of a probation granted by a court before that date, the fee requirements imposed by this section apply beginning July 1, 1981, to all persons under supervised probation, parole, post-prison supervision or other form of supervised release pursuant to subsection (1) of this section, including persons on such supervised release in this state under any interstate agreement. Timely payment of the fee is hereby made a condition of such probation, parole, post-prison supervision or other supervised release. In the case of a probation granted by a court prior to July 1, 1981, the court may amend its order granting probation to provide for payment of the fee.

(6) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation:

(a) The community corrections *[program director]* manager or the Director of the Department of Corrections, whichever is appropriate, or the designee thereof, may waive or reduce the amount of the fee.

(b) The sentencing court may waive or reduce the amount of the fee for any person whom the court has sentenced to probation. If any of the fee requirement is reduced by the court, only the court may restore the requirement.

SECTION 15. ORS 423.550 is repealed and section 16 of this Act is enacted in lieu thereof.

SECTION 16. Notwithstanding ORS 236.605 to 236.650, all state positions in the state community corrections branch of the Department of Corrections that are transferred pursuant to this section are abolished on February 1, 1996, or sooner as agreements are reached with counties. Counties have sole discretion in the development of methods and means of county community corrections operation under ORS 423.500 to 423.560 including establishment of wages, benefits and working conditions and selection of any employees to operate supervision programs or other services and sanctions under ORS 423.525 and section 9 of this 1995 Act. The implementation of this section does not give rise to any bargaining obligation under ORS 243.650 to 243.782. The department shall give preference to any employee so affected and not hired by a county for vacancies in other department operations for which the employee is qualified.

1 SECTION 17. ORS 144.108 is amended to read:

2 144.108. (1) If the violation of post-prison supervision is new criminal activity or if the supervi-
3 sory authority finds that local sanctions are insufficient punishment for a violation of the conditions
4 of post-prison supervision, the supervisory authority may request the State Board of Parole and
5 Post-Prison Supervision to *[return the released person to a state correctional facility]* **sanction the**
6 **violation and revoke to the supervision of the local authority.**

7 (2) If so requested, the board or its designated representative shall hold a hearing to determine
8 whether *[imprisonment]* **revocation to the supervision of the local authority** is appropriate. Ex-
9 cept as otherwise provided by rules of the Department of Corrections concerning parole and post-
10 prison supervision violators, the board may *[impose a term of imprisonment]* **sanction the violator**
11 **up to the maximum provided by rules of the State Sentencing Guidelines Board.** In conducting a
12 hearing pursuant to this subsection, the board or its designated representative shall follow the pro-
13 cedures and the offender shall have all the rights described in ORS 144.343 and 144.347 relating to
14 revocation of parole.

15 [(3) A person who is ordered to serve a term of imprisonment as a sanction for a post-prison
16 supervision violation is not eligible for:]

17 [(a) Earned credit time as defined in ORS 421.121;]

18 [(b) Transitional leave as defined in ORS 421.168; or]

19 [(c) Temporary leave as defined in ORS 421.165.]

20 [(4)] (3) A person who is ordered **by the board** to serve a *[term of imprisonment as a]* sanction
21 for a post-prison supervision violation shall receive credit for time served *[in a state or local*
22 *correctional facility]* on the post-prison supervision violation prior to the board's imposition of *[a term*
23 *of imprisonment]* **the sanction.**

24 SECTION 18. ORS 144.232 is amended to read:

25 144.232. (1) A person sentenced under ORS 161.725 and 161.735 as a dangerous offender for fel-
26 onies committed on or after November 1, 1989, shall be considered for release to post-prison super-
27 vision. The offender is eligible for release to post-prison supervision after having served the required
28 incarceration term established under ORS 161.737.

29 (2) The State Board of Parole and Post-Prison Supervision shall hold a release hearing no later
30 than 10 days prior to the date on which the offender becomes eligible for release on post-prison
31 supervision as provided in subsection (1) of this section.

32 (3) The dangerous offender's eligibility for and release to post-prison supervision shall be deter-
33 mined in a manner consistent with the procedures and criteria required by ORS 144.228 for the
34 parole determination process applicable to dangerous offenders sentenced for crimes committed prior
35 to November 1, 1989.

36 (4) An offender released under this section shall serve the remainder of the sentence term im-
37 posed under ORS 161.725, 161.735 and 161.737 on post-prison supervision, however:

38 (a) Notwithstanding ORS 137.010 or the rules of the State Sentencing Guidelines Board, the
39 State Board of Parole and Post-Prison Supervision may *[return an offender to prison]* **sanction an**
40 **offender to the supervision of the local authority** for a maximum period of 180 days *[as a sanc-*
41 *tion]* for any supervision violation. The sanction may be imposed repeatedly during the term of
42 post-prison supervision for subsequent supervision violations.

43 (b) After release under this section, the board may at any time return the offender to prison and
44 require the offender to submit to a psychiatric or psychological examination as provided for in ORS
45 144.226. If the board finds that the offender's dangerousness has returned and cannot be adequately

1 controlled with supervision and mental and physical health treatment, or that resources for super-
2 vision and treatment are not available to the offender, the board may defer the offender's release
3 from prison for an indefinite period of time. An offender returned to prison under this paragraph is
4 entitled to periodic reviews once every two years for possible release to post-prison supervision as
5 provided by subsection (3) of this section.

6 **SECTION 19.** ORS 144.340 is amended to read:

7 144.340. (1) The Department of Corrections, in accordance with the rules and regulations or di-
8 rections of the State Board of Parole and Post-Prison Supervision or the Governor, as the case may
9 be, may cause to have retaken and returned persons to the institution, **or to the supervision of**
10 **the local authority**, whether in or out of the state, whenever they have violated the conditions of
11 their parole or post-prison supervision.

12 (2) Persons retaken and returned to this state from outside the state upon order or warrant of
13 the Department of Corrections, State Board of Parole and Post-Prison Supervision or the Governor,
14 for violation of conditions of their parole or post-prison supervision, shall be detained in a Depart-
15 ment of Corrections facility pending any hearing concerning the alleged violation, and ultimate dis-
16 position by the State Board of Parole and Post-Prison Supervision.

17 **SECTION 20.** ORS 423.510, 423.515, 423.545, 423.551, 423.552, 423.553 and 423.554 are re-
18 **pealed.**
19

Board Briefing
4-18-95
Handout #4
B-1

Senate Bill 933

Sponsored by Senator MILLER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Allows parole and probation officers to carry firearms while engaged in official duties. Exempts parole and probation officers from requirement of having concealed handgun license.

A BILL FOR AN ACT

Relating to firearms; creating new provisions; and amending ORS 166.210 and 166.260.

Be It Enacted by the People of the State of Oregon:

SECTION 1. A parole and probation officer, as defined in ORS 181.610, may carry a firearm while engaged in official duties if the officer has completed:

(1) A firearms training program established by the Board on Public Safety Standards and Training; and

(2) When deemed appropriate, a psychological screening.

SECTION 2. ORS 166.260 is amended to read:

166.260. (1) ORS 166.250 does not apply to or affect:

(a) Sheriffs, constables, marshals, police officers, whether active or honorably retired, parole and probation officers or other duly appointed peace officers.

(b) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.

(c) The possession or transportation by any merchant of unloaded firearms as merchandise.

(d) Members of the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States, or of the National Guard, when on duty.

(e) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(f) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organization.

(g) A corrections officer while transporting or accompanying an individual convicted of or arrested for an offense and confined in a place of incarceration or detention while outside the confines of the place of incarceration or detention.

(2) Except for persons who are otherwise prohibited from possessing a firearm under ORS 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

(a) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

turning from a hunting or fishing expedition.

SECTION 3. ORS 166.210 is amended to read:

166.210. As used in ORS 166.250 to 166.270, 166.280, 166.291 to 166.295 and 166.410 to 166.470:

(1) "Antique firearm" means:

(a) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured in or before 1898; and

(b) Any replica of any firearm described in paragraph (a) of this subsection if the replica:

(A) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(B) Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade.

(2) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder and which is readily capable of use as a weapon.

(3) "Firearms silencer" means any device for silencing, muffling or diminishing the report of a firearm.

(4) "Handgun" means any conventional pistol or revolver using a fixed cartridge containing a propellant charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder and which fires a single shot for each pressure on the trigger device.

(5) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, which is designed or modified to allow two or more shots to be fired by a single pressure on the trigger device.

(6) "Minor" means a person under 18 years of age.

(7) "Parole and probation officer" has the meaning given that term in ORS 181.610.

[(7)] (8) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle if the weapon has an overall length of less than 26 inches.

[(8)] (9) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if the weapon has an overall length of less than 26 inches.

Board Briefing
4-18-95
Handout #5
B-1

Senate Bill 673

Sponsored by Senators HAMBY, PHILLIPS; Senator BAKER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Changes manner of requesting undertakings of eligible projects benefiting key industries. Provides that if project is within city, city make request upon county approval of part of request relative to property tax exemptions.

A BILL FOR AN ACT

Relating to economic development; creating new provisions; and amending ORS 285.310 and 285.330.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 285.310 is amended to read:

285.310. The Legislative Assembly finds that by use of the powers and procedures described in ORS 285.310 to 285.397 for the assembling and financing of lands for industrial, commercial and research and development uses and for the construction and financing of facilities for such uses, financed through the issuance of revenue bonds secured solely by the properties and rentals thus made available, the state may be able to reduce substantially in various counties and cities the occurrence of economic conditions requiring more expensive remedial action. It is the purpose of ORS 285.310 to 285.397 to authorize the exercise of powers granted by ORS 285.310 to 285.397 by this state in addition to and not in lieu of any other powers it may possess.

SECTION 2. ORS 285.330 is amended to read:

285.330. (1) The undertaking of any eligible project must be requested by official action of the governing body of the county, **or if the project is within a city, by the governing body of the city**, taken at a regular or duly called special meeting thereof by the affirmative vote of a majority of its members. **If the undertaking is requested by a city, the city shall forward any official action taken under this section to the county.**

(2) The governing body of any Oregon county or city is encouraged to forward appropriate prospective development projects to the Oregon Economic Development Commission for processing pursuant to ORS 285.320.

(3) For purposes of this section, for projects located on a federally recognized Oregon Indian reservation, the governing body of a county shall be considered to be the governing body of the federally recognized Oregon Indian tribe.

(4) If the governing body is requesting the undertaking of an eligible project to be funded by revenue bonds issued under ORS 285.323 (1) to (3), it may impose additional reasonable requirements on the applicant.

(5) The county or city shall not request a project to be funded by revenue bonds issued under ORS 285.323 (1) to (3) unless, after a public hearing:

(a) The county or city and, if the proposed project will be located within a city, the county **has** [city have] approved the special provisions related to the property tax exemption.

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

1 (b) As consideration for the county or city requesting financing of the project under ORS
2 285.323 (1) to (3), the business firm that will be benefited by the project enters into an agreement
3 with the county or city for payment to the county or city of an annual fee for community services
4 support in an amount equal to 25 percent of the property taxes exempted in each tax year, but not
5 exceeding \$2 million in any year. The fee shall be paid annually during the term of the revenue
6 bonds issued under ORS 285.323 (1) to (3) to finance the costs of the project. For purposes of this
7 paragraph, the property tax exempted in a tax year shall be calculated as the effective tax rate after
8 any constitutional limits on the taxable portion of the value of the project multiplied by the exempt
9 value of the project.

10 (c) The applicant has reached agreement with the county or city *[and, if the proposed project*
11 *will be located within a city, with the city]* on any other requirements related to the project, including
12 requirements for hiring, as employees of the project, individuals who, prior to being hired, reside
13 within the county or city in which the project is located.

14 (6) The fee collected under subsection (5)(b) of this section shall be distributed by the county
15 or city based on an agreement entered into at the time of application between the county or city
16 *[and the city, if any, in which the project is located]* and the business firm.

17 **SECTION 3.** The amendments to ORS 285.330 by section 2 of this Act apply to projects
18 requested by a county or city governing body by official action taken on or after the effective
19 date of this Act.
20

MEETING DATE: APR 18 1995

AGENDA NO: B-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Briefing on Multnomah County Library Library Plan 1995

BOARD BRIEFING Date Requested: Tues. April 18, 1995

Amount of Time Needed: 1 hour

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT: Library DIVISION: _____

CONTACT: Ginnie Cooper TELEPHONE #: 5403
BLDG/ROOM #: 317/ADM

PERSON(S) MAKING PRESENTATION: Don Barney, Paul Bragdon, Bill Naito

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Presentation of the Multnomah County Library Plan. See document titled:

MULTNOMAH COUNTY LIBRARY

LIBRARY PLAN

1995

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Ginnie Cooper

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

BOARD OF
COUNTY COMMISSIONERS
1995 APR - 7 PM 4:07
MULTNOMAH COUNTY
OREGON



MEMORANDUM

TO: Board of County Commissioners
FROM: Ginnie Cooper, Director of Libraries
DATE: April 7, 1995

REQUESTED PLACEMENT DATE: April 18, 1995 - 10:00 a.m. time certain

SUBJECT: Briefing on the Library Plan 1995

I. Recommendation/Action Requested:

Accept and endorse the Library Plan, as adopted by the Multnomah County Library Board.

II. Background/Analysis:

The ordinance establishing the Library Board includes the following as part of the Library Board's mission:

...the board shall actively respond to the community's changing needs through comprehensive and visionary planning...

The Library Board directed that a new long-range plan be developed to succeed previous plans, most recently "The Next Chapter." The Library Planning Committee was appointed by the Library Board and began its work in December 1994. The document was completed in January 1995.

III. Financial Impact:

The Library Plan will shape the library's activity, and therefore the areas of budget needs.

IV. Legal Issues:

N/A

V. Controversial Issues:

No controversy expected at this discussion.

The Library plan sets the agenda for further work to be done in many areas, including fundraising, entrepreneurial activities, branch services and locations, automation activities, and more. There will be diverse opinions and, potentially, controversy as new directions are set.

VI. Link to Current County Policies:

In adopting the Library Plan, the Library Board accepts their role to implement the Library Plan consistent with their responsibility to advise the library director and the Board of County Commissioners on all matters relating to library operations.

The plan will also function as a companion to the Library budget document as a means for the library's customers to measure the library's performance and the quality of services provided.

VII. Citizen Participation:

The Library Plan process was a citizen-based planning effort. The Library Board appointed the 14-member Planning Committee in the Fall of 1994. Paul Bragdon chaired the committee; Dorothy Hirsch served as vice-chair.

VIII. Other Government Participation:

N/A



MULTNOMAH COUNTY LIBRARY
LIBRARY PLAN
1995

MULTNOMAH COUNTY BOARD OF COMMISSIONERS

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Commissioner Tanya Collier
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Dan Saltzman*

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Shannon Leonetti
Don McClave
Bonnie Morris
Chet Orloff
Chris Poole-Jones
Marcia Pry
Cindy Reid*

CONSULTANT

Don Barney, Barney & Worth

Mission of the Library

*The Multnomah County Library serves
the people of Multnomah County
by providing books and other materials
to meet their informational, educational, cultural
and recreational needs.*

*The library upholds the principles of intellectual freedom
and the public's right to know by providing
people of all ages with access and guidance
to information and collections
that reflect all points of view.*

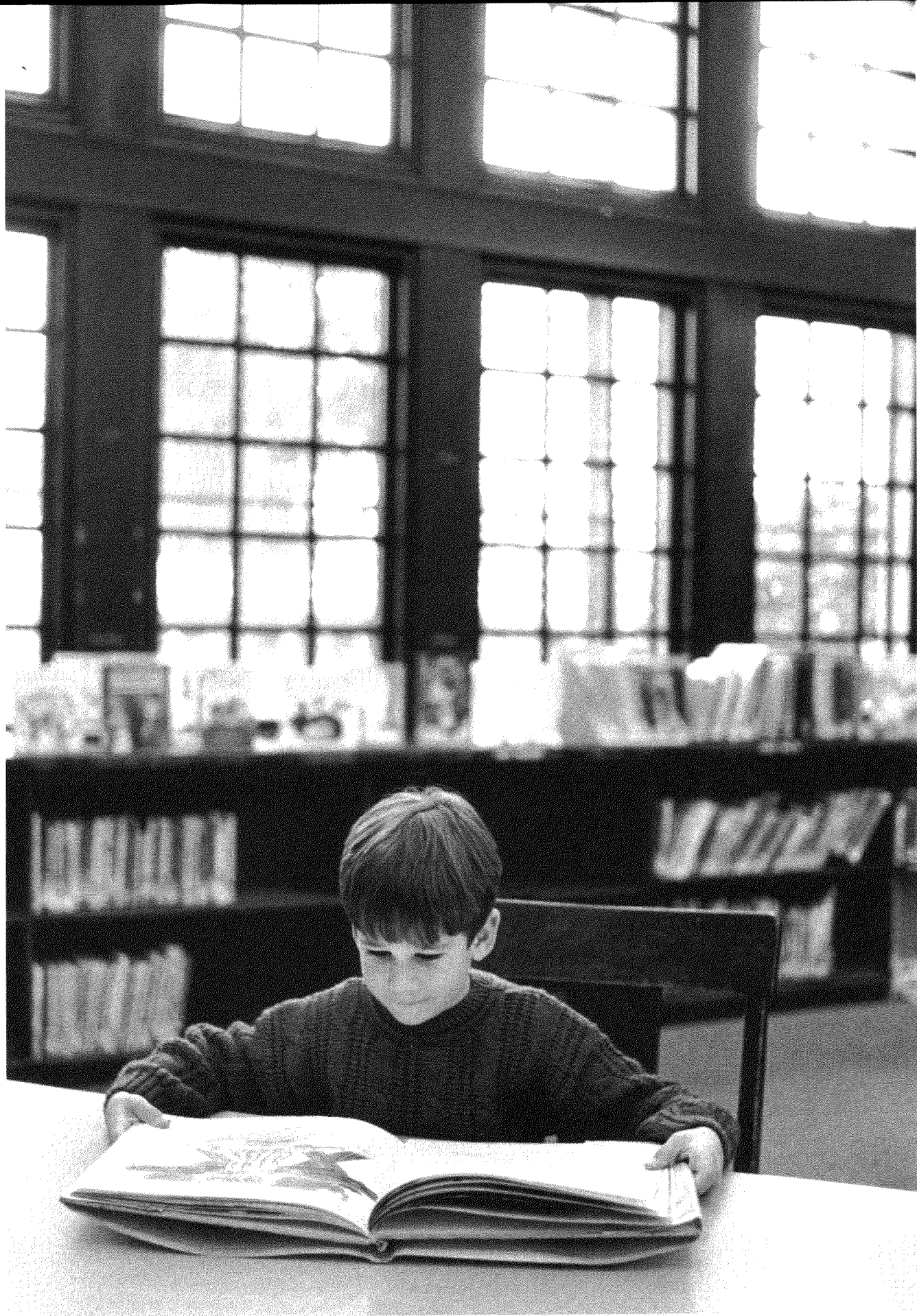


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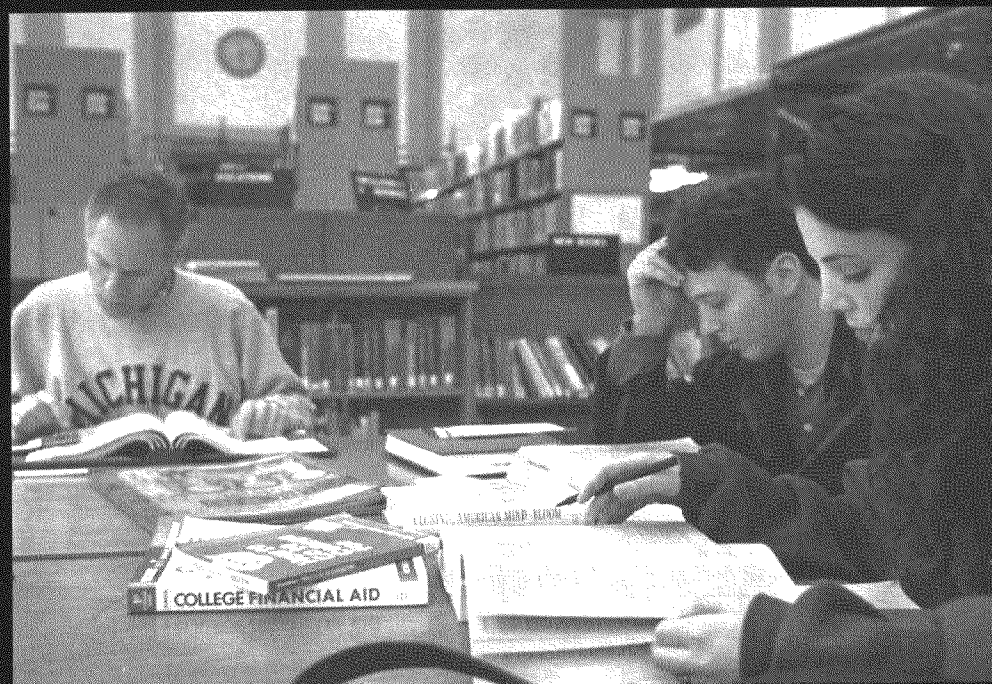
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*The public library is a community benefit
for an informed citizenry.
To be informed, citizens must have equitable access
to a wide range of informational resources.*

*Students, business people and others can find a wide variety of resources
in the Science and Business section of Central Library.*

Message from County Board Chair and Library Board Chair

Why a Long-Term Plan?

The Multnomah County Library has a long and venerable history of contribution to this community, responding to the information and learning needs of residents and businesses in this region.

The library has enjoyed the patronage and support of the community for more than 80 years, and has

attempted to serve its customers well through highly qualified, trained librarians and staff, and by earnestly seeking to understand and address the changing desires and demands of library users.

We greatly value the community support for the library, but we recognize it's not a time for resting on the library's laurels. Indeed, the library today is one of many public services competing for limited public funding in the face of growing service needs and rising costs.

For those of us convinced that the public library must be sustained as a valuable institution open to all our citizens, it's a time when we must be creative and forward-thinking about adapting the library to the rapid changes that the information revolution is imposing.

This long-term plan for the Multnomah County Library presents a vision for meeting this challenge and outlines some of the actions the library must take in partnership with the community to realize this vision.

The specific aim of the plan is to describe how the library will move forward over the next five years by establishing goals and priorities, and translating them into strategies and action programs.

While helping to define the role of tomorrow's library in the community, this plan will also function as a means for our customers to measure the library's performance and the quality of its service.



TOP: Bill Naito, Chair, Multnomah County Library Board; Beverly Stein, Chair, Multnomah County Board of Commissioners.

BOTTOM: Dorothy Hirsch, Vice-Chair, Library Planning Committee; Paul Bragdon, Chair, Library Planning Committee.

Beverly Stein, Chair
Multnomah County Board of Commissioners

Bill Naito, Chair
Multnomah County Library Board

Committee Chair's Message

Our proposed long-range plan represents a vision for the library of the 21st century and offers specific direction on how to move toward that vision over the next five years.

Your Library Planning Committee is pleased to present its report and recommendations of proposals to improve the Multnomah County Library's services to its customers and its effectiveness in the community.

Our recommended long-term plan is intended to help focus the key issues which the committee believes should be addressed over the next five years by the Library Board, the staff, and where appropriate, the Multnomah County Board of Commissioners. We believe this plan provides useful direction on what needs to be done and what ought to be considered.

Priority goals are proposed for the library. Work is already underway toward achieving some of them. Others will require more staff research and perhaps expanded public involvement to reach policy and program decisions. These include the proposals for a long-term private fundraising program for the library and for future development of a revised library structure to accommodate new technology and other changes in how the public will use the library in the next century.

Beyond our specific recommendations, I believe it's accurate and important to convey that your committee has reached these basic conclusions:

- **The library fully deserves the public support it receives.** Its services are accessible to all county residents who seek information, education and recreation from the library's collection and its range of program activities.
- **The library makes effective use of limited resources.** Services are stretched as widely as possible through its branch and outreach systems,

supported by a highly professional, well-trained and friendly staff and dedicated volunteers, ever ready to assist with the thousands of inquiries and requests for help received each month.

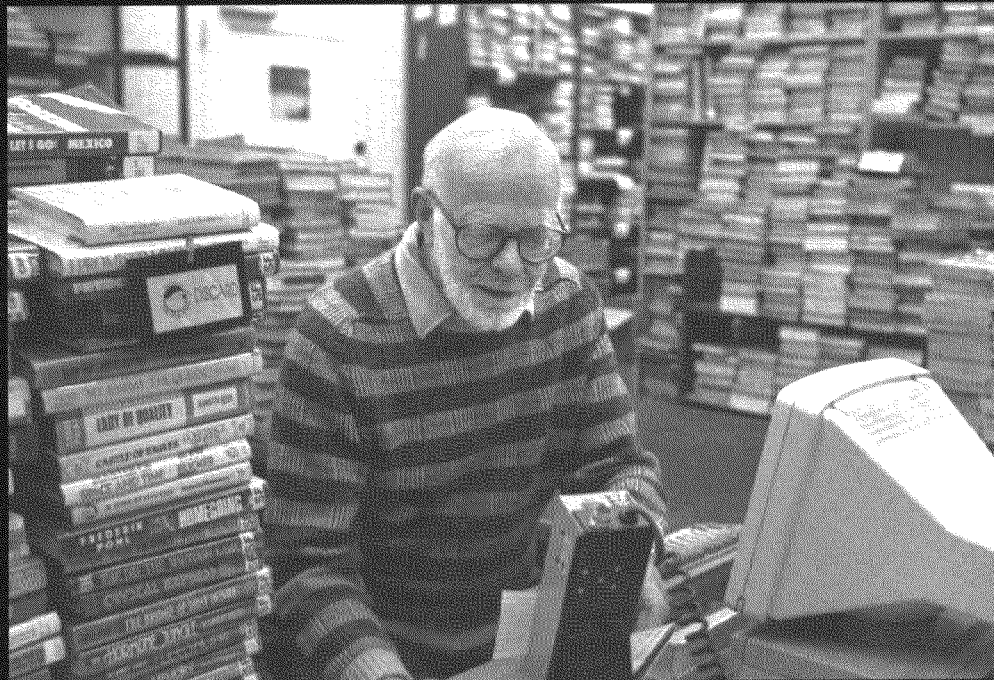
- **The library must achieve stable, adequate funding to continue to deliver its services dependably.** Solid support of the library through county government is essential. Further, the library must break new ground in its search for enhanced resources, including the possibilities for new revenue from added library entrepreneurial activities, and from greatly expanded contributions to the library's collection and programs from private sources.

As you anticipated, this proposed plan is in the tradition of citizen-based planning efforts that have guided the library for the past decade. The library has again turned to representatives of its users to help shape its future.

The Library Board appointed the 14 members of your Planning Committee last fall. The members were supplemented by more citizens who joined in our subcommittee discussions. The committee was ably served by the highly knowledgeable library staff.

My thanks to all who participated for their energy, enthusiasm and common love of the library.


Paul Bragdon, Chair
Library Planning Committee



*For those of us convinced that the public library
must be sustained as a viable institution
open to all our citizens,
it is a time when we must be creative
and forward thinking ...*

Staffed primarily by volunteers, Multnomah County Library's Title Wave Used Book Store generates thousands of dollars in revenue each year for the library and has received numerous awards and recognition for its innovative approach to preserving library resources.

Goals of the Library

(1995-1999)

SERVICES

- Open the **renovated Central Library** with added services and amenities for its customers, and construct the **new Midland Regional Library** as a regional facility for the mid-Multnomah County area.
- Improve the **information technology resources** offered by the library, enhancing the library's capability to respond to increasingly sophisticated customer demands while addressing the needs of a larger, more diversified population seeking basic data and information available through new technology channels.
- Meet the growing, increasingly complex demand for **children's and youth services** from the library, expanding library programs for children and their families, and paying special attention to the needs of pre-schoolers.
- Forge more active and creative **partnerships with public schools and their libraries**, and with **academic and research libraries**, to maintain and increase access to information for students of all ages.
- Develop and create **partnerships and joint programs** for new and more cost-effective **uses of technology** with other information purveyors, such as the state, local governments in the region, the business community, the media, and telecommunications and computer system providers.
- Create a more flexible system to deliver library services that expands **beyond the traditional branch network** to include other ways to be **more responsive** to the wide-ranging demands of future library users.
- Expand and improve the library's **business and career services** to support more individuals needing information to find employment, change careers, upgrade or learn new job skills, and explore investment opportunities.

FUNDING

- Maintain solid taxpayer and county government support for the library to assure a strong, stable foundation of **adequate public funding for library services**.
- Augment public support for the library with new and expanded sources of fees and other nontax revenues, derived from a program of **entrepreneurial activities** of the library.
- Enrich the library's funding by capturing a higher level of individual, corporate and community **contributions to the library** and sponsorship of library activities.

Recommended Activities

Achieving the Plan Goals:

As a result of the Library Planning Committee's work and library staff review, the following key activities are recommended for development and completion by 1999. Some are already in development by library staff. New activities are recommended for review by staff and the Library Board for implementation during the period of this plan.

These recommendations were developed by the Library Planning Committee as it worked in subcommittees during its initial phase to identify Multnomah County Library opportunities and needs for the next several years. The subcommittees focused on these areas:

- The Library in Society
- Branch Development and Services
- Technology
- Children's and Youth Services
- Economic and Work Force Development

The Library in Society Subcommittee covered the library mission; library roles including in the state and the region; intellectual freedom issues; and library funding.

Successful implementation of the recommended activities will require extensive public involvement in planning for the library of the future and development of strong community partnerships.

ACTIVITIES IN PROGRESS:

1. Temporarily house the bulk of Central Library's collection and program in the old State Office Building in downtown Portland to clear the way for renovation of the Central Library, which is to be completed by mid-1997.

The renovation will produce significant seismic and structural improvements, greatly expand public access to the collection, and generally enhance services in the building.

2. Prepare and implement a library private fundraising plan covering the need, scope and direction for a capital campaign to raise individual and corporate contributions to enhance services to be provided by the renovated Central Library.
3. Design and construct a new Midland Regional Library to open in 1996 and to serve the growing population of mid-Multnomah County.
4. Implement a long-term Automation/Technology Plan for the library. The plan recommendations will focus on new technology systems and services needed by the library to improve customers' access to information via electronic means.
5. Prepare a plan for continued, adequate public funding of the library after expiration of the current library levy in 1996.
6. Hire a new Library Entrepreneurial Activities coordinator by January 1, 1995 to guide entrepreneurial activities of the library. The library should identify opportunities to launch new entrepreneurial programs with new fees and other nontax revenues for the library.

Recommended Activities

The library has come to be THE information source for more and more people.

NEW ACTIVITIES:

1. Library Funding
2. Branch Development and Services
3. Information Technology
4. Children's and Youth Services
5. Economic and Work Force Development

Among the new activities recommended below, priority should be given to those items appearing in bold type.

I. LIBRARY FUNDING

The library should mount an aggressive program of funding development to produce revenues to supplement public funding.

a. Prepare a long-term library private fundraising strategy that:

- establishes the further need for and benefits to be derived from **augmenting public funding** with revenue and contributions from private and nonprofit sector sources.
- **develops and applies criteria** for pursuit of fees and other nontax revenues.
- **identifies the options and makes recommendations** for a library funding development program. Reviews the efficacy and appropriateness of various development approaches.
- **includes recommendations** on specific proposals and schedules for implementation.

Consider application of the following criteria in developing the strategy:

- nontax revenue projects should be consistent with the library's mission and roles.
- nontax revenue projects must generate real

income. They should be carefully developed and adequately capitalized, with provision for business planning and marketing, training for staff and volunteers, and paid coordination as needed.

- partnerships, sponsorships and similar arrangements with the private sector will be preferred.
- new revenue derived from these projects must benefit the library and must not result in reduced General Fund appropriations.

The full spectrum of development options, including annual fund drives, planned giving programs, major and special gifts solicitations, corporate sponsorships and expansion of current efforts by library support and affinity groups such as the Friends of the Library should be examined for possible inclusion in the strategy.

b. Develop a policy recommendation from the Library Board that includes criteria and identification of any appropriate opportunities for the application of additional fees for specialized services provided by the library.

- Consider the application of this criteria: All proposed fees or other user charges should be scrutinized for potential barriers to access to the library's buildings, collections or informational or programming services based on the ability to pay.
- Consider recommendations of opportunities for added fees from existing and new business services and information technology resources as developed in the implementation of the Plan.

Recommended Activities

*We are committed to the diversity of our customers
and to providing materials that reflect a variety of points of view.*

2. BRANCH DEVELOPMENT AND SERVICES

Develop and approve management plans for service priorities and system development that will create a tiered system of library service delivery that is highly responsive to changing customer demands and needs through the end of this century.

a. Complete a service priority plan for Library

Board review that establishes the range of service to be delivered at each tier, from Central and the branch libraries to smaller, more flexible outlets of library service. The plan would include a definition of basic service to be available at each library facility, large and small.

- Base the service plan in part on customer input gained through surveys and other reliable instruments of assessing services needed or desired, how services are used, how they might be delivered.
- Establish criteria on which to set service priorities. Consider as a service criteria that every facility managed by the library will have at least a minimal level of computer access to the major collections and resources.

b. Subsequently, complete a branch development plan for Library Board review that identifies areas in the county where services are deficient or not available, establishes criteria for the development of new library facilities, designates where new library facilities are needed and should be located, and provides a blueprint and schedule for expanding the tiered system of library service delivery.

- Consider development of five tiers, or levels of service through: the Central Library; large

regional branches; neighborhood or community branches; small, more flexibly placed outlets such as storefronts, shopping malls or other public agency venues; and special services or outreach mechanisms.

- Consider use of new technology to expand library facilities for greater outreach, such as:
 - ◆ installation of a high-speed digital service network throughout the library system.
 - ◆ creation of neighborhood "digital branches."
 - ◆ development of kiosks in high-traffic locations to access library electronic networks.
 - ◆ electronic access for the disabled.

3. INFORMATION TECHNOLOGY

Anticipate the greater role the library will play in the future as a diversified information resource for the community.

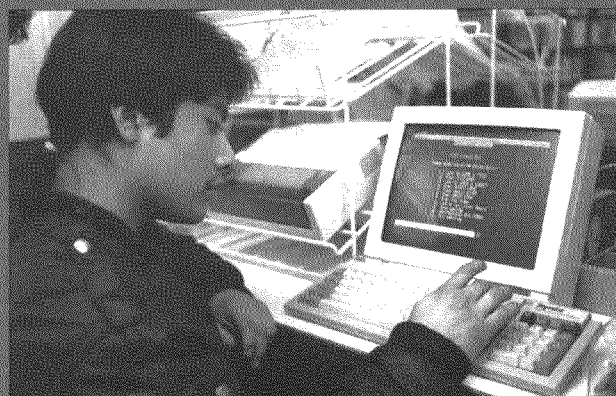
a. In implementing the Automation/Technology Plan:

- Acquire periodical indexes with full-text retrieval, a service widely sought and potentially the most useful of any technological advancement the library could currently provide. Full text would be available to patrons in all branches, as well as dial-up from homes, schools and businesses. The system chosen would provide the widest and deepest access the library can afford.
- Consider installation of an on-line help system to assist patrons in becoming proficient in new information retrieval programs and to

Recommended Activities

provide more service without substantially adding staff.

- Research the need for and interest in enhanced technologically based resources that might be provided by the library as a basic, free service, or involve a fee for added service. Such resources include: digital public-domain texts, local E-mail, a uniformly designed computer menu system, patron clipping services, host computers offering access to a wide variety of popular, public-domain software programs, or commercial electronic services.
- b. Identify the technological resources that may be appropriate to provide for a fee by the library as a specialized service, and how charges might apply.
- Consider the potential for corporate or individual community gifts to start up and/or maintain new technological resources.
- c. Complete the conversion of over 80,000 reference materials to the Dynix catalog system by June 30, 1995 to make them more accessible to the public and staff.
- d. Purchase and implement additional data bases.
- Consider acquisition of a digital freenet or community data base that would expand on the information currently available electronically in the PORTALS and Dynix systems, adding public bulletin board space and allowing more broad-based community participation. Consider formation of partnerships with government and community organizations to help support the cost and maintenance of new data base systems.



The library continues to add to its CD-ROM technology to provide users with up to date information.

DYNA, the library's computer catalog, contains records for the millions of items in the library system and can also be accessed via personal computer from home or office.

DYNA classes help familiarize users with the catalog.

Recommended Activities

4. CHILDREN'S AND YOUTH SERVICES

Respond to emerging demands for added library services for children and youth.

a. **Develop an expanded program of cooperation with Multnomah County school districts** to promote the National Education goals, the Oregon Education Act for the 21st Century (HB3565), and relevant Oregon and Multnomah County Benchmarks, and to focus on curriculum materials support and partnership ventures in technology training, equipment and software acquisition.

- Consider development of a model plan to formalize and expand cooperative efforts on program, materials and information exchange between public schools and the library.
- Develop ways to ensure that students and needed materials are linked together, through computer hookups between school buildings and library resources, through better delivery systems, and through training for teachers,

library staff, students and parents on what resources are needed and available, and how to use them.

- Consider further pursuit of electronic links to all school districts in the county, such as Internet, in line with what will almost definitely become federal guidelines for linking elementary and secondary schools to the information highway.
- Consider how the library can focus and target its services to younger customers in need of special assistance, particularly at-risk children and youth, working in partnership with programs such as the Donald E. Long Juvenile Home and Multnomah County's Steps for Success.

b. Evaluate current and emerging demands on library services for children and youth.

- Consider library service opportunities and challenges presented by school age children for individualized programming, such as the need for library skills training, and recommend a plan to meet those demands.
- Consider the expansion of more outreach services to meet children and youth information needs, and the development of new partnerships to deliver some outreach services.

c. Produce a more targeted expenditure plan for the purchase of children's non-fiction materials, recommending changes in buying patterns for these materials to reflect the grade and reading level at which this curriculum is offered.

d. Determine appropriate ways and sources of resources required for the library to have a presence in Multnomah County's Parent Child Development Services.



Early Childhood Resources include the Childcare Program which brings specialized library collections to more than 150 childcare centers throughout the county.

Recommended Activities

5. ECONOMIC AND WORK FORCE DEVELOPMENT

In expanding library business and career services, give priority to those services that respond to a demonstrated interest in career information and to those identified from further research of actual and prospective patrons as most useful to receive from the public library instead of commercial or other sources.

Develop partnerships with corporations and others, and charge fees for specialized business services to help support the expansion of these services.

- a. **Research and complete a plan to establish a Career Information Center in the renovated Central Library**, including recommendations for its development and funding. Make it easier for customers to locate career information they seek, and less staff-intensive to deliver it.
- b. Seek corporate sponsors to increase services to investors who are library patrons.
 - Consider expansion of the collection of investment publications or installing new electronic equipment to provide investment information in the Science and Business Room of the renovated Central Library.
- c. Identify additional specialized services to businesses and others for which the library might appropriately charge fees. Make recommendations on potential, specific opportunities and integrate into library planning.
 - Consider issuance of a special card for certain library users of business services, such as users of standards and specifications information, for which a fee structure is attached. At the same time, a method should be in place to ensure that people with demonstrated need

but limited ability to pay can obtain these library services without charge.

- d. Review the level of use of certain expensive collections in the library, such as industrial and federal standards and specifications and international trade information, to determine if patronage justifies the expense. Report to the Library Board by early 1996 any recommendations for change in approach.
 - Conduct further research of patron use to corroborate initial surveys in 1994 indicating relatively low use of standards and specifications materials and government contract information, along with international trade information.
 - Consider placing new or higher charges on use of such specialized, expensive material, based on the concept: that users who place unusual loads on the system should pay more.



Articles from business newspapers, demographics and census data, investment information and career materials are just some of the resources you will find at the library.

Service Priorities

No public library has a large enough budget, staff, or collection to meet all the service needs of its community.

According to the publication *Planning and Role Setting for Public Libraries*, public library roles are profiles of library services to be emphasized. These roles provide a catalog of the following:

- what the library does.
- who the library serves.
- what resources the library needs to achieve these ends.

No public library has a large enough budget, staff or collection to meet all the service needs of its community. No library can fulfill all roles with excellence, so each library must focus its resources on a limited number of roles.

By selecting which roles to emphasize, the library provides criteria for making these decisions. These choices define the library.

Multnomah County Library should focus resources on fulfilling the following roles. Though these roles are listed in priority order for the five-year period of this plan, **resource allocation should not be driven by the assumption that each of these roles must be completely filled before any resources are spent on other roles.** Services within each role will have different priorities.

HIGH PRIORITY

1. Independent Learning Center

Adult users gain access to materials and services they need to better themselves, to find employment or learn a new skill. The library supports individuals pursuing a sustained program of learning independent of any educational provider.

2. Formal Education Support Center

Students, both children and adults, find the books, magazines and other services they need to complete their schoolwork. The public library supplements public schools and university libraries with materials that provide substantial assistance to students. This service is provided in cooperation with schools and university libraries, cooperation that must expand as funding limits constrain the ability of all libraries to meet the needs of students.

3. Preschoolers' Door to Learning

Preschool children gain access to picture books, story hours, and educational programs of the library to have fun and prepare to enter school. Participation by parents, along with formal and informal parent education, are keys to success of the library in this role.

Service Priorities

The library is a service accessible to all county residents who seek information, education and recreation from its collection and its range of program activities.

4. Reference Library and Community Information Center

People with personal and business information needs get help from the library. Examples of needs met by the library may include:

- residents wanting to fix things around the house, pursue hobbies, address health issues, or evaluate the quality and prices of home appliances.
- business persons looking for information about sales or marketing, worker safety, environmental protection, or setting up a new business.
- citizens seeking information about their community and their local government, the law, and local community services.

CONTINUING PRIORITY

5. Popular Materials Library

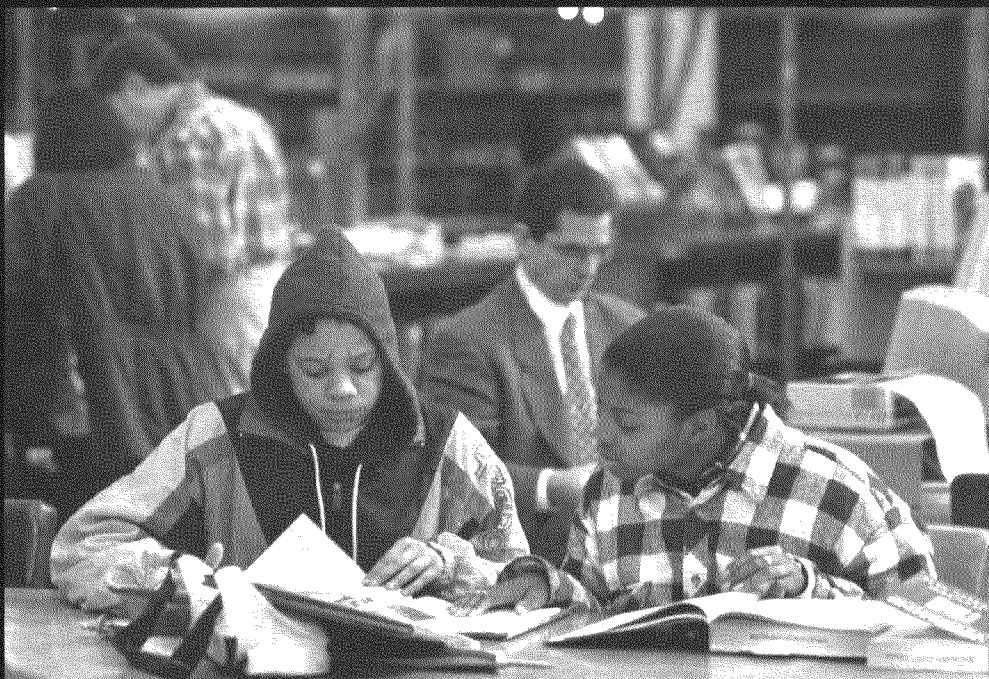
People of all ages looking for recreation find choices to borrow from the library collection of books and popular magazines, videos, musical recordings, and computer-based materials.

6. Research Center

Scholars, artists, scientists, and others in the pursuit of research find help from the library's specialized research collections of books, magazines and computerized information they need to conduct their work. Cooperation with other public and private libraries in the region enhances the ability of the library to meet the complex needs of research activity.

7. Community Center

People needing a comfortable, safe place to read, think, or work outside their house or apartment can use the library. It serves also as a neighborhood or community activity center – a place where organizations or clubs can hold meetings or present concerts and lectures.



*The library must rise to the challenge of change
and meet new demands and responsibilities.*

It is not unusual to find middle school students and business people working side by side at the library.

A Library Report Card

The Library Planning Committee recommends that the Library issue an annual report card to its customers, showing its level of performance in activities that best reflect customer satisfaction. The following model is offered, including measurements in recent years and targets for 1999.

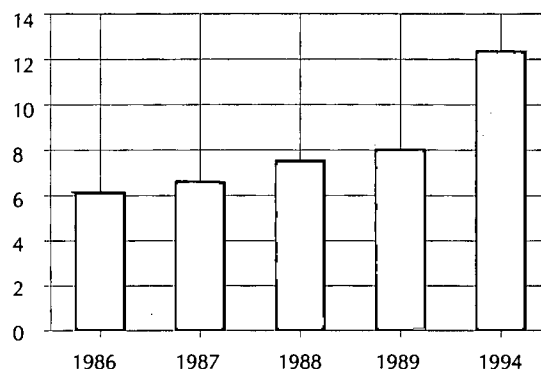
In keeping with this recommendation and the county's budget process, the library sets targets to measure its ability to serve customers' needs to their satisfaction. Key activities of the library that are measurable and provide a reflection of customer satisfaction include:

- items checked out per resident of Multnomah County.
- library visits per resident.
- library program attendance per resident.
- reference transactions per resident.
- library's performance in fulfilling requests for references.
- library's performance in fulfilling requests for book titles.
- success of the library in providing something of interest to library browsers which they then check out for use.
- percent of the Multnomah County population registered for a library card.

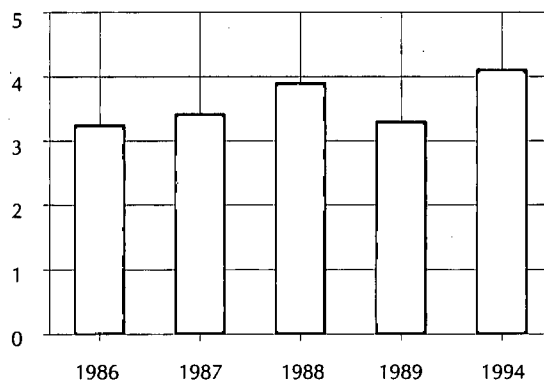
Multnomah County has adopted a series of Urgent Benchmarks to evaluate progress of residents of the county toward quality of life and community livability. Under the Benchmark heading, the library has determined its relationship to the county measurements.

Areas covered by the library measurements include: Government Accountability; Cost of Government; Citizen Satisfaction; Library Use; Government Responsiveness; and a set of benchmarks evaluating the library's role for children and youth (early childhood development, readiness to learn, children's library use and high school completion) and with adults (workforce readiness, adult literacy, citizen involvement).

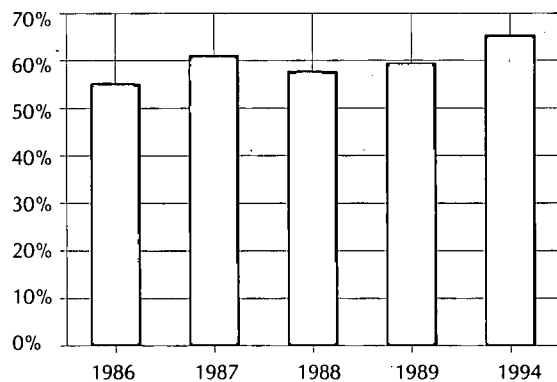
**Library Items Checked Out
Per Resident of Multnomah County**



**Library Visits
Per Resident of Multnomah County**



**Percent of Library Users
Finding the Title They Want**



Report Card for the Library

	92-93	93-94	94-95*	95-96	96-97	97-98	98-99
1. Items Checked Out (Items Per Capita)							
Central	2.55	2.40	2.03				
Large Branches	2.78	2.80	2.90				
Medium Branches	4.06	4.31	4.56				
Small Branches	0.37	0.42	0.43				
2. Central Library Reference Completion Rate	na	81.2%	79%				
3. Library Browsers Who Find Something to Check Out							
Central	na	83%	90%				
Large Branches	na	93%	94%				
Medium Branches	na	92%	93%				
Small Branches	na	96%	96%				
4. Patrons Who Find the Title They Want	na	65.3%	63%				
5. Library Collection Turnover Rate	4.9	5.38	6.0				
6. Reserved Materials Delivered to Patrons Within Seven Days	na	53.3%	55%				
7. Library Collection Available Via Dial-up Access (to Dynix)	78%	93.4%	97%				
8. Patrons Who Rate Library Publications Useful	na	60%	70%				

(continued on next page)

NOTE: Some figures for 94-95 are lower because of the closure of Central Library for one month.

* Estimated.

Report Card for the Library

	92-93	93-94	94-95*	95-96	96-97	97-98	98-99
9. Program Attendance (As Percent of Capacity) at Children's and Popular Library Programs							
Central	86%	100%	86%				
Large Branches **	85%	100%	100%				
Medium Branches **	85%	100%	100%				
Small Branches **	85%	100%	100%				
10. Day Care Centers Served by Library Day Care Services	30%	26%	50%				
11. Number of Contacts With Children and Teens Through Specially Targeted Programs <i>Outside</i> the Library	35,090	45,200	50,000				
12. Number of Contacts With Teens Through Specially Targeted Library Programs Held <i>In</i> Libraries	6,000	8,100	10,000				
13. Entrepreneurial Revenues Net of Direct Costs (Title Wave, Sale of T-Shirts, Mugs, Bookbags)	\$165,821	\$186,723	\$173,622				
14. Library's Cost Per Dial-up Access	\$.018	\$.03	\$.07				
15. Cost Per Patron Served by Outreach Services	\$4.59	\$4.35	\$4.61				
16. Volunteer Services (Percent Change in Hours)	+8% (31,347)	+ .002% (31,403)	+15% (36,113)				

NOTE: Some figures for 94-95 are lower because of the closure of Central Library for one month.

* Estimated.

** Children's programs only.



*No library can fulfill all roles with excellence,
so each library must focus its resources
on a limited number of roles.*

Library use by children and families are among the top priorities for the library. New and continuing programs and resources aim to enhance services to these users.

The Once and Future Library

As the Multnomah County Library prepares for the 21st century, forces for change already in motion are shaping the vision of tomorrow's library.

Multnomah County Library has occupied a unique place in the Portland area for nearly a century. In 1902, the private library begun forty years earlier by a group of Portland citizens became a tax-supported free public library, open to residents of the city. A year later, library services were extended to all residents of Multnomah County.

Through two World Wars, a Great Depression, and now a worldwide information technology revolution, Multnomah County residents have treasured and used their library.

Today, some 70 percent of Multnomah County residents have a library card and use it regularly. Thanks to past planning, a library staff dedicated to public service, and modern information technology, the library has come to be THE information source for more and more people.

As the Multnomah County Library prepares for the 21st century, forces for change already in motion are shaping the vision of tomorrow's library. These forces include:

- **Rapidly developing technology in communications and computerization.** This technology has produced an astoundingly different environment for the library in just the past decade, and will give rise to an even more distinctive library by the turn of the century.

The library is a primary intermediary to information for many citizens, particularly those unable to afford their own computers, modems, and other

entry points to the information superhighway. The library will be the safeguard to limit the information gap between those who have and those who don't.

- **Growing population in the Portland region,** forecast to increase further by another half a million people in the next 20 years. Within this growth, today's trend toward greater diversity among age groups, ethnic backgrounds, and native languages is expected to accelerate.
- **Transformations in the workplace:** people working more often at home; people living longer and experiencing several careers in a lifetime; increased diversity in the economy; more jobs based on technology. The library is increasingly seeing greater demand for information about employment opportunities and career skills, about training and retraining programs, about starting a business, and making investments. This demand will multiply.
- **Heightened community awareness of the urgent need to provide adequate and enhanced educational opportunities for children,** and of enlisting parents and the broader community as partners in the education process.

Public schools face restricted funding in the coming years under Oregon's property tax limitations. A growing number of children are being schooled at home or in private schools where library resources may be limited. The library is being asked to help fill a growing gap of information and knowledge needs for children and youth.

The Once and Future Library

The recent emergence of Multnomah County's Children and Family Service Centers and the County's Urgent Benchmarks presents a challenge to the library of the future to provide added programs and services to children, especially pre-schoolers and their parents.

- **Changing lifestyles and changing information demands among library users.** While customers are developing more complex knowledge needs, they're finding less time available in their lives to meet those needs. There's growing reliance on dial-in services, communications by computers and modems, for more convenient access to library resources.
- **Limited public funding.** Voters have approved library levies for the past two decades, agreeing to tax themselves additional dollars to expand the collection of books and other materials, operate the library more hours, and meet other basic needs. But under current Oregon law, the local property taxes collected in Multnomah County cannot be increased, not even by a vote of the people. The library operating levy approved by 78 percent of voters in 1993 resulted in no increase in the amount of levy funds available.

The library will depend increasingly on the County General Fund, where it will face intensifying competition with other county services for limited funds. New sources of fees and other nontax revenue must be found to augment public support.

What should guide the future of the library in an era of sweeping technological change, rising demand for library services and limited public funding? Over the next five years, we will be guided by the following principles:

- the tradition of providing service needed and wanted by those in our community will continue.
- new technology will be a tool to help us continue our historic commitment to customer service.
- library services most needed will receive the most dollars.
- partnerships with many in our community will be necessary to help provide cost-effective service to our users.
- the library's collection will be constantly updated; new books and other library materials will be added while others are withdrawn.
- library staff will remain the most valuable and important component needed to deliver good library service. Staff will receive training, compensation, appreciation, and adequate resources to do their jobs well.
- a renewed search will be conducted for stable and adequate funding.

We affirm the Library Bill of Rights as approved by the Multnomah County Board of Commissioners in 1990. We are committed to the diversity of our customers and to providing materials that reflect a variety of points of view.

The library must rise to the challenges of change and meet new demands and responsibilities. This five-year plan incorporates current library efforts and provides a guide for what more the library can do to fulfill its newly emerging role as on-ramp to the information highway and as community partner in meeting the expanding and changing knowledge needs of Multnomah County's children and adults.



Ginnie Cooper, Director
Multnomah County Library

The Once and Future Library



The library's executive team provides professional expertise in all areas of library operations and oversees the daily administration of funds and programs.

LEFT TO RIGHT:

Back Row: Jan Thenell, Margaret Epting, Jeanne Goodrich and Cindy Gibbon.

Front Row: June Mikkelsen, Carol Burns, Ginnie Cooper and Inga Boudreau.

The Library Today

The Library is at the center of the Portland metropolitan area of over 1.5-million residents, living in Multnomah, Clackamas, Washington, and Clark counties.



TOP: The Library Board consists of 15 volunteers appointed by the Multnomah County Board of Commissioners to assist in developing library policy. Pictured back row left to right: Michael Powell, William Failing, Angel Lopez, Bonnie Morris, and Paul Millius. Front row left to right: Cliff Carlsen, Evelyn Crowell, Susan Hathaway-Marxer, and Bill Naito. Not pictured: Paul Bragdon, Karen Hinsdale, Ursula LeGuin, Terry McCall, Felicia Trader and Yvonne Williams.

BOTTOM: Commissioner Tanya Collier is the library's liason to the Multnomah County Board of Commissioners.

The Library's History and Changing Environment

The Multnomah County Library serves Oregon's smallest county by size, but largest in population (estimated in mid-1993 at 615,000). The library is at the center of the Portland metropolitan area of over 1.5 million residents, living in Multnomah, Clackamas, and Washington counties on the south side of the Columbia River, and Clark County, Washington to the north.

In the past decade, Multnomah County's service emphasis has changed dramatically as the cities of Portland and Gresham have annexed most of the urbanized, unincorporated areas of the county. These cities have assumed main responsibility for the delivery of many municipal services formerly provided by the county, thereby reducing the county's role in law enforcement, road maintenance, and land use regulation. The county's primary areas of service supported by the General Fund today are corrections, juvenile services and criminal prosecution, public health and human services, and library services.

Multnomah County has supported library services with tax revenue since 1911. For the preceding 50 years, private resources funded library programs. In 1990, the long-time steward of library services, the Library Association of Portland, transferred its assets to Multnomah County, which assumed governance of the library.

The Multnomah County Board of Commissioners is responsible for the policies and funding of the library. The Board is assisted in the development of library policy by an appointed Multnomah County Library Board, 15 volunteers who meet monthly to oversee the activities of the library. The Library Board is currently chaired by Bill Naito.

The Library Today

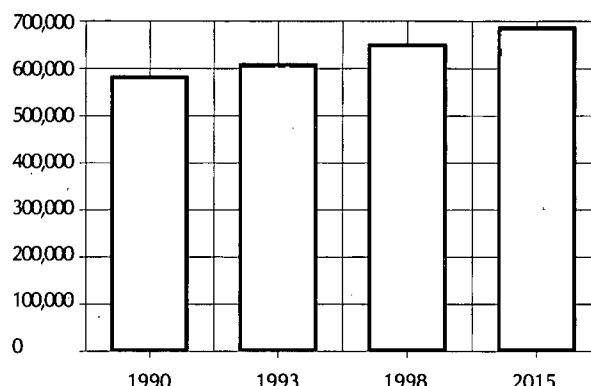
Changing demographics: Multnomah County's population is expected to grow and diversify. The region's elected government, Metro, estimates that nearly 690,000 people will live in Multnomah County by 2015. The population of the region will have increased by some 500,000 inhabitants to two million.

Across the years, the profile of the County's population will shift. Household size, at 2.41 in 1990, is predicted to drop to 2.19 by the year 2015. By age, the percentage of young people is expected to remain stable over the coming two decades. The working age group will attain a larger share, and the percentage of seniors in the county population will decline.

More county residents are completing high school and college programs. According to the 1990 census, the percentage of residents who are college graduates rose to nearly 24 percent from below 20 percent a decade earlier. Almost 83 percent of county residents finished high school in 1990, up from 76 percent in 1980.

Total Multnomah County Population

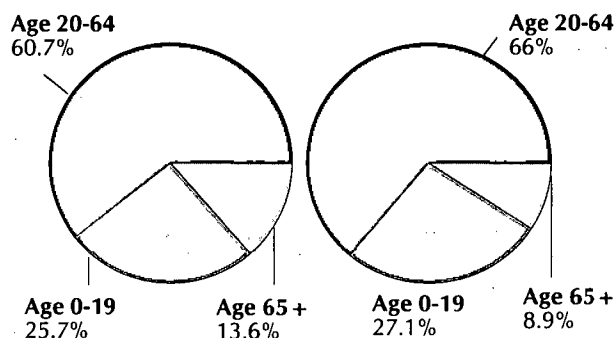
Source: Metro



Multnomah County Population by Age

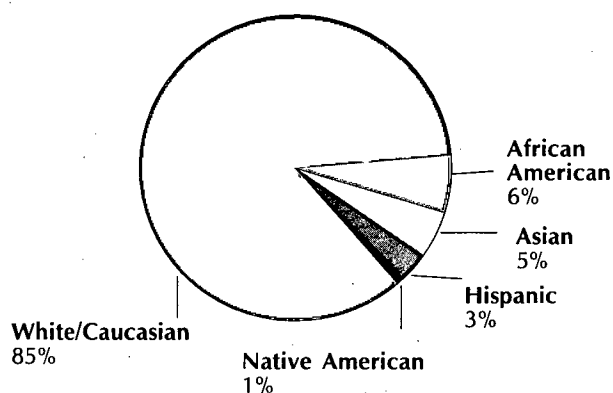
1990

2010 (est.)



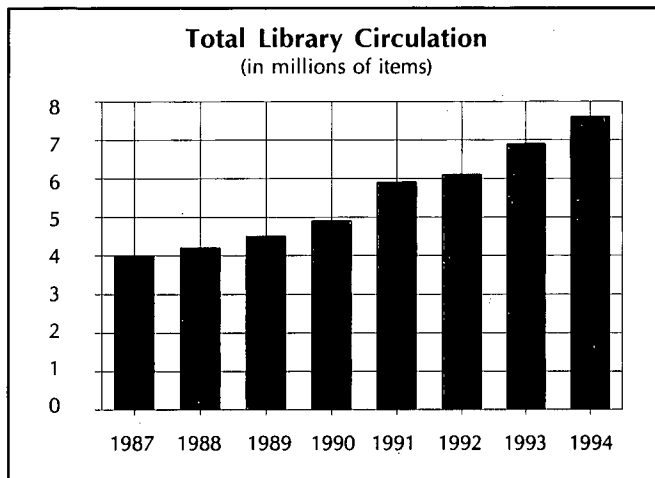
Multnomah County Population by Origin

Source: 1990 Census



The Library Today

Circulations of library materials per capita have doubled since 1986.



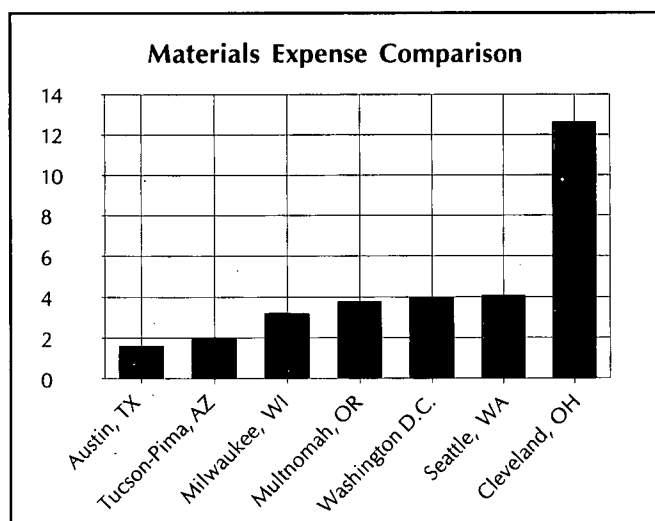
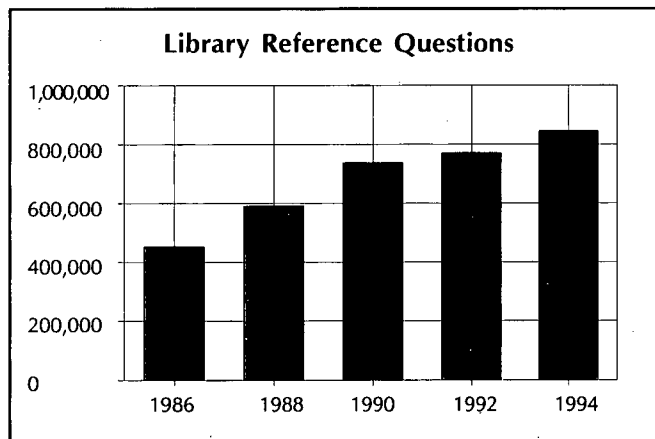
The Library: A Busy, Popular Service

Only eight years ago, fewer than six of ten Multnomah County residents were registered to hold library cards. Today, seven in ten are registered.

This sharp increase in registration has led to equally dramatic increases in library use. Per capita circulation of library materials has doubled since 1986 when 6.15 books or other items were checked out for each county resident. Now that figure is 12.36. Total circulation has moved up accordingly.

Other indicators of rapidly expanding library use and service delivery include:

- the number of reference questions posed to library staff.
- spending to meet demands for new materials, up from some \$1 million in fiscal 1986 to \$2,430,000 in fiscal 1993. Materials spending per capita rose from \$1.79 in fiscal 1986 to \$4.02 in fiscal 1993. This recent figure compares favorably with a sampling of other major urban public library systems around the nation.
- annual library visits made per Multnomah County resident. This frequency rose over the past decade from 3.25 times in 1986 to 4.1 times in 1994.
- youth program attendance which soared from 53,100 in fiscal 1991 to 143,000 for fiscal 1994.



The Library Today

Career and Business Services

Information on operating a business is the most frequently requested by users of this library specialty area. Information about starting a business, business plans, financial ratios guidance, marketing and advertising, and consumer publications that help make buying decisions for office products are available at Central Library.

While library services for people in business and pursuing careers are centered in the Science and Business Room of Central Library, most areas of the library offer useful business and career resources.

Other types of business or career information requested include:

- career information including vocational guides, resume and cover letter books, and information on potential employers.
- investment information, about mutual funds, stocks and bonds, and commodities.
- international trade information, drawing on the library's large collection of other countries' manufacturing directories, especially from Oregon's Pacific Rim trading partners.
- standards and specifications, especially related to compliance with government contracts. The library's Federal Government Procurement Center has operated since 1986. In its first three years, the collection was instrumental in helping Oregon businesses win over \$40 million in contracts, according to winning firms.
- other consultation with job seekers researching information on employment opportunities.

Who uses these services? A 1994 survey of patrons

using the Science and Business Room shows a preponderance of males in the prime working years (25-49) most often reporting household income over \$25,000 annually. However, a large population of students and part-time workers also use the collection for self-improvement, the surveys indicate.

Large company users make up only three percent of total patrons of the Science and Business Room, according to the survey. Small companies (one to 50 employees) constitute 15 percent of the users. Individuals, some of whom would likely appear in the small company category as single employee business entrepreneurs, make up 65 percent of the users.

A 1994 telephone survey of Library Reference Line callers indicates that about one-third use this service for business services. Of that group, two-thirds represent small businesses with under 50 employees and about 30 percent called on behalf of larger businesses.



Each week reference line staff find answers for almost 2,700 questions from patrons seeking information by phone.

The Library Today

Children's and Youth Services

Public libraries have a long history of service to young customers. The Multnomah County Library system is no exception.

The aim is to bring children into the library at an early age, fire their imaginations and love for reading and knowledge, and provide the technology and equipment they will need to gain access to knowledge as information systems rapidly change and expand.

The library's services to children and teens provide help in recreational reading selection and homework assignments. For parents, there is assistance in selecting materials for children and parenting information. Other services include programs featuring storytelling, crafts and the performing arts, and regular storytimes. Also offered are programs such as Reading Readiness and Book Babies, related to early childhood education.

Another part of the library's Youth Services program is Early Childhood Resources. An early childhood specialist is on hand for outreach to kids in child care settings. Some 150 child care centers participate in the Childcare Program, which circulates book collections bi-monthly.

Three branch libraries house the Early Childhood Resource Centers, which include the In the Bag curriculum kits along with a professional development collection for providers. Training is regularly presented on library resources, reading and literacy development, and associated early childhood subjects.

Cooperative outreach programs provide books in lobbies of social service agencies. Additional programs reach family child care providers, teen parents, and parents in drug and alcohol treatment programs.

These services are provided at Central and in the branch libraries throughout the county by youth librarians and other specialists trained in the needs of pre-school children, primary school students, and young adults. Of significant value and increasing importance is the library's outreach program to youth, offering opportunities to introduce children to books and to learn how to use the library as a resource for a lifetime of learning. Youth librarians regularly tell stories in child care centers. Joint programs with other agencies include workshops with Headstart centers, booktalkers in Portland Public Schools, and a storytelling summer at Metro Washington Park Zoo.



Children's programs are often the first contact a child has with the library and help familiarize children and parents with library materials and services.

The Library Today

Many of the books weeded out have moved to the Title Wave, the library's own used book store.

Improved, Cost-Effective Library Operations

Long-range plans developed in the late 1980's have spurred a host of improvements in library operations. Central and branch collections of materials have been aggressively weeded of thousands of items no longer requested by users to make resources more up to date and useful. Many of the books weeded out have moved to the Title Wave, the library's own used book store, where they've been sold and produced added revenue for the library. In fiscal 1994, the Title Wave operation grossed \$117,000 in additional revenue for the library.

Through a period of dynamic growth in library services, the level of staffing has remained relatively steady. Staff consists of both full-time and part-time employees; the number of full-time equivalents has stayed at about 320 for the past three years. Volunteers, an important resource for the library, have consistently donated their services, currently averaging about 31,000 hours annually.

Evaluation of results is more precise thanks to the library's automated, integrated computer system, providing detailed fund accounting and a variety of management reports to measure and improve library services. Staff members use objective statistical measurements to evaluate the library's progress in achieving key results identified by the county in its budget process, as shown in the Report Card section of this Plan.

Library staff participates in the county's RESULTS training campaign, a continuous quality improvement program. A comprehensive staff development program includes a wide variety of training activities developed by the staff training committee and made part of the new employee orientation process. Examples include a basic reference course for all staff

who provide reference services, as well as clerks and pages wishing to advance, and Locating Legal Information at Central, a tightly focused course for reference personnel.

During the coming year, staff will standardize and streamline the book and materials selection process, and improve procedures for cataloging and processing books and materials to make them more readily accessible to the public.

Through participation in the county's affirmative action program, library management has set goals to have library staff mirror the diversity of the public it serves by the end of this planning period.

As participants in the county budget process, the library staff plans major goals annually along with action plans. These goals relate to Multnomah County priorities or Benchmarks that set direction for all county services.



Library volunteers donate an average of about 31,000 hours annually and are an important addition to the library work force.

The Library Today

New Technology Based Services

The role of the library is to match users with the information they need or want. Technology provides a faster, more complete tool to fulfill that role.

As computer literacy grows, there are two types of service library patrons need in a digital age: full texts of original source materials, and access to the electronic menu of lists, indexes, collections, and other references to source information.

The library already offers systemwide and dial-in access to its collection. A user can determine if a resource is in the collection and whether or not it's available for circulation. The user can place a hold on the resource from any place in the library system, or from outside the system with the help of appropriate computer equipment. By early 1995, the library plans to offer full-text on-line access to 300-400 magazines as a dial-up service.

The system is used extensively in the library and from remote locations. Dial-up calls from homes, schools, and businesses will be a heavily used service if the

first six months of 1994 are any indication. During that period the number of calls to the library's catalog and information services doubled from 10,000 in January to 20,000 in June. If the library were equipped to support that rate of growth and the increase continued at that rate, the number of people who dial-in for library services would exceed the walk-in patrons at the Central Library within two years.

The library now has automated key functions, such as the card catalog, book acquisitions, and circulation. It offers electronic access to a number of data bases through the online computer system and stand-alone CD-ROM stations. And faster service is provided through such fee-based services as Fast Facts using telefax.

Improved access to library materials and services of academic libraries and research institutions in the Portland metropolitan area is available through the library's participation in cooperative programs such as Portland Area Library System (PORTALS), an electronic network that links the automated catalogs of member libraries.

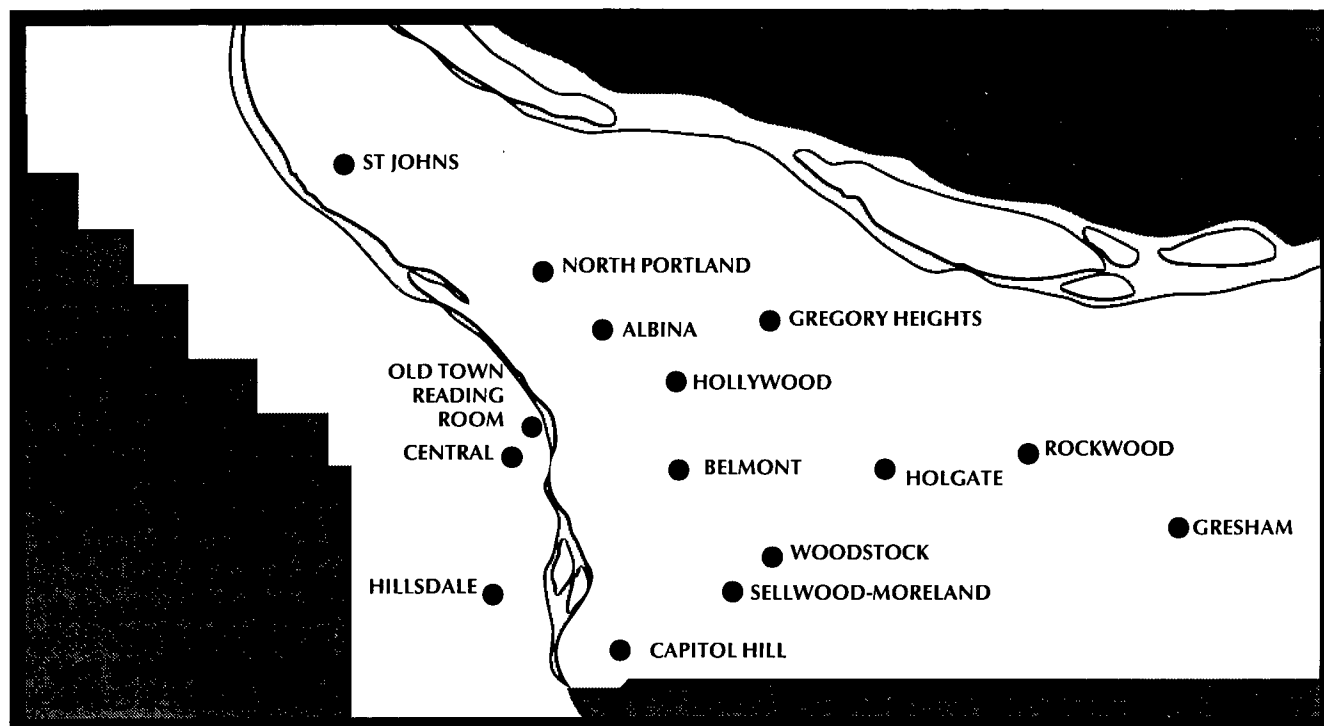
Multnomah County Library is the only public library in the area providing public, on-line access to the Internet, an international linking of universities, libraries, government agencies, and research facilities.

Access to various information data bases is available at Central Library and at a few larger branch libraries in the system. Users of the larger branches have access to magazine indexes and article summaries on the InfoTrac search program. So do Central patrons, who can also gain digital access to statistical, business, census, and other information.



Computer literacy among library users continues to grow. The library plans to remain on the cutting edge of new technology.

The Library Today



The Library's Service System

Multnomah County Library delivers services to its customers through the Central Library, 14 branch libraries, and Library Outreach Services.

Central Library, located in downtown Portland, houses a major research collection with emphasis on science and business, government documents, arts, humanities, social sciences, and periodicals. The staff of professional reference librarians provides research assistance to library users throughout the county, in person or through the branches. Quick answers to factual information questions are delivered through the Reference Line telephone system.

At present, Central Library is the major access point for technological information resources such as CD-ROM data bases and on-line information services. Acquiring, maintaining, and providing access to the library's special collections is an important role.

Beyond its research functions, Central Library is also

the neighborhood branch for residents of the Central and Northwest Portland neighborhoods. Collections and programs of the Popular Library and Children's sections help Central serve these customers.

Branch services: Among the 14 branch libraries, Gresham Regional Library offers many of the reference and information services of Central to the east Multnomah County area. A larger collection and longer hours of service than other branches are provided, plus computerized access to periodicals, a full range of youth services, community meeting rooms and ample parking. The expanded Midland Regional Library, when completed, will provide similar regional library services to the mid-county area.

The system includes large branches (Hollywood, Midland, North Portland) and medium-sized branches (Belmont, Capitol Hill, Gregory Heights, Hillsdale, Holgate, Rockwood, St. Johns and Woodstock). These facilities give users access to basic informational and

The Library Today

The role of the library is to match users with the information they need or want.

educational library services; popular reading, listening and viewing materials; children's and youth programs; community meeting rooms, and international language collections to meet the needs of special neighborhood populations. They also act as an access point for tapping into the collections and services of Central Library.

Two small neighborhood branches, Albina and Sellwood-Moreland, offer browsing collections of popular materials in a bookstore arrangement. Some children's programming is offered. Again, access to Central and other branch libraries' collections and services is provided.

Outreach services: Utilizing both paid staff and volunteers, Library Outreach Services brings the library to special populations that often have difficulty using its traditional facilities. This service includes:

- bookmobile service to retirement homes and neighborhoods where no branch is easily reached.
- deposit or lobby collections in jails, day care centers, nursing homes and public agencies.
- service to the low income and homeless at the Old Town Reading Room.
- books-by-mail (large print and paperback materials) to shut-ins and outlying areas of the county.
- in-person service to homebound individuals.

Partnership Arrangements

Multnomah County Library plays an important regional role in a loose coordination of the various public and private libraries in the area. Efforts proceed to collaborate and cooperate with other agencies and libraries in the region to avoid unnecessary duplication of effort, and to make the most efficient and effective use of funds. The library is involved in

regional efforts to have library funding bases match the geographic area served and to explore potential for a future regional library system.

The library has a series of specific agreements with other libraries in Oregon, with the library being reimbursed for services provided. These include:

- Metropolitan Interlibrary Exchange (MIX), a reciprocal borrowing and reference program providing access to residents of Multnomah, Washington, Clackamas, and Hood River counties.
- agreements with Washington and Clackamas counties to provide space and collection access at Central Library for reference librarians of these counties.
- the library serving as a designated State Regional Reference Center and participating in the Oregon Reference Link program. It offers second and third level reference assistance to libraries throughout Oregon.
- the library providing interlibrary loan of books and materials throughout Oregon and nationally.

The library's involvement in the PORTALS program has strengthened cooperative connections with academic and research institutions in the Portland metro area.

The library has only begun to tap into the potential for forming partnerships with other public agencies and the private sector to reach more customers and to deliver services more cost effectively. In pursuing new partnerships to extend library services, the library will explore the potential for new joint programs with other public agencies (the county and beyond), print and electronic media, telephone and cable companies.

The Library Today

Ties to Library Users

The Bookmark, the library's newsletter, is mailed periodically to all households with library card registration. An annual week-long celebration of the library, **Check It Out**, is conducted each April, with the help of extensive sponsorship and participation by local merchants. A direct mail, annual fundraising program aimed at library users is in place.

New Library Facilities

Central Library has moved to a temporary location at the old State Office Building in the 1400 block of SW Fourth Ave. For the next two years while the major renovation of its 80-year-old home at 801 SW Tenth is completed. Library services will operate out of six floors of the building.

The transition to the temporary facility was a significant undertaking by library staff. Some 1.25 million items were moved, over 875 tons of books and other library materials.

Relocation will shorten construction time, provide greater safety for library users, staff, and the collection, and save money. Total budget for the renovation is estimated at \$24.6 million.

Central Library will reopen in 1997. The renovated building will have considerable structural and seismic improvements. Changes will include a new structural life safety system, a new heating and cooling system, electrical and mechanical upgrades to support installation of new information technology systems, and full accessibility for people with disabilities.

Improved public areas will allow user access to at least 70 percent of the collection, instead of the current 30 percent. Public space will be expanded, most notably in the Children's Library, which will triple in size.

The Multnomah County Board of Commissioners has created a citizens' group, the Central Library Design and Construction Oversight Committee, to oversee the construction project.

Midland construction: Design for a new Midland Regional Library is under way, with completion anticipated in 1996. County Commissioners have approved purchase of land adjacent to the current Midland site at 805 SE 122nd. A new 20-25,000 square-foot building will replace the outdated, overtaxed 6,000 sq. ft. structure. A citizens group has been appointed to shepherd this project.

The new Midland facility will represent an important step toward extended, tiered delivery service. With full-service branches operating in both east and mid-county, the library will have established the base to reach out more effectively in these rapidly developing areas.

Library Funding

The public library is a community benefit for an informed citizenry. To be informed, citizens must have equitable access to a wide range of informational resources.

The Multnomah County Library is the only governmental agency in Multnomah County with a mission to provide a full range of informational and educational resources and services for: personal development; practical living skills; economic and educational development; participation in the political process; and self-expression by all residents, regardless of status or ability to pay. People with the greatest need for information often are the least able to pay for it.

The library receives its funding from two major sources: a County General Fund appropriation approved by the Multnomah County Board of Commissioners, and a special library levy that has been approved by county voters every three years since 1976.

The Library Today

To be informed, citizens must have equitable access to a wide range of informational resources.

Under the terms of Ballot Measure 5 passed in 1990 and setting statewide property tax limits, revenue available to the General Fund and the library is limited. The library competes with other county services supported by the General Fund, especially public safety and human services. Because of this limit, the levy approved in May 1993 was at the same rate as the previous levy. A higher portion of the library's budget now comes from the county's general fund.

The library levy, approved by voters in May 1993, provides for a fixed rate of .4034 per \$1,000 of assessed valuation. The statewide property tax limit prohibits increasing the rate of the levy, which expires in 1996, without new action by county voters.

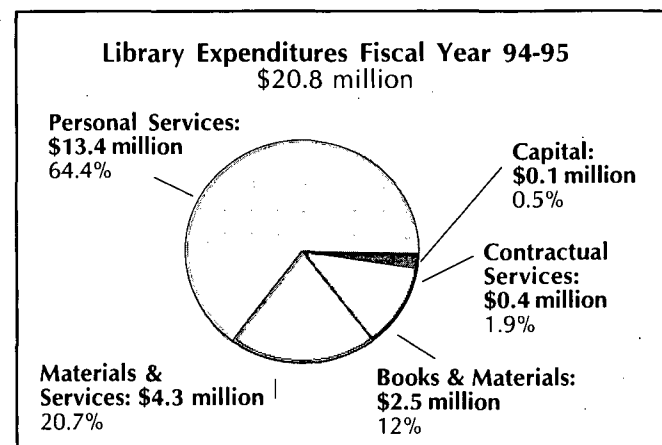
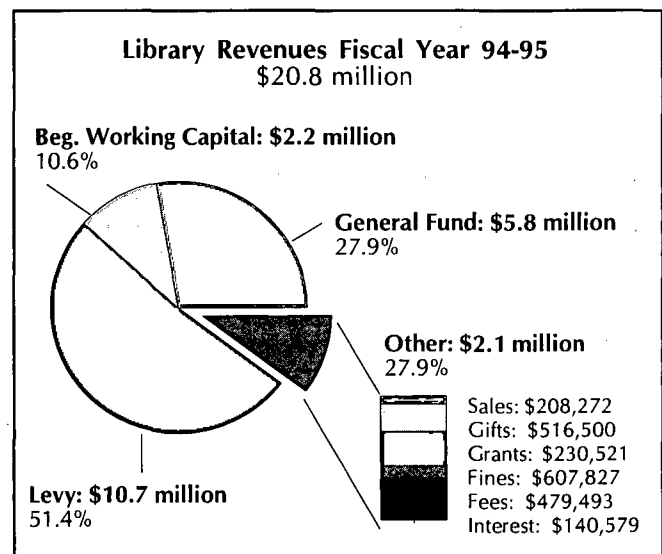
In addition, voters also approved a general obligation bond in 1993 to renovate the Central Library, now in progress, and to build a new Midland Regional Library.

About eight percent of library revenue comes from nontax sources. A national study by the Urban Libraries Council found that typically five to ten percent of operating expenditures are raised from such sources. These sources include fines and fees for such items as copy machine fees, overdue materials, and special, extensive data base runs provided by library staff.

Enhanced resources: With the renovation of Central Library, the library has made a major commitment to future private fundraising to enhance the newly renovated facility. Current planning envisions pursuit of a planned giving program – with endowments established and expanded – and other avenues of support for library programs from private sources. A

citizens steering committee, aided by a professional fundraising consultant, is involved in plan development.

The library has an established endowment fund, managed by the Oregon Community Fund. This fund, a legacy from the previous stewardship of the Library Association of Portland, has grown to \$8.13 million in 1994. Many of the contributions to the endowment are earmarked for specific use by their donors.



Library Planning Committee

SUBCOMMITTEES

Branch Development

Susan Hathaway-Marxer, Chair
Carl Abbott
Donna Barrigan
John Hamlin
Shannon Leonetti
Terry McCall
Bonnie Morris
Chet Orloff
Cindy Reid
Ron Summers

Economic and Workforce Development

Don McClave, Chair
Tanya Collier, Commissioner
Mary Devlin
Terry McCall
Jim Michels
Bonnie Morris
Michael Powell
Marcia Pry
Martha Ullman West

Library Services for Children and Youth

Chris Poole-Jones, Chair
Judy Amster
Joseph Arellano
John Hamlin
Susan Hathaway-Marxer
Tom Holmes
Willa Holmes
Beverly Moss
Nan Narboe
Gerry Newhall
Chet Orloff
Martha Ullman West
Yvonne Williams

Library in Society

Chet Orloff, Chair
Carl Abbott
Cliff Carlsen
Tanya Collier, Commissioner
Holly Espenlaub
Molly Gloss
John Hamlin
Penny Hummel
Steve Johnson
Ursula LeGuin
Shannon Leonetti
Jim Michels
Candy Morgan
Bonnie Morris
Marcia Pry
Cindy Reid
Jim Schepke
Larry Scruggs
Johannah Sherrer
Martha Ullman West
Yvonne Williams

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Cliff Carlsen
Tanya Collier, Commissioner
Mary Devlin
Steve Johnson
Ursula LeGuin
Shannon Leonetti
Chris Poole-Jones
Cindy Reid
Larry Scruggs
Frank Shaw
Johannah Sherrer
Yvonne Williams
Peter Wolmut

Library Support Staff

Inga Boudreau
Ginnie Cooper
Cindy Gibbon
Jeanne Goodrich
June Mikkelsen
Tom Olson
Cindy Reid
Jan Thenell
Brian Williams



January 1995

MEETING DATE: 'APR 18 1995AGENDA NO: B-3(Above Space for Board Clerk's Use ONLY)
-----AGENDA PLACEMENT FORMSUBJECT: Reengineering Project - PSU - MCSOBOARD BRIEFING Date Requested: April 18, 1995
Amount of Time Needed: 30 minutesREGULAR MEETING: Date Requested: _____
Amount of Time Needed: _____DEPARTMENT: MCSO DIVISION: CorrectionsCONTACT JOAN PASCO TELEPHONE #: 251-2402
BLDG/ROOM #: 313/112PERSON(S) MAKING PRESENTATION: PSU Graduate Team: Jim Munz project leaderACTION REQUESTED☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

SIGNATURES REQUIRED:ELECTED OFFICIAL: John Burnell
JPOR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/5222

0516C/63

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1995 APR 10 PM 1:32




Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

JOHN BUNNELL
SHERIFF

(503) 255-3600

To: Board of County Commissioners
From: Joan Pasco, Sheriff's Executive Assistant  MCSO
Date: April 10, 1995
Requested Placement Date: April 18, 1995
Re: Board Briefing on PSU Graduate Student Reengineering Project for MCSO

This memo is submitted in compliance with the requirement for agenda item briefing/staff report supplement.

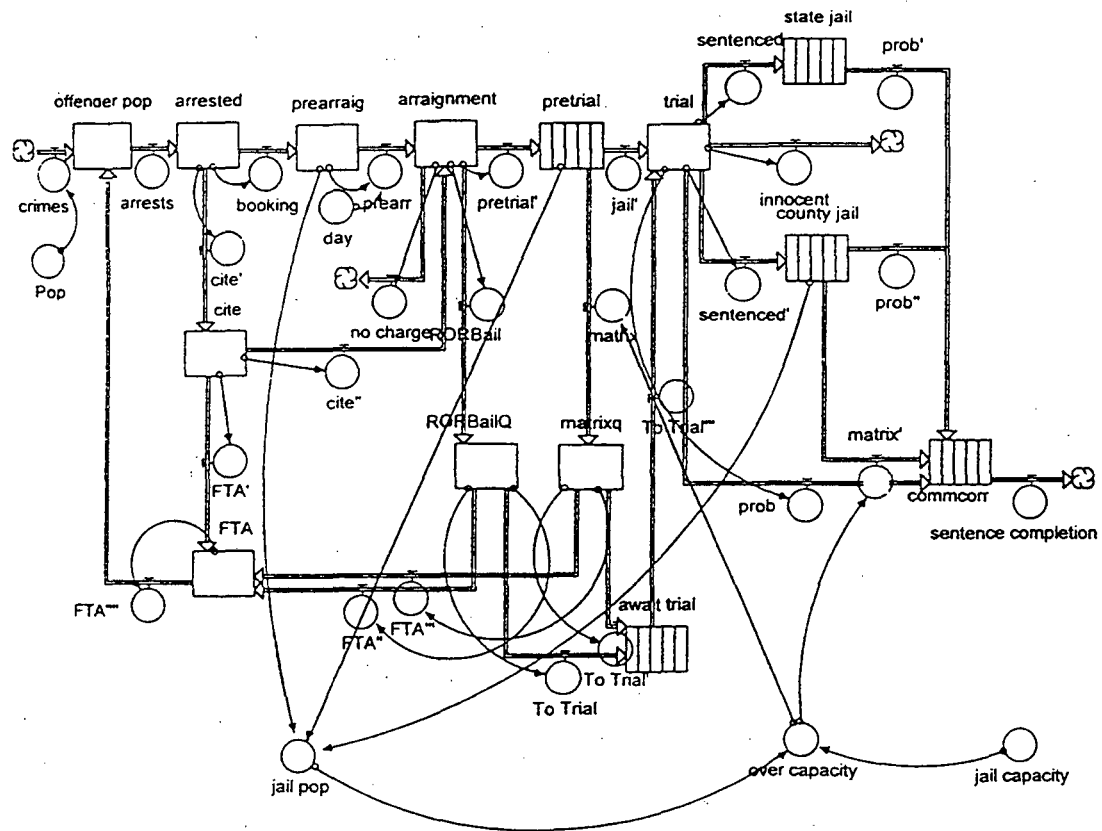
- I. Recommendation/Action Requested: Informational meeting to share findings from the MBA Reengineering Project. No action requested.
- II. Background/Analysis: Project Report is attached. A team of four MBA students from Portland State University used our correctional system as a basis for a reengineering project. The team received an 'A' for the project and all have completed their course requirements and graduated from PSU with Masters of Business Administration degrees.

Their research will be valuable to the Public Safety Facility Task Force as it designs a process to address the growing county correctional facility needs.
- III. Financial Impact: None.
- IV. Legal Issues: None
- V. Controversial Issues: None
- VI. Link to Current County Policies: Valuable information for the entire correctional continuum.
- VII. Citizen Participation: Not applicable
- VIII. Other Government Participation: DCC, courts, State Corrections and Pre-trial release programs.

Multnomah County Sheriff's Office

Reengineering Project

Process Simulation Model



Submitted By:

Eric Cornelius

Jim Munz

Stacey Whearty

Robynn Woodbury

To:

Bob Johannsen

Business Process Reengineering

MGMT 507

March 16, 1995

This paper is the final report of the project team in Management 507 Business Process Reengineering. This project was sponsored by the Multnomah County Sheriff's Office. It is an attempt to identify major improvements in the criminal justice system that could be achieved through the application of business process reengineering techniques. While the system under study is currently operating under stress, few if any of the process owners were able to identify elements in the system that would benefit from reengineering. The project team worked closely with many individuals who are part of the process and we were able to test many of the assumptions which these individuals use to guide their day to day decision making. This report identifies a number of areas where improvements in the process system can be implemented. One consistent theme that occurred throughout the investigation was the need for additional jail capacity. The simulation model developed by the project team provided a tool that allowed the team to make recommendations about the capacity of a new jail facility.

MOBILIZATION

Communicate a Case for Action

According to Joan Pasco, Executive Assistant to the Sheriff of Multnomah County,

“the public expects a person who has committed a crime to be arrested, booked, tried and punished. The overcrowding of our jails has made it unlikely that people arrested for minor offenses will serve any jail time. Even people who have committed serious crimes can be let out of jail under certain conditions. Our jails are under a federal court order to control population. We are subject to a fine of \$10,000 per day that we exceed this court ordered limit. The situation is frustrating for the entire system: the jails, the courts and the public who deserve a higher level of freedom from further victimization from people awaiting trials.”

The total Multnomah County reported crime rate (per 10,000 persons in the county population) has declined significantly from 1986 levels, stabilizing at approximately 1,800 reported offenses per 10,000 population for the past five years. The arrest rate (per 10,000 population) has also been relatively stable in recent years. However, as county population has grown, so have the numbers of arrests and bookings into Sheriff's Office facilities. By 1994, annual bookings had increased to over 34,000, straining the limits of this booking area, which was originally designed to accommodate a maximum of 20,000 annual bookings.

Multnomah County's facility capacity is defined by a variety of factors including a federal court order which affects the county's only maximum custody jail, Multnomah County Detention Center (MCDC), as well as standards which recommend minimum levels of square footage per inmate in order to keep population density in jails at levels which can be safely and humanely managed. In addition to physical design, available staffing levels also define a facility's capacity. Based on all of these criteria, Multnomah County's total correctional facility capacity is 1,371 beds, 39% of which are designated as maximum security, 51% as medium security, and 10% as minimum security.

MCDC is currently the only location where booking and release of inmates takes place. In addition to design shortcomings, the booking and release processing areas are not adequate in size to accommodate the growing number of individuals entering the system. When bookings peak, the rapid influx of new inmates necessitates transfer of significant numbers of inmates to other facilities in the system, often before custody classification processes can be completed. In addition, because all inmate property is stored at the MCDC, the sheriff's office must transport inmates housed in other facilities to the MCDC for release processing.

Since 1987, the corrections division has operated under the provisions of a federal court order issued in the *Jordon v. Multnomah County* class action suit. The court order mandates inmate population limits and prescribes criteria and processes for releasing inmates as necessary to comply with population limits. One of the most controversial impacts of the suit has been incorporation of a "matrix" release system to maintain the county's inmate population within court-imposed caps. Release via the population

release matrix system is only one of various ways in which inmates may be released from jail.

The matrix release system differs from all other forms of jail release in several ways:

- It is used solely by the sheriff's office
- It employs an objective scale to score all inmates
- It is utilized only when the inmate population threatens to exceed bed space capacity limits
- It may be used to release sentenced as well as pretrial inmates.

The matrix release system has enabled the sheriff's office to avoid overcrowding its facilities for the past eight years. Although many of those released via the matrix have been rejected for release by other pretrial means, matrix releases are essentially unsupervised while they await court processing or complete the term of their sentence.

The MCSO deals with a number of outstanding criminal warrants each year. Current data indicates approximately 25,000 unserved warrants on file at year's end (1994 data). Cities and counties having substantial warrant backlogs have one theme in common; an insufficient number of staff assigned to investigate unserved warrants, and to work exclusively on locating the accused individuals and serving warrants. Since the mid-1980's there have been no MCSO staff assigned to investigate or serve outstanding warrants.

Everyone we talked to reinforced the fact the system was operating fine. This is evidenced by the International Association of Chiefs of Police who commented,

"Overall, the Corrections Division is to be commended for its professional and efficient operation of a network of facilities that were not in many instances designed to serve the functions they are now required to fulfill. In a corrections system that is always full to capacity, the Sheriff's Office has managed to maintain clean, safe and orderly facilities. Staff turnover is very low, and staff morale high in comparison to other correctional systems with similar issues of workload growth and facility inadequacies. The experience and dedication of its staff is a significant asset to the

Corrections Division as it faces the pressures of population growth and increasing public safety concerns.”¹

While the Multnomah County Corrections System is resource constrained, no one indicated that any kind of radical change is necessary or feasible. It is the impression of the project team that this project is not a true reengineering project, but what we found were several areas that could promote system-wide improvements.

Organize Reengineering Team

The team was organized as a result of a PSU class on reengineering sponsored by MCSO. The team includes PSU students Eric Cornelius, Jim Munz, Stacey Whearty and Robynn Woodbury. In addition Joan Pasco (Sheriff's Executive Assistant) served as the program sponsor. Members of the Sheriff's office include Loretta Garner (Sergeant with Close Street Supervision), Larry Reilly (Classification Manager), Tom Slyter (Chief Deputy), Tim Moore (Sergeant with MCSO) and Bill Wood (Commander). From the Oregon State Courts was Doug Bray (Court Administrator). And from the Multnomah Department of Community Corrections was Cary Harkaway (Deputy Director of Department of Community Corrections). Kim Hroda (Pre-trial Release Supervisor) is from the State of Oregon. The PSU team was coached by Bob Johannsen.

Scope

After initial investigation the project team decided to focus on jail population. In particular the one to four day population.

Barriers to Success

Many barriers to success were found, including: legal constraints, mind set, an inability to experiment or prototype, jail siting, and process ownership.

¹ International Association of Chiefs of Police, "Multnomah County Sheriff's Office Operational Analysis, February, 1995, p. 30.

Legal Constraints

The functioning of the system is defined by U.S. statutes, Oregon laws and the Oregon initiative process. As such there are many legal constraints to adhere to.

Mind Set

It was discovered that many people in the system follow an established historical mind set, and as such are constrained by the system.

Experimentation

There exists an inability to experiment or prototype potential changes. A number of the alternative solutions require large amounts of capital thus making it difficult to experiment due to the high cost of failure.

Siting

The politics of locating a facility are encumbered by the "not in my backyard" syndrome.

Process Ownership

The system is embraced by organizational fiefdoms that provide no overall ownership of the system.

Organizational Buy-in

No problem was identified here. Everyone interviewed realized and stated that there is a problem with the overall system.

DIAGNOSIS

Current Process Owners

During the course of the project the PSU team interviewed the following: Tim Barnhart, Doug Bray, Loretta Garner, Cary Harkaway, Kim Hroda, Tim Moore, Joan Pasco, Matt Preuitt, Larry Reilly, Tom Slyter and Bill Wood.

The team visited the following facilities in the course of the investigation: the courthouse jail, Multnomah County Detention Center (MCDC), Multnomah County

Inverness Jail (MCIJ), Multnomah County Corrections Facility (MCCF), and Multnomah County Restitution Center (MCRC).

Disconnects

Upon examination of the system, several disconnects in the system were uncovered. Disconnects can be defined as: process of inputs or outputs that are missing, unneeded, confusing, or misdirected. These include the following:

Multiple Transports

The multiple transportation the prisoner undergoes once in the system is extremely inefficient. Because the maximum and medium security facilities are always full, inmates are likely to be transferred several times between booking and release, which consumes a significant proportion of the Sheriff's Office resources. In fact, during a four month period in 1994, 3,462 transports to court were required, averaging 40 per court day, and peaking at 70 on one Friday. Of these, a total of 19% were "dry runs," which are instances in which the inmate was not called to appear in court after being transported to the courthouse.

Multiple Hand-offs

Separate entities all touch the prisoner and there is no overall control. For example, the prisoner will start out being arrested by the Portland Police or the Multnomah County Sheriff's Department, be brought in for booking, held for arraignment at the MCDC, arraigned by the courts, held for trial, tried and sentenced by the courts, sentenced to a Multnomah County Correctional Facility, or placed on probation.

Weekend Arraignment

Due to the lack of weekend arraignment, a backlog is produced forcing the Sheriff's Department to matrix prisoners. Generally, during the week, a prisoner is arraigned within 24 hours of booking. For prisoners booked on Friday or during the weekend, though, the wait for arraignment may be up to 72 hours.

Information sharing

Due to the lack of an integrated database capable of moving information with the prisoner, personnel throughout the system do not have access to adequate information to enable them to better fulfill their responsibilities, and data is often entered more than once which is an inefficient use of resources.

No process ownership

Many entities are responsible for pieces of the process, but there is no individual or entity responsible for the process as a whole.

Matrix Supervision

There is no outside supervision for Matrix released prisoners as there is for those released on their own recognizance. These individuals, generally around 200 per month, are not currently being monitored by any program.

Performance Measures

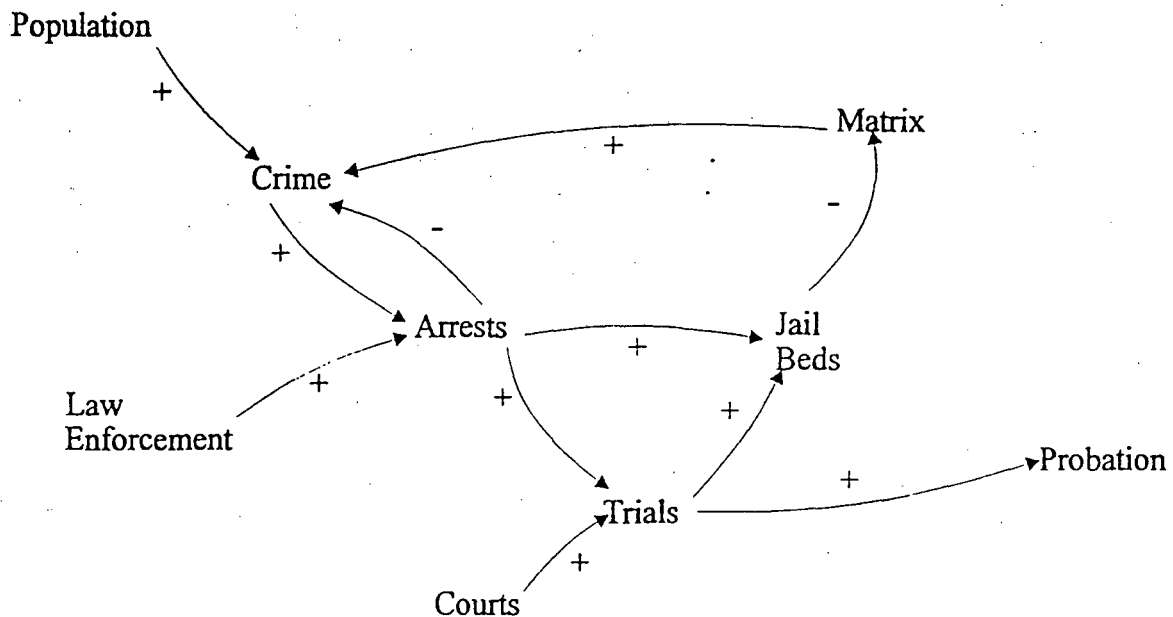
In evaluating the performance of the system, it is evident the matrix of prisoners is an indication that the system is operating under stress. Under normal conditions, prisoners move through the system from arrest to trial to sentence smoothly. As the system begins to be overloaded, the Sheriff's Office, under the authority granted it under *Jordon v. Multnomah County*, begins to release prisoners back into the community. This release has become to be known as matrix or population release. Well over half of these matrixed prisoners fail to appear for trial and reappear in the system as part of the offender population. Under these conditions, the number of matrix release provides a performance measure for the entire criminal justice system.

Analyze Process Interrelationships

One of the first activities of the PSU project team was to develop a system diagram of the system being studied. The system diagram allows us to identify the major components and the nature of the relationships between the components. As described below, even with a constant level of crime per capita, as population increases so will the number of crimes. Therefore, the system diagram describes a positive relationship

between population growth and crime. The volume of crime coupled with increased law enforcement increases the number of arrests. The number of arrests negatively impact the number of crimes. In addition, the number of arrests increases the demand for jail beds as do the number of trials. The volume of trials is positively affected by arrests and court resources. Jail bed capacity negatively affects the number of prisoners matrixed. Therefore, the more jail beds, the less people matrixed. The number of prisoners matrixed has a positive impact on crime. The number of prisoners matrixed has a positive impact on crime.

System Diagram



REDESIGN

New Business Model

The PSU project team decided to build a systems simulation model as a way of formulating our thinking about the problem and of capturing the complex interrelationships that exist within the criminal justice system. The power of a simulation model is its ability to improve thinking capacity. It allows us to focus on the three basic mental model-based processes responsible for generating understanding: construction, comparison, and resolution. The model enables people to see what, and how they are thinking. This makes it easier to work on improving the thinking process.

Systems modeling provided a tool that allowed the project team to capture the assumptions about the system and how it operates. These assumptions are often shared by many people who are part of the system; these assumptions are never tested. The modeling process creates an environment where the assumptions are made explicit and the logical implications of those assumptions can be tested. People can now cooperate in the thinking process, providing many alternative perspectives on the issues involved. The computer simulation model provides a rigorous way of ascertaining the internal consistency of a mental model – no matter how complex the underlying assumptions might be. The software links structure to associated dynamic behavior in an understandable manner.

Simulation modeling allows experimentation with new policies, strategies, and learning skills. Actions that cannot be reversed or taken back in real situations can be redone countless times in simulation. Over time simulation allows individuals to be more open to consider and test wide ranges of hypotheses and less likely to get locked into particular ways of looking at problems.

The PSU team prepared for this process by the following:

1. Examining Sheriff's Office documents, interviewing personnel, and physically touring facilities.
2. Interviewing Joan Pasco to obtain a broad understanding of the challenges faced by the Sheriff's Office.

3. Analyzing a detailed flowchart of the processes and entities involved in the Multnomah County Corrections Division.
4. Interacting with a group of managers in the system, who described the shortcomings of the system, their vision of what they would like the system to be in the future, and possible solutions.

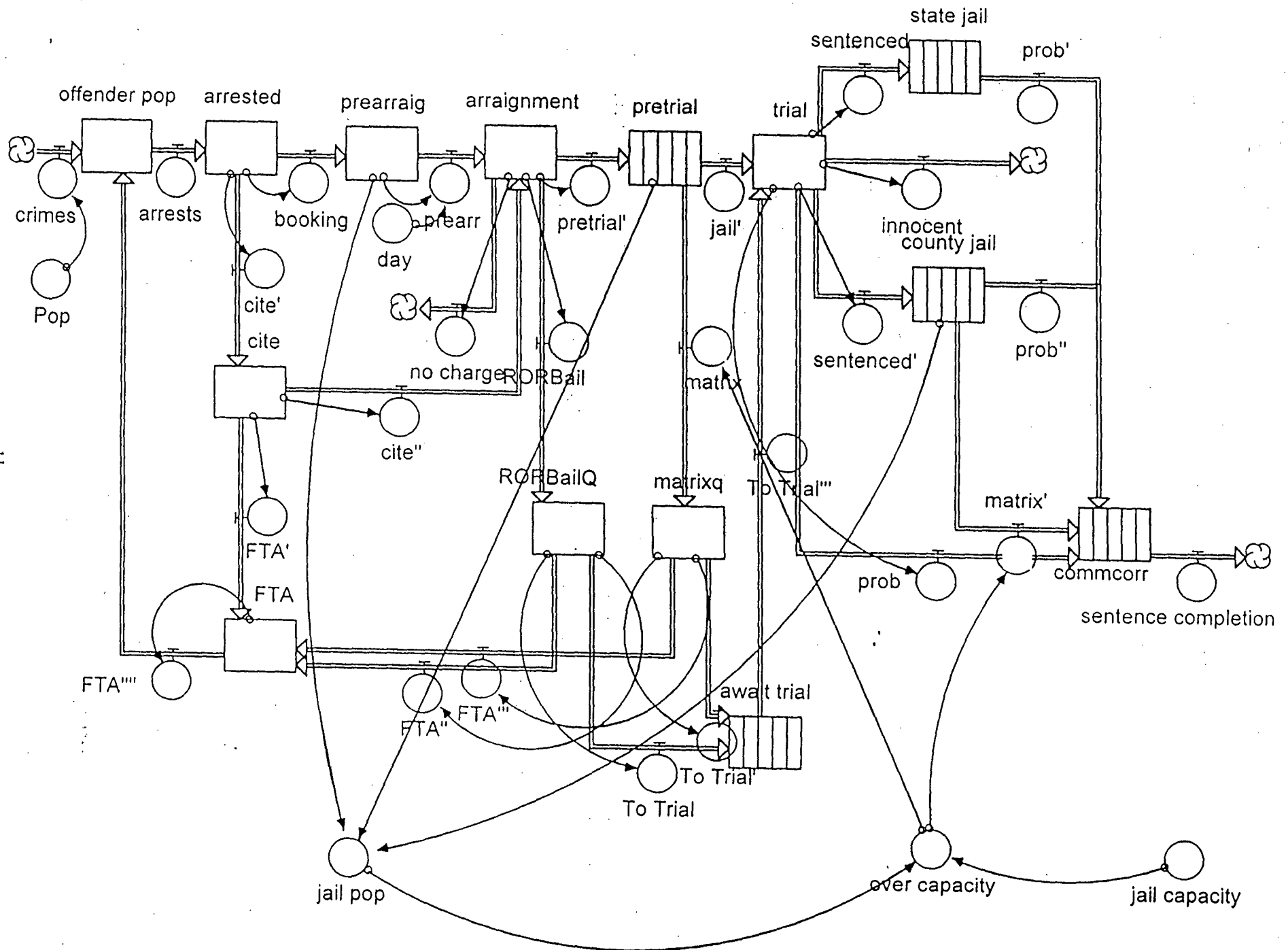
From these we set up meetings with several individuals and toured facilities.

The Multnomah County Sheriff's Office Corrections Division operates five correctional facilities and contracts for the operation of a women's work release facility. The capacity of the facilities are defined by the federal court order. In the course of our investigation the project team visited the courthouse jail, the Multnomah County Detention Center, the Inverness Jail, the Multnomah County Correctional Facility, and the Restitution Center.

STELLA

Once the team gained an understanding of the process, we chose STELLA to model the system dynamics. STELLA is a continuous computer simulation tool provided by High Performance Systems Inc. which allows the user to create an interactive environmental model. The modeling process began with the construction of a systems diagram described above. The next step is to convert the diagram to a simulation model that is identified in terms of its flows and stocks. A system flow defines the movement of prisoners through the system. A system stock identifies a queue where things wait or where processing takes place. In our model the transport of a prisoner from jail to court or the transfer of a sentenced offender from jail to probation would be described as a flow. An example of a stock is a jail facility, a court process or probation. The model developed for this project is described in figure 2, page 11. As with any simulation process the model is a simplified representation of the real world.

While the assumptions about the operation of the system were gathered through interviews and discussions with individuals who worked within the criminal justice system, the actual data used in the model was provided by Larry Reilly.



The results of the model verify the general assumptions that the criminal justice system is operating under stress. The model produces a continuous level of matrix release to handle weekend jail populations. The model indicates that a larger capacity jail will eliminate the need for matrix release. Both of these conclusions are consistent with the assumptions made by everyone interviewed in the course of the project. The model also indicates that weekend arraignment will reduce the additional capacity needed.

STELLA Simulation

The STELLA simulation models prisoners flowing through the system. The simulation includes the following:

- **Offender** population is the queue of individuals who have committed crimes and are awaiting arrest. This queue is fed from two sources: people who have committed crimes and individuals failing to appear. This outflows to arrests.
- **Arrested** is the queue of all those arrested and flows to either booking or cites.
- **Prearraignment** is the queue of all individuals who have been booked into a facility and people leave that queue as they leave jail for arraignment.
- **Arraignment** consists of prisoners from the jail queue and those that have been cited. Prisoners leave this queue by being returned to jail to await trial, by being released on recognizance or bail, or when the District Attorney fails to press charges.
- **Pretrial** is the queue of all individuals in jail awaiting trial. It is modeled here as a conveyor assuming prisoners will be in jail an average 62 days awaiting trial. Prisoners leave this queue via matrix or when they return to court for trial.
- **Trial** consists of those who are awaiting trial either in jail and outside of jail. Prisoners leave trial and are either innocent, sent to the state jail, sent to the county jail, or are placed on probation.
- **State jail** and **county jail** are two different conveyors consisting of individuals convicted in trial. Prisoners leave jail either by completing their sentences, being paroled, or in the case of the county jail, being matrixed. Prisoners whose sentences are greater than one year are in state jail, whereas those with sentences less than one

year are sentenced to county jail. Therefore, the conveyors for state jail and county jail are different lengths of time.

- The **probation/parole** conveyor consists of prisoners released from either state jail or county jail. The output is sentence completion.

There are a number of other queues in the model which are used to hold prisoners who have been cited and are awaiting arraignment, who have been released on their own recognizance, bailed, matrixed, failed to appear, and awaiting trial. The flows between these queues are generally defined by equations that were developed from statistical analysis provided by Larry Reilly. In addition, there are two constants which underlie the model. One of these is the size of the Multnomah County population and the other is the total capacity of the jail facilities.

The limitation of the ten week term and the lack of availability of information will leave many parts of the model untested and unverified. Before using the results of this model more work should be done.

RECOMMENDATIONS

Through the above analysis, the following constraints were found in the system: Insufficient number of jail beds and a court system confined to a five day work week. Another factor limiting the effectiveness of the corrections system is the fragmented information systems. The PSU team recommends the following:

1. Add jail beds.
2. Add a triage center.
3. Add weekend arraignment
4. Add an integrated data base.

Jail Beds

A consistent theme heard from every stakeholder is the system is operating well above capacity. There are not enough jail beds to hold all individuals who need to be in jail awaiting trial and those sentenced. This is confirmed by the simulation model which

indicates matrixing needs to be done weekly to accommodate the one to four day awaiting arraignment population. If all the other parameters in the model are held constant, the system requires an additional 564 beds to completely eliminate the need for matrix release.

Triage Center

At this period in time, one of the most effective ways to improve the performance of the system is to build a triage center. A triage center is a centrally located facility where prisoners are identified, booked, "recogged," classified, and held for arraignment. All of these could be performed in a single facility. Locating all of these services in one facility would decrease the number of additional jail beds needed. The benefits of a central triage center include a significant reduction in transportation, a reduction in "dry runs," and an increase in the time officers spend on patrol.

Weekend Arraignment

The simulation model indicates that implementing weekend arraignment aids in the reduction of problems arising due to matrix release. The need for jail beds can be reduced from an additional 564 to approximately 395 if prisoners are processed through arraignment on the weekend.

Integrated Database

Lack of timely and accurate information represents another inefficiency in the system. Each agency in the criminal justice system operates with its own data systems none of which share data with other systems. This leads to duplicate data entry, makes it difficult to identify prisoners at different points in the system, and leaves some participants in the system without access to needed information.

CONCLUSION

This project was initiated as an attempt to identify major improvements in the criminal justice system that could be accomplished through the application of reengineering concepts and tools. Our investigation found the major problems to be resource constraints as opposed to systems problems. The significant resource constraints

include number of jail beds, lack of weekend arraignment, and the absence of an integrated database. The analysis of the project team supports the conclusions of many of the stakeholders in the process. The recommendations include an increase in jail beds, establishing a triage center, weekend arraignment, and implementing an integrated data base.

APPENDIX

Mobilization Letter

STELLA Equations

Presentation



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

JOHN BUNNELL
SHERIFF

(503) 255-3600

MEMORANDUM:

To: Bob Johanson, PSU
From: Joan Pasco, MCSO
Date: January 9, 1995
Subject: Pre-Trial Release Population as re-engineering topic

The shortage of jail bed space in Multnomah County has created a dilemma in our criminal justice system. We have 1371 beds; all are full at any given time. The courts have dealt with this overcrowding by assigning many arrested individuals to pre-trial (out of jail) programs; on their own recognizance, with relatives or family members, or in a variety of reporting systems. For obvious reasons, this is an option available solely to those least likely to commit another crime; least dangerous to themselves and others; and most likely to show up for their court hearings. The MCSO adds to this mix about 200 inmates each month that have been matrixed out of jail due to overcrowding. The failure to report for hearing rate from the matrixed population is 50%. Over-all failure from all pre-trial released individuals is 40%. When someone fails to report, a warrant is issued for their arrest and creates a secondary problem for a warrant delivery system with a backlog of over 30,000 warrants.

The public expects a person who has committed a crime to be arrested, booked, tried and punished. The overcrowding of our jails has made it unlikely that people arrested for minor offenses will serve any jail time. Even people who have committed serious crimes can be let out of jail under certain conditions. Our jails are under a federal court order to control population. We are subject to a fine of \$10,000 per day that we exceed this court ordered limit.

The situation is frustrating for the entire system: the jails, the courts, and the public who deserve a higher level of freedom from further victimization from people awaiting trials.

Clearly, there must be a better way of insuring public safety by monitoring the activities of this population of accused individuals until they are processed through the court system. It is a problem that will require cooperation and collaboration from Community Corrections, the courts, the District Attorney's Office, the Multnomah County Sheriff's Office, the policing (arresting) units and the juvenile justice system. Hopefully, this will make a challenging re-engineering project for one of your students.

$\text{arraignment}(t) = \text{arraignment}(t - dt) + (\text{prearr} + \text{cite}'' - \text{pretrial}' - \text{RORBail} - \text{no_charge}) * dt$

INIT arraignment = 0

INFLOWS:

$\text{prearr} = \text{if}(\text{day} < 6) \text{ then } (\text{prearraig} * 1) \text{ else } 0$

$\text{cite}'' = \text{cite} * .5$

OUTFLOWS:

$\text{pretrial}' = \text{arraignment} * .15$

$\text{RORBail} = \text{arraignment} * .7$

$\text{no_charge} = \text{arraignment} * .15$

$\text{arrested}(t) = \text{arrested}(t - dt) + (\text{arrests} - \text{booking} - \text{cite}') * dt$

INIT arrested = 141

INFLOWS:

$\text{arrests} = \text{NORMAL}(141, 27)$

OUTFLOWS:

$\text{booking} = \text{arrested} * .66$

$\text{cite}' = \text{arrested} * .34$

$\text{await_trial}(t) = \text{await_trial}(t - dt) + (\text{To_Trial} + \text{To_Trial}' - \text{To_Trial}''') * dt$

INIT await_trial = 3350

TRANSIT TIME = 61

INFLOW LIMIT = INF

CAPACITY = INF

INFLOWS:

$\text{To_Trial} = \text{RORBailQ} * .78$

$\text{To_Trial}' = \text{matrixq} * .45$

OUTFLOWS:

$\text{To_Trial}''' = \text{CONVEYOR OUTFLOW}$

$\text{cite}(t) = \text{cite}(t - dt) + (\text{cite}' - \text{cite}'' - \text{FTA}') * dt$

INIT cite = 0

INFLOWS:

$\text{cite}' = \text{arrested} * .34$

OUTFLOWS:

$\text{cite}'' = \text{cite} * .5$

$\text{FTA}' = \text{cite} * .5$

$\text{commcorr}(t) = \text{commcorr}(t - dt) + (\text{prob} + \text{prob}' + \text{prob}'' + \text{matrix}' - \text{sentence_completion}) * dt$

INIT commcorr = 4500

TRANSIT TIME = 182

INFLOW LIMIT = INF

CAPACITY = INF

INFLOWS:

$\text{prob} = \text{trial} * .23$

$\text{prob}' = \text{CONVEYOR OUTFLOW}$

$\text{prob}'' = \text{CONVEYOR OUTFLOW}$

$\text{matrix}' = \text{LEAKAGE OUTFLOW}$

$\text{LEAKAGE FRACTION} = \text{over_capacity} * .3$

NO-LEAK ZONE = 0

OUTFLOWS:

$\text{sentence_completion} = \text{CONVEYOR OUTFLOW}$

county_jail(t) = county_jail(t - dt) + (sentenced' - prob" - matrix') * dt

INIT county_jail = 412

TRANSIT TIME = 47

INFLOW LIMIT = INF

CAPACITY = INF

INFLOWS:

sentenced' = trial*.13

OUTFLOWS:

prob" = CONVEYOR OUTFLOW

matrix' = LEAKAGE OUTFLOW

LEAKAGE FRACTION = over_capacity*.3

NO-LEAK ZONE = 0

FTA(t) = FTA(t - dt) + (FTA' + FTA" + FTA''' - FTA'''') * dt

INIT FTA = 1

INFLOWS:

FTA' = cite*.5

FTA" = RORBailQ*.22

FTA''' = matrixq*.55

OUTFLOWS:

FTA'''' = FTA*.9

matrixq(t) = matrixq(t - dt) + (matrix - FTA''' - To_Trial') * dt

INIT matrixq = 50

INFLOWS:

matrix = LEAKAGE OUTFLOW

LEAKAGE FRACTION = over_capacity*.7

NO-LEAK ZONE = 0

OUTFLOWS:

FTA''' = matrixq*.55

To_Trial' = matrixq*.45

offender_pop(t) = offender_pop(t - dt) + (crimes + FTA'''' - arrests) * dt

INIT offender_pop = 33500

INFLOWS:

crimes = ((population*.018)/365)

FTA'''' = FTA*.9

OUTFLOWS:

arrests = NORMAL(141,27)

prearraig(t) = prearraig(t - dt) + (booking - prearr) * dt

INIT prearraig = 93

INFLOWS:

booking = arrested*.66

OUTFLOWS:

prearr = if(day < 6) then (prearraig*1) else 0

pretrial(t) = pretrial(t - dt) + (pretrial' - jail' - matrix) * dt

INIT pretrial = 867

TRANSIT TIME = 62

INFLOW LIMIT = INF

CAPACITY = INF

pretrial' = arraignment*.15

OUTFLOWS:

jail' = CONVEYOR OUTFLOW

matrix = LEAKAGE OUTFLOW

LEAKAGE FRACTION = over_capacity*.7

NO-LEAK ZONE = 0

RORBailQ(t) = RORBailQ(t - dt) + (RORBail - FTA" - To_Trial) * dt

INIT RORBailQ = 69

INFLOWS:

RORBail = arraignment*.7

OUTFLOWS:

FTA" = RORBailQ*.22

To_Trial = RORBailQ*.78

state_jail(t) = state_jail(t - dt) + (sentenced - prob') * dt

INIT state_jail = 11000

TRANSIT TIME = 770

INFLOW LIMIT = INF

CAPACITY = INF

INFLOWS:

sentenced = trial*.37

OUTFLOWS:

prob' = CONVEYOR OUTFLOW

trial(t) = trial(t - dt) + (jail' + To_Trial"" - prob - innocent - sentenced - sentenced') * dt

INIT trial = 0

INFLOWS:

jail' = CONVEYOR OUTFLOW

To_Trial"" = CONVEYOR OUTFLOW

OUTFLOWS:

prob = trial*.23

innocent = trial*.27

sentenced = trial*.37

sentenced' = trial*.13

day = COUNTER(1,8)

jail_capacity = 1371

jail_pop = SUM(county_jail,prearraig,pretrial)

over_capacity = IF(jail_pop > jail_capacity) THEN (jail_pop - jail_capacity) ELSE 0

population = 605000

MCSO

Introduction

– Team Members

- Eric Cornelius
- Jim Munz
- Stacey Whearty
- Robynn Woodbury

– Bob Johannsen

– Joan Pasco

MCSO

Mobilization

A Case for Action

- Bookings
- Capacity
- Federal Court Order
- Matrix

MCSO

Mobilization

- Scope
- Barriers to Success
- Organizational Buy-in

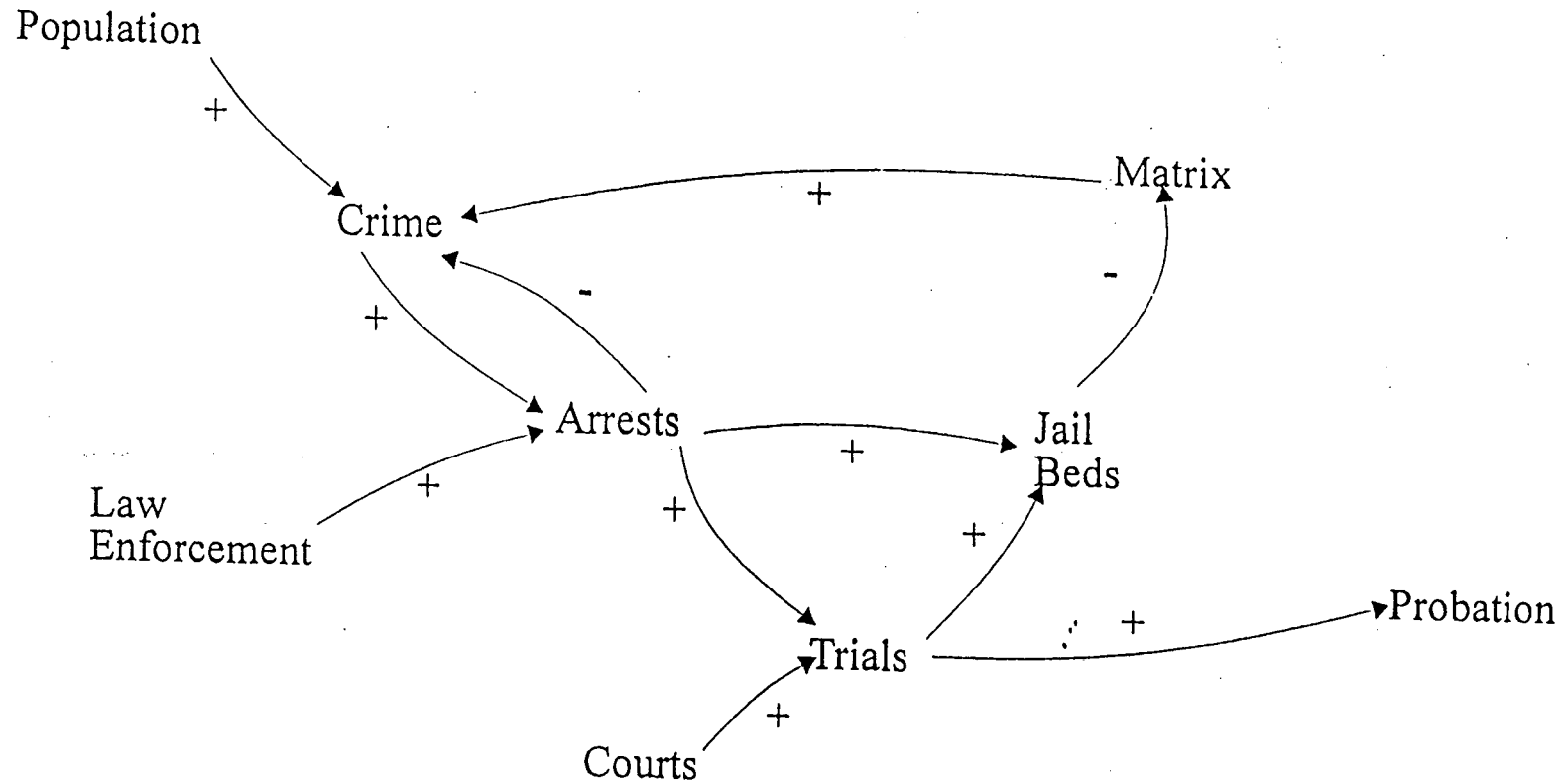
MCSO

Diagnosis

- Current Process Owners
- Disconnects
- Performance Measures
- Analyze Process Interrelationships

MCSO

System Diagram

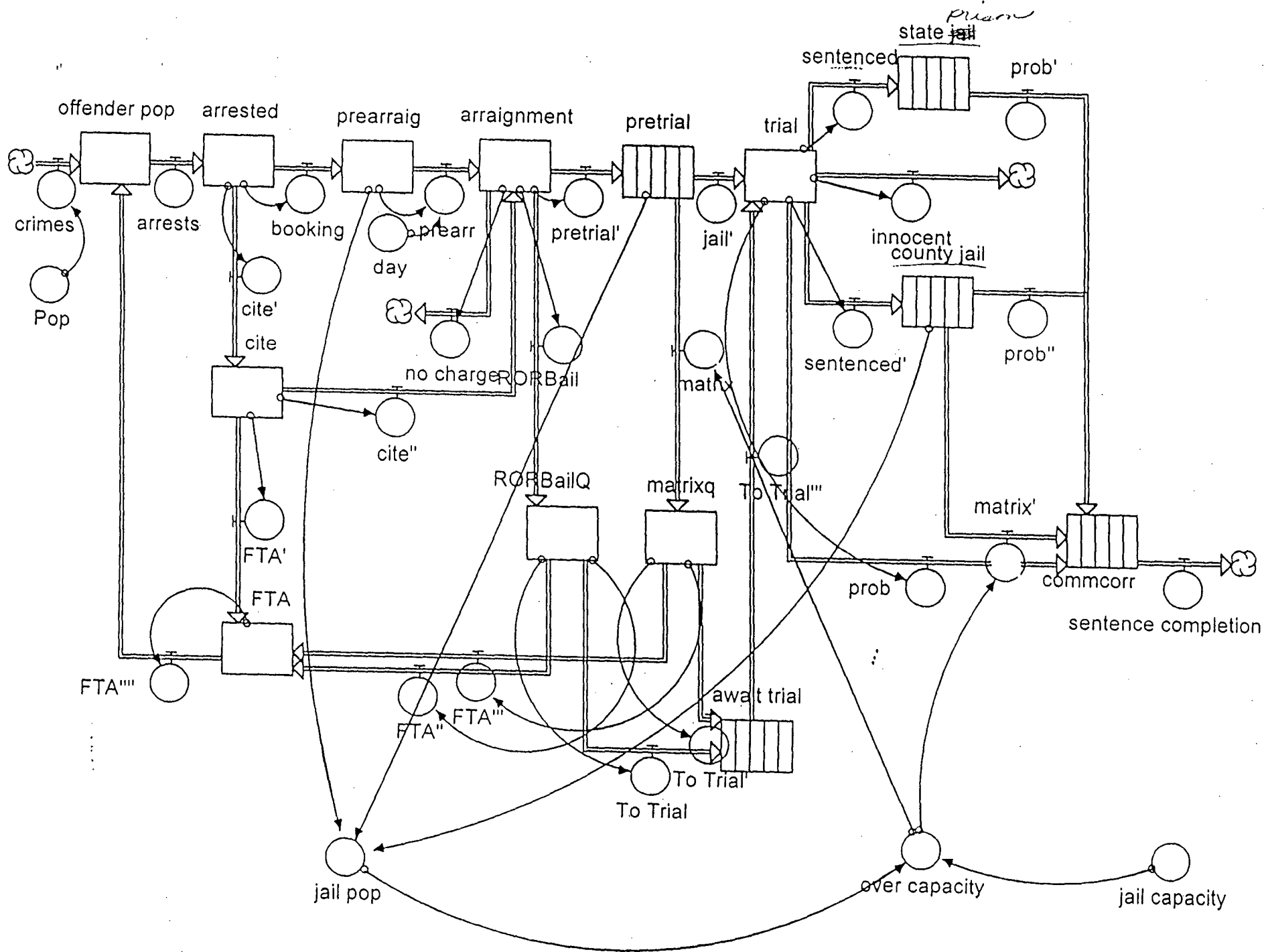


MCSO

Redesign

- New Business Model
 - The Process
 - Examine the Sheriff's Office
 - Interview Joan Pasco
 - Analyze a MCCD Flowchart
 - Interact with systems personnel
- STELLA

MCSO



Recommendations

- Add
 - Jail Beds
 - A Triage Center
 - Weekend Arraignment
 - An Integrated Data Base

MCSO

Submitted By:

Eric Cornelius

Jim Munz

Stacey Whearty

Robynn Woodbury

To:

Bob Johannsen

Business Process Reengineering

MGMT 507

March 16, 1995

This paper is the final report of the project team in Management 507 Business Process Reengineering. This project was sponsored by the Multnomah County Sheriff's Office. It is an attempt to identify major improvements in the criminal justice system that could be achieved through the application of business process reengineering techniques. While the system under study is currently operating under stress, few if any of the process owners were able to identify elements in the system that would benefit from reengineering. The project team worked closely with many individuals who are part of the process and we were able to test many of the assumptions which these individuals use to guide their day to day decision making. This report identifies a number of areas where improvements in the process system can be implemented. One consistent theme that occurred throughout the investigation was the need for additional jail capacity. The simulation model developed by the project team provided a tool that allowed the team to make recommendations about the capacity of a new jail facility.

MOBILIZATION

Communicate a Case for Action

According to Joan Pasco, Executive Assistant to the Sheriff of Multnomah County,

“the public expects a person who has committed a crime to be arrested, booked, tried and punished. The overcrowding of our jails has made it unlikely that people arrested for minor offenses will serve any jail time. Even people who have committed serious crimes can be let out of jail under certain conditions. Our jails are under a federal court order to control population. We are subject to a fine of \$10,000 per day that we exceed this court ordered limit. The situation is frustrating for the entire system: the jails, the courts and the public who deserve a higher level of freedom from further victimization from people awaiting trials.”

The total Multnomah County reported crime rate (per 10,000 persons in the county population) has declined significantly from 1986 levels, stabilizing at approximately 1,800 reported offenses per 10,000 population for the past five years. The arrest rate (per 10,000 population) has also been relatively stable in recent years. However, as county population has grown, so have the numbers of arrests and bookings into Sheriff's Office facilities. By 1994, annual bookings had increased to over 34,000, straining the limits of this booking area, which was originally designed to accommodate a maximum of 20,000 annual bookings.

Multnomah County's facility capacity is defined by a variety of factors including a federal court order which affects the county's only maximum custody jail, Multnomah County Detention Center (MCDC), as well as standards which recommend minimum levels of square footage per inmate in order to keep population density in jails at levels which can be safely and humanely managed. In addition to physical design, available staffing levels also define a facility's capacity. Based on all of these criteria, Multnomah County's total correctional facility capacity is 1,371 beds, 39% of which are designated as maximum security, 51% as medium security, and 10% as minimum security.

MCDC is currently the only location where booking and release of inmates takes place. In addition to design shortcomings, the booking and release processing areas are not adequate in size to accommodate the growing number of individuals entering the system. When bookings peak, the rapid influx of new inmates necessitates transfer of significant numbers of inmates to other facilities in the system, often before custody classification processes can be completed. In addition, because all inmate property is stored at the MCDC, the sheriff's office must transport inmates housed in other facilities to the MCDC for release processing.

Since 1987, the corrections division has operated under the provisions of a federal court order issued in the *Jordon v. Multnomah County* class action suit. The court order mandates inmate population limits and prescribes criteria and processes for releasing inmates as necessary to comply with population limits. One of the most controversial impacts of the suit has been incorporation of a "matrix" release system to maintain the county's inmate population within court-imposed caps. Release via the population

release matrix system is only one of various ways in which inmates may be released from jail.

The matrix release system differs from all other forms of jail release in several ways:

- It is used solely by the sheriff's office
- It employs an objective scale to score all inmates
- It is utilized only when the inmate population threatens to exceed bed space capacity limits
- It may be used to release sentenced as well as pretrial inmates.

The matrix release system has enabled the sheriff's office to avoid overcrowding its facilities for the past eight years. Although many of those released via the matrix have been rejected for release by other pretrial means, matrix releases are essentially unsupervised while they await court processing or complete the term of their sentence.

The MCSO deals with a number of outstanding criminal warrants each year. Current data indicates approximately 25,000 unserved warrants on file at year's end (1994 data). Cities and counties having substantial warrant backlogs have one theme in common; an insufficient number of staff assigned to investigate unserved warrants, and to work exclusively on locating the accused individuals and serving warrants. Since the mid-1980's there have been no MCSO staff assigned to investigate or serve outstanding warrants.

Everyone we talked to reinforced the fact the system was operating fine. This is evidenced by the International Association of Chiefs of Police who commented,

"Overall, the Corrections Division is to be commended for its professional and efficient operation of a network of facilities that were not in many instances designed to serve the functions they are now required to fulfill. In a corrections system that is always full to capacity, the Sheriff's Office has managed to maintain clean, safe and orderly facilities. Staff turnover is very low, and staff morale high in comparison to other correctional systems with similar issues of workload growth and facility inadequacies. The experience and dedication of its staff is a significant asset to the

Corrections Division as it faces the pressures of population growth and increasing public safety concerns.”¹

While the Multnomah County Corrections System is resource constrained, no one indicated that any kind of radical change is necessary or feasible. It is the impression of the project team that this project it is not a true reengineering project, but what we found were several areas that could promote system-wide improvements.

Organize Reengineering Team

The team was organized as a result of a PSU class on reengineering sponsored by MCSO. The team includes PSU students Eric Cornelius, Jim Munz, Stacey Whearty and Robynn Woodbury. In addition Joan Pasco (Sheriff's Executive Assistant) served as the program sponsor. Members of the Sheriff's office include Loretta Garner (Sergeant with Close Street Supervision), Larry Reilly (Classification Manager), Tom Slyter (Chief Deputy), Tim Moore (Sergeant with MCSO) and Bill Wood (Commander). From the Oregon State Courts was Doug Bray (Court Administrator). And from the Multnomah Department of Community Corrections was Cary Harkaway (Deputy Director of Department of Community Corrections). Kim Hroda (Pre-trial Release Supervisor) is from the State of Oregon. The PSU team was coached by Bob Johannsen.

Scope

After initial investigation the project team decided to focus on jail population. In particular the one to four day population.

Barriers to Success

Many barriers to success were found, including: legal constraints, mind set, an inability to experiment or prototype, jail siting, and process ownership.

¹ International Association of Chiefs of Police, "Multnomah County Sheriff's Office Operational Analysis, February, 1995, p. 30.

Legal Constraints

The functioning of the system is defined by U.S. statutes, Oregon laws and the Oregon initiative process. As such there are many legal constraints to adhere to.

Mind Set

It was discovered that many people in the system follow an established historical mind set, and as such are constrained by the system.

Experimentation

There exists an inability to experiment or prototype potential changes. A number of the alternative solutions require large amounts of capital thus making it difficult to experiment due to the high cost of failure.

Siting

The politics of locating a facility are encumbered by the "not in my backyard" syndrome.

Process Ownership

The system is embraced by organizational fiefdoms that provide no overall ownership of the system.

Organizational Buy-in

No problem was identified here. Everyone interviewed realized and stated that there is a problem with the overall system.

DIAGNOSIS

Current Process Owners

During the course of the project the PSU team interviewed the following: Tim Barnhart, Doug Bray, Loretta Garner, Cary Harkaway, Kim Hroda, Tim Moore, Joan Pasco, Matt Preuitt, Larry Reilly, Tom Slyter and Bill Wood.

The team visited the following facilities in the course of the investigation: the courthouse jail, Multnomah County Detention Center (MCDC), Multnomah County

Inverness Jail (MCIJ), Multnomah County Corrections Facility (MCCF), and Multnomah County Restitution Center (MCRC).

Disconnects

Upon examination of the system, several disconnects in the system were uncovered. Disconnects can be defined as: process of inputs or outputs that are missing, unneeded, confusing, or misdirected. These include the following:

Multiple Transports

The multiple transportation the prisoner undergoes once in the system is extremely inefficient. Because the maximum and medium security facilities are always full, inmates are likely to be transferred several times between booking and release, which consumes a significant proportion of the Sheriff's Office resources. In fact, during a four month period in 1994, 3,462 transports to court were required, averaging 40 per court day, and peaking at 70 on one Friday. Of these, a total of 19% were "dry runs," which are instances in which the inmate was not called to appear in court after being transported to the courthouse.

Multiple Hand-offs

Separate entities all touch the prisoner and there is no overall control. For example, the prisoner will start out being arrested by the Portland Police or the Multnomah County Sheriff's Department, be brought in for booking, held for arraignment at the MCDC, arraigned by the courts, held for trial, tried and sentenced by the courts, sentenced to a Multnomah County Correctional Facility, or placed on probation.

Weekend Arraignment

Due to the lack of weekend arraignment, a backlog is produced forcing the Sheriff's Department to matrix prisoners. Generally, during the week, a prisoner is arraigned within 24 hours of booking. For prisoners booked on Friday or during the weekend, though, the wait for arraignment may be up to 72 hours.

Information sharing

Due to the lack of an integrated database capable of moving information with the prisoner, personnel throughout the system do not have access to adequate information to enable them to better fulfill their responsibilities, and data is often entered more than once which is an inefficient use of resources.

No process ownership

Many entities are responsible for pieces of the process, but there is no individual or entity responsible for the process as a whole.

Matrix Supervision

There is no outside supervision for Matrix released prisoners as there is for those released on their own recognizance. These individuals, generally around 200 per month, are not currently being monitored by any program.

Performance Measures

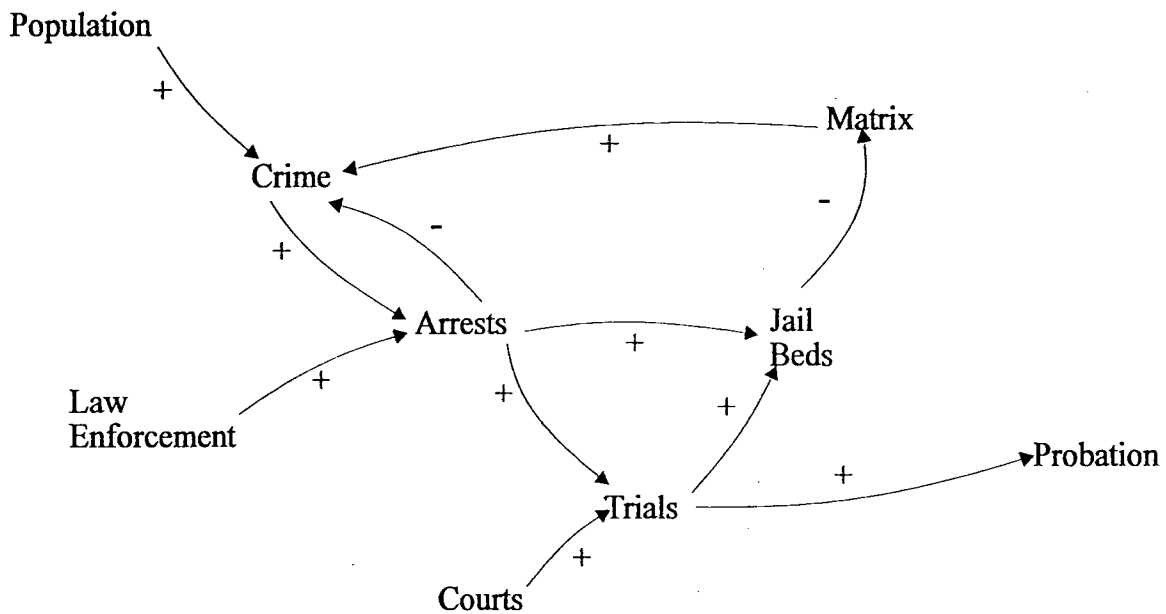
In evaluating the performance of the system, it is evident the matrix of prisoners is an indication that the system is operating under stress. Under normal conditions, prisoners move through the system from arrest to trial to sentence smoothly. As the system begins to be overloaded, the Sheriff's Office, under the authority granted it under *Jordon v. Multnomah County*, begins to release prisoners back into the community. This release has become to be known as matrix or population release. Well over half of these matrixed prisoners fail to appear for trial and reappear in the system as part of the offender population. Under these conditions, the number of matrix release provides a performance measure for the entire criminal justice system.

Analyze Process Interrelationships

One of the first activities of the PSU project team was to develop a system diagram of the system being studied. The system diagram allows us to identify the major components and the nature of the relationships between the components. As described below, even with a constant level of crime per capita, as population increases so will the number of crimes. Therefore, the system diagram describes a positive relationship

between population growth and crime. The volume of crime coupled with increased law enforcement increases the number of arrests. The number of arrests negatively impact the number of crimes. In addition, the number of arrests increases the demand for jail beds as do the number of trials. The volume of trials is positively affected by arrests and court resources. Jail bed capacity negatively affects the number of prisoners matrixed. Therefore, the more jail beds, the less people matrixed. The number of prisoners matrixed has a positive impact on crime.

System Diagram



REDESIGN

New Business Model

The PSU project team decided to build a systems simulation model as a way of formulating our thinking about the problem and of capturing the complex interrelationships that exist within the criminal justice system. The power of a simulation model is its ability to improve thinking capacity. It allows us to focus on the three basic mental model-based processes responsible for generating understanding: construction, comparison, and resolution. The model enables people to see what, and how they are thinking. This makes it easier to work on improving the thinking process.

Systems modeling provided a tool that allowed the project team to capture the assumptions about the system and how it operates. These assumptions are often shared by many people who are part of the system; these assumptions are never tested. The modeling process creates an environment where the assumptions are made explicit and the logical implications of those assumptions can be tested. People can now cooperate in the thinking process, providing many alternative perspectives on the issues involved. The computer simulation model provides a rigorous way of ascertaining the internal consistency of a mental model – no matter how complex the underlying assumptions might be. The software links structure to associated dynamic behavior in an understandable manner.

Simulation modeling allows experimentation with new policies, strategies, and learning skills. Actions that cannot be reversed or taken back in real situations can be redone countless times in simulation. Over time simulation allows individuals to be more open to consider and test wide ranges of hypotheses and less likely to get locked into particular ways of looking at problems.

The PSU team prepared for this process by the following:

1. Examining Sheriff's Office documents, interviewing personnel, and physically touring facilities.
2. Interviewing Joan Pasco to obtain a broad understanding of the challenges faced by the Sheriff's Office.

3. Analyzing a detailed flowchart of the processes and entities involved in the Multnomah County Corrections Division.
4. Interacting with a group of managers in the system, who described the shortcomings of the system, their vision of what they would like the system to be in the future, and possible solutions.

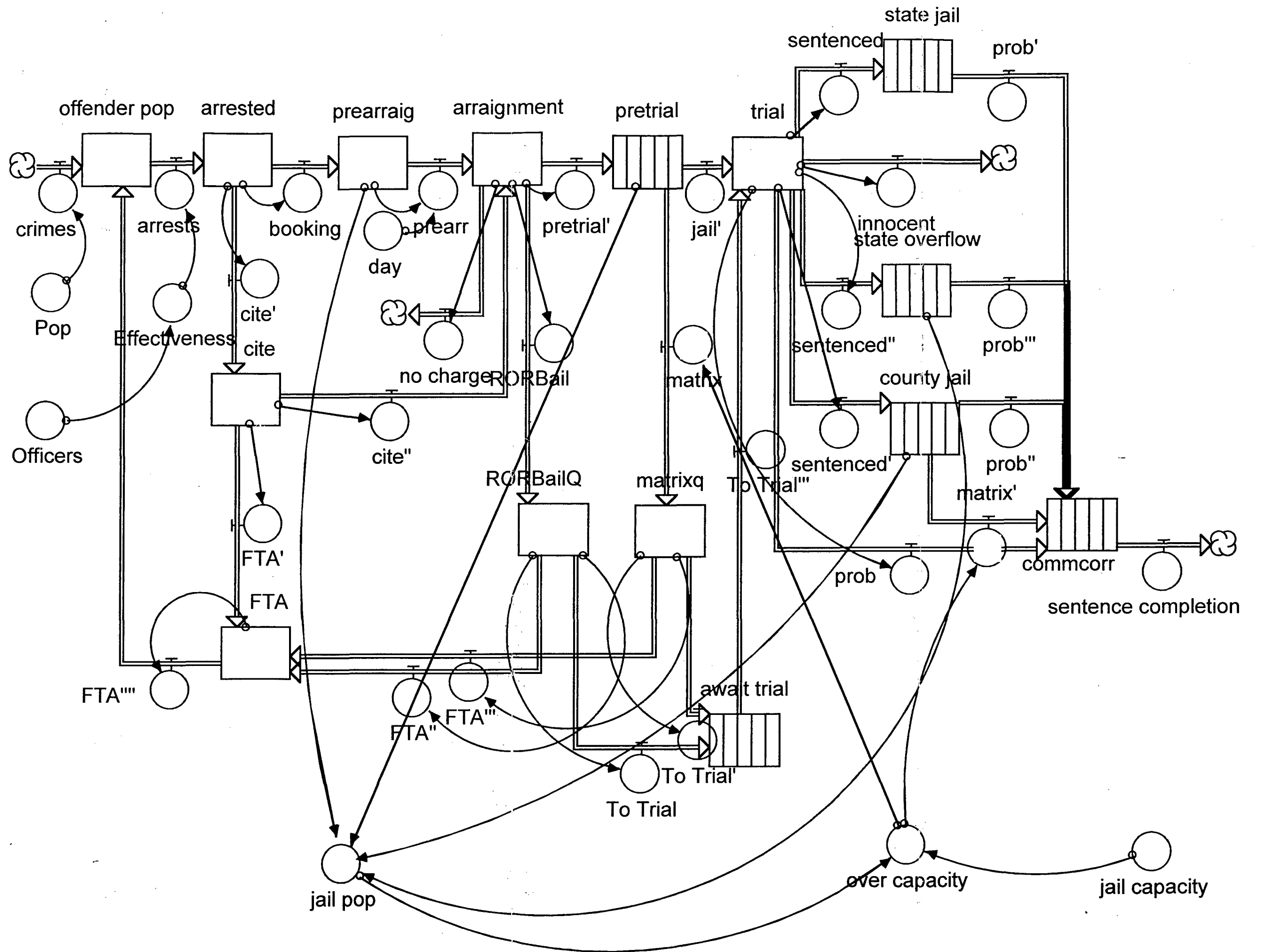
From these we set up meetings with several individuals and toured facilities.

The Multnomah County Sheriff's Office Corrections Division operates five correctional facilities and contracts for the operation of a women's work release facility. The capacity of the facilities are defined by the federal court order. In the course of our investigation the project team visited the courthouse jail, the Multnomah County Detention Center, the Inverness Jail, the Multnomah County Correctional Facility, and the Restitution Center.

STELLA

Once the team gained an understanding of the process, we chose STELLA to model the system dynamics. STELLA is a continuous computer simulation tool provided by High Performance Systems Inc. which allows the user to create an interactive environmental model. The modeling process began with the construction of a systems diagram described above. The next step is to convert the diagram to a simulation model that is identified in terms of its flows and stocks. A system flow defines the movement of prisoners through the system. A system stock identifies a queue where things wait or where processing takes place. In our model the transport of a prisoner from jail to court or the transfer of a sentenced offender from jail to probation would be described as a flow. An example of a stock is a jail facility, a court process or probation. The model developed for this project is described in figure 2, page 11. As with any simulation process the model is a simplified representation of the real world.

While the assumptions about the operation of the system were gathered through interviews and discussions with individuals who worked within the criminal justice system, the actual data used in the model was provided by Larry Reilly.



The results of the model verify the general assumptions that the criminal justice system is operating under stress. The model produces a continuous level of matrix release to handle weekend jail populations. The model indicates that a larger capacity jail will eliminate the need for matrix release. Both of these conclusions are consistent with the assumptions made by everyone interviewed in the course of the project. The model also indicates that weekend arraignment will reduce the additional capacity needed.

STELLA Simulation

The STELLA simulation models prisoners flowing through the system. The simulation includes the following:

- **Offender** population is the queue of individuals who have committed crimes and are awaiting arrest. This queue is fed from two sources: people who have committed crimes and individuals failing to appear. This outflows to arrests.
- **Arrested** is the queue of all those arrested and flows to either booking or cites.
- **Prearraignment** is the queue of all individuals who have been booked into a facility and people leave that queue as they leave jail for arraignment.
- **Arraignment** consists of prisoners from the jail queue and those that have been cited. Prisoners leave this queue by being returned to jail to await trial, by being released on recognizance or bail, or when the District Attorney fails to press charges.
- **Pretrial** is the queue of all individuals in jail awaiting trial. It is modeled here as a conveyor assuming prisoners will be in jail an average 62 days awaiting trial. Prisoners leave this queue via matrix or when they return to court for trial.
- **Trial** consists of those who are awaiting trial either in jail and outside of jail. Prisoners leave trial and are either innocent, sent to the state jail, sent to the county jail, or are placed on probation.
- **State jail** and **county jail** are two different conveyors consisting of individuals convicted in trial. Prisoners leave jail either by completing their sentences, being paroled, or in the case of the county jail, being matrixed. Prisoners whose sentences are greater than one year are in state jail, whereas those with sentences less than one

year are sentenced to county jail. Therefore, the conveyors for state jail and county jail are different lengths of time.

- The **probation/parole** conveyor consists of prisoners released from either state jail or county jail. The output is sentence completion.

There are a number of other queues in the model which are used to hold prisoners who have been cited and are awaiting arraignment, who have been released on their own recognizance, bailed, matrixed, failed to appear, and awaiting trial. The flows between these queues are generally defined by equations that were developed from statistical analysis provided by Larry Reilly. In addition, there are two constants which underlie the model. One of these is the size of the Multnomah County population and the other is the total capacity of the jail facilities.

The limitation of the ten week term and the lack of availability of information will leave many parts of the model untested and unverified. Before using the results of this model more work should be done.

RECOMMENDATIONS

Through the above analysis, the following constraints were found in the system: Insufficient number of jail beds and a court system confined to a five day work week. Another factor limiting the effectiveness of the corrections system is the fragmented information systems. The PSU team recommends the following:

1. Add jail beds.
2. Add a triage center.
3. Add weekend arraignment
4. Add an integrated data base.

Jail Beds

A consistent theme heard from every stakeholder is the system is operating well above capacity. There are not enough jail beds to hold all individuals who need to be in jail awaiting trial and those sentenced. This is confirmed by the simulation model which

indicates matrixing needs to be done weekly to accommodate the one to four day awaiting arraignment population. If all the other parameters in the model are held constant, the system requires an additional 564 beds to completely eliminate the need for matrix release.

Triage Center

At this period in time, one of the most effective ways to improve the performance of the system is to build a triage center. A triage center is a centrally located facility where prisoners are identified, booked, "recogged," classified, and held for arraignment. All of these could be performed in a single facility. Locating all of these services in one facility would decrease the number of additional jail beds needed. The benefits of a central triage center include a significant reduction in transportation, a reduction in "dry runs," and an increase in the time officers spend on patrol.

Weekend Arraignment

The simulation model indicates that implementing weekend arraignment aids in the reduction of problems arising due to matrix release. The need for jail beds can be reduced from an additional 564 to approximately 395 if prisoners are processed through arraignment on the weekend.

Integrated Database

Lack of timely and accurate information represents another inefficiency in the system. Each agency in the criminal justice system operates with its own data systems none of which share data with other systems. This leads to duplicate data entry, makes it difficult to identify prisoners at different points in the system, and leaves some participants in the system without access to needed information.

CONCLUSION

This project was initiated as an attempt to identify major improvements in the criminal justice system that could be accomplished through the application of reengineering concepts and tools. Our investigation found the major problems to be resource constraints as opposed to systems problems. The significant resource constraints

include number of jail beds, lack of weekend arraignment, and the absence of an integrated database. The analysis of the project team supports the conclusions of many of the stakeholders in the process. The recommendations include an increase in jail beds, establishing a triage center, weekend arraignment, and implementing an integrated data base.

APPENDIX

Mobilization Letter
STELLA Equations
Presentation



Multnomah County Sheriff's Office

JOHN BUNNELL
SHERIFF

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

(503) 255-3600

MEMORANDUM:

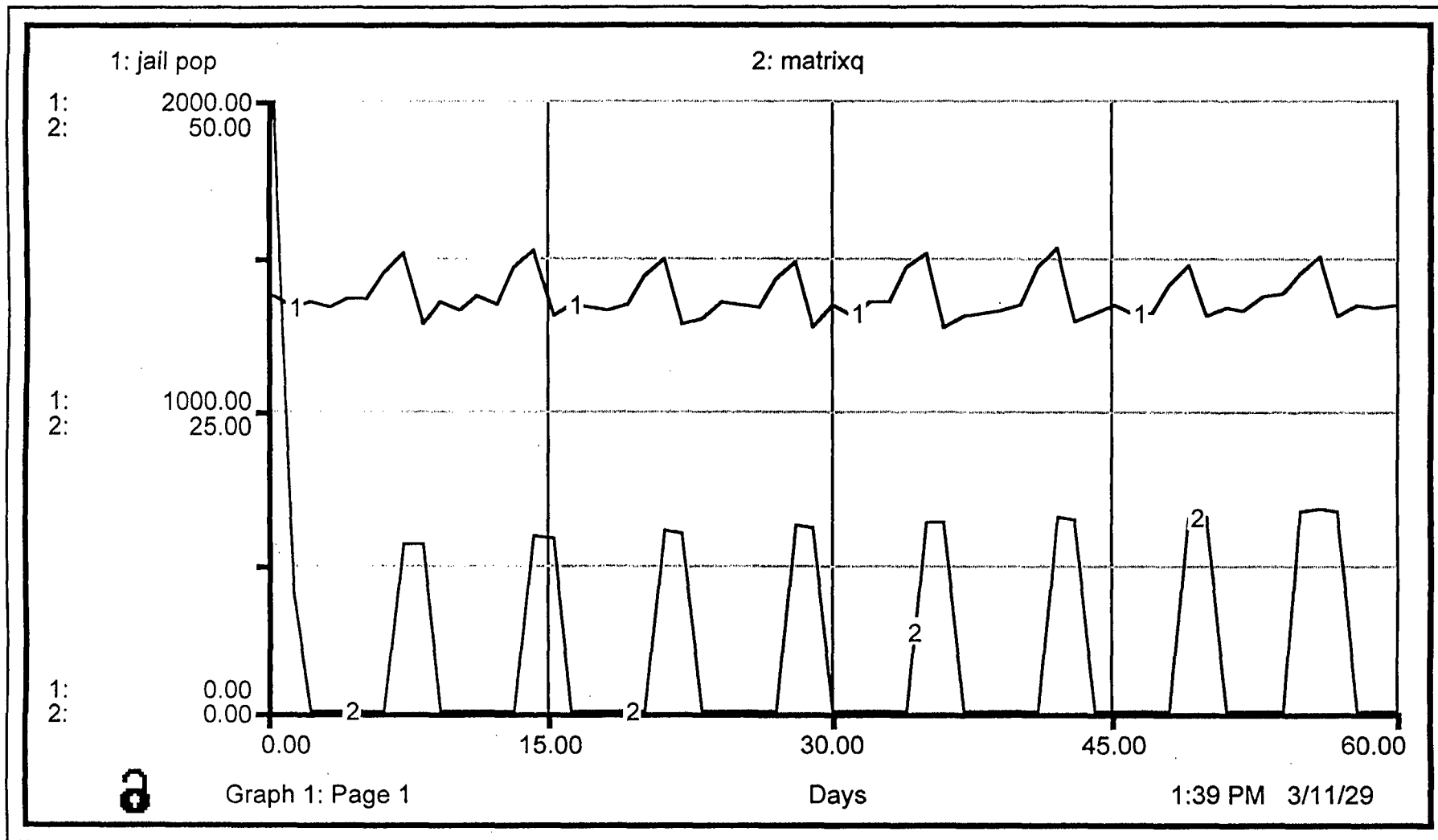
To: Bob Johanson, PSU
From: Joan Pasco, MCSO
Date: January 9, 1995
Subject: Pre-Trial Release Population as re-engineering topic

The shortage of jail bed space in Multnomah County has created a dilemma in our criminal justice system. We have 1371 beds; all are full at any given time. The courts have dealt with this overcrowding by assigning many arrested individuals to pre-trial (out of jail) programs; on their own recognizance, with relatives or family members, or in a variety of reporting systems. For obvious reasons, this is an option available solely to those least likely to commit another crime; least dangerous to themselves and others; and most likely to show up for their court hearings. The MCSO adds to this mix about 200 inmates each month that have been matrixed out of jail due to overcrowding. The failure to report for hearing rate from the matrixed population is 50%. Over-all failure from all pre-trial released individuals is 40%. When someone fails to report, a warrant is issued for their arrest and creates a secondary problem for a warrant delivery system with a backlog of over 30,000 warrants.

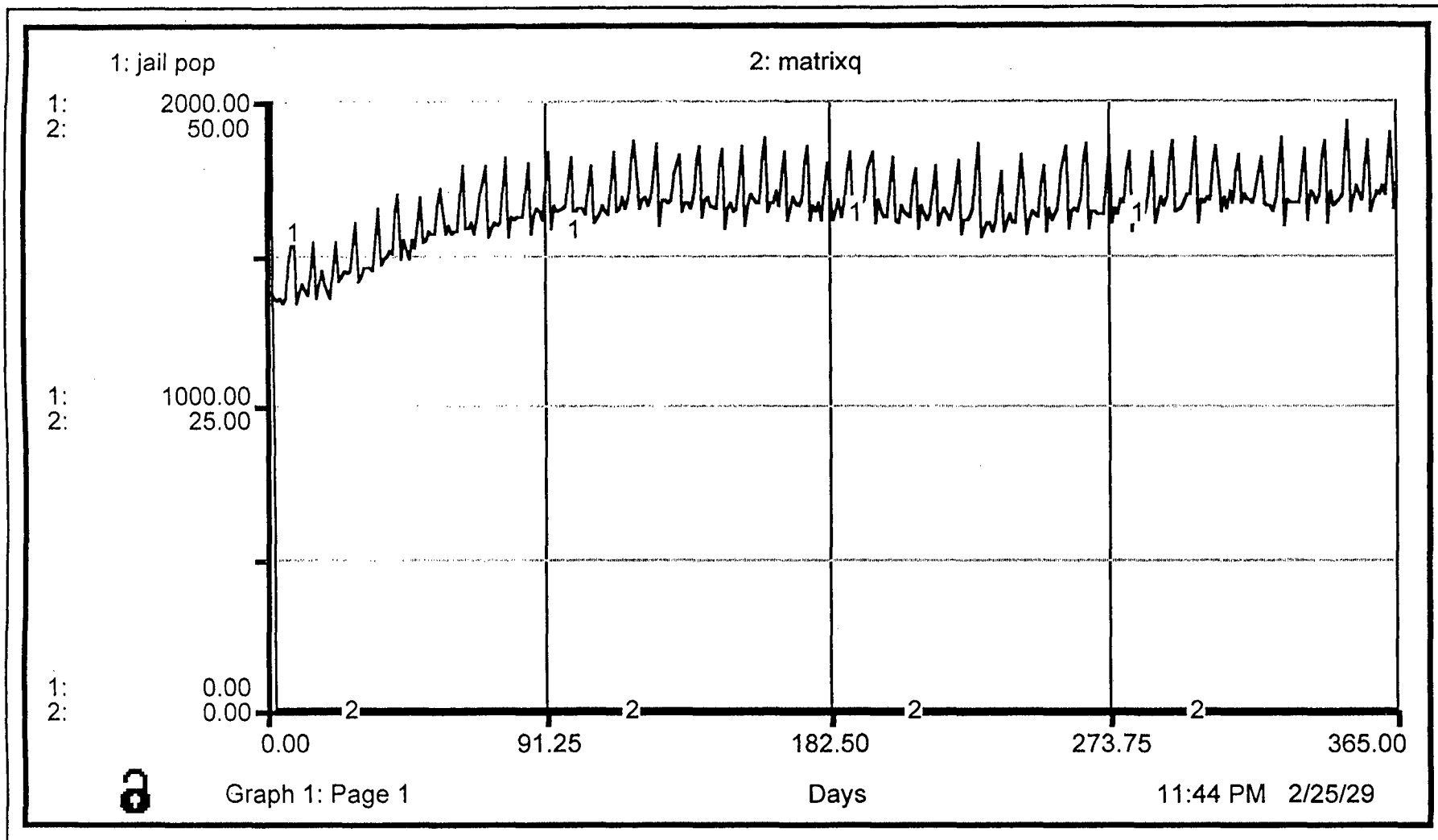
The public expects a person who has committed a crime to be arrested, booked, tried and punished. The overcrowding of our jails has made it unlikely that people arrested for minor offenses will serve any jail time. Even people who have committed serious crimes can be let out of jail under certain conditions. Our jails are under a federal court order to control population. We are subject to a fine of \$10,000 per day that we exceed this court ordered limit.

The situation is frustrating for the entire system: the jails, the courts, and the public who deserve a higher level of freedom from further victimization from people awaiting trials.

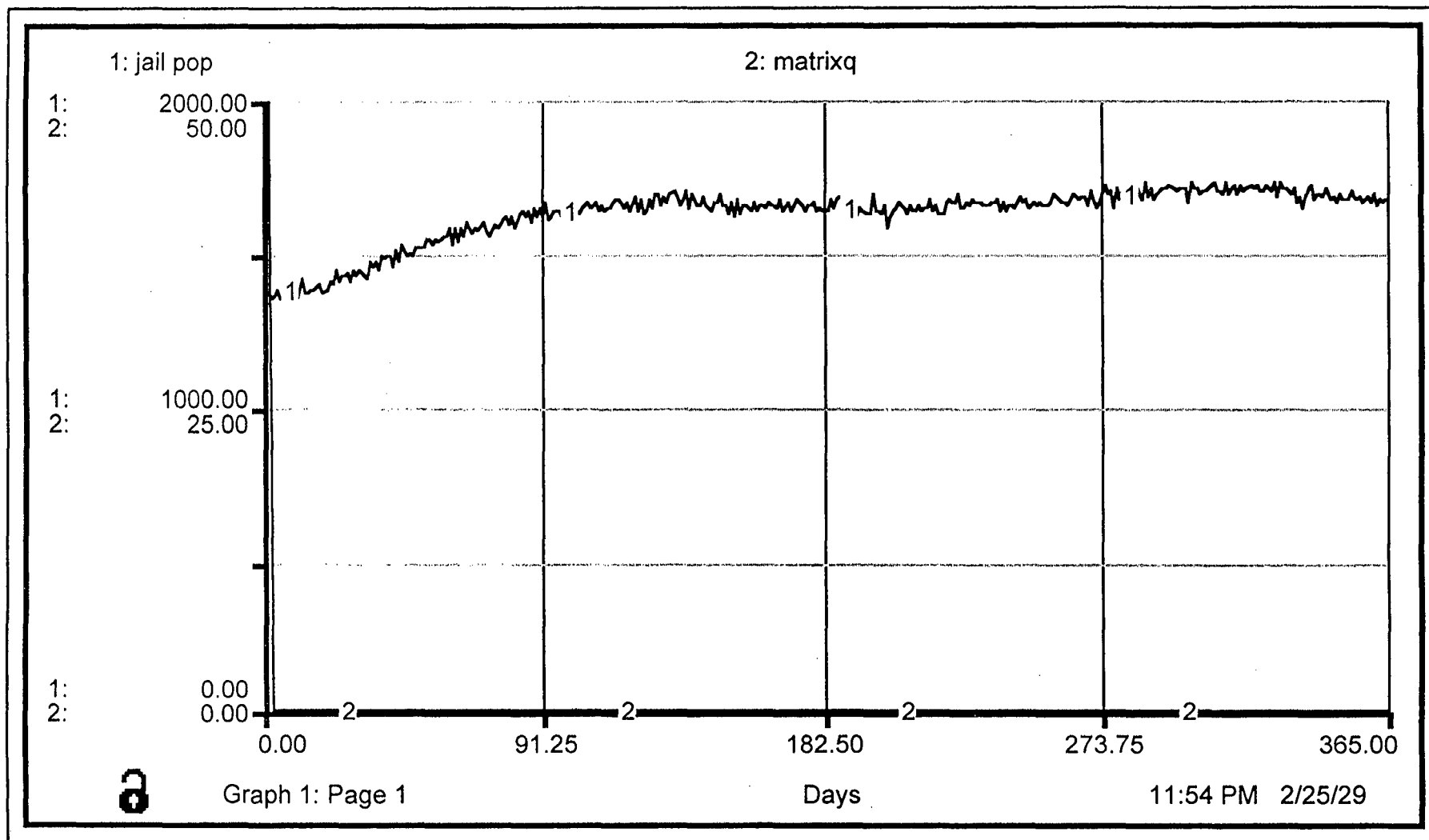
Clearly, there must be a better way of insuring public safety by monitoring the activities of this population of accused individuals until they are processed through the court system. It is a problem that will require cooperation and collaboration from Community Corrections, the courts, the District Attorney's Office, the Multnomah County Sheriffs Office, the policing (arresting) units and the juvenile justice system. Hopefully, this will make a challenging re-engineering project for one of your students.



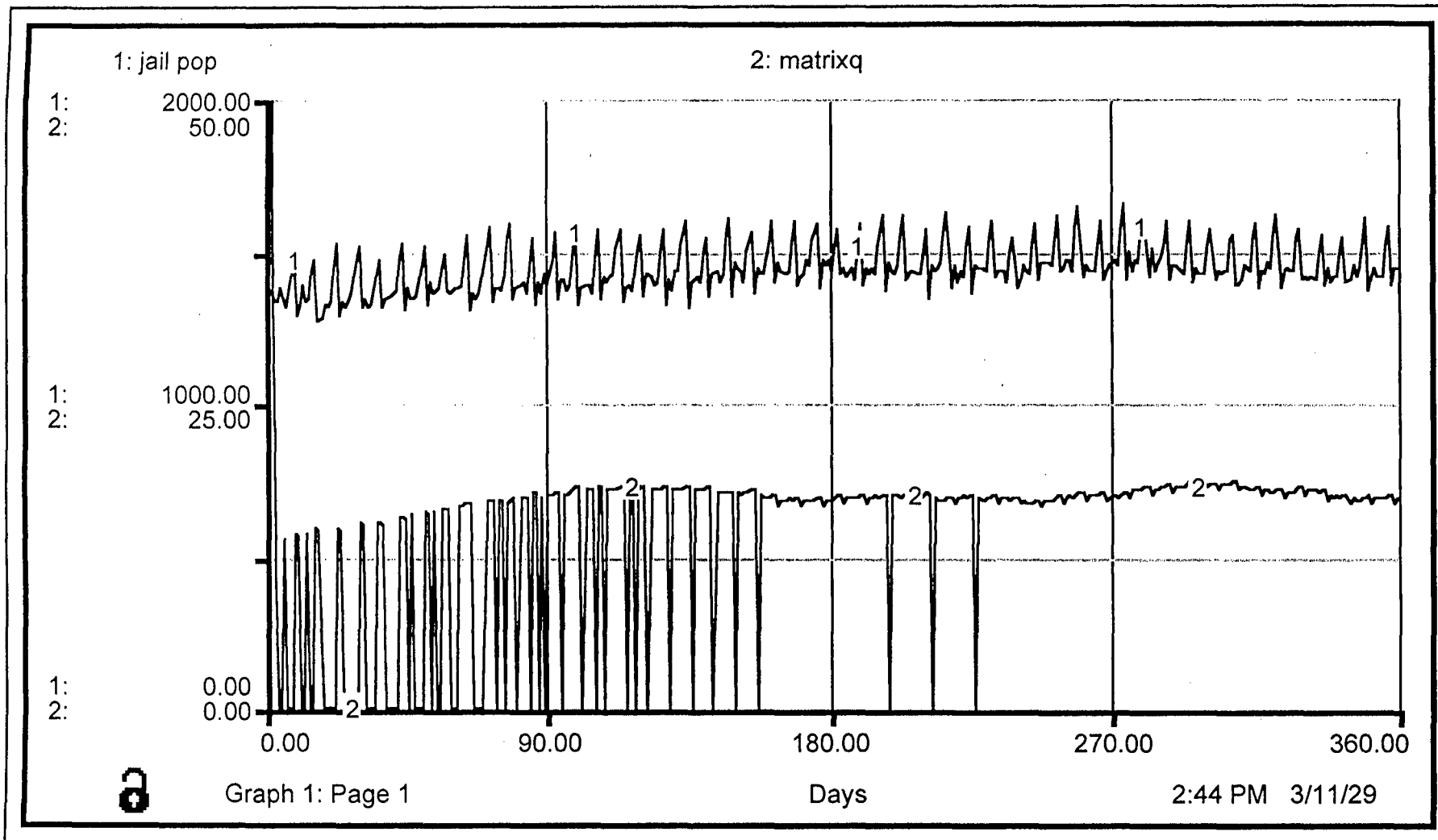
Current Situation
Jail Capacity 1371
Matrix every weekend



Allows Jail Beds to increase
to eliminate matrix release
requires 1935 beds



Assumes weedend arraignment
number of beds needed is
1735



Assumes the 1-3 year
population is redirected to
County facilities with no
increase in beds the first year

$\text{arraignment}(t) = \text{arraignment}(t - dt) + (\text{prearr} + \text{cite}'' - \text{pretrial}' - \text{RORBail} - \text{no_charge}) * dt$

INIT arraignment = 0

INFLOWS:

$\text{prearr} = \text{if}(\text{day} < 6) \text{ then } (\text{prearraig} * 1) \text{ else } 0$

$\text{cite}'' = \text{cite} * .5$

OUTFLOWS:

$\text{pretrial}' = \text{arraignment} * .15$

$\text{RORBail} = \text{arraignment} * .7$

$\text{no_charge} = \text{arraignment} * .15$

$\text{arrested}(t) = \text{arrested}(t - dt) + (\text{arrests} - \text{booking} - \text{cite}') * dt$

INIT arrested = 141

INFLOWS:

$\text{arrests} = \text{NORMAL}(141, 27)$

OUTFLOWS:

$\text{booking} = \text{arrested} * .66$

$\text{cite}' = \text{arrested} * .34$

$\text{await_trial}(t) = \text{await_trial}(t - dt) + (\text{To_Trial} + \text{To_Trial}' - \text{To_Trial}''') * dt$

INIT await_trial = 3350

TRANSIT TIME = 61

INFLOW LIMIT = INF

CAPACITY = INF

INFLOWS:

$\text{To_Trial} = \text{RORBailQ} * .78$

$\text{To_Trial}' = \text{matrixq} * .45$

OUTFLOWS:

$\text{To_Trial}''' = \text{CONVEYOR OUTFLOW}$

$\text{cite}(t) = \text{cite}(t - dt) + (\text{cite}' - \text{cite}'' - \text{FTA}') * dt$

INIT cite = 0

INFLOWS:

$\text{cite}' = \text{arrested} * .34$

OUTFLOWS:

$\text{cite}'' = \text{cite} * .5$

$\text{FTA}' = \text{cite} * .5$

$\text{commcorr}(t) = \text{commcorr}(t - dt) + (\text{prob} + \text{prob}' + \text{prob}'' + \text{matrix}' - \text{sentence_completion}) * dt$

INIT commcorr = 4500

TRANSIT TIME = 182

INFLOW LIMIT = INF

CAPACITY = INF

INFLOWS:

$\text{prob} = \text{trial} * .23$

$\text{prob}' = \text{CONVEYOR OUTFLOW}$

$\text{prob}'' = \text{CONVEYOR OUTFLOW}$

$\text{matrix}' = \text{LEAKAGE OUTFLOW}$

$\text{LEAKAGE FRACTION} = \text{over_capacity} * .3$

NO-LEAK ZONE = 0

OUTFLOWS:

$\text{sentence_completion} = \text{CONVEYOR OUTFLOW}$

$county_jail(t) = county_jail(t - dt) + (sentenced' - prob'' - matrix') * dt$

INIT county_jail = 412

TRANSIT TIME = 47

INFLOW LIMIT = INF

CAPACITY = INF

INFLOWS:

$sentenced' = trial * .13$

OUTFLOWS:

$prob'' = CONVEYOR\ OUTFLOW$

$matrix' = LEAKAGE\ OUTFLOW$

$LEAKAGE\ FRACTION = over_capacity * .3$

NO-LEAK ZONE = 0

$FTA(t) = FTA(t - dt) + (FTA' + FTA'' + FTA''' - FTA'''') * dt$

INIT FTA = 1

INFLOWS:

$FTA' = cite * .5$

$FTA'' = RORBailQ * .22$

$FTA''' = matrixq * .55$

OUTFLOWS:

$FTA'''' = FTA * .9$

$matrixq(t) = matrixq(t - dt) + (matrix - FTA''' - To_Trial') * dt$

INIT matrixq = 50

INFLOWS:

$matrix = LEAKAGE\ OUTFLOW$

$LEAKAGE\ FRACTION = over_capacity * .7$

NO-LEAK ZONE = 0

OUTFLOWS:

$FTA''' = matrixq * .55$

$To_Trial' = matrixq * .45$

$offender_pop(t) = offender_pop(t - dt) + (crimes + FTA'''' - arrests) * dt$

INIT offender_pop = 33500

INFLOWS:

$crimes = ((population * .018) / 365)$

$FTA'''' = FTA * .9$

OUTFLOWS:

$arrests = NORMAL(141, 27)$

$prearraig(t) = prearraig(t - dt) + (booking - prearr) * dt$

INIT prearraig = 93

INFLOWS:

$booking = arrested * .66$

OUTFLOWS:

$prearr = if(day < 6) then (prearraig * 1) else 0$

$pretrial(t) = pretrial(t - dt) + (pretrial' - jail' - matrix) * dt$

INIT pretrial = 867

TRANSIT TIME = 62

INFLOW LIMIT = INF

CAPACITY = INF

pretrial' = arraignment*.15

OUTFLOWS:

jail' = CONVEYOR OUTFLOW

matrix = LEAKAGE OUTFLOW

LEAKAGE FRACTION = over_capacity*.7

NO-LEAK ZONE = 0

RORBailQ(t) = RORBailQ(t - dt) + (RORBail - FTA" - To_Trial) * dt

INIT RORBailQ = 69

INFLOWS:

RORBail = arraignment*.7

OUTFLOWS:

FTA" = RORBailQ*.22

To_Trial = RORBailQ*.78

state_jail(t) = state_jail(t - dt) + (sentenced - prob') * dt

INIT state_jail = 11000

TRANSIT TIME = 770

INFLOW LIMIT = INF

CAPACITY = INF

INFLOWS:

sentenced = trial*.37

OUTFLOWS:

prob' = CONVEYOR OUTFLOW

trial(t) = trial(t - dt) + (jail' + To_Trial"" - prob - innocent - sentenced - sentenced') * dt

INIT trial = 0

INFLOWS:

jail' = CONVEYOR OUTFLOW

To_Trial"" = CONVEYOR OUTFLOW

OUTFLOWS:

prob = trial*.23

innocent = trial*.27

sentenced = trial*.37

sentenced' = trial*.13

day = COUNTER(1,8)

jail_capacity = 1371

jail_pop = SUM(county_jail,prearraig,pretrial)

over_capacity = IF(jail_pop>jail_capacity) THEN (jail_pop-jail_capacity) ELSE 0

population = 605000

MCSO

Introduction

– Team Members

- Eric Cornelius
- Jim Munz
- Stacey Whearty
- Robynn Woodbury

– Bob Johannsen

– Joan Pasco

MCSO

Mobilization

A Case for Action

- Bookings
- Capacity
- Federal Court Order
- Matrix

MCSO

Mobilization

- Scope
- Barriers to Success
- Organizational Buy-in

MCSO

Diagnosis

- Current Process Owners
- Disconnects
- Performance Measures
- Analyze Process Interrelationships

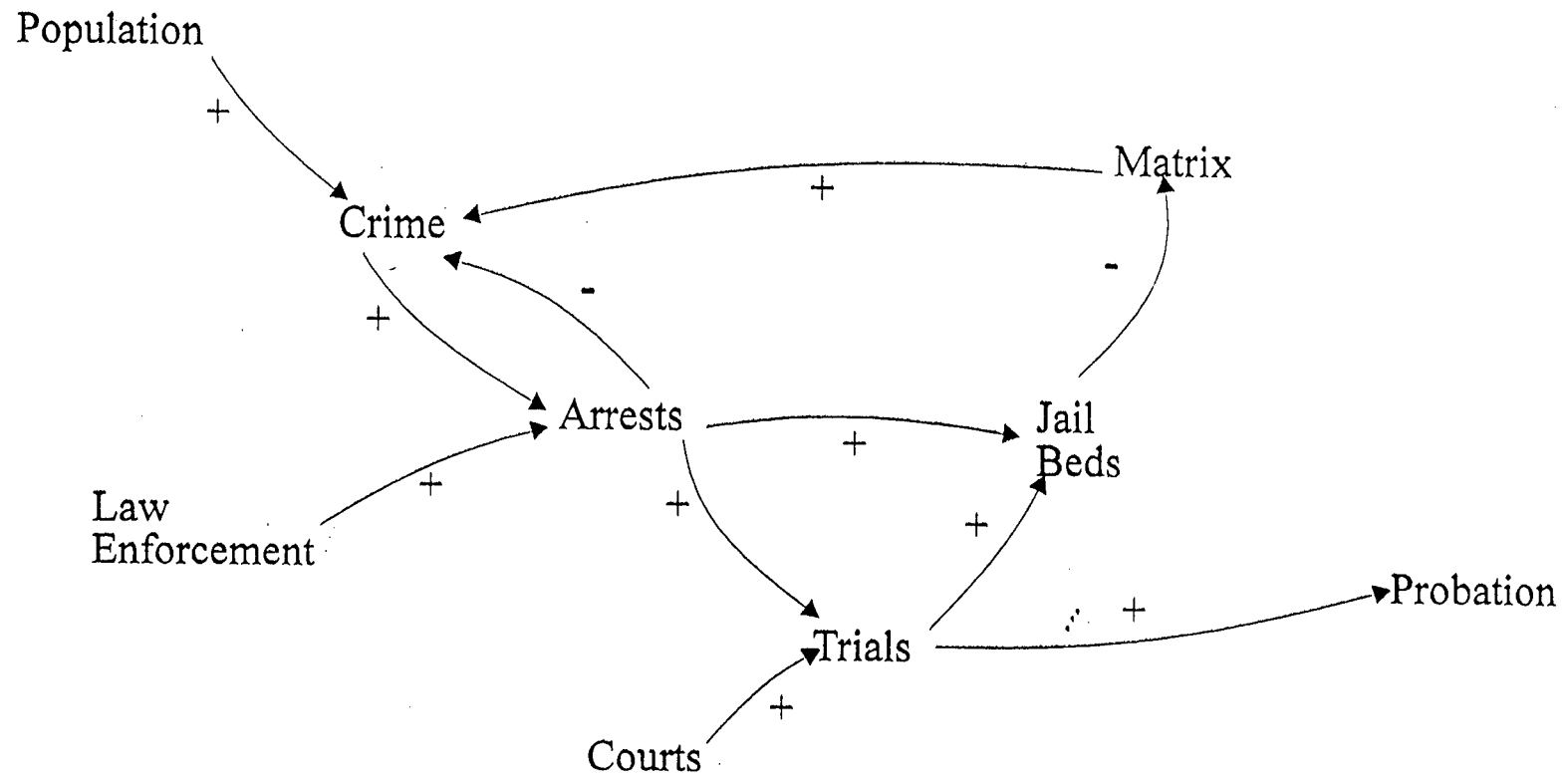
MCSO

Disconnects

- Multiple Transports
- Multiple Hand-offs
- Weekend Arraignment
- Information Sharing
- No Process Ownership
- Matrix Supervision

MCSO

System Diagram



MCSO

Redesign

- New Business Model
 - The Process
 - Examine the Sheriff's Office
 - Interview Joan Pasco
 - Analyze a MCCD Flowchart
 - Interact with systems personnel
- STELLA

MCSO

Recommendations

- Add
 - Jail Beds
 - A Triage Center
 - Weekend Arraignment
 - An Integrated Data Base

MCSO

MEETING DATE: APR 18 1995

AGENDA NO.: B-4

(Above space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: NORTH PORTLAND HEALTH CENTER @ UNIVERSITY PARK

BOARD BRIEFING Date Requested: April 18, 1995

Amount of Time Needed: 30 min (start at approx. 11:30)

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT: HEALTH

DIVISION: SUPPORT SERVICES

CONTACT: DWAYNE PRATHER

TELEPHONE #: 248-3674 x2658

BLDG/ROOM #: 160/8TH FLOOR

PERSON(S) MAKING PRESENTATION: COMMISSIONER HANSEN, DWAYNE PRATHER,
LENNY SOBO OR JIM EMERSON, PARKS
DIRECTOR CHARLES JORDAN AND OTHER
REPRESENTATIVES FROM THE CITY OF
PORTLAND

ACTION REQUESTED:

[X] INFORMATIONAL ONLY [] POLICY DIRECTION [] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

A briefing to update the Board on the progress of the previously approved North Portland Health Clinic remodeling project.

We are currently in a joint effort with the City of Portland, and specifically the Portland Parks Bureau, to acquire land at the edge of University Park to site a Health Center.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Or

DEPARTMENT MANAGER: Bill Odegaard

(ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES)

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1995 APR 12 PM 3:27

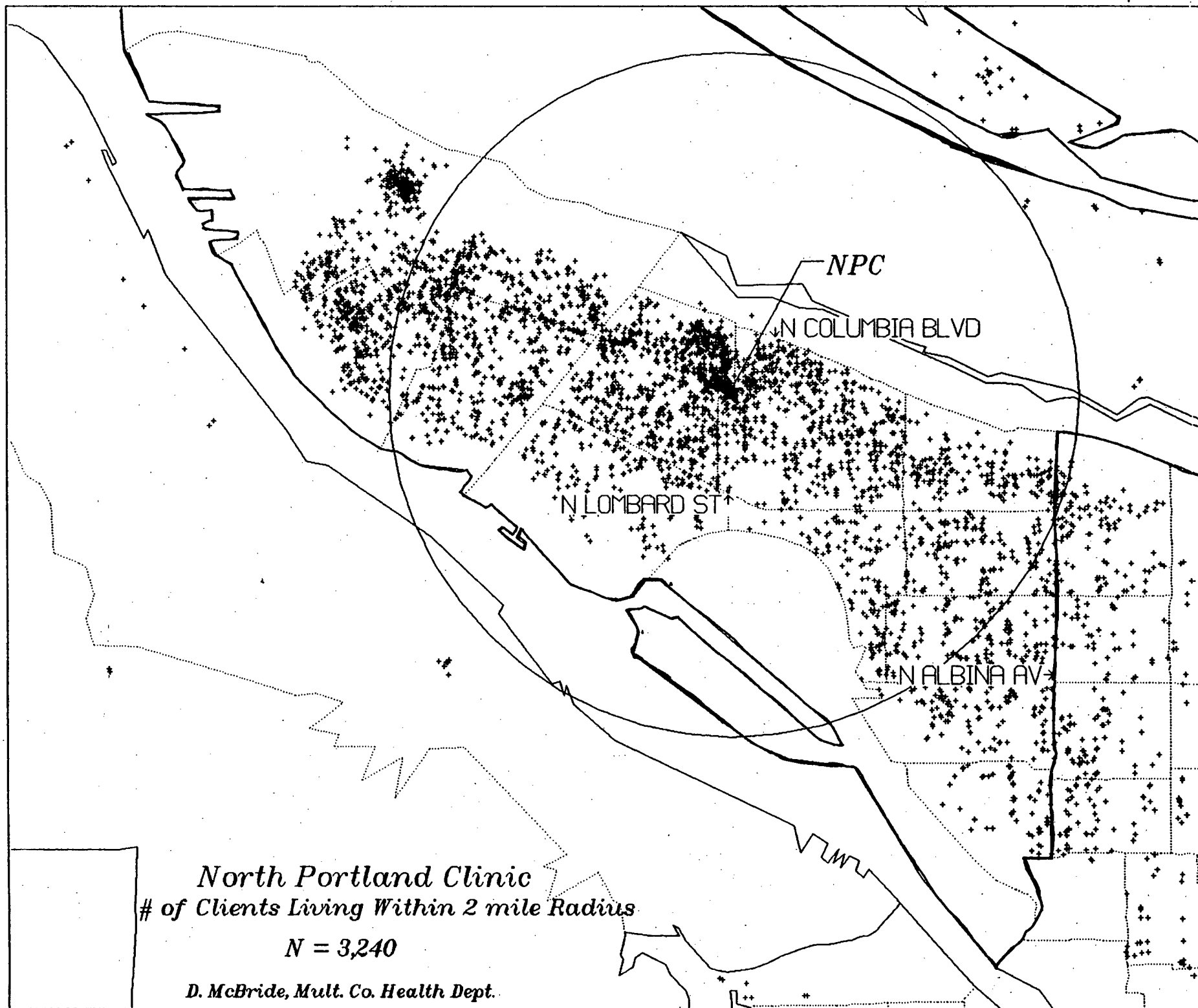
Board Briefing
4-18-95
Handout #1
B-4

BOARD BRIEFING

NORTH PORTLAND HEALTH CENTER@ UNIVERSITY PARK

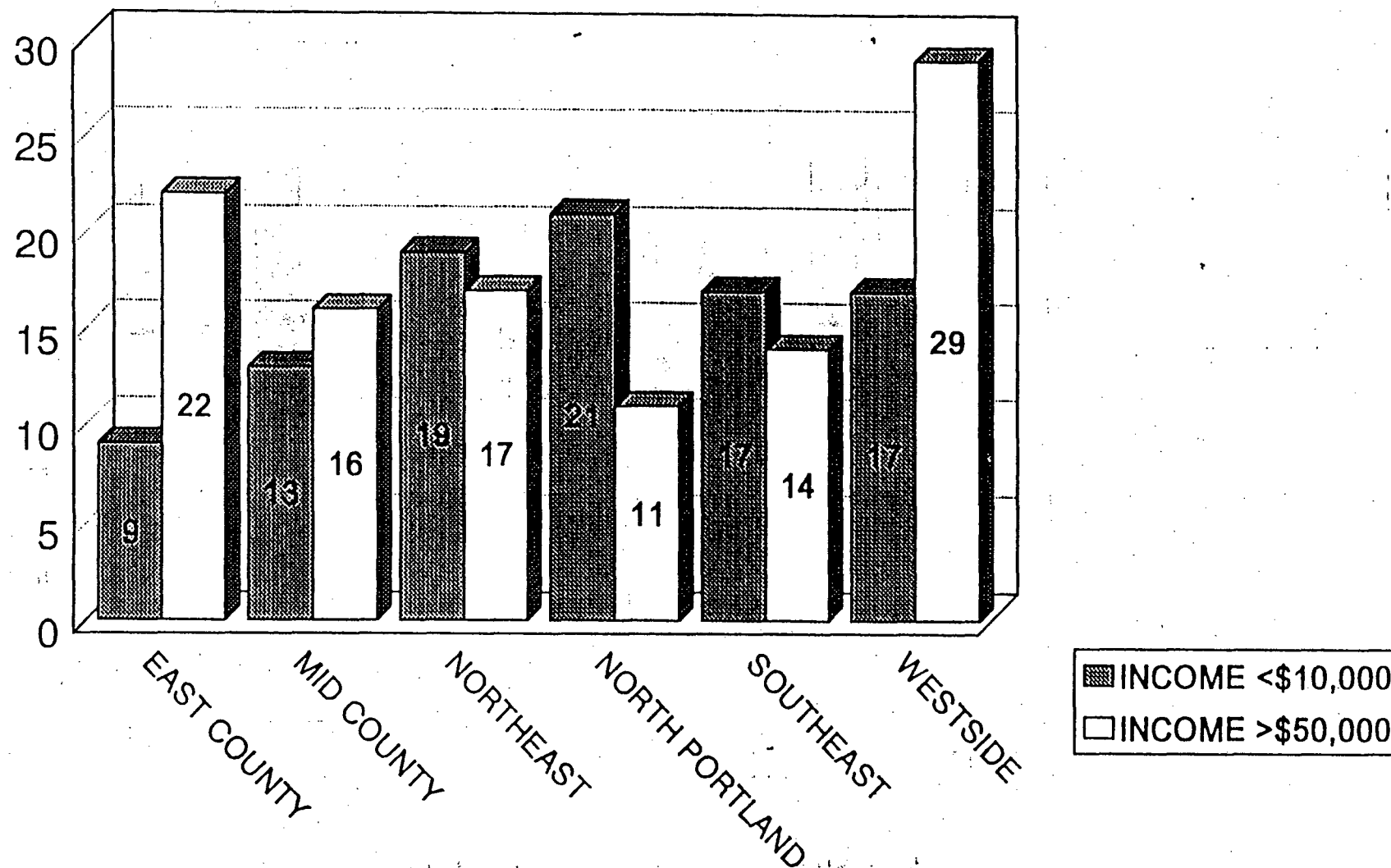
Estimated Time - 11:30 AM, April 18, 1995

- Commissioner Gary Hansen - Overview and history
- Susan Hathaway-Marxer, Property Manager, Bureau of Parks and Recreation - Cooperative efforts and co-location plans
- Dwayne Prather, Health Dept - Programs implications
- Lenny Sobo, Facilities Management - Technical talk



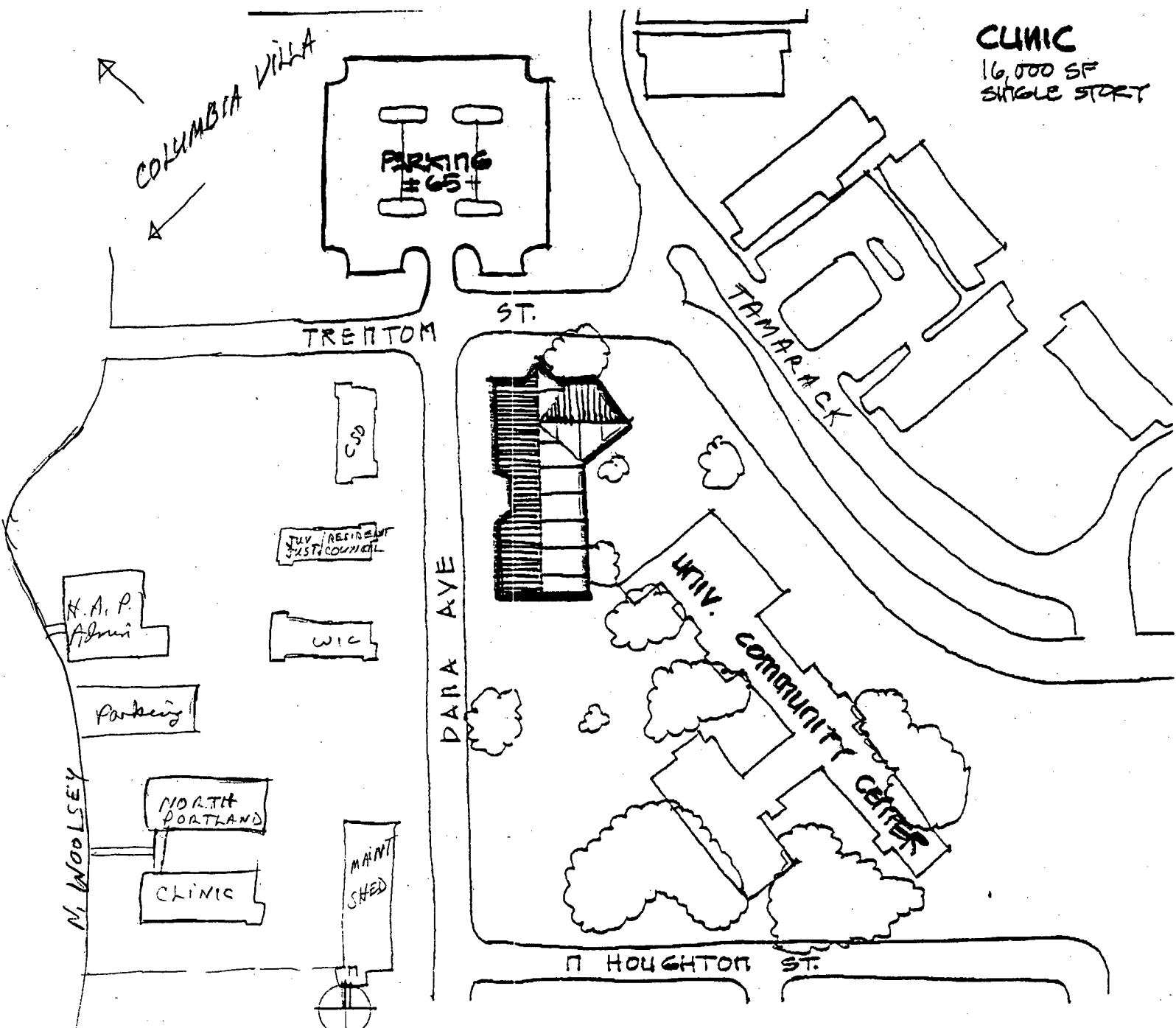
PERCENT OF HOUSEHOLDS WITH INCOMES LESS THAN \$10,000 AND GREATER THAN \$50,000 : MCHD SERVICE AREAS

FROM 1990 CENSUS DATA



WESTSIDE INCLUDES BURNSIDE AREA CENSUS TRACTS

#4



CLINIC
16,000 SF
SINGLE STORY

NAP. MAINT
SHOPS

North Portland Clinic

University Park Scheme # 1

OWNER: Multnomah County, Division of Facilities
2505 S.E. 11th Avenue Portland, Oregon 97202
phone (503) 248-3322

Robertson Merryman Barnes Architects
1231 N.W. Hoyt St. #403 Portland, Oregon 97209
phone (503) 222-3753 fax (503) 295-6718

1" = 100'

Drawing: _____
Date: 22 Nov 1994

Job No. _____