



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308
PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
POLLY CASTERLINE • District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
September 12-16, 1988

Tuesday, September 13, 1988 - 9:30 AM - Informal Briefing. . Page 2
Tuesday, September 13, 1988 - 1:30 PM - Informal Meeting . . Page 3
Wednesday, September 14, 1988 - Plenary Session - 1:30 PM . . .Page 4
Council Suite, Downtown Hilton Hotel
Legislative Agenda
Thursday, September 15, 1988 - 9:30 AM - Formal. Page 5

Tuesday, September 13, 1988 - 9:30 AM


Multnomah County Courthouse, Room 602

1. Informal Briefing on proposed regional solid waste policies developed by Metro Policy Advisory Board - Rena Cusma

Tuesday, September 13, 1988 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

- 
1. Informal Review of Bids and Requests for Proposals:
 - a) Portland Building Remodel - 14th & 15th Floors
 2. Presentation - Association of Oregon Counties' request for \$1,600 special assessment for a Land Use Staffing and Funding Program - Jerry Orrick, Lorna Stickel, Russ Nebon
 3. Informal Review of Formal Agenda of September 15, 1988
 4. Presentation of Community Correction issues - John Angell, Harley Lieber
 5. Reports to the Board from Sheriff Fred Pearce:
(approximately 3 PM)
 - a) Recommendations from the Governor's Task Force on Corrections
 - b) MCRC Expansion Options
 - c) Inverness Jail Status

Wednesday, September 14, 1988
Council Suite, Downtown Hilton Hotel
1:30-4:30 PM

PLENARY SESSION - LEGISLATIVE AGENDA

1. Review proposed 1989 County Legislative Agenda.

Thursday, September 15, 1988, 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 Orders Accepting Deeds for County Road Purposes:
- a) State of Oregon - NW Reeder Road - No. 4964
 - b) R. Dale Haney - Palmquist Road - No. 608
 - c) State of Oregon - NE 257th Drive - No. 4931
 - d) The Mortgage Exchange, Inc. - NE 202nd - No. 595
 - e) The Mortgage Exchange, Inc. - NE 202nd - No. 595

BOARD OF COUNTY COMMISSIONERS

- R-2 In the matter of the re-appointment of Don McClave, Polly Casterline, Bob Lott, Pauline Anderson, and Ramsey Weit to the Oregon Tourism Alliance
- R-3 In the matter of the appointment of Muriel Goldman (term expires 8/91), and Sue Shaw (term expires 8/89) to the Central Advisory Board.
- R-4 In the matter of the appointment of Alex Pierce, and the re-appointment of Jim Worthington to the Citizen Involvement Committee (terms expire 4/89)
- R-5 In the matter of the re-appointment of Keith Tillstrom to the Agricultural Board (term expires 6/30/89)
- R-6 In the matter of the appointment of Judge Linda Bergman to the Juvenile Services Commission (term expires 8/29/90)
- R-7 In the matter of the appointment of Polly Casterline, Teresa Kasner, and Lorna Stickel to the Columbia Gorge Consortium
- R-8 In the matter of the appointment of Wanda Wright and Paul Kreider to the Private Industry Council board (terms expire 6/30/88)
- R-9 In the matter of the re-appointment of Lee Christiansen and Dan Moriarty to the Private Industry Council board (terms expire 6/30/91)

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-10 In the matter of Action to approve the Private Sale of Tax Foreclosed Property as allowed under ORS 275.200

ORDINANCES - DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-11 First Reading - An ordinance relating to the regulation of potentially dangerous dogs and amending Chapter 8.10 of the Multnomah County Code

DEPARTMENT OF HUMAN SERVICES

- R-12 In the matter of ratification of an intergovernmental agreement with State Senior Services Division to approve Adult Foster Home Licensing Regulations administered by County Aging Services Division - effective date January 1, 1988
- R-13 In the matter of ratification of five public school intergovernmental revenue agreements (David Douglas School District; Gresham Grade Schools - Dexter McCarty and Gordon Russell; Parkrose School District; and Portland Public School District #1) whereby County receives \$114,972 for providing school mental health counseling and training services from September 1, 1988 - June 30, 1989

DEPARTMENT OF JUSTICE SERVICES

- R-14 In the matter of Washington County reimbursing Multnomah County for Medical Examiner Services

BOARD OF COUNTY COMMISSIONERS

- R-15 Resolution in the matter of Authorizing County Counsel to Remonstrate against Assessments for County Owned Property within the Proposed Portland Economic Improvement District
- R-16 Resolution in the Matter of Health Hazards caused by pesticide spray residues

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Friday, 6:00 P.M., Channel 27 for Rogers Multnomah East subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

N O T I C E

FOLLOWING THE BOARD MEETING A RECEPTION WILL BE HELD FOR THE FOLLOWING:

- a) Gary Kimble, Risk Management Manager
- b) Frank Lopez, Senior Buyer, Purchasing
- c) Darrel Murray, Program Management Specialist, Labor Relations
- d) Betsy Wagner, Health Promotion & Benefit Specialist
- e) Dwight Wallis, Records Manager
- f) Patty Shaw, Treasury Manager
- g) Chris Farley, Public Guardian
- h) Norm Monroe, Program Management Assistant
- i) James Emerson, Capital Improvement Project Manager
- j) Georgine Bailey, Deputy Auditor
- k) Bonnie Wolf, Civil Engineer
- l) Joanne Fuller, Women's Transition Services

FOLLOWING THE RECEPTION, A STRATEGIC PLANNING WORK SESSION WILL BE HELD IN ROOM 602



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING SECTION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

GLADYS McCOY
COUNTY CHAIR

MEMORANDUM

TO: Jane McGarvin, Clerk of the Board
FROM: Lillie M. Walker, Director, Purchasing Section
DATE: September 7, 1988
SUBJECT: FORMAL BIDS AND REQUESTS FOR PROPOSALS SCHEDULED FOR INFORMAL BOARD

BOARD OF
COUNTY COMMISSIONERS
1988 SEP - 7 PM 2:10
MULTNOMAH COUNTY
OREGON

The following Formal Bids and/or Professional Services Request for Proposals (RFPs) are being presented for Board review at the Informal Board on Tuesday, September 13, 1988.

Bid/RFP No.	Description/Buyer	Initiating Department
B61-700-3102	PORTLAND BUILDING 14TH & 15TH FLOOR REMODEL	DES/Facilities Mgmt.
	Buyer: Franna Ritz/Frank Lopez Ex. 5111	Contact: Lennie Sobocinski Phone: X3322
		Contact:
	Buyer: Ex. 5111	Phone:
		Contact:
	Buyer: Ex. 5111	Phone:

cc: Gladys McCoy, County Chair
Board of County Commissioners
Linda Alexander, Director, DGS
Commissioner Caroline Miller/332

Copies of the bids and RFPs are available from the Clerk of the Board.

T0: The Portland Business Today/DJC

Please run the following Classified Advertisement as indicated below, under your CALL FOR BIDS section

MULTNOMAH COUNTY

PORTLAND BUILDING 14TH & 15TH FLOOR REMODEL

Bids Due October 4, 1988 at 2:00 P.M.
Bid No. B61-700-3102

Sealed bids will be received by the Director of Purchasing, Multnomah County Purchasing Section, 2505 S.E. 11th Ave., Portland, OR 97202 for:

Remodel of 14th and 15th floors of the Portland Building. Includes carpeting, walls, electrical, and mechanical modifications.

Plans and Specifications are filed with the Purchasing Director and copies may be obtained from the above address for a \$5.00 non-refundable fee. **CHECKS AND MONEY ORDERS ONLY.** Plans and Specifications will not be mailed within the Tri-County area.

PREBID CONFERENCE: O P T I O N A L - September 22, 1988, 9:30 am, 1120 SW 5th, 15th floor lobby, Portland, Oregon.

PREQUALIFICATION OF BIDDERS Pursuant to the Multnomah County Public Contract Review Board Administrative Rules (AR 40.030) Prequalification shall be mandatory for this project for the following class(es) of work: BUILDING ALTERATION AND REPAIR

Prequalification applications or statements must be prepared during the period of one year prior to the bid date. Prequalification application and proof of prequalification by the Oregon Department of Transportation must be actually received or postmarked to Multnomah County Purchasing Section by not later than 10 days prior to bid opening.

All bidders must comply with the requirements of the prevailing wage law in ORS 279.350.

Details of compliance are available from the Purchasing Section, Department of General Services, 2505 S.E. 11th Avenue, Portland, OR 97202, (503) 248-5111.

Contractors and subcontractors must be licensed for asbestos abatement work if the project involves working with asbestos.

MINORITY AND WOMEN BUSINESS UTILIZATION: All bidders are hereby specifically advised that these conditions require a minimum of 3 % of the total bid amount for Minority Business Enterprise participation in one or more of the following subcontract areas: bidders option, and 1 % of the total bid amount for Women Business Enterprises participation in one or more of the following subcontract areas: bidders option.

NONDISCRIMINATION Bidders on this work will be required to comply with the provisions of Federal Executive Order 11246. The requirements for Bidders and Contractors are explained in the Specifications.

No proposal will be considered unless accompanied by a check payable to Multnomah County, certified by a responsible bank, or in lieu thereof, a surety bond for an amount equal to ten percent (10%) of the aggregate proposal. The successful bidder shall furnish a bond satisfactory to the Board in the full amount of the contract.

Multnomah County reserves the right to reject any or all bids.

LILLIE WALKER, DIRECTOR
PURCHASING SECTION

Publish September 15, 16, & 19, 1988

DATE SUBMITTED 9/7/88

(For Clerk's Use)

Meeting Date 9/13/88

Agenda No. #2

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: AOC Land Use Assessment

Informal Only* 9/13/88
(Date)

Formal Only _____
(Date)

DEPARTMENT BCC DIVISION _____

CONTACT Fred Neal TELEPHONE 248-3308

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Jerry Orrick, Lorna Stickle, Russ Nebon

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Presentation of purpose for the Association of Oregon Counties request for a \$1,600.00 special assessment for a Land Use Staffing and Funding Program

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☒ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 25 minutes TIME CERTAIN 1:30 p.m.

IMPACT:

☐ PERSONNEL
☐ FISCAL/BUDGETARY
☐ General Fund
☐ Other _____

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1988 SEP - 8 4:11:56

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Bladys McCoyth

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.



ASSOCIATION OF OREGON COUNTIES

LOCAL GOVERNMENT CENTER 1201 COURT STREET N.E., P.O. BOX 12729, SALEM, OREGON 97309-0729, (503) 585-8351

*Boc
Budget
Planning*

July 27, 1988

TO: County Board of Commissioners/County Courts

FROM: P. Jerry Orrick, Executive Director 

SUBJECT: Land Use Staffing and Funding Program - Special Assessment

The AOC Board of Directors recently approved a voluntary special assessment for all counties as a means of funding an enhanced land use planning effort beginning September 1. The general thrust of this program is to provide counties with a stronger technical and professional land use lobby effort with LCDC and the legislature through the 1989 session.

The Board of Directors took this unusual step because of their concern about possible major changes in the land use program. LCDC is expected to recommend new policies on "primary and secondary lands" in the next few weeks. Other major policy changes are anticipated regarding development on rural residential lands, expanded wetlands evaluations, and other Goal 5 issues.

In brief, the plan is to contract with Marion County for the services of their Chief Planner, Russ Nebon, on a half-time basis until August 31, 1989. Total cost of the contract will not exceed \$36,449 (Marion County will provide clerical support services; office space; and operational expenses as an in-kind contribution).

The per county assessment is based upon population groupings. (A county-by-county breakdown is attached).

POPULATION	ASSESSMENT
less than 5,000	\$ 250
5,000 - 11,999	500
12,000 - 49,999	1,100
50,000 and over	1,600

Mr. Nebon's job, under AOC policy direction, will be to work with county commissioners, planning directors, county counsels, the Oregon Counties Land Use Coalition, the AOC land use committee, and other interest groups to build a coalition of technical land use experts. From this base he will coordinate provision of technical assistance and policy information to LCDC and the 1989 legislature. He will be headquartered in the Marion County Senator Building (588-5038) in order to be readily accessible to LCDC and the legislature. He will also have the use of an office in the Crook County Courthouse (as an in-kind contribution) to coordinate with

-over-

commissioners and planners in central and eastern Oregon. Mr. Nebon has considerable background as a professional planner and has been very active in lobbying efforts with the AOC over the last four legislative sessions. He has the support of the County Planning Directors and has excellent credibility with the legislature.

Since most land use planning issues have moved into a highly technical arena, our Land Use Committee and Board of Directors felt we could be more productive (within time and money constraints) by marshalling our existing talent into a cohesive, structured team of land use experts. The result should be far superior county impact on technical issues at the state level.

We are justifiably proud of our land use program in Oregon. Unfortunately, implementation of the program at the local level has been troublesome because of faulty, distorted and/or incomplete information that all too often is the basis for state land use policy revisions.

This program (albeit 10 years late and seriously underfunded) should be of considerable assistance in providing our state policymakers with more accurate and complete facts upon which to base important land use decisions. That should help correct existing problems and avoid creating new ones. After all, public policy is best served by honest decisions based upon complete and accurate information.

Enclosed please find a billing for your county's contribution to this effort. Needless to say, we need all counties to participate. However, if your county will not be able to participate we would appreciate notice to that effect by September 30. We recognize that supplemental budgets may be necessary to make your share available. We hope this can be done in the near future because, in order to make Mr. Nebon available, Marion County must make staffing commitments and adjustments which require that the County be reimbursed as soon as possible.

We look forward to this land use technical assistance effort and a successful 1989 Legislative Session.

ec

Enclosure

cc: County Planning Directors
County Counsels

OREGON COUNTIES

	POPULATION	ASSESSMENT
Multnomah	561,800	\$1,600
Lane	269,500	1,600
Washington	268,000	1,600
Clackamas	248,200	1,600
Marion	209,200	-0- *
Jackson	138,400	1,600
Douglas	92,150	1,600
Linn	89,900	1,600
Benton	69,100	1,600
Deschutes	65,400	1,600
Coos	61,000	1,600
Josephine	60,300	1,600
Umatilla	60,000	1,600
Klamath	58,600	1,600
Yamhill	57,100	1,600
Polk	45,000	1,100
Lincoln	37,200	1,100
Columbia	36,200	1,100
Clatsop	32,900	1,100
Malheur	27,800	1,100
Union	24,800	1,100
Wasco	22,500	1,100
Tillamook	22,000	1,100
Curry	17,000	1,100
Hood River	16,400	1,100
Baker	16,200	1,100
Crook	13,000	-0- *
Jefferson	12,200	1,100
Grant	8,000	500
Lake	7,600	500
Morrow	7,500	500
Wallowa	7,400	500
Harney	7,100	500
Sherman	2,200	250
Gilliam	1,800	250
Wheeler	1,400	250

*Marion and Crook Counties will provide support services for Technical Assistant.



ASSOCIATION OF OREGON COUNTIES

LOCAL GOVERNMENT CENTER 1201 COURT STREET N.E., P.O. BOX 12729, SALEM, OREGON 97309-0729, (503) 585-8351

July 27, 1988

Multnomah County Board of Commissioners
County Courthouse, Room 605
1021 S. W. 4th Avenue
Portland OR 97204

S T A T E M E N T

SPECIAL VOLUNTARY ASSESSMENT: \$1,600

FOR: AOC Enhanced Land Use Planning Program

Please note:

If your county does not plan to participate in this program
please sign below and return this billing to the AOC by
September 30. (This will enable us to scale back the program
to match anticipated revenues).

This is to notify AOC that Multnomah county will not
be paying this assessment.

By: _____

Date: _____

Association of Oregon Counties
PUBLIC LANDS AND NATURAL RESOURCES COMMITTEE

BOARD OF
COUNTY COMMISSIONERS

1988 SEP -9 AM 10:48

MULTNOMAH COUNTY
OREGON

August 18, 1988
10:20 a.m. to 2:50 p.m.

Local Government Center
Salem, Oregon

Present:

Members: Judge Dale White, Chairman; Commissioners Jim Comini, Steve Cornacchia, Gerald Creasy, Bob Holland, Judge John Howard, Commissioners Bruce McGregor, Jim Ogle, Jim Rogers, Gordon Ross, Jerry Rust, Dale Schrock, Jack Urey, and Bill Vian.

Guests: Commissioners Jeff Golden and Bill Rogers; Ed Ciliberti and Chuck Hoyt, BLM; Ray Doerner and Herb Haglund, Association of O&C Counties; Larry Fellows and John Marker, United States Forest Service; Ken Johnson and Norm Johnson, State of Oregon; John Lilly, State Parks; Mike Salsgiver, Senator Hatfield's Office; Bob Schumacher, State - IRD; Neil T. Skill, State Forestry; Mark Wigg, private forester; Martin Winch, Assistant to Commissioner Pauline Anderson.

Staff: Gil Riddell.

Chairman Dale White called the meeting at the Local Government Center, Salem, Oregon, to order at 10:20 a.m.

Wild and Scenic Rivers Bills

Mike Salsgiver, Office of U. S. Senator Mark Hatfield, discussed S.2148, the Senator's bill to include 1,700 miles of Oregon rivers in the federal Wild and Scenic Rivers Act (materials distributed and on file). The Act, created in 1968, prohibits dams on designated river segments. Segments of four Oregon rivers -- Rogue, Snake, Owyhee, and Illinois -- are currently included in the Act. Mr. Salsgiver stated that Senator Hatfield believes in balanced use of natural resources. The Senator included in his bill all Oregon rivers being studied by federal agencies for possible inclusion in the Act. He chose not to wait for final national forest plans, which he believes are about 18 months away. Mr. Salsgiver called the Act the most flexible federal natural resources statute. There are three classifications of rivers under the Act: wild (akin to wilderness), scenic (lesser developed areas), and recreational (with a whole range of development associated with modern life). Recreational designation could mean that a value other than recreation would be protected.

Commissioner Gordon Ross stated that the Act adds another layer of bureaucracy. Mr. Salsgiver agreed there would be additional regulation, although local laws often meet or exceed federal requirements.

Commissioner Jerry Creasy noted that virtually no private lands were included in the original legislation but this bill changes that. For example, the first 12 miles of the Nestucca River is already public, but the bill includes the last 35 miles which are privately owned and the water used for irrigation. Mr. Salsgiver stressed that

existing water rights are protected under the Act. He said that rivers do not know the difference between public and private boundaries. There is more than adequate safeguards for private rights. The goal is sound water management. The Senator wanted to include certain rivers in the bill now rather than later when greater problems will occur.

Commissioner Bob Holland noted that the bill includes 359 miles of the John Day River, more than any other river. The river's basin plan includes off-stream impoundments. Virtually all property owners along the river oppose the bill. Commissioner Holland wondered whether they will have a real voice at the Senator's hearing in Baker in August; witnesses will be allowed only three minutes each. Mr. Salsgiver stated that this will be the fourth field hearing, an unusually high number. Hearings have been spread around the state to the extent possible. The Senator has received more mail on this bill than on any other. The three minutes standard is so that more people can testify. The bill is not settled and may be amended.

John Lilly, Assistant Administrator of the State Parks and Recreation Division, discussed the State Scenic Waterways program, which he oversees (materials distributed and on file). He neither supports nor opposes ballot measure 7, the initiative to expand the system to include rivers in the Hatfield bill plus others. The original state law was also an initiative petition adopted in 1970. Six rivers were initially included, with five rivers and one lake added since. State law includes condemnation authority, but it has been used rarely (twice) in 18 years. Mr. Lilly stated that the state and federal governments work together when a river is covered by both systems. Objectives are the same, but there are anomalies. For example, federal boundaries can vary from river to river along view lines, whereas Oregon specifies one-fourth mile from high water plus the river itself.

Commissioner Steve Cornacchia commented that the federal act contains no specific prohibition on logging. Mr. Salsgiver explained that details of prohibitions are in administrative rules. Restrictions on timber harvesting depend on how the river is classified, e.g., logging is not allowed on "wild" rivers. Federal boundaries are typically 320 acres per river mile (one-fourth mile). Impact on logging will depend on which alternative is used in each national forest plan. However, under the preferred alternatives, the U. S. Forest Service estimates there will be an additional timber harvest reduction under the bill of 3.7 million board feet (MMBF). The range of possible harvest reduction caused by the bill is from 3.7 MMBF to 40 MMBF. Mr. Salsgiver pointed out that the Hood River was not included in the bill because neither the U. S. Forest Service nor Bureau of Land Management was studying it for possible inclusion under the Act.

Judge John Howard asked about the possible boundary for the Grand Ronde. Mr. Salsgiver explained that it will depend on the management plan adopted for that river. Typically, however, the boundary is up both sides of the draw.

Mr. Salsgiver stated that there are four federal wild and scenic river bills now in Congress. He said that the Senator's bill will almost certainly go through the Senate this session with mark-up expected in September. It will not move, however, without a consensus of the Oregon delegation, unless Senator Hatfield wants to keep the momentum. Commissioner Holland commented that a hearing should be held in Spray which is closer to affected land owners than John Day. Mr. Salsgiver agreed to attend a meeting if one is organized at Spray.

Mr. Salsgiver stated that restrictions on grazing under the Act are very flexible; grazing is allowed even in wild segments. He explained that all existing uses are permitted under the "recreational" classification, but there can be no new impoundments, e.g. dams or diversions. Each river will have a management plan. The plan may permit construction of a recreational facility on private land. Commissioner Creasy wondered if there would be mandatory riparian set-asides. Mr. Salsgiver said it depends on the plan, but there are no requirements for set-asides under guidelines for "recreational" segments.

Mr. Salsgiver stated that Representative Bob Smith is the only Oregon delegate not joined on the bill. Since 16 of the 40 rivers are in his district, Rep. Smith decided to base his decision on local comments. Judge Howard said that Union County took a position that it could not support the bill without more background on potential effects, e.g. visual restraints and the management plan itself. Commissioner Creasy stated that Tillamook County could support the bill if it did not include 35 miles of private land on the Nestucca. Commissioner Dale Schrock said that Benton County cannot support inclusion of the Alsea. Salsgiver said that he did not know how many farms are in "wild river" segments of the bill.

Chairman White asked who does the management plan. Mr. Salsgiver answered the U. S. Forest Service, BLM, or both, after soliciting the broadest possible input. Judge Howard wondered who appointed the citizen committee. Mr. Salsgiver answered that it depends on the final version of the bill.

Mr. Lilly commented that the State will become involved with federal planning if a state park exists on a designated river or if the river is already an Oregon scenic waterway (e.g. Illinois and Rogue). The State will ensure its interests are represented.

Chairman White noted that if Senator Hatfield wants the bill, he will get it. But the Chairman wanted to know how specific concerns about the bill, such as those expressed today, could be given to the Senator. Mr. Salsgiver said that he is available at any time to discuss the bill. He believed that the bill has a better than even chance of adoption this year.

Landfills on BLM-Managed Land

Ed Ciliberti, BLM Public Affairs Chief, stated that under the federal Recreation and Public Purposes Act the BLM has provided landfills to counties and others. In Oregon, there are 19 sites (materials distributed and on file). Recently, however, hazardous materials have been discovered in some of the nation's landfills. BLM has ordered a moratorium on permitting new landfills, and is seeking amendments to the Act. Mr. Ciliberti said that BLM never had the capacity to manage the landfills; instead it relied on local governments and state agencies to do so. It sees its responsibility only to provide land. BLM is working with the State Department of Environmental Quality and City of Grants Pass on the Merlin site. Hazardous materials which could be leaking into the aquifer have been found there. The Superfund is not available for this problem because it does not apply to federal agencies. Commissioner Jim Ogle commented that the Superfund helped treat uranium tailings in Lake County, but that the landfill problem could be a more serious problem.

BLM Computer Mapping/Northwest Land Information System

Mr. Ciliberti reminded the Committee of the developing BLM computer mapping and data base system. BLM had demonstrated this system to the Committee at its November 1987 meeting. Commissioner Creasy, a member of BLM's National Public Lands Advisory Board, praised the \$50 million per year project. He said that there are 43 different overlays that could be called up for different county purposes. Commissioner Schrock said that Benton County will tie in to the system. BLM can come to a county to explain the system. A county wishing this should call Paul Vetterick, BLM Associate State Director, at 231-6251. Neil Skill, State Department of Forestry, said that the Department's Mapping Advisory Committee is working with BLM to gain compatibility with the system.

Chairman White asked Gil Riddell to make contact on behalf of AOC with the Northwest Land Information System at the BLM Portland office. He also suggested that the next Public Lands Committee meeting in October be at the BLM office so that BLM could demonstrate its computer mapping capabilities.

At 12:10 p.m., Chairman White recessed the Committee for lunch. The meeting was resumed at 12:45 p.m.

State's Response to Draft National Forest Plans

Ken Johnson, member of the Governor's National Forest Planning Team, described the Team's goal of drafting a "Governor's Alternative" to each national forest plan, and the role that county judges and commissioners can play in that process. (Team roster distributed and attached.) He described the commissioner's role as key because they know what locals think. The Team does not need information from counties on fiscal impacts of plans because it gets that information directly from Ann Hannis, State Economist. It does need from counties the court's or board's views and sentiments and those of the community on all U. S. Forest Service alternatives. Ultimately, there will be a draft Governor's alternative of about 40 pages released for each national forest with a 30-day comment period for counties and others. The Team is interested in questions and comments any time, however; it is operating informally.

There was discussion about economic impact figures used by the Team, to which Ken Johnson responded that he would send to counties information on how those figures are determined. Chairman White noted the differences between tourist industry service jobs and manufacturing jobs. Commissioner Jeff Golden noted that secondary employment figures are "slippery."

Ken Johnson said that the Team received all comments from counties that were sent to the U. S. Forest Service with a copy to the Governor, and maybe even if no copy was sent to the Governor.

Ken Johnson said that the Governor will release an aggregate assessment of the national forest plans in addition to those for individual forests. He hoped there would be a comment period for that response as well.

In response to Commissioner Jerry Rust, Ken Johnson made note of possibly including in the responses a prediction of future stumpage values under various plan alternatives.

Ken Johnson remarked that community input to the Governor's draft responses have been good, but that a lot of form letters were submitted. When presenting comments to the Governor, those from counties are separate from those from industry or conservationists.

Norm Johnson, Forest Plans Coordinator, described the themes that guide the plan review. 1) Long term community stability (next 10 to 50 years) in relation to harvest of timber, including managing of Ponderosa Pine in Eastern Oregon, the mixture of private and public timber in Western Oregon, management of watersheds, fisheries (particularly in the Siskiyou, Siuslaw, and Malheur), and recreation and tourism. 2) Increasing the notion of complementary land uses, rather than assuming an incompatibility of uses. For example, can the timber base be worked harder than as proposed by the U. S. Forest Service? Would this relieve marginal areas for other uses? 3) Public and private partnerships between the U. S. Forest Service and those who use the forests; for example, regarding grazing and timber sales. 4) Community involvement in decisions. The Team has held public meetings, talked to interested persons individually, and asked for specific recommendations from those who know the forests. For example, it got the county courts of the Wallowa-Whitman together for a briefing. The Team wants public officials to feel comfortable enough to think the issues through and help the process.

Commissioner Cornacchia remarked that the old growth v. plantation debate is going nowhere, and asked about the concept of rest/rotation with different rest periods on the same ground. Norm Johnson replied that uneven age management with its selective cutting works well on the east side. Commissioner Holland agreed. Norm Johnson stated that on the west side uneven age management works at higher elevations but not so well in Douglas Fir stands at lower elevations. Commissioner Rust commented that there are some lower elevations where it would work. Commissioner Jack Urey remarked that selective cutting could be worse than clearcutting if so many trees must be taken out to get to those to be harvested. Norm Johnson agreed regarding White Fir stands, but commented that it does work with Ponderosa Pine. He said he would not reject uneven age management out of hand, but apply it to specific conditions and species. For this he would rely on the Department of Forestry and other state agencies. Commissioner Ross commented that clearcutting duplicates what nature has done with fire for centuries. Norm Johnson doubted that he would propose uneven age management in the Siskiyou.

Commissioner Golden asked Norm Johnson to explain "long term community stability." Norm Johnson responded that economic activity created by the forest industry is a part, and so are fisheries (e.g. in the Siskiyou) and tourism (e.g. in the Rogue).

Commissioner Bill Vian commented that he is glad to see the State finally becoming interested and involved in federal forests. He wondered since county input to the federal government has not made a lot of difference would the U. S. Forest Service listen better to the State? Norm Johnson replied that it would to the extent the State represents all public officials and jurisdictions. He commented that the U. S. Forest Service has been bombarded with criticism and it is difficult for the agency to define the middle ground. If the State takes the heat he hopes it can provide the vision and position for the Forest Service. But the State and local

governments must work together. He noted that the State has a critical mass of resources with which to work. Commissioner Vian replied that the counties are spending considerable money and time, too, and welcomes the help from the State.

Commissioner Bill Rogers noted the lack of information from the U. S. Forest Service. Draft plans for the three national forests in Lane County do not correlate to each other. Norm Johnson said that he is working with the forest staffs individually to get better information, and that the Forest Service is trying to standardize its approach to planning.

Norm Johnson stated that the State Economist uses Oregon economic models for direct and indirect impacts on local communities. These models examine types of jobs as well. Commissioner Golden asked about how the Team handles conflicting technical data from various interest groups. Norm Johnson replied that sorting through the claims takes the lion's share of his role. He has observed a "politicization of the facts," which confuses well-meaning people. Draft responses will include technical clarifications.

Commissioner Creasy commented that there is rarely a cross section of interests at the public meetings. He said that the Oregon Department of Fish and Wildlife has inordinate influence, which results in too much emphasis on riparian zones. He commented that after 20 years of intensive forest management the sustained yield harvest volumes should be increasing, but with set-asides and other factors, it is decreasing.

Ken Johnson stated that the Team does not do a "nose count" of responses, instead it looks for quality comments, the "gem out of the mass." The Governor, and not the Team, will make the decisions about his responses.

Commissioner Ross noted that the Coos County Forest had 40 MMBF to start, that 100 MMBF have been harvested, and that 100 MMBF now stands. The forest's allowable cut is actually increasing.

Norm Johnson remarked that in the Suislaw National Forest after 10 years and in spite of the concept of multiple use the allowable cut has been reduced. This may be necessary, but it needs to be explained.

Norm Johnson stated that the state alternative plan will include Forest Service funding needed to accomplish it. He remarked that the state alternative for the Umatilla probably will suggest a mixture of tree species for protection against outbreaks such as the Spruce Budworm. The Governor is working with the Congressional Delegation on the impact of the Wild & Scenic Rivers Act. The Governor has made no proposals to date to change the distribution formula for forest receipts. Norm Johnson praised Lake County for its unique emphasis on community involvement in responding to the Forest Service. He described the Team's project as difficult, with the Forest Service outnumbering the Team ten to one. He invited counties to call any time.

John Marker, Public Information Director of the U. S. Forest Service, commented that it is outstanding to have the Governor involved, a unique situation.

U. S. Forest Service Spotted Owl EIS

Mr. Marker introduced Larry Fellows, Project Leader for the final environmental impact statement (EIS) on the Spotted Owl. Mr. Fellows stated that eight national forests in Oregon are affected. He said although the EIS is final there is a 30-day comment period to receive new or substantive data. He commented that the National Forest Management Act requires keeping the Spotted Owl viable. In 1984, the National Wildlife Federation and others appealed the Spotted Owl directive in the Regional Guide. In 1987, the Forest Service began a research project to determine if the Spotted Owl needs mature forests and old growth timber, and if so, how much. Mr. Fellows described the EIS as a short-range decision; the Forest Service will adjust its findings when the research is completed.

Mr. Fellows stated that there are approximately 1290 pairs of Spotted Owls in Region 6. 4.1 million acres of Region 6 are affected under the EIS: 1.6 million acres already withdrawn from the timber base and 2.5 million acres suitable for both timber harvesting and owl habitat. Under the preferred alternative, the annual cut would be reduced 163 MMBF, 101 MMBF in Oregon alone. If the O&C Spotted Owl injunction applied to Forest Service land, the impact would be 1.6 billion B.F.

Mr. Fellows stated that the EIS prevents fragmentation of habitat as occurred in the Olympic Peninsula. The preferred alternative varies the size of habitat from south to north because the owls seem to need differing areas. Mr. Fellows said that he was unsure why but it may relate to prey base. He said that the habitat areas are not circles, but configurations with the least impact on other resources. Only one-third of existing pairs are preserved under the EIS. Mr. Fellows remarked that the draft national forest plans generally had 1,000 acres per pair for habitat out of the allowable sale quantities; there is therefore less impact under this Spotted Owl EIS.

Chuck Hoyt, BLM Information Officer, commented that an interagency agreement had just been reached with the Oregon Department of Fish and Wildlife to manage 110 owl habitat sites.

Chairman White announced that the next meeting of the Committee will be on October 21, 1988, at the BLM office in Portland.

Chairman White adjourned the meeting at 2:50 p.m.

THE GOVERNOR'S TEAM

Governor Neil Goldschmidt has set up a Governor's National Forest Planning Team. The team's main job is to pose choices to the Governor for the recommendations he'll make to the U.S. Forest Service in Oregon's behalf.

Heading that operation is Gail Achterman (378-3548), the Governor's Assistant for Natural Resources. Her mailing address is: Room 160, Capitol Building, Salem OR 97310.

The team's office number is 378-8127. Write to: Governor's National Forest Planning Team, Conference Room B, Labor & Industries Building, Salem OR 97310.

Team members are:

K. Norman Johnson, Forest Plans Coordinator. Norm is on loan from the Oregon State University School of Forestry. He's a noted expert who created the FORPLAN (Forest Planning) computer model used nationwide to analyze forest resources. He leads the team and does the technical analysis.

Reis Hoyt, Policy Analyst. Reis is on loan from the State Department of Economic Development. She heads up forest site inspection and economic analysis.

Ken Johnson (not related to Norm), Public Affairs Analyst. Ken is a former newspaper editor and aide to elected officials. He solicits and evaluates public opinion regarding forest planning.

Shirley Aker, Management Assistant. Shirley is a former employee of the Oregon Legislature. She runs the office and keeps the team on its tight time schedule.

Planners Bob Brown and Tamara Easter and economist Gary Lettman, all of the State Forestry Department's Forest Resources Planning Section (378-2664), contribute analysis in specific areas.

The team also works closely with agency heads and expert staff from these 13 state agencies: Agriculture, Economic Development, Energy, Employment, Environmental Quality, Fish & Wildlife, Forestry, Geology & Mineral Industries, Intergovernmental Relations, Land Conservation & Development, Parks & Recreation, State Lands, and Water Resources.

DATE SUBMITTED

8/29

(For Clerk's Use)

Meeting Date

9/13/88

Agenda No.

#3

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Community Corrections

Informal Only* Sept. 12, 1988

(Date)

Formal Only Sept. 14, 1988

(Date)

DEPARTMENT Justice Services

DIVISION Community Corrections

CONTACT Harley Leiber/John Angell

TELEPHONE 248-3980

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Harley Leiber/John Angell

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Presentation of Community Correction issues.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:



INFORMATION ONLY



PRELIMINARY APPROVAL



POLICY DIRECTION



APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA

30 minutes

IMPACT:



PERSONNEL



FISCAL/BUDGETARY



General Fund



Other

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER:

BUDGET / PERSONNEL

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts)

OTHER

(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUSTICE SERVICES
COMMUNITY CORRECTIONS DIVISION
ROOM 1500, THE PORTLAND BUILDING
PORTLAND, OREGON 97204
(503) 248-3980

GLADYS McCOY
COUNTY CHAIR

M E M O R A N D U M

TO: Jane McGarvin
Clerk of the Board

FROM: **HL** Harley Leiber, Director
DJS-Community Corrections Division

SUBJECT: Agenda Item

DATE: August 11, 1988

After reviewing our individual schedules it appears that we cannot all be in attendance for the informal discussion on Community Corrections set for the 23rd and 25th of this month before the Board of County Commissioners.

Please remove this item from the agenda if it has been formally requested. It is anticipated that the discussion will take place during the week of September 12. I will make a request for placement on the agenda for that time.

HL/vu
cc: John Angell
Barbara Donin
Grant Nelson
Bill Vandever

BOARD OF
COUNTY COMMISSIONERS
1988 AUG 12 PM 2:25
MULTNOMAH COUNTY
OREGON

DATE SUBMITTED July 28, 1988

(For Clerk's Use)

Meeting Date _____

Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Community Corrections

Informal Only* August 25, 1988 A.M.
(Date)

Formal Only _____
(Date)

DEPARTMENT Department of Justice Services DIVISION Community Corrections

CONTACT H. Leiber TELEPHONE 248 3980

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD H. Leiber/J.E. Angell

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Continuation of earlier briefing about possible changes affecting Community Corrections. Some discussion of sentencing guidelines may be included.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☒ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 30 minutes

IMPACT:

☐ PERSONNEL
☐ FISCAL/BUDGETARY
☐ General Fund
☐ Other _____

BOARD OF
COUNTY COMMISSIONERS
1988 AUG - 2 PM 4:27
MULTNOMAH COUNTY
OREGON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Glady's McCoy

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

DATE SUBMITTED 9/8/88

(For Clerk's Use)

Meeting Date 9/13/88
Agenda No. #4

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Reports from the Sheriff

Informal Only* 9/13/88 (Approx. 3:00pm) Formal Only _____
(Date) (Date)

DEPARTMENT Nondepartmental - BCC DIVISION Commissioner Kafoury

CONTACT Bill Vandever TELEPHONE x5219

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sheriff Pearce

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Reports to the Board from Sheriff Fred Pearce:

1. Recommendations from the Governor's Task Force on Corrections
2. MCRC Expansion Options
3. Inverness Jail Status

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☒ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Approx. 60 minutes

IMPACT:

☐ PERSONNEL
☐ FISCAL/BUDGETARY
☐ General Fund
☐ Other _____

BOARD OF
COUNTY COMMISSIONERS
1988 SEP - 8 PM 1:22
MULTNOMAH COUNTY
OREGON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Gustave Kafoury / wmc

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

revised 9/1/88
(Comm. Corr)

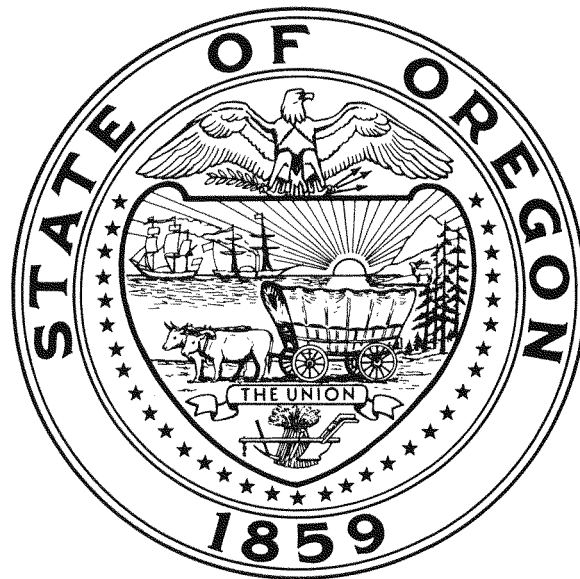
DEPARTMENT OF CORRECTIONS
COMMUNITY SERVICES DIVISION
BUDGET SUMMARY

<u>Department Priority</u>	<u>Pos.</u>	<u>FTE</u>	<u>1989-91 Capital Costs</u>	<u>1989-91 Operating Costs</u>
COMMUNITY SUPERVISION AND SUPPORT STAFF FOR CURRENT WORKLOAD	42	42.00	—	3,415,177
o Implement Offender Classification and Case Management System.				
o Provide Clerical Support to Current Parole Officers/Supervisors at Ratio of 1:4 (24 FTE).				
o Increase Ratio of Supervisors to Parole Officers to Reduce the Span of Control to 1:10 (9 FTE).				
o Establish Branch Management Structure (12 FTE Reclass. & 4 new FTE).				
o Establish 5.0 FTE Hearings Officers.				
o Establish 2.0 FTE Positions in Budget Unit, 1.0 FTE Contracts Manager, 1.0 FTE Position in Technical Support, and 2.0 FTE Positions in the Records Section.				
COMMUNITY SERVICES CENTRAL OFFICE AND REGIONAL MANAGEMENT	6	6.00	—	1,003,714
o Provide Evaluation, Monitoring, and Planning (1 Program Executive C and Contract Services for Evaluation).				
o Provide Project Management (1 Program Executive B)C				
o Provide Adequate Clerical Support for Current and Proposed Staff (2 Clerical Specialists).				
o Establish 3.0 FTE Regional Operations Managers (2 Program Executive C's and 1 Reclass).				
o Provide Jail and Juvenile Detention Inspections Through Contract Services.				

Department <u>Priority</u>	<u>Pos.</u>	<u>FTE</u>	1989-91 <u>Capital</u> <u>Costs</u>	1989-91 <u>Operating</u> <u>Costs</u>
INTERMEDIATE SANCTION BEDS			—	3,452,915
o Sanction 851 Prison-Bound Probation Violators (60 Days Avg. Stay).				
o Sanction 1,550 High-Risk Probation Violators (30 Days Avg. Stay).				
o Provide Transitional Beds and Services for 592 Special Needs Parolees (45 Days Avg. Stay).				
o Determine Location of Beds Through Local Planning Process.				
ESTABLISH GRADUATED COMMUNITY SANCTIONS (INCLUDING CONTINUATION OF STRUCTURED SUPERVISION, RESOURCE CENTER AND TRAFFIC OFFENDERS PROBATION SUPERVISION PROGRAMS)	11	11.00	—	4,194,362 GF 763,200 OF
o Establish Continuum of Community Sanctions Determined by Local Planning Process.				
o Target Sanctions at High Risk/Need Offenders.				
o Distribute Funds Equitably State-wide Based on Workload.				
o Establish Accountability for Measurable Goals and Objectives.				
ADD COMMUNITY SERVICES STAFF FOR PROJECTED 1989-91 WORKLOAD INCREASE	118	65.67	—	5,165,583
o Implement Offender Classification and Case Management System.				
o Phase-in 80 Probation and Parole Officers.				
o Phase-in 25 Clerical Staff (1:4 Ratio).				
o Phase-in 13 Field Supervisors (1:10 Ratio)				

may be
Re-scheduled
9/6/88 for

A Strategic Corrections Plan for Oregon: RESTORING THE BALANCE



**Governor's Task Force on
Corrections Planning
August 1988**

GOVERNOR'S TASK FORCE ON
CORRECTIONS PLANNING

Laird C. Kirkpatrick (Task Force Chair)
Professor of Law
University of Oregon Law School
Eugene

Ray Allen
Director
Willamette Employment Resource Center
Portland

Honorable Mike Burton
State Representative
Portland

Edwin I. Caleb
Klamath County District Attorney
Klamath Falls

Mark Cushing
Tonkon, Torp, Galen, Marmaduke & Booth
Portland

Clifford L. Freeman
Executive Assistant
Purchasing Division
State Department of General Services
Salem

Honorable John Jelderks
Circuit Court Judge
Wasco-Hood River-Sherman Counties
Hood River

Fred Pearce
Multnomah County Sheriff
Portland

Ellen Rosenblum
Assistant United States Attorney
United States Department of Justice
Portland

Ex Officio Members:

Vern L. Faatz
Chairperson
State Board of Parole
Salem

Michael Francke
Director
State Department of Corrections
Salem

Peter A. Ozanne
Executive Director
Governor's Task Force on
Corrections Planning
Salem

Lindy S. Cloyd
Assistant to Executive Director
Governor's Task Force on
Corrections Planning
Salem

A STRATEGIC CORRECTIONS PLAN FOR OREGON:

RESTORING THE BALANCE

GOVERNOR'S TASK FORCE ON CORRECTIONS PLANNING

AUGUST 1988

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CHAPTER 1: A SYSTEM OUT OF BALANCE

I. Overview

Oregon's correctional system is critically out of balance in two ways. First, the demands being placed upon the system far exceed the current available capacity of its institutions and community supervision programs. State prisons are dangerously overcrowded, understaffed, and plagued with unprecedented levels of inmate idleness.

Although nearly twice as many people are being confined in state prisons as compared to twelve years ago, the prisons still are not able to hold all offenders for the entire period of time until their scheduled release date. A lack of institutional capacity has forced the Department of Corrections to overcrowd existing facilities to unacceptable levels and to release inmates up to seven months early on "temporary leave" to make space for new prisoners.

A major expansion of prison capacity was authorized by the 1987 Legislature, but that additional capacity has not yet become available. Therefore, Oregon's prisons have reached their highest crowding levels in history during 1987 and 1988.

Probation and parole programs are also overcrowded. The total community supervision caseload has increased much faster than the resources necessary to provide this supervision effectively. Moreover, the unemployment rate of offenders on community supervision is unacceptably high. Parole and probation officers are burdened with excessively high caseloads, insufficient supervisory staff, and inadequate program resources, as well as a lack of custodial sanctions to enforce compliance with parole and probation conditions. Consequently, the failure rates for offenders on community supervision have increased significantly in recent years, further driving up institutional populations.

Secondly, the Oregon correctional system is out of balance, because it fails to provide a full range of intermediate sanctions between ordinary parole or probation and prison. As a result, the system is "bottom heavy" in that many offenders are placed on probation or parole who require a higher degree of control in order to protect the safety of the community. Some offenders need much more support and monitoring than can be provided by an overburdened parole or probation officer with 60 to 100 other offenders to supervise. The system is also "top heavy" in that some offenders are sent to prison who could be managed safely and successfully outside of prison if effective intermediate sanctions were available. This is unnecessarily burdensome to the taxpayer, because prison is by far the most costly of all the available penal sanctions.

Because of this lack of intermediate sanctions, the Oregon corrections system fails to provide judges with a full range of

sentencing options. Intermediate sanctions such as work camps, probation centers, restitution centers, alcohol and drug treatment centers, sex offender treatment centers, electronic surveillance, and intensive supervision are not yet widely available throughout the state as sentencing options, although a few counties have made successful pioneering efforts to establish such programs. This lack of ability to impose a greater range of control over convicted felons who remain in or return to the community has contributed both to the increasing use of prison as a sanction and to the increasing rate of failure of those offenders who are placed on probation and parole.

II. Legislative Efforts to Maintain Balance Before 1987

During the twelve years prior to 1987, the Legislature attempted to adjust the balance between demands on the correctional system and its capacity in three different ways. First, the 1977 Legislature adopted the Community Corrections Act. Under the Act, participating counties are allocated funds through the Department of Corrections to develop community alternatives to incarceration. The Act was intended, in part, to reduce the demand upon state prison capacity by increasing the ability of participating counties to manage offenders in their local communities. However, the funds allocated to community corrections programs during the last ten years have declined relative to inflation and rising caseloads.

Second, the Legislature appropriated funds for limited expansion of institutional capacity. The 1977 Legislature approved the establishment of the Department of Corrections Release Center in Salem, with a design capacity of 290 beds. However, it did not fully respond to the recommendation from the Governor's Task Force that proposed the Community Corrections Act to construct community-based regional facilities throughout the state.

The 1981 Legislature approved the creation of a Women's Release Unit of 50 beds at the J wing of the Oregon State Hospital. The 1983 Legislature approved construction and renovation of the former State Hospital in Pendleton into a new medium security Eastern Oregon Correctional Institution, with an initial capacity of 350.

Finally, the Legislature approved and referred to the voters three prison bond measures. The 1980 Special Session of the Legislature referred an \$85 million prison bond measure, which was defeated in the November 1980 election. The 1981 Legislature referred a \$60 million prison bond measure, which was disapproved by the voters in May 1982. The 1985 Legislature referred a \$96 million prison bond measure, which was defeated in May 1986.

III. Governor Goldschmidt's Criminal Justice Initiative

The limited expansion of institutional capacity prior to 1987 was not sufficient to keep pace with escalating prison populations, and prison overcrowding reached critical levels by the mid-1980s. On January 7, 1987, Governor Neil Goldschmidt announced his Criminal Justice Initiative for Oregon, which included a proposal for rapid, major expansion of the state's prison system.¹

The Governor's Initiative sought funding to expand the medium security prison capacity of Eastern Oregon Correctional Institution (EOCI) by 761 and to construct new minimum security facilities for up to 1,000 offenders throughout the state. In addition, the Governor requested funds to immediately increase the operating capacity of EOCI from 350 to 400 and funds for renovation and electronic security devices at the South Fork Forest Camp near Tillamook.

The Governor's proposals were approved in their entirety by the 1987 Legislature. The Legislature appropriated \$15.8 million for the expansion of EOCI and set aside \$12.5 million for the new minimum security facilities.

As a result of this joint action by the Governor and the 1987 Legislature, Oregon's medium security capacity will increase by 74 percent above its previous design capacity. The state's current minimum security prison design capacity will nearly double, depending on how many new minimum security beds can be constructed with the funds appropriated.

IV. The Governor's Task Force on Corrections Planning

The Governor's Task Force on Corrections Planning was created by Executive Order of the Governor,² and has also been assigned responsibilities by the Legislature.³

The Task Force has been given two primary responsibilities. First, the Task Force was required to develop an Emergency Plan for the siting of

¹ Other components of the Initiative included increased funding for the Oregon State Police and a new School Retention Program designed to reduce the high school dropout rate.

² See EO-87-16, set forth in Appendix A.

³ See chapter 321, Oregon Laws 1987.

the new minimum security facilities, specifying the general nature, size, programs, and location of such facilities. The Emergency Plan was completed and submitted to the Governor by September 1, 1987 and adopted by Executive Order on September 16, 1987.

Second, the Task Force was asked to evaluate current facilities and programs and to assess future needs of the corrections system in light of the actions already taken by the 1987 Legislature. After making such an assessment, the Task Force was instructed to produce a Strategic Corrections Plan to guide the future directions of the corrections system.

The Task Force proceeded with this assignment by conducting hearings in all parts of the state, where extensive testimony was received both from citizens and criminal justice professionals.

The Task Force contracted with a number of nationally recognized corrections consultants, who evaluated various aspects of Oregon's corrections system and submitted reports to the Task Force.⁴

The research and recommendations of these independent consultants were thoroughly analyzed and considered by members of the Task Force, along with extensive data both about the Oregon corrections system and developments in corrections nationally.

The Task Force continued its investigation and deliberations in working groups and full Task Force meetings twice a month for nearly a year. Members of the Task Force also toured the state's correctional facilities. This report is a result of that work.

This long-range Strategic Corrections Plan contains recommendations regarding additional needed capacity and programs and proposes changes designed to increase the overall efficiency and effectiveness of the corrections system.

- The institutional capacity and program needs are addressed in Chapters 3, 4, 5, 6, 10, and 11.
- The need for community sanctions and services, including probation and parole, are considered in Chapters 7 and 8.
- The allocation of responsibilities between the state and counties for correctional facilities and programs are examined in Chapters 8 and 9.
- Changes in prison siting procedures are proposed in Chapter 12.
- Recommendations regarding criminal justice information systems are contained in Chapter 13.

⁴ A list of the consultants' reports prepared for the Task Force is contained in Appendix B.

- Proposals to improve coordination of the Criminal Justice System are set forth in Chapter 14.
- Overall recommendations regarding ways to restore balance to the entire state's corrections system are contained in Chapters 3 and 15.

CHAPTER 2: CAUSES OF THE GROWTH OF THE PRISON POPULATION

Oregon's incarceration rate, like that of the rest of the nation, has skyrocketed during the last 12 years. The number of offenders confined in Oregon's prisons is higher than at any time in the state's history, both in total numbers and as a percentage of the state's population.¹

Between 1975 and 1987, the average daily prison population increased by 85 percent, the number of offenders sentenced to prison per year increased by 135 percent, and the prison book population increased by 143 percent.²

There is a widespread belief that the dramatic increase in Oregon's prison population simply parallels an equally sharp rise in the state's crime rate. However, this belief is inaccurate. Although the state's crime rate is unacceptably high, it has not grown at as fast a rate as the prison population.

* As the graph on the following page indicates, the total number of index crimes reported to law enforcement agencies increased by 25 percent between 1975 and 1987. However, because there was a 17 percent growth in the state's population during this period, the rate of total reported index crime per 100,000 inhabitants increased 7.4 percent between 1975 and 1987. The rate of reported violent crime per 100,000 inhabitants increased 25 percent during this same period.

Oregon's national ranking with respect to rates of reported crime has remained relatively constant over the last 12 years. Oregon ranked 17th in the nation in reported violent crime in 1975 and 18th in 1987. Oregon ranked 5th in reported property crimes in 1975 and 6th in 1987.³

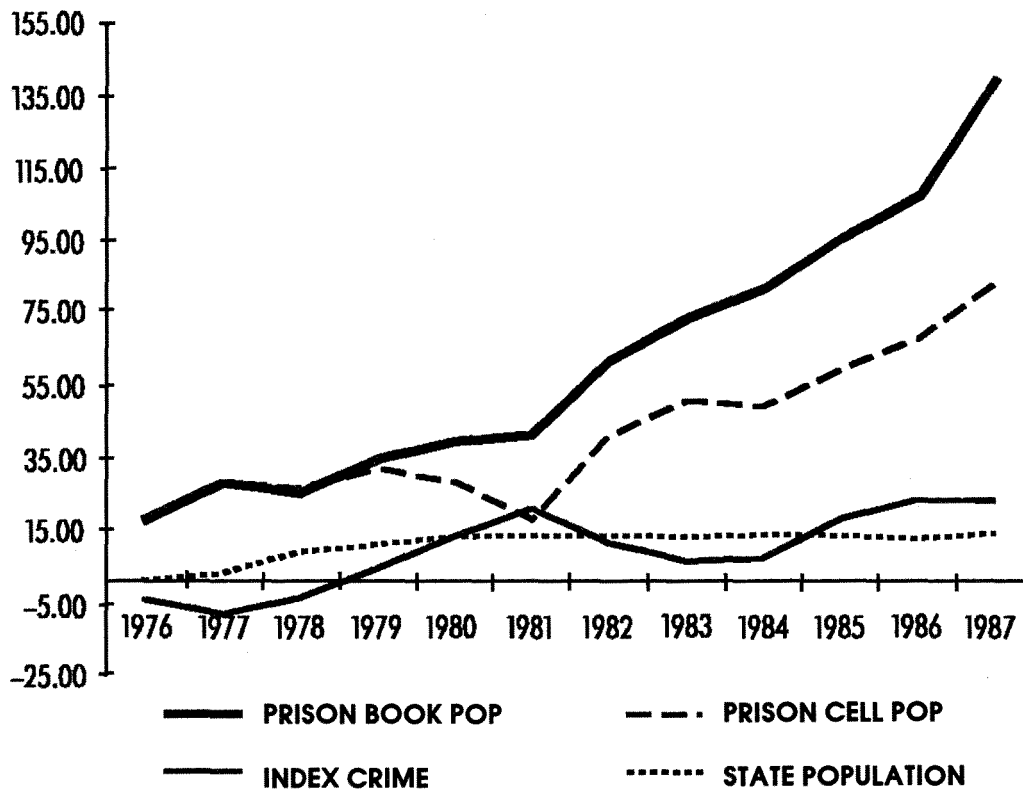
¹ See Appendices C, D, and E. Unless otherwise footnoted, the source of data in this chapter is the Information Systems Division, Oregon Department of Corrections.

² Prison "book" population represents the number of offenders who are currently under sentence to be confined in prison, although some may be on leave status.

³ See Appendix F. A recent study by the Attorney General's Crime Analysis Center found that Oregonians report burglaries at a higher rate than the national average, which may indicate a greater level of citizen confidence in law enforcement in this state. Craven, Profiling Crime Victims: Victimization Trends and Victim Characteristics in Oregon from 1977 to 1985, Crime Analysis Center, Oregon Department of Justice (April 1988).

CRIMINAL JUSTICE TRENDS IN OREGON
PERCENT CHANGE FROM 1975
1976 TO 1987

PERCENT
CHANGE
FROM 1975



There are several factors more significant than increases in reported crime which have caused the growth in Oregon's prison population. These are: (1) increasing rates of recidivism and revocation on the part of offenders on community supervision; (2) more effective law enforcement; (3) a higher number of prison sentences; (4) significant increases in the length of confinement for more serious offenders; and (5) frequent use by judges of mandatory minimum and consecutive sentences.

I. The "Recycling" Problem

A major factor contributing to the increase in prison populations is that large numbers of offenders are failing on community supervision, resulting in a "recycling" of the same offenders through the system. The total number of parolees and probationers revoked to prison has increased significantly. Many offenders are going from probation, to prison, to parole, and then back to prison again.

As the chart on the following page shows, in 1987, over 61 percent of the admissions to Oregon prisons were offenders whose probation or parole was being revoked, either for violation of a condition of supervision or for a new crime. Only 38 percent of the 1987 prison admissions were new offenders who were not on parole or probation.

In 1987, 1,432 of the 3,950 total prison admissions were parole violators. Of those 1,432 parolees returned to prison, 767 were returned as "technical" violators, or offenders who violated conditions of their release, and 665 were convicted of a new crime. An additional 1,001 of the prison admissions were probationers whose probation had been revoked.⁴ Only 1,484 of the 3,950 prison admissions in 1987 were new commitments.

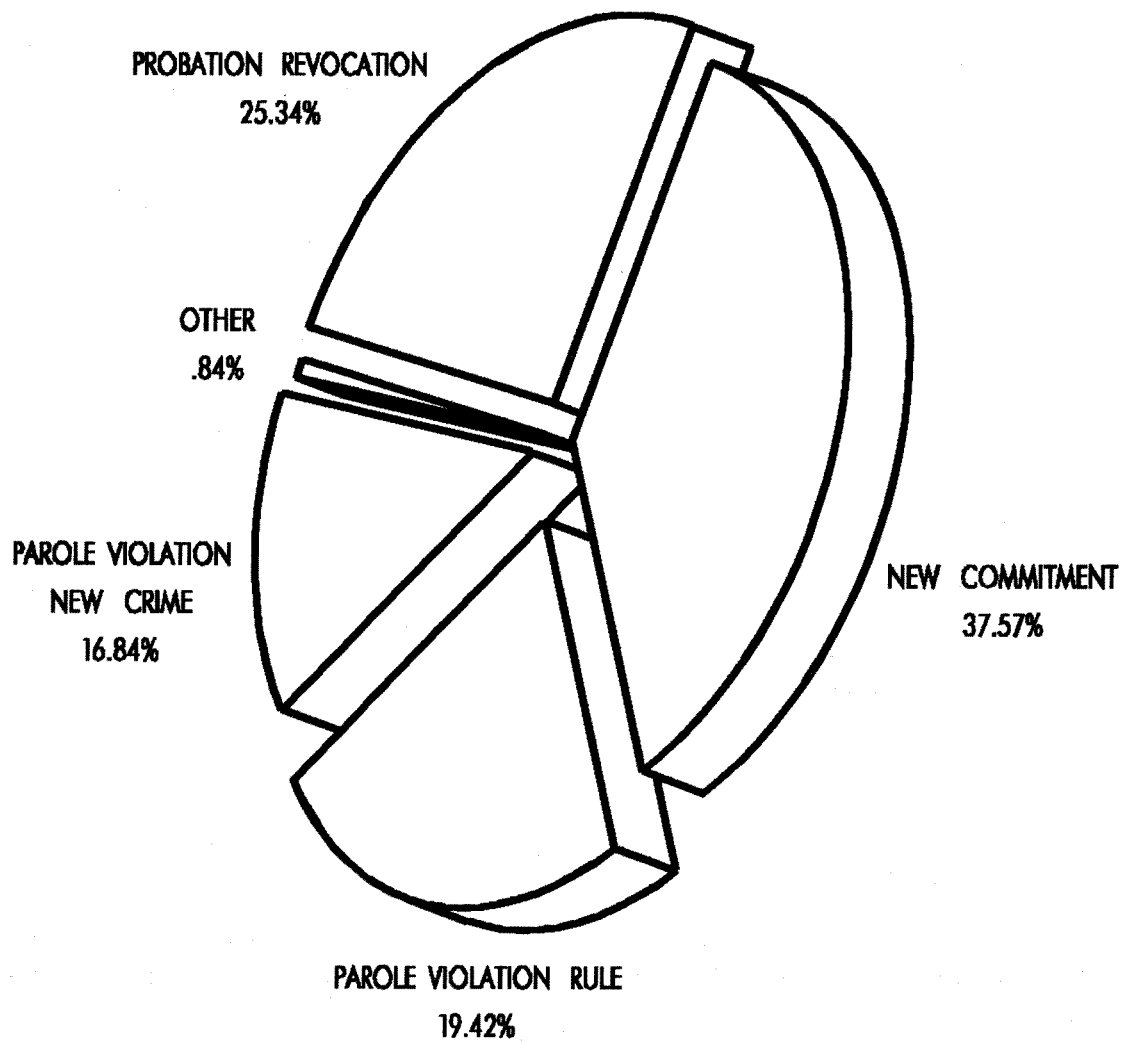
A Department of Corrections study of parolees released in 1980 showed that 34 percent of them returned to correctional institutions within three years. A comparable failure rate existed during the 1970s.⁵ However, of inmates released on parole in 1984, 40.5 percent of them returned within

⁴ The breakdown of probation revocations between rules violations and new crimes was unavailable.

⁵ A study by the Attorney General's Crime Analysis Center found that 32.2 percent of the inmates paroled or released from prison in 1979 were returned to prison within three years. Recidivism of Releasees from Oregon Corrections Institutions, Crime Analysis Center, Department of Justice (February 1984).

A study by the Bureau of Justice Statistics (BJS) of recidivism rates in 14 states found that 31.5 percent of the inmates released from prison were returned to prison within three years. Returning to Prison, BJS Special Report (November 1984).

**ADMISSIONS TO DOC INSTITUTIONS
CALENDAR 1987
ADJUSTED FOR RULE VIOLATORS CONVICTED
OF NEW CRIMES**



three years. Of parolees released during the first six months of 1986, 42.5 percent of them returned to prison within 18 months. It has been determined that at the current parole failure rate, at least 49 percent of parolees will be returning to prison within three years.

CUMULATIVE PERCENT RETURNED TO INSTITUTIONS
AFTER PAROLE RELEASE
BY MONTHS AT RISK AFTER PAROLE RELEASE

Release Cohort	0	3	6	9	12	15	18	21	24	27	30	33	36
80-I	0	4.2	10.8	16.5	20.7	23.8	26.1	28.5	30.1	31.5	32.4	33.3	34.1
80-II	0	1.6	8.8	15.0	20.0	24.1	26.6	28.2	30.5	31.8	32.4	33.1	34.0
81-I	0	1.5	5.7	11.3	16.4	19.5	21.7	24.1	25.7	27.4	28.6	28.5	30.0
81-II	0	2.9	10.2	18.0	22.8	26.6	29.5	30.9	32.1	34.2	35.6	37.1	37.8
82-I	0	4.2	12.6	19.7	24.7	28.4	31.7	33.4	34.4	36.0	36.6	37.7	38.3
82-II	0	5.4	14.9	22.0	26.3	29.1	31.8	33.2	34.5	35.4	36.6	37.5	38.5
83-I	0	5.6	15.9	21.1	26.7	29.6	31.9	32.8	34.2	35.5	36.0	36.7	38.0
83-II	0	6.7	15.1	21.5	26.1	29.8	32.1	33.6	34.5	35.7	36.8	37.6	38.4
84-I	0	6.1	14.8	19.6	23.4	26.7	29.0	30.4	32.4	34.1	35.2	36.1	37.1
84-II	0	6.0	14.8	21.9	25.7	29.3	31.6	33.8	35.2	36.4	37.6	39.1	40.5
85-I	0	5.4	14.7	21.2	26.5	29.1	31.6	33.8	35.7	37.5	38.0		
85-II	0	7.7	16.7	24.8	29.0	33.0	36.2	38.8	40.8				
86-I	0	8.4	20.1	28.5	34.3	38.4	42.5						
86-II	0	7.4	18.5	28.6	34.8								
87-I	0	10.6	23.2										

The parole failure rate has a significant impact on future prison populations and the need for additional prison capacity. According to projections of future Oregon prison populations undertaken by the National Council on Crime and Delinquency, the current parole failure rate of 49 percent will add 1,063 more offenders to the Oregon prison or temporary leave population over the next 10 years than if the parole failure rate were reduced to the 1980 rate of 34 percent, and 568 more than if the parole failure rate were reduced to 40 percent.

The number of offenders on parole is projected to increase substantially as a result of the longer parole supervision times required by Ballot Measure 10, which passed in 1986. Thus, the future impact of parole revocations upon prison capacity will be even more significant than it is today.

II. More Effective Law Enforcement

The response of police and prosecutors to the unacceptably high rates of crime in this state has been vigorous and effective. The available data indicates that Oregon law enforcement officers are neither retreating from nor losing in their efforts to control crime. A higher percentage of offenders is being arrested and prosecuted than ever before.

As the graph on the following page demonstrates, total reported index crime increased 25 percent between 1975 and 1987, while circuit court felony prosecutions increased by 71 percent. For every 1,000 reported index crimes, there was a 37 percent increase in the number of criminal prosecutions in 1987 compared to 1975. For every 1,000 arrests, 35 percent more resulted in criminal prosecution in 1987 than in 1975.⁶

III. Increased Number of Offenders Sent to Prison

Of those offenders who are arrested and prosecuted in Oregon, a higher number are being sent to prison. The number of defendants sentenced to prison for every 1,000 felony case filings increased by 38 percent between 1975 and 1987.⁷

The number of offenders sent to prison in Oregon for every 1,000 reports of murder, nonnegligent manslaughter, rape, robbery, aggravated assault, and burglary increased by 37 percent between 1980 and 1986.⁸ The number of offenders sent to prison for such crimes per 100,000 adult Oregonians increased by 51 percent between 1980 and 1986.⁹

IV. Increased Length of Confinement for Serious Offenders

Another important factor contributing to the increase in prison populations is that felons convicted of the most serious crimes are serving longer periods of confinement.

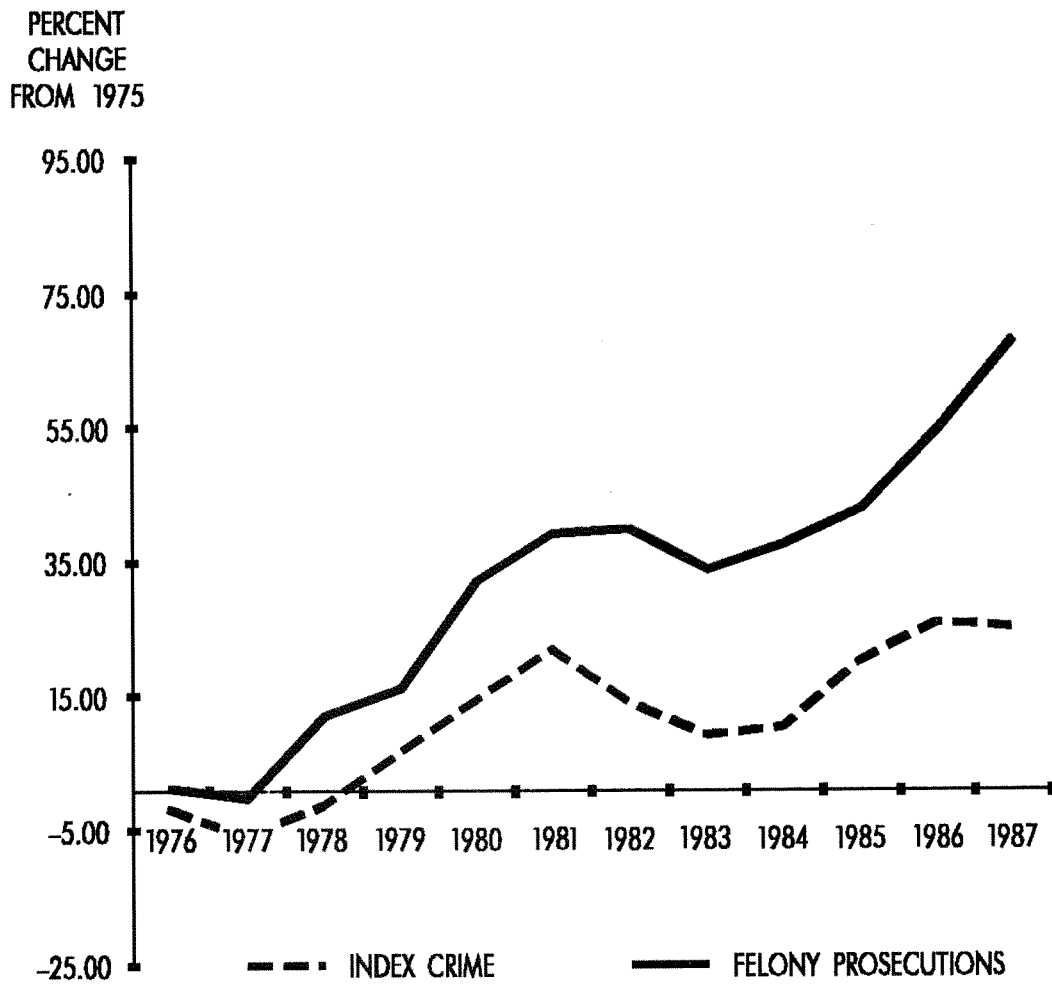
⁶ See Appendix C.

⁷ Id.

⁸ Prisoners in 1987, BJS Bulletin (April 1988), p. 6.

⁹ Id.

CRIMINAL JUSTICE TRENDS IN OREGON
PERCENT CHANGE FROM 1975
1976 TO 1987



In 1977, the Legislature enacted a major sentencing reform, replacing indeterminate sentencing by judges with a parole guidelines system that establishes ranges of time to be served, depending upon the severity of the crime committed and the criminal history/risk score of the offender.¹⁰ This new sentencing system significantly increased the length of time served by offenders convicted of the most serious crimes.

The following table represents the average time served in months before and after adoption of the parole guidelines.¹¹ (Category 1 indicates the least serious crimes and Category 7 the most serious.)

AVERAGE TIME SERVED

<u>Crime Severity Category</u>	<u>1974</u>	<u>1979</u>
1	16 mos	12 mos
2	16 mos	14 mos
3	19 mos	20 mos
4	18 mos	24 mos
5	30 mos	30 mos
6	34 mos	60 mos
7	67 mos	186 mos

¹⁰ The parole guidelines utilize a matrix, which is a set of scores and numbers that takes into account the offender's criminal history and the severity of the crime for which he or she was convicted. Each felony crime is ranked according to the severity of the offense on a scale of one through seven. All convicted felons are also given a score based on their criminal history and future risk of reoffending. These two scores are placed on the matrix chart, and the cell at which they intersect gives the range of time to be served by the offender. The Parole Board has discretion to set the inmate's sentence anywhere within this matrix range, and also may set times above or below the matrix range based upon aggravating or mitigating circumstances.

¹¹ Minutes of Advisory Commission on Prison Terms and Parole Standards, January 14-15, 1980, Appendix 5.

In 1977, before adoption of the parole guidelines, the average length of a prison term for Class A felons was 18.4 months. However, Class A felons released in 1983 served an average of 28.1 months, an increase of 54 percent. Class A felons released in 1987 served an average of 32.1 months.¹²

For offenders sentenced for murder in 1988, the Parole Board set the actual time to be served at an average that is more than three times as long as the average time served by such offenders released between 1971 and 1976.

The longer time being served by the most serious offenders is reflected in the increase in the average length of time that inmates in the prisons have been in custody. In 1984, the average length of time prison inmates throughout the corrections system had been in custody was 27.6 months. By 1987, the figure had increased to 30.0 months.¹³

Given the fact that our prisons have limits to their capacity, the effect of giving longer sentences to the most serious offenders has meant that less serious offenders have been released after increasingly short periods of time. Some less serious offenders have been placed on a "fast track" and released after unacceptably short periods of confinement; in some cases no more than a month or two.¹⁴

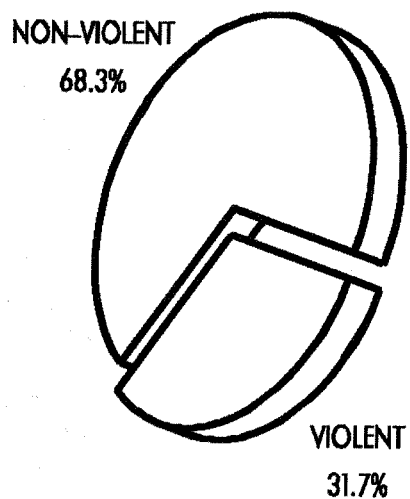
Those offenders released after short periods of confinement are generally non-violent offenders. It is useful to compare the profile of the offenders admitted to prison during a given period of time with the profile of offenders who remain in prison. As the chart on the following page shows, between January and June 1987, 68.3 percent of the new admissions to Oregon prisons were convicted of non-violent crimes. However, 61.7 percent of the total prison population on November 1, 1987 consisted

¹² Time served is measured from admission to parole or discharge. The Department of Corrections was unable to segregate any period served on temporary leave at the conclusion of the sentence and prior to parole. However, in 1983 temporary leave could not exceed 90 days. In 1987, temporary leave could extend to six months (extended to seven months in July 1987). However, the Department estimates an overall average leave period for 1987 releasees of less than 100 days.

¹³ Another factor contributing to longer time served by many inmates is that the opportunity to earn "good time" credit was lost with the adoption of parole guidelines. See Recommendation 10.4.

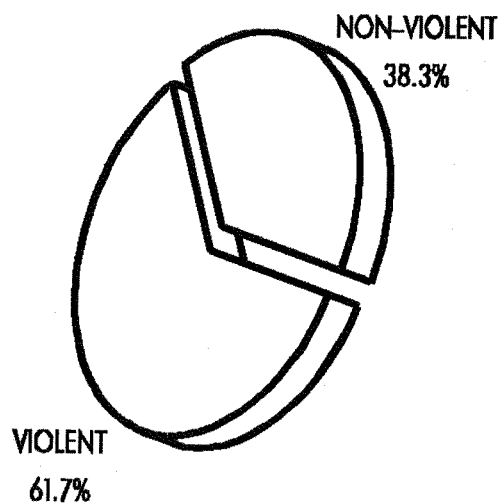
¹⁴ The "fast track" system has applied to offenders who, because of the less severe nature of their crime, have a relatively short time to serve under the parole matrix. When they are given temporary leave or credit for time served in jail, some have been eligible for release as soon as they arrive at prison.

**NON-VIOLENT AND
VIOLENT CRIMES**



PRISON ADMISSIONS,
JANUARY-JUNE 1987

**NON-VIOLENT AND
VIOLENT CRIMES**



PRISON POPULATION
11-1-87

of offenders convicted of violent crimes.¹⁵ Non-violent offenders are released more quickly, and thus there is a "stacking" of the violent offenders, who then constitute a larger percentage of the prison population.

The Task Force agrees with the efforts of the Parole Board and the Department of Corrections to allocate limited prison resources to the most serious offenders, particularly those who have committed crimes of violence. However, the Task Force is concerned that the corrections system loses credibility both with the public and with offenders when offenders are sentenced to prison and then released after very short periods of confinement. It is costly to the state to receive inmates, classify, process, and then release them so quickly. Offenders should not be sent to prison if they are not going to serve a reasonable minimum amount of time.

2.1 The sentencing guidelines being developed by the Oregon Criminal Justice Council should be structured to end the "fast track" system. The guidelines must clearly define which offenders should be sent to prison and provide that any offender sent to prison serve a reasonable minimum sentence.

V. Frequent Mandatory Minimum and Consecutive Sentences

Some of the increase in the prison population is a result of frequent imposition by judges of mandatory minimum or consecutive sentences. A mandatory minimum or consecutive sentence can remove the sentence from the usual parole guideline ranges, unless four out of five members of the Parole Board vote to override the judicial sentence.

Judges have been imposing mandatory minimum and consecutive sentences in a high percentage of cases. A survey by the Oregon Criminal Justice Council found that mandatory minimum sentences were imposed in 39 percent of the felony cases sentenced to prison in 1986 and consecutive sentences in 33 percent of the cases.¹⁶

¹⁵ The term "violent" crimes is used here to include all crimes against persons, as defined in the Law Enforcement Data System's new offense groups published in June 1988. See Oregon Law Enforcement Data System, Report of Criminal Offenses and Arrests, 1986, June 1988. Crimes which were not included in the Crimes Against Person group are defined, for the purposes of this analysis, as "non-violent."

For a breakdown by type of crime for which offenders were admitted to prison, see Appendix G.

¹⁶ K. Ashford, Felony Sentencing Practices in Oregon's Circuit Courts: 1986, Oregon Criminal Justice Council (1988), p. 27 (unpublished).

In part because of the number of mandatory minimum and consecutive sentences, the average Parole Board "sets" in recent years have tended to be at the upper end of the parole guideline ranges and often even outside those ranges. For example, in 1987, the average parole sets were in the upper half of the matrix range or above the top matrix range for all crime categories. The average set as a percentage of the highest possible term in the matrix range was 123 percent for Crime Category 7, 99 percent for Crime Category 6, 67 percent for Crime Category 5, 83 percent for Crime Category 4, 111 percent for Crime Category 3, 87 percent for Crime Category 2, and 105 percent for Crime Category 1.¹⁷

RECORDED PAROLE BOARD SET AVERAGES EXCLUDING WAIVE AND DENY CASES

<u>CC 1</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Number	755	816	961
Range Bottom	8.0	8.4	8.2
Range Top	11.3	11.4	11.1
Set	10.6	10.8	11.2
Jail Time	2.8	2.8	2.6
Institution Time	7.8	8.1	8.7
Set & of Range	77.2%	81.3%	105.4%
<u>CC 2</u>			
Number	544	720	781
Range Bottom	11.2	10.6	11.0
Range Top	15.7	14.8	15.5
Set	14.1	13.8	14.9
Jail Time	3.1	3.0	3.0
Institution Time	10.9	10.8	11.9
Set % of Range	64.5%	76.8%	86.6%
<u>CC 3</u>			
Number	402	469	459
Range Bottom	14.3	13.9	14.7
Range Top	20.5	20.5	21.0
Set	19.5	19.0	21.8
Jail Time	3.8	3.6	3.7
Institution Time	15.7	15.4	18.1
Set % of Range	82.9%	77.0%	111.4%

¹⁷ Where the parole release date is set within the parole guideline ranges has a significant impact on prison population. According to a study undertaken for the Oregon Criminal Justice Council, if all "good" and "excellent" risk cases in Crime Categories 3 through 6 had been set at the median of the guideline ranges, rather than at the upper end, 535 fewer prison bed spaces would have been needed in 1985. Baird, Holien, Bakke, Oregon Risk Assessment Project (NCCD 1987).

<u>CC 4</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Number	312	364	359
Range Bottom	22.2	20.8	21.9
Range Top	30.6	28.9	30.4
Set	28.8	25.9	29.0
Jail Time	3.7	3.7	3.9
Institution Time	25.1	22.2	25.0
Set % of Range	79.0%	62.8%	83.2%

<u>CC 5</u>			
Number	143	169	137
Range Bottom	33.1	33.3	34.9
Range Top	45.0	45.3	47.5
Set	40.5	41.6	43.4
Jail Time	3.0	3.1	4.6
Institution Time	37.5	38.4	38.8
Set % of Range	62.1%	69.0%	67.1%

<u>CC 6</u>			
Number	278	359	349
Range Bottom	55.3	52.5	55.2
Range Top	74.3	72.1	74.4
Set	78.1	69.5	74.2
Jail Time	4.0	3.5	4.4
Institution Time	74.1	66.0	69.8
Set % of Range	120.3%	86.6%	99.0%

<u>CC 7</u>			
Number	51	49	57
Range Bottom	179.8	144.6	166.4
Range Top	261.3	194.4	251.3
Set	256.0	183.7	270.8
Jail Time	5.3	5.0	6.9
Institution Time	250.7	178.7	263.9
Set % of Range	93.5%	78.6%	123.0%

VI. Conclusion

Several factors have combined to contribute to the sharp growth in Oregon's prison populations: increasing crime, more revocations of parolees and probationers, more effective law enforcement, more prison sentences, longer terms for serious offenders, and frequent use by judges of mandatory minimum and consecutive sentences.

More offenders are going to prison, and the most serious offenders are serving longer sentences than ever before. Contrary to popular impression, Oregon's criminal justice system has already gotten tougher on crime. However, the state's sanctioning capacity has not increased at a rate sufficient to fully enforce these policies.

CHAPTER 3: TOWARD A BALANCE

Despite the efforts the Legislature has made to expand the capacity of the corrections system, these efforts have not kept pace with the growth of the prison population. The major prison expansion authorized by the 1987 Legislature will not provide relief until 1989, and the number of inmates has continued to rise.

Because of the continuing demand on the corrections system in excess of available capacity, the system has been forced to respond in two ways: (1) by overcrowding state prisons to dangerous levels; (2) by routinely granting inmates "temporary leave" of up to seven months prior to their scheduled release date in order to make room for new prisoners. Neither of these responses should be continued as correctional policies of this state.

I. Overcrowding

Several of Oregon's major correctional facilities are critically overcrowded. For example, Oregon State Penitentiary, with a single-cell design capacity of 1,174, held 1,828 inmates on June 1, 1988. During that month, approximately 100 inmates were temporarily put in bunk beds in a gymnasium called the "summer dormitory," because there was no cell space for them. Oregon State Correctional Institution, with a design capacity of 473, housed 1,044 inmates on June 1, 1988.

According to a national survey, Oregon prisons were operating at 195 percent of their design capacity in 1987, the second highest crowding level in the country.¹ Another national survey found that in space per inmate Oregon ranks seventh lowest in the nation, providing an average of 46.4 square feet to its inmates compared to a national average of 57.3.² The standards of the American Correctional Association recommend 60 square feet per inmate.

Such levels of prison overcrowding create significant dangers to the public, correctional staff, and inmates. Prisons were never intended to provide pleasant and entertaining environments. However, overcrowded prisons can breed idleness and hostility that undermine any constructive purposes of punishment and produce attitudes and behaviors that increase the threat to the public's safety when prison inmates are released. Moreover, the state has a moral and legal obligation to provide a safe environment for its employees who work in its prisons, as well as for inmates.

¹ Prisoners in 1987, Bureau of Justice Statistics (BJS) Bulletin (April 1988), p. 5.

² Population Density in State Prisons, BJS Report (December 1986), p. 3.

In overcrowded facilities, it is difficult for staff to maintain proper discipline and control over inmates. Overcrowded conditions can ignite pent-up anger, fears, and hostilities among prison inmates, thereby increasing the risk of physical assaults, property damage, and disturbances.

Overcrowding also diminishes the opportunity for inmates to engage in constructive work or educational activities while in prison and aggravates the problem of inmate idleness. In the last few years, program resources in Oregon's prisons have been sacrificed to meet additional demands for physical capacity. Work and activity areas have been converted into additional dormitories. There are currently work or program opportunities for only 949 of the 1,828 inmates at OSP and for only 450 of the 1,044 inmates at OSCI.

The resulting idleness is damaging to inmates and to prison security. It is damaging also to the long-range interests of the state because inmates are returned to society with no improvement in their work, vocational, or academic skills or their ability to become productive citizens.

Overcrowding also increases the risk of escapes. Even though there has been an exceedingly low rate of escape from Oregon's medium or maximum security facilities, there has been an unacceptably high rate of absconds or walk-aways from the Department of Corrections Release Center, the Farm Annex, and the Forest Camp. These absconds have generated a justifiably high degree of concern in the communities where these facilities are located.

Overcrowding contributes to the escape or absconding problem in three ways: (1) it forces inmates who may require a higher degree of security into less secure facilities; (2) it dilutes the level of staff supervision; and (3) it eliminates secure prison space needed to punish inmates who abscond and to deter inmates who might consider it.

States which utilize prison overcrowding as a method of balancing demands on their corrections systems with available resources risk having their prisons being run by federal courts rather than state corrections administrators. Consequently, many states are currently subject to federal court orders that regulate in detail the daily operation of their prisons and the allocation of state funds for their correctional programs.

Oregonians take justifiable pride in the quality of our state government and governmental institutions. The administration of a sound corrections system is one of the most fundamental obligations of state government. The state must recognize and assume its responsibility to ensure that the operation of its correctional institutions remains well within applicable constitutional standards.

3.1 There should be established capacity limits for each correctional institution and a legislatively established emergency procedure to prevent those limits from being exceeded.

Even though the Task Force will be making recommendations for expanding institutional capacity in Chapter 6, capacity limits must first be established for the existing facilities. Otherwise, further expansion may simply perpetuate overcrowding rather than reducing the critical problem of overcrowding at existing facilities.³

II. The Temporary Leave Program

Even with the severe overcrowding described above, Oregon prisons have had insufficient capacity to hold all the offenders committed to prison until their parole or discharge date. On June 1, 1988, there were 4,610 inmates confined in Oregon prisons. However, there were an additional 1,001 inmates on "temporary leave" status. Inmates on temporary leave are released from confinement up to seven months early to make space for more incoming prisoners.

Originally, the temporary leave program was not intended to serve as a population control device or prison overcrowding "safety valve." It was designed to further the reintegration of inmates into the community at the conclusion of their prison sentences. Selected inmates were granted leaves during the last 90 days of their prison term to seek employment and to make necessary housing and family arrangements. They were closely supervised during their release by specially assigned parole officers. Often they resided at work-release centers, where they could work during the day and return to custody at night.

The 1981 Legislature abolished the work-release program and closed down the 11 work-release centers around the state. The Legislature approved an expansion of the temporary leave program as a substitute for the work release program.

By the mid-1980s, as overcrowding pressures increased, the temporary leave program became a program to control prison overcrowding rather than a program to reintegrate offenders back into their communities. The length of leave was extended by the Department of Corrections to allow release up to seven months prior to the parole date. The special support and supervision of inmates on temporary leave has decreased as their numbers have risen. It is clear that the mission of the program has been distorted from its original objectives.

³ Task Force recommendations regarding the capacity of each existing facility are set forth in Chapter 4. The types of mechanisms for enforcing capacity limits that have been adopted by other states are listed in Appendix H. This recommendation is in addition to the recommendation that sentencing guidelines be adopted. See Recommendation 3.2.

III. Sentencing Guidelines

The 1987 Legislature put into motion a mechanism which will make possible the elimination of the temporary leave program as a population control device. Chapter 619, Oregon Laws 1987, requires the Oregon Criminal Justice Council to develop felony sentencing guidelines, which will be submitted to the State Sentencing Guidelines Board by November 1, 1988.

The Board must submit the final form of the guidelines to the Legislature by January 1, 1989. The guidelines become effective on September 1, 1989, unless the Legislature provides otherwise.

The sentencing guidelines are required to be adapted to the prison capacity of the state. The Council is charged to make recommendations for additional institutional and program capacity as necessary for the effective operation of the guidelines. Thus, for the first time the state will have a mechanism to strike a balance between the demand for sanctions and the sanctioning capacity of the corrections system.

This mechanism will ensure the available prison capacity is allocated in the most efficient and effective way. The guidelines will establish a sentencing grid. One arm of the grid will rank crimes according to their seriousness. The other will rank offenders according to their dangerousness as determined by their criminal history.

This sentencing guidelines mechanism will target the resources of the corrections system against those offenders who are most deserving of punishment and who present the greatest danger to society. Offenders who have committed the most serious crimes and have the worst criminal histories will be given the most severe sentences. Those who have committed the least serious crimes and have little or no criminal history will be given the least severe sentences.

In developing the guidelines, the Council and Board are required to consider the following factors:

Severity of the offense, criminal history of the offender, aggravating and mitigating circumstances, performance under probationary supervision, prevention of recidivism, possibility of reformation or deterrence, and the effective capacity of state and local correctional facilities and other sentencing sanctions available.

3.2 Sentencing guidelines should be approved by the 1989 Legislature.

The Task Force endorses sentencing guidelines as the most rational and effective mechanism for allocating state prison capacity, while ensuring that those offenders who have committed the most serious crimes and who have the longest criminal histories serve the longest sentences. Sentencing guidelines will provide a critically needed

balance mechanism, matching the demands on the corrections system with the available resources.

3.3 Upon implementation of sentencing guidelines, the current seven-month temporary leave program should be terminated. Short-term transitional leave should be limited to certain qualified offenders being integrated into the community who have no more than 90 days of their sentence remaining.

The Task Force does not fault the Department for relying upon the temporary leave program to control prison populations, because there were no other alternatives available. Reliance upon this program was specifically authorized by the Legislature. However, sentencing guidelines will provide a far more rational and objective basis for allocating available prison capacity than the temporary leave program.

Although the Department has attempted to screen inmates for temporary leave, the screening has been done on a subjective basis. Because of overcrowding pressures, most inmates have been granted the maximum amount of leave for which they were eligible without regard to their chances for success in the program.

Sentencing guidelines provide established criteria, based on crime severity and criminal history, for determining which offenders should be in an institution and for how long. If capacity becomes insufficient, guidelines or capacity can be adjusted to be certain that there is always space available for the most dangerous offenders. Using sentencing guidelines is a more rational, objective, and selective way to allocate prison capacity than granting most inmates temporary leave at the end of their sentence.

The Task Force supports a transition leave only for selected inmates who have no more than 90 days of their sentence remaining. Such leaves can facilitate an offender's reintegration into the community in a variety of ways. Moreover, this procedure provides the Department with a basis for having closer supervision over the offender in the community than does immediate release on parole. For example, the offender could be required to reside initially at a community residential facility where the offender could be more carefully monitored, given assistance with employment placement, and referred to community programs to meet special needs.

Furthermore, a period of transitional leave allows the Department to retain administrative control over the inmate during the initial period of return to the community, rather than having that control transferred to the Parole Board. A carefully drafted leave statute can permit the Department to return an inmate to prison more quickly and efficiently than if the inmate were placed on parole.

3.4 If sentencing guidelines are not adopted, the Task Force recommends that ORS 144.780(2) be amended to require that the parole matrix be revised on a regular basis to conform with prison capacity and eliminate the need for temporary leave as a population control device. In addition, the statute should more clearly direct the Parole Board to administer the parole matrix by conforming parole set dates to available correctional resources.

If, for any reason, sentencing guidelines are not adopted, the Task Force recommends that the state continue under its current sentencing system whereby the time served by most inmates is established by the Parole Board under a parole guidelines system. The parole guidelines determine the length of time to be served in accordance with the severity of the crime and the dangerousness of the offender.

Parole guidelines can also be used to balance the demands on the correctional system against available resources. The parole guidelines have not been effective in the past in maintaining that balance because they have not been administered to conform to available prison capacity and because they do not control the initial commitment decision. If the parole guidelines were required to conform to prison capacity, they would also provide a basis for eliminating the temporary leave program as a population control device.

CHAPTER 4: INSTITUTIONAL CAPACITY

In order to make recommendations regarding future capacity needs of the state prison system, it was necessary for the Task Force to assess the system's current capacity. The Department supplied the Task Force with extensive capacity data regarding each institution, including information regarding its design capacity, the number of special purpose beds, the nature of the prisoner population, program availability, and current and past occupancy levels. The Department also furnished its recommendations regarding the "extended capacity" of each institution.

The National Institute of Corrections agreed to supply the Task Force and the Department with technical assistance in reviewing the system's capacity. Dr. Richard P. Seiter, the Director of the Ohio Department of Correction, was selected to serve as a consultant and to conduct a capacity survey of the Oregon corrections system for the Department and the Task Force. He was requested to make an outside assessment of current operational capacity "based upon the practical perspective of a prudent corrections administrator, applying contemporary standards that ensure safe, secure and humane correctional facilities." Dr. Seiter conducted a five day inspection tour of the Oregon correctional facilities in June 1988, and subsequently submitted a written report.

The Task Force bases the capacity determinations that follow upon careful consideration of the Department's recommendations, Dr. Seiter's capacity study, review of other state and national data, public testimony, and visits to the correctional facilities.

The Task Force's capacity determinations are subject to the following qualifications:

1. These recommended capacity limits will not eliminate all crowding or put Oregon in compliance with national standards. Although compliance with the capacity standards of the American Corrections Association should be a long-range goal of the Department, the Task Force does not believe the Department can achieve this goal at the present time. The recommended capacities will eliminate the most critical overcrowding conditions and bring the institutions back to capacity levels more consistent with historical practice and sound corrections management.
2. These capacity limits are intended to represent the maximum "extended" capacity of each facility, not the ideal, optimum, or design capacity. They are intended to represent an outer limit, and the Task Force recommends adoption of mechanisms to ensure that these capacities are not exceeded.¹

¹ See Recommendations 3.1, 3.2, and 14.2.

3. The physical capacity of each facility is dependent not only on housing area, but on its "program capacity," which means the number of inmates who can be kept active through work or educational programs. Inmate idleness creates management and security problems, reducing the number of inmates who can be safely and securely confined at a correctional facility.

The Task Force has found a critical lack of program activity at some of the major institutions. For example, according to figures supplied by the Department, as of June 1, 1988, there were 1,827 inmates at OSP with program capacity for only 949, 1,050 inmates at OSCI with program capacity for only 450, and 656 inmates at EOICI with program capacity for only 200. The lack of program activity is particularly critical at EOICI, because its population will more than double within the next year.

These capacity recommendations are made subject to the condition that work programs and other programs at these facilities are expanded to accommodate inmate populations of this size. If these programs are not expanded, lower capacity limits will be necessary. Due to the importance of inmate activity in supporting security, this factor cannot be overemphasized.

4. These capacity levels may need to be revised downward in future years if there is a hardening of the inmate population, e.g., more gang members or violent inmates, that causes greater management and security problems for prison administrators.

I. Existing Correctional Facilities

The Department of Corrections currently operates nine separate correctional facilities: (1) one maximum security facility -- Oregon State Penitentiary; (2) four medium security facilities -- Oregon State Correctional Institution, Eastern Oregon Correction Institution, Oregon Women's Correctional Center, and the Correctional Treatment Program; and (3) four minimum security facilities -- the Farm Annex, the Forest Camp, the Department of Corrections Release Center, and the Women's Release Unit.

The Department will soon open a tenth facility, the Parole Revocation Center, at the old Coos County Jail and Work Release Center in North Bend, with a capacity of 110. It can be considered part of long-range capacity of the Department of Corrections only if it receives continuing funding. At the present time, it has been funded by the Emergency Board until the end of this biennium.

Oregon State Penitentiary

Oregon State Penitentiary (OSP) is the state's oldest prison and its only maximum security institution. It is located on a twenty-six acre site in Salem and is surrounded by a reinforced concrete wall averaging twenty-five feet high with ten built-in guard towers.

OSP was first constructed in 1866, but has had many additions and modifications. It was extensively rebuilt after a major riot in 1968. In 1983, a building on the penitentiary grounds previously used as part of the corrections industries program was remodeled and is currently used as a dormitory housing approximately 140 inmates.

Design capacity

1174 This is the single-cell capacity of the facility plus the Industries Dorm with a design capacity of 106.

Special purpose beds

201 Disciplinary Segregation (90); Special Management Unit (48); Hospital (23); Administrative Segregation (40)

Recommended extended capacity

98 Double-celling 50 percent of C-block

26 Additional beds in Industries Dorm

Total capacity limit

1,499

Dr. Seiter's report regarding OSP states:

Oregon State Penitentiary is extremely overcrowded, and faces severe problems due to this overcrowding. The consultant surmised that the only way this institution could continue to operate as effectively as it apparently does is through the exceptional management and leadership skills of the top staff, and the dedication of all employees.

Originally, the Department and Task Force had intended to recommend that the Industries Dormitory be closed and not included as part of the long-term capacity of OSP. Dormitory housing units are generally inappropriate at a maximum security prison. However, the State Emergency Board at its March 1988 meeting appropriated funds for a perimeter fence and other outside patrol measures at the Industries Dormitory, which reduce many of the previous risks associated with its

operation. The consultant inspected the facility and found no reason to discontinue its operation, provided that it is limited to occupancy by carefully screened medium security inmates. The Task Force concurs in this recommendation for restricted use of the Dormitory.

The Task Force recognizes the need for additional disciplinary segregation cells at OSP and recommends construction of a 195-bed segregation unit at OSP.² Upon construction of this unit, the capacity limit of OSP would increase to 1,694.

Dr. Seiter also recommended that no more than 25 percent of the cells in A-Block and C-Block be double-celled to limit the overall crowding pressures at the facility. Because the cells in C-Block are slightly larger, the Department recommended the alternative of double-celling 50 percent of them and none of the cells in A-Block. The Task Force concurs in this recommendation. The Task Force also found that any double-celling of D-Block and E-Block would be inappropriate given the small size of those cells.

Oregon State Correctional Institution

Oregon State Correctional Institution (OSCI) is a medium security prison located in a semi-rural area of Salem, three miles east of OSP on the Santiam Highway. It is surrounded by a double chain link fence topped by rows of inward-leaning barbed tape. OSCI was established by action of the 1955 Legislature and opened in 1959. OSCI was originally designed to house first-commitment males under the age of twenty-six who had committed less-serious felonies. It was initially designed and staffed to provide vocational training for all inmates.

Design capacity

473

Special purpose beds

59 Segregation (48); Hospital (11)

Recommended extended capacity

328 Double-bunking of U1 (9); U2 (61); U3 (62); U4 (98); U11 (98)

Total capacity limit

860

² See Chapter 6.

Eastern Oregon Correctional Institution

Eastern Oregon Correctional Institution (EOCI) is a medium security prison on the outskirts of Pendleton that was constructed by renovating the former Eastern Oregon State Hospital. Conversion of the hospital to a prison was authorized by the 1983 Legislature. The prison opened in 1985 with a capacity of 400, although operational funding was limited to 350 beds.

The 1987 Legislature provided funding for operation of the additional 50 beds and appropriated \$15.8 million for a 761 bed expansion of EOCI. Although the original construction schedule called for completion by July 1989, it now appears that the new beds may be available for occupancy as early as February 1989.

Design capacity

1,136 Includes multiple bunking of A1, A2, A3, A4, B1, B2, B3, B4, C1, G2; also includes 8 dorms of 50 beds each

Special purpose beds

105 Segregation (98); Hospital (7)

Recommended extended capacity

140 Additional 15-25 beds in each dormitory, depending upon size and layout

Total capacity limit

1,381

At the October 1987 meeting of the Emergency Board, the Department obtained funding on a temporary basis for the additional 140 dormitory beds that are listed as extended capacity. The Department now proposes that these beds be continued on a permanent basis, provided that there is a substantial expansion in programs at EOCI.

The Task Force has serious reservations about any increase above design capacity at EOCI, given the lack of programs at this facility to accommodate the number of prisoners the facility is already scheduled to hold. In addition, the use of dormitory housing for 540 convicts is poor correctional practice given low levels of inmate activity. The Task Force endorses this extended capacity figure only if sufficient programs are added to meet the needs not only of the inmates the facility was originally designed to hold, but also of any additional inmates.

A study is currently being undertaken by the Department regarding the feasibility of even further expansion at EOCL. In addition to assessing whether the facility could support the program needs of additional inmates, the study should also evaluate the policy issues raised by the possible further expansion of a facility that is far from the families and communities of many inmates confined there.

Oregon Women's Correctional Center

The Oregon Women's Correctional Center (OWCC) is a medium security facility located immediately adjacent to the south wall of the Oregon State Penitentiary. It is a single story structure with four wings in the shape of a cross. It is surrounded by a single-perimeter fence with no-climb fabric, barbed tape, and masonry foundations. First opened in 1965, OWCC is the state's only secure facility for female inmates. It was originally operated under the jurisdiction of the Penitentiary, but was made autonomous in 1972.

Design capacity

80

Special purpose beds

4 Disciplinary segregation

Recommended extended capacity

108 Double-bunk east wing (32); double-bunk south wing (22);
double-bunk west wing (4); conversion of industries building to
dormitory (50)

Total capacity limit

192

The Emergency Board has authorized the conversion of the current industries building to a dormitory and the construction of a new, larger industries building that will allow some expansion of programs for female inmates. Nonetheless, the Task Force has found this facility to be inadequate for the long-term needs of female inmates and is recommending the construction of a new women's prison.³

³ See Chapter 6.

The Task Force recommends against the Department's plan to convert the last remaining day room into a 20 bed dormitory. As noted by Dr. Seiter, "the day space is currently inadequate for the population, many of whom are already idle. This plan would leave no day space available in the housing area for the inmate population."⁴

Correctional Treatment Programs--Oregon State Hospital

The Correctional Treatment Programs (CTP) is a medium security facility located in four wards of the J Building at the Oregon State Hospital. It operates four separate programs for treatment of alcohol and drug abusers, mentally and emotionally disturbed persons, sex offenders, and those deficient in social skills, including the mentally retarded. Each program accommodates approximately 30 inmates, for a total capacity of 120. CTP is administered by the Mental Health Division pursuant to a contract with the Department of Corrections.

Design capacity

120 Cornerstone (31); Mentally and Emotionally Disturbed (27); Social Skills (31); Sex Offender (31)

Recommended extended capacity

none

Total capacity limit

120

Farm Annex

The Farm Annex is a 2,089 acre farm located five miles southeast of Salem. It is complete with dairy buildings and barns, including a milk-processing plant and a modern slaughterhouse facility, and offers agriculturally oriented vocational training to minimum custody inmates. Milk and beef for prison populations, as well as those of some other state institutions, are produced there. It was first started in the early 1900s. This facility is administered by the Satellite Facilities manager.

⁴ One member of the Task Force would limit the capacity of this facility to 144, the figure recommended by the consultant.

Design capacity

175

Recommended extended capacity

54 Bunk beds

Total capacity limit

229

Forest Camp--Tillamook

The Forest Camp is located 80 miles from Salem in Tillamook County. The camp consists of thirteen 8-man housing units. Inmates work on reforestation projects and are trained for and fight major forest fires throughout the state. The 1987 Legislature appropriated \$300,000 for renovation of the housing units at this facility. The July 1988 Emergency Board approved additional funds to upgrade sewer and water systems. This facility, like the Farm Annex, is administered by the Satellite Facilities manager.

Design capacity

104

Recommended extended capacity

13 Bunk beds

Total capacity limit

117

Department of Corrections Release Center

The Department of Corrections Release Center (DCRC) opened east of Salem in 1977 at an extensively remodeled Prigg Cottage, formerly a component of the Fairview Mental Health Institution. DCRC was originally intended to accept inmates within seven (7) months of parole or release. Current crowding has caused these timeframes to be extended to within 18 months of parole or release. DCRC is administered by the Release Services Section of the Department of Corrections.

Design capacity

290

Recommended extended capacity

129 Bunk beds

Total capacity limit

419

Dr. Seiter recommended that a single fence with razor-ribbon and no-climb fabric be constructed around this facility and that the vocational and other programs offered on-site be expanded. The Task Force endorses these recommendations.

Women's Release Unit--Oregon State Hospital

The Women's Release Unit (WRU) facility is located on the grounds of the Oregon State Hospital in Salem. It was opened in 1982 as an auxiliary of DCRC to house female inmates.

Design capacity

50

Recommended extended capacity

8 Bunk beds

Total capacity limit

58

The Task Force recommends that this facility be closed as soon as other adequate institutional capacity is constructed for female inmates.

Parole Revocation Center--Old Coos County Jail

Design capacity

110 60 beds in the jail; 50 in the work release center

Recommended extended capacity

none

Total capacity limit

110

This facility is scheduled to commence operation in the fall of 1988. It is funded as a pilot project until June 1989. It can only be considered as part of long-term institutional capacity if funding is continued.

Recommended total capacity limits of existing facilities (including EOCI expansion and Parole Revocation Center)

4,985

II. Additional Minimum Security Facilities

The 1987 Legislature authorized funding for construction of up to 1,000 additional bedspaces in minimum security facilities to be sited throughout the state. Siting and construction of these facilities is currently in progress.

Construction of the new Powder River Correctional Facility, a 150-bed combined Labor Camp and Alcohol and Drug Treatment Center, has begun in Baker. This facility could house 200 inmates if the substance abuse program is contracted for at another location.

A site has been selected in Northeast Portland for construction of a 200-400 bed Restitution Center. The State Siting Authority has selected, and the Governor has approved, the former military base at Hauser in Coos County to be the site for another 200-bed combined Labor Camp and Alcohol and Drug Treatment Center.

It is uncertain at this time precisely how much minimum security space can be constructed with the appropriated funds. Construction costs vary significantly depending upon which sites are selected in each region. Construction costs are much more expensive if the site selected is vacant land rather than a pre-existing residential facility that can be converted. The first two sites selected in Baker and Portland are vacant land, which will substantially increase the cost to construct facilities at these locations.

For purposes of this report, the Task Force assumes that an additional 550 minimum security bedspaces will be constructed with the funds appropriated by the 1987 Legislature. The overall capacity count can be adjusted upward or downward when the actual numbers are known.

III. Total Institutional Capacity

Assuming minimum security capacity will be expanded by 550, the total capacity of all existing Oregon correctional facilities combined with the new minimum security facilities is 5,535.

This total capacity figure is broken down by security level as follows:

Maximum security (OSP): 1,499

Medium security (OSCI, EOIC, OWCC, CTP, Parole Revocation Center [60 medium beds]): 2,613

Minimum security (Farm Annex, Forest Camp, DCRC, WRU, regional minimums of 550 beds, Parole Revocation Center [50 minimum beds]): 1,423

Total: 5,535

CHAPTER 5: PROJECTIONS OF FUTURE DEMAND FOR PRISON CAPACITY

In developing this Strategic Corrections Plan, the Task Force has attempted to assess the need for additional institutional capacity over the next decade. In Chapter 4, the Task Force made a determination of existing institutional capacity, including the expansion authorized by the 1987 Legislature. In this chapter, the Task Force will compare that capacity with current and projected capacity demands. In Chapter 6, the Task Force will make specific recommendations regarding the types of additional facilities that are needed.

There are at least two approaches that must be taken in calculating a state's need for additional prison capacity. The first is to determine the extent to which current capacity (including facilities under construction) satisfies current demand. The second is to obtain the best possible projection of the future demand for prison capacity.¹

I. Current Demand

As of June 1, 1988, the Department of Corrections had 4,710 inmates confined in its facilities and 1,001 on temporary leave.² The Task Force has recommended that the current seven-month temporary leave program be abolished upon adoption of sentencing guidelines. There should be transition leave for selected inmates who have no more than 90 days remaining of their sentence in order to reintegrate them into the community.³

¹ To gain an additional perspective, the Task Force also recommends that the state compare on an ongoing basis its prison capacity per 100,000 with other states with similar crime rates. For example, after completion of the expansion authorized by the 1987 Legislature, Oregon will have a larger prison capacity per 100,000 inhabitants than Washington, Colorado, and New Mexico, but less than California, Arizona, and Nevada, the other six Western states with the highest reported crime rates. See Appendix I, Table 10.

² Department figures show a cellspace occupancy of 4,610 on this date. However, approximately 200 inmates at Department of Corrections Release Center were participating in a bed rotation or "hot bunk" program, with only 100 in the facility at one time. Therefore, an additional 100 have been added to this calculation of current custody. The Task Force recommends abolition of the bed rotation program as additional capacity becomes available.

³ See Recommendation 3.3.

This policy change would cut the number of inmates on leave status by approximately two-thirds.⁴ Thus, the Task Force takes the position that there should be prison capacity for at least 667 of the offenders currently on temporary leave.

If 667 offenders are added to the 4,710 inmates currently in custody, it can be calculated that there was a demand for prison capacity of at least 5,377 as of June 1, 1988.

An Executive Department survey undertaken on behalf of the Task Force found that there were 675 sentenced felons, other than probation or parole violators, serving time in county jails in the early part of 1988. According to numerous witnesses testifying before the Task Force, judges would have sentenced many of these offenders to prison had space been available. However, the state's lack of prison space has caused this demand to be shifted to the counties, contributing to the problem of jail overcrowding.

It is impossible to determine precisely how many of these offenders would have been sent to prison rather than jail had adequate prison space been available.⁵ Sometimes a jail term is used to "toughen" a probationary sentence rather than as an alternative to prison. However, according to the most reliable estimates received by the Task Force, 40-50 percent of the sentenced felons in county jails are there because of lack of prison space. Therefore, the Task Force believes that it is reasonable to add an additional 300 bedspaces⁶ to the assessment of current demand, for a total of 5,677.

In Chapter 4, the Task Force determined the corrections system will have a capacity of 5,535, once construction of 550 of the new minimum beds authorized by the 1987 Legislature is completed. Therefore, the current capacity of the system will fall short of meeting current demand.

4 The number of inmates who might qualify for such transition leave designed to further their reintegration into the community under the control of the Department cannot be determined with greater precision at this time. Eligible inmates would be defined by administrative rule. The rule should be based on sound correctional practices designed to meet individual needs of inmates. Many other states also have transitional leave programs, and their eligibility standards should be reviewed by the Department.

5 When sentencing guidelines are adopted, the use of jail as a sanction for a felony conviction will be regulated and restricted by the guidelines.

6 Throughout this Plan, capacity needs will be addressed in terms of prison "beds" and "bedspaces" rather than "cells" or "cellspaces" for two reasons. First, cells are sometimes occupied by two or more inmates. Therefore, a reference to "cells" does not make clear the number of additional inmates for whom capacity is needed. Second, a number of inmates are assigned to dormitories rather than cells, even at medium security prisons such as Oregon State Correctional Institution and Eastern Oregon Correctional Institution.

The prison expansion program authorized by the 1987 Legislature would have come close to meeting demand if the size of the inmate population had remained static. However, the inmate population has continued to grow at a rapid rate throughout 1987 and the first part of 1988. By the time new facilities under construction are available for occupancy in 1989, the demand for prison space will be even greater in relation to available capacity. Therefore, it is necessary to turn to projections of future growth.

II. Future Demand

Forecasts of future prison populations have inherent limitations. There is no crystal ball that can establish with certainty the amount of prison capacity needed in future years.

The size of future prison populations is influenced by a wide variety of factors, such as changes in crime rates; law enforcement policies; the definition and classification of crimes; sentencing policies; parole policies; demographic and economic changes; the quality and success of parole and probation programs; the availability of community sanctions as alternatives to incarceration; and the availability of programs, such as alcohol and drug treatment, mental health, and youth intervention programs, that may prevent future criminal conduct. Therefore, the best that can be done is to project what the future prison population will be if all current trends and policies were to remain constant, and then to modify that projection upward or downward in accordance with anticipated policy changes.

In 1987, the Department of Corrections contracted with the National Council on Crime and Delinquency (NCCD) to assist the Department in making future projections of prison populations and to install the NCCD projection model as the Department's own forecasting system. NCCD has developed one of the most sophisticated and highly regarded instruments for making this type of forecast of future prison populations. NCCD has had extensive experience in assisting states to project their future prison populations, and its projection model has been adopted by California, Nevada, Illinois, Ohio, Tennessee, Louisiana, Florida, Virginia, and Oklahoma.

The NCCD model will be useful to the state, not only as a forecasting instrument, but as a planning tool. The model starts with a baseline projection of what future prison populations will be if all current policies

and trends remain constant for the next 10 years.⁷ Then it permits different policy assumptions to be substituted and determines what effect those policy changes would have on future prison populations. Thus, Oregon's policymakers will be better able to measure the impact of various policy options upon future prison populations.

The NCCD model has produced a projection of future Oregon prison populations through 1997. The NCCD baseline projection of future prison and temporary leave populations, assuming no changes in current policies, is set forth below.

All the following projections are based on a prison population of 4,254 and a temporary leave population of 1,060 as of October 30, 1987. The projections are made for June 30 of each year indicated.

TABLE 5-1
NCCD BASELINE PROJECTION

<u>Year</u>	<u>Prison Population</u>	<u>Temporary Leave Population</u>
1988	4,649	1,042
1989	4,966	1,140
1990	5,242	1,284
1991	5,483	1,317
1992	5,677	1,321
1993	5,886	1,421
1994	5,984	1,482
1995	6,156	1,444
1996	6,387	1,455
1997	6,450	1,519

If no changes whatsoever are made in current criminal justice policies, NCCD projects that the state would need an additional 915 prison beds by 1997. However, this projection is based on current policies and therefore does not take into account the demand for prison capacity represented by the temporary leave population and sentenced felons in county jails.

⁷ The NCCD projection model simulates by computer the flow and length of stay of individual cases from a recent sample of offenders through prison and other correctional populations, such as temporary leave and parole, based upon current sentencing and release practices. Each case is given a profile of parameters that determines the length of stay in the various correctional populations. This profile is randomly drawn from distributions representing current policy and practices. The distributions are then loaded into the model, and individual offenders are simulated one-by-one, until all of the offenders who will pass through the system during the 10 year projection period are simulated. By this method, the model produces projections of future prison and other corrections populations.

The Task Force believes that these factors must be considered in measuring future demand for prison capacity. First, the Task Force has recommended abolition of the seven-month temporary leave program upon implementation of sentencing guidelines. Selected inmates would still be eligible for a transitional leave during the last 90 days of their sentence in order to reintegrate them into the community. If this recommendation is adopted, approximately two-thirds of the projected temporary leave population will need to be added to the projection of future prison demand.

The Task Force also has recommended that an additional 300 inmates be added to these future projections to reflect the best estimate of sentenced felons currently being confined in county jails who would be sentenced to prison if space were available.

These two policy changes increase the NCCD projection of the future demand for prison capacity as follows:

MODIFIED PROJECTION #1

[Seven-month temporary leave abolished;
90-day maximum transitional leave;
two-thirds of projected leave population in prison;
300 additional inmates in prison rather than jail]

<u>Year</u>	<u>Prison Population</u>
1988	5,647
1989	6,030
1990	6,402
1991	6,665
1992	6,862
1993	7,138
1994	7,277
1995	7,423
1996	7,662
1997	7,768

The current institutional capacity of the corrections system is 5,535, including facilities under construction. If the two policy changes set forth above are the only ones made, then according to the NCCD projection, modified as described above, there will be an increase in demand for prison capacity of 1,603 by the year 1993 and 2,233 by the year 1997.⁸

⁸ If no inmates were eligible for transitional leave, then the entire projected temporary leave population would need to be added to the projected prison population. This would increase the projected future demand for prison capacity to 8,269 by 1997, absent other policy changes. Under such an approach, 2,734 additional prison bedspaces would be needed by the year 1997 rather than 2,233.

III. Qualifications Upon This Projection

As previously noted, the Task Force recognizes the limitations of such a long-range prison population projection. It is based upon a continuation of all current criminal justice policies, other than the ones noted.

There is a wide range of possible changes in criminal justice policy that could alter the projected need for new prison space upward or downward. Five of the most significant possible changes are described below. Two of them would potentially increase the demand for future prison capacity. One would regulate the demand for capacity at an established level. Two would potentially reduce the future demand for prison capacity.

1. Policy changes that could increase future demand for prison capacity

Tougher law enforcement policies. To the extent that the state adopts tougher law enforcement policies, especially with respect to drugs, NCCD's projection may need to be revised upward, at least in the short term. However, as noted in Chapter 2, the statistics indicate that current law enforcement efforts are already operating at a comparatively high level of effectiveness. Moreover, to the extent that tougher enforcement policies deter future crime, for example, by discouraging drug dealers or drug manufacturers from coming to Oregon, the long-term effect on future prison population may be less significant. Also, future increases in prison populations caused by tougher drug enforcement policies may be offset by the effect of expanded drug use prevention and treatment programs.

Passage of Smith Ballot Initiative. A ballot measure will be voted upon in November 1988 that would require any offender convicted of one of 10 specified crimes, with one or more prior convictions for any of those crimes, to serve the entire sentence imposed by the judge, without probation, parole, statutory good time, or temporary leave. According to a study by the Department, passage of this measure would create a demand for as many as 2,455 additional prison beds over the next 20 years. Up to 1,143 additional prison beds would be needed by 1997.

This additional demand is not included in the NCCD projection, because it would represent a change in current sentencing policies. The primary impact of the measure would be upon offenders convicted of burglary. The Department's study indicates that two-thirds of the offenders who would be affected by the Smith Initiative are burglars.⁹ There are two reasons for this. First, burglary is a far

⁹ The Department's study reviewed all prison admissions from September 1, 1987 to December 31, 1987. Of 269 prison admissions during that period, 85 offenders had prior felony convictions that would have made them subject to the Smith Initiative. Of those 85, 53 were convicted of burglary. Of the other 32 offenders, the majority of them--18--were convicted of robbery.

more common crime than the others listed in the Initiative. Second, offenders convicted of the other offenses listed in the Initiative that involve physical violence are already being sent to prison for long periods of time.

This measure is not accompanied by a funding mechanism to expand prison capacity to meet the additional demand that the measure creates. Therefore, the real effect of the measure, if it is adopted, will be to reallocate whatever prison space is available in coming years. Because the time served by offenders targeted by the measure, primarily burglars, would be increased, the time served by other offenders would have to be reduced.

Currently, under the parole guidelines, prison terms are set according to crime severity. Violent offenders who commit crimes against persons are given substantially longer prison terms than burglars. However, if the Initiative passes, a new allocation of prison space will be required that could result in first-time violent offenders serving shorter sentences in order to lengthen sentences for second-time burglars. The only way this result can be avoided is by construction of additional prison capacity, beyond the new capacity that the Task Force already projects to be needed under current sentencing practices.

2. Policy change that would regulate prison population at an established level.

Sentencing guidelines. The sentencing guidelines that are being developed by the Oregon Criminal Justice Council and that will be submitted to the Legislature by the Sentencing Guidelines Board are scheduled to go into effect on September 1, 1989. They are required to conform to available prison capacity.

When the guidelines are first implemented, they will be designed to conform to the prison capacity available on September 1, 1989. If prison admissions increase without an increase in capacity, sentences may either be modified or the Legislature may add additional prison capacity. In either case, if the guidelines are properly designed and administered, the future Oregon prison population will be at the same level as the future capacity of the prisons.

In other words, the guidelines themselves will become a means to assess the need for additional prison capacity. The guidelines will clearly indicate the range of sentences being imposed for particular types of crimes and offenders. It can then be determined by the public and Legislature whether these sentence ranges represent a sufficient sanction for each offense or whether additional prison capacity is needed in order to increase the sentence ranges. Thus, the need for additional capacity can be determined on an ongoing basis by evaluating the sanctions being imposed.

The sentencing guidelines were not sufficiently developed at the time of this Plan to be used as a basis for Task Force recommendations regarding future capacity needs. It was not possible to assess the severity of sanctions they provide in comparison with past sentencing practices or the sentencing practices of other states. Sentencing guidelines enable the most efficient use of whatever prison capacity is available. The Task Force recommends that the sentencing guidelines be carefully considered by the Legislature as part of the basis for assessing future capacity needs.

3. Policy changes that could reduce future demand for prison capacity.

Increased rates of success on parole and probation. As noted in Chapter 2, failures on parole and probation are a significant factor in the current growth in the prison population. In 1987, over 61 percent of the admissions to Oregon prisons were probationers or parolees rather than new commitments.

NCCD based its baseline projection cited above on a parole failure rate of 49 percent extending over the next 10 years, because that is what NCCD calculated the current parole failure rate to be. The Task Force finds a 49 percent failure rate on parole to be unacceptable.¹⁰ The Task Force also believes that the current rate of revocation to prison for technical violations of probation can and should be reduced.

For these reasons, the Task Force is recommending a number of new policies and programs designed to increase the success rates of community supervision programs to levels more consistent with historical norms and the record of other states.¹¹

The Task Force requested NCCD to model what the projection of future prison population would be if the parole failure rate could be reduced from 49 percent to 40 percent and the number of revocations to prison for violating rules of probation were reduced by 20 percent. NCCD reported that its projection of future prison populations would be reduced by approximately 800 over the next 10 years if these relatively modest increases in the success rates on parole and probation can be achieved.

It is clear that the number of prison beds the state will need over the next 10 years depends significantly on the extent to which the state takes the necessary steps to reduce the high current rates of failure on parole and probation.

¹⁰ During most of the 1970s and at the beginning of this decade, the parole failure rate was approximately 34 percent within three years of release.

¹¹ See Chapters 7 and 8.

Expanded availability of intermediate sanctions. In addition to increasing the success rate of offenders on parole and probation, it is also important to reassess what sanction is most appropriate if they are revoked. Revocation to prison is the most expensive of all possible sanctions, yet prison has often been used, even for offenders who have violated a rule of their supervision rather than committed a new crime. Parole and probation officers need effective and immediate sanctions, but often such sanctions could be provided at a community facility, such as a probation or parole revocation center, rather than at a prison.

An expanded range of intermediate sanctions as sentencing alternatives could also reduce prison commitments of new offenders. There are a number of offenders who need more than traditional probation, but who do not require incarceration in prison. Intermediate sanctions, such as probation centers, residential treatment centers for drug or sex offenders, work-release centers, intensive supervision, and electronic surveillance, are not yet generally available as sentencing or revocation options throughout the state.¹²

If the Legislature were to expand the availability of such intermediate sanctions, as the Task Force recommends in Chapters 7 and 8, it is likely that the growth of the prison population would be lower than the current NCCD projection. The expansion of such sanctions should be linked with sentencing and revocation guidelines to ensure that they are targeted toward those offenders who otherwise would be most likely to require a prison sentence.

IV. Conclusion

In this chapter, the Task Force has found that, if current trends and policies continue, the state is projected to need an additional 2,233 prison beds by the year 1997. This projection assumes that two-thirds of the projected temporary leave population should be counted as part of the demand for prison capacity, as well as 300 of the sentenced felons who are currently serving sentences in county jails because of lack of state prison capacity.

Given the number of potential changes in criminal justice policy that could affect this projection, the Task Force recommends that this projection be revised at least annually as this Strategic Corrections Plan is being implemented. In this Plan, the Task Force also urges adoption of a number of policy changes designed to reduce this projected future growth of the prison population. However, for purposes of long-range facilities planning, the Task Force will set forth in the next chapter the recommended priorities for expanding prison capacity by 2,233 by the year 1997.

¹² See Recommendation 7.11.

CHAPTER 6: PRIORITIES FOR CAPACITY EXPANSION

In the preceding chapter, the Task Force calculated that there is a projected demand for an additional 2,233 prison bedspaces¹ by June 30, 1997, if all current trends and policies continue.² If prison populations continue to increase at the projected rate, prison capacity will need to be increased from its current 5,535 (including facilities under construction) to 7,768.

In this report, the Task Force recommends several ways that this projected growth in prison population can be reduced. They include (1) more efficient management of existing resources through adoption of sentencing and revocation guidelines;³ (2) development of more intermediate sanctions as an alternative to prison;⁴ and (3) improvements in community supervision programs designed to reduce the high failure rates on parole and probation, which are significantly contributing to the increases in prison population.⁵ There are also possible policy changes and circumstances that could require this projection of future growth to be increased.

However, for purposes of this Chapter, it will be assumed that there will be a need for up to 1,603 additional prison bedspaces by June 30, 1993, and 2,233 by June 30, 1997. As this plan is being implemented over the coming years, the Task Force recommends that new forecasts of prison population be made at least annually to determine whether this projection of future demand for prison capacity should be revised either downward or upward as a result of intervening policy changes.

The Task Force recommends this projected need for 2,233 additional prison bedspaces be met by expanding maximum security capacity by 200, medium security capacity by 1,000-1,200, and minimum security capacity by 700-900. In the sections that follow, the Task Force will describe in more detail the types of new facilities which are most needed.

1 For an explanation of this terminology, see footnote 6 in Chapter 5.

2 The assumptions on which this projection is based, and the qualifications upon this projection, are discussed in Chapter 5.

3 See Recommendations 3.2 and 7.4.

4 See Recommendation 7.11.

5 See Chapters 7 and 8. There are also other important strategies outside the adult corrections system that play a vital, preventative role with respect to future crime, such as the School Retention Initiative, youth employment and training programs, child abuse prevention programs, and components of the Governor's Children's Agenda. The Task Force fully endorses such strategies and initiatives. However, they are not addressed in this Plan, because the charge of the Task Force is limited to the adult corrections system.

Note: The Task Force has identified a number of deficiencies with the current institutions that must also be considered and remedied as part of long-range capacity planning. The needs of the existing institutions for more programs, security, staff, and maintenance, should not be ignored in the development of plans for new facilities.

I. 200 New Maximum Security Segregation Cells

The Task Force recommends against construction of a new maximum security prison. Maximum security prisons are the most expensive facilities of all, both to build and to operate. The Task Force finds that Oregon State Penitentiary is adequate to house the relatively small percentage of the total inmate population that requires a maximum security custody level.

The Department, under its new classification system, has assessed the entire inmate population at all institutions and has classified approximately 13 percent as requiring "maximum" or "close" supervision. OSP has the capacity to house approximately twice this number of inmates.

Oregon's maximum security capacity of 27 percent of total system capacity is comparable with that of other Western states. According to a recent survey, California has 15 percent of total capacity classified as maximum security, Utah only 4 percent, Idaho has 16 percent, Arizona 21 percent, Colorado 21 percent, Nevada 27 percent, New Mexico 29 percent and Washington 33 percent.⁶

However, the Task Force recommends construction of a new maximum security segregation unit of approximately 200 beds at OSP. In order to maintain proper control over the inmate population, it is essential that the Department have an adequate number of cells for disciplinary segregation. Disciplinary segregation capacity is necessary to enforce compliance with prison rules, protect corrections staff and other inmates from disruptive or assaultive behavior, and punish other inappropriate conduct by inmates.

There are only 90 segregation beds at OSP. Standard correctional practice is to dedicate 10 percent of total bed space to segregation. As a result of this shortage of maximum security segregation space, the Department is forced to double cell its segregation units. This creates security risks both to inmates and staff. Double celling compounds the inmate management problems experienced with this difficult population. Lack of segregation space impedes the ability of prison management to respond to crises and control volatile situations.

⁶ See Appendix I.

The existing segregation cells at OSP are poorly designed. They have open grill cell fronts, which allow inmates to assault staff and set fires. Moreover, there is a lack of adequate drainage, which can create dangerous working conditions for staff. The recommended additional segregation capacity at OSP could also be used, when necessary and appropriate, by other correctional facilities in the Salem area.

II. Expand Medium Security Capacity by 1,000-1,200

Of the projected need for additional capacity, the Task Force recommends that medium security space be increased by 1000-1200, which should include a new prison for female inmates and a new medium security prison for male inmates.

Women's Prison

The Task Force recommends construction of a new women's prison to replace OWCC. The preferred location would be in or near the Portland metropolitan area. The facility should be designed to have multiple custody levels, with both medium and minimum security capacity.

The facility should have adequate program space, special housing and a secure perimeter. It should also have special programming designed to meet the needs of female inmates. Depending upon where it is located, the new prison might be able to serve as a regional facility for women, with beds being rented by counties for their female jail inmates.

The Task Force has found a number of deficiencies with OWCC, the state's only secure facility for female inmates. OWCC presents security problems that cannot be readily solved at the existing site. There is no infirmary space for women and no isolation unit for disciplinary segregation. The perimeter is a single fence line, and there are no sally ports for vehicle control. All internal traffic must move through the central axis of the four wings of the cross-shaped facility, which creates inmate movement congestion.

Consultants to the Task Force found that female inmates are not receiving the same opportunities for programming that are afforded male inmates. A small number of women are taken into OSP and OSCI for vocational and educational programs, but this movement raises major security concerns and is very wasteful of staff time for transport/escort duties. The physical layout of the structures at the facility makes additions of more buildings for program activities problematic.

The Task Force has found the extended capacity of OWCC (after conversion of the Industries Building to a dormitory) to be 192. There is capacity for an additional 58 minimum security female inmates at the Women's Release Unit, for a total current system capacity for female inmates of 250.

NCCD has projected the following growth in the women's prison population, assuming a continuation of present policies:

<u>Year</u> <u>(June 30)</u>	<u>Prison Population</u>	<u>Temporary Leave</u>
1988	200	135
1989	223	151
1990	239	162
1991	250	169
1992	258	174
1993	265	179
1994	270	182
1995	274	185
1996	277	187
1997	280	189

The Task Force has recommended abolishing the current seven month temporary leave program and allowing a maximum transition leave to selected inmates of up to 90 days. This recommendation, if adopted, would require capacity for up to two thirds of the projected temporary leave population. Thus, by 1993 the female prisoner population would be close to 400, far above the combined capacity of OWCC and WRU.

In addition, the Department has recommended closure of WRU as soon as additional space for female inmates becomes available.

If a new women's prison were constructed, the old OWCC could be converted into a special use facility. Possible uses include: a) housing handicapped and geriatric male inmates; b) housing an expanded treatment program for inmates; c) housing inmates with special medical needs. The facility would be well suited for any of these uses, because it is a one-story facility and is adjacent to OSP, allowing use of medical and other support staff from OSP to assist with its operation.

The construction of a new women's prison thus has double benefits. It creates new capacity to meet the projected women's population and to provide for their special programming needs. At the same time, it will free up approximately 150 expensive and needed beds at OSP or OSCI as selected male inmates are moved from those institutions into the current OWCC facility. Thus, the expansion of capacity for female inmates will also result in an expansion of medium security space for male offenders.

Men's Prison

The Task Force also recommends construction of one or more medium security prison facilities for male inmates. This additional medium security capacity could be constructed as an addition to an existing correctional facility, such as a county jail, or it could be sited and constructed independently. If it is constructed at a new site, it should be designed for possible expansion, to reduce future costs and siting difficulties.

A new medium security prison or prisons could be used for special populations and purposes. The Task Force recommends that a portion of the new capacity be used for intake, classification, and transfer purposes for the corrections system. Proper assessment and classification of inmates is critical in order to be certain that they receive a suitable security classification and that their special program and medical needs are identified so they can be assigned to an appropriate institution.

At the present time, the assessment and classification of inmates is done independently at each major prison. There are approximately 350 new offenders a month, and they each require up to 4 weeks to process before being assigned to the facility where they will serve their sentence.

Consolidation of the intake and classification function at one or more dedicated locations would have the following advantages:

1. It would facilitate administration of more objective and uniform classification procedures;
2. It would free up 250-350 beds at OSP, OSCI, and EOCI currently occupied by offenders who are not permanently assigned to those facilities or in regular programs at those facilities, but who are going through the classification process. This would improve security at those facilities by reducing the number of inmates transferring into and out of these institutions.
3. If such a prison were used only for short-term assessment and classification, it would not be necessary to undertake the cost of establishing other types of long-term programs for inmates at the facility, such as Corrections Industries or educational programs; thus, there would be reduced construction and operational costs.
4. Such a prison facility could be more readily co-located with a new women's prison or county jail, because the difficulty of co-educational sharing of education and other programs would be avoided.
5. Separate capacity for classification would avoid mingling of low-risk offenders, who are likely to be assigned to a minimum security facility, with high-risk, long-term offenders.

The capacity of such facilities should be equal to the anticipated monthly intake of the Department, since it takes approximately thirty days to process an offender. Current monthly intake averages about 350 new inmates. To accommodate projected growth in new commitments, such intake capacity should be at least 400 beds.

III. Expand Minimum Security Capacity by 700-900

The 1987 Legislature approved the construction of up to 1,000 new minimum security beds in regions throughout the state. It now appears that 550 of those beds will be built with the funds appropriated by the 1987 Legislature.

To date, a new 150 bed combined Labor Camp and Alcohol and Drug Treatment Center has been sited and is being constructed in Baker. It is scheduled to open in October 1989. A site has been selected in Portland for a Restitution Center. It is likely to open with an initial capacity of 200. The former military base at Hauser in Coos County has been selected for a 200 bed combined Labor Camp and Alcohol and Drug Treatment Center.

However, it is unlikely that any additional minimum security beds can be constructed with the \$12.5 million appropriated by the 1987 Legislature. The budget estimate had anticipated that a number of the sites selected would be pre-existing structures requiring a minimum of renovation in order to use as a minimum security facility. However, both the sites selected in Baker and Portland are vacant land that will require totally new construction, resulting in greater expense.

Further expansion of the minimum security capacity of the correctional system is needed for several reasons. First, minimum security is the least expensive type of facility, both to construct and operate. A medium security bedspace costs approximately \$69,000 to construct, whereas a minimum security bedspace costs between \$24,500 and \$35,500.⁷ It is an undue burden on taxpayers to place prisoners in expensive medium or maximum security space who do not require that level of security.

Second, the public expects inmates to work, both to pay back the state for the costs of confinement and, when possible, to pay restitution to the victim of their crimes. There is a much greater opportunity to accomplish these objectives in a minimum security facility, such as a Labor Camp or a Restitution Center, than in a medium or maximum security prison.

⁷ The cost is even less if an existing facility is available to be converted to a minimum security prison.

Oregon has much rural and forest land that would be appropriate for a system of Labor Camps, and also has numerous potential public service work projects, such as reforestation, trail clearing, and clean-up activities.

A number of other states are experimenting with "boot camps" for inmates, which employ a rigorous work program for inmates, a regimented military-type structure, and strict rules of discipline. Experimentation with such a program would be possible at one of the Labor Camps.⁸

Finally, and most importantly, the number of inmates who qualify for minimum security exceeds available minimum security capacity. The Department has developed a new classification system to determine the security level required for each inmate. Thirty-one percent of the current inmate population has been classified as minimum security inmates. Yet as of today, only 17 percent of capacity (including EOCI expansion) is minimum security.

Even after the 550 new minimum beds are constructed, there will still be only 25 percent minimum security capacity. If 700-900 of the 2233 projected capacity expansion over ten years is minimum security, this will bring the percentage of minimum security beds up to 27-30 percent of total capacity.

Thus, additional minimum security beds are required over the next 10 years to keep minimum security capacity in balance with total system capacity and with the security needs of the inmate population. If, in the future, the percentage of inmates qualifying for minimum security increases above the current level, consideration should be given to adding more minimum security capacity. If that percentage declines, then future expansion should be at a higher security level.

Many other Western states have even higher levels of minimum security capacity. For example, Idaho has 65.8 percent of current design capacity as minimum security, Utah has 61.4 percent, Kansas has 48.4 percent, Montana has 43.9 percent, Hawaii has 42.2 percent, Wyoming has 35.3 percent, and Nevada has 33.8 percent.⁹

⁸ Some commentators contend that such facilities are being used in some other states for offenders who would otherwise be given probationary sentences rather than those who are truly prison bound. Such a use simply "widens the net" of offenders consuming corrections resources and increases corrections costs overall. However, once sentencing guidelines are implemented in Oregon, this problem can be avoided, because those offenders who have presumptive prison sentences can be identified. If use is restricted to such offenders, it will be easier to evaluate success rates in comparison with traditional prisons.

The program and operating procedures for such a facility would have to be carefully designed in advance. The Task Force does not endorse all components of "shock incarceration" that have been utilized in some other states.

⁹ See Appendix I, Table 7.

The Emergency Plan developed by the Task Force and adopted by the Governor by Executive Order on September 16, 1987 describes three types of minimum security facilities that could appropriately be constructed pursuant to the Plan: restitution centers,¹⁰ labor camps, and alcohol and drug treatment centers. There is a need to establish such facilities in Central Oregon, the mid-Willamette Valley, and Southern Oregon.

Other types of minimum security facilities are also needed as part of the additional 700-900 beds. Unlike many other states, Oregon currently has no half-way houses or other small community residential facilities as part of its state corrections system, although a few counties operate facilities of this type. Given the critical need to increase the successful reentry of inmates into the community, such facilities would be appropriate for offenders nearing the end of their sentence. There is also a need for community or regional facilities for probation and parole violators.¹¹

Given the siting and operational problems associated with smaller community facilities, it is recommended that the Department consider contracting with counties or private providers for the types of facilities described in the preceding paragraph. California currently contracts out the operation of small, community-based Return to Custody Centers for technical parole violators.

A clear distinction must be made between smaller, community-based facilities, such as half-way houses or parole transition centers, and the larger minimum security facilities currently being constructed under the Emergency Plan. National standards recognize a level of security below minimum security, which is called community security. This level of security applies to these small, residential, community-based facilities, particularly when they are operated by private providers pursuant to contract.

However, the larger facilities currently being constructed by the state pursuant to the Emergency Plan should be designed and administered as true minimum security facilities.

¹⁰ Use of the term "restitution center" is not intended to suggest that all offenders assigned to the center will be eligible for work assignments outside the facility. Many presumably will have a low enough security classification to allow them to leave the facility for a job. Others will only be eligible to leave as part of supervised work crews. Still others will be limited to participation in work or training activities on-site, in preparation for eventual work in the community after their release.

¹¹ A new parole revocation center will open in late 1988 at the old Coos County Jail and Work Release Center in North Bend. This center will operate as a pilot project until the end of the biennium. If the experiment proves successful in deterring parole violations and conserving expensive prison space, additional centers should be established in other regions of the state.

6.1 The security at all current minimum security facilities, and those under construction, should be enhanced by implementation of the new offender classification system, by construction of a perimeter fence where feasible, and by full utilization of all other security measures possible and appropriate for a minimum security facility.

Significant public concern has been caused during the last few years by the high number of offenders who have walked away from or failed to return to some of the current minimum security facilities, such as the Farm Annex, Department of Corrections Release Center, and the Forest Camp. The Task Force agrees that this number has been entirely unacceptable. In this report, the Task Force makes several recommendations to correct this problem.

First, the Department has been handicapped in the past by lack of an objective classification instrument for assigning offenders to minimum security facilities. Occasionally inappropriate assignments have been made. At the recommendation of the Task Force, the Department has developed a new, objective inmate classification system that is being implemented.¹² This system will provide a means to ensure that those offenders assigned to a minimum security facility are appropriate for that level of custody.

Second, many of the recent problems with walk aways from minimum security facilities result from prison overcrowding that has forced offenders into minimum security facilities too quickly. The Task Force is making several recommendations to end prison overcrowding, including capacity expansion and adoption of sentencing guidelines.

Third, in the past there have been inadequate penalties for those offenders who walk away or fail to return to minimum security facilities. In Chapter 10, the Task Force recommends much more stringent measures to punish inmates who escape or abscond.¹³ Restoring such sanctions to the system is likely to have a significant effect upon the walk-away rate.

Finally, the Task Force is here recommending full utilization of security measures at the large minimum facilities currently being constructed by the state pursuant to the Emergency Plan for Minimum Security Correctional Facilities. All security measures feasible and appropriate for a minimum security facility should be employed.

The Emergency Plan states:

¹² See Recommendation 10.2.

¹³ See Recommendation 10.1.

Minimum security facilities will also include traditional elements of prison security. Restitution Centers may be surrounded by a perimeter fence. Security staff will be on duty 24 hours a day, seven days a week, in each facility. Staff will also be available to monitor offenders' movements in the community and perform random security checks and drug testing in the facilities. Fire and unauthorized departure alarm systems will be installed in all facilities, and electronic bracelets will be used to monitor certain offenders.

The Task Force has also recommended that a perimeter fence be added at Department of Corrections Release Center.¹⁴

IV. Construction Standards

6.2 Any new facilities should be designed and operated in conformity with the standards of the American Correctional Association.

In designing new facilities, the state has an opportunity to comply with nationally recognized standards regarding capacity and operational requirements. These standards have been adopted by numerous other states, and the Task Force believes that they should be followed in Oregon.

The 1980 Governor's Task Force on Regional Correctional Facilities, appointed by Governor Atiyeh, also recommended that Oregon comply with national standards in building new correctional facilities:

New correctional facilities in Oregon should be constructed to meet the standards established by the American Correctional Association. To ensure a high quality correctional system and to avoid potential management problems attendant with court challenges of deficient programming and facilities operation, the State should construct its correctional facilities to meet nationally recognized standards.¹⁵

¹⁴ See Chapter 4.

¹⁵ Report of Governor's Task Force on Regional Correctional Facilities (June 1980), p. 68.

CHAPTER 7: COMMUNITY SUPERVISION

A full and effective range of community sanctions is a critical component of Oregon's corrections system. These sanctions include parole and probation supervision, as well as community-based correctional programs.

Some of these sanctions are provided directly by state and county governments. Most are provided through the partnership established by Oregon's Community Corrections Act, which is examined in the next chapter of this Plan.

Probation supervision serves as an effective sanction for offenders who can safely be punished and supervised in the community and whose crimes and risks to the public do not justify the use of costly and limited prison space. Parole supervision provides an important sanction for controlling and supporting offenders during their transition back to the community after imprisonment.

Community-based programs support probation and parole supervision and promote public safety by increasing the state's control over offenders or by addressing their particular correctional needs in the community. Community-based programs include employment training and placement, education, mental health treatment, alcohol and drug treatment, and sex offender treatment. These programs should provide continuity with the correctional programs offered in the state's prison system.¹

A full range of community sanctions should include (1) short-term confinement in jails, restitution centers, probation centers, parole revocation centers, and work camps, to enforce conditions of supervision or support an offender's transition from prison; (2) regular and intensive community supervision, to control and support offenders in the community; (3) community-based programs to address the correctional needs of offenders under supervision in the community; and (4) fines, community service, and restitution, to hold offenders accountable for repaying individual victims and the public for their crimes.

¹ Sanctions are generally considered to be the punishment a judge imposes as the sentence for a crime, such as probation, incarceration, or a combination of both. Programs such as employment training or services such as transportation to a job site are usually not part of the judge's sentence. Corrections departments ordinarily assign offenders to programs and services under their administrative discretion.

However, programs and services are sanctions too. The justification for their use is either punishment or public safety. Offenders are assigned to programs and services because they have committed a crime or pose a risk to public safety, not just because they are in need of social services.

Institution programs are examined in Chapter 11.

Community sanctions will always manage far more offenders than prison.² A large number of offenders can be safely and appropriately sanctioned in the community rather than prison. Furthermore, most prison inmates are eventually placed under community supervision following their imprisonment.

Currently, over 17,000 felony offenders are under supervision in the community, compared to about 4,600 offenders in prison. Consequently, the support and operation of Oregon's community sanctions are at least as important to the safety of the public and the effectiveness of the corrections system as the support and operation of the state's prisons.

Because of the critical importance of an effective statewide delivery system for community sanctions, the Task Force applied for and received a major grant from the U.S. Department of Justice's Bureau of Justice Assistance. The grant project was designed to generate policy options for the Task Force concerning the future direction of community sanctions in the state and the administration of the Community Corrections Act, which establishes a partnership between the Department of Corrections and counties in the administration of community sanctions. Following the award of the grant and a nationwide Request for Proposals, the Task Force selected Abt Associates, Inc., of Cambridge, Massachusetts, a nationally recognized public policy research consultant, to conduct this project.

The recommendations in this chapter, and the next chapter on the Community Corrections Act, are based upon Abt's final report to the Task Force (the Abt Report),³ a series of statewide public hearings conducted by the Task Force in late 1987, written comments and testimony from correctional professionals throughout the state, and deliberations and testimony at the Task Force's business and working group meetings over the past year. The Task Force has identified five important strategies which the Legislature and the Department of Corrections must undertake in order to establish an effective system of community sanctions in Oregon and restore balance to the state's corrections system:

1. Support and manage community sanctions as a limited resource;
2. Establish and maintain a permanent balance between the community sanctions and prison components of the state's corrections system;

² The Bureau of Justice Statistics (BJS) reported that, of the 3.2 million adults under the custody of corrections agencies throughout the country in 1986, three out of four offenders were living in the community under parole or probation supervision. Probation and Parole 1986, BJS Bulletin (December 1987), p. 1.

³ Abt Associates, Inc., The Oregon Community Corrections Act: A Final Report to the Governor's Task Force on Corrections Planning (July 7, 1988).

3. Increase the success rate of parole and probation supervision;
4. Provide more intermediate community sanctions; and
5. Strengthen the state's administration of community sanctions.

I. Support and Manage Community Sanctions as a Limited Resource

All too often, community sanctions are considered by policymakers and the public to be an elastic resource that can absorb unlimited numbers of offenders as an alternative to or transition from imprisonment. Such an attitude has produced probation and parole caseloads of unmanageable size, inadequate and ineffective correctional programs, and a crisis of public confidence in corrections systems throughout the country. The Task Force believes that this attitude has produced many of the problems that Oregon's corrections system is experiencing today. The Abt Report reached the same conclusion:

We believe that past decisions by Oregon policymakers to cut support for community corrections and probation and parole (relative to institutions) have contributed substantially to today's prison crowding. That crowding--and the system's attempts to deal with it by selective early release measures--has diminished the quality of field services and, in turn, has produced a broad and vocal demand for still greater expansion of prison capacity.

7.1 Community sanctions must be supported by the Legislature and managed by the Department of Corrections as a limited resource.

The Task Force views the state's system of community sanctions as a valuable limited resource which must be supported by the Legislature and managed by the Department of Corrections with the same attention and diligence as Oregon's prisons. If community sanctions are to realize their potential as a safe and cost-effective means to punish offenders in the community and support inmates' transition from prison life to community life, then the Legislature must view them as a limited resource in the same way prisons are a limited resource: community sanctions have a specific capacity which cannot be exceeded without additional support. When increased demands are placed on the corrections system to provide additional alternatives to imprisonment, or supervision and transitional services for more offenders leaving newly constructed prisons, community sanctions, like prisons, become overcrowded and ineffective.

Once the Legislature has provided an adequate level of support for community sanctions, the Department of Corrections must carefully manage those resources on the basis of the risks offenders pose to public safety. Correctional sanctions are not the same as social services provided by the state. Their primary purpose is to promote public safety; the fact that they benefit individual offenders is a secondary purpose, or a means to an end. Therefore, correctional programs and services should not be provided to offenders simply because they will personally benefit from them. Instead, the Department of Corrections must focus these resources on offenders according to the risk they pose to the public and whose participation in correctional programs and services will produce the greatest reduction of that risk.

II. Establish and Maintain a Balance Between Community Sanctions and Prisons

The Task Force has emphasized throughout this Plan that Oregon's corrections system is made up of interrelated and interdependent components which must be kept in balance. Overreliance on either community sanctions or imprisonment creates operational problems throughout the state's corrections system.

The Abt Report described some of the problems caused by this imbalance:

The operations of institutional vs. community corrections affect each other. If the quality of field services declines, prison populations could rise due to more revocations. If the quality of institutional programming and reentry planning suffers due to crowding or lack of resources, parolees will leave prisons more poorly equipped to survive lawfully. They will have more adjustment problems on supervision, and a higher percent are likely to end up back in prison for new crimes or technical revocations.

7.2 The Legislature and the Department of Corrections must establish and maintain a balance between community sanctions and prisons.

The Task Force believes that prisons are an important component of a state corrections system. Prisons are needed to punish offenders who are convicted of the most serious crimes and to incapacitate offenders who pose too great a risk to be safely supervised in the community.

However, the Task Force urges the Legislature to consider carefully the impact on public safety of the additional dollars that it devotes to each component of the corrections system and the most cost-effective methods to punish and control the majority of felony offenders. As the Abt Report points out, funding an effective state corrections system presents economic trade-offs:

Prisons cost much more than field services and community corrections. One 1983 study found that it costs more than \$14,000 per year (excluding capital and debt service costs) to imprison an offender in Oregon, compared to less than \$900 to maintain him on community supervision. Those costs would be higher today, but the point remains that prisons are about 15 times more costly to operate than community supervision.

Thus, policy decisions to increase prison spending by even a small percent may mean foregoing major changes or improvements in field services or community corrections. For example, given the DOC's current budget, it would cost about the same to increase institutional spending by 10 percent, to increase CCA spending by 85 percent, or to increase field services spending by 38 percent.

Some state departments of corrections have emphasized prisons at the expense of community sanctions in the administration of the public funds appropriated to them. However, Oregon's Department of Corrections is striving for a balance. The establishment of a Community Services Council, made up of state field service and community corrections managers, to develop policies for community sanctions, the Department's successful efforts in attracting high quality management to its new Community Services Division, and its efforts to involve county officials throughout the state in the development of new initiatives under the Community Corrections Act, all reflect a balanced approach.

The Task Force urges the Department to maintain its vigilance over the operational balance between Oregon's community sanctions and prisons. A number of practical management strategies can promote this balance, such as ensuring comparable pay scales for the management of field services and institutions, preventing the shift of funds from the budget for field services to the budget for institutions, and developing a budget for community sanctions that accurately reflects the level of the corrections workload in the community.

7.3 Oregon's felony sentencing guidelines must ensure the appropriate balance between community sanctions and prisons.

Legislation directing the Oregon Criminal Justice Council to develop felony sentencing guidelines requires the Council to consider community sanctions, as well as prisons, in structuring judicial sentencing decisions. The Council has already assessed the current community sanctioning capacity available throughout the state and the added demands that sentences of imprisonment and community supervision will place on that capacity. This approach is critical to establishing and maintaining a balanced corrections system.

The Abt Report emphasized the importance of sentencing guidelines to a balanced corrections system and outlined the elements which must be in place to achieve balance:

First, the Criminal Justice Council must use prison capacity as a constraining factor in its choice of guideline policies. Second, the guidelines must cover confinement and non-confinement sentences for felonies and misdemeanors. Third, there must be rigorous implementation training and monitoring to assure that officials apply the guidelines as intended by the Council. Fourth, there must be effective judicial review, in which appellate courts subject the decisions of sentencing judges to substantive as well as procedural scrutiny.

The legislation establishing guidelines directs a state Sentencing Guidelines Board, composed of the Executive Branch members of the Council, to adopt the guidelines and submit them to the Legislature. The Task Force urges the Board to adopt sentencing guidelines that ensure the appropriate balance between community sanctions and prisons.

7.4 The Department of Corrections must establish statewide guidelines governing its recommendations for parole or probation revocations immediately.

Guidelines to structure the Department's recommendations concerning parole and probation revocation are essential to maintaining a balanced corrections system. The Abt Report noted:

[I]t appears that parole violations and returns to prison are unusually high in Oregon. ... It is important that Oregon gain policy control over the revocation process. Revocations are in an upward spiral that intensifies the conditions (prison crowding, temp leave, fast-tracking, etc.) that practitioners think have caused revocations to rise in the first place. ... In our interviews we discovered surprisingly widespread support among field services staff and administrators for the concept of revocation guidelines.

Although revocation of probation is a judicial decision, the recommendations of probation officers often carry great weight with judges and limit the group of cases which judges will consider for revocation. Parole revocation decisions are made by the Parole Board. The Board's parole revocation decisions are influenced in a similar way by the recommendations of parole officers.

The Task Force has received reports of considerable disparity around the state in the use of revocation as a sanction for violation of conditions of parole or probation. Revocation guidelines, like sentencing guidelines, can reduce disparities and promote cost-effectiveness in the use of corrections resources.

The legislation establishing sentencing guidelines directs the Criminal Justice Council to develop guidelines to structure judicial revocation decisions. These guidelines will control "the requirement and duration of parole" and "the imposition and duration of probation subject to condition and the revocation of probation and subsequent incarceration."⁴ The Criminal Justice Council should work closely with the Department in developing these guidelines.

The development of guidelines by the Department for its parole and probation revocation recommendations are separate but equally important measures to reduce disparities and allocate resources cost-effectively. Although they involve different considerations, parole and probation revocation guidelines should establish a graduated scale of sanctions of increasing severity, with revocation to prison as the last resort, after lesser sanctions have failed or in unusual circumstances which justify the use of prison.

Probation revocation guidelines are essential to the cost-effective use of state and local correctional facilities. Lengthy terms of incarceration are often used "to throw the book" at probationers who have failed on repeated occasions to obey the conditions of probation. The Task Force believes that a more cost-effective approach to the use of the state's limited sanctioning capacity is to recommend and impose relatively short and swift periods of confinement in community-based facilities that maximize their deterrent effect on offenders in the community. For example, a 10- to 30-day jail sentence for an offender who has violated an important condition of probation is a more cost-effective strategy than waiting for repeated violations and imposing a lengthy term of incarceration.

Parole revocation guidelines are also essential to the cost-effective use of state correctional facilities. Without structure to guide the recommendations to revoke parole and send parolees to prison, the balance between prisons and community sanctions will be jeopardized.

Some parole and probation officers have expressed opposition to revocation guidelines, arguing that they will unduly restrict their discretion. The Task Force believes it is entirely appropriate to structure the discretion of parole and probation officers by establishing standards to reduce disparities and promote the effective management of corrections resources. Any effective management system places limits on the discretion of its employees and managers in carrying out its objectives or using its resources. On the other hand, revocation guidelines should be flexible enough to allow departures from the guidelines under special circumstances.

⁴ Section 2, chapter 621, Oregon Laws 1985.

III. Increase the Success Rate of Parole and Probation Supervision

As the Task Force documented in Chapter 2, the Oregon corrections system is, in effect, "recycling" the same offenders from probation, to prison, to parole, and back to prison again. The parole failure rate is approaching 50 percent. Probation and parole revocations accounted for over 61 percent of the admissions to prison in 1987.

This trend represents a failure of Oregon's corrections system, both in terms of the threat to public safety caused by increased violations of the conditions of community supervision and the added costs to the taxpayer for incarcerating these offenders in state prison. The following actions must be taken as soon as possible in order to increase the success rate of offenders under parole and probation supervision to a rate more consistent with historical patterns and national norms.⁵

7.5 Oregon's judges must be provided with additional community custodial sanctions to enforce the conditions of probation supervision and to deter future violations of those conditions. Additional correctional facilities for probation violators should be provided through state funding to counties under the Community Corrections Act.

The availability of custodial sanctions, such as jails, probation centers, and restitution centers, is essential to improving the success rates of community supervision. In some cases, these custodial sanctions can be used as a means to stabilize probationers who are having difficulty reintegrating into society. In other cases, they can serve as a deterrent for those offenders who would otherwise violate the conditions of their probation in the community.

The Abt Report concluded that Oregon "needs more community residential programs, similar to existing probation centers." Abt described a model for probation and restitution centers that already exists in some Oregon counties:

[One] model is the specialized punitive residential center. In a restitution center, the objective is to maintain the offender in a job so he or she can pay restitution. The center provides a controlled environment during hours the offender is not working. Treatment may be provided, but primarily for problems that interfere with employment. In a probation detention center, offenders are detained, except for working hours, in an austere residential facility with minimal programming and services. The placement is short-term, and in lieu of jail or prison confinement for violations of supervised release.

⁵ As the Task Force reported in Chapter 2, the current parole failure rate is approaching 50 percent. Ten years ago, the rate was approximately 34 percent.

In proposing a new Community Corrections Act for Oregon, Governor Straub's Task Force on Corrections emphasized the importance of establishing this kind of local facility to back up community supervision and stabilize and control some of the offenders who would be diverted from state prison under the Act. As a result, the 1977 Legislature enacted the Community Corrections Act and provided funding for the construction of restitution or probation centers.

In the first biennium following the enactment of the Community Corrections Act, four local correctional facilities were funded under the Act.⁶ Because this funding has remained constant since then, no other restitution or probation centers have been constructed with state funds. However, several counties recognized the importance of such facilities by opening restitution or probation centers through other funding sources.

The Task Force recommends that additional capacity in local restitution or probation centers be established through a separate state fund under the Community Corrections Act. Under this program, the counties, rather than the state, would locate, construct, and operate these facilities. The facilities should be used primarily to incarcerate probation violators. Terms of incarceration in these facilities must be limited by probation revocation and sentencing guidelines.

In Chapter 6, the Task Force included this capacity in its projection of the need for 700-900 minimum security beds over the next 10 years. However, the exact number of local restitution or probation center beds that will be needed in the next 10 years is difficult to calculate, in light of the limited data currently available to the Department of Corrections and the possible changes in law enforcement and sentencing policies over the next decade.

However, during the 1989-91 biennium, the Department of Corrections projects that 1,401 prison-bound probation violators and another 1,550 high-risk probation violators will require new facility capacity. Based

⁶ Experience with these facilities has shown they are an effective means to sanction offenders and engage them in productive activity at the same time. The Washington County Department of Community Corrections, for example, reports an unemployment rate of 7.9 percent for offenders in its Restitution Center during the 1987-88 fiscal year. This is far below the general unemployment rates for offenders. A 1986 study of Washington County's supervision caseload by a National Institute of Corrections consultant reported an overall unemployment rate of 29 percent. A. Kalmonoff, "A Comprehensive Performance Based Employment Program for Community Corrections Clients: A Concept Paper" (1986), p. 11.

upon this projection, the Department estimates that at least 215 beds in restitution and probation centers will be required in the short run.⁷

7.6 The Task Force endorses the Parole Violators Project as an important custodial sanction to enforce conditions of parole supervision in the community.

As part of his Criminal Justice Initiative for Oregon, Governor Goldschmidt proposed to the 1988 State Emergency Board a Parole Violators Project to provide sanctions to back up parole supervision in the community. The Department of Corrections designed the Project to target a group of parolees involved in drug-related crimes who repeatedly violate the conditions of their parole. Because of limited prison capacity, these parolees have been continually returned to the community without receiving adequate custodial sanctions for their persistent drug abuse or criminal conduct.

Parole revocations will be regulated under administrative rules designed by the Department and the Parole Board for this Project. Targeted parolees will serve up to six months for revocation in a relatively austere, low-cost facility.

The State Emergency Board provided funds to renovate the old Coos County Jail in North Bend as a revocation center for the Project. The facility consists of 11 single cells, 12 double cells, and two small dormitories. A minimum security annex to the facility can hold additional inmates in a single dormitory. The total capacity of the parole revocation center is 110.

The Task Force endorses the Parole Violators Project as an important custodial sanction to back up the conditions of parole supervision. The Task Force also endorses the selective use of this facility by the Department and the Parole Board through carefully designed administrative rules.

7.7 Transitional housing facilities are needed throughout the state for indigent parolees leaving prison and returning to the community.

⁷ The Department's total estimated capacity need for probation violators in the 1989-91 biennium is 318, assuming average lengths of stay between 30 and 45 days. However, the Department already contracts with counties for 103 beds and plans to continue to do so in the 1989-91 biennium.

The Task Force recommends that the Legislature address the needs of indigent parolees for housing in a stable and crime-free environment following release from prison custody.⁸ Parolees and inmates on temporary leave who need subsidized housing are too often placed in unsupervised hotels and motels which become breeding grounds for crime and contribute to the high failure rate of community supervision.

The Abt Report recommended a transitional residential program that should replace Oregon's current ad hoc subsidized housing system:

One model...provides a core program to deal with offenders' immediate needs--shelter, food, clothing, employment--and which provides specific services or treatments to residents by referrals and contracts. This model has the advantage of being able to make minor adjustments in programming to enable it to take offenders from several different referral sources. Such a center may have contracts with several agencies--state corrections, CCA, Federal Bureau of Prisons--which broadens their financial base and shelters them from contract terminations by anyone. Often, these centers are run by private (non-profit or for-profit) corporations.

The Legislature should provide funding for this kind of stable, supervised, transitional housing as soon as possible. The funds should be distributed by the Department to counties or private service providers under its statutory authority to establish work-release centers.⁹ The counties and private service providers would be responsible for locating and operating this housing.

The Department estimates that 592 parolees will require supervised transitional housing during the 1989-91 biennium. Based upon this estimate, the Department projects the short-term need for transitional housing capacity at 80 beds.

⁸ Others have identified the need for transitional housing for parolees. In a recent report to Salem area local governments, the Bureau of Governmental Research recommended that "subsidy funds [for transitional housing] and staff to operate the program should be increased to better assist offenders in their transition from institution to community." K. Seidel and K. Knudtson, Salem Area Community Corrections: State Clients, Local Services and Policy Choices, Bureau of Governmental Research and Service, University of Oregon (April 1987), p. 52. Governor Straub's Task Force on Corrections also recommended a special transitional housing system for parolees. Report of the Governor's Task Force on Corrections: A Community Corrections System for Oregon (September 1976), pp. 97-98.

⁹ See ORS 144.430.

The Department reports that an average of 30 parolees, requiring subsidy housing for approximately 45 to 60 days, are now being released from prison each month. Therefore, 80 new beds for transitional housing represents only a minimum requirement for housing indigent parolees in the future.

7.8 Transitional employment services must be provided to inmates before their release from prison.

The Department of Corrections should establish specialized employment placement programs in state correctional facilities for all inmates about to be released to the community.¹⁰ A parolee's ability to secure gainful employment after release is a significant factor affecting the likelihood that parole supervision will be successful in protecting the public and reintegrating the parolee into the community.

The Task Force believes that the high failure rate of parolees is related to their high unemployment rate. A study that tracked 1,398 inmates released from January 1982 to September 1984 for the Criminal Justice Council found that 71 percent had been chronically unemployed since leaving school. Within 24 months following release, four out of 10 of these offenders had been convicted of a new offense.¹¹ The Department of Corrections reports that the unemployment rate for its parolees and probationers in Multnomah County averaged 34 percent for the first seven months of 1988.¹²

The Employment Division of Oregon's Department of Human Resources is one possible source for transitional employment and placement services to address the high unemployment rate of parolees. If the Employment Division is unable to provide an adequate level of services within state corrections institutions, then the Department should contract with private providers or other agencies for such services.

7.9 Reentry services must be provided for indigent parolees upon their release from prison and until they have an adequate opportunity to secure gainful employment.

¹⁰ The Task Force addresses the needs for education, vocational training, and life and job skills training in Chapter 11.

¹¹ K. Ashford, Risk and Recidivism: A Study of Parole in Oregon (1988), p. 4, and Appendix A, Table 2.5.

¹² The Department also reports that the 1988 unemployment rate in Multnomah County for inmates on temporary leave and parolees with high risks and needs averaged 69 percent for the first 60 days following release and 58 percent from 60 to 90 days after release.

There are a variety of factors contributing to the current failure rate of parole supervision. The Task Force believes a major factor contributing to this failure rate is the lack of resources devoted to the basic survival needs of parolees while they attempt to achieve social stability and gainful employment in the community.

Therefore, the Task Force has concluded that additional resources must be devoted to basic reentry services, such as food, shelter, clothing, and transportation, to indigent parolees upon their release from state prison. Without such services, the effectiveness of other corrections programs designed to promote the successful transition of offenders is jeopardized.

Because employment and success on parole are closely related, the Department must also provide reentry employment placement services for those parolees who have not secured employment prior to release. The Department can provide these services through state and county parole and probation offices or through contracts with the state Employment Division or private offender employment services. In any case, they should be coordinated with the transitional employment services proposed by the Task Force in the previous recommendation and the institutional education and training programs recommended in Chapter 11.

7.10 Adequate reentry planning must be provided to all inmates released from prison in order to increase their chances of succeeding under community supervision.

The Task Force has already emphasized the importance of reentry planning in its Emergency Plan for Minimum Security Correctional Facilities:

Opportunities in the [community] for individualized treatment and support services [such as mental health and alcohol and drug abuse treatment], employment placement, and community service projects must be identified and coordinated with the needs of individual offenders. This function will require continual monitoring and management of available employment and treatment services throughout the [community] and coordination with state and local agencies that provide such services.

...

Minimum security facilities can...provide transitional treatment and support services that assist offenders in obtaining employment and leading productive, law-abiding lives upon return to their community. Consequently, correctional programs in minimum security facilities should be designed to offer a continuum of services that interrelate with community-based programs and resources in order to promote successful transition from custody to the community.

Improving reentry planning for all inmates is a cost-effective corrections strategy. As the Task Force has noted in the preceding two recommendations, if offenders have a means to support themselves during the initial transition period, the failure rates of community supervision should be reduced.

However, the Abt Report points out that a lack of resources and administration oversight in Oregon has led to a spiral of ineffective reentry planning, increased failure rates on community supervision, and more prison crowding:

[P]rison crowding has impaired DOC's ability to provide effective transition programs for offenders approaching their release dates, or to provide effective reentry services that increase the chances of success on community supervision. The result is higher failure rates, more new crimes by releasees, more returns to prison, and even greater crowding.

According to Abt, the problems are most clearly manifested at the Department of Corrections Release Center:

In theory, concentrating reentry planning at one site made sense so long as crowding was not severe. Now, however, offenders cycle through the center so rapidly that it is physically impossible to conduct the communication among the DOC, Board of Parole, and field services staff that must be done to develop a reentry plan. At a minimum, offenders should leave Oregon's prisons with a job, a residence, a parole officer, and verified placement with a provider of any service deemed essential based on objective assessment of their needs. At present, the reentry process is able to assign a parole officer and in many, but not nearly all, cases locate a residence.

The centerpiece of the reentry planning process is the parole plan. A parole plan establishes the level of supervision and support that individual parolees will require in the community, based upon individual assessments of risk and need. The plan also coordinates reentry planning efforts with available community programs to ensure that proposed programs actually exist and that these community resources are properly allocated.

Overcrowding pressures and the increasing volume of inmates released each day has prevented the Department of Corrections from developing complete parole plans for many parolees or inmates released on temporary leave. Complete plans are critical to the release decisions of the Parole Board and the safety of the public. The Task Force urges the Legislature to provide the Department with sufficient resources to prepare adequate parole plans for each inmate released from state correctional facilities.

IV. Provide More Intermediate Sanctions

The most effective state corrections systems in the country provide a full range of sanctions for the punishment and control of offenders in the community. Some specific community sanctions and programs are recommended in the preceding section of this chapter in order to increase the success rate of parole and supervision. However, other sanctions should be established or expanded to meet the correctional needs of the state over the next decade.

The Abt Report emphasized the importance of a full range of sanctions to promote public safety and cost-effectiveness:

It is important to develop a continuum of criminal sanctions that parallels the diversity of offenders coming before the courts for sentencing. The continuum should provide mild sanctions for those convicted of the least serious crimes, moderately severe sanctions for those convicted of more serious offenses, and extremely harsh sanctions for those convicted of the most grave crimes.

Most jurisdictions have developed the extremes of the continuum of sanctions we recommend. At the upper end, they have invested heavily in confinement facilities ranging from minimum to maximum security. At the lower end, most states have laws enabling fines and standard probation supervision. While many states have laws enabling a host of other mid-range sanctions, few have developed mid-range sanctions in a comprehensive manner.

A full range or continuum often includes the following sanctions:

State Imprisonment

Maximum Security Prisons

Medium Security Prisons

Minimum Security Prisons including:

Restitution Centers,

Labor Camps, Alcohol &

Drug Treatment Centers

Parole Violators Projects

Local Custodial Sanctions

Work Release Facilities

Jail

**Restitution and Probation Centers
(with treatment programs)**

House Arrest

Electronic Surveillance

**Intensive Probation Supervision
(with treatment programs)**

**Intermediate
Sanctions**

Standard Probation Supervision
Maximum Supervision
Medium Supervision
Minimum Supervision
Inactive Supervision

Community Service

Bench Probation

Restitution

Fines

7.11 In the process of developing a full range of sanctions for the state, the Legislature and the Department of Corrections must establish additional intermediate sanctions as soon as possible.

Although Oregon's corrections system should eventually provide a full range of sanctions, the Task Force believes that the state needs more intermediate sanctions as soon as possible. Without sufficient intermediate sanctions, judges are confronted with an unacceptable dilemma. They are forced to choose between compromising public safety, by placing those offenders in need of intensive supervision and management into conventional parole and probation programs, and compromising cost-effectiveness, by utilizing the limited and expensive resource of prison incarceration for offenders who could safely be punished through less costly sanctions.

Intermediate sanctions provide adequate levels of punishment and control for cases in which an offender's crime or risk to public safety does not justify imprisonment, but does call for a greater sanction than ordinary community supervision, restitution, or a fine. Therefore, the Task Force recommends that intermediate sanctions be expanded throughout the state.

The Task Force has already recommended additional intermediate sanctions in the form of parole violators projects and restitution and probation centers. The Task Force concludes that there is also an immediate need for additional intensive supervision programs (ISPs) for parolees and probationers throughout the state.

A 1986 survey by the Corrections Division revealed that only six of Oregon's 36 counties had ISPs. The Abt Report found that seven counties now have ISPs and concluded these programs "clearly need to be provided on a more uniform basis across Oregon." Recent reports from other states with ISPs are most encouraging in terms of their relative costs and their effect on recidivism.¹³

¹³ See, e.g., J. Petersilia and S. Turner, Prison Versus Probation in California: Implications for Crime and Offender Recidivism, A Rand Corporation study for the National Institute of Justice (July 1986), pp. 40-42.

Intensive supervision projects may not always require additional funding. For example, a larger county can establish a specialized drug-offender caseload or an intensive supervision unit and assign parole and probation officers to a relatively small number of parolees or probationers. To compensate for those reduced caseloads, low-risk offenders and those whose adjustment in the community has been satisfactory for a significant time can be assigned to minimum or inactive supervision with large caseloads.

Community-based programs designed to meet special correctional needs, such as alcohol and drug abuse and sex offender treatment, are integral components of ISPs. The risks posed by particular offenders that call for ISPs relate closely to the need for these programs. Therefore, adequate resources must be provided for treatment services to meet the needs of offenders who qualify for ISPs.

V. Strengthen the State's Administration of Community Sanctions

Based upon its own investigations and reports from corrections professionals throughout the state, the Task Force has concluded that the state's failure to support the central administration of community sanctions in the past is an important factor contributing to the problems the corrections system faces today. The Abt Report confirms this conclusion:

We believe the current DOC leadership is firmly committed to improving field services, and clearly recognizes its importance in building a balanced and effective correctional program in Oregon. Yet the perception of poor management has been based on real, not imagined, problems. To a large extent, the problems we observed stemmed from past retrenchment decisions during Oregon's prolonged fiscal crisis that have diminished the DOC's management capacity.

It is easy to calculate the dollars saved in the short-term by eliminating training programs and cutting management staff. It is far more difficult to put a price tag on the long-range savings that result from offering sound staff training programs or providing adequate numbers of skilled supervisors and managers. However, we believe that many of the problems and high-cost solutions that Oregon now faces are linked directly to past retrenchment decisions aimed at short-term cost cutting.

The following recommendations propose strategies and increased support to strengthen the state's administration of community sanctions.

7.12 The Department of Corrections must adopt the concept of risk management to guide the administration of the state's community sanctions.

Risk management is an important tool in making more rational use of limited correctional resources. Risk management concentrates probation and parole resources on those offenders who present the greatest risk to public safety.

The Department of Corrections should integrate the concept of risk management throughout its administration of community sanctions. For example, the Department should establish statewide offender classification and case management systems based upon risk management. Training programs for management and staff should focus on practices and procedures that implement the principles of risk management.

Integrating the concept of risk management will produce at least three important improvements in the Department's administration of community sanctions. First, it will lead the Department to develop multiple levels of community supervision, rather than a single level of traditional parole or probation supervision.¹⁴ Under such a supervision system, each offender's initial supervision placement is determined by his or her individual level of risk, and corrections resources are allocated among offenders on a more cost-effective basis.

Second, risk management discourages overextending conditions of parole and probation. Conditions of supervision, upon which violations and revocations are based, should be imposed only when they are directly and reasonably linked to the severity of the offense or to managing the specific risks imposed by individual offenders. For example, if an offender has committed all of his or her previous crimes while drinking heavily, conditions relating to alcohol treatment or maintenance of sobriety are directly and reasonably related to the nature of the offense and to managing that offender's risk. However, if alcohol played no part in the offender's crime, such conditions would not be related to punishment or risk and should not be imposed.

Thus, some problems and needs identified in the Department's needs assessment process, but not directly related to an offender's risks to public safety, should not provide the basis for revoking supervision or allocating corrections resources to that offender. Furthermore, conditions relating to risk should not increase the conditions of supervision beyond the level justified by the severity of the offense.

¹⁴ See Appendix J for an example of a multiple-level supervision structure.

Third, risk management requires systematic and continual reassessment of individual cases in order to initiate appropriate reductions in supervision and sanctioning levels as soon as an offender demonstrates satisfactory adjustment in the community.¹⁵

Offenders in the lowest supervision levels who have demonstrated satisfactory adjustment in the community should be granted early termination or discharge from supervision.

7.13 The Department of Corrections must implement uniform statewide case management standards which all state and county correctional staff will be required to follow.

The concept of risk management requires case management standards that assign supervision levels and the delivery of services according to the risks posed by offenders. Each case is screened on the objective needs assessment instrument to document each offender's correctional needs, such as alcohol and drug abuse treatment, mental health treatment, employment training, and education, as those needs relate to public safety.

Needs assessments are then used to develop a case management plan with objectively defined and measurable goals for each offender. These goals must be stated in concrete and practical terms, such as "get a job and keep it for three months" or "get up at 8:00 a.m. every morning and make contacts at three job sites." They also must be regularly reevaluated and backed up by the threat of revocation.

These case management practices can result in (1) more rapid reductions in supervision levels by frequent and systematic reassessments of cases; (2) earlier termination of cases in which offenders demonstrate satisfactory adjustment in the community; and (3) the reallocation of parole and probation officers to ISPs or other specialized caseloads.

7.14 The Department of Corrections must establish a system for the regular and objective evaluations of community sanctions throughout the state.

The Department's Community Services Division should establish a system of regular and objective evaluations that assess the quality of community sanctions on a statewide basis. The Division should seek input from county and state corrections staff and management and the Criminal Justice Council in establishing evaluation procedures. Evaluations should be conducted by independent researchers retained by the Department under contract.

¹⁵ BJS reports that Oregon's per capita rate of probation in 1986 was the second highest in the 13 western states. Probation and Parole 1986, BJS Bulletin (1988), p. 2. (With a reported total probation population of 23,000 on January 1, 1986, the Bureau calculated that Oregon managed 1,126 offenders under probation per 100,000 adult residents.) The relative size of Oregon's probation population supports the need for statewide case management standards to reevaluate supervision levels on a systematic basis.

The Community Corrections Act directs the Department to establish and operate a statewide evaluation and information system to monitor the effectiveness of community sanctions and services provided under that Act.¹⁶ That system does not currently exist.

The necessary first step in a statewide evaluation process is to inventory the programs and services currently available in the corrections system. The lack of accurate, reliable, and timely statewide data concerning existing community sanctions has hampered the efforts of both the Task Force and the Criminal Justice Council in determining the current capacity of community sanctions and the future need for additional capacity.

The Task Force's researchers had to rely upon information in county community corrections plans concerning what sanctions and services counties proposed to provide in the 1978-89 biennium and follow-up telephone interviews with corrections managers.¹⁷ The Criminal Justice Council established a separate reporting process with state and county parole and probation offices to inventory community sanctions and services, with follow-up telephone interviews.¹⁸

In light of the incomplete and inconsistent data collected by parole and probation offices across the state, neither project produced accurate or reliable assessments of the current statewide capacity of community sanctions. The Criminal Justice Council's researcher observed:

Managers generally expressed frustration with accounting for service delivery. Many managers indicated that the use of services was reactive to what the courts ordered and that they had no control.

...

The method of data collection regarding offender utilization varied greatly. ... The level of frustration at how to count program capacity was expressed, more than once, in the comment, "If you had only told us a year ago what you wanted, we would be able to give it to you now."

¹⁶ See ORS 423.555.

¹⁷ See S. Flynn, "A Description of Field Services in Oregon Counties," for the Program Resources Center, Rutgers School of Criminal Justice (March 1988). This report was part of Abt's research project for the Task Force.

¹⁸ See S. Flynn, "Field Services and Community Corrections Program Capacity," a report prepared for the Criminal Justice Council (July 1988) (unpublished draft).

The Department must address this lack of management information and control immediately. Without the ability to assess the current capacity of the state's community sanctions, it will be difficult to evaluate the effectiveness of these sanctions or to determine the need for more of them in the future.

The results of evaluations should be utilized in policy planning, program management, and funding allocations. Programs or services that have not proven to be cost-effective should be eliminated. Innovative programs and services that have proven to be successful should be shared with all state and county parole and probation offices.

7.15 The Department of Corrections and county community corrections administrators must develop a mission statement to guide the administration of community sanctions.

The Task Force has received widespread reports that there is confusion among corrections professionals throughout the state about the Department's mission for community sanctions. Apparently, there has been little effort to reach a consensus concerning this mission. The survey and interview research by Abt confirmed these reports:

The field services survey confirmed our interview observations -- particularly in Option II counties, the mission of field services agencies is not clear. During our interviews when we asked field services administrators in Option I counties to describe their mission, they quickly articulated a position statement such as "to manage risk" or "to protect the public". When we asked the same question in other counties, administrators were more likely to respond that their purpose was survival.

Developing a mission statement is not an academic exercise. It is an essential and practical first step in correcting serious deficiencies in the past administration of community sanctions. Meaningful personnel standards and training programs cannot be developed without a clear sense of purpose. Job descriptions cannot be developed unless there is a clear understanding of the tasks that must be accomplished by the staff.

The mission statement for community sanctions must go beyond the interests of the staff and management who administer these sanctions. The statement must include the policy objectives that promote the overall purposes of the state's corrections system, including risk management and the successful reintegration of offenders into society through community sanctions.

Parole and probation services staff throughout the state should have an opportunity to provide input in the development of the mission statement and receive training regarding its implementation. They should also help design standardized practices to carry out the Department's mission.

7.16 The Department of Corrections should establish a system of incentives and rewards that promotes the Department's mission for community sanctions.

In order to carry out its mission for community sanctions, the Department of Corrections will need more than the involvement of state and county staff and management in the development of a mission statement. The Department will need their support in carrying out its mission.

Like any successful private business or public agency, the Department should encourage and reward employee performance that moves the organization towards its goals. With regard to the administration of community sanctions, the Task Force believes that the Department should reward parole and probation staff and management for success in managing and supporting offenders in the community.

In states that use private service providers to administer community supervision programs, an increasing number of contracts with these service providers include performance criteria that establish financial incentives for maintaining or lowering rates of recidivism or failure under supervision. While these kinds of financial incentives may not be available to the Department, it must adopt some system of rewards and incentives for this kind of success. A statewide survey of parole and probation officers conducted for the Task Force reveals that effective supervision strategies, rather than financial reward, is also their primary concern.¹⁹

At a minimum, the successes of parole and probation officers who supervise offenders with high rates of success in the community should be publicized. Their supervision methods should be evaluated and, when appropriate, incorporated in the Department's training programs. Successful officers should also be candidates for training roles in the Department.

7.17 The Department of Corrections must improve the mechanism for assessing the future correctional needs of parolees and probationers throughout the state in order for the Legislature to plan for the appropriate level of future state funding for community sanctions.

Oregon's felony sentencing guidelines system will provide a basis for projecting the need for community sanctions throughout the state and identifying deficiencies in the level of these sanctions. With the use of these projections, the Department will be able to assess the range of sanctions needed to comply with the guidelines' presumptive sentences

¹⁹ As part of its research project for the Task Force, Abt conducted a survey of parole and probation officers throughout the state. The results of that survey are contained in the Abt Report.

throughout the state. The future need for sanctions and services will vary across the state, according to the projected number of offenders sentenced in particular areas of the state and their likely distribution across the guidelines' sentencing categories.

The Department of Corrections should also use its current statewide rule-making authority to require a statewide inventory and assessment of the risks and needs of offenders throughout the state. That information can then be used as an objective basis for determining correctional resource surpluses or shortfalls.

Based upon the results of these assessments, the Legislature can determine the level of support necessary to meet the state's future need for community sanctions.

7.18 The Community Services Council, which was established recently by the Department of Corrections, should be continued on a permanent basis. The Council should have regional representation from the management of state and county parole and probation offices throughout the state.

The Department of Corrections recognized the importance of the active participation and collaboration of county and state corrections management by recently establishing a Community Services Council. This Council is critical to both the administration of community sanctions and the operation of the Community Corrections Act. The Task Force believes that the Council must become a permanent component in the administrative structure of the Department of Corrections.

The Director of the Department of Corrections should appoint Council members following receipt of recommendations from the Oregon Association of Community Corrections. Consideration should be given to balanced geographic representation, county size, and degree of CCA involvement when these appointments are made. Staggered terms should also be established to ensure continuity of membership on the Council.

7.19 The Department of Corrections should establish the position of community resource coordinator in state field services offices of sufficient size to justify job specialization, on a full- or part-time basis, depending on the size of the office.

Because of the importance of reentry and transitional services to the overall success of community supervision in the state, the Department of Corrections should create a position to develop these resources in each state field services office with sufficient staff to justify such a specialized assignment. The Department should also encourage county corrections departments to establish similar positions or programs through the Community Corrections Act.

A community resource coordinator should be assigned the responsibility of developing additional community support services and resources for probationers and parolees and disseminating information about those resources to other parole and probation officers. This person, in effect, would serve as the developer and broker of community services in the parole and probation office.

7.20 The Department of Corrections should establish a corps of community services counselors, with present and future staff, or through contracts with private service providers, who are qualified and committed to provide specialized supervision and support for offenders in the community.

There is an inevitable tension between a parole or probation officer's role as "the cop," who monitors and sanctions offenders for misbehavior, and the "counselor," who provides assistance and support for offenders who are willing to become law-abiding members of society. In its previous recommendations for additional custodial and residential sanctions, the Task Force supported the monitoring and sanctioning role of parole and probation officers.

The Task Force also believes that the Department of Corrections must devote greater attention to the counseling and support role of parole and probation officers, and to establishing values and performance criteria that define "success" as assisting offenders to become law-abiding citizens. The Task Force recommends that the Department of Corrections, through recruitment of existing field services staff, employment of new staff, or contracts with private service providers, establish a special corps of community services counselors to deliver supervision and support services for offenders with special needs.

These community services counselors would provide some services and coordinate others, including employment training and placement, job skill and life skill training, and alcohol and drug abuse and sex offender treatment. Many of the services would be delivered in conjunction with intensive supervision programs.

This approach to corrections supervision is receiving increasing support throughout the country. Two leading corrections researchers recently advocated this approach in the context of substance abuse treatment:

Surveillance and treatment functions of field supervision officers should be separated to decrease inherent conflicts and strengthen each function. Persons under field supervision are extremely unlikely to freely admit criminal acts or drug use with someone in a position to return them to prison for such violations. Therefore, surveillance, rehabilitation, custodial, and clinical responsibilities should be handled by different staffs that work separately but cooperatively to avoid role confusion.²⁰

²⁰ Lipton and Wexler, "Breaking the Drug-Crime Connection: Rehabilitation Projects Show Promise," Corrections Today, August 1988 at p. 146.

7.21 The Department of Corrections will need additional management and staff to administer community sanctions effectively.

By January 1988, Oregon's parole and probation caseload was over 24,000. This is nearly four times the size of the caseload in 1975.²¹

As a result of this growth in caseloads, the Abt Report concluded that the current level of supervision of line parole and probation officers is inadequate:

In most field services branch offices there [are] 16 line staff per supervisor. Lack of adequate supervision, coupled with decentralized DOC field offices and personnel policies (such as flex time) that give line probation officers broad discretion in how they structure their work days, have resulted in line probation officers who view themselves as independent actors and branch offices that are virtually autonomous.

Abt also found that the Department's management structure prevents it from delivering adequate technical support and assistance to counties and state field services offices:

The DOC needs more staff to provide adequate management and supervision capacity. In the past there were seven regional field services managers. Now there are three. Regional managers' capacity to provide effective management and oversight to field services operations is extremely limited. In all Option I counties we visited, DOC regional managers effectively have relinquished their oversight responsibility. One Option I CCA administrator noted that DOC regional managers are spread so thin that they typically can respond only if a crisis develops in an Option I county.

The Task Force has concluded that the Department of Corrections needs more management level personnel as soon as possible to provide adequate supervision of state field services staff and technical assistance for state and county parole and probation offices.

The Task Force also finds that the Department will need additional field services staff over the next 10 years, largely to deal with the growth of parole cases produced by Ballot Measure 10. Ballot Measure 10, the 1986 victim's rights measure, increased the average term of parole from six months to three years.²² The National Council on Crime and Delinquency projected that the 2,050 parole caseload on October 31, 1987 will increase by 466 percent by 1997, reaching a total of 11,602.

²¹ Final Report of the Oregon Jail Overcrowding Project (1988), p. 44.

²² See ORS 144.305.

7.22 The Department of Corrections should take immediate steps to increase average probation supervision fees and total supervision fee collections. The funds collected should not be used as a revenue offset against General Fund appropriations, but should be returned to the Department and counties to support community sanctions.

In counties that keep all supervision fees under the Community Corrections Act, collection rates are more than double the rates for counties in which supervision fees are returned to the Department. Based upon this finding and a survey of other states, Abt estimated that Oregon could triple the amount of revenue generated by supervision fees.

The Abt Report recommended the following two steps to increase the collections of supervision fees in Oregon. First, the Department of Corrections should confer with Oregon judges and encourage changes in rules and procedures to raise the average monthly supervision fee to \$30. Second, the Legislature should end its practice of reducing the Department's regular appropriations by estimated supervision fee receipts so that some or all of the fee revenues can be returned to the collecting agencies.²³ These changes would increase the level of support for community sanctions and services and encourage higher rates of fee collection.

Abt also suggested that the Department require probation and parole offices throughout the state to establish and separately administer a revolving emergency fund using some of the proceeds from increased supervision fee collections, from which offenders can draw money for basic necessities such as food, rent, and transportation during their transition into the community. Offenders would be required to reimburse this fund once they have regained stability in the community.

7.23 The Department of Corrections must develop and enforce statewide standards and rules that require greater uniformity and coordination in the day-to-day administration of community sanctions throughout the state, with sufficient flexibility to meet local corrections needs.

²³ In Chapter 10, the Task Force recommends that some of the proceeds from increased supervision fees should be used to strengthen the Department's training program for parole and probation officers. See Recommendation 10.9. In Chapter 8, the Task Force recommends that most of these proceeds should be retained by counties on a differential basis, depending upon a county's level of participation under the Community Corrections Act, in order to encourage greater county participation under the Act and provide more support for community corrections programs. See Recommendation 8.13.

The lack of statewide standards and rules for carrying out such basic administrative activities as opening and transferring cases, preparing pre-sentence investigation reports, and collecting and distributing corrections data has resulted in fragmentation and inconsistency. One witness at a Task Force hearing asserted that it was easier to transfer a parole or probation case from Oregon to Iowa than to transfer a case between certain counties in Oregon.

Some corrections professionals in the state have urged the Task Force to support the repeal of the Community Corrections Act. They argue that the fragmentation and inconsistency in basic administrative practices throughout the state are a product of the shared authority between state and county governments under the Act.

The Task Force has concluded that these conditions are the result of ineffective state management and oversight of community sanctions, rather than the administrative structure established by the Community Corrections Act. Through aggressive state management, in close cooperation with county corrections managers, the Task Force believes that uniform standards and rules will eliminate the present fragmentation and inconsistency in the day-to-day administration of community sanctions in the state.

7.24 The Department of Corrections should establish a statewide field services information system that can support the need for uniform client classification, standardized case management, equitable funding allocations, preparation of pre-sentence investigation reports, objective statewide evaluations, and program planning.

The Department should use its authority under the Community Corrections Act to mandate participation by all counties in a statewide information system to support the delivery of community sanctions in Oregon. That information system should eventually be capable of interfacing with the new Oregon Judicial Information Network so that parole and probation officers throughout the state can determine the status of fine and supervision fee payments and other court assessments and dispositions.

7.25 The Department of Corrections should establish local volunteer programs to assist parolees and probationers in the community and involve interested citizens in the state's corrections mission.

The Department of Corrections should encourage the involvement of private citizens, service organizations, educational institutions, and businesses in providing volunteer assistance and donated support services to support parolees and probationers in the community. The Task Force commends those numerous service groups and private citizens throughout the state that have supported the state's corrections mission over the years by assisting offenders in their transition back to society.

CHAPTER 8: THE COMMUNITY CORRECTIONS ACT

The enactment of the Community Corrections Act in 1977 represented an innovative and far-reaching change in the delivery of criminal sanctions in Oregon and a new partnership between state and county government in the administration of the corrections system. Prior to 1977, the state delivered all felony probation and parole services in Oregon. With the enactment of the Community Corrections Act, counties had the opportunity to become actively involved in the development and administration of community sanctions and services for felony offenders.

Although Oregon's Community Corrections Act has received national attention and acclaim, it has been a subject of continuing controversy among policy makers and corrections professionals in Oregon. Many observers and professionals in Oregon view the Act as an essential step in strengthening community involvement, support, and understanding for the state's corrections mission. Others consider the Act to be a misguided experiment that has brought decentralization and disorganization to the delivery of community sanctions in the state.

The Task Force has approached the issues concerning the Community Corrections Act with an open mind, with one exception: the Task Force believes that its responsibility should be to identify strategies and policies that will make Oregon's community sanctions system one of the finest in the country, rather than to referee intramural debates over budget allocations and labor-management relations that have already diverted the energies of the state's corrections community for too long. Aside from this perception of its role, the Task Force was willing to recommend sweeping structural reforms in Oregon's community corrections system, including the abolition of the Community Corrections Act, centralizing the administration of community sanctions in the Department of Corrections, mandating county participation in the Community Corrections Act, or abolishing particular options for county participation in the Act.

However, following a year of intensive investigation and deliberations, and a major research project by Abt Associates, the Task Force has concluded that the general purposes and structure of the Community Corrections Act are important elements in a strategy to improve Oregon's corrections system over the next decade. The Task Force has also concluded that most of the problems, and much of the controversy, concerning the Community Corrections Act are due to a failure of the state to manage community corrections resources effectively and oversee the counties' operations under the Act, as well as an inadequate level of state funding to carry out the purposes of the Act. Following a review of the history and operation of the Act, the Task Force proposes strategies in this chapter that are designed to realize the full potential of Oregon's Community Corrections Act.

I. A Review of the History and Operation of the Community Corrections Act

In 1976, Governor Bob Straub's Task Force on Corrections proposed a new system of delivering community sanctions in Oregon, modeled after the community-based sanctioning system developed in Minnesota in the early 1970's. The Task Force recommended new legislation designed to "mobilize and facilitate a partnership of the best of both state and local services" under the following principles:

1. No correctional offender shall receive a greater allocation of supervision than the circumstance of prior criminal behavior and available resources warrant;
2. A broad range of sentencing alternatives shall be available to criminal court judges in Oregon to allow better matching of limited correctional resources to criminal behavior and offender needs; and
3. Non-assaultive offenders with up to five-year sentences or terms of probation can best be handled in local correctional programs where family ties, employment, and access to resources remain intact.¹

In response to the Task Force's proposal, the 1977 Legislature enacted the Community Corrections Act (the CCA), and a new relationship in the administration of corrections between state and local governments was forged.² Recognizing that incarceration in maximum security facilities is not always the most cost-effective solution for sanctioning offenders and protecting the public, the Legislature provided state funds under the CCA to enhance existing community programs and develop new sentencing alternatives to prison incarceration.

The 1977 Legislature expressly declared that the purpose of the Act was "to provide appropriate sentencing alternatives and to provide improved local services for persons charged with criminal offenses."³ By providing that "each participating county shall be assessed a charge of \$3,000 for each person sentenced for a Class C felony to the custody of the Department of Corrections...", the Legislature established a "payback penalty" for some felony commitments and clearly implied that the control of the state's prison population was also a purpose of the CCA.⁴

¹ Report of the Governor's Task Force on Corrections: A Community Corrections System for Oregon (September 1976), pp. 24-25.

² See ORS 423.500 *et seq.*

³ See ORS 423.505.

⁴ See ORS 423.530(2).

The CCA is administered by the Department of Corrections, with the assistance of the Community Corrections Advisory Board. The Advisory Board, consisting of 15 members appointed by the Governor, provides general advice to the Director of the Department concerning the Department's administration of the CCA, and standards and rules for the delivery of community corrections sanctions. The Board also reviews the counties' proposed community corrections plans, which must be approved as a condition to participation under the Act.

Counties have the discretion to decide whether to participate in the CCA. A County Board of Commissioners interested in participating under the Act must establish a Local Corrections Advisory Committee, which is responsible for determining if the interests of the county are served by participation in the Act, and making recommendations to its Board of Commissioners concerning participation under the Act. If a county decides to participate in the CCA, the Local Committee formulates a community corrections plan each biennium for review and approval by the Department.

The CCA uses financial incentives, as well as disincentives, to reduce the imprisonment of Class C felons.⁵ The incentives are three pools of state aid to local corrections: enhancement grants, mental health grants, and probation center grants. By improving the range of local sanctions and services, the CCA is intended to give judges more sentencing options, and hence, encourage them to retain Class C felons in the community rather than to imprison them. Enhancement and mental health grants are allocated among counties using three equally weighted factors: each county's share of (a) the state's general population, (b) the population at risk (males and females between ages 15 and 29), and (c) reported crimes, both misdemeanors and felonies.⁶

In the first biennium, four probation centers were funded under the CCA. Department of Corrections rules gave priority to those centers for funding in subsequent years. Because funding for probation centers has not increased appreciably since 1977, no additional probation centers have been established under the CCA. However, several counties, using other funding sources, have opened similar residential centers which they run themselves or contract with a private vendor to run.

Counties may select one of three levels of participation in the CCA, commonly referred to as Options I, II, and III.⁷ Under Option I, counties get their full funding allocation, establish a community corrections board to draft the county's plan, are subject to the payback penalty, operate community programs and services funded with CCA moneys, and take over responsibility for felony parole and probation from the Department.

⁵ See ORS 423.520.

⁶ See ORS 423.530(1)(b).

⁷ The CCA option system was established by the Department of Corrections under its administrative rule-making authority. See OAR 291-31-009.

Option I counties also keep any parole or probation supervision fees they collect and receive the field services allocation for felony parole and probation supervision, which the Department formerly used to operate felony probation and parole services. Control of this field services allocation is the biggest incentive for counties to select Option I.⁸

Option II is the same as Option I, except (a) the county can contract with the Department to continue to administer felony probation and parole supervision, and (b) supervision fees for felony offenders are remitted to the Department. In practice, the Department does not turn over the field services allocation for parole and probation supervision to Option II counties, only to get it back under a contract. Instead, it keeps the money and enters into an agreement with the county to continue providing felony probation and parole supervision. The Department uses the term "fully participating counties" to describe both Option I and II counties.

In Option III counties, the Department manages both the community corrections and community supervision systems. The Department's field services regional manager drafts a plan for use of CCA moneys and he appoints a local advisory committee to comment on the plan. A copy of the plan is transmitted to the County Board of Commissioners for comment.

Option III counties receive only 47 percent of the full funding allocation for enhancement grants and mental health services they would otherwise receive as Option I or II counties. However, they are not subject to the payback penalty, and the Department continues to operate felony probation and parole services at no additional expense to these counties. Any county choosing not to participate under Option I or II automatically becomes an Option III county. The Department uses the label "nonparticipating counties" to describe Option III counties.

The remaining 53 percent of the CCA enhancement and mental health allocations not allocated to Option III counties is redistributed to Option I and II counties, using the same formula that determines their basic enhancement allocation. These redistributed funds are called "rollover funds."

So long as funding levels remain relatively constant, existing Option I and II counties have an incentive to resist other counties' switch from Option III. When such a switch occurs, each Option I and II county's share of the rollover funds declines.

⁸ See ORS 423.530(1)(a).

The Task Force strongly endorses the policy of the CCA to encourage a state-county partnership in the development and administration of community sanctions. However, the Task Force has concluded that (1) the goals of the CCA have not been fully articulated; (2) the Department of Corrections has failed to manage the state funds devoted to the Act and to oversee and assist counties in operation of the Act; and (3) the level of state funding for the CCA has been inadequate. In order for the CCA to realize its full potential for generating innovative correctional programs and widespread community involvement in the state's corrections mission, the Task Force recommends that the Legislature and the Department of Corrections implement the following five strategies as soon as possible: (1) clarify the purposes of the Act; (2) strengthen state management and oversight of the Act; (3) provide adequate resources to carry out the purposes of the Act; (4) retain the basic structure of the Act, with limited modifications; and (5) encourage increased participation by counties in the Act.

II. Clarify the Purposes of the Act

8.1 The Community Corrections Act, should be amended to add and make explicit the following purposes: (1) to reduce the commitment of convicted felons to state correctional facilities in cases where such offenders can be appropriately sanctioned within the community; (2) to promote the use of the least restrictive criminal sanction necessary to administer appropriate punishment to the offender and protect public safety; and (3) to supervise and control offenders through the gradual reduction of the restrictiveness of criminal sanctions based upon an offender's meritorious conduct. Once the purposes of the CCA are clarified by the suggested amendments, the Department should amend its CCA regulations and implementation and evaluation procedures to assure that local planning and program development under the CCA are directly linked to those purposes.

Corrections professionals throughout the state have expressed their view to the Task Force that the purposes of the CCA are neither clear nor widely shared. The Legislature must clarify the purposes of the CCA. The Department should amend its CCA rules to ensure that local planning and program development promotes those purposes.

The purposes set forth in the current statute are: (1) to provide adequate sentencing alternatives; and (2) to improve local services for persons charged with criminal offenses, with the goal of reducing the occurrence of repeat criminal offenses.⁹

⁹ See ORS 423.505.

However, from the outset of the Act, the Department has been more concerned with another purpose not explicitly stated in the law: to control prison admissions. Despite the law's silence regarding this purpose, it did establish a payback penalty for C felony commitments to prison. Most corrections professionals interviewed by the Task Force, including members of Governor Straub's Task Force, agreed that limiting prison admissions was a primary purpose of the Act.

Lack of clarity and consensus on CCA goals has prevented development of more clear and substantive direction from the Department. Some counties see the CCA as a revenue source, at least through access to community supervision funds and probation supervision fees under Option I. If the state wishes to accomplish other goals through the CCA, such as control of prison populations, then it should explicitly say so in the statute.

III. Strengthen State Management and Oversight of the Act

8.2 The administrative support for the CCA must be strengthened. The Department of Corrections should specifically assign sufficient staff in its Community Services Division to provide administrative and technical support for the CCA.

Oregon has exerted much less state direction and oversight to the CCA than other states with community corrections acts.¹⁰ After a decade of what can best be characterized as local autonomy in CCA planning and administration, the Department of Corrections must provide direction and oversight to the CCA, in close cooperation with county officials.

The Department of Corrections should provide a specially designed administrative support structure for the CCA, with staff who are committed to improving and developing the CCA, resolving administrative problems with the Act, and translating CCA policies into practice. A permanent unit of the Department's Community Services Division should be established to oversee the administration of the Act and provide technical assistance and support to county corrections departments.

8.3 The Department of Corrections must develop clearer and more precise substantive standards and criteria to guide the formulation, approval, and implementation of county community corrections plans.

¹⁰ The Abt Report reached this conclusion following an analysis of the structure and operation of community corrections acts in Minnesota and Kansas.

The current CCA planning process is procedurally oriented.¹¹ County plans are reviewed, but rarely rejected or amended, by the State Community Corrections Advisory Board. In effect, counties have nearly unlimited control over the selection of the problems they will address and the programs which will receive CCA funding. The Department's administrative rules give little, if any, substantive basis for reviewing, rejecting, or amending local plans.

A substantively oriented planning process should be established, that addresses a wide range of issues and problems. The purposes of the CCA must be translated into standards and criteria for the planning process. Approval or rejection of county community corrections plans should depend upon the extent to which the plans are consistent with the measurable purposes of the CCA and provide community sanctions and services that promote those purposes. For example, if the CCA is to reduce prison commitments, the planning process should require systematic and uniform analysis of sentencing patterns by each county as part of its plan development.

8.4 The State Community Corrections Advisory Board should advise the Department of Corrections regarding the full range of corrections policies and practices that affect community corrections and the formulation of standards and adoption of rules governing the administration of community corrections. The Board must be provided with adequate staff from the Community Services Division who are specifically assigned the task of assisting the Board in performing all of its statutory responsibilities. The CCA should also be amended to make it clear that the final responsibility for approving county community corrections plans rests with the Department.

Past and present members of the Community Corrections Advisory Board informed the Task Force that the Department of Corrections has failed to provide sufficient guidance and staff support to the Board to perform all of its responsibilities under the Community Corrections Act.¹² They also indicated that the Board has failed to focus on the development of community corrections policies, standards, and rules and, instead, has devoted most of its energy to reviewing county community corrections plans.

¹¹ ORS 423.515 establishes the procedures for the Community Corrections Advisory Board to review county plans. It also directs the Board to advise the Department on the substance of the policies, standards, and rules governing the CCA. The Task Force understands that the Board has rarely exercised its authority to advise the Department on these substantive issues. See Recommendation 8.4.

¹² The responsibilities of the Community Corrections Advisory Board are set forth in ORS 423.515.

The Task Force believes that the Department of Corrections should have the final administrative responsibility for approving county community corrections plans under the Act. Although the Advisory Board should continue to review these plans and advise the Department concerning their approval, the CCA should be amended to make it clear that final responsibility for approving these plans rests with the Department.

The Department should also receive the benefit of input from the Advisory Board regarding all of the correctional policies and procedures that affect the CCA. Therefore, the Task Force urges the Community Corrections Advisory Board to focus equal effort on advising the Department concerning appropriate policies, standards, and rules under the CCA. The Task Force urges the Department to provide the guidance and specific staff support necessary to perform this critical advisory role.

The Task Force also believes that the Community Corrections Advisory Board should play a central role in ensuring that the recommendations in this Plan for improvements in the administration of community sanctions and the CCA are implemented. The Task Force recommends that the CCA be amended to add another statutory responsibility of the Advisory Board: the Board should advise and report to the Department concerning progress in implementing the recommendations in this Plan that affect community sanctions and the CCA on a biennial basis over the next 10 years.

8.5 A CCA and community supervision funding formula should be adopted that allocates funds on the basis of (1) community supervision workload; and (2) the difficulty and cost of servicing that workload as determined by an objective statewide classification instrument. The funding formula cannot be limited merely to the costs of supervision, but must take into account the programs and services needed by the offender population.

The Task Force emphasized the importance of a full range of community sanctions and services in Chapter 7.¹³ The funding formula to allocate these sanctions and services throughout the state must take into account the level of sanctions and services required by each county's offender population. The formula should also avoid creating incentives for parole and probation offices to lengthen the period of an offender's community supervision in order to obtain additional funding.¹⁴

¹³ Recommendation 7.11 emphasizes the need for intermediate sanctions, in particular, within a full range of community sanctions and services.

¹⁴ The current funding formulas in ORS 423.530 have been criticized on this basis.

Sentencing guidelines will facilitate funding allocations by helping to determine the number of offenders under community supervision in a given area and the length of that supervision. However, the guidelines will not eliminate the need for a field classification instrument to make more refined judgments regarding the supervision levels and the programs and services required by the offender population.

When classification is used as a component of a funding formula, there is a danger that the classification process will be manipulated to increase funding allocations. The classification process should be as objective and non-manipulable as possible. One option to eliminate the danger of manipulation and ensure objectivity is to establish an independent classification panel to administer and monitor the classification process. Such a panel should include representatives of organizations that would not be directly affected by the results of the classification process.

The Abt Report suggested a funding formula would be feasible that does not rely on classification. A simple workload-based formula for allocating both community supervision and CCA funds could be established if the following conditions are met: (1) sentencing guidelines are implemented that ultimately cover felons and misdemeanants; (2) those guidelines bring sentencing patterns into balance with correctional resources; (3) probation revocation guidelines, developed by both the Department and the Criminal Justice Council, are implemented; and (4) an appellate review statute is enacted that ensures substantive as well as procedural compliance with sentencing guidelines.

Under these circumstances, the Department could develop allocation criteria based on the workload in each county that results from applying the guidelines. Those criteria should be used to distribute all CCA and community supervision funds.

8.6 The Department of Corrections should use county community corrections plans to establish a contractual relationship with counties participating under the CCA. These plans should specify the purposes for which CCA funds are awarded, the performance measures that will be used to determine compliance with the plans, and the financial and program auditing procedures that will be followed. The plans should also contain the terms and conditions of the intergovernmental agreement between the counties and the state required to carry out the plans. The Department should work closely with Local Corrections Advisory Committees in every county in the state during the development and administration of county community corrections plans and all other community sanctions and services.

While contracts were used to govern the working relationship between the state and participating counties early in the operation of the CCA, contracts are not currently used by the Department of Corrections. The

Department should reestablish the practice of contracting with counties through intergovernmental agreements so that objective performance criteria are established, along with criteria for monitoring counties' program performance and fiscal compliance. The county community corrections plans submitted pursuant to the Act can serve this function.¹⁵

County plans should specify (1) the funds to which the county is entitled; (2) the purposes for which the funds are awarded; (3) the performance measures that will be used to determine compliance with the plans; (4) the financial and program auditing procedures to be followed; and (5) the terms and conditions of the intergovernmental agreement between the counties and the state required to carry out the plan. The use of these plans as intergovernmental agreements between the state and counties will eliminate the need for participating counties to "contract back" with the state for parole and probation services under the CCA.

The Department must work closely with all counties in Oregon in carrying out its mission in the community. It should meet and confer with Local Corrections Advisory Committees and local officials throughout the development and administration of all community sanctions and services in the state.

All counties should be expected to develop a plan for corrections services. A county has the choice under Option I of assuming administration of all corrections services except prison in that county. In these counties, the CCA manager must develop a plan with the Local Advisory Committee and submit the completed plan to the Department of Corrections for review and approval.

In Option II counties, where the county chooses to manage only part of the community services program, the state manager and the CCA manager must work with the Local Advisory Committee to develop a plan for all corrections services. The county may choose which portions of the plan it will administer. The plan will then be submitted to the Department of Corrections for review and approval. The Department of Corrections will grant funds to the county for the portion of the plan which the county has determined it wants to administer.

In counties that choose not to administer any portion of corrections services under Option III, the state manager must develop a plan with the Local Advisory Committee and will submit the plan to the Department of Corrections for review and approval. The Department of Corrections should audit, evaluate, and monitor all state and county sanctions and services in accordance with approved county plans.

¹⁵ The purposes and elements of a county community corrections plan are set forth in ORS 423.525.

IV. Provide Adequate Resources to Carry Out the Purposes of the Act

8.7 The Legislature should provide additional funding for the CCA that accounts for (1) the Department of Corrections' new workload allocation funding formula under the Act and (2) the offender population to be targeted by community sanctions and services provided under the Act.

CCA funding has been relatively constant since the Act was enacted. Table 8-1 shows the funding support for the CCA since its enactment.

TABLE 8-1
FUNDING HISTORY OF OREGON'S CCA

<u>Biennium</u>	<u>Enhancement Grants</u>	<u>Probation Center Grants</u>	<u>Mental Health Grants</u>	<u>Total</u>
1979-81	\$10,015,381	\$1,915,800	\$1,052,174	\$12,983,355
1981-83	\$10,202,093	\$1,200,000	\$1,143,091	\$12,545,184
1983-85	\$10,901,488	\$1,301,992	\$1,269,440	\$13,472,920
1985-87	\$12,396,761	\$1,360,582	\$1,326,564	\$15,083,907
1987-89	\$13,019,146	\$1,421,808	\$1,386,259	\$15,827,213

There have been slight increases in funding to accommodate counties moving from non-participating to participating status. In some years, there has been a "cost-of-living" adjustment applied to CCA appropriations, but it has fallen far short of real increases in the Consumer Price Index. During this period, the Consumer Price Index increased by over 62 points.

Table 8-2 indicates that total CCA funding has declined as a percent of funds allocated to other Department operations since the CCA was enacted.

TABLE 8-2
CCA FUNDING AS PERCENT OF FIELD SERVICES,
INSTITUTIONS, AND TOTAL DEPARTMENT BUDGET

<u>Biennium</u>	<u>Parole and Probation Services</u>	<u>Institutions</u>	<u>Total Department Budget</u>
1979-81	75.7%	20.9%	12.6%
1981-83	53.4%	18.1%	10.6%
1983-85	43.4%	16.3%	8.8%
1985-87	46.3%	14.8%	8.9%
1987-89	38.6%	13.1%	6.9%

Inflation has eroded the purchasing power of CCA funds. Many county officials feared that the CCA would transfer a state function to the county and create many new programs, without providing stable long-term state support. Inflationary erosion of CCA funding has confirmed those fears.¹⁶

Furthermore, the field services appropriations for parole and probation services grew rapidly over the past decade, mainly because personnel contracts with the Department included cost-of-living adjustments tied to the Consumer Price Index. The growth in field services funding, combined with flat CCA appropriations, suggested to some skeptics that the Department and the Legislature were not seriously committed to the Community Corrections Act. In order to maintain an adequate level of community sanctions and services in Oregon, counties need more support from the state under the CCA.

8.8 CCA appropriations should be increased so that counties transferring from non-participating to participating status under the CCA do not reduce the funding previously available for the other participating counties.

In the past, the Department allocated to Option III counties 47 percent of the CCA enhancement funds to which they would be entitled if they were Option I or II counties. The other 53 percent was reallocated among all Option I or II counties using the regular enhancement fund allocation formula. These added funds for Option I and II counties were termed "rollover funds."

This process, coupled with relatively constant legislative appropriations for the CCA, meant that if an Option III county moved to Option I or II, every existing Option I or II county got a smaller amount of rollover funds. Thus, there has been a built-in incentive in the CCA allocation process for Option I and II counties to discourage any more Option III counties to become full CCA participants. Because the Task Force recommends later in this chapter that more counties be encouraged to participate fully in the CCA,¹⁷ the Legislature is urged to provide additional funds to compensate for increased county participation in the CCA.

V. Retain the Basic Structure of the Act

8.9 The basic structure of the CCA should not be changed.

¹⁶ See, e.g., Report to the Task Force from the Joint Criminal Justice Task Force of the Association of Oregon Counties (AOC) in a letter dated June 23, 1988 from Paul Snider, AOC's Legal Counsel.

¹⁷ See Recommendation 8.11.

The Task Force has received a number of recommendations to restructure the CCA by altering or eliminating the Option system for varying levels of county participation in the Act. Some proposals have recommended eliminating Option III, or the counties' choice not to participate in the Act. Other proposals have recommended the elimination of Option II, requiring counties to choose between being "in" or "out" of the Act, or abolishing Options I and III, centralizing all felony parole and probation services within the Department.

Changes in organizational structure are always appealing: they create the appearance, if not the reality, of change and hold out the promise of addressing problems without added funding or improved management. Although the Task Force seriously considered all of the above options for structural change of the CCA, it concluded that the problems with the Act were based not on structure, but on a lack of state management and adequate state funding. Furthermore, the current structure of the CCA provides positive flexibility to preserve local autonomy and to accommodate varying levels of resources throughout the state.

Option I, which the Task Force encourages in later recommendations,¹⁸ provides management flexibility and financial incentives through the control of state field services allocations and supervision fees in those counties, and presents the opportunity to free up additional resources for community corrections through efficient and effective management. Option II provides the opportunity for counties to participate in the development and administration of innovative community-based programs, while avoiding the burdens of managing parole and probation services. Option III permits counties without the sufficient corrections resources or interest in the state's corrections mission to allow the Department of Corrections to deliver community sanctions and services in that county.

8.10 The "Class C felony payback penalty" should be abolished. However, in its place, the Department of Corrections must conduct regular and strict performance-based evaluations of county CCA programs and services to ensure that all of the state's purposes in providing funding to counties under the Act are accomplished.

Many county officials argue forcefully that the "Class C felony payback penalty" penalized the Executive Branch of county government for judicial sentencing behavior, over which the Executive Branch has no control.¹⁹ Other county officials argue with equal conviction that this financial disincentive has changed the way judges sentence C felons.

¹⁸ See Recommendations 8.12 and 8.13.

¹⁹ On the other hand, many judicial prison commitments are influenced by sentencing and probation revocation recommendations from Executive Branch corrections staff.

The original payback penalty of \$7,800 was reduced to \$3,000 in the second biennium following enactment of the CCA. Further amendments to the CCA have successfully diminished the disincentive to imprison C felons. A "ceiling" was added, so that a county's total payback liability could not exceed the sum of its paybacks in the prior two years.²⁰ Later, counties changing from Option III were granted a two-year moratorium on paybacks. Finally, payback penalty funds are now redistributed to counties, subject to an approved supplemental plan, on a dollar-for-dollar basis.²¹ The payback penalty redistribution has effectively eliminated all financial incentives for counties to reduce C felony commitments.

Abt Associates has warned the Task Force about the consequences of eliminating disincentives for prison commitments in the CCA:

Our review of prior evaluations, both in Oregon and elsewhere, supports the premise that sentencing can be influenced, at least marginally, by financial incentives. We think the payback has reduced imprisonment for C felons. Thus, its erosion is particularly troublesome.

...

As noted above, the payback is dead, and its formal repeal will merely simplify the Act's administration. Yet, the evidence suggests that incentives, properly used, can alter sentencing behavior. Incentives are an important tool, and we caution against abandoning them casually or permanently.

Oregon's new sentencing guidelines are designed to balance prison sentences with prison capacity.²² However, if guidelines do not accomplish this balance, Abt has urged Oregon to reinstitute financial incentives in the CCA to strike that balance.

For example, if high judicial departure rates from presumptive sentences prevent the guidelines from working as intended, the

Department could set aside a portion of the CCA allocation for incentive payments based upon counties' aggregate levels of compliance with the guidelines. Thus, those counties that comply more frequently would get a bigger reward.

²⁰ See ORS 423.530(2)(a).

²¹ See ORS 423.530(2)(b).

²² See the discussion in Chapter 3 concerning sentencing guidelines and Recommendations 3.2 and 3.3.

Unlike the payback penalty, this process would not "second guess" the propriety of particular judicial sentences or penalize counties for those individual decisions. Instead, incentive payments would be "bonuses" based on aggregate sentencing patterns.

If the guidelines themselves cause prison populations to increase, the Department in cooperation with the Criminal Justice Council could use guideline-monitoring data to identify the sources of the increase and marginal changes in prison admissions needed to achieve a balance with capacity. The Department then could use CCA funds to develop programs that target specific and clearly defined target groups of offenders and offer those funds to counties as a bonus on top of their regular CCA allocation.

VI. Encourage Increased County Participation in the Act

8.11 Financial and non-financial incentives should be developed to encourage more counties to participate under Option I of the CCA.

Based upon its investigations and those of its consultants over the past year, the Task Force has concluded that counties should be encouraged to fully participate under Option I of the CCA. This reaffirms the Legislature's original intent and the Department of Corrections' policy to encourage full participation in the CCA.

In general, Option I counties have reduced Class C felony commitments to state prison to a greater extent than Option II or III counties.²³ They have also established a clearer sense of purpose in the delivery of community sanctions, developed a wider range of additional services and sanctions and a closer working relationship with other agencies in the criminal justice system, and generated more local funds to supplement their CCA operations. Finally, Option I counties have developed personnel practices under which staff attain higher certification levels, receive

²³ See Appendix K, which sets forth information on Class C felony prison commitments from the Department of Corrections and a recent study by the Criminal Justice Council regarding judicial sentencing practices in 1986. K. Ashford, Felony Sentencing Practices in Oregon's Circuit Courts: 1986 (1988), p. 19.

significantly more in-service training each year, and are more satisfied with their jobs.²⁴

Several factors contribute to the superior performance of Option I counties. To some extent, counties whose political culture is more supportive of community corrections may have chosen to participate under Option I. With some notable exceptions, Option I counties tend to be in a middle range of population size and density.²⁵ Thus, they have access to more social services programs and resources than smaller counties, yet are not as complex organizationally or politically as the larger counties in the state.

Nonetheless, two factors in particular appear to contribute to the more favorable performance of Option I counties. First, when local advisory committees and officials have more responsibility for identifying local problems, and allocating resources to address them, they develop a sense of "ownership" over the corrections programs and services developed in the planning process. They are more likely to develop a systemic understanding of corrections problems and a system-wide perspective that goes beyond merely advocating their specific local interests in developing community sanctions and services. This level of understanding and perspective is also reflected in the outlook of corrections management and staff in Option I counties.²⁶

Second, in Option I counties, parole and probation services are more integrated into the local community corrections system than in Option II or Option III counties. This integration contributes to a more coordinated approach to sanctioning and managing offenders in the community, and allocating resources across the range of sanctions and services offered at the local level. In Option I counties, it is apparent that community corrections agencies have imposed strong administrative and management controls on parole and probation services.

24 The statewide survey of parole and probation officers contained in the Abt Report found that nearly 70 percent of the responding officers in Option I counties agreed or strongly agreed that they would recommend a job in parole and probation supervision to others, compared to just over 50 percent of the officers in Option II and Option III counties. Seventy percent of the officers from Option I counties who responded to the survey were certified as advanced. Fifty percent from Option II counties and 52 percent from Option III counties reported advanced certification.

The officers from Option I counties received 51 hours of in-service training during the past year. Officers from Option II counties received 39 hours and officers from Option III counties received 37 hours last year.

25 See Appendix L for a list of the current Option I counties and their populations.

26 See the discussion regarding the results of Abt's survey and interview research in Recommendation 7.15 in Chapter 7.

The integration of parole and probation services and community corrections has not occurred as extensively in Option II counties. As a result, the important relationship between the county CCA plan and probation or parole service delivery has not been established in Option II counties to the same extent as in Option I counties.

Some opponents of the CCA have argued that Option I increases administrative and supervisory costs, since a CCA manager and administrative staff must be provided in each county. This argument is based on the assumption that existing levels of state administration and supervision are adequate. The Task Force concludes that this assumption is wrong.

With the demand for community sanctions and services outstripping their supply, the Department has been forced to cut the number of field services managers and supervisory staff since the early 1980's. That has impaired the Department's ability to develop and implement purposes, procedures, and programs for parole and probation services. Additional resources will be required to raise the levels of state administration and supervision of parole and probation services to adequate levels. Therefore, the cost of administering an effective community corrections program should be approximately the same, whatever option for participation a county may choose.

The Task Force recommends preserving the county's discretion to choose whether or not to participate in the CCA, in order to encourage local participation in shaping the delivery of correctional sanctions in Oregon and provide the administrative flexibility to address the wide variation in economic and social conditions throughout the state. However, because of the overall effectiveness of county performance under Option I and the advantages of local involvement in state corrections program development and administration, the Task Force believes financial and non-financial incentives should be developed that encourage Option I participation in the CCA.

The Task Force recognizes the obstacles to promoting and implementing Option I participation in the CCA, particularly in the state's most populous counties. The most serious obstacles appear to be the potential for personnel and labor relations problems associated with a county's shift to full participation and the added costs to a county in making this shift. However, the Task Force believes that these obstacles can be overcome and that the advantages of full participation in the CCA justify vigorous efforts to address these obstacles.

8.12 ORS 423.550(2) should be amended to provide that counties which convert to Option I participation in the CCA should not be required to supervise a mixed work force of county and state employees.

The Task Force believes that many of the personnel and administrative problems associated with administering a mixed work force of county and state employees under Option I of the CCA will be reduced by this amendment.

As a result, more counties should be attracted to participating under Option I. The Task Force recommends that all correctional staff in Option I counties become county employees under this amendment. However, ORS 423.550(2) should continue to provide that employees transferring to county employment as a result of a shift to Option I status should not suffer any reduction in salary or loss of employee benefits as a result of the transfer.

8.13 The Legislature should establish the following financial incentives to encourage additional counties to participate under Option I of the CCA: (1) continue to allow Option I counties to retain all supervision fees collected, while allowing other counties to retain a lesser percentage of fees collected; and (2) pay some or all of the transition costs or a one-time incentive for counties that choose to convert to Option I status.

The Task Force believes that reasonable levels of reimbursement for the counties' costs of shifting to Option I status can be established that will induce more counties to choose Option I under the CCA and justify the Legislature's added expenditure of state funds.

The full retention of supervision fees represents a significant financial incentive for Option I participation. For example, in 1987-88, the Washington County Community Correction Department, operating under Option I, collected \$200,289 in fees from an active parole and probation caseload of 1,945. The Abt Report found that the collection rates for supervision fees in Option I counties are more than double the rates in Option II and III counties.

Several counties have considered shifting to Option I, but decided against the move in light of the additional management and administrative overhead expenses that would not be covered under the Act. Compensating counties for some or all of these costs will eliminate one of the most frequently cited disincentives to Option I participation.

8.14 The Department of Corrections should encourage and assist smaller counties to form regional consortia for participation in the CCA in order to provide a full continuum of community sanctions in those regions of the state.

The CCA permits counties without sufficient resources to choose to receive correctional services and programs directly through the Department of Corrections. However, the Act is also a vehicle to promote collective actions by smaller or less wealthy counties that wish to receive the benefits of the additional correctional programs and services provided under the CCA.²⁷ In its role of providing technical assistance and support to counties under the CCA, the Department should promote the development of regional consortia under the Act by offering its planning and program development services to interested counties.

²⁷ ORS 423.525(3)(e) envisions joint application for CCA funding by counties submitting community corrections plans for joint programs.

CHAPTER 9: THE ALLOCATION OF STATE AND LOCAL RESPONSIBILITY

There has always been a sharing of responsibility between state and local government, not only for law enforcement, but for the institutionalization and community supervision of offenders. The mechanism for allocating the responsibility for community supervision has been discussed in Chapter 8. This chapter will address the relative responsibilities between state and local government for the incarceration of offenders.

Counties fund and operate jails. The state funds and operates the prisons. Only persons convicted of a felony can be sent to prison. Traditionally, county jails are used for the incarceration of offenders convicted of misdemeanors, as well as all pre-trial detainees, including those charged with felonies. Prisons are used for the incarceration of sentenced felons.

However, judges may sentence felons to a period of confinement in a county jail, and often do so as a condition of probation. There are many cases where the judge concludes that the offender requires a more severe sanction than straight probation, but yet does not require prison incarceration. According to a study by the Oregon Criminal Justice Council, approximately one third of felons sentenced in 1986 were given a sentence of probation combined with some period of jail incarceration.¹

In recent years, judges have increased their use of jail sentences for felons for at least two reasons. First, because of prison overcrowding, the period of actual confinement may be longer if a jail sentence is given rather than a prison sentence. Second, confinement in the county jail allows the judge to retain greater control over the offender, because custody is relinquished to the Department of Corrections if the offender is sentenced to a state prison.

The confinement of sentenced felons in county jails has become an increasing financial burden on the counties. A recent survey found 888 sentenced felons in county jails. The increased number of sentenced felons, combined with the fact that the majority of counties are under federal court orders limiting their jail populations, has interfered with the ability of counties to provide adequate jail capacity for the incarceration of misdemeanants and pre-trial detainees.

To address this problem, the 1987 Legislature enacted chapter 470, Oregon Laws 1987 (HB 2437), which provides as follows:

¹ K. Ashford, Felony Sentencing Practices in Oregon's Circuit Courts: 1986, Oregon Criminal Justice Council (1988) (unpublished).

Section 1. It is hereby declared to be the policy of the State of Oregon that to the extent practicable, the state shall be responsible for the incarceration of persons convicted of crimes defined as felonies, except that if the court imposes a punishment that makes the crime a misdemeanor, then it is the policy of the state that the county and not the state shall be responsible for incarceration resulting from the conviction.

Section 2. (1) The Governor shall study the state policy set forth in section 1 of this Act and its fiscal impact on the budget of the Department of Corrections.

(2) The Governor shall present a report to the Sixty-fifth Legislative Assembly which report shall contain the following:

(a) A proposal for implementation of the state policy set forth under section 1 of this Act, including a plan for any necessary phasing in of the implementation; and

(b) The estimated cost to the Department of Corrections and other affected state agencies of implementing such state policy.

(3) The Governor shall submit to the Sixty-fifth Legislative Assembly a request for such appropriations to state agencies as the Governor determines necessary for implementation of the state policy as described in the Governor's report under this section.

(4) The Governor may delegate to an appropriate task force or state agency the responsibility for performing the requirements of this section.

Section 3. If House Bill 2715 (1987) becomes law, the Oregon Criminal Justice Council shall submit to the Sixty-fifth Legislative Assembly, as part of its sentencing guidelines proposal, recommendations as to how the policy set forth in section 1 of this Act may be implemented as part of a revised sentencing system, including but not limited to, recommendations as to the responsibilities, respectively, of the state and local governments.

I. Fiscal Impact

The Task Force requested the Executive Department to assess the fiscal impact of chapter 470, Oregon Laws 1987. The Executive Department took a "snapshot" survey of the number of sentenced felons in county jails on three separate dates in 1987-88. The average number was 888, and this number is broken down as follows:

675 serving a jail term as part of a felony sentence;

120 being held pursuant to a Parole Board warrant, generally awaiting a parole revocation hearing;

93 being held pursuant to a Department of Corrections warrant, generally awaiting a probation revocation hearing.

If the state reimbursed counties for all 888 offenders at a rate of \$40 per day, the cost per biennium would be \$25,929,600. If the state reimbursed the counties for 675 sentenced felons, excluding those held pursuant to Parole Board or Department of Corrections warrants, the biennial cost would be \$19,710,000.

II. Policy Considerations

Section 2 of chapter 470, Oregon Laws 1987, calls for an assessment of the policy of having the state assume financial responsibility for the incarceration of all sentenced felons. It is the view of the Task Force that this policy raises several serious concerns that need to be addressed. First, there is the concern that state reimbursement for felons confined in county jails will create an incentive for more felons to be confined in jails, including felons who would otherwise be given a straight probationary sentence. There would also be an incentive to lengthen the duration of such confinement.

Second, chapter 470, Oregon Laws 1987, could cause a significant change in current charging and sentencing practices. There are a number of Oregon criminal statutes that allow offenses to be sentenced either as felonies or misdemeanors. Chapter 470, Oregon Laws 1987, could create an incentive to treat such cases as felonies rather than misdemeanors, so that the state rather than the counties would be responsible for the costs of incarceration. If such cases were treated as felonies rather than misdemeanors, there would also be significantly increased costs of providing defense to indigents.

Third, the Task Force questions whether the policy of chapter 470, Oregon Laws 1987, may conflict with the policy objective of the Community Corrections Act. To the extent that the Community Corrections Act is intended to encourage the development of community alternatives to incarceration, this law may undermine such an objective by providing financial rewards to counties that simply incarcerate offenders in jail rather than developing alternative programs for them. In fact, the state financial reward to the counties for confining an offender in jail under chapter 470, Oregon Laws 1987, would be considerably greater than the subsidy to counties currently provided under the Community Corrections Act for the development of non-incarcerative sanctions and programs within the community.

Finally, the problem of an excessive number of sentenced felons being confined in county jails may be a transitory one. It results primarily from the current crisis of state prison overcrowding. To the extent that the state gains control over its prison overcrowding problem by new construction and implementation of the other recommendations in this report, the pressures on county jails should be significantly reduced.

Moreover, sentencing guidelines which are scheduled to become effective in 1989 should provide an extremely effective method by which to control and reduce the use of county jails for sentenced felons. The number of felons sent to county jails and the duration of their confinement will be regulated by the guidelines.

9.1 The sentencing guidelines being developed by the Oregon Criminal Justice Council should limit the period that sentenced felons may be confined in a county jail to a term not to exceed 180 days. This period should be reduced to 90 days as additional prison capacity becomes available. Sentences of a longer duration should be served in a state facility.

In case the Legislature decides against full implementation of chapter 470, Oregon Laws 1987, and does not fully reimburse counties for all sentenced felons in county jails, the Task Force has been asked to submit proposals for partial implementation or for the phasing in of implementation.

9.2 The Task Force recommends the following policies as the soundest methods for partial implementation of chapter 470, Oregon Laws 1987:

- 1.** State reimbursement to counties in cases where a jail sentence was imposed in lieu of a presumptive prison sentence under the new felony sentencing guidelines;
- 2.** State reimbursement to counties for felons sentenced to jail rather than prison as a sanction for a probation violation;
- 3.** State reimbursement to counties for the partial cost of incarcerating sentenced felons.

The first option represents sound state policy, because the state saves the cost of incarceration when a felon, who has a presumptive prison sentence under sentencing guidelines, is instead sentenced to a term in the county jail. Arguably, the state should pass along some of its savings to reimburse the county in such circumstances.

The state also benefits under the second option when the sanction given to a felony probationer for violating a condition of probation is a jail term rather than revocation of the probation and execution of a prison sentence. As discussed in Chapter 2, a major cause of the increase in prison populations is the large number of probationers being revoked to prison. Arguably, reimbursement to counties is appropriate

for only short periods of jail incarceration and when it can be established that the jail sentence is an alternative to a prison sentence. Once guidelines for probation revocation are developed, it will be easier to identify the cases where state reimbursement to the county for revoked probationers is most appropriate.

The third option has the advantage of reducing any possible incentive to confine felons in county jails by providing that only the partial cost of such confinement would be reimbursed by the state. Under this option, presumably the state would pay an established percentage of the cost of incarcerating sentenced felons.

The following are additional options for partial implementation of chapter 470, Oregon Laws 1987:

1. The reimbursement could be limited to the cost of confining Class A and B felons, rather than Class C felons.
2. The reimbursement could be limited to convicted felons in jail pursuant to their sentence, and exclude those felons who are being held pending parole or probation revocation proceedings.
3. The reimbursement could be limited to a maximum number of days of jail confinement for each sentenced felon.
4. As an alternative to direct reimbursement to counties for incarceration of sentenced felons in county jails, state funding could be provided for construction, renovation, and operation of local correctional facilities. Such a proposal has been made by the Joint Criminal Justice Task Force of the Association of Oregon Counties, the Oregon State Sheriffs Association, and the Oregon Association of Community Corrections.

Such funds could be made available through the Community Corrections Act as part of a county's overall plan for handling offenders in the community. A county would have to demonstrate that such a utilization of resources is a necessary component of its local plan and is consistent with the objectives of the Community Corrections Act.

Governor Straub's Task Force on Corrections made the following recommendation in its final report:

That the Legislature appropriate funds, separate from the Community Corrections Act subsidies, to allow local jurisdictions to renovate or construct local jail facilities. Dispersal of such funds should be consistent with the needs for additional capacity generated by participation in the Community Corrections Act.²

However, state funds for this purpose were never appropriated.

² Report of the Governor's Task Force on Corrections: A Community Corrections System for Oregon (September 1976), p. 40.

CHAPTER 10: CORRECTIONAL ADMINISTRATION

The Task Force recognizes that the selection and retention of competent and creative staff and management is probably the single most important contribution to the effective administration of any corrections system. As part of Governor Goldschmidt's Criminal Justice Initiative, the state's administration of corrections was elevated to Department status, and its new Director to cabinet-level rank. As a result, the morale and commitment of the Department's current staff and management have increased, new personnel with fresh perspectives have been recruited, and effective new correctional strategies and programs are under way.

The Task Force has no direct role to play in some of the critical administrative decisions of the Department, such as the selection and retention of the individual staff and management who will influence the direction of corrections administration in Oregon for years to come. However, the Task Force can contribute to the effective administration of the state's corrections system by endorsing the sound management policies and procedures already initiated by the Department, and by suggesting additional policies and procedures that represent hallmarks of the country's finest corrections systems.

The recommendations in this chapter focus on six critical strategies for the effective administration of Oregon's corrections system. To move the corrections system toward balance and effectiveness, the Department of Corrections must implement: (1) a vigorous policy to reduce rates of absconding by sentenced offenders; (2) uniform needs assessment and offender classification procedures to determine correctional needs, risks, and appropriate security levels of offenders, and to promote the effective allocation of scarce correctional resources; (3) a realistic set of incentives and disincentives to deter misconduct, encourage participation in institutional programs, and increase security in state correctional facilities; (4) improved and increased staff training; (5) regular and objective procedures and standards to evaluate all correctional programs and services; (6) strategies to utilize private sector resources more effectively; and (7) the goal of accreditation for all corrections programs and facilities.

I. Strategies to Prevent Escape

10.1 Effective strategies must be implemented immediately to stop the high rate of absconding by inmates confined at the Department of Corrections Release Center, the Farm Annex, the Forest Camp, and other minimum security correctional facilities. Inmates who abscond from institutional custody or supervision should be subject to swift and effective sanctions.

The most common picture of a prison escape in the public's mind is a violent inmate escaping from the secure perimeter of a maximum or medium security prison with the use of force. Fortunately, Oregon has one of the lowest escape rates in the United States from its medium and maximum security prisons.¹

However, Oregon has a high rate of absconding from its minimum security facilities. Although this type of escape usually involves a failure to return to a minimum security facility from work and education assignments or authorized leaves in the community, it is still unlawful and unacceptable.

A new inmate classification system should reduce the escape rate at minimum security facilities by more accurately assessing which inmates should be confined in minimum security facilities. However, additional staff or enhanced security measures will also be required to prevent offenders from absconding from these facilities.²

Meaningful sanctions must be imposed upon inmates who abscond from minimum security custody and supervision. Otherwise, there will be no deterrent against such behavior, and other inmates will be tempted to engage in the same pattern of conduct. A continuation of high absconding rates from minimum security facilities will also lead to a loss of the public's confidence in the entire corrections system.

Because of overcrowding pressures, the Department recently has been constrained from imposing significant sanctions on returned escapees from minimum security facilities. Prosecutions for such escapes have become increasingly rare.

Administrative penalties of sufficient severity must be designed, funded, and enforced to deter this type of behavior. These penalties should include confinement in prison segregation units, reclassification to higher security levels, loss of institutional privileges, loss of good time credits, and loss of eligibility for future leaves.

¹ The Corrections Yearbook 1987 reported that eight states, including Oregon, had no escapes from medium or higher security custody in 1986. Twenty-eight states reported four or more escapes from medium or higher security in 1986. Washington had 15 such escapes, Colorado had 14, and Georgia had 35.

The Department of Corrections reported two escapes from medium or higher security custody in Oregon during 1987.

² According to the Department of Corrections, 71 percent of the inmates who escaped from minimum security facilities within the sample of inmates used to develop the new inmate classification system would have been classified above minimum security custody under the Department's new system.

II. Managing Offenders

10.2 Valid and reliable offender classification systems for prison inmates and offenders in the community, which define the appropriate security levels and basic correctional needs of each offender in the state corrections system, must be implemented without delay. These classification systems should be subjected to independent outside validation immediately following implementation and should be regularly evaluated to ensure that they incorporate the most valid and reliable risk and needs assessment instruments and techniques currently available.

The most basic tool for effective administration of correctional facilities and community sanctions and services is a carefully developed classification system that accurately and efficiently categorizes offender populations according to their levels of risk and need. It is essential to public safety that prison inmates be placed in custody levels and institutional programs, and offenders in the community assigned to supervision levels and community-based programs, that are appropriate to their risks and needs.

An inmate classification system assigns inmates to prison space in a systematic way. Without such a system, both public safety and cost-effectiveness are jeopardized. For example, maximum security space is much more costly than minimum security space. If inmates eligible for minimum security custody are confined in an expensive maximum security facility, this creates an unnecessary burden for taxpayers. It also increases the threat to public safety because maximum security space is no longer available for more dangerous offenders who truly require the highest level of security.

A field classification system for offenders under community supervision promotes the same goals. Offenders who pose the greatest risk to the public and have the greatest needs for community sanctions and services are assigned to the highest levels of supervision and to specialized correctional programs. By focusing community correctional resources on these offenders, the risks to the public are minimized. These correctional resources are not wasted on offenders who can succeed in the community with less supervision and support.

The Task Force first emphasized the critical importance of offender classification systems last year in its Emergency Plan for Minimum Security Correctional Facilities:

[T]he Task Force urges the Corrections Department to develop and adequately staff an offender classification system immediately. This system should incorporate rational, consistent, and objective methods to assess the relative risks of all offenders and assign them to the appropriate state correctional facilities....

A sufficient number of specially trained staff must also be assigned to the classification system in order to administer the classification process reliably and reevaluate and revise the classification instruments regularly.

This kind of carefully designed and administered offender classification system is critical to the sound operation of the system of minimum security facilities proposed by the Task Force. By accurately identifying those offenders who present a relatively low level of criminal risk and a realistic potential for productivity, such a classification system promotes both the protection of the public and the efficient use of scarce correctional resources.³

Since the Task Force completed the Emergency Plan, the Department of Corrections has undertaken the development of new offender classification systems for state correctional facilities and community supervision. These systems should be fully implemented by the end of 1989.

Immediately following their implementation, these systems must be subjected to an outside, independent evaluation by a classification specialist in order to assure the Legislature and the public that the systems are valid and reliable. They must also be reevaluated periodically to ensure continuing public support and confidence.

10.3 Uniform needs assessment procedures should be developed and implemented that will diagnose and assess the special medical, psychological, and educational needs and handicaps of each inmate in prison and offender under community supervision. These procedures will result in more accurate classification of inmates in prison by security level and offenders in the community by supervision level, better program planning and placement, and more efficient and cost-effective targeting of available program resources for offenders throughout the state.

In the past, comprehensive and reliable needs assessments of offenders have not taken place on a regular and consistent basis. Each state institution and field services office has assessed offenders independently. As a result, those assessments have been fragmented, incomplete, and inconsistent.

Inadequate needs assessments produce inappropriate and wasteful program placements; inattention to treatment needs that present dangers to staff, prison inmates, and the public; and a lack of compliance with federal requirements for assisting handicapped offenders. They also result in an inability to plan for and fund appropriate programs to address the risks and needs of offenders.

³ Governor's Task Force on Corrections Planning, Emergency Plan for Minimum Security Correctional Facilities (Adopted by Executive Order on September 16, 1987), pp. 7-8.

The Department of Corrections is currently developing needs assessment procedures as part of its new inmate and field classification systems. These systems should be fully operational in 1989. The Task Force urges the Department to obtain an independent validation of its needs assessment procedures immediately following the implementation of its classification systems.

10.4 In order to maintain effective control over the state's inmate population, disruptive inmates who threaten the security of correctional institutions and the safety of other inmates and correctional staff, escape, or violate institutional rules should be punished with administrative sanctions. Those inmates who serve their sentences peaceably and in accordance with institutional rules should be encouraged and rewarded by administrative actions. The existing statute, which authorizes time credits for inmates who have faithfully observed the rules of the institution and the withdrawal of those credits for inmates who violate those rules, should be reactivated as the Legislature originally intended.

ORS 421.120 provides:

(1) Each inmate confined in execution of the judgment of sentence upon any conviction in the Department of Corrections institution, for any term other than life, and whose record of conduct shows that the inmate faithfully has observed the rules of the institution, shall be entitled to a deduction from the term of sentence to be computed as follows:

(a) For the term of a sentence of not less than six months nor more than one year, one day shall be deducted for every six days of such sentence actually served in the Department of Corrections institution.

(b) From the term of a sentence of more than one year, one day shall be deducted for every two days of such sentence actually served in the Department of Corrections institution. ...

The vast majority of other states provide for the award of time credits for proper institutional behavior and the withdrawal of such credits for misbehavior as a means of managing their prison populations.⁴ The Task Force has concluded that the time credits established by this statute represent a practical and effective system of incentives and disincentives which can promote administrative control and greater safety in Oregon's institutions.

⁴ The Bureau of Justice Statistics (BJS) reported that 48 states, the District of Columbia, and the Federal Bureau of Prisons provided some form of automatic or earned time credits in 1985. Correctional Populations in the United States, 1985, BJS (1987), pp. 45-48.

However, ORS 421.120 currently has no practical effect because it was written before the adoption of Oregon's parole guidelines system in 1977. Today, the actual term of imprisonment served by inmates is determined by the parole "set" based upon the guidelines' matrix, not by the judicial sentence authorized by statute. Although the question is currently being litigated, ORS 421.120 has been interpreted to apply only to the judicial sentence, rather than actual term of imprisonment established by the parole set. This interpretation makes the statute inapplicable to the vast majority of inmates who are released under their parole sets before the expiration of their judicial sentences, as well as before the date established by applying the statute to those sentences. As a result, it makes the statute useless as a means of managing inmates and promoting proper institutional conduct.

The Task Force recommends that ORS 421.120 be given the effect originally intended by the Legislature as an important tool to manage Oregon's prisons and promote public safety. If parole guidelines were to continue as the primary procedure to determine actual time served in prison, the statute should be amended to apply to the parole set. However, when sentencing guidelines take effect in 1989, the statute will be reactivated and applied to actual term of imprisonment established by the guidelines.

The system of time credits for proper institutional behavior should be administered by the Department under the following principles:

1. Time credits should not be granted automatically, based solely on the passage of time, but should require an affirmative effort on the part of each inmate to address the correctional goals outlined through the classification and assessment process for that inmate;
2. Inmates should not earn time credits while under prison disciplinary sanctions;
3. Time credits should be earned and certified monthly by institutional staff;
4. Refusals to certify time credits will be determined by an institutional management committee upon consideration of recommendations from institutional staff; and
5. The Department must establish specific criteria and processes by administrative rule for certifying and refusing to certify time credits.

10.5 The Department of Corrections should establish practical and effective incentives for inmate participation in institutional work programs. The most important system of incentives that the Department should establish is time credit for active participation in and successful completion of institutional programs and work assignments. The existing statute, which provides time credits for inmates who participate in formal institutional work and education programs and the withdrawal of those credits for misbehavior, should be reactivated as the Legislature originally intended.

The Task Force recognizes that participation in institutional programs and work assignments, like any other system of work or employment in the outside world, must be encouraged by practical and effective incentives in order to ensure the effectiveness of these programs. Children receive allowances, students receive grades, and employees receive salaries, wages, and fringe benefits. There is no reason to think that similar incentives, tailored to the particular environment and resources of the corrections system, are less important to ensuring active participation in correctional programs.

One of the most common and effective means to encourage participation in correctional programs is a system of time credits. Such a system creates incentives to participate in programs as well as added penalties for misbehavior in the institution. Many states authorize the administrative award of time credits for participation in institutional programs and the withdrawal of those credits for misbehavior.⁵ ORS 421.120 provides:

(1) Each inmate confined in execution of the judgment of sentence upon any conviction in the Department of Corrections institution, for any term other than life, and whose record of conduct shows that the inmate faithfully has observed the rules of the institution, shall be entitled to a deduction from the term of sentence to be computed as follows:

...

(c) From the term of any sentence, one day shall be deducted for every 15 days of work actually performed in prison industry, or in meritorious work in connection with prison maintenance and operation, or of enrollment in an educational activity as certified by the educational director of the institution during the first year of prison employment or educational activity, and one day shall be deducted for every seven days of such work actually performed or educational activity certified after the first year to and including the fifth year of prison employment or educational activity certified, and one day for every six days of such work actually performed or educational activity certified after the fifth year of prison employment.

(d) From the term of any sentence, one day shall be deducted for every 10 days of work actually performed in agriculture during the first year of prison employment, and one day for every six days of such work actually performed thereafter.

⁵ BJS reported that 32 states, the District of Columbia, and the Federal Bureau of Prisons provided some form of time credit for participation in work or correctional programs, or meritorious conduct that could include such participation. Id.

(e) From the term of any sentence one day shall be deducted for every six days' work performed at work camp during the first year of prison employment, and one day for every four days thereafter. Once the four-day rate is achieved it may be applied to subsequent work or education release programs while the inmate is serving the same term. . . .

As was previously noted, ORS 421.120 has been interpreted to apply only to the current judicial sentence of imprisonment, not the actual term of imprisonment established by the parole guidelines. This interpretation makes the statute meaningless as a way of encouraging participation in institutional programs and discouraging institutional misbehavior.

The Task Force recommends that ORS 421.120 be given the meaning originally intended by the Legislature. The administrative principles recommended by the Task Force in the previous recommendation for time credits for proper institutional conduct should also apply to the certification of time credits for participation in programs and work assignments.

The Department of Corrections should also adopt a full range of administrative incentives for participation in correctional programs and good behavior. For example, administrative rules could be adopted that adjust conditions of confinement and custody and award benefits, such as access to popular recreational and entertainment activities.

III. Training

10.6 The Department of Corrections must provide the in-service training program mandated by certification requirements for parole and probation officers on a regular basis. The Department must also establish a new pre-service training program for parole and probation officers in which it develops a specialized curriculum and selects instructors for the program. These programs should include a new training advisory committee process with broader representation that provides timely and relevant advice regarding the training needs of all parole and probation officers. However, the ultimate responsibility for the selection of the program's training methods, curriculum content, and faculty should rest with the Department.

The quality of the professional training of parole and probation officers is critical to the safety of the public and the effectiveness of the state's corrections system. These officers must be equipped to supervise and support offenders safely and effectively while these offenders complete their sentences and develop law-abiding life styles in the community.

From the reports and testimony received by the Task Force, it is apparent that Oregon's corrections system must deliver more relevant and effective training for parole and probation officers. The Abt Report confirms this conclusion:

Training for parole and probation officers is inadequate and outmoded. The way that training is planned and delivered needs substantial change.

The Department of Corrections is responsible for the in-service training of experienced state parole and probation officers. However, since the early 1980's, funding for in-service training has declined. As a result, the Department does not provide such training on a regular basis, or enforce compliance with its 40-hour in-service training requirement. The Department of Corrections must begin to provide the in-service training necessary for parole and probation officers to meet the Department's own certification requirements.

The Board on Police Standards and Training (BPST) provides the initial training and certifies qualification for county and state parole and probation officers.⁶ According to the Abt Report, as well as other reports to the Task Force, the mechanisms for designing and implementing pre-service training programs at BPST have inhibited the timely revision of the training curriculum and the delivery of relevant training programs. As Abt observed:

There are deep divisions within Oregon field services that are reflected on the Department of Corrections training advisory committee. Reaching consensus on controversial points has been difficult. For example, it took the committee three years to agree on the most recent curriculum revision for initial certification training. ... The training advisory committee... devises the initial training curriculum, and BPST selects the faculty. ... Coupled with the consensus model for curriculum development, that has meant that field services training in Oregon has been a "closed" system.

In most states, initial training for new parole and probation officers is performed by the Department of Corrections. However, because of the added cost of changing the current training delivery system, in which BPST provides pre-service training to parole and probation officers without cost to the Department, to a system supported entirely by the Department of Corrections' budget, the Task Force has decided not to recommend major restructuring of the state's training delivery system.

The Task Force has concluded that the Department must provide BPST with clearer and more timely directions regarding the content of the pre-service training curriculum and the selection of appropriate instructors. Although the Department of Corrections should receive the advice of practicing parole and probation officers and their supervisors on the content and delivery of their training, the ultimate responsibility for curriculum content and faculty selection must rest with the Department.

⁶ See ORS 181.640.

The Department must also streamline and manage the training advisory committee process to ensure timely decisions by the Department regarding the content and delivery of the training programs. The committee should also serve as a vehicle for broader perspectives on modern training programs for the corrections professionals. Therefore, the committee should be chaired by the Department of Corrections' Training Manager and its membership should at least include state and county parole and probation officers and supervisors; an instructor from a university, college or community college program in corrections or criminal justice; and a trainer or training manager from the Mental Health or Adult and Family Services divisions of the Department of Human Resources.

10.7 The training curricula for parole and probation officers must be based on a new mission statement for community sanctions and include training in practices and procedures necessary to implement a risk management system. The curricula must also be strengthened and broadened to include more courses in modern corrections theory and practice and human relations training.

A clear mission statement for community sanctions and services in Oregon is an integral part of the Department of Corrections' development of a new professional training program for parole and probation officers.⁷ The mission statement should include the successful maintenance of offenders in the community as a goal and risk management as an operational principle. This statement should be translated into specific descriptions of present and future job functions for parole and probation officers, which form the basis for developing relevant and effective training curricula.

A training curriculum in risk management should include case management practices, offender assessment procedures, and supervision standards. However, the curriculum must also have a value orientation.

Although the surveillance and management of offenders is a traditional and necessary role for parole and probation officers, current corrections theory and practice emphasize other values as well. A modern training curriculum should support the role of "counselor," as well as the role of "cop," and reorient professional notions of success towards supporting offenders' law-abiding behavior in the community. The responsibilities of parole and probation officers to supervise and support offenders in the community require human relations training that develops a unique set of professional skills, including counseling, crisis intervention, needs assessment, and program placement.

⁷ In Chapter 7, the Task Force recommended that the Department develop a new mission statement for the administration of community sanctions and services. See Recommendation 7.15.

10.8 County parole and probation officers should be required to participate in the Department's in-service training programs, as well as BPST's initial training program.

Professional training is a critical factor in developing a solid theoretical base and a full repertoire of practice skills for parole and probation officers. Such training, combined with the development of a clearly defined mission statement for community sanctions, is one of the most important ways to improve the effectiveness of Oregon's corrections system.

If high quality training is offered to new parole and probation officers throughout the state, then the efficiency and effectiveness of the entire corrections system will be increased. Therefore, all parole and probation officers in the state should be required to participate in the Department's in-service training programs, as well as BPST's pre-service training program. The Department could charge counties a fee to offset added direct costs to the Department for such participation.

10.9 The cost of the new training programs for parole and probation officers should be offset by the collection of supervision fees. However, these programs will also require additional funding from the Legislature.

The new training programs and strengthened delivery system proposed by the Task Force in this chapter will require an increase in the Department of Corrections' budget. According to the Department of Corrections, BPST now assumes the initial training cost for about 100 new parole and probation officers per biennium. The Department estimates that the cost of this initial training is about \$1,500 per officer. The cost of annual in-service training is approximately \$400 per officer.⁸

Through an improved system of collecting supervision fees that the Task Force proposes in Chapter 7,⁹ the Abt Report estimates that the Department of Corrections can triple the amount of revenue generated by these fees. This revenue should be used in part to offset the costs of training programs for parole and probation officers. The Legislature should still fund the start-up costs necessary to upgrade these programs as soon as possible, and to support these programs in the event supervision fee revenues cannot cover their entire cost.¹⁰

⁸ These cost estimates do not include the costs of temporarily filling vacancies created by an officer's attendance at training programs.

⁹ See Recommendation 7.22.

¹⁰ In Chapter 8, the Task Force has recommended that counties be permitted to retain most of supervision fee revenues on a differential basis, depending on a county's level of participation under the Community Corrections Act. See Recommendation 8.13. Under that recommendation, the potential revenue available to Option I counties must be large enough to encourage Option I participation under the Act.

10.10 The training programs for corrections officers, as well as for parole and probation officers, should be strengthened and enhanced to bring the professional training of the staff in Oregon's prisons in line with prevailing standards and national norms.

The Department of Corrections is fortunate to have dedicated and competent corrections officers who are responsible for staffing the state's correctional facilities. Many of Oregon's corrections officers have years of service in the correctional facilities. However, a substantial number are relatively inexperienced, having been hired only recently as inmate populations have skyrocketed. Effective training of those corrections officers is essential both for the safety of the officers as they carry out their difficult responsibilities, and the safety of the public which is threatened by inadequately managed prison populations.

The Task Force finds that the level of training provided to new corrections officers by the Department is inadequate, both in comparison to national standards and in relation to the critically important and potentially dangerous duties assigned to those officers in our correctional facilities. The 1987 edition of The Corrections Yearbook reports that Oregon correctional officers receive 80 hours of pre-service training. The national average is 207 hours.¹¹

The Department of Corrections reports that it currently provides a total of 120 hours of formal training for new corrections officers. Some of the funds budgeted for in-service training are being diverted to support pre-service training. Both of these programs are inadequate. To ensure that the training programs for corrections officers are relevant to their needs, the Department should utilize a mechanism similar to the training advisory committee process for parole and probation officer training to obtain input from corrections officers and their supervisors.

It is impossible to predict when emergencies or other conditions in Oregon's prisons will demand a higher degree of training than is presently provided.¹² Therefore, the Department's training program for corrections officers should be strengthened.

¹¹ G. and C. Camp, The Corrections Yearbook (1987), p. 48.

¹² The Accident Prevention Division of the Department of Insurance and Finance recently issued Citations and Notices of Penalty for violations of the Oregon Safe Employment Act at state correctional facilities. These Citations included violations for inadequate training at OWCC, OSP's Farm Annex, and the South Fork Forest Camp.

IV. Program Evaluation

10.11 The Department of Corrections should establish uniform and objective procedures to evaluate regularly all of the correctional programs and services that it provides directly or through contracts with counties and private service providers.

As the Task Force emphasized in its Emergency Plan for Minimum Security Correctional Facilities, performance measurement and program evaluation are integral components of any well managed corrections system. The Task Force proposals for evaluation of minimum security programs in the Emergency Plan apply equally to the other programs and services offered in the state corrections system:

In order to assess the impact of new corrections programs in Oregon, a set of realistic and measurable performance objectives should be established for minimum security. These performance objectives should be based on the proposed policy for minimum security to (a) increase the protection of the community from crime, (b) hold offenders directly accountable to the community, and (c) develop the competency of offenders.

Overall rates of recidivism will inevitably remain a benchmark for measuring the corrections system's ability to promote the protection of the public in the long run. However, the myriad of factors that contribute to crime makes a direct relationship between overall rates of recidivism and correctional strategies problematic.

...

Tracking the payment of fines, restitution, and hours of community service provides a valid measure of progress in promoting offender accountability. Success in meeting the objective of developing offender competence should be measured by testing relevant skills and behaviors before and after offenders participate in minimum security programs. The objective of developing offender competence can also be measured by the number of jobs obtained, the rates of pay earned, and the lengths of time jobs are held in the community.

...

Minimum security programs should be regularly reviewed and evaluated. The evaluation of programs should not be limited to a determination that prescribed correctional procedures are being followed. Every effort should be made to measure outcomes in terms of the policy objectives of minimum security set forth in this Plan.

Because minimum security programs will be offered in various regions of the state by corrections staff and local service providers, the Corrections Department will have a unique opportunity to measure program effectiveness based upon comparative performances. The performance of programs offered in one regional facility should be compared with the performance of similar programs in other regional facilities. Programs administered by Corrections Department staff should be compared to similar programs administered by local service providers.

Outstanding programs should be publicized, rewarded, and used as models in training program staff and administrators. In addition, the Corrections Department should continually review programs in other jurisdictions to ensure that Oregon's minimum security programs rank among the best in the country.¹³

The Task Force has recommended evaluations of particular correctional programs and services throughout this Plan in emphasizing the importance of those programs and services.¹⁴ However, specific recommendations for evaluations should not be viewed as detracting from the importance of evaluating all programs and services provided by the Department of Corrections directly or through contracts with other agencies.

V. Privatization

10.12 The Department of Corrections has the ultimate authority and responsibility for managing the offenders, facilities, and programs under its jurisdiction. However, the Department should utilize the private resources necessary to carry out its mission effectively.

The "privatization" of corrections has recently become a popular and frequently discussed topic. Privatization in the field of corrections can mean many different things. It can mean a state allowing a private enterprise to operate a secure correctional facility, which very few states have done. This type of privatization is the most untested and controversial, and therefore raises the most serious legal and administrative concerns.¹⁵

¹³ The Emergency Plan, pp. 14 and 15.

¹⁴ See, e.g., Recommendations 7.14, 10.12, 11.30, and 11.41.

¹⁵ See, e.g., J. DiIulio, Crime File Study Guide, "Private Prisons," National Institute of Justice (1988), p.2.

Privatization can mean contracting with private organizations to operate community facilities, such as work-release centers, halfway houses, and treatment centers. The Task Force believes that this is a much more common and appropriate type of private sector involvement.

Privatization can also mean contracting with the private sector to provide services and programs to inmates, such as medical, psychological, educational, or vocational services; employment placement assistance; and alcohol and drug rehabilitation. This type of private sector involvement is well established in Oregon and most other states.

Private organizations sometimes have expertise and resources that cannot be matched by the public sector. For example, private sector involvement may be appropriate in providing financing for the construction of new correctional facilities, which can then be leased back for the state to operate.

The Task Force urges the Department of Corrections to involve the private sector in the administration of corrections, particularly in providing programs and services to inmates that may otherwise be unavailable or more costly to deliver by a public agency. However, when the Department considers the use of private service providers, it must ensure that the services provided are equal to or better than those that can be supplied through public agencies. Accordingly, the Department must monitor and evaluate the work of these service providers and remain ultimately responsible for their performance.

VI. Accreditation

10.13 The Department of Corrections should strive to attain national accreditation of all the correctional facilities, operations, and programs that it administers.

The 1984 Annual Report of the Oregon Corrections Division stated as follows:

Oregon is seen in correctional circles as a national leader. Many employees are sought after for auditing assignments by out-of-state agencies undergoing stringent inspections to meet accreditation requirements. Accreditation to improve operational practices and to improve working conditions for staff and living conditions for inmates is an effort by professionals in corrections to impose high standards on their own operations instead of waiting for legal challenges that are, without fail, more expensive and often result in court orders to do what the standards require for accreditation. Many states have settled federal court lawsuits by simply being accredited. Oregon is now seeking accreditation for all operations. It is our strong belief nothing short of full accreditation is acceptable. The Division is continuing the search for professional excellence through accreditation.

In more recent years, overcrowding pressures and funding limitations have diverted the attention of the Department from its long-range goals of accreditation. As the overcrowding pressures are eased by implementation of the recommendations in this Plan, the Task Force urges the Department to renew its efforts to attain full accreditation for all of its facilities, operations, and programs.

CHAPTER 11: INSTITUTIONAL PROGRAMS

Providing programs in Oregon's correctional facilities is a cost-effective strategy to promote public safety and the accountability of offenders for their crimes. First, the more that inmates work and support the operation of the state's prisons, the less that prison operating costs will add to the burden of Oregon's taxpayers.

Second, programs that develop work skills and address educational deficiencies increase the future productivity of inmates and their chances of successfully returning to society. Over 95 percent of the inmates now in prison will eventually return to the community. The state has a clear interest in increasing the likelihood that these inmates will become productive, law-abiding citizens rather than continuing to be a threat to public safety and a burden to the public. Senator Mark Hatfield has observed:

If one argues that a prisoner deserves whatever he or she gets in prison, then one must also be prepared to argue that society deserves what it gets when the prisoner is eventually released. For too long we have ignored the truism that today's inmate is tomorrow's neighbor.¹

Third, programs address the idleness that makes prisons more dangerous and difficult to manage. "Warehousing" inmates in prisons without programs breeds idleness and tension, which, in turn, increases the risk of violence, disruption and escape.

Finally, institutional work programs provide inmates with the opportunity to make restitution to their victims. They also present opportunities for inmates to support their dependents who may otherwise become dependent upon the state, and reimburse the state for the cost of their incarceration.

The Legislature expressly acknowledged the importance of programs for Oregon's prison inmates over 20 years ago by enacting ORS 423.020. That statute requires that the Department of Corrections "provide persons who are motivated, capable and cooperative with opportunities for self-improvement and work."

I. Inmate Labor

Inmate labor is already being used extensively in the day-to-day operation and maintenance of Oregon's correctional facilities. At OSP, 760 inmates,

¹ Adult Corrections in Oregon, Part II, League of Women Voters of Oregon (1983), p. 4.

almost half of the prison population, currently participate in the prison's work programs. These inmates serve as maintenance workers, grounds keepers, cooks, dishwashers, butchers, clerks, orderlies, barbers, equipment operators, electricians, and draftsmen.

The 220 inmates at the prison Farm Annex provide the work force for a 2,089-acre farm, complete with a milk-processing plant and a slaughterhouse. The milk and beef produced on this farm are used to feed the state's entire prison population.

OSCI in Salem maintains a work force of 316 inmates; approximately 30 percent of its inmate population. This work force consists of 38 clerks, 90 kitchen workers, 84 dining room workers, 22 clothing room workers, 52 janitorial workers, 10 landscape crew, and 20 general maintenance workers and repairmen. Inmate work forces at the state's other correctional institutions provide similar levels of support for their operation and maintenance.

Prison work programs result in savings to Oregon taxpayers of millions of dollars each year. However, these programs are not sufficient by themselves to solve the problem of inmate idleness. Less than half of the inmate population is involved in prison work programs, and, for many inmates, the time required to carry out their work assignments occupies only a small portion of the day.

II. Institutional Programs

This chapter focuses on recommendations to expand and strengthen the state's Corrections Industries and correctional education programs. These two programs present the greatest potential for increasing the level of constructive activity in Oregon's prisons.

The chapter also identifies strategies to improve programs for mental health treatment and alcohol and drug abuse in the state's correctional facilities. These programs provide the necessary first step for many inmates to realize the benefits from other correctional programs that focus on work and education.

Because of the importance of institutional programs, the Task Force retained several independent consultants to evaluate current programs and to identify strategies and policy options to strengthen and expand them. With funding through a Prison Capacity Program grant from the Bureau of Justice Assistance (BJA), the Task Force retained the Institute for Economic and Policy Studies (IEPS) in Alexandria, Virginia, a firm with nationally recognized expertise in corrections education and prison industries, to examine the state's correctional education and Corrections Industries programs. To provide direction for the design of new alcohol and drug treatment programs, the Task Force received additional technical assistance from BJA through the Corrections Research Institute in Kansas City, Missouri.

The Task Force also considered the recommendations of Dr. Joseph Treleaven, a former Administrator of the state's Mental Health Division, who was retained by the Department of Corrections to provide an evaluation of mental health services in Oregon's prisons. To document the extent of need for institutional programs, the Task Force has relied upon the Department's 1987 Needs Assessment Profile, the most recent published report on the program needs of the state's inmate population.²

Some of the recommendations in this chapter will require additional funding to implement. Others propose reassessment and restructuring of existing programs to utilize existing resources more effectively, or to obtain additional resources from the Federal Government and the private sector. However, in determining the appropriate level of support for institutional programs, the Task Force urges the Legislature to consider the extent to which the funds spent on these programs will be returned to the state through reduced welfare and unemployment expenditures, reduced costs of recidivism, and future taxes paid by employed ex-offenders.

Corrections Industries

Corrections Industries programs provide inmates with the opportunity to work productively in an atmosphere where they are treated as responsible, functioning adults. These programs also encourage the development of sound work habits and a sense of accomplishment and accountability that increase an inmate's chance of success after release from prison.

Correction Industries is managed by an Assistant Director in the Department of Corrections, who is directed by statute to provide information and staff support to the Industries Board of Directors.³

The Board of Directors is responsible for establishing rules governing the operation of Corrections Industries. The Department is responsible for the implementation of those rules. The Board also oversees the operations of Industries programs and monitors its compliance with applicable laws.⁴

² Needs Assessment Profile of Minimum Custody Inmates, Oregon Department of Corrections (August 1987). The program needs for medium and maximum custody inmates may even be greater than the needs of minimum security inmates reported in this study. The Department is currently assessing the program needs of all prison inmates as part of its development of a new inmate classification system.

³ ORS 421.310(3).

⁴ ORS 421.305 and 421.310.

The Assistant Director for Industries is responsible for managing a central office staff and the Industries shops operating at three separate facilities. The central office staff consist of marketing staff, a fiscal officer, a purchasing officer, a personnel officer, and an operation manager.

Industries shops are located at three facilities: Oregon State Penitentiary (OSP), Oregon Women's Correctional Center (OWCC), and Eastern Oregon Correctional Center (EOCI). The Industries operations at OSP are managed by an Industries plant supervisor, responsible for the furniture and metal shops at OSP. In addition, there is a major laundry facility at OSP, which serves the state's correctional institutions and other public agencies and is supervised by the Assistant Director for Industries. Industries employs five civilian staff in the furniture shop at OSP, including one staff member in the field.

Industries operations at OWCC include a telephone answering program for the State Motor Vehicles Division and an ad hoc telemarketing survey operation. There are no production shops or a plant supervisors at OWCC.

Industries operations at EOCI are managed by a plant supervisor who is also the shop supervisor for a cut wood operation. The other Industries shop at EOCI is a laundry.

11.1 Corrections Industries must be expanded to provide work opportunities for a higher percentage of the prison population. A reasonable goal for Corrections Industries over the next 10 years would be to increase the number of inmates it employs to 25 percent of the state's inmate population.

At the present time, fewer than 10 percent of Oregon's prison inmates are employed in Corrections Industries. Approximately 297 inmates work for Corrections Industries at OSP, 72 at EOCI, and 32 at OWCC. There are long lists of inmates in each of these institutions waiting to participate in Corrections Industries programs.

The number of inmates employed by Corrections Industries should be increased to more closely match the level of inmates' interest in Industries employment, as well as the higher percentage of inmates employed in other prison systems around the country. In the federal prison system, for example, over 25 percent of the inmates are employed in industries programs. To meet this goal in Oregon, approximately 700 to 1,000 new inmate jobs must be created.

Funds for new buildings and equipment represent the start-up costs necessary to create these jobs. Supervisory costs during the first year of operation must also be funded due to low productivity and revenue during the start-up phase of new programs.

11.2 There is an immediate need to establish Corrections Industries programs at OSCI.

OSCI currently houses over 1,000 inmates, but has no Corrections Industries programs at all. Few prisons of comparable size in the country lack prison industries programs.

A sufficient number of long-term inmates are housed at OSCI to provide a stable corps of workers for Corrections Industries programs. Inmates at OSCI are as much in need of work experience as inmates in other correctional facilities in the state.

11.3 There is an immediate need to expand Corrections Industries programs at OWCC.

The Department of Corrections must provide equal opportunities for women to participate in all available institutional programs, including Corrections Industries. Although court decisions may compel this result, the Task Force makes this recommendation solely on the basis of fairness and sound corrections policy.

The successful return of female inmates to society is just as important to public safety as the successful return of male inmates. Without comparable opportunities to participate in the productive activity that Industries programs provide, the success rate for women inmates after release will continue to be lower than it should be.

11.4 There is an immediate need to develop new Corrections Industries programs at EOCI.

Currently, there are only 72 inmates employed by Corrections Industries at EOCI in Pendleton. The inmate population at EOCI will increase from less than 400 in early 1987 to over 1,200 by mid-1989.

Corrections Industries must be expanded at this facility in order to reduce the widespread inmate idleness at EOCI and the potential for violence and disruption that it produces. The need for Industries jobs will become even greater as the size of the inmate population increases.

11.5 Corrections Industries and the Department of Corrections must make every effort to obtain more federal funding support for Corrections Industries.

In its report to the Task Force, IEPS recommended that the Department of Corrections exert more effort to secure outside support for Corrections Industries. Potential federal funding sources which the Department and Corrections Industries should pursue include the Job Training Partnership Act, the Vocational Education Act, and criminal justice block grant programs administered by the Bureau of Justice Assistance and other federal agencies.

11.6 The Department of Corrections must encourage greater private sector involvement in Corrections Industries. Corrections Industries should develop an organizational structure that encourages such involvement.

The need to expand Corrections Industries to serve larger inmate populations will require substantial capital investment and technical expertise not readily available within the public sector. The resources and managerial capabilities of the private sector can help Corrections Industries become more efficient and self-supporting.

There are a number of models for private sector involvement in prison industries that have been utilized in other states, one or more of which should be implemented by Corrections Industries:

1. The employer model, where the private sector owns the industries business, but utilizes inmate labor and retains control of hiring, firing, and the supervision of inmates;
2. The investor model, where the private sector invests in the industries business, but has no other role in its operation or management;
3. The customer model, where the private sector agrees to purchase a significant portion of industries' output;
4. The controlling customer model, where the private sector is the dominant customer in an industries business that it helps to operate;
5. The joint venture model, where the private sector manages, or helps to manage, an industries business in which it has invested.

Corrections Industries should work closely with appropriate state agencies, private business, and labor to develop a plan to establish closer ties with the private sector. Industries should devote special attention to developing product lines for out-of-state and overseas markets that (1) can be produced through joint ventures between Industries and private business, and (2) compete with foreign, rather than Oregon, labor and business.

11.7 The General Fund loan made to Corrections Industries in August 1983 should be forgiven.

In August 1983, the Legislature authorized a loan to Corrections Industries from the General Fund in the amount of \$790,113. The interest rate was four percent on the first \$150,000 and 11 percent on the balance. The loan is due in 1993.

No payment schedule was established by the Legislature, but interest has been accruing since 1983. The amount of accrued interest on June 30, 1987 was \$342,535. This loan, plus interest, could balloon to over \$2 million by 1993.

Corrections Industries is moving towards self-sufficiency, but is still struggling to break even. It has insufficient revenues to repay this loan without jeopardizing other Industries programs.

The Corrections Industries Board of Directors has requested that this loan be forgiven by the Legislature. The Task Force recommends that the Legislature grant this request.

11.8 Legislation must be enacted that gives Corrections Industries a preference in governmental purchases of goods and services, provided that it can deliver goods and services of comparable quality and price in a timely fashion.

In order to expand inmate work programs and to make Corrections Industries self-supporting, its sales must be increased. Public agency purchasing provides a stable new market for Industries' products and services. A state use or preference law would secure that market for Industries.

A preference in governmental purchasing for Corrections Industries would benefit the Oregon economy, because most of the raw materials used in the production of Industries' products are purchased from Oregon vendors. In the absence of such a state use or preference law for Industries, public agencies in Oregon will continue to buy many products from out-of-state vendors that could be produced in Oregon by Corrections Industries. As a result, dollars for the purchase of goods and services leave the state.

Most other states have either a state use or a state preference law, requiring tax-supported agencies to purchase or give preference to goods and services from prison industries, if they are of comparable quality and price and can be delivered on time. The Legislature should enact such a law in Oregon.

11.9 Corrections Industries and the Purchasing Division of the Department of General Services should survey state agencies to determine areas of concern to those agencies relating to price, quality of goods, reliability of delivery, and new markets. Based upon the results of that survey, Industries and the Purchasing Division should prepare a strategic purchasing plan for the state that maximizes the purchase of goods and services by all state agencies from Corrections Industries.

The most readily available market for Corrections Industries is provided by state agencies. In order to maximize its sales to these agencies, Corrections Industries, in cooperation with the Purchasing Division of the Department of General Services, should assess the purchasing needs of all state agencies and identify the prevailing standards for quality, delivery, and price.

The purchasing needs of the Department of Corrections, in particular, should be identified and analyzed. Industries should become the primary vendor of the Department of Corrections for the products it produces.

11.10 One member of the Corrections Industries Board should be a representative of the Purchasing Division of the Department of General Services.

In order to ensure closer ties with state agency purchasing needs and cooperation between the Departments of Corrections and General Services in expanding Corrections Industries, the Task Force believes it is important for the Legislature to designate one member of the Industries Board as a representative of the Purchasing Division.

11.11 The Legislature must establish a revolving fund of sufficient size to enable Corrections Industries to purchase raw materials and finished inventory.

According to a 1983 survey, only eight states other than Oregon had no legislatively authorized revolving fund to support prison industries programs. Such a fund is necessary because of the inevitable peaks and valleys in the cash receipts of prison industries, while expenses continue on a regular basis.

Forty percent of the furniture orders received by Corrections Industries are placed in the last two months of the fiscal year, yet raw material inventories need to be purchased and maintained on a regular basis throughout the year. Industries must also hold production levels constant, without regard to monthly swings in sales, in order to maintain the level of inmate activity in its programs.

11.12 The hours that inmates work in Corrections Industries must be increased, either by lengthening work shifts or by reducing the interruptions during work shifts.

A work shift at Corrections Industries should include at least six hours of productive time. This standard is not currently being met because of security checks of inmates coming from and going to Industries work areas, as well as tool checks in those work areas. Although these procedures are important to the security of a correctional facility, they also reduce the time worked by each inmate and the overall productivity of Corrections Industries.

One change the Task Force recommends is to serve meals at the work site, eliminating the time currently consumed by tool checks and security checks of inmates leaving for meals. The Department could provide box lunches or other kinds of pre-prepared meals at the work site.

The length of the work day at Industries could also be increased or work shifts could be doubled to increase the use of Industries programs and facilities. These steps would require additional staff. However, the cost of additional staff would be offset by additional productivity and sales.

11.13 The Director of Corrections Industries should continue to serve as a member of the Director's Council and meet regularly with the Wardens' Council to preserve a forum for addressing issues of mutual concern between institutional management and Corrections Industries.

Industries must be able to address issues at the highest levels of institutional administration which affect its growth and stability. The Wardens' Council provides an effective forum to address these issues. The Task Force urges the Department of Corrections to continue to include the Director of Industries in the Wardens' Council's proceedings and other high-level management forums that address issues of mutual concern to institutional administration and Corrections Industries.

11.14 Corrections Industries should establish a showroom in the Portland area so that prospective customers in the state's largest market can see its products. Industries should also establish a showroom in the Salem area to inform Legislators and state agency administrators about Industries' products and its overall contribution to the state's corrections mission.

If Corrections Industries is to operate as a profit-making enterprise, it must use the same tactics as private business, such as effective displays and advertising of its products. A showroom in the Portland Metropolitan Area will obviously increase the market exposure of Industries' products.

A showroom in the Salem area will increase the market exposure of Industries' products in the state's largest market for public business. It is also essential that Industries increase the understanding and support of legislators and other state officials regarding Industries' programs and the importance of its role in the state's overall corrections mission. A showroom in the Salem area would contribute to this goal as well.

11.15 Corrections Industries must establish closer ties with Oregon's universities, colleges, and community colleges.

A wealth of expertise in product development, marketing, public administration, and management resides in Oregon's institutions of higher education. The skills of university and college faculty have been utilized in other states to conduct market studies and provide other types of technical assistance and consulting services to prison industries programs.

Corrections Industries should make contact with the offices of the Chancellor of Higher Education and Community Colleges Education, and the relevant departments in public and private institutions of higher education throughout the state to tap this important resource. The knowledge base of higher education is especially important during the "start-up" phase of Industries' expansion plans.

There are potential mutual advantages to a cooperative effort between Corrections Industries and higher education. Universities, colleges, and community colleges may well be attracted to the opportunities that the expansion of Corrections Industries will provide for faculty research projects and student internships.

11.16 Corrections Industries should issue a Request for Proposals for a private firm to market its goods and services in selected markets.

Industries' marketing and sales capacities need to be expanded. Contracting with a private firm with special expertise in marketing and sales should help to meet this goal.

11.17 Corrections Industries must develop the capacity to assist its inmate workers in obtaining jobs upon release from prison. Industries' job placement efforts must be coordinated with the Community Services Division and Release Services in the Department of Corrections.

Industries must assist its inmate employees who seek employment upon release from prison in order to encourage more inmates to participate in Industries' programs. This assistance should include the establishment of a credentialing mechanism that demonstrates the aptitude of inmates employed by Industries. Industries staff should coordinate these and other job placement efforts with the job placement and training services provided prior to release by Release Services and the job search process in the community administered by the Community Services Division.

11.18 The Department of Corrections should assume more of Corrections Industries' administrative and security responsibilities. When Corrections Industries is generating sufficient funds to hire additional staff, it can reassume some of these responsibilities.

The Task Force believes that the Department of Corrections must place the expansion of Corrections Industries' programs high on its list of priorities and reallocate resources to achieve that goal. Industries' management is overloaded with the demands to develop and implement new programs, and to administer ongoing programs at the same time.

During this "start-up" phase of Industries' new programs, the Task Force recommends that the Department reduce the burdens on Industries' management by assuming responsibilities for some of the day-to-day operations of Industries' programs until the new programs planned by Industries' management are fully operational.

The Department should also review the security measures required at each Industries work site and relieve Industries staff of some of their security duties. Industries staff must be constantly alert to security violations and precautions. However, production, scheduling, quality control, and planning are already full-time jobs for a short-handed Industries staff.

11.19 Corrections Industries should be removed from the coverage of ORS 240.185, which imposes a cap on the number of state government employees.

Because positions in Corrections Industries are paid by revenue from the sale of its products and services, rather than by the General Fund, the rationale for the statute's limitation on hiring of government employees does not apply to Industries.

11.20 Within the next 10 years, after it has expanded and achieved greater financial stability, Corrections Industries should be established as an independent public corporation.

An independent corporate structure will provide Corrections Industries with greater opportunities to secure private financing, flexibility to pay competitive management salaries and sales commissions, and some independence from fluctuations in state funding and public policies. Although Corrections Industries must remain accountable to the Legislature, it must also be organized in a manner that provides a sufficient autonomy and flexibility to permit it to operate like a private business.

Correctional Education

According to Dr. Osa Coffey, the Task Force's education consultant from IEPS, Oregon offers a "respectable" variety of programs for inmates at OSP and OSCI. Access to college-level educational programs and apprenticeship programs is better than the national average. Vocational training at OSP and OSCI is varied and oriented to today's labor markets.

Dr. Coffey viewed the utilization of advisory boards and craft committees for many of these programs as a sound practice. She also commended the Department of Corrections' correctional education staff as "the primary strength of the Oregon inmate education program."

However, Dr. Coffey identified two major problems in Oregon's correctional education system: (1) a lack of system-wide management and coordination of correctional education programs throughout the state's correctional facilities, and (2) an inadequate level of funding for correctional education programs. The Task Force addresses these problems in the following recommendations.

11.21 A new Director of Correctional Education must be established in the Department of Corrections to administer the delivery of correctional education in Oregon's prison system.

The Department of Corrections currently has no one in its central office responsible for the overall management and coordination of education programs in Oregon's correctional facilities. Forty-four states have such a position; most of the states that do not have small inmate populations and few correctional institutions. Nevada is the only other state with a correctional system of comparable size to Oregon's that lacks such a position.

The absence of an administrator for correctional education creates a number of problems in securing adequate support for correctional education. First, no one is responsible for pursuing federal and state funding sources that could supplement the limited resources currently devoted to correctional education in Oregon. Second, there is no one in the system to develop interagency agreements and relationships that can provide financial assistance, as well as training, technical assistance, and consulting services. Third, Oregon has no one to represent the state in the Association of State and Federal Directors of Correctional Education and other organizations that exchange information about correctional education and provide opportunities for training and networking.

The absence of an administrator also aggravates management problems in the correctional education system. First, there is no one to create a sense of mission for corrections education programs and to communicate that mission to corrections staff. Second, no one is available to develop system-wide initiatives, uniform curricula, and inter-institutional staff activities for correctional education. Third, there is no central figure to coordinate educational program planning during a time of growing inmate populations and the establishment of new institutions. Fourth, there are no uniform guidelines for program and staff evaluation and accountability, or a central depository for educational data. Finally, no one coordinates correctional education with other institutional programs such as Corrections Industries and treatment programs.

The position of Director of Correctional Education should be established immediately. Most of the other Task Force recommendations concerning correctional education in Oregon depend upon central administration and management oversight.

According to IEPS, this position is likely to pay for itself within two years, simply as a result of the increased funding that the Director can generate. The position should be filled by an educator with substantial experience in correctional education, program management, and administration. The Task Force urges the Department of Corrections to undertake a national search to fill this position.

11.22 The Department of Corrections should maximize the use of federal and state funding for corrections education through (1) vigorous pursuit of federal flow-through moneys, as well as direct federal funding opportunities; (2) expanded interagency cooperation; and (3) agreements with the state agencies that handle federal flow-through moneys and state appropriations for education.

According to IEPS, Oregon's correctional education programs are operating on a "bare bones" budget. In fact, the state's prison system is now providing education and vocational training with fewer resources than when the system had approximately half as many inmates.

One way to address the inadequate level of state resources for correctional education immediately is to seek additional federal support. However, IEPS found that the Department of Corrections, probably because of the lack of a central office correctional education administrator, has failed to take full advantage of Federal Funds currently available for correctional education programs.

Dr. Coffey concluded that Oregon makes relatively little use of federal funding in comparison to other states. On the following page, Table 11-1 reports on state and federal funding for correctional education in Oregon and five other states.

TABLE 11-1

<u>State & Pop.</u> <u>(in thousands)</u>	<u>Federal</u> <u>Funds</u>	<u>Percent</u> <u>of</u> <u>Total</u>	<u>Non-Federal</u> <u>Funds</u>	<u>Percent</u> <u>of</u> <u>Total</u>	<u>Total Funds</u>
Oregon (4,149)	\$ 80,043	6.2	\$1,221,272	93.8	\$1,301,315
Arizona (4,866)	152,937	22.7	521,118	77.3	674,055
Kansas (5,654)	114,639	4.2	2,614,122	95.8	2,729,761
Kentucky (5,059)	832,775	47.6	915,864	52.4	1,748,639
Massachusetts - (5,773)	332,332	16.3	915,864	52.4	2,037,375
New Mexico - (2,557)	108,115	3.9	2,802,100	96.2	2,910,215

Table 11-2 shows the state and federal per capita spending on correctional education in the same states.⁵

TABLE 11-2

<u>State</u>	<u>Federal CE Exp.</u> <u>Per Capita</u>	<u>State CE Exp.</u> <u>Per Capita</u>	<u>Total CE Exp.</u> <u>Per Capita</u>
Oregon	\$ 19.29	\$ 294.35	\$ 313.65
Arizona	31.43	107.09	138.52
Kansas	20.28	462.35	482.80
Kentucky	164.61	181.04	345.65
Massachusetts	57.57	295.35	352.91
New Mexico	42.28	1,095.85	1,138.14

At present, Oregon utilizes only Chapter I moneys at OSCI, a small Chapter II grant, and Pell Grants for eligible college students handled directly by community colleges. IEPS reported that the additional federal funding programs are used for correctional education by many states,

⁵ Dr. Coffey noted that the figures she used from Oregon in Tables 11-1 and 11-2 are budget figures, which may overstate Oregon's direct contribution to correctional education. Dr. Coffey reported that the Department of Corrections has diverted state funds budgeted for correctional education to other purposes in the past. She could not determine the extent of those diversions. The figures for the other states are actual expenditures for correctional education.

Federal funding data in Tables 11-1 and 11-2 do not include Pell Grants which are handled directly through the college providing services.

including: (1) the Adult Education Act, (2) the Carl D. Perkins Vocational Education Act, (3) P.L. 94-142, for education of the handicapped, (4) the Job Training Partnership Act, and (5) LSCA Library Grants.

The Task Force concludes that, in order to maximize the potential of Oregon's correctional education programs, the Department of Corrections must pursue these and other funds directly, or through cooperative agreements with other state agencies responsible for educational funding in Oregon. In addition, the National Institute of Corrections provides technical assistance grants of up to \$6,000 for consulting services in the planning, training, and evaluation of correctional education programs that the Department should pursue. The Department should also seek the direct assistance of the Oregon Department of Education and the Office of Educational Policy and Planning for additional educational planning, administration, and support services.

11.23 The Joint Corrections Education Planning and Development Team, established pursuant to ORS 421.082, should be chaired by the new Director of Correctional Education and include members with professional experience in correctional education. The Team should prepare an updated report on alternative correctional education delivery systems for correctional education, including recommendations to the Department of Corrections and the Legislature concerning the appropriate delivery systems for Oregon.

ORS 421.082 directs the Departments of Education and Corrections to establish a Joint Corrections Education Planning and Development Team, which is responsible for designing and developing an educational delivery system for the Department of Corrections. After a number of years of inactivity, the Departments of Corrections and Education have reestablished this Joint Planning and Development Team.

In light of the absence of a coordinated correctional education delivery system in Oregon, the Task Force recommends that the Joint Planning and Development Team prepare an updated report on educational delivery systems, including specific recommendations to the Director of the Department of Corrections and the Legislature concerning the appropriate delivery system for Oregon. In order to assure that its recommendations are relevant to the needs of the state's correctional education program, the Team should be chaired by the new Director of Correctional Education and include members with professional experience in correctional education.

Correctional educational delivery systems in other states should be reviewed and evaluated by the Joint Planning and Development Team in its report. According to IEPS, the following four models represent the most common correctional education delivery systems in the country today:

1. Nine states have developed "correctional school districts" that function as local education agencies, like any other state school district. These districts are headed by a school superintendent, who is responsible to a school board. Correctional school districts must follow all state certification requirements, be accredited by the state, and operate in accordance with other rules and regulations governing education in the state.
2. Two states have vested the responsibility of providing correctional education directly with the state education agency, rather than the Department of Corrections;
3. Three states, including Washington, have contracted with state colleges for all inmate education services. These states retain positions in their corrections departments to administer contractual arrangements, monitor and evaluate the fulfillment of these contractual arrangements, and represent the state in national correctional education forums.

Washington contracts separately with community colleges located near its correctional facilities. Iowa has major contracts with two colleges serving separate parts of the state. Until recently, Alabama contracted with one college, which was established specifically to provide correctional education in the state. Alabama now contracts with other colleges as well;

4. Most states provide correctional education directly through their Department of Corrections, frequently providing adult basic education and General Educational Diploma services through education staff at the Department and contracting for college-level programs. Contracting for vocational training is becoming increasingly common.

Current research and experience do not reveal inherent advantages of one of these models over another. Therefore, cost, program quality, administrative flexibility, and management accountability should be the primary considerations in selecting a particular correctional education delivery system for Oregon. If the Department decides to contract for correctional education programs, its experienced and capable educational staff should be transferred to the contracting agencies or retained in their present positions.

11.24 The Department of Corrections should institute an educational policy that focuses its efforts on inmates with the most serious educational deficiencies. Procedures should be implemented to encourage those inmates to participate in academic programs adapted to their level of ability.

Corrections experts report that inmates who most need education are often the least motivated to enroll in these programs voluntarily. The Department's 1987 Needs Assessment Profile found that 43 percent of the male inmates and 36 percentage of the female inmates surveyed had

reading and math skills at or below the tenth grade level.⁶ While a total of 72 percent of the inmates surveyed qualified for correctional education programs, only 25 percent of the female inmates and 30 percent of the male inmates were considered to be sufficiently motivated to participate in these programs.

Serious educational deficiencies, such as illiteracy or the lack of a high school diploma, make successful transition into the community after release much more difficult. Therefore, the Department of Corrections should focus its educational efforts on inmates with these kinds of deficiencies.

The Department should also establish incentives and disincentives to encourage participation by inmates with serious educational deficiencies, to facilitate their transition back into society. For example, participation by such inmates in prison work programs or other desirable institutional assignments should be conditioned upon their participation in remedial education programs necessary for their successful reintegration into society.

11.25 Academic and vocational programs at the Oregon Women's Correctional Center must be upgraded so that women inmates have equal opportunities to participate in such programs.

Educational programs at OWCC are inadequate and unequal to the program offerings at most of the correctional facilities for men. Twenty-nine percent of the women at OWCC participate in academic or vocational programs, compared to 53 percent of the men at OSCI, 37 percent of the men at EOIC, and 24 percent of the men at OSP. The national average of female inmates participating in correctional education programs is 40 percent. In general, program space is more limited at OWCC than at either OSCI or OSP.

Only five women inmates can now attend academic and vocational programs at OSCI, and only 10 can attend such programs at OSP, primarily because no more than one escort is available to transport women inmates from OWCC. There are no similar limits on program participation by male inmates.

Furthermore, the current practice of transporting women inmates to OSCI and OSP to participate in academic and vocational programs is unacceptable, as a matter of equity as well as security. Women who attend programs at OSCI and OSP must undergo strip-searches upon entering and leaving these facilities. Corrections staff and women inmates report that many women do not attend classes at OSCI or OSP because of these searches or out of fear of harassment by male inmates. Women inmates, in general, should be provided with opportunities to participate in academic and vocational programs at OWCC.

⁶ Thirteen percent of the male inmates and nine percent of the female inmates surveyed scored at the sixth grade level or below.

11.26 Immediate steps must be taken to establish vocational training and apprenticeship programs at EOCI.

There are no vocational programs currently being offered at EOCI. EOCI is now being expanded from an original capacity of fewer than 400 inmates to over 1,200. As a result, it will soon be the second largest correctional facility in Oregon.

In order to reduce the widespread idleness at EOCI and to provide its inmates with skills that will promote their productivity upon release, vocational programs must be established at this facility. EOCI presents a unique opportunity for the state to provide inmates with the most effective and innovative vocational training programs available today.

11.27 Basic life skills and pre-employment skills training should be included as part of pre-release programming for inmates.

Offenders often fail on the job and in life after release, not because of lack of job skills, but because of a lack of job-related social and life skills. The 1987 Needs Assessment Profile found that 54 percent of the female inmates and 47 percent of the male inmates surveyed had poor or very poor work histories. The survey also found that only 13 percent of these inmates were classified as having the basic life skills necessary to make long-term plans for living arrangements and support.

Basic life skills and pre-employment training should become a requirement for all inmates prior to release. There is a particular need for health, nutrition, and parenting classes, as well as more career and educational counseling.⁷ Pre-release courses should be developed that include instruction in job search and retention skills. Adult basic education and GED courses should also utilize materials that cover basic life and job search and retention skills.

11.28 Special education services should be made available to eligible inmates, as required by state and federal law.

Dr. Coffey reported to the Task Force that there are no special programs in Oregon's prison system for inmates suffering from educational handicaps, such as learning disabilities or mental retardation. Federal law requires that a free, appropriate education must be made available to all persons up to the age of 21 in Oregon who are suffering from any of the handicapping conditions defined in that law.⁸ The need for special education is particularly high at OSCI and EOCI, where the population contains many inmates under the age of 21.

⁷ Sixty-four percent of the female inmates and 55 percent of the male inmates surveyed in the 1987 Needs Assessment Profile had no constructive family support or friendship, or experienced disorganization or stress as a result of associations with family or friends.

⁸ P.L. 94-142, the Education for All Handicapped Children Act; 20 USC section 1401 et seq.

11.29 A new Vocational Training Planning and Development Team should be established to review and evaluate current vocational training and apprenticeship programs in Oregon's correctional facilities.

There is a significant need for vocational training within the inmate population. The 1987 Needs Assessment Profile reported that 54 percent of the inmates surveyed had no demonstrated occupational skills and little or no vocational training.

The current vocational training and apprenticeship programs at the state's correctional facilities need to be reevaluated. According to Dr. Coffey, they should be restructured. To begin this reevaluation process, the Department of Corrections should establish a Vocational Training Planning and Development Team.

The Team should be chaired by the new administrator of correctional education, and its members should be appointed by the Director of the Department. The Team should include representatives from the Department of Corrections, the Office of Community Colleges Education, the Department of Education, the Department of Higher Education, the Office of Vocational Rehabilitation, the Office of Community Colleges, the Employment Division of the Department of Human Resources, labor, private business, and a private employment or training program for offenders.

The Team should evaluate current vocational training and apprenticeship programs with the following considerations in mind: (1) labor market opportunities; (2) the labor needs of Corrections Industries; (3) the equipment necessary to make these programs comparable to similar programs in the community; (4) the cost of upgrading old programs, compared to adding new programs; and (5) the critical need for vocational education programs at EOCL.

The Team should evaluate the feasibility of offering short-term pre-vocational courses of four to six weeks to introduce inmates to the basics of various trades. These courses would help students determine their interests and aptitudes before entering longer term, and much more costly, vocational programs. They could also develop individual survival skills and personal economy, as well as the basic skills required in Corrections Industries for longer term inmates.

The Team should seek outside assistance from relevant state agencies, business, and labor in determining where the Department of Corrections should place its program priorities to achieve maximum results. The Team should also develop strategies to gain the public support necessary to improve current vocational programs and add new programs.

Mental Health Treatment Programs

Treatment and follow-up services for inmates with mental illnesses is a basic program that every modern corrections system should provide to promote the safety of the public, corrections staff, and other inmates. Other corrections programs designed to promote public safety and the productivity of offenders will not be effective for offenders whose mental illnesses remain untreated.

The Mental Health Division, in conjunction with the Department of Corrections, currently provides high-quality treatment for a relatively small number of Oregon's inmates through its Correctional Treatment Programs (CTP). CTP is a nationally recognized program that provides voluntary residential treatment. The program has capacity for 120 volunteer inmates. CTP has four separate specialized treatment units:

1. Cornerstone is a residential treatment and community follow-up program for 33 inmates with major substance abuse and addiction histories. The residential phase of treatment is from four to 12 months, with six months of aftercare;
2. The Mentally and Emotionally Disturbed Unit primarily provides long-term treatment of one to three years for 27 inmates. Over 75 percent of the inmates treated by this Unit are considered "hard core" offenders with numerous arrests and incarcerations throughout the course of their lives;
3. The Sex Offender Unit is a treatment unit for 31 inmates with histories of long-term compulsive sexual deviancy. The residential component is from 12 to 36 months, followed by an 18-month aftercare period;
4. The Social Skills Unit serves 31 male inmates who are either mentally retarded or have other serious learning disabilities.

Correctional Institution Treatment Services (CITS) is incorporated with CTP and provides voluntary outpatient mental health services to approximately 300 prison inmates at any one time. CITS's services include group and individual treatment, provided through contracts with private therapists and counselors. Because 150 to 200 inmates are referred each month, CITS has a waiting list of 700.

The Department of Corrections uses the Special Management Unit (SMU) at the Oregon State Penitentiary to provide special custody for inmates with mental illnesses or severe behavioral disorders who do not qualify for treatment at CTP. SMU is a separate housing unit within OSP, with 47 cells and a current population of approximately 57 inmates.

The Task Force has concluded that the overall range and quality of necessary mental health services in the state's correctional facilities is clearly inadequate. First, the Department of Corrections has no administrative mechanisms in place to develop, implement, and evaluate mental health plans, policies, or programs. In a recent consulting report to the Department, Dr. Joseph Treleaven concluded that "[t]he management of mental health services to the Department of Corrections inmates is practically nonexistent."

Second, the level and quality of intermediate care for inmates who cannot function in the general prison population is unacceptable. SMU currently attempts to provide this care for approximately 57 inmates with one psychiatric nurse and a psychiatrist under contract for 16 hours a week.

Third, there are not sufficient mental health treatment services available to the general inmate population. Dr. Treleaven estimated that approximately five percent of the current inmate population may suffer from a major mental illness and an additional 10 percent have a significant psychiatric disability. Based upon this estimate, which Dr. Treleaven considered conservative, approximately 675 inmates in the current prison population are at risk of significant mental disturbances.⁹

CTP and CITS serve 120 and 300 inmates respectively. Moreover, CTP's programs treat only volunteer inmates, have a low turnover rate, and often require extended lengths of stay in treatment. The waiting lists for both programs are long.

As a result of the limited capacity of CTP and the absence of other programs, three groups of mentally ill inmates do not receive adequate treatment: (1) short-term inmates who are eligible for release before CTP's treatment programs can be completed; (2) inmates sentenced to prison as "dangerous offenders" who cannot obtain a parole release date until the conditions that led to their sentences are cured or in remission; and (3) unmotivated and disruptive inmates who have severe mental or behavioral disorders and are unwilling to volunteer for treatment at CTP.

The Task Force urges the Legislature to support and the Department to develop and manage a continuum of basic mental health services for those offenders whose mental health problems threaten the safety of staff, themselves and other inmates in correctional facilities, and the safety of the public upon their release. This continuum of services must include (1) mental health screening of inmates upon their admission to correctional facilities; (2) follow-up evaluations of mentally disordered inmates during

⁹ The 1987 Needs Assessment Profile found that, among the inmate population qualifying for minimum security custody, 16 percent of the female inmates and 12 percent of the male inmates surveyed needed mental health treatment services. The need may even be greater for maximum and medium security inmates.

their incarceration; (3) acute psychiatric care in a psychiatric hospital or other appropriate facility; (4) intermediate psychiatric services within a correctional facility; (5) crisis intervention and treatment for inmates with chronic mental illness within the general inmate population; and (6) pre-release planning that identifies and coordinates aftercare services and treatment resources in the community as part of each inmate's parole plan.

11.30 A position with responsibility for developing and administering a comprehensive plan for mental health services in the Department of Corrections must be established immediately.

The Department and Dr. Treleaven agree that a separate administrative position to develop and oversee mental health treatment services is essential. The primary responsibilities of this position in the Department would be to develop, coordinate, and evaluate a continuum of mental health services, from admission to prison to following release into the community.

The administrator's first task would be the development of a comprehensive mental health service delivery plan (the Mental Health Plan) for the Department. The Mental Health Plan should establish standards and procedures for the following components of the delivery system:

1. A screening process for inmates upon admission to identify the presence of illnesses, history of past mental illness, mental retardation, development disabilities, or other mental or emotional conditions requiring further evaluation;
2. A system to assess the needs of those inmates who are identified through the screening process to determine amenability to treatment, appropriate levels of treatment, and housing and program assignments;
3. Treatment plans for inmates requiring mental health services;
4. Systems for monitoring the process and evaluating the outcome of treatment;
5. Planning and coordination of aftercare services in the community for mentally ill, mentally retarded, and developmentally disabled inmates following release from prison.

The new administrator of mental health services should collaborate with the Mental Health Division in the development of the Mental Health Plan. The Plan should make full use of the expertise of the Division and services already administered by the Mental Health Division. The Plan should also coordinate correctional mental health services with the existing network of community mental health programs and evaluate the need for additional community treatment programs for offenders.

11.31 The Mental Health in Corrections Joint Policy Committee of the Department of Corrections and the Mental Health Division should be continued on a permanent basis.

After several years of inactivity, the Department and the Division have reactivated their Mental Health in Corrections Joint Policy Committee. This Committee provided the vehicle to develop CTP. It is a critical forum for coordinating the Division's delivery of services to offenders with the Department's operations and tapping the mental health expertise of the Division in planning, developing, and administering corrections mental health programs. The Task Force urges the Department and the Division to continue this important joint effort.

11.32 Uniform and comprehensive mental health screening and evaluation processes upon admission to prison must be developed and implemented as soon as possible in order to assess the treatment needs of mentally ill, mentally retarded, and developmentally disabled inmates.

A systematic process to identify and evaluate the treatment needs of mentally ill, mentally retarded, and developmentally disabled inmates must be coordinated with or incorporated into the Department of Corrections' new inmate classification system. According to the Department's estimates, approximately 15 to 25 percent of the inmate population may require some form of mental health treatment during incarceration.

The new administrator of mental health services should develop methods to obtain the available results of mental health screenings and evaluations that are conducted throughout the corrections system. For example, an inmate may undergo mental health screening and evaluation in a jail following arrest, psychiatric examinations while awaiting trial to determine competency to stand trial or establish a defense, or mental health assessments as part of a pre-sentence investigation. In counties where this information is collected and recorded, it should be captured by the Department in order to avoid duplication and increase accuracy of mental health screening and evaluations. The early identification of inmates at risk of mental illness is necessary to assure that these inmates are assigned to housing units and program activities that will prevent deterioration of their mental condition and will protect others from disruptive behavioral disorders.

11.33 A treatment plan must be prepared for each inmate whose assessment indicates mental health treatment will be required during incarceration.

Standards and procedures for preparing treatment plans must be established that are comparable to those used by the Mental Health Division. These treatment plans are used to document behavioral problems due to mental illness or disability and match treatment needs with available resources.

Treatment plans should be prepared early in the admission process, based upon the assessment of mentally ill inmates, and reviewed throughout their incarceration. In particular, the plans should be reviewed prior to release in order to communicate critical mental health information to the Parole Board and to plan for the delivery of mental health services in the community.

11.34 Inmates with acute and severe mental illnesses, who would otherwise be eligible for civil commitment to a psychiatric hospital, must be provided with comparable inpatient treatment in custody.

According to the Department and Dr. Treleaven, access to adequate acute psychiatric care in state correctional facilities is severely limited. Both have concluded that these services are best provided at a psychiatric hospital equipped to handle acute psychiatric episodes, rather than at a correctional facility.

The Task Force understands that the Department of Corrections and the Mental Health Division have decided that an acute psychiatric treatment capacity for 10 inmates must be established with funding from the Department of Corrections. The Task Force believes the cooperative arrangement between the Division and the Department, which produced CTP, is the most effective method for delivering acute psychiatric care services to prison inmates.

11.35 An adequately staffed intermediate psychiatric care facility, with a capacity of no less than 50, should be established to treat inmates with mental disturbances that prevent them from functioning in the general prison population.

Intermediate psychiatric care provides essential mental health treatment in a protected environment for inmates who have major mental disorders, including relatively brief psychotic episodes or emotional crises that lead to severely disruptive or self-destructive behavior. Although SMU may be an acceptable site for delivering this care, the staffing and administrative oversight at SMU are inadequate.

This 47-cell unit, with an average daily population of approximately 57, has only one full-time nurse and a part-time psychiatrist. The inadequate staffing level, as well as a lack of direct administrative oversight, cannot assure minimally acceptable levels of psychiatric care for 57 inmates. These conditions have also resulted in unacceptable treatment practices occurring at SMU.

To ensure the quality and consistency of intermediate psychiatric care, a new unit should be established to treat inmates who cannot function in the general prison population. The staff should include a full-time unit director, one full-time psychiatrist, one full-time psychologist, and other professional and support staff. Carefully selected and specially trained corrections officers should also staff this unit.

11.36 CITS must be expanded to deliver an adequate level of mental health treatment to the general inmate population.

Waiting lists for CTP and CITS programs document the inability of these programs to meet existing needs with present resources. CTP is recognized throughout the country for its pioneering work with offenders and provides a critical opportunity for inmates who volunteer for treatment to receive quality mental health services. However,

in light of the inadequate level of mental health treatment resources available to the general inmate population, the Task Force believes that priority should be given to expanding CITS. According to Dr. Treleaven, the need for additional acute care and intermediate psychiatric care facilities will depend on whether or not adequate crisis intervention and outpatient treatment are provided to the general prison population through such a program.

The Task Force recommends that CITS's capacity be doubled from 300 to 600 treatment slots. This expanded treatment capacity should emphasize alcohol and drug abuse and sex offender treatment and social skills development for inmates who are within one year of release. Social skills development should focus on the needs of mentally retarded and developmentally disabled inmates. The expanded CITS program should also provide crisis intervention and outpatient treatment to the general prison population as a backup to acute and intermediate psychiatric treatment units.

11.37 The Department of Corrections, in conjunction with the Mental Health Division, must undertake a study to assess the mental health treatment needs of probationers and parolees in the community as soon as possible. This study should provide the basis for further funding recommendations to the Legislature concerning the establishment of an adequate statewide community mental health treatment system for offenders.

Dr. Treleaven's report to the Department on the need for institutional programs and aftercare represents a first step in developing a coordinated and effective mental health services delivery system. However, in order to implement a full range of treatment services, a study assessing the mental health treatment needs of offenders under community supervision, and the resources required to meet those needs, must be conducted immediately. The Department and the Mental Health Division should monitor and evaluate this study and report to the Legislature as soon as possible.

11.38 The Department of Corrections must develop an outpatient services system for pre-release planning and post-release treatment service for inmates with severe mental disorders or disabilities. The Legislature must provide sufficient funds to support this system.

As part of the Department's reentry planning process, an inmate's treatment plan should be revised prior to release in order to identify appropriate services for the mentally ill offender returning to the community.¹⁰ Treatment plans should be implemented in the community, in close cooperation with the parole and probation officers who will be supervising mentally ill offenders in the community. Mental health professionals must understand and support the obligations of offenders under supervision in the community. Parole and probation officers must understand the treatment needs of mentally ill offenders and promote the objectives of outpatient treatment services.

¹⁰ See Recommendation 7.10 in Chapter 7 for a description of the Department's reentry planning process.

In order to provide safe and effective post-release treatment services, outpatient case management and medication monitoring procedures should be included in the treatment plan. The current case management system for the chronically mentally ill used by community mental health programs in Oregon serves as a model for these procedures. Another outpatient model which the Department could consider is the conditional release program operated by the Psychiatric Security Review Board for persons found guilty but not responsible.

Outpatient services should be administered by CITS or a similar administrative structure. CITS already contracts for the services of mental health professionals and local agencies that provide outpatient treatment and transition services to the general inmate population. These services could be provided under contracts with county mental health programs through the Mental Health Division and the Office of Alcohol and Drug Abuse Programs.

In the preceding recommendation, the Task Force urged the Department and Mental Health Division to assess the mental health treatment needs of offenders in the community as soon as possible. The results of that assessment study will establish the level of support required to establish an effective outpatient services system.

11.39 The Department of Corrections training programs for both parole and probation officers and corrections officers should include basic courses in the identification of and appropriate response to the mental health problems of offenders and the role of corrections staff in promoting effective mental health treatment.

As discussed in Chapter 10, the Department delivers pre-service and in-service training for corrections officers and in-service training for parole and probation officers. The Board on Police Standards and Training (BPST), with direction and oversight from the Department, delivers pre-service training for parole and probation officers.

The curricula of all of these programs must include basic courses in crisis intervention, identifying and responding to mental illness, facilitating mental health treatment, and managing mentally disturbed offenders. Corrections officers and parole and probation officers must be equipped to respond to and manage dangerous or self-destructive behavior resulting from mental illness. More importantly, these corrections professionals must understand the methods and objectives of mental health services in order to support the treatment of offenders who are mentally ill.

11.40 The Department of Corrections' new information system must identify offenders at risk of mental illness in order for institutional and field services staff and the Parole Board to acquire further information for the purposes of supervision and case management.

The Department's new information system should be designed to identify inmates at risk of mental illness so that Department of Corrections staff and the Parole Board can ensure the timely completion of mental health assessment, periodic review of treatment plans, and relevant conditions for release into the community. The information system should provide data that describe the size of the population at risk and for whom treatment resources should be planned and prioritized.

Alcohol and Drug Abuse Treatment Programs

At the outset of its investigations last year, the Task Force identified alcohol and drug abuse as a critical problem throughout the offender population. Since that time, additional research has confirmed the Task Force's judgment regarding the extent of alcohol and drug abuse among offenders.

The Department of Corrections' 1987 Needs Assessment Profile found that over 54 percent of the male inmates and 62 percent of the female inmates surveyed exhibited addictive behavior or serious abuse problems in the commission of their crimes or in their reported histories. The Criminal Justice Council's report on 1,398 inmates released from prison between 1982 and 1984 revealed that 54 percent of these offenders had major alcohol abuse problems and 39 percent had major drug abuse problems.¹¹

In a national study just released by the U.S. Department of Justice, over 70 percent of the men arrested in Portland over a six-month period tested positive for the presence of illegal drugs. Because the subjects of this study were volunteers, the percentage that would test positive for drugs among all persons arrested in Portland could be even higher.¹²

In order to address this critical problem, the Task Force recommended in its Emergency Plan for Minimum Security Correctional Facilities that at least one-fifth of Oregon's new minimum security prison space be devoted to intensive residential alcohol and drug treatment programs. The Task Force also urged the Department of Corrections to implement "the most effective residential alcohol and drug treatment programs that can be identified throughout the country." The Plan identified a number of the most highly regarded programs throughout the country as models to consider for the design of new treatment programs.¹³

¹¹ K. Ashford, Risk and Recidivism: A Study of Parole in Oregon (1988), p. 4 and Table 2.3. The report found that another 16 percent of these inmates had a moderate alcohol abuse problem and 32 percent had a moderate drug abuse problem.

¹² "Second Quarterly Report: Portland DUF Project" (1988), p. 20.

¹³ The Emergency Plan, p. 13 and note 23.

Following the adoption of the Emergency Plan by the Governor, the Department of Corrections established a planning team with representatives from the Department, the Mental Health Division's Correctional Treatment Programs, and the Office of Alcohol and Drug Abuse Programs. This planning team has developed a three-phase treatment model which incorporates the features of an aggressive intervention phase lasting seven to 10 days, an intensive residential phase of up to six months, and a transition phase to provide support for offenders returning to the community. The strengths of this model lie in its incorporation of different approaches from among what are regarded to be the best programs in the country.

Based upon its own investigation of program models throughout the country, as well as the advice of its consultants, the Task Force has concluded that the choice of effective treatment models is by no means certain. Few outcome studies have been conducted around the country on the impact of treatment programs on future crime and substance abuse.¹⁴

Recent studies do hold out great promise for alcohol and drug abuse treatment for offenders. For example, the authors of a new comprehensive study for the Bureau of Justice Administration (BJA) conclude that "reducing drug use and criminality through treatment is [now] possible and cost effective."¹⁵

BJA's recent award of a technical assistance grant to the Department of Corrections, which may be followed by a major implementation and evaluation grant, reflects the judgement of the Federal Government concerning the current potential for effective treatment programs in Oregon.¹⁶ The following recommendations emphasize the importance of the process for designing and evaluating these programs.

¹⁴ A notable exception is Oregon's Cornerstone Program in CTP, which has developed outcome evaluation procedures. See Field, "The Cornerstone Program: A Client Outcome Study," Federal Probation (June 1985), pp. 50-55.

¹⁵ D. Lipton and H. Wexler "Breaking the Drug-Crime Connection: Rehabilitation Projects Show Promise," Corrections Today (August 1988), p. 144. The author's study for BJA is in press and will soon be released: Wexler, Lipton and Johnson, A Criminal Justice System Strategy for Treating Cocaine-Heroine Abusing Offenders in Custody, Washington, D.C., National Institute of Justice (1988). See also: Health Technology Case Study 22: The Effectiveness and Cost of Alcoholism Treatment, Office of Technology Assessment, Congress of the United States (March 1983).

¹⁶ BJA is charged with administering the expenditures for correctional drug treatment and technical assistance projects under the Anti-Drug Abuse Act. The Department of Corrections received a planning grant under one of those technical assistance projects: the Comprehensive State Department of Corrections Treatment Strategy for Drug Abuse.

11.41 The Department of Corrections' design for alcohol and drug abuse treatment in correctional facilities and the community, should include regular and objective evaluations of the effects of treatment programs on the future criminality and substance abuse of offenders.

The Task Force believes that alcohol and drug treatment is a cost-effective means to support the successful return of offenders to society. As long as offenders suffer from alcohol and drug abuse problems, they will be far less likely to develop job and social skills necessary to become law-abiding members of society.

However, as with any correctional program that requires substantial public funding, Oregon taxpayers are entitled to evidence that funds used for alcohol and drug treatment produce positive results in terms of public safety. Therefore, effective evaluation procedures that track the rates of recidivism and substance abuse of offenders who receive treatment must be designed into the new alcohol and drug treatment programs recommended by the Task Force in this Plan and its Emergency Plan.

11.42 Before implementing any program design, the Department of Corrections should issue and widely distribute Requests for Proposals (RFPs) to state and local agencies and private service providers that include the Department's design proposals and a request for alternative program designs.

Given the variety of treatment approaches available in the country, the Department of Corrections should use a competitive market approach to developing and implementing cost-effective alcohol and drug treatment programs. As soon as the Department has developed a satisfactory program design, it should issue and distribute RFPs throughout the country that solicit proposals to implement its design, as well as alternative program designs.

This competitive market approach should not be restricted to the development of programs. As the Task Force has suggested in other program areas covered by this Plan, alternative designs submitted suggest a potential for effectiveness. They should be implemented by the Department along with satisfactory proposals to implement the Department's design. Over time, outcome results from the Department's evaluation process will identify the most cost-effective treatment approaches available.¹⁷

11.43 In addition to the new treatment programs in minimum security facilities, the Department should expand alcohol and drug abuse treatment services in maximum and medium security correctional facilities and the community.

¹⁷ For similar recommendations for effective program evaluation, see Recommendation 10.11 in Chapter 10 and Recommendation 7.14 in Chapter 7.

Alcohol and drug abuse are obviously not limited to minimum security inmates. The entire offender population is afflicted with these problems. In the previous section of this chapter, the Task Force recommended the expansion of Correctional Institution Treatment Services (CITS). CITS should place its highest priority on alcohol and drug abuse treatment for inmates within one year of release from custody.

The Task Force has also recommended expanded outpatient treatment in the previous section of this chapter. A high priority in the delivery of these services should be alcohol and drug abuse treatment as well.

11.44 The Department should utilize an inter-agency team approach to the development and delivery of alcohol and drug abuse treatment programs for offenders throughout the state, in conjunction with the Office of Alcohol and Drug Abuse Programs and the Mental Health Division.

The Department of Corrections should ensure that a full range of alcohol and drug treatment programs for offenders in the state is developed, managed, and evaluated in a coordinated and comprehensive fashion. The inter-agency team approach used by the Department, the Office of Alcohol and Drug Abuse Programs, and the Mental Health Division for the development of a minimum security program design should be continued as other programs are designed and implemented.

The Mental Health Division administers CTP and CITS, which currently deliver critically important substance abuse treatment to inmates. The Division's experience and expertise in community mental health programming will be essential in assessing the needs for alcohol and drug treatment in the community and developing a community-based delivery system.

The Office of Alcohol and Drug Abuse Programs now sets standards for and monitors the performance of alcohol and drug abuse treatment provided to inmates by CITS and CTP. The Office has those same responsibilities in relation to treatment services for parolees and probationers in the community. Its expertise and oversight function are critical to the design and development of a comprehensive and effective treatment system for offenders.¹⁸

¹⁸ A number of correctional programs were not addressed in this Plan which are the subject of studies or reports by other groups. For example, the Task Force did not address the critical need for correctional health services over the next decade. The Department, with assistance from its consultants and work groups, is now developing projections of that need.

Future demand for correctional health services will depend, in large measure, upon the extent of the problem of Acquired Immune Deficiency Syndrome in Oregon's offender population. The 1987 Legislature directed the Department to prepare a comprehensive plan for the management of AIDS in the correctional setting. The plan, which the State Emergency Board approved in March 1988, focuses on education and counseling to change behaviors that increase the risk of AIDS, particularly intravenous drug use.

CHAPTER 12: PRISON SITING PROCEDURES

A critical need for new minimum security correctional facilities, combined with the concern that correctional facilities could be blocked or unreasonably delayed by the state's normal land use siting procedures, led the 1987 Legislature to enact House Bill 3092. This legislation, which expires in 1990, provides for "supersiting" authority for minimum security facilities by preempting all other land use or zoning laws.¹

To address Oregon's future needs for correctional facilities, the Governor and the Legislature directed the Task Force to "recommend changes in corrections facility siting procedures, including procedures mandated by the land use planning laws."² In accordance with this directive, the Task Force received public testimony and written comments from public officials, planners, land use attorneys, and other interested citizens throughout the state regarding appropriate prison siting procedures and their relationship to Oregon's existing land use laws.

The Task Force commissioned the Bureau of Governmental Research and Service (BGRS) at the University of Oregon to conduct a study which evaluated the current siting process for minimum security facilities under House Bill 3092 and identified alternative procedures for siting correctional facilities that would minimize siting delays and protect the integrity of Oregon's land use laws. This study also reviewed the statewide siting procedures of other states, in order to identify the most effective options for siting correctional facilities in Oregon.

I. Statewide Siting Experiences in Other States

Many states have adopted special procedures to minimize local opposition to siting regional or statewide facilities, including correctional facilities. Some states have established authority to override local government control of siting; others have chosen only to use those sites offered by local governments.

Some states rely on their state Legislatures to take the lead in siting new prisons. In these states, the Legislature identifies the county or metropolitan area where the facility is to be located at the time it provides funding authorization for specific correctional facilities.

¹ Chapter 321, Oregon Laws 1987.

² EO-87-16, paragraph 3.a.(4) and section 12(3)(d), chapter 321, Oregon Laws 1987.

BGRS's detailed survey of other states with procedures for siting correctional facilities and other regional facilities by overriding local governmental control reveals that most of these states still experience difficulties in siting these facilities.³ They are reluctant to override local government in the face of public opposition and political pressure. As a result, prisons in these states have been placed in rural areas or communities that would accept them, rather than locations that were best suited for correctional facilities.

BGRS also observed:

Experience indicates that it is difficult to locate correctional facilities in or near large population centers where the inmates originate and where there is adequate infrastructure and other community resources. This is blamed on local opposition, but the review of other state programs suggests that some of the problems may originate with the state's siting programs themselves.

Based upon its own investigations and the BGRS's research, the Task Force has concluded that, regardless of the long-range prison siting procedures adopted by a state, the state's prison siting authorities must make every effort to respond to the concerns of local governments and private citizens in order to avoid unnecessary siting delays and reduce community opposition. State siting programs too often disregard community concerns at the outset and, as a result, must cope with strong public opposition late in the siting process.

As the Department of Corrections' experience with House Bill 3092's siting process indicates, an effective response to local concerns requires careful planning and coordination, effective public relations, special staff training, and an appreciation for open dispute resolution. Community involvement in and support for the Department's objectives can also be increased by such strategies as (1) informational meetings with public officials, community leaders, and interested citizens prior to initiation of the formal siting process; (2) the establishment of community advisory committees prior to the siting process; and (3) tours of correctional facilities by representatives of the communities surrounding potential sites. These strategies have been used successfully by the Federal Bureau of Prisons in siting its prison near Sheridan, Oregon, as well as other federal prisons throughout the country.

³ BGRS reviewed the siting procedures and experiences in the following states: Arizona, California, Florida, Idaho, Michigan, Tennessee, Washington, and Wisconsin.

II. Special Siting Procedures in Oregon

In addition to the procedures established by House Bill 3092, Oregon's current laws establish special siting processes for a number of other regional or statewide facilities, including energy facilities, land fills, destination resorts, mobile home parks, and residential care facilities.⁴ Although these procedures vary, depending upon the nature of the facility being sited, they do contain elements which have assisted the Task Force in developing the future prison siting procedures recommended in this chapter.

For example, most of these procedures establish a separate siting authority, screen out unsuitable sites, and establish siting criteria prior to the commencement of the formal siting process. Some of these procedures also provide the opportunity for local governments to choose a site, with state override authority applying only if local governments are unwilling or unable to identify suitable sites.

III. The Task Force's Policy Objectives

A variety of alternative prison siting procedures were considered by the Task Force, from the exclusive use of the state's normal land use laws, to a permanent supersiting procedure for siting all future correctional facilities. However, the Task Force believes that the most effective procedure for siting prisons must represent a compromise between these two extremes that accounts for both the emergency nature of the need for correctional facilities and the state's long-term commitment to comprehensive land use planning laws. Accordingly, the Task Force designed its recommended prison siting procedures to accomplish the following policy objectives:

1. Enable the Department of Corrections to select sites for needed facilities in general locations that will best meet the objectives of Oregon's corrections program;
2. Comply with comprehensive statewide policies or processes for siting regional or statewide facilities that may be adopted by the state;
3. Preserve the state-local partnership approach to land use planning, in which mandatory goals and rules on matters of state concern are formulated at the state level, and authority to promulgate local policies to implement the state goals is retained at the local level;
4. Provide opportunities to select sites in communities that welcome or accept correctional facilities, when consistent with the other objectives of the siting process; and

⁴ See 469.320 et seq., ORS 459.005 et seq., 197.435 et seq., 197.475 et seq., and chapter 351, Oregon Laws 1987.

5. Limit the use of legislative or administrative "supersiting" preemptions to emergency conditions requiring short-term expedited facility siting or circumstances in which local governments are unwilling or unable to identify suitable sites.

IV. A Recommended Long-Term Land Use Siting Process

12.1 In general, the long-term siting process for future correctional facilities should be consistent with the state's existing land use laws. However, Statewide Planning Goal 11, calling for the efficient planning of public facilities, must be amended and a new Land Conservation and Development Commission (LCDC) administrative rule must be adopted to clearly mandate local and state planning for correctional facilities.

In House Bill 3092, the Legislature found "[t]he state-wide land use planning goals do not adequately address the need to site corrections facilities."⁵ This recommendation responds to that legislative finding with proposals for a long-term process for siting correctional facilities which builds upon the state's existing land use laws. The recommendation requires actions by the Department of Corrections, LCDC, the Legislature, and eventually cities and counties.

This recommendation will enable the Department of Corrections to select sites that best meet the objectives of the state's corrections program. The proposed siting process will not provide the means to avoid all public opposition, but it will provide a mechanism to respond to local concerns.

The Department must take the following actions at the earliest opportunity to ensure the effectiveness of this siting process:

1. Adopt a statewide correctional facilities siting plan (the Statewide Siting Plan) which includes a description of facilities proposed in the Task Force's Strategic Corrections Plan by type, size, preferred location, and operation date. The Statewide Siting Plan should designate counties which may be sites for these correctional facilities and invite all interested counties to request such designation. The Plan should also contain clear site selection criteria for each type of facility proposed;
2. Prepare a state agency coordination program in accordance with ORS 197.180 and OAR 660 Division 30;
3. Demonstrate to LCDC that the Statewide Siting Plan is mandated by statute and is consistent with the state's Planning Goals. As provided in ORS 197.640, this action will require cities and counties to make their plans and regulations compatible with the Statewide Siting Plan by the time of their next periodic review;

⁵ Section 2(2), chapter 321, Oregon Laws 1987.

4. Request that LCDC amend Statewide Planning Goal 11 concerning planning for public facilities and adopt a new administrative rule to provide for siting correctional facilities;
5. Adopt rules and procedures within the Department's administrative regulations for negotiation and mediation with local governments concerning the siting of correctional facilities; and
6. Develop a public information program that describes the need for and impacts of new correctional facilities.

LCDC must respond to the preceding requests of the Department of Corrections by taking the following actions:

1. Review and certify the state agency coordination program submitted by the Department of Corrections;
2. Amend Planning Goal 11 and adopt a new administrative rule to implement the following requirements for siting correctional facilities:⁶
 - a. The Department of Corrections, in accordance with ORS 197.180, shall develop and adopt the Statewide Siting Plan;
 - b. Comprehensive plans shall contain policies concerning the siting of needed correctional facilities, including procedures for coordinating siting among other jurisdictions;
 - c. Comprehensive plans and land use regulations shall contain use designations and classifications that allow correctional facilities outright;
 - d. Comprehensive plans and land use regulations within regions affected by the Statewide Siting Plan shall individually or jointly provide an adequate supply of sites of suitable size, location, and service level for correctional facilities consistent with local plan policies and the Statewide Siting Plan;
 - e. Comprehensive plans and regulations shall comply with the preceding requirements by the time of their next periodic review following the Department of Corrections' designation of potential sites in the Statewide Siting Plan; and
3. Provide notice to cities and counties concerning the date by which they are to be in compliance with amended Goal 11 and the new administrative rule.

⁶ LCDC or the Legislature may also choose to broaden these provisions to apply to other types of regional facilities and other state agencies.

V. A Recommended Short-Term and Backup Supersiting Process

12.2 Chapter 321, Oregon Laws 1987 (House Bill 3092) must be extended and amended to (1) meet correctional facility siting needs during the interim period prior to or between adoption of the Statewide Siting Plan, LCDC action and the resulting amendments to local comprehensive plans and land use regulations proposed, and (2) provide an alternative siting process in the event that local governments are unwilling or unable to designate a site pursuant to the proposed long-term siting process or the Governor determines that an emergency need exists for a new correctional facility.

Supersiting procedures are proposed by the Task Force for two reasons. First, a short-term process is necessary to deal with facility siting needs during the interim period between adoption of the Statewide Siting Plan by the Department of Corrections and the relevant amendments to local comprehensive plans and land use regulations. Second, an alternative siting process is needed in the event that local governments are unwilling or unable to designate a site pursuant to the proposed long-term siting process or the Governor determines that an emergency need exists for a new correctional facility. These procedures will not be used if the comprehensive plans of affected local governments provide for correctional facilities.

Given the short-term demands for correctional facilities projected in this Plan, the long-term siting process proposed by the Task Force is not adequate to meet the state's current prison siting needs. Based upon recent siting experiences under House Bill 3092, the Task Force also anticipates that some local governments will be unwilling or unable to identify specific sites for correctional facilities through the proposed long-term siting process or in the face of an emergency need for a state correctional facility.

Therefore, the Task Force recommends that the supersiting authority in House Bill 3092 be extended to apply up to the date of the next mandated periodic review for comprehensive plans of local government affected by the Statewide Siting Plan. Furthermore, if these local governments fail to include suitable sites in their comprehensive plans by the date of the next mandated periodic review, or the Governor determines that an emergency need exists for a new correctional facility, then this supersiting authority could be exercised by the state.

Based upon the recent siting experience under House Bill 3092, the Task Force recommends that thus new legislation contain the following additional provisions:

1. A requirement that the Department of Corrections establish an advisory group of local public officials to consider potential sites in the counties or regions designated in the Statewide Siting Plan before the formal statutory siting process begins;

2. Deadlines that provide more time for the Site Nomination Committee to perform its tasks and an option for more meetings of the Committee in larger metropolitan areas; and
3. A requirement that the Department establish rules of procedure for the Site Nomination Committee, including the consideration of objective information on site characteristics and potential risks in using proposed sites.

The objective of both of the Task Force's recommended prison siting processes is to provide local government with the opportunity to site correctional facilities before the state's supersiting authority can be exercised. The Task Force is aware of the legislative concern expressed in ORS 459.017(2), that supersiting is "an extraordinary measure that should be exercised only in the closest cooperation with local government units." However, without this authority, the Task Force believes that the state will not be able to fully meet the correctional needs of Oregon.

CHAPTER 13: CRIMINAL JUSTICE INFORMATION SYSTEMS

Accurate and reliable information is a central need of the criminal justice system, both for planning and operations. Each component of the criminal justice system must be able to respond to the information needs of the other components. Criminal justice agencies must have computerized information systems that can not only store needed data, but exchange data quickly and efficiently with other agencies.

Complaints about the serious deficiencies of Oregon's criminal justice information systems have been a recurring theme in reports and plans of task forces, commissions, and legislative committees over the years.¹ During the preparation of this Plan, the Task Force was often frustrated by the unavailability or inaccuracy of critical information needed for its research and planning.

Some of the state's information systems are outdated. Key information for planning is often unavailable or unreliable. Many components of the system are unable to communicate with each other.

In order to address these deficiencies, the Task Force and the Criminal Justice Council formed a joint Committee on Information Systems to identify policy options and strategies that could improve the overall efficiency and effectiveness of Oregon's criminal justice information systems.² In January 1988, the Task Force and the Council established a Criminal Justice Information Systems Users' Group, made up of representatives of the key state and local agencies that use criminal justice data. The Users' Group has met together or in subcommittees several times each month over the past year to develop data and communications standards and procedures that will increase the accuracy and compatibility of the key information systems in the state.

The Task Force retained Dr. James Austin, Vice President and Director of Research of the National Council on Crime and Delinquency in San Francisco, to facilitate the Users' Group process and to prepare findings and recommendations which could guide the future direction of information systems in Oregon. Kay Knapp, Director of the Institute for Rational Public Policy in Washington, D.C., was also retained to propose strategies to improve information system support for policy-makers based upon her ongoing research in Oregon for the State Justice Institute.

¹ These deficiencies were outlined most recently in a report of the Oregon Criminal Justice Council. See K. Ashford, A Review of Oregon's Criminal Justice Information Systems (1987).

² The Task Force's responsibilities to review and evaluate information systems in the state are set forth in EO-87-16, paragraph 3.a.(5) and section 12(e), chapter 321, Oregon Laws 1987. The Oregon Criminal Justice Council responsibilities regarding information and data are set forth in section 3, chapter 558, Oregon Laws 1985.

Based upon these initiatives and its own investigations over the past year, the Task Force proposes recommendations in this chapter to improve the overall efficiency and effectiveness of Oregon's criminal justice information systems. These recommendations include proposals to coordinate the operation of the state's information systems, practical strategies to improve the systems in the short-run, and long-term strategies that require further study and research.

I. Coordination of State Information Systems

13.1 Legislation should be adopted that formally establishes the Criminal Justice Information Systems Users' Group.

A Criminal Justice Information Systems Users' Group is needed to develop and coordinate standards and procedures to improve the operation of the state's entire criminal justice information system. Such a group has been meeting since January 1988 on an informal basis under the auspices of the Task Force and the Criminal Justice Council. A legislatively authorized Users' Group should be composed of key users of criminal justice information throughout the state,³ including representatives of the following organizations:

1. Law Enforcement Data System
2. Department of Corrections
3. State Court Administrator
4. Department of State Police
5. Crime Analysis Center
6. Criminal Justice Council
7. Board of Parole
8. County prosecutors
9. Local law enforcement
10. County Community Corrections
11. Juvenile departments
12. Mental Health Division
13. Criminal Justice Information Division

The Users' Group should meet on a monthly basis. It should be chaired by the Director of the new Criminal Justice Information Division proposed below, and staffed by that Division. However, the Users' Group should be established and provided with adequate staff whether or not a Criminal Justice Information Division is established.

³ For an example of such a group authorized by law in the State of Washington, see RCW 10.98.160. See also, Governor's Interagency Criminal Justice Work Group, "Plan for the Implementation of Criminal Histories for the Sentencing Reform Act, prepared by Forecasting Estimation Division, Office of Financial Management (October 28, 1983) and Special Report No. 84," "Plan for the Implementation of Criminal Justice Information Act," prepared by the Policy Analysis and Forecasting Division, Office of Financial Management (March 1984).

The Users' Group should be responsible for:

1. Exchanging ideas for improvement and greater coordination among criminal justice information systems in the state;
2. Facilitating the development and maintenance of data element and communication protocol standards for all criminal justice information systems in the state;
3. Reviewing and assisting in the implementation of quality assurance plans and audits of these criminal justice information systems; and
4. Reviewing and assisting in the implementation of all changes in equipment, data and communications protocol standards, and software relating to the information systems represented on the Users' Group.

Until authorizing legislation is enacted, the Users' Group should continue to meet on a monthly basis for the following purposes:

1. To identify the appropriate information system responsibilities of the state's major criminal justice agencies, based upon the anticipated needs of policy-makers for criminal justice information;
2. To continue to develop data and communications protocol standards;
3. To develop additional practical strategies for the Governor and Legislature to enhance the efficiency and effectiveness of the state's criminal justice information systems.

13.2 The Legislature should establish a new Criminal Justice Information Division.

There is a need for greater information coordination and planning in the Executive Branch of state government. A new Criminal Justice Information Division should be established in the Executive Department with the following responsibilities:

1. Support for Criminal Justice Planning and Analysis. The Division would provide criminal justice information to support planning and policy development within the Executive Branch. The Division would also be responsible for providing this information to other state and local agencies that request such information;
2. Prison Population Forecasting. In order to ensure the accuracy and promote the credibility of Oregon's new prison population projection model, the Division would assist in the development of and review, approve, and release the projections generated by the model. In the event the Division is not established, this function should be performed by the Executive Department.

The projection model, which the Task Force and the Department of Corrections retained the National Council on Crime and Delinquency to design, and which formed the basis for the Task Force's assessment of the need for future prison capacity in Chapter 5, is now being installed at the Department. The model and its supporting staff should remain there. However, staff from the Division should be trained and participate in the development of preliminary projections by the Department in order to evaluate these projections effectively.

The Division should be directed by statute to issue annual prison population projections after taking the following actions:

- a. Submit the preliminary projection from the Department of Corrections to the Criminal Justice Information Systems Users' Group, together with a relatively small group of individuals from state agencies and higher education with expertise in forecasting methods, for review and comment regarding the accuracy of the preliminary projection and the validity and reliability of the procedures and methods used to produce that projection;
- b. Submit the preliminary projection from the Department to the Criminal Justice Council for review and comment regarding the accuracy of the preliminary projection, a comparison of the projection with current sentencing guidelines projections, and the validity and accuracy of key assumptions underlying the projection, such as the future behavior of agencies within the criminal justice system and future criminal justice policies, procedures, and laws; and
- c. Consider the comments from the Users' Group and the Council and directing the Department to make appropriate modifications.

This process is modeled after Oregon's annual economic forecasting process. The input of the Users' Group's into the process will ensure that final prison population projections are technically sound. The Criminal Justice Council's input will ensure that these projections are based on realistic policy assumptions and that a correlation exists between the long-term and short-term projections generated by the Department and the Council.

3. Accurate and Timely Statewide Criminal Justice Data. The Division would develop quality assurance standards for Executive Branch criminal justice information systems to ensure that information from these systems is accurate and timely. Following major revisions or replacement of these information systems, the Division would oversee regular audits of these systems by qualified independent contractors. The Division would also propose quality assurance standards to all state and local criminal justice agencies and seek their cooperation in promoting the collection and dissemination of accurate and timely criminal justice information throughout the state;

4. Data Systems Operations. The Division would administer the Law Enforcement Data System (LEDS); and
5. Standard Setting and Enforcement. The Division would establish data and communication standards for criminal justice information systems within the Executive Branch, in cooperation and consultation with the Criminal Justice Information Systems Users' Group. The Division would be responsible for ensuring that modifications to existing information systems or the implementation of new systems in the Executive Branch adhere to established state standards. It would also be responsible for publicizing and promoting its data and communication standards for consideration by other state and local criminal justice agencies.

II. Short-Term Strategies

13.3 The Law Enforcement Data System (LEDS) computer system needs to be replaced as soon as possible with a modern system.

In 1969, the Legislature established LEDS as a law enforcement information network administered by the Information Systems Division of the Executive Department.⁴ LEDS provides a criminal justice telecommunications and information system for law enforcement agencies throughout the state and provides access to similar systems throughout the country. The primary information bases maintained by LEDS are the Oregon Uniform Crime Reporting data on statewide crimes and arrests and the Computerized Criminal History (CCH) files on all persons with felony arrest records.

LEDS' current computer system is obsolete and does not support current standard data communications architectures or database management techniques. As a result, it has become a major impediment to the efforts of other state and local criminal justice agencies to improve the efficiency and compatibility of their systems.

The LEDS computer network serves as the basic infrastructure for criminal justice information systems in Oregon. Modernization of the LEDS computer network is an essential first step in a strategy to improve the state's criminal justice information systems.

13.4 The IBM Systems Network Architecture (SNA) should be adopted by LEDS, as well as by other state and local agencies that use statewide criminal justice information, as the communications protocol standard for their information systems.

An effective communications interface between the various criminal justice information systems in the state requires a standard communications architecture. The emerging standard in Oregon's state agencies is SNA.

⁴ See ORS 181.710. See also, ORS 181.550.

All existing state agency systems in the criminal justice system support this standard except LEDS. Most local criminal justice information systems also support this standard. The National Crime Information Center will adopt SNA within two years.

If the new LEDS computer system is to provide the basic infrastructure for Oregon's criminal justice information systems, it must be compatible with those systems. Therefore, the Task Force recommends that the RFP for a new LEDS computer system include SNA as a mandatory feature.

Furthermore, the Task Force urges LEDS, the Criminal Justice Information Division, and the Criminal Justice Council to promote SNA throughout the state. The adoption of SNA by state and local agencies as their communications protocol standard will allow those agencies to participate in what could truly become a statewide criminal justice information system.

13.5 Common data element standards and communications protocol standards must be developed as soon as possible for the information systems of LEDS, the state courts, the Department of Corrections, the State Police, and the Parole Board.

The Users' Group has already undertaken a project to identify data elements common to the major state agency information systems which should be standardized. This work should continue through the joint efforts of the Users' Group, the new Criminal Justice Information Division, and the Criminal Justice Council.

Without statewide standards for data elements and communications protocol, the various information systems throughout the state will be unable to communicate with each other. In order to develop a statewide criminal justice information system, both state and local agencies must be included in deliberations leading to the formulation of standards and encouraged to adopt those standards once they are established.

13.6 Legislation should be adopted that requires law enforcement agencies to report arrest information to the Department of State Police within established deadlines.

Perhaps the most important database within LEDS is the Computerized Criminal History files (CCH) which contain offender-based tracking records. These files contain chronological records of instate criminal arrests, judicial dispositions, and dates of incarceration or community supervision. Any criminal justice agency with authorized access to LEDS can retrieve these files on-line at local and mobile vehicle computer terminals.

The State Police Bureau of Criminal Identification enters and maintains the data in the CCH files. The backbone of this offender tracking system is a three-part criminal information form which includes an Arrest Report.

Present law requires law enforcement agencies to initiate this form for any felony, any misdemeanor which involves criminal sexual conduct, or any crime which involves violations of the Uniform Controlled Substance Act.⁵ Immediately upon an arrest, the arresting agency is supposed to forward the Arrest Report containing complete fingerprints, photographs, and other identifying data, to the State Police.

A recent study completed by the Executive Department for the Users' Group found that, from a sample of 30 arrests, the time between arrest and receipt of an Arrest Report by the State Police varied from 1 to 47 days. The average was 10 days.

Such delays could mean that offenders are being released on a subsequent arrest because data regarding the earlier arrest has not yet reached LEDS. The Task Force recommends that provisions be added to the mandatory reporting law that establish reporting deadlines to CCH for local law enforcement agencies.

A backlog of Arrest Reports at the State Police has resulted in additional delays in entering essential data into the CCH files. The Criminal Justice Information Division and the State Police should eliminate these delays through administrative action.

13.7 In the absence of a comprehensive revision or replacement of the CCH system, the Task Force recommends that LEDS and the State Police consider implementing as soon as possible the recommendations in a report by the Executive Department to the Criminal Justice Information Systems Users' Group entitled "Preliminary Review of the Oregon Criminal History System."

At the request of the Users' Group, Anne Kaufman of the Executive Department conducted a preliminary review of the CCH system and reported her findings in a document entitled, "Preliminary Review of the Oregon Criminal History System." Based on a sample of 120 records on the CCH system that was manually compared against data source documents, the report tentatively identified potential problems with the completeness and accuracy of CCH data and recommended approaches to quality assurance for consideration by the Users' Group.

Some of the report's recommendations represent practical short-term strategies to improve the CCH system at little additional cost. In the absence of a comprehensive revision or replacement of the CCH system, the Task Force urges LEDS and the State Police to consider implementing the recommendations in this report.

13.8 A jail monitoring information system should be established as soon as possible.

⁵ ORS 181.511 et seq.

Information concerning the capacity of jails to house pretrial detainees, parole violators, sentenced offenders, and a variety of other inmates is of critical importance to state corrections planning and policy analysis. However, this information is not readily available. In a recent study for the Task Force, the Department of Corrections had to conduct a telephone survey of all jails in the state in order to determine the number of sentenced felons confined in county jails at any one time.

The establishment of a statewide jail information system, capable of tracking every individual case through each county jail in the state, is not feasible at this time. The volume and variety of jail admissions prevent many counties with limited resources from maintaining up-to-date and accurate records of their jail populations.

However, it is feasible to implement a system used by other states, in which counties report the following data on an annual basis:

1. Annual population counts by
 - a. Pretrial status;
 - b. Parole violator status;
 - c. Sentence status for
 1. Misdemeanor, and
 2. Felonies; and
 - d. Miscellaneous populations (e.g., federal inmates, inmates in transit).
2. Annual jail admissions by
 - a. Pretrial admissions;
 - a. Parole violator admissions; and
 - c. Sentence admissions for
 1. Misdemeanors, and
 2. Felonies.
3. Jail bed capacity in terms of
 - a. Operational capacity; and
 - b. Design capacity.

Under this system, counties would be notified in advance that this information will be required each year. If data on admissions and population counts can be accurately collected, estimated lengths of stay can be calculated.

This information will allow the state to monitor and project the likely demand on jails under current and revised practices and laws, with a minimum of effort and cost for counties. As a long-term goal, the Department of Corrections and the Criminal Justice Information Division should establish a centralized statewide index of all inmates in state and county correctional facilities.

13.9 New information systems for the Department of Corrections and the Parole Board, which track offenders through the corrections system, must be established as soon as possible. These systems must be linked to LEDS and have the capacity to interface with each other.

Oregon's current adult corrections offender tracking system is inadequate for management and planning by the Department of Corrections and decision-making by the Parole Board. The widespread deficiencies in the Department's and the Board's current information systems have been identified in numerous studies.⁶

Both the Department and the Parole Board have developed plans and budget requests for new information systems to address these deficiencies in the next biennium. The Task Force urges the Legislature to give its highest priority to supporting the development of these new information systems.

It is essential that these information systems have the ability to interface with each other. Because the Parole Board currently determines an inmate's actual release date, the Department must obtain accurate and timely data from the Board in order to forecast future prison populations and to ensure that prison inmates are being classified and programmed appropriately. Because the Parole Board bases its release decisions on correctional data generated by the Department, the Board must also have access to this data in the Department's information systems. The Parole Board and the Department should explore the feasibility of designing their new systems to permit integration of these systems into one system in the future.

Criminal history prior to incarceration is critical to the decisions of both the Department and the Board. Therefore, both of their information systems must be linked to LEDS.

The Parole Board's information system should also be designed to anticipate its replacement with a Community Supervision Board when felony sentencing guidelines take effect in 1989.⁷ Although this new Board will no longer control release decisions, its decisions regarding conditions and revocation of supervision may require similar access to data at the Department of Corrections.

13.10 An effective mechanism must be implemented as soon as possible to transfer data from the new Juvenile Department Information System, (JDIS) to CCH.

The Task Force understands the Criminal Justice Council is likely to recommend that juvenile offenses, which would be felonies in the adult system, will be included in an offender's criminal history under felony sentencing guidelines. Therefore, every effort must be made to ensure the collection of accurate criminal history information from juvenile departments through JDIS, the new information system recently developed by the Juvenile Services Commission.⁸

⁶ See, e.g., Ashford, note 1, pp. 19-20 and 25.

⁷ See Recommendation 14.4 in Chapter 14.

⁸ See D. Hemmer, "Juvenile Department Information System: Introduction" (November 1, 1987) (unpublished draft).

Because the juvenile services system is administered by separate departments at the county level, it may be impossible to interface JDIS with CCH. However, a reliable transfer mechanism, which may require manual record-keeping and data reentry into the CCH file, must be implemented as soon as possible.

III. Long-Term Strategies

13.11 The state courts should consider expanding the information capabilities of the Oregon Judicial Information Network (OJIN) to include extra-statutory elements of offenses.

In 1984, the State Court Administrator released a study concerning the need for automation and technology in the new unified state court system.⁹ This study led to appropriations by the 1985 and 1987 Legislatures to develop and implement OJIN. This information network will eventually establish uniform, automated case and financial tracking systems in all state courts. The first phase of OJIN's implementation includes indexing detailed case information and judgement dockets, generation of notices, calendar management, and statistical reporting. As of August 1988, courts in 28 counties were operating under OJIN's first phase of development.

OJIN is potentially the most useful criminal justice information system in Oregon for statewide policy-making. It contains data on the population of all offenders charged with felonies, as well as all felony adjudications and sentences.

This information system represents a tremendous advance in meeting the needs of state policymakers who must address such important issues as criminal code revision and the development of new sentencing and corrections policies. However, to realize its full potential for statewide policy-making, OJIN should include data elements that report circumstances and characteristics of offenses that are not included in their statutory definitions.

The only offense differentiations now included in OJIN are statutory citations, which are too gross to address most policy questions. For example, the offense category of assault can include many different kinds of circumstances and behaviors of significance to policymakers, and the single data element "assault" will disguise that significance. Assault can include barroom brawls, spouse abuse, child abuse, and stranger-to-stranger attacks. Policy-making efforts, such as revision of the criminal code or development of new sentencing and corrections policies, require information that distinguishes among these types of incidents.

⁹ See "Survey of the Use of and Need for Technology within the Oregon State Court System," prepared by the Information Processing Technical Assistance Team, State Court Administrator (April 1984). ORS 8.125 establishes the State Court Administrator's responsibilities to keep case and financial records and collect and compile data relating to state courts.

Adding extra-statutory data elements to OJIN which distinguish kinds of behavior within single offenses would greatly enhance the value of OJIN for policy-making purposes. The preliminary work in Oregon by Kay Knapp for the State Justice Institute reveals a potential for consensus among Oregon's policymakers regarding the kinds of additional data elements that would be most useful for developing state criminal justice policies.¹⁰

Regardless of the extra-statutory element added to OJIN, three other data elements are essential to policymakers and easily added to OJIN. First, the date of the offense is a critical item, since the effective date of most laws is based upon the offense date. Without dates of offense, cases charged and sentenced under a new statutory provision cannot be identified and tracked. Second, the element of gender presents significant issues with respect to corrections programming and policies. Third, the element of race raises important social and political issues for the administration of the entire criminal justice system. These elements should be collected as soon as possible.

13.12 The state's criminal justice information systems should eventually be subject to regular and systematic audits to ensure complete and accurate data and effective data recording and transmittal procedures.

The Task Force recommends an audit system be established that subjects each of the state's major criminal justice information systems to regular and systematic review. However, audits should not be performed on information systems which are about to be revised or replaced.

The Task Force believes priority should be given to audits of the new information systems of the state courts, the Department of Corrections and the Parole Board. Audit procedures should be an integral part of the design of these systems, as well as state criminal justice information systems developed in the future.

Incentives to comply with the standards and procedures subject to audit should be developed jointly by the Users' Group, the Criminal Justice Information Division, and the Criminal Justice Council. One of the most practical incentives would be the publication and distribution of the results of audits throughout state government and the criminal justice system.

The Users' Group should develop proposed standards and procedures for audits to ensure complete and accurate data and effective recording and transmittal practices. The Criminal Justice Information Division and the Criminal Justice Council should review these proposed standards and procedures and make joint efforts to require audits of the state's key information systems on a regular basis. These agencies should also cooperate with the Judicial Branch, which is responsible for conducting a separate and independent audit of its state court information system.

¹⁰ See K. Knapp, "Oregon State Criminal Justice Information Systems: Suggested Improvements to Support Policy Analysis," report submitted to the Task Force (July 29, 1988), p. 3.

13.13 The Users' Group, together with representatives from the Oregon District Attorneys Association, should study and report on the feasibility of establishing a statewide prosecutorial information system.

Prosecutors are responsible for two key decisions within the criminal justice system: (1) the decision to charge and (2) the decision of what to charge. The details surrounding these two decisions are largely hidden from the view of other criminal justice agencies and the public.¹¹ In many instances, the bases for these decisions are not subsequently clear to prosecutors, since the frequency and volume of the decisions make it difficult for prosecutors to collect and analyze data concerning them.

Prosecutors should have the capacity to develop and retain adequate information regarding the nature of the charges they have instituted and their decisions not to initiate charges. They should also have the capacity to provide information about the status of criminal cases as they proceed through the court system. This information will be even more important when felony sentencing guidelines become effective in 1989 and there is a need to monitor changes in prosecutorial practices as a result of the guidelines.

With the creation of OJIN, an opportunity now exists for Oregon prosecutors to collect and distribute this information. Prosecutorial information is part of any court information system. Charges must be filed with a court; and the complaint, information, or indictment becomes part of the court record.

Given this interrelationship between the prosecutors and courts, the Task Force recommends that consideration be given to establishing a new prosecutorial information system as a component of OJIN. The Users' Group, together with a representative group of District Attorneys, should study the feasibility of such a system and alternative systems, and report to the Oregon District Attorneys Association (ODA) and the State Court Administrator as soon as possible. The Users' Group should request ODA to appoint a Committee on Information Systems to work with the Users' Group on this project.

A short-run strategy that the Users' Group and the Committee should consider is extending OJIN's automation to prosecutors' offices. Prosecutors would then be able to enter required information directly into OJIN. This strategy would eliminate the paper transmittal of information to courts from prosecutors' offices. It would also provide a means for prosecutors to maintain their own automated information system for initial charges and subsequent prosecutorial actions concerning those charges.

¹¹ See K. Davis, Discretionary Justice: A Preliminary Inquiry (1969), pp. 188-190.

The development of any type of centralized prosecutorial information system will require agreement among prosecutors throughout the state concerning a standard dictionary of data elements, complete with commonly accepted coding conventions, and the integration and coordination of these elements with other statewide information systems. For example, a standard definition of "case" as "unit of analysis" must be adopted. It will be impossible for prosecutors to communicate with each other or the courts in a system in which "case" can mean: (a) one of several charges against an individual; (b) an individual offender who has several charges pending; (c) several individuals charged with the same offense; or (d) one offense counted in three separate cases to correspond to three separate individuals jointly charged. This is the kind of technical task that should be assigned to the Users' Group and ODA's Committee on Information Systems.

13.14 The Computerized Criminal History (CCH) system should be redesigned to become a true offender-based tracking system.

As a long-range objective, CCH should be designed to interface with all key criminal justice information systems in the state, including the state courts, the Department of Corrections, and local law enforcement and corrections agencies. Criminal justice information can then be captured as close to its sources as possible, and as few times as possible.

This new offender-based tracking system should have the capacity to report all transactions concerning offenders, from arrest, through release from the custody and control of the Department of Corrections. It should also include individual criminal history characteristics.

CHAPTER 14: CRIMINAL JUSTICE SYSTEM COORDINATION

The criminal justice system is frequently criticized as being fragmented and, more fundamentally, as not being a "system" at all. It is true that the numerous governmental entities composing the system often function independently of each other, and occasionally in conflict with each other, in making and enforcing criminal laws, adjudicating their violation, and providing for the disposition of offenders.

However, sometimes the criticisms made of this "fragmentation" are overstated and perhaps unfair. We do not have a unified criminal justice system primarily because our state constitution provides for three branches of government. The Legislative Branch makes the criminal laws, provides funding for law enforcement, and defines the sanctions for criminal violations. The Judicial Branch adjudicates violations of criminal laws and sentences offenders. The Executive Branch participates both by enforcing the criminal laws and administering the corrections system.

The situation is even more complicated because of the state-local allocations of responsibilities within the criminal justice system. Most of the enforcement of state criminal laws is undertaken at the local level by municipal police departments and county sheriffs' offices. In addition, many of the sanctions for violation of state criminal laws are administered locally. Counties operate their own jails and most have their own probation departments.

To institute a totally "unified" criminal justice system would require a fundamental restructuring of our system of government. Given the existing structure, what is most important is that each component of the criminal justice system have clearly delineated responsibilities, adequate funding to carry out those responsibilities, a sensitivity to concerns of other components of the system, and a well developed criminal justice information system that can record and effectively communicate needed data to other components of the system.

Recommendations regarding the appropriate allocation of state-local responsibility for community sanctions and incarceration are discussed in Chapters 8 and 9. Recommendations regarding improvement and coordination of criminal justice information systems are set forth in Chapter 13. This chapter will provide recommendations regarding changes in structure and role for various entities within the criminal justice system.

14.1 The Oregon Criminal Justice Council should be continued as the coordinating body between state and local governments and the Executive, Judicial, and Legislative Branches of government with respect to criminal justice policy, research, and planning.

The Oregon Criminal Justice Council was established by the 1985 Legislature.¹ It consists of the following 20 members: the Attorney General, the Director of the Department of Corrections, the Chairperson of the State Board of Parole, the Chairperson of the Psychiatric Security Review Board, the Administrator of the Mental Health Division, the Director of the State Council on Crime and Delinquency, an appellate judge, a trial judge, two state Senators, two state Representatives, a District Attorney, a criminal defense attorney, a County Sheriff, a County Commissioner, and four public members.

Section 3, chapter 558, Oregon Laws 1985, provides:

The Oregon Criminal Justice Council shall:

- (1) Study and make recommendations concerning the functioning of the various parts of the criminal justice system, including study and recommendations concerning implementation of community corrections programs;
- (2) Study and make recommendations concerning the coordination of the various parts of the criminal justice system;
- (3) Conduct research and evaluation of programs, methods and techniques employed by the several components of the criminal justice system;
- (4) Study and make recommendations concerning the capacity, utilization and type of state and local prison and jail facilities; and alternatives to the same including the appropriate use of existing facilities and programs, and the desirability of additional or different facilities and programs;
- (5) Study and make recommendations concerning methods of reducing risk of future criminal conduct by offenders;
- (6) Collect, evaluate and coordinate information and data related to or produced by all parts of the criminal justice system;
- (7) Accept gifts and grants and disburse them in the performance of its responsibilities; and
- (8) Report annually to the Chief Justice of the Supreme Court, the President of the Senate, the Speaker of the House of Representatives and the Governor.

¹ Chapter 558, Oregon Laws 1985.

The 1987 Legislature gave the Council the additional responsibility of developing felony sentencing guidelines, for submission to the 1989 Legislature.² The Council was also given the responsibility of developing uniform standards for pretrial release.³

The Criminal Justice Council is scheduled to sunset on July 1, 1989, unless its existence is extended by the 1989 Legislature. The Task Force recommends the continuation of the Council. It serves an essential coordinating, review, and research function in the criminal justice system.

Furthermore, the sentencing guidelines being developed by the Council, which provide a much needed balance mechanism for the corrections system, must be regularly monitored and adjusted in the future by the State Sentencing Guidelines Board. The Board will need the staff assistance and support of the Council in performing these responsibilities.

After felony sentencing guidelines are completed, the Legislature should request the Council to develop misdemeanor sentencing guidelines.⁴ This formidable task would occupy the Council at least through the 1989-91 biennium.

14.2 The State Sentencing Guidelines Board should be given interim authority to adjust the guidelines between legislative sessions to keep them in conformity with state prison capacity.

Although the Criminal Justice Council has been given responsibility to develop sentencing guidelines, the actual authority to promulgate them rests with the State Sentencing Guidelines Board. The Sentencing Guidelines Board consists of those members of the Oregon Criminal Justice Council who serve by virtue of their respective offices in the Executive Branch of state government and those members appointed to the Council by the Governor.⁵

The Criminal Justice Council is to submit the proposed guidelines to the State Sentencing Guidelines Board by November 1, 1988. The State Sentencing Guidelines Board is to agree upon a final form of guidelines and submit them to the Legislature on or before January 1, 1989. The guidelines become effective on September 1, 1989, unless the Legislature provides for a different effective date or by statute amends, repeals, or supplements any of the guidelines.⁶

² See chapter 619, Oregon Laws 1987.

³ See chapter 590, Oregon Laws 1987.

⁴ Section 8, chapter 619, Oregon Laws 1987, directs the Criminal Justice Council to "study the feasibility, method of approach and possible scope of sentencing guidelines in misdemeanor cases" and to report its preliminary conclusions to the 1989 Legislature, with enabling legislation to develop misdemeanor guidelines during the 1989-91 biennium.

⁵ See sections 3 and 4, chapter 619, Oregon Laws 1987.

⁶ Section 4, chapter 619, Oregon Laws 1987.

In subsequent years, the State Sentencing Guidelines Board is authorized to submit amendments to the guidelines at the beginning of each regular session, and those amendments become effective on September 1 following the close of that session, unless modified by the Legislature.

The difficulty with this procedure is that it allows the guidelines to be adjusted only once every two years to keep them in conformity with institutional capacity. Critical prison overcrowding or fiscal approval for facility expansion could occur in the interim, and the Board, under current law, lacks the authority to make adjustments to the guidelines to respond to either event.

Although the Board is required to design the guidelines to conform with available prison capacity, the guidelines necessarily must be based on a projection of future sentencing practices. If judges give more sentences outside the guidelines range than anticipated, or more sentences at the upper end of the range than the lower end, the capacity of the prisons could be exceeded far sooner than the time now provided for making adjustments in the guidelines.

The adjustment of the guidelines to conform to institutional capacity is essentially an administrative function that needs to be performed on an ongoing basis. The Task Force recommends that the State Sentencing Guidelines Board be given such interim administrative authority.

14.3 More resources for long-range criminal justice policy planning are needed by the Executive Branch.

Few functions of state government present as formidable a challenge to governors as the pursuit of effective and coordinated criminal justice policies. Public safety ranks near the top of the list of citizen concerns in Oregon and most other states.

The public expects the Governor to provide leadership in developing the most effective and coordinated criminal justice and correctional strategies, to anticipate future criminal justice issues, and to use state resources wisely and efficiently. Yet the resources of the Governor's office to conduct long-range criminal justice policy planning are severely limited.

The Governor has direct executive responsibility over the Department of Corrections and the State Police. The Executive Branch is also responsible for central components of the state's criminal justice information systems.⁷ In addition, the Governor must make budgetary decisions that significantly affect other components of the criminal justice system and the direction of state criminal justice policy. More planning resources are needed by the Governor's office in performing these functions.

⁷ See ORS 181.550 and 181.710.

14.4 The Parole Board should be reconstituted as a Community Supervision Board after adoption of sentencing guidelines. The Board should be responsible for establishing conditions of community release for inmates completing their prison terms, adjudicating alleged violations of those release conditions, and developing supervision plans for released inmates in cooperation with the Department of Corrections.

After adoption of sentencing guidelines, there will be no "parole" in the sense of an early release from the established sentence. Instead, there is likely to be a period of community supervision for offenders who have served the prison term specified in their sentence.

Just as the Parole Board has established parole release conditions and adjudicated parole violations, there is a need for a new Community Supervision Board to establish conditions of community supervision for offenders being returned to the community and to adjudicate violations of those conditions. The decision whether to revoke an offender from community supervision would be made by this Board. The Task Force recommends that this new Board be given its own staff of hearings officers to assist in the performance of this function, rather than having to rely upon field staff of the Department of Corrections.

In Chapter 7, the Task Force urged the Legislature to provide adequate funding for reentry planning, as well as the preparation of parole plans for every inmate released from a state correctional facility.⁸ A parole plan, or supervision plan, is the centerpiece of the reentry planning process for released prison inmates. Both the Parole Board and the new Community Supervision Board must work closely with the Department in developing the standards and procedures governing these plans and in implementing and monitoring the plans in the community.

⁸ See Recommendation 7.10.

CHAPTER 15: RESTORING THE BALANCE

As Oregon moves toward the year 2000, the difficult issues of crime and corrections must be addressed with a deliberate and determined plan of action. Emotional appeals should be resisted. In this spirit, the Task Force recommends that four basic principles guide the formulation of state corrections policy: planning, public safety, cost-effectiveness, and balance.

I. Planning

Careful long-range planning is essential to successful criminal justice policy and to restoring citizen confidence in the state's criminal justice system. Because of neglect of criminal justice planning in the past, the system became critically out of balance during the last few years. Such an imbalance should not be allowed to recur. The sanctioning capacity of the corrections system must be sufficient to administer the sanctions imposed by the criminal justice system. The Task Force endorses sentencing guidelines as the most rational mechanism for allocating corrections resources and ensuring an ongoing balance between the demands on the corrections system and its capacity.

The state must also continue its efforts to obtain the best possible projections of future prison populations and to update those projections at least annually. Policymakers must recognize that such projections are affected as much by factors within their control, such as state criminal justice policies, as by factors beyond their control, such as fluctuations in crime rates and growth in population. During the past 12 years, the state has adopted a number of policies that have increased the need for prison capacity without providing the resources necessary to respond to that additional demand.¹

The National Council on Crime and Delinquency (NCCD) projection model should be used by the Legislature and other policymakers as a planning tool for assessing the impact of criminal justice policy changes upon future prison populations. Whenever policy changes are considered that will increase the demand for prison capacity, consideration must also be given to how capacity will be increased to meet that demand.

II. Public Safety

It is essential that our corrections system be capable of carrying out the sanctions imposed by our courts. The public needs to be reassured--and

¹ The Smith Initiative, which will be on the general election ballot in November 1988, perpetuates such an approach to criminal justice issues by failing to provide the resources needed to support the measure.

criminals need to know--that in Oregon there are meaningful sanctions awaiting those convicted of crimes. Otherwise, law enforcement efforts are undermined and the criminal justice system loses credibility. Therefore, this Plan recommends that the institutional capacity and community sanctions of the corrections system be expanded to the level necessary to meet projected future demand.

Issues of public safety arise with respect to offenders already under the supervision of the Department of Corrections. For this reason, the Task Force has made additional recommendations to increase public safety with respect to the management of such offenders. They include:

1. Toughen sanctions for escape. (See Recommendation 10.1)
2. Create a classification system for offenders to ensure that they are confined at appropriate levels of security and managed in the community at appropriate levels of supervision. (See Recommendation 10.2)
3. Replace the seven-month temporary leave program with sentencing guidelines. (See Recommendation 3.3)
4. Build additional disciplinary segregation cells to assist in maintaining institutional order and punishing assaults and escapes. (See Chapter 6)
5. Employ higher levels of control--such as intensive supervision--for some offenders on parole or probation. (See Recommendation 7.11)
6. Establish more intermediate sanctions--such as probation centers, restitution centers, and parole revocation centers--to provide more control over offenders in the community. (See Recommendations 7.5 and 7.6)
7. Enhance security measures at the new state minimum security facilities. (See Recommendations 6.1 and 10.1)

Over 95 percent of the inmates currently in Oregon prisons will eventually return to the community; most of them will reside in this state. The extent to which they constitute a threat to public safety when they return may depend upon what corrections policies are adopted today. Accordingly, the Task Force recommends the following measures designed to attack the problem of recidivism:

1. Expand work and vocational training programs for inmates. (See Chapter 11)
2. Expand educational programs for inmates. (See Chapter 11)
3. Reduce prison overcrowding, which impedes work and educational programs for inmates and fuels hostility and anger. (See Recommendation 3.1)

4. Implement greater transitional programming for inmates before their release. (See Recommendation 7.8)
5. Provide more community support and employment assistance for inmates upon their release. (See Recommendations 7.9 and 7.10)
6. Expand alcohol and drug treatment programs designed to overcome addictions or dependencies that often fuel an offender's crime cycle. (See Chapter 11)
7. Expand mental health treatment programs. (See Chapters 7 and 11)

III. Cost-Effectiveness

Because the state's taxpayers have a right to expect maximum utilization of their money, the sanctions administered by Oregon's corrections system should utilize the most cost-effective methods available, consistent with public safety, to hold offenders accountable for their crimes. Thus, the Task Force recommends that risk management procedures be used as extensively as possible in the allocation of corrections resources. Under this approach, offenders who present the greatest danger to public safety would become subject to the highest degree of sanction and control. The Task Force's specific recommendations designed to implement this principle of cost-effectiveness include the following:

1. Adopt sentencing guidelines and revocation guidelines as a method of allocating scarce prison resources in accordance with the seriousness of the offender's conduct. (See Recommendations 3.2, 7.3, and 7.4)
2. Maximize opportunities for inmates to work to offset the costs of their incarceration, as well as to help pay restitution to the victims of their crimes. (See Chapters 6 and 11).
3. Implement a new inmate classification system whereby expensive high-security prison space is not used for low-security inmates. (See Recommendation 10.2)
4. Develop a classification system for offenders on probation and parole to ensure that community supervision resources are targeted toward offenders who need the highest degree of supervision. (See Recommendation 10.2)
5. Expand substantially the range of intermediate sanctions available to the corrections system. These would include probation centers, restitution centers, parole revocation centers, intensive supervision, and alcohol and drug abuse and sex offender treatment. (See Recommendation 7.11)
6. Increase community corrections funding to develop more sentencing options for offenders who do not present a threat to public safety. (See Chapter 8)

7. Construct less expensive minimum security facilities for all offenders who qualify for that level of security. (See Chapter 6)
8. Increase the average probation supervision fee and improve the methods for its collection so that probationers bear more of the cost of probation supervision. (See Recommendation 7.22)

IV. Balance

Although the central theme of this Strategic Corrections Plan is the need for a balanced correctional system, the Task Force rejects the view that restoring balance is solely a question of building more prisons. More prison space is needed, but relying on building alone as a corrections strategy will have as its main consequence the need for yet more building.

If all new resources were allocated to prison construction, rather than to community supervision and needed programs, the recidivism rates of offenders on parole and probation would likely increase beyond their already high levels, thereby creating a need for still additional construction.

The Task Force also rejects the view that the current imbalance in the corrections system can be solved solely by the development of more alternatives to incarceration. Alternatives to incarceration cannot work without sanctions to back them up. There must be empty beds awaiting offenders who are unwilling to comply with non-incarcerative sanctions.

Unless probation officers are armed with the threat that a prison cell is waiting if the offender fails to satisfy the conditions of probation, control of the offender who does not voluntarily cooperate is virtually impossible. In this context, imprisonment does become the last resort, which in turn is what will preserve its deterrent value for those offenders whose crimes alone do not justify the use of such an expensive and scarce resource. Similarly, offenders released from prison need to know the cell they just left still has their name on the door for as long as they are under supervised release.²

V. Conclusion

The 1987 Legislature approved the largest prison expansion program in Oregon's history. Under this program, approximately 1,500 new prison bedspaces are in the process of being constructed. Most will be ready in less than a year. However, as this Strategic Corrections Plan indicates, substantial additional steps are required.

² Final Report of the Oregon Jail Overcrowding Project (1988), p. 49.

The Task Force takes the position that over the next 10 years Oregon will need both more prison space and substantially expanded intermediate sanctions that can be used as alternatives to prison. At the same time, the state should take vigorous steps to reduce the projected rapid rate of growth of the prison population by implementing the other recommendations of this Plan. Improved and expanded programs must be provided for offenders, both for those in institutions and for those under community supervision, to attempt to break the behavior patterns that are causing them to be cycled repeatedly through our criminal justice system.

Oregon is a state with justifiable pride in its ability to develop innovative and effective solutions to issues of public concern. Its governmental policies, programs, and initiatives have often served as a model for the rest of the nation. As with the many other problems that this state has successfully confronted in the past, the Task Force believes that the current problems with crime and corrections can be resolved through a clear understanding of the nature of those problems and a firm commitment toward implementation of the most effective solutions.

APPENDICES



EXECUTIVE ORDER NO. EO - 87 - 16

GOVERNOR'S TASK FORCE ON CORRECTIONS PLANNING

There is an immediate shortage of minimum security corrections facilities in this state, and up to an additional 1,000 minimum security beds need to be sited on an emergency basis. There is no plan in place to permit the siting of these beds or to determine the program content at each facility. An expedited planning process is necessary to ensure that siting of these beds will take place immediately.

Once this emergency is met, there is a need to develop a state-wide comprehensive corrections plan to prevent future emergencies of this nature. An assessment must be made of the anticipated future demands upon the corrections system and the facilities and programs necessary to respond to those demands. A state-wide strategic corrections plan must be developed to propose changes that will increase the overall efficiency and effectiveness of the state corrections system.

Executive Order No. EO - 87 - 01 was issued to provide a mechanism for the immediate planning of up to 1,000 new minimum-security beds, in coordination with existing bodies involved in corrections and justice planning, and for the development of a strategic plan to improve the future operation of the state's corrections system. This Executive Order amends Executive Order No. EO - 87 - 01 to be consistent with the intent of the legislature and the Governor, as expressed during the legislative session.

IT IS ORDERED AND DIRECTED:

1. There is created a Governor's Task Force on Corrections Planning, consisting of nine members appointed by the Governor and serving at his pleasure. The Governor shall designate one member as chair, who shall serve at the Governor's pleasure and who shall designate such other officers as may be necessary or appropriate. The Task Force may add non-voting ex officio and associate members as it deems appropriate.



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2. Pursuant to 1987 Or. Laws ch. 321 (Enrolled House Bill 3092), the Task Force shall develop an emergency plan for the siting of not more than 1,000 additional minimum security beds in this state.
 - a. The emergency plan developed by the Task Force shall:
 - (1) Set forth the nature of the need for additional minimum security beds;
 - (2) Identify by county or multi-county area the geographic location of each facility needed;
 - (3) Set forth the number of beds to be available at each facility;
 - (4) Set forth the specific use contemplated and the population needs to be served by each facility; and
 - (5) Establish a list of mandatory and desirable criteria to be used in siting each facility including the level of security to be maintained at the facility.
 - b. The emergency plan developed by the Task Force shall be prepared in proposed form as soon after July 1, 1987 as practicable. Notice of the proposed emergency plan shall be published promptly in the Bulletin of the Secretary of State and in a newspaper of general circulation in each county where a need for a correctional facility has been identified. The notice shall include notice of a right to submit comments in writing and the Task Force may also in its discretion hold hearings and accept oral comments.
 - c. The Task Force shall consider the comments submitted, and shall revise the emergency plan to respond to such comments as the Task Force deems appropriate. The Task Force shall present the emergency plan in final form to the Governor no later than September 30, 1987.



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- d. The process followed to site facilities shall be that set forth in 1987 Or. Laws ch. 321 (Enrolled House Bill 3092).
3. Pursuant to 1987 Or. Laws ch. 321 (Enrolled House Bill 3092), the Task Force shall develop a statewide strategic corrections plan that reviews and evaluates the state's corrections facilities and programs and proposes changes to increase the overall efficiency and effectiveness of the state corrections system. It is intended that this work be completed and available for the 65th session of the Oregon Legislature.
 - a. The strategic plan developed by the Task Force shall:
 - (1) Set forth the need for corrections facilities of all types, including minimum, medium and maximum security facilities, facilities to serve specific purposes or population needs, and alternatives to incarceration;
 - (2) Identify the responsibilities that should be borne by the state, by counties, by municipalities, and by other governmental units with respect to corrections facilities and programs;
 - (3) Recommend changes in legislation bearing on corrections and the criminal justice system, to the extent the Task Force concludes that changes are advisable;
 - (4) Recommend changes in corrections facilities siting procedures, including procedures mandated by the land use planning laws, to the extent the Task Force concludes that changes are advisable;
 - (5) Identify the corrections data collection systems presently available in the state and recommend changes to the extent the Task Force concludes that changes are advisable;



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- (6) Define the existing responsibilities and relationships between the Department of Corrections, the Criminal Justice Council, the Community Corrections Advisory Board, and local governmental units, and recommend changes to the extent the Task Force concludes that changes are advisable;
 - (7) Make proposals for implementation of the policy established by 1987 Or. Laws ch. 470 (Enrolled House Bill 2437); and
 - (8) Address such other issues as the legislature and the Governor may from time to time request.
- b. The Task Force shall establish procedures to ensure public input into the development of the strategic plan, which shall include public hearings at such times and places as the Task Force shall determine.
 - c. The Task Force shall submit the strategic plan to the Governor no later than September 1, 1988.
- 4. In performing its functions, the Task Force shall consult closely and regularly with the Criminal Justice Council and the Department of Corrections, and shall make use of the data and expertise available through the Council and the Department.
 - 5. The Task Force shall receive staff assistance through the Department of Corrections and other state agencies as directed by the Governor, and shall be authorized to contract with public or private planning organizations for planning assistance.

Office of the Governor State of Oregon

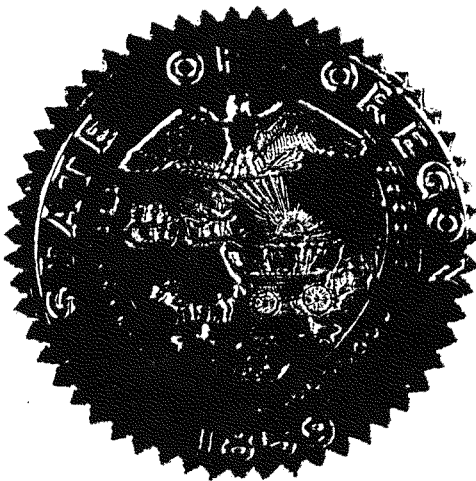


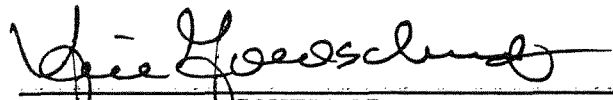
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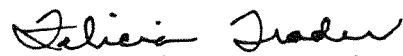
6. Members of the Task Force other than the chair shall not be compensated for their services. Members shall be reimbursed for their actual and necessary expenses as provided by law.

Done at Salem, Oregon this 12th day of August , 1987.




GOVERNOR

ATTEST:


Deputy SECRETARY OF STATE

CONSULTANTS' REPORTS TO TASK FORCE

Abt Associates, The Oregon Community Corrections Act (July 7, 1988)

Abt Associates, Report on Survey of Corrections Systems in Fourteen Western States (July, 1988)

Arbiter, Oregon Correctional Drug and Alcohol Abuse Treatment Program Development, Amity, Inc. (June 5, 1988)

Austin & Heuser, Oregon Criminal Justice Information System Master Plan, NCCD (July, 1988)

Austin & McVey, Oregon Department of Corrections Prison Population Projection Model, NCCD (September, 1987)

Austin & McVey, Oregon Ten Year Projections for the Prison, Temporary Leave, Active Parole and Inactive Parole Populations, NCCD (May 17, 1988)

Austin, Review of Oregon Corrections Division Planning and Construction Needs, NCCD (March 5, 1987)

Coffey, Educational Programming in Oregon Correctional Facilities: Current Status and Recommended Future Developments, Institute for Economic and Policy Studies, Inc. (April, 1988)

General Survey of Selected State Criminal Justice Planning Activities, Bureau of Governmental Research and Service, University of Oregon (July, 1988)

Kaufman, Preliminary Review of the Oregon Criminal History System (June, 1988)

Knapp, Oregon State Criminal Justice Information Systems, Institute for Rational Public Policy, Inc. (July 15, 1988)

Miller, Oregon Correction Industries: Current Status and Recommended Future Developments, Institute for Economic and Policy Studies, Inc. (June, 1988)

Seiter, Technical Assistance Visit Oregon Department of Corrections, (June, 1988)

Watt, Policy Options for Siting Oregon Correctional Facilities, Bureau of Governmental Research and Service, University of Oregon (1988)

TRENDS IN OREGON CRIME AND CORRECTIONS: 1975-1987

CALENDAR YEAR	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	% Change 1975-1987
TOTAL STATE POPULATION	2,299,000	2,341,750	2,396,100	2,521,850	2,584,350	2,639,915	2,660,435	2,656,185	2,635,000	2,660,000	2,675,800	2,661,500	2,690,000	+17%
"AT RISK" POPULATION (Males aged 15-29)	307,341	318,334	329,284	342,170	349,169	359,357	353,192	343,985	332,523	329,523	321,885	320,628	318,703	+4%
TOTAL REPORTED INDEX CRIME	153,810	149,189	143,302	150,003	162,913	175,448	187,983	174,531	167,158	169,347	184,658	193,933	192,708	+25%
TOTAL INDEX CRIME RATE (Per 100,000 inhabitants)	6690.3	6370.8	5980.6	5948.1	6303.8	6646.0	7065.9	6570.7	6343.8	6366.4	6901.0	7286.6	7163.9	+7%
VIOLENT CRIME RATE (Per 100,000 inhabitants)	435.5	453.5	447.4	485.5	526.7	482.7	475.0	470.2	492.0	509.4	555.5	558.3	545.0	+25%
INDEX ARRESTS	28,814	28,933	30,883	31,912	34,392	38,462	39,786	40,274	38,496	37,078	34,228	35,805	36,152	+25%
FELONY PROSECUTIONS (Circuit Court case filings)	14,360	14,485	14,174	16,097	16,643	19,077	20,198	20,253	19,348	19,913	20,682	22,533	24,591	+71%
FELONY PROSECUTIONS PER 1000 INDEX CRIMES	93.4	97.1	98.9	107.3	102.2	108.7	107.4	116.0	115.7	117.6	112.0	116.2	128.0	+37%
FELONY PROSECUTIONS PER 1000 INDEX ARRESTS	498.4	500.6	459.0	504.4	483.9	496.0	507.7	502.9	502.6	537.1	604.2	629.3	673.4	+35%
PRISON COMMITMENTS	1,260	1,385	1,532	1,666	1,785	1,653	1,604	1,912	1,918	2,167	2,375	2,735	2,966	+135%
AVERAGE DAILY PRISON POPULATION	2,247	2,661	2,910	2,862	2,986	2,912	2,709	3,195	3,427	3,401	3,616	3,803	4,168	+85%
PRISON BOOK POPULATION	2,375	2,795	3,066	3,036	3,222	3,356	3,404	3,874	4,160	4,375	4,697	4,982	5,764	+143%
INCARCERATION RATE (Felons sentenced to prison per 100,000 inhabitants)	103	119	128	120	125	127	128	146	158	164	176	187	214	+108%

Source: Information Systems Division, Oregon Department of Corrections

Table 1. Sentenced prisoners in State and Federal Institutions: Number and incarceration rates, 1925-85

Year	Total	Rate	Males	Rate	Females	Rate	Year	Total	Rate	Males	Rate	Females	Rate
1925 ^a	91,669	79	88,231	149	3,438	6	1960	212,953	117	205,265	230	7,688	8
1926	97,991	83	94,287	157	3,704	6	1961	220,149	119	212,268	234	7,881	8
1927	109,346	91	104,983	173	4,363	7	1962	218,830	117	210,823	229	8,007	8
1928	116,390	96	111,836	182	4,554	8	1963	217,283	114	209,538	225	7,745	8
1929	120,496	98	115,876	187	4,620	8	1964	214,336	111	206,632	219	7,704	8
1930	129,453	104	124,785	200	4,668	8	1965	210,895	108	203,327	213	7,568	8
1931	137,082	110	132,638	211	4,444	7	1966	199,654	102	192,703	201	6,951	7
1932	137,997	110	133,573	211	4,424	7	1967	194,896	98	188,661	195	6,235	6
1933	136,810	109	132,520	209	4,290	7	1968	187,274	94	182,102	187	5,812	6
1934	138,316	109	133,769	209	4,547	7	1969	197,136	97	189,413	192	6,594	6
1935	144,180	113	139,278	217	4,902	8	1970	196,441	96	190,794	191	5,635	5
1936	145,038	113	139,990	217	5,048	8	1971 ^c	198,061	95	191,732	189	6,329	6
1937	152,741	118	147,375	227	5,366	8	1972	196,092	93	189,823	185	6,269	6
1938	160,285	123	154,826	236	5,459	8	1973	204,211	96	197,523	191	6,004	6
1939	179,818	137	173,143	263	6,675	10	1974	218,466	102	211,077	202	7,389	7
1940 ^b	173,706	131	167,345	252	6,361	10	1975	240,593	111	231,918	220	8,675	8
1941	165,439	124	159,228	239	6,211	9	1976	262,833	120	252,794	238	10,039	9
1942	150,384	112	144,167	217	6,217	9	1977 ^d	278,141	126	267,097	249	11,044	10
1943	137,220	103	131,054	202	6,166	9	1977	285,456	129	274,244	255	11,212	10
1944	132,456	100	126,350	200	6,106	9	1978	294,396	132	282,813	261	11,583	10
1945	133,649	98	127,609	193	6,040	9	1979	301,470	133	289,465	264	12,005	10
1946	140,079	99	134,075	191	6,004	8	1980	315,974	138	303,643	274	12,331	11
1947	151,304	105	144,961	202	6,343	9	1981	353,673	153	339,375	303	14,298	12
1948	155,977	106	149,739	205	6,238	8	1982	395,516	170	379,075	335	16,441	14
1949	163,749	109	157,663	211	6,086	8	1983	419,346	178	401,870	352	17,476	14
1950	166,165	109	160,309	211	5,814	8	1984	446,108	188	426,713	370	19,395	16
1951	165,680	107	159,610	208	6,070	8	1985	481,616	201	460,210	394	21,406	17
1952	168,233	107	161,994	208	6,239	8							
1953	173,579	108	166,909	211	6,670	8							
1954	182,901	112	175,907	218	6,994	8							
1955	185,780	112	178,655	217	7,125	8							
1956	189,565	112	182,190	218	7,375	9							
1957	195,256	113	188,113	221	7,301	8							
1958	205,643	117	198,208	229	7,435	8							
1959	208,105	117	200,469	228	7,636	8							

Note: The incarceration rate is the number of prisoners per 100,000 residential population. The figures for males and females in 1950, 1957, 1968-1971, and 1973 do not add to the total population figures shown because the yearend counts were revised in a subsequent report while the male/female breakdown was not.

^aData for 1925 through 1939 include

sentenced prisoners in State and Federal prisons and reformatories whether committed for felonies or misdemeanors.

^bData for 1940 through 1970 include all adult felons serving sentences in State and Federal institutions.

^cData for 1971 to present include all adults and youthful offenders sentenced to State or Federal correctional institutions whose

maximum sentence was over a year.

^dBefore 1977 only prisoners in the custody of State and Federal correctional systems were counted. After 1977 all prisoners under the jurisdiction of State and Federal correctional systems were counted. Figures for both custody and jurisdiction are shown for 1977 to facilitate comparisons.

Source: State and Federal Prisoners, 1925-85,
BJS Bulletin, October, 1986

Table 2. Prisoners under the jurisdiction of State and Federal correctional authorities, by region and State, yearend 1986 and 1987

	Total			Sentenced to more than 1 year			Incar- ceration rate 1987 ^a
	Advance 1987	Final 1986	Percent change 1986-87	Advance 1987	Final 1986	Percent change 1986-87	
U.S. total	581,609	545,133	6.7%	557,256	522,485	6.7%	228
Federal	48,300	44,408	8.8	39,523	36,531	8.2	16
State	533,309	500,725	6.5	517,733	485,954	6.5	212
Northeast	88,903	82,364	7.9%	85,256	79,066	7.8%	169
Connecticut	7,511	6,905	8.8	4,637	4,326	7.2	144
Maine	1,328	1,316	.9	1,267	1,242	2.0	106
Massachusetts	6,238	5,636	10.7	6,238	5,636	10.7	106
New Hampshire	867	782	10.9	867	782	10.9	81
New Jersey	13,662	12,020	13.7	13,662	12,020	13.7	177
New York	40,842	38,449	6.2	40,842	38,449	6.2	229
Pennsylvania	16,267	15,201	7.0	16,246	15,165	7.1	136
Rhode Island	1,429	1,358	5.2	992	1,007	-1.5	100
Vermont	759	697	8.9	505	439	15.0	91
Midwest	111,095	102,964	7.9%	110,671	102,552	7.9%	185
Illinois	19,850	19,456	2.0	19,850	19,456	2.0	171
Indiana	10,827	10,175	6.4	10,634	9,963	6.7	192
Iowa	2,863	2,777	3.1	2,863	2,777	3.1	101
Kansas	5,881	5,345	10.0	5,881	5,345	10.0	237
Michigan	23,879	20,742	15.1	23,879	20,742	15.1	259
Minnesota	2,546	2,462	3.4	2,546	2,462	3.4	60
Missouri	11,357	10,309	10.2	11,357	10,309	10.2	222
Nebraska	2,086	1,953	6.8	1,963	1,863	5.4	123
North Dakota	430	421	2.1	380	361	5.3	57
Ohio	24,240	22,463	7.9	24,240	22,463	7.9	224
South Dakota	1,135	1,164	-2.5	1,096	1,133	-3.3	154
Wisconsin	6,001	5,697	5.3	5,982	5,678	5.4	124
South	221,592	214,620	3.2%	214,236	207,308	3.3%	254
Alabama	12,827	11,710	9.5	12,602	11,504	9.5	307
Arkansas	5,443	4,701	15.8	5,443	4,701	15.8	227
Delaware	2,931	2,823	3.8	2,120	1,946	8.9	327
District of Columbia ^b	7,448	6,618	12.5	5,585	4,787	16.7	901
Florida	32,445	32,237	.6	32,360	32,228	.4	265
Georgia	18,575	17,363	7.0	17,210	16,291	5.6	274
Kentucky	5,471	5,288	3.5	5,471	5,288	3.5	147
Louisiana	15,375	14,300	7.5	15,375	14,300	7.5	346
Maryland	13,467	13,326	1.1	12,912	12,559	2.8	282
Mississippi	6,831	6,747	1.2	6,669	6,561	1.6	254
North Carolina	17,249	17,698	-2.5	16,151	16,373	-1.4	250
Oklahoma	9,639	9,596	.4	9,639	9,596	.4	296
South Carolina	12,664	11,676	8.5	11,862	11,022	7.6	344
Tennessee	7,624	7,591	.4	7,624	7,591	.4	156
Texas	38,821	38,534	.7	38,821	38,534	.7	231
Virginia	13,321	12,930	3.0	12,931	12,545	3.1	217
West Virginia	1,461	1,482	-1.4	1,461	1,482	-1.4	77
West	111,719	100,777	10.9%	107,570	97,028	10.9%	214
Alaska	2,528	2,460	2.8	1,767	1,668	6.1	339
Arizona	10,948	9,434	16.0	10,558	9,038	16.8	307
California	66,975	59,484	12.6	64,812	57,725	12.3	231
Colorado	4,808	3,804	26.4	4,808	3,804	26.4	145
Hawaii	2,268	2,180	4.0	1,536	1,521	1.0	141
Idaho	1,482	1,448	2.3	1,482	1,448	2.3	149
Montana	1,187	1,111	6.8	1,187	1,111	6.8	147
Nevada	4,434	4,367	1.5	4,434	4,367	1.5	432
New Mexico	2,648	2,416	9.6	2,561	2,306	11.1	169
Oregon	5,482	4,770	14.9	5,482	4,770	14.9	200
Utah	1,888	1,845	2.3	1,872	1,814	3.2	111
Washington	6,131	6,603	-7.1	6,131	6,603	-7.1	134
Wyoming	940	855	9.9	940	855	9.9	195

Note: Prison admissions refer to the number of prisoners received from courts with sentences of more than 1 year. Selected offenses are murder, nonnegligent manslaughter, forcible rape, robbery, aggravated assault, and burglary. Adults are the resident population age 18 and over.

^aOffense figures for Illinois for 1986 may not be comparable to previous years.

Sources: National Prisoner Statistics; Uniform Crime Reports; Bureau of the Census estimates of population.

REPORTED CRIME RATE PER 100,000 INHABITANTSOREGON'S NATIONAL RANKING 1975-87

	<u>Violent Crime</u>		<u>Property Crime</u>	
	<u>Rate</u>	<u>Rank</u>	<u>Rate</u>	<u>Rank</u>
1975	438.5	17	6313.7	5
1976	457.4	12	5901.4	7
1977	455.8	13	5531.4	8
1978	502.4	11	5573.0	10
1979	545.4	12	5827.6	9
1980	490.4	20	6196.5	10
1981	478.7	21	6558.2	7
1982	473.0	20	6094.5	9
1983	487.8	16	5763.0	7
1984	506.1	16	5737.6	7
1985	551.1	14	6178.7	4
1986	549.7	21	6531.0	5
1987	539.5	18	6429.4	6

Source: Stephen C. Kincaid
Supervisor, Uniform Crime Statistics
Information Systems Division
Law Enforcement Data System

Prison Admissions¹NON-VIOLENT (68.3%)

	Number	Percent
Property ²	817	62.6%
Drugs	182	13.9%
Felony Driving ³	125	9.6%
Forgery	91	7.0%
Other	90	6.9%
TOTAL	1305	100.0%

VIOLENT (31.7%)

	Number	Percent
Robbery	242	39.9%
Sex Offenses	164	27.0%
Assault	95	15.7%
Homicide	80	13.2%
Kidnap	26	4.3%
TOTAL	607	100.0%

N=1912

¹ Source: Department of Corrections, Admissions Jan-June, 1987, Major Offense Distribution.

² Includes Burglary, Theft, Unauthorized Use of a Motor Vehicle, Arson

³ Includes Felony Driving While Suspended/Revoked, Hit/Run Injury, Habitual Traffic Offender

Admissions Jan-June, 1987
Major Offense Distribution

CRS	Class	Offense	UKN	CC 1	CC 2	CC 3	CC 4	CC 5	CC 6	CC 7	TOT	PERCENT	Crime Type	PERCENT
164.225	AF	Burg I	11	28	20	140	79	24	0	2	304	15.25	Burg	23.27
164.215	CF	Burg II	5	89	35	14	0	0	1	0	144	7.22		
164.225	BF	Burg I AT	0	2	10	3	1	0	0	0	16	0.80		
164.055	CF	Theft I	13	124	96	26	4	0	0	0	263	13.19	Theft	13.29
164.085	CF	Theft by Deception	0	1	0	0	0	0	0	0	1	0.05		
164.095	CF	Theft by Receiving	0	0	0	0	0	1	0	0	1	0.05		
164.415	AF	Robb I	8	5	4	3	3	9	80	0	112	5.62	Robbery	12.14
164.405	BF	Robb II	3	11	7	2	51	1	0	0	75	3.76		
164.395	CF	Robb III	3	4	40	4	1	1	0	0	53	2.66		
164.415	BF	Robb I At	0	0	0	0	0	2	0	0	2	0.10		
811.175	02	CF Drive Suspend/Revoked	2	88	15	0	0	0	0	0	105	5.27	Vehicle	10.03
164.135	CF	Unauthorized use of vehicle	3	40	28	3	0	0	1	0	75	3.76		
483.602	04A	CF Hit Run Injury	0	7	5	0	0	1	0	0	13	0.65		
811.185	CF	Habitual Traffic Offender	0	6	1	0	0	0	0	0	7	0.35		
475.992	04B	CF Possession Cont Subst Sch II	4	33	24	0	0	0	0	0	61	3.06	Drug	9.13
475.992	01C	CF Del/Manu Cont Subst -Sch III	0	5	29	15	1	0	0	0	50	2.51		
475.992	01B	BF Del/Manu Cont Subst -Sch II	0	0	18	9	1	0	0	0	28	1.40		
475.992	04A	BF Possession Cont Subst Sch I	0	11	12	1	0	0	0	0	24	1.20		
475.992	01A	AF Del/Manu Cont Subst -Sch I	0	2	1	8	1	0	0	0	12	0.60		
475.992	01C	AM Deliver/Manufacture Cont Subst AT- Sch III	0	2	0	1	0	0	0	0	3	0.15		
475.992	04B	AM Possess Control Sub At-Sch II	0	1	0	0	0	0	0	0	1	0.05		
475.992	04A	CF Possess Control Sub At-Sch I	1	0	0	0	0	0	0	0	1	0.05		
475.992	03B	BF Deliver/Manu Fake Sub-Sch II	0	0	0	1	0	0	0	0	1	0.05		
475.992	03A	AF Deliver/Manu Fake Sub-Sch I	0	0	1	0	0	0	0	0	1	0.05		
163.375	AF	Rape I	5	2	2	1	0	4	29	0	43	2.16	Sex	8.22
163.405	AF	Sodomy I	0	0	0	1	0	3	35	0	39	1.96		
163.425	CF	Sex Abuse I	1	1	1	31	0	1	0	0	35	1.76		
163.375	BF	Rape I AT	1	0	0	0	1	9	5	0	16	0.80		
163.355	CF	Rape III	0	1	6	1	0	0	0	0	8	0.40		
163.365	BF	Rape II	0	0	0	1	7	0	0	0	8	0.40		
163.385	CF	Sodomy III	1	0	4	0	0	0	0	0	5	0.25		
163.395	BF	Sodomy II	0	0	0	0	5	0	0	0	5	0.25		
163.365	CF	Rape II At	0	0	0	2	0	0	0	0	2	0.10		
163.525	CF	Incest	0	2	0	0	0	0	0	0	2	0.10		
163.395	CF	Sodomy II AT	0	0	0	1	0	0	0	0	1	0.05		
163.175	BF	Assault II	2	0	1	2	35	1	1	0	42	2.11	Assault	4.76
163.185	AF	Assault I	3	0	2	0	1	3	13	0	22	1.10		
163.165	CF	Assault III	1	1	14	2	0	0	0	1	19	0.95		
163.175	CF	Assault II AT	1	1	0	5	0	0	0	0	7	0.35		
163.185	BF	Assault I AT	0	0	0	0	0	5	0	0	5	0.25		
165.013	CF	Forgery I	2	59	29	0	1	0	0	0	91	4.56	Forgery	4.56
163.115	UF	Murder	5	1	0	0	0	0	0	21	27	1.35	Cause Death	4.01
163.118	AF	Manslaughter I	2	0	0	0	0	0	12	0	14	0.70		
163.105	UF	Murder Aggravated	1	0	0	0	0	0	0	12	13	0.65		
163.125	BF	Manslaughter II	2	0	0	4	3	1	1	0	11	0.55		
163.115	AF	Murder At	1	1	0	0	0	0	8	0	10	0.50		
163.145	CF	Negligent Homicide	0	0	4	0	0	0	0	0	4	0.20		
163.118	BF	Manslaughter I AT	0	0	0	1	0	0	0	0	1	0.05		
		Other Person	3	1	5	0	15	3	10	0	37	1.86	Other Person	1.86
		Other Prop	1	16	5	0	1	5	4	0	32	1.60	Other Prop	1.60
		Other Statute	6	8	42	1	1	1	1	0	60	3.01	Other Statute	3.01
		Unknown	12	22	15	11	12	4	5	1	82	4.11	Unknown	4.11
TOTAL			103	575	476	294	224	79	206	37	1994	100		100

Prison "Stock" Population¹

NON-VIOLENT (38.3%)

	Number	Percent
Property ²	1249	73.0%
Drugs	189	11.0%
Felony Driving ³	93	5.4%
Forgery	79	4.6%
Other	102	6.0%
TOTAL	1712	100.0%

VIOLENT (61.7%)

	Number	Percent
Sex Offenses	877	31.8%
Robbery	854	30.6%
Homicide	683	24.8%
Assault	274	9.9%
Kidnap	66	2.4%
TOTAL	2754	100.0%

N=4466

¹ Source: Department of Corrections, Stock Population, 11-1-87, Major Population Distribution.

² Includes Burglary, Theft, Unauthorized Use of a Motor Vehicle, Arson

³ Includes Felony Driving While Suspended/Revoked, Hit/Run Injury, Habitual Traffic Offender

Stock Population
In cells and short term leave
On 11-1-88
Major Offense Distribution

ORS	Class	Offense	NUM	PERCENT
164.225	AF	Burg I	637	13.21
164.415	AF	Robb I	587	12.17
163.115	UF	Murder	373	7.73
163.375	AF	Rape I	341	7.07
164.055	CF	Theft I	295	6.12
163.405	AF	Sodomy I	266	5.52
164.405	BF	Robb II	173	3.59
164.215	CF	Burg II	124	2.57
163.118	AF	Manslaughter I	118	2.45
163.175	BF	Assault II	114	2.36
163.115	AF	Murder At	111	2.30
164.135	CF	Unauthorized use of vehicle	109	2.26
163.185	AF	Assault I	99	2.05
163.425	CF	Sex Abuse I	96	1.99
164.395	CF	Robb III	90	1.87
165.013	CF	Forgery I	78	1.62
811.175 02	CF	Drive Suspend/Revoked	76	1.58
163.375	BF	Rape I AT	75	1.56
475.992 04B	CF	Possession Cont Subst Sch II	66	1.37
164.325	AF	Arson I	40	0.83
163.235	AF	Kidnapping I	40	0.83
163.105	UF	Murder Aggravated	38	0.79
475.992 01B	BF	Deliver/Manufacture Cont Subst -Sch II	36	0.75
163.165	CF	Assault III	34	0.70
475.992 04A	BF	Possession Cont Subst Sched I	32	0.66
475.992 01C	CF	Deliver/Manufacture Cont Subst -Sch III	29	0.60
163.395	BF	Sodomy II	28	0.58
163.125	BF	Manslaughter II	27	0.56
163.365	BF	Rape II	27	0.56
164.225	BF	Burg I AT	25	0.52
163.225	BF	Kidnapping II	23	0.48
475.992 01A	AF	Deliver/Manufacture Cont Subst -Sch I	21	0.44
166.270	CF	Ex-Con weapon-Possess	17	0.35
163.355	CF	Rape III	16	0.33
163.175	CF	Assault II AT	14	0.29
483.602 04A	CF	Hit Run Injury	14	0.29
163.185	BF	Assault I AT	13	0.27
164.365	CF	Criminal Mischief I	13	0.27
163.145	CF	Negligent Homicide	12	0.25
162.155	CF	Escape II	8	0.17
166.720	AF	Racketeer	8	0.17
163.405	BF	Sodomy I At	8	0.17
164.325	BF	Arson I AT	7	0.15
161.450 01	AF	Conspiracy AF	6	0.12
162.205	CF	Failure to Appear I	6	0.12
		UNKNOWN	357	7.40
		5 or fewer	96	1.99
		Total	4823	100.00

Table 4.5. Statutory, administrative, and court provisions to reduce prison crowding, January 1, 1985

Type of provision	State	Details of provision	Type of provision	State	Details of provision
Emergency release			Early parole	Texas	Advances trustees' releases up to 30 days if the prison population exceeds 95% of facility capacity.
	Alaska	The Governor may conditionally commute terms of nonviolent offenders who are within 4 months of release.		Alabama	Applies supervised intensive restitution, a program that returns prisoners to the community without the formality of parole determination (1983).
	Arizona	May release first offenders up to 180 days before completion of their imposed terms.		Arizona	First offenders, felony classes 4 through 5, may be released to work furlough or parole.
	Wisconsin	When the Secretary of Health and Human Services recommends, Wisconsin may release prisoners who are within 135 days of their mandatory release date.		Iowa	All except class A felons become eligible for parole if they are within 9 months of release.
	West Virginia	Was under court order, January 1, 1985, to reduce crowding.		Montana	If prison exceeds design capacity for 30 days, Montana considers paroling inmates who stand within 120 days of parole eligibility.
Court orders				New Jersey	May parole to intensive supervision those nonviolent offenders who have served 30 to 60 days.
	Hawaii	Was under a consent decree.		No. Carolina	The Secretary of Corrections may direct the Parole Commission to reduce crowding by releasing eligible inmates 6 months before their discharge dates (1983).
Sentence rollbacks				Ohio	After the Governor declares a state of emergency, the Parole Board may grant early paroles.
	Connecticut	Advances by 90 days the releases of prisoners with the oldest sentences if a facility is above 109% of designated capacity for 30 days.		So. Carolina	Selected prisoners may be released on furlough to supervision before they parole eligibility.
	Florida	If prison population reaches 98% of capacity, Florida advances releases of eligible inmates up to 30 days (1983).	Other methods	Washington	If the Governor declares a state of emergency because of prison crowding, the Sentencing Guidelines Commission and the Clemency Pardon Board convene to effect reductions. The Legislature has also specified early release procedures for selected inmates to reach the target percent of capacity (1983).
	Georgia	If the number of prisoners exceeds capacity for 30 days, Georgia advances prisoners' releases 90 days (1982).			
	Iowa	If facilities are over capacity 45 days, Iowa advances selected prisoners' releases 90 days.			
	Michigan	Advances prisoners' release dates 90 days if the number of prisoners exceeds prison capacity (1980).			
	Oklahoma	Advances prisoners' release dates 60 days if the number of prisoners exceeds prison capacity.			
	So. Carolina	Advances prisoners' release dates up to 90 days if the population exceeds capacity for 30 days.			
	Tennessee	Advances prisoners' release dates up to 6 months (1983).			

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**REPORT ON SURVEY OF CORRECTIONS SYSTEMS IN
FOURTEEN WESTERN STATES**

Prepared for the
Governor's Task Force on Corrections Planning
155 Cottage Street
Salem, Oregon

Background of the Survey

The Governor's Task Force on Corrections Planning commissioned Abt Associates to conduct a survey of correctional systems in 14 Western states, in order to provide current comparative information for its use in developing Oregon's correctional master plan. Abt staff met with the Task Force's Director and Chair in early June, to outline the survey contents and devise a strategy for data collection.

The survey included the following items of information:

- 0 Prisoner counts on 12/31/87, including
 - In-count (those confined in state prisons) and
 - Out-count (those not confined in state prisons, such as inmates on work release, furlough, leave, AWOL, etc.)
- 0 Percent of In-count housed in
 - Single-bunked cells
 - Double-bunked cells
 - Triple-bunked cells
 - Dormitories
- 0 Design and Rated capacities on 12/31/87, broken down by security level
- 0 Approved additions to prison capacity on 12/31/87 by security level
- 0 Prison operating costs, most recent fiscal year, and
- 0 Prison staff positions as of 12/31/87.

In addition, for each state Abt obtained Part 1 crime rate data for 1985 and 1986, and census data for 1985, 1986, and 1987.

The Task Force decided to survey the following Western states in addition to Oregon:

0	California	0	Washington
0	Nevada	0	Idaho
0	Alaska	0	Hawaii
0	New Mexico	0	Arizona
0	Colorado	0	Montana
0	Utah	0	Wyoming
0	Kansas		

Abt Associates constructed a questionnaire (copy attached) which the Task Force mailed to the Commissioner of Corrections in each state with a cover letter explaining the importance of the survey and requesting their cooperation in compiling the information. The survey and letter were mailed about June 15. The mailing included a postcard to be returned to Abt on which the Commissioner was asked to give the name and telephone number of the staff member given responsibility to compile the data. Abt contacted these persons by phone beginning in early July.

Survey Response

Eventually, we obtained a 100 percent response rate. Corrections officials in the 13 surveyed states are to be commended for their efforts and persistence in providing the information requested by the Task Force.

It should be noted, however, that as of late Friday, July 15 (the date we had originally planned to send completed results to the Task Force) only five states had fully responded. Officials in several states noted that even this relatively straightforward request for basic management information required tedious manual records searches. This suggests that in many states correctional information systems are in poor condition.

Survey Findings

The survey findings are displayed in the Tables 1 through 12.

Table 1 shows each state's Part 1 crime rate (both person and property) in 1985 and 1986, and arrays the states by the percent change in total Part 1 crime rate. Oregon falls into the middle of this array, with six states experiencing a higher rate of increase.

Table 2 shows the states' population (in thousands) in 1985, 1986, and 1987, and arrays the states by percent change in population over this period. Oregon, with a population growth of 1.4 percent, fell just below the middle of this array. Eight states experienced more rapid population growth than Oregon.

Table 3 shows prisoner counts in the states on 12/31/87. It breaks the total prisoner count into both in-counts (those confined within state prisons) and out-counts (those prisoners not in state prisons, but on furloughs, leaves, work release, escape, AWOL, etc.). The states are ranked by the percent of the total prisoner count on out-count status. Oregon has the highest percent of prisoners on out-count status, largely due to its heavy use of temporary leave to control prison crowding.

Table 1: Part 1 Crime Rates per 100,000, 1985 and 1986
(excluding murder and non-negligent manslaughter)

State	1985			1986			Percent change 1985 to 1986
	Person	Property	Total	Person	Property	Total	
Kansas	356	4,019	4,375	369	4,454	4,823	10.2%
Hawaii	219	4,981	5,201	245	5,426	5,671	9.1%
Wyoming	257	3,758	4,015	293	4,064	4,357	8.5%
Idaho	235	3,673	3,908	223	3,984	4,207	7.6%
Alaska	582	5,295	5,877	570	5,676	6,246	6.3%
Washington	425	6,103	6,529	437	6,443	6,880	5.4%
Oregon	551	6,179	6,730	550	6,531	7,081	5.2%
California	765	5,753	6,518	921	5,842	6,763	3.8%
Utah	267	5,050	5,317	267	5,212	5,478	3.0%
Arizona	603	6,514	7,116	658	6,663	7,321	2.9%
New Mexico	704	5,782	6,486	726	5,900	6,626	2.2%
Colorado	471	6,448	6,919	524	6,508	7,032	1.6%
Montana	209	4,341	4,549	157	4,322	4,479	-1.5%
Nevada	667	5,900	6,575	719	5,571	6,290	-4.3%

Table 2: State Population in Thousands, 1985 to 1987

State	1985	1986	1987	Percent change 1985 to 1987
Nevada	936	963	1,007	7.6%
Arizona	3,187	3,317	3,386	6.2%
California	26,365	26,981	27,663	4.9%
New Mexico	1,450	1,479	1,500	3.4%
Washington	4,409	4,463	4,538	2.9%
Hawaii	1,054	1,062	1,083	2.8%
Utah	1,645	1,665	1,680	2.1%
Colorado	3,231	3,267	3,296	2.0%
Oregon	2,687	2,698	2,724	1.4%
Kansas	2,450	2,461	2,476	1.1%
Alaska	521	534	525	0.8%
Idaho	1,005	1,003	998	-0.7%
Montana	826	819	809	-2.1%
Wyoming	509	507	490	-3.7%

Table 3: Prisoner Counts, 12/31/87

State	In-count	Out-count	Total	Percent of Total in Out-count
Oregon	4,309	1,871	6,180	30.3%
Alaska	1,426	341	1,767	19.3%
Washington	5,403	930	6,333	14.7%
Colorado	4,388	549	4,937	11.1%
Wyoming	850	90	940	9.6%
Utah	1,880	182	2,062	8.8%
Idaho	1,340	124	1,464	8.5%
Hawaii	1,536	101	1,637	6.2%
California	64,905	3,846	68,751	5.6%
Montana	1,165	52	1,217	4.3%
Nevada	4,348	178	4,526	3.9%
New Mexico	2,683	43	2,726	1.6%
Arizona	10,797	95	10,892	0.9%
Kansas	5,803	21	5,824	0.4%

Table 4: Percent of In-Count on 12/31/87
Housed in

State	Single Cells	Double Cells	Triple Cells	Dorms
Colorado	89.0%	10.0%	0.0%	1.0%
Wyoming	88.2%	0.0%	0.0%	11.8%
Montana	66.0%	17.0%	0.0%	17.0%
Arizona	43.0%	16.0%	0.0%	41.0%
Alaska	41.0%	37.0%	3.0%	19.0%
Hawaii	40.0%	27.0%	0.0%	33.0%
Idaho	36.6%	15.8%	8.6%	39.0%
Nevada	10.0%	59.0%	1.0%	30.0%
Kansas	9.0%	46.0%	8.0%	37.0%
Oregon	N/A	N/A	N/A	N/A
New Mexico	N/A	N/A	N/A	N/A
California	N/A	N/A	N/A	N/A
Utah	N/A	N/A	N/A	N/A
Washington	N/A	N/A	N/A	N/A

Table 4 shows the percent of the In-count prisoner population on 12/31/87 who were housed in single-bunked cells, double-bunked cells, triple-bunked cells, and dormitories. The states are arrayed by percent of inmates in single-bunked cells. Five states, including Oregon, were unable to provide us with this data by the deadline. Oregon DOC staff indicated that this information could be obtained, but would require manual records searches and cross-checking different records.

Table 5 shows the incarceration rate per 100,000 general population on 12/31/87, computed on the basis of both the In-count and the Out-count. States are arrayed by the In-count incarceration rate. Oregon falls near the middle of this array, with five states having higher incarceration rates on both measures. On the basis of the Out-count, Oregon's incarceration rate is only slightly lower than California's, but is considerably higher than Washington's.

Table 6 displays design and rated prison capacities by security level in the Western states. It is important to recognize that there are no universal definitions of design and rated capacity. Some states compute only one capacity figure. Those that compute two often use different methods. Sometimes states change the criteria used, and as a result (with no change in the prison's physical plant) show sharp changes in capacity figures.

In general, however, design capacity tends to be used to describe the number of inmates prisons were intended to house, with consideration of relevant standards (such as ACA) governing space, lighting, ventilation, etc. Rated capacity (sometimes termed "operating" or "extended" capacity) generally describes an capacity higher than designed, obtained by changes (such as double-bunking, converting shop buildings to dorms, etc.) intended to be long-term in nature.

Table 6 arrays states according to their In-count on 12/31/87 as a percent of total design capacity. Ten of the Western states have populations above their design capacity. Crowding is most severe (from a design capacity viewpoint) in California and Kansas. Oregon ranks in the middle of this array, with five states having a higher crowding level.

Table 7 arrays states by the percent of their design capacity provided in minimum security beds. Only two other Western states had a lower percent of design capacity in minimum security beds on 12/31/87.

Table 8 shows approved additions to prison capacity by security level. Approved addition means that on 12/31/87 the Legislature had approved the additional capacity and that funding was available, but the added capacity was not operational on that date. Table 8 arrays the states according to the approved additions as a percent of design capacity. Oregon ranks second, less than a percentage point behind Kansas in its rate of addition of prison capacity.

Table 5: Incarceration Rate per 100,000 on 12/31/87

State	Based on In-count Only	Based on Total Inmate Count
Nevada	432	449
Arizona	319	322
Alaska	272	337
California	235	249
Kansas	234	235
New Mexico	179	182
Wyoming	173	192
Oregon	158	227
Montana	144	150
Hawaii	142	151
Idaho	134	147
Colorado	133	150
Washington	119	140
Utah	112	123

Table 6: Reported Design and Rated Capacities of State Prisons, 12/31/87

State	Reported Design Capacity				In-count as Percent of Total Design Capacity	Reported Rated Capacity				In-count as Percent of Total Rated Capacity
	Max	Med	Min	Total		Max	Med	Min	Total	
California	5,844	26,600	9,258	41,702	155.6%	10,334	41,929	13,202	65,465	99.1%
Kansas	1,527	428	1,831	3,786	153.3%	N/A	N/A	N/A	N/A	N/A
Hawaii	90	550	467	1,107	138.8%	90	1,130	541	1,761	87.2%
Nevada	508	1,666	1,109	3,283	132.4%	649	2,374	1,109	4,132	105.2%
Colorado	720	2,154	472	3,346	131.1%	720	2,906	701	4,327	101.4%
Oregon	1,572	1,179	619	3,370	127.9%	1,709	1,755	823	4,287	100.5%
Montana	334	192	412	938	124.2%	334	192	412	938	124.2%
Utah	61	532	944	1,537	122.3%	65	565	1,141	1,771	106.2%
New Mexico	706	1,237	516	2,459	109.1%	696	1,438	473	2,607	102.9%
Idaho	0	196	1,037	1,233	100.7%	0	975	430	1,405	95.4%
Wyoming	250	300	300	850	100.0%	N/A	N/A	N/A	N/A	N/A
Arizona	1,942	5,981	3,035	10,958	98.5%	N/A	N/A	N/A	N/A	N/A
Washington	1,942	2,885	1,011	5,838	92.5%	2,136	3,174	1,112	6,422	84.1%
Alaska	N/A	N/A	N/A	N/A	N/A	471	1,503	130	2,104	67.8%

Table 7: Minimum bedspace as percent of total design capacity

State	Reported Design Capacity			Total	Minimum as % of total
	Maximum	Medium	Minimum		
Idaho	0	196	1,037	1,233	84.1%
Utah	61	532	944	1,537	61.4%
Kansas	1,527	428	1,831	3,786	48.4%
Montana	334	192	412	938	43.9%
Hawaii	90	550	467	1,107	42.2%
Wyoming	250	300	300	850	35.3%
Nevada	508	1,666	1,109	3,283	33.8%
Arizona	1,942	5,981	3,035	10,958	27.7%
California	5,844	26,600	9,258	41,702	22.2%
New Mexico	706	1,237	516	2,459	21.0%
Oregon	1,572	1,179	619	3,370	18.4%
Washington	1,942	2,885	1,011	5,838	17.3%
Colorado	720	2,154	472	3,346	14.1%
Alaska	N/A	N/A	N/A	N/A	--

Table 8: Approved Additions to Prison Capacity

State	Maximum	Medium	Minimum	Total	Additions as Percent of Design Capacity
Kansas	128	866	768	1,762	46.5%
Oregon	0	798	750	1,548	45.9%
Nevada	757	320	262	1,339	40.8%
California	2,636	13,426	0	16,062	38.5%
Idaho	248	96	0	344	27.9%
Arizona	813	1,300	150	2,263	20.7%
Alaska	419	0	0	419	19.9%
Hawaii	72	0	40	112	10.1%
Colorado	0	87	0	87	2.6%
Montana	0	0	0	0	0.0%
Wyoming	0	0	0	0	0.0%
Utah	0	0	0	0	0.0%
Washington	0	0	0	0	0.0%
New Mexico	N/A	N/A	N/A	N/A	--

It is important to note the range of capacity addition among the Western states. Five states had no approved additions to capacity on 12/31/87. Colorado had a small addition (2.5% of its design capacity). Three states had approved additions amounting to between 10 and 20 percent of their design capacity, and five states had approved additions amounting to more than 25 percent of their design capacity.

Table 9 shows states' design capacity plus approved additions by security level, and arrays states by the percent of the expanded capacity provided in minimum security beds. As compared to Table 7, the addition of 750 minimum security beds will move Oregon into the middle of the array of Western states in the percent of capacity provided by minimum security beds.

Table 10 displays prison capacity per 100,000 general population, using both existing beds and existing beds plus approved additions. States are arrayed by the existing design capacity per 100,000 general population. Again, there is wide variation among the Western states, with rates ranging from 91 prison cells per 100,000 in Utah to 326 per 100,000 in Nevada and 324 per 100,000 in Arizona. Oregon is fairly comparable to its immediate neighbors of California, Washington, and Idaho. Seven states have higher design capacity per 100,000 than Oregon. With the approved additions to capacity, only four states will have a higher design capacity per 100,000 than Oregon.

Table 11 displays institutional operating costs in the Western states for the most recent available fiscal year. States are arrayed by annual operating cost per inmate, obtained by dividing prison operating costs for the most recent fiscal year by the states' In-counts on 12/31/87. (Data was not available from Utah and Wyoming.) Oregon, with an annual average cost per inmate of \$13,183, is in the bottom third of the Western states. Eight of the twelve reporting states have higher average annual prison operating costs per inmate.

Table 12 shows the total number of prison staff in each state, and computes a staff to inmate ratio (using the In-count on 12/31/87). Oregon ranks last among the Western states, with one prison staff for each 3.8 inmates.

Table 9: Expanded Prison Capacity by Security Level

State	Reported Design Capacity				Minimum as % of Total
	Maximum	Medium	Minimum	Total	
Idaho	248	292	1,037	1,577	65.8%
Utah	61	532	944	1,537	61.4%
Kansas	1,655	1,294	2,599	5,548	46.8%
Montana	334	192	412	938	43.9%
Hawaii	162	550	507	1,219	41.6%
Wyoming	250	300	300	850	35.3%
Nevada	1,265	1,986	1,371	4,622	29.7%
Oregon	1,572	1,977	1,369	4,918	27.8%
Arizona	2,755	7,281	3,185	13,221	24.1%
New Mexico	706	1,237	516	2,459	21.0%
Washington	1,942	2,885	1,011	5,838	17.3%
California	8,480	40,026	9,258	57,764	16.0%
Colorado	720	2,241	472	3,433	13.7%
Alaska*	890	1503	130	2,523	5.2%

*—For Alaska, we have used rated capacity as a basis
for computing expanded capacity with approved additions

Table 10: Prison Capacity per 100,000 Population

State	Existing		Additions	
	Design	Rated	Design	Rated
Nevada	326	410	459	543
Arizona	324	--	390	--
Wyoming	173	--	--	--
New Mexico	164	174	N/A	N/A
Kansas	153	--	224	--
California	151	237	209	295
Washington	129	142	--	--
Oregon	124	157	181	214
Idaho	124	141	158	175
Montana	116	116	--	--
Hawaii	102	163	113	173
Colorado	102	131	104	134
Utah	91	105	--	--
Alaska	--	401	--	481

Table 11: Institutional operating costs per Inmate
per Year

State	Annual Operating Cost	Annual Operating Cost Per Inmate
Alaska	\$78,300,000	\$54,909
Washington	\$165,658,020	\$30,660
Hawaii	\$44,851,737	\$29,200
New Mexico	\$47,310,888	\$17,634
Colorado	\$75,966,000	\$17,312
California	\$1,110,911,081	\$17,116
Montana	\$18,059,986	\$15,502
Arizona	\$159,144,788	\$14,740
Oregon	\$56,804,500	\$13,183
Nevada	\$43,940,736	\$10,106
Idaho	\$13,232,573	\$9,875
Kansas	\$53,659,703	\$9,247
Utah	N/A	N/A
Wyoming	N/A	N/A

Table 12: Staff to Inmate Ratio

State	FTE Prison Staff	Staff to Inmate Ratio
Utah	N/A	N/A
Hawaii	1,511	1.02
Washington	4,121	1.31
New Mexico	1,719	1.56
Alaska	900	1.58
Montana	467	2.49
Colorado	1,726	2.54
Wyoming	325	2.62
Arizona	3,721	2.90
California	21,155	3.07
Kansas	1,708	3.40
Idaho	380	3.53
Nevada	1,208	3.60
Oregon	1,134	3.80

The Abt Report offered the following five-level supervision model as an example of the structure produced under the concept of risk management:

Intensive Supervision (high risk/high need cases):

- Caseloads of 10 to 20;
- Two to five contacts per week, field, office, and collateral (e.g., with employers);
- Reclassification to less intense supervision after 60 to 90 days;
- Curfew with residence checks;
- Employment; and
- Aggressive provision of services tailored to offender needs.

Maximum Supervision (moderately high risk cases):

- Caseloads of 30 to 40;
- Weekly contacts, field and office; and
- Assessment every 90 days for possible assignment to lower supervision level.

Medium Supervision (moderate risk cases):

- Cases of 80 to 100;
- Monthly contacts; and
- Assessment every 90 days for possible assignment to lower supervision level.

Minimum Supervision (low risk/low need cases):

- Caseloads of 150 to 200;
- Bi-monthly contacts; and
- Assessment every six months for assignment to lower level of supervision or recommendation for termination of supervision.

Inactive Supervision (low risk cases):

- Caseloads of 300 to 400;
- Monthly arrests and warrant checks; and
- Continue until discharge or until arrest occurs or warrant is issued.

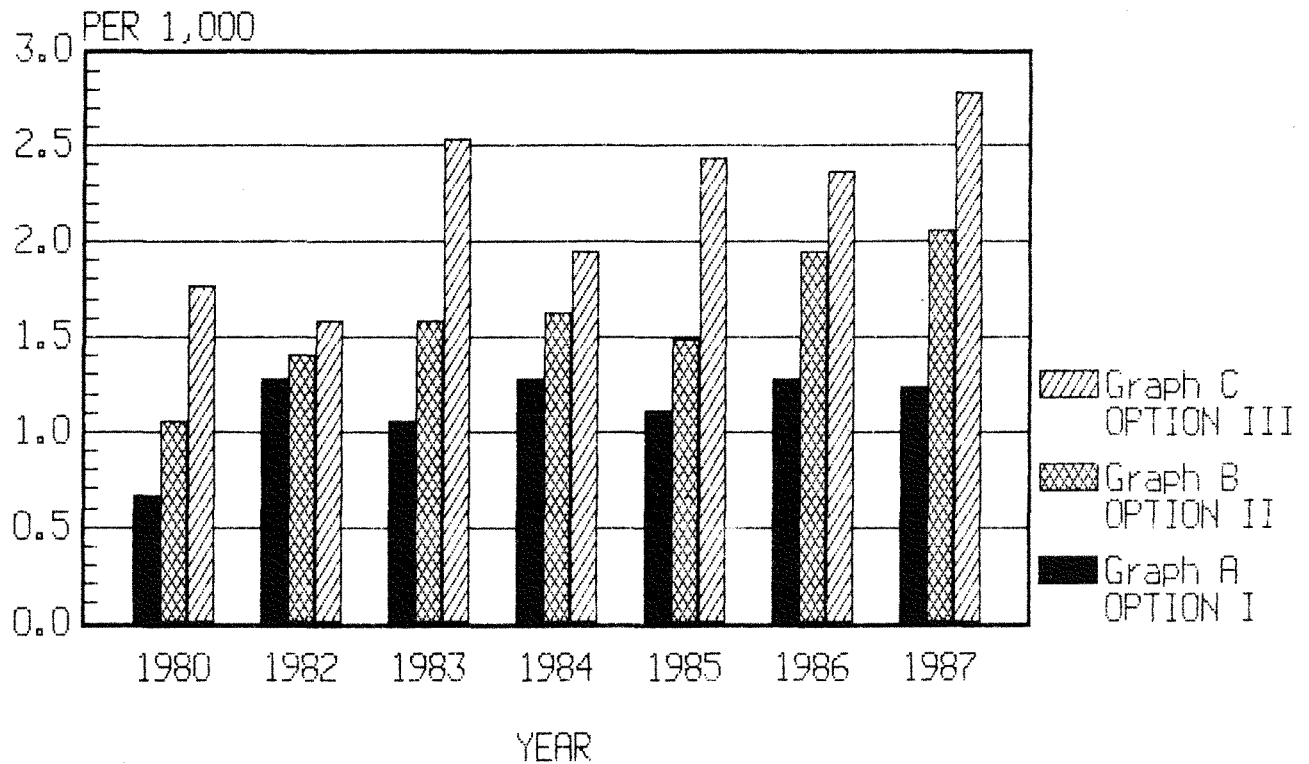
The size of these caseloads is provided for illustrative purposes only. The Task Force is not recommending caseload size for particular levels of supervision.

PERCENTAGE OF TOTAL JUDICIAL DECISIONS TO INCARCERATE
(% JDI) AND NUMBER OF CONVICTED FELONS IN 1986 BY CCA
OPTION, COUNTY, AND CLASS C FELONY

CCA OPTION AND COUNTY	Total Felony Convictions	Class C Felony	
		% JDI	Class C Felony Convictions
STATEWIDE	8,487	12.8	6,115
Option I	2,206	6.9	1,631
Baker	61	14.7	48
Clackamas	392	7.5	260
Marion	795	6.2	613
Polk	144	20.8	101
Washington	664	4.4	506
Yamhill	150	4.9	102
Option II	2,787	15.1	2,020
Benton	153	.0	90
Clatsop	107	11.4	87
Columbia	74	14.9	56
Multnomah	2,256	16.3	1,639
Tillamook	65	26.6	38
Union	34	.0	27
Wallowa	15	.0	12
Wasco	83	12.7	71
Option III	3,494	14.9	2,464
Coos	336	8.4	272
Crook	53	15.8	40
Curry	96	10.9	66
Deschutes	120	30.8	66
Douglas	286	15.5	180
Gilliam	2	.0	2
Grant	10	33.3	10
Harney	5	100	5
Hood River	47	4.8	38
Jackson	307	8.2	209
Jefferson	39	15.4	39
Josephine	199	10.0	84
Klamath	233	6.1	155
(continued)			

CCA OPTION AND COUNTY	Total Felony Convictions	Class C Felony	
		% JDI	Class C Felony Convictions
Option III (cont.)			
Lake	29	.0	23
Lane	782	23.7	576
Lincoln	224	12.5	195
Linn	374	19.5	214
Malheur	110	22.2	80
Morrow	19	.0	13
Sherman	3	.0	3
Umatilla	213	6.1	192
Wheeler	7	.0	2

AVERAGE CLASS C FELONY COMMITMENTS
PER 1,000 RISK POPULATION (Age 15-20)
1980-87



The sources of this data are the Center for Population Research and Census and the Department of Corrections.

OREGON COUNTIES BY POPULATION AND COMMUNITY CORRECTIONS ACT OPTION *

NUMBER	COUNTY	POPULATION	CUMULATIVE POPULATION	% OF TOTAL POPULATION	CUMULATIVE PERCENTAGE
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OPTION I

1	WALLOWA	7,420			
2	BAKER	16,200			
3	CURRY	17,100			
4	UNION	24,800			
5	POLK	45,000			
6	YAMHILL	57,100			
7	BENTON	69,100			
8	MARION	209,200			
9	CLACKAMAS	248,200			
10	WASHINGTON	268,000			
TOTAL		962,120	962,120	36%	36%

OPTION II

1	MORROW	7,570			
2	GRANT	8,050			
3	TILLAMOOK	22,000			
4	WASCO	22,500			
5	MALHEUR	27,800			
6	CLATSOP	32,900			
7	COLUMBIA	36,200			
8	UMATILLA	60,000			
9	JOSEPHINE	60,300			
10	DOUGLAS	92,150			
11	LANE	269,500			
12	MULTNOMAH	561,800			
TOTAL		1,200,770	2,162,890	45%	81%

OPTION III

1	WHEELER	1,400			
2	GILLIAM	1,800			
3	SHERMAN	2,200			
4	HARNEY	7,100			
5	LAKE	7,600			
6	JEFFERSON	12,200			
7	CROOK	13,000			
8	HOOD RIVER	16,400			
9	LINCOLN	37,230			
10	KLAMATH	58,630			
11	COOS	61,000			
12	DESCHUTES	65,400			
13	LINN	89,900			
14	JACKSON	138,400			
TOTAL		512,260	2,675,150	19%	100%

*As of July 1, 1988.

This data was provided by the Oregon Community Corrections Association.