

A JUSTICE SERVICE ORGANIZATION PROPOSAL: A PRELIMINARY OUTLINE

ASSUMPTIONS CONCERNING JUSTICE SERVICES

1. The control of delinquency and crime is a very high priority of Multnomah County.
2. A comprehensive, carefully planned and well orchestrated approach is essential to achieving maximum efficiency and effectiveness in controlling delinquency and crime.
3. The present County organizational arrangement for controlling delinquency and crime consists of several autonomous and semi-autonomous units which tend to focus on relatively independent pursuits of professional specialties and objectives. *very*
4. Such a configuration of organizations has resulted in fragmented, disjointed, dysfunctional efforts to control delinquency and crime in Multnomah County.
5. Current authority structure of justice organizations contributes to system dysfunction.
6. A unified, systematic organizational approach is the most rational model for maximizing the efficiency and effectiveness of the County in controlling delinquency and crime.

BOARD

The Board of County Commissioners should be free from any responsibility for organizing or directing County operations so that they can devote fulltime to legislative responsibilities such as:

- Assessing citizen concerns and County problems
- Developing basic County policies and establishing priorities
- Evaluating and modifying the fundamental county organizational structure, and
- Allocating resources.

CHAIR

The Chair has unique responsibility for leading the Board, ensuring implementation of County policies and priorities, and performing the management responsibilities of a county executive.

OTHER INDEPENDENT JUSTICE OFFICIALS

The State Medical Examiner, Sheriff, and District Attorney have substantial level of autonomy in the performance of their responsibilities, however they are subject to county policies and priorities related to financial resource,s personnel and facilities.

PURPOSES FOR JUSTICE SERVICES

The Board of County Commissioners has established the mission of justice service operations as promoting public safety, ensuring equal treatment of citizens under the law and maximizing the quality of life in all the County's neighborhoods and communities. Towards these ends, it has defined the following priority goals:

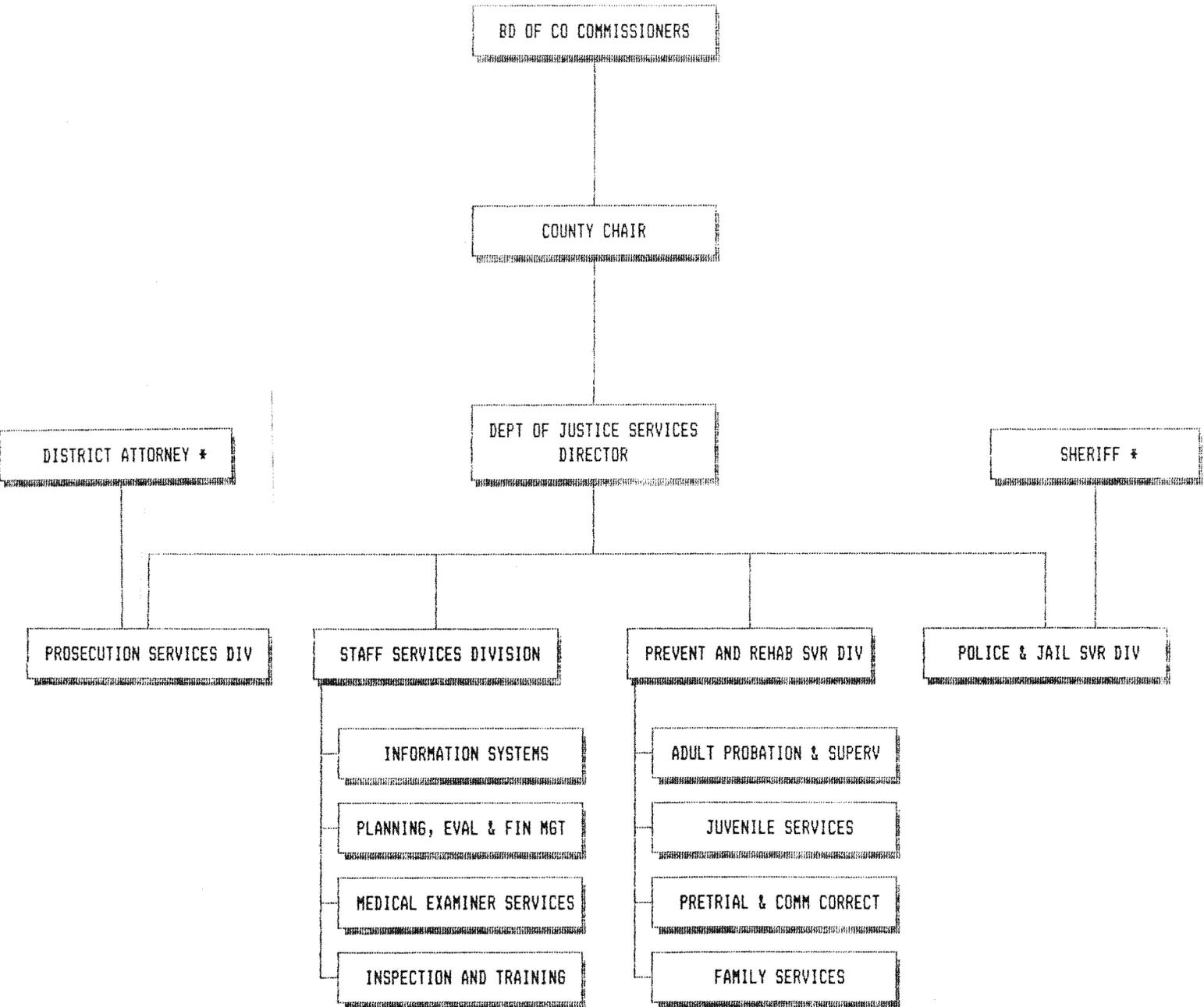
- Determination of nature, causes and extent and relative seriousness of delinquency and crime.
- Prevention of delinquency, crime and civil disorder.
- Provision of support for local policing and essential supplementary law enforcement services.
- Achievement of efficient, effective administration of justice.
- Rehabilitation of and reintegration of offenders into society.

The Board's intents that adequate information systems for planning, organizing, operating and evaluating systems and efforts to achieve these goals be organized and maintained, and that justice operations in the County be associated with and evaluated by use of these goals.

ORGANIZATION

The most rational organization for ensuring the most efficient and effective approach to the Board goals is a unitary system or department under the County Chair. To the extent possible, all functions related to dealing with crime and delinquency should be within this department and under the direction of a department executive.

DEPARTMENT OF JUSTICE SERVICES
PROPOSED REORGANIZATION



* Responsible for work organization, performance, and management.

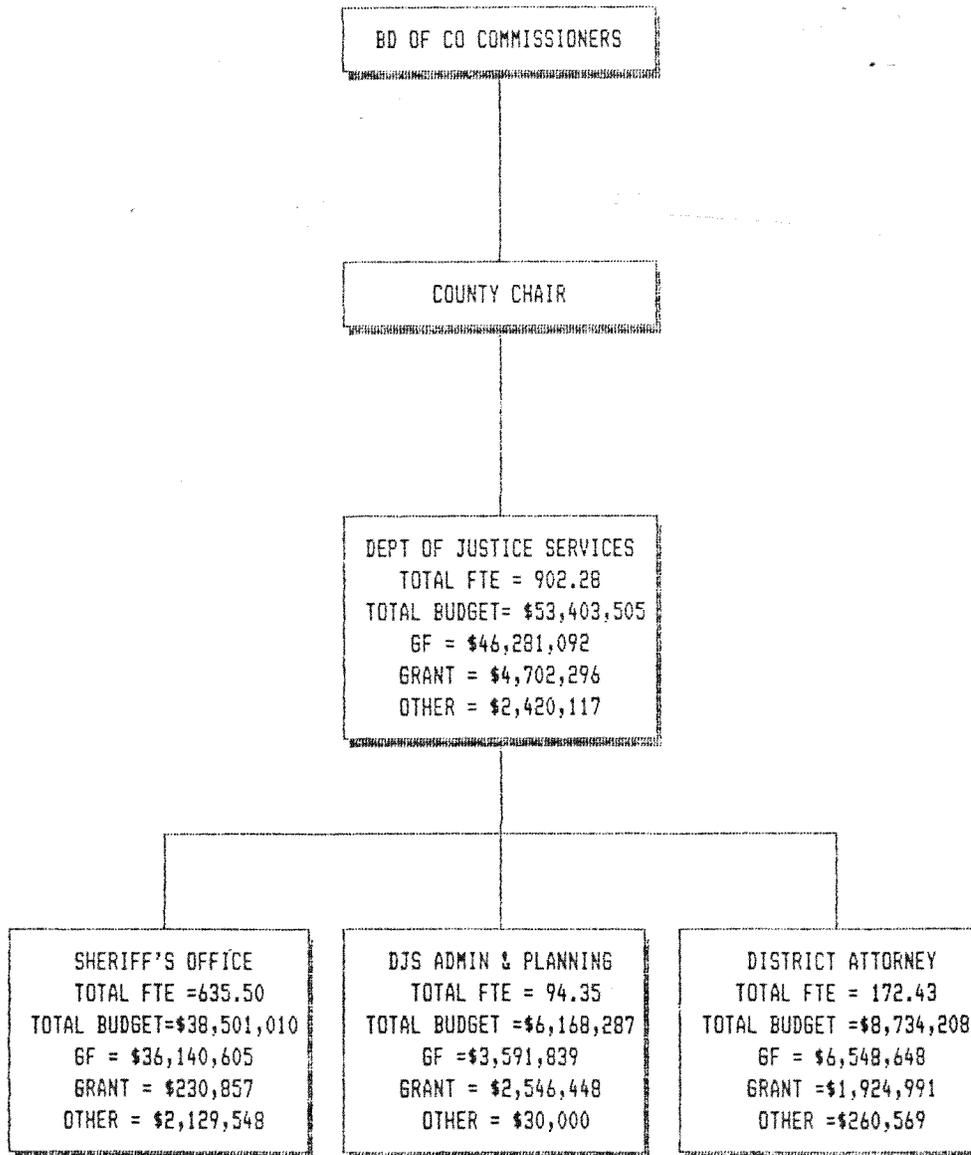
Despite professional or political independence of some officials within the department, the department head should have authority in the following areas:

- Financial and policy planning and oversight.
- Information system management.
- Organization and management of staff services to entire department.
- Evaluation, inspection and reporting to ensure compliance with policies, effective use of resources and need for changes.

The general characteristics of an organization which will satisfy the preceding requirements and comply with laws are reflected in the following organizational chart. This arrangement will entail movement of juvenile services from DHS to DJS, consolidation of existing staff services into a single division of DJS, and reorganization of existing prevention and rehabilitation programs in DJS.

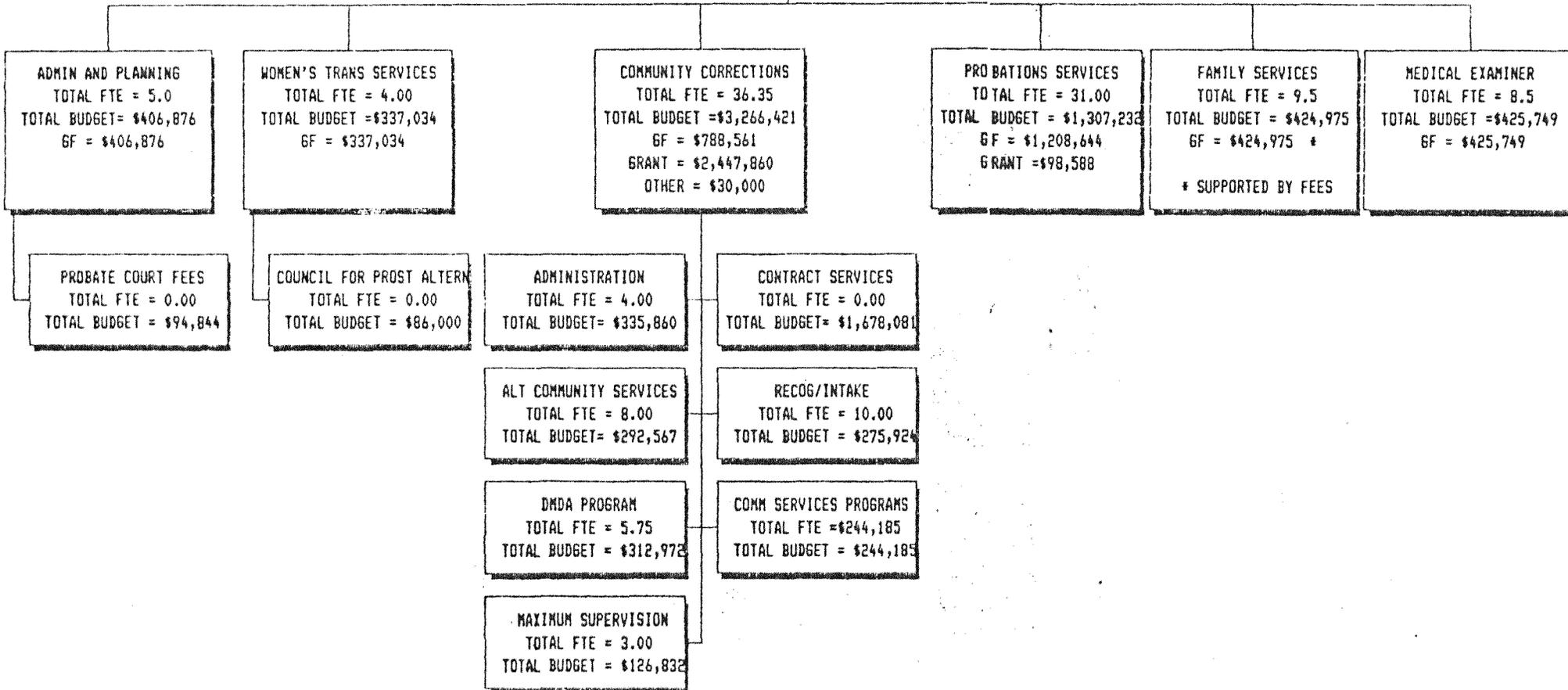
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FY 89 - 90
COUNTY CHAIR' PROPOSED BUDGET
DJS ORGANIZATION



FY 89 - 90
 COUNTY CHAIR' PROPOSED BUDGET
 DJS ORGANIZATION

DJS ADMIN & PLANNING
 TOTAL FTE = 94.35
 TOTAL BUDGET = \$6,168,287
 GF = \$3,591,839
 GRANT = \$2,546,448
 OTHER = \$30,000



FY 89 - 90
COUNTY CHAIR' PROPOSED BUDGET
DJS ORGANIZATION

DISTRICT ATTORNEY
TOTAL FTE = 172.43
TOTAL BUDGET = \$8,734,208
GF = \$6,548,648
GRANT = \$1,924,991
OTHER = \$260,569

ADMINISTRATION & SUPPORT
TOTAL FTE = 25.5
TOTAL BUDGET = \$1,363,201

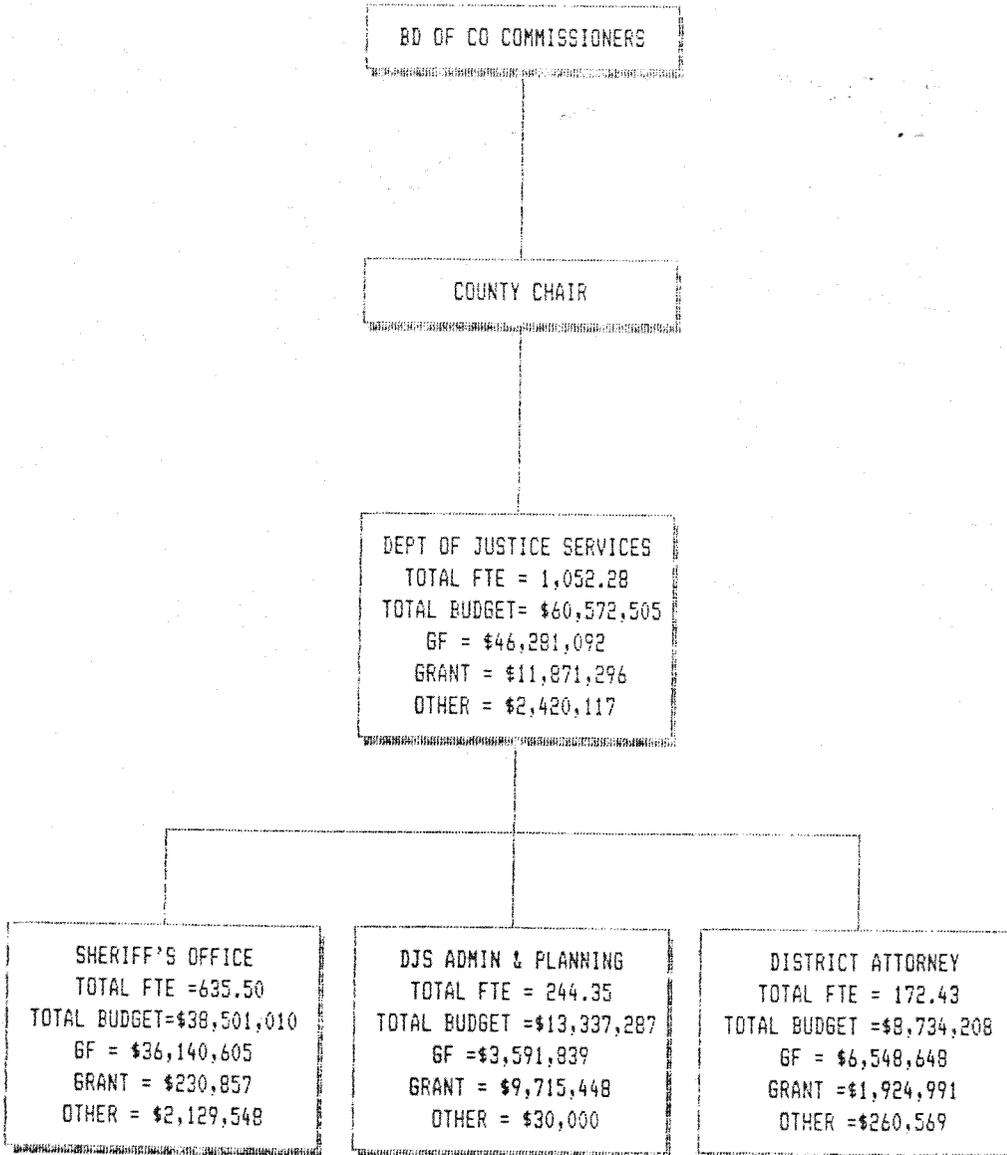
CIRCUIT COURT
TOTAL FTE = 54.50
TOTAL BUDGET = \$3,479,603

VICTIM SERVICES
TOTAL FTE = 8.93
TOTAL BUDGET = \$361,962

FAMILY JUSTICE
TOTAL FTE = 44.50
TOTAL BUDGET = \$2,084,804

DISTRICT COURT
TOTAL FTE = 39.00
TOTAL BUDGET = 1,444,638

FY 89 - 90
 COUNTY CHAIR' PROPOSED BUDGET
 DJS ORGANIZATION with CCA OPTION 1



Note: Assumes the addition of 150 FTE and \$7,169,000 for provision of felony probation and parole services.

FY 89 - 90
 COUNTY CHAIR' PROPOSED BUDGET
 DJS ORGANIZATION

SHERIFF'S OFFICE
 TOTAL FTE = 635.50
 TOTAL BUDGET = \$38,501,010
 GF = \$36,140,605
 GRANT = \$230,857
 OTHER = \$2,129,548

OPERATIONS BRANCH
 TOTAL FTE = 158.00
 TOTAL BUDGET = \$10,424,667
 GF = \$9,993,810
 GRANT = \$230,857
 OTHER = \$200,000

EXECUTIVE BRANCH
 TOTAL FTE = 13.75
 TOTAL BUDGET = \$1,046,247
 GF = \$1,046,247

CORRECTIONS BRANCH
 TOTAL FTE = 463.75
 TOTAL BUDGET = \$27,030,096
 GF = \$25,100,548
 LEVY \$1,000,000
 OTHER \$929,548

EXECUTIVE ADMINISTRATION
 FISCAL MANAGEMENT
 INFORMATION SYSTEM
 INSPECTIONS

OPERATIONS BRANCH ADMIN
 TOTAL FTE = 20.00
 TOTAL BUDGET = \$3,207,723

SERVICES ADMINISTRATION
 TOTAL FTE = 36.00
 TOTAL BUDGET = \$1,490,441

LAW ENFORCEMENT
 TOTAL FTE = 72.00
 TOTAL BUDGET = \$4,603,819

CIVIL
 TOTAL FTE = 29.00
 TOTAL BUDGET = \$1,122,684

CORRECTIONS ADMINISTRATIO
 TOTAL FTE = 7.00
 TOTAL BUDGET = \$1,289,882

CORRECTIONS FACILITY DIV
 TOTAL FTE = 309.00
 TOTAL BUDGET = \$19,079,618

CORRECTIONS SUPPORT DIV
 TOTAL FTE = 94.5
 TOTAL BUDGET = \$4,403,108

CORRECTIONS PROGRAM DIV
 TOTAL FTE = 51.00
 TOTAL BUDGET = \$2,257,488

OPERATIONS ADMINISTRATION
 EQUIPMENT/PROPERTY
 BOEC
 BOEC/PASS THRU
 SPECIAL INVESTIGATION
 SEDE FORFEITURE
 STING RESTITUTION
 ODDJ/MARIJUANA ERAD

SERVICES ADMIN- LAW ENF
 PERSONNEL UNIT
 PLANNING & RESEARCH
 TRAINING UNIT
 WORD PROCESSING
 POLICE RECORDS

LAW ENFORCEMENT ADMIN
 PATROL SECTION
 CRIME PREVENTION
 MOTOR CARRIER SAFETY
 RIVER PATROL
 CRIME ANALYSIS
 DISTRICT ATTORNEY
 MAJOR INVESTIGATIONS

CIVIL PROCESS
 ALARM ORDINANCE

FACILITY ADMINISTRATION
 CORRECTIONS FACILITIES
 PROBATION CENTER/FACILITY
 MCIJ FACILITY ADMIN
 SERIAL LEVY FUND
 CORRECTIONS HEALTH/ MCIJ
 FACILITY MANAGEMENT/MCIJ

SUPPORT ADMINISTRATION
 COURT SERVICES
 PROPERTY/COMM/LAUNDRY
 CORRECTIONS RECORDS
 FACILITY SECURITY
 INMATE WELFARE FUND

INMATE PROGRAMS ADMIN
 CLASSIFICATION
 FACILITIES COUNSELORS
 INTENSIVE SUPERV PROG/CCA
 CLOSE STREET SUPERV
 POP REL SCORING (BIT)
 POP REL MONITORING
 ELECTRONIC SUPERV (BIT)



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BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GRETCHEN KAFOURY

M E M O R A N D U M

TO: Robert Skipper
Chief Deputy Sheriff (313/105)

FROM: Larry Kressel *(LK)*
County Counsel (106/1530)

DATE: April 25, 1989

RE: Restitution Center Administration

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
ARMINDA J. BROWN
ASSISTANTS
JOHN L. DU BAY
SANDRA N. DUFFY
J. MICHAEL DOYLE
H. H. LAZENBY, JR.
PAUL G. MACKAY
MARK B. WILLIAMS

MULTNOMAH COUNTY
OREGON
1989 APR 25 PM 2:50
BOARD OF COUNTY COMMISSIONERS

You advise me that the County Commission is considering whether to move administration of the Restitution Center as well as some programs now under the Sheriff, to the Department of Justice Services. You inquire whether such changes would be permitted by the Home Rule Charter.

This opinion addresses only the portion of the proposal that concerns administration of the Restitution Center. The other dimensions of the proposal have yet to be detailed. It is therefore premature to comment on legal aspects.

Section 6.50(1) of the Charter makes the office of Sheriff an elective office. The section gives the Sheriff "... sole administration of all county jails and correctional institutions located in Multnomah County." The provision was proposed by initiative petition in 1982 and was approved by the voters in May of that year.

The Restitution Center is a work release facility. It occupies the former Rajneesh Hotel in downtown Portland. The Center houses offenders who have been convicted and sentenced to jail (some are sentenced as a condition of probation under ORS 137.520(2)). Center residents are released from jail to the Center for prescribed periods. Although Center residents are free to leave the facility for work, they are confined in the sense that they are required by law to return to the Center after work.

Robert Skipper
April 25, 1989
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Proposed residents of the Restitution Center are screened by a neighborhood committee. The screening process grew out of neighborhood involvement in the county's application for a conditional use permit to allow the Center in 1986.

An opinion by this office in February, 1987 (attached) concluded that the phrase "correctional institutions" in section 6.50(1) means any facility in which persons are placed involuntarily as a result of being charged with or convicted of a crime. Although the opinion does not mention any particular facility, I believe it was intended to affirmatively answer the question whether the Restitution Center was subject to the Sheriff's sole administrative authority under section 6.50(1).

I have considered the prior legal opinion and conducted my own research. I conclude that the prior opinion is correct.

Section 6.50(1) of the Charter centralizes administration over "all county jails and correctional institutions located in Multnomah County" in the Sheriff. This portion of the Charter is broadly worded. The evident intent is to consolidate administrative authority under the Sheriff (the Sheriff ". . . shall have sole administration of all county jails and correctional institutions . . .") (emphasis added). The text merits a broad interpretation. As the prior opinion noted, it must be presumed from the text that jails and correctional institutions are distinct categories. Thus, although in theory one can argue that jails and correctional facilities are indistinct, it is reasonable to conclude that the voters in Multnomah County gave the Sheriff authority over more than the total-confinement type of county facility we normally think of as a "jail".

The prior opinion seeks guidance on the Charter's meaning from analogous state statutes. The statutory definitions of "correctional facility", see ORS 162.135(2) and ORS 169.005(3), seem to reflect two elements: (1) confinement of (2) persons charged with or convicted of a crime. These tests are met in the case of the Restitution Center: residents are confined there (albeit not on a 24-hour-a-day basis) as a result of being convicted.

I conclude that, for purposes of the Home Rule Charter, the Restitution Center is a correctional institution that must be under the Sheriff's sole administration.

Wholly apart from the Charter question, it is worth noting that a basis of the City's issuance of the land use permit in

Robert Skipper
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1986 (and the approved expansion of capacity in 1989) was a finding that the Center would be staffed with corrections officers around the clock. Although it is impossible to say whether a change in Center administration or staffing would be deemed by the City to invalidate the permit, this limitation is worth keeping in mind by all county officials as reorganization proposals are considered.

4471R/dp

cc: County Commissioners
John Angell



MULTNOMAH COUNTY OREGON

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BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
POLLY CASTERLUNE
GRETCHEN KAFOURY
CAROLINE MILLER

M E M O R A N D U M

TO: Fred Pearce
Sheriff

FROM: John B. Leahy
County Counsel

DATE: February 23, 1987

RE: "Correctional Institutions"

COUNTY COUNSEL
JOHN B. LEAHY
CHIEF ASSISTANT
REAH W. KESSLER
ASSISTANTS
ARMINDA J. BROWN
J. MICHAEL DOYLE
PETER KASTING
PAUL G. MACKAY
JANET NOELLE MAIR
LIA SAROYAN
JANE ELLEN STONECIPHER

You asked me to determine what is meant by the term "correctional institutions" as used in the Home Rule Charter, Section 6.50(1).

The term "correctional institutions" has never been defined for purposes of the County Home Rule Charter. However, the term is defined in several statutes in the Oregon Revised Statutes. These definitions existed before adoption of Section 6.50(1) and may be presumed to have been considered when "correctional institutions" were included in the section.

ORS 169.005(3) defines "local correctional facility" for purposes of facility standards, treatment and responsibilities for costs. The statute provides:

"Local correctional facility" means a jail or prison for the reception and confinement of prisoners that is provided, maintained and operated by a county or city...

ORS 162.135(2) provides:

"Correctional facility" means any place used for confinement of persons charged with or convicted of a crime or otherwise confined under a court order...

ORS 162.135(2) defines "correctional facility" for purposes of escape; however, this definition is also used in ORS Chapter 131, which deals with criminal matters generally.

ORS 144.410(3), which relates to the state work release program, provides:

"Penal and correctional institutions" means the Oregon State Penitentiary, the Oregon State Correctional Institution, the Oregon Women's Correctional Center, their satellites and community centers.

Finally, ORS 421.005(6) provides:

"Penal and correctional institutions" or similar words means the [Oregon State] penitentiary, the [Oregon Women's] correctional center and the [Oregon State and Eastern Oregon] correctional institutions, and includes any camps maintained under this chapter for inmates or paroled former inmates of these institutions.

This definition applies to statutes dealing with state inmate rights, discipline, transfer, custody and the Interstate and Western Interstate Corrections Compact.

"Correctional institution" or "facility" usually means more than just a traditional jail or lock-up under these definitions. When it is limited to jail or prison facilities, the relevant statutes address issues relating to administration, maintenance or funding of such facilities.

As used in the Home Rule Charter, the term must be presumed to mean more than just jails since its inclusion would be redundant otherwise. The term appears to be used as a general one.

In the definitions cited above, when the term is used generally (i.e. ORS Chapter 131), it means any place in which people ordered to be lodged involuntarily as a result of being charged with or convicted of a crime are so lodged. It is therefore my opinion that a "correctional facility" in Multnomah County, as referred to in the Home Rule Charter, Section 6.50(1), means any facility in which persons are placed involuntarily as a result of being charged with or convicted of a crime.

6354C/mfw/jdm

