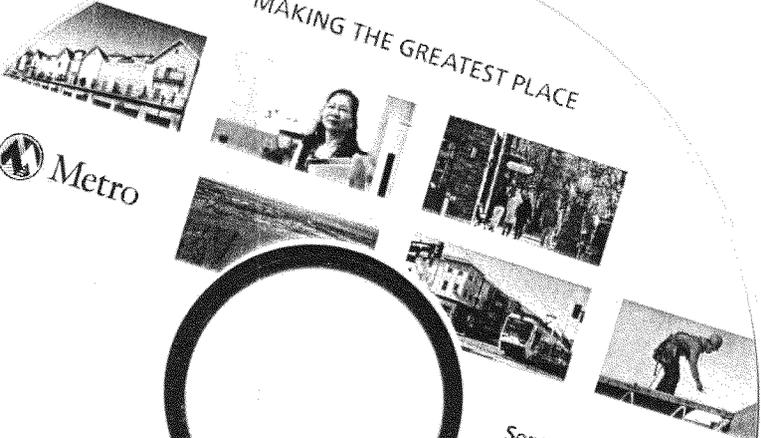


MAKING THE GREATEST PLACE



September 15, 2009

Strategies for a sustainable  
and prosperous region  
A report from Metro's  
Chief Operating Officer



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

REVISED 10/14/09

## BOARD OF COMMISSIONERS

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## OCTOBER 13 & 15, 2009 BOARD MEETINGS FASTLOOK AGENDA ITEMS

pg2	9:00 a.m. Tuesday Executive Session
pg2	9:15 a.m. Tuesday Annual Litigation Report
pg2	10:00 a.m. Tuesday Metro Briefing
pg2	10:30 a.m. Tuesday Vera Institute of Justice
pg3	9:00 a.m. Thursday District Attorney Audit
pg4	9:30 a.m. Thursday Ordinance Amending Ambulance Staffing
pg4	9:30 a.m. Thursday Declaring Intent to Extend Contract Agreement for Ambulance Service with American Medical Response Northwest
pg5	10:30 a.m. Thursday Ordinance Establishing Vehicle Registration Fees
pg5	11:30 a.m. Thursday Recap Briefing on Latino Heritage Month in Multnomah County

Thursday meetings of the Multnomah County Board of  
Commissioners are cable-cast live and taped and may  
be seen by Cable subscribers in Multnomah County at  
the following times:

### (Portland & East County)

Thursday, 9:30 AM, (LIVE) Channel 30

Sunday, 11:00 AM Channel 30

### (East County Only)

Saturday, 10:00 AM, Channel 29

Tuesday, 8:15 PM, Channel 29

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Tuesday, October 13, 2009 - 9:00 AM  
Multnomah Building, Sixth Floor Commissioners Conference Room 635  
501 SE Hawthorne Boulevard, Portland

## **EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) (d)(e) and/or (h). Only representatives of the news media and designated staff may attend. News media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session. Final decisions are decided in public Board meetings. Presented by County Attorney Agnes Sowle. 15 MINUTES REQUESTED.
- 

Tuesday, October 13, 2009 - 9:15 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFINGS**

- B-1 Multnomah County Attorney's Annual Litigation Report, Agnes Sowle, John Thomas, Jenny Morf and Stephen Madkour. 45 MINUTES REQUESTED.
- B-2 Briefing Regarding the Integration of Regional Land Use and Transportation Efforts in a Way that Sustains Economic Competitiveness and Prosperity, Protects Farms and Natural Areas, and Enhances Our Quality of Life. Presented by Metro Councilors Robert Liberty, Rod Park and Rex Burkholder and Metro Chief Operating Officer Michael Jordan. 30 MINUTES REQUESTED.
- B-3 Vera Institute of Justice Briefing on Criminal Justice Research and Trends. Presented by Commissioner Judy Shiprack, Christine Scott-Hayward, Research Associate, the Vera Institute of Justice and Reagan Daly, Senior Research Associate, Center on Sentencing and Corrections. 30 MINUTES REQUESTED.

Thursday, October 15, 2009 - 9:00 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:00 AM**

#### **DEPARTMENT OF COUNTY HUMAN SERVICES**

- C-1 Budget Modification DCM-04 Reclassifying One Position in the DCM Finance and Risk Management Division, as Determined by the Class/Comp Unit of Central Human Resources

### **REGULAR AGENDA**

#### **NON-DEPARTMENTAL – UNANIMOUS CONSENT**

- UC-1 PROCLAMATION Proclaiming the Month of October DOMESTIC VIOLENCE AWARENESS MONTH in Multnomah County, Oregon

### **AUDITOR'S OFFICE – 9:00 AM**

- R-1 Board Briefing on the Multnomah County District Attorney Audit: Data, Technology and Communication with the Public. Presented by Steve March, Multnomah County Auditor, Shea Marshman Auditor's Office, Mike Schrunk, District Attorney, John Bradley and Scott Marcy District Attorney's Office. 15 MINUTES REQUESTED.

### **COUNTY ATTORNEY'S OFFICE – 9:15 AM**

- R-2 Authorizing Settlement of Claim for Personal Injury to Pre-Trial Detainee

### **DEPARTMENT OF COUNTY HUMAN SERVICES – 9:17 AM**

- R-3 NOTICE OF INTENT for Aging and Disability Services Division to Apply for National Center on Elder Abuse Grant of \$10,000 to Expand Local Multidisciplinary Elder Justice Coalitions/Networks in Multnomah County

### **NON-DEPARTMENTAL - 9:20 AM**

- ~~R-4 Appointment of Michael Mace, Sharon Cowley, Basil Panaretos, William Ross, Robert Heimbucher, Neal Galash, Caroline Underwood, Robert Boyer, Toni Sunseri, Roxanne Williams, David Threefoot and Gary Pope to the~~

~~2009-2010 BOARD OF PROPERTY TAX APPEALS. Presented by Debi Huff, Operations Supervisor/BoPTA Clerk.~~

- R-4 Appointment of Michael Mace, Sharon Cowley, Basil Panaretos, Robert Heimbucher and Neal Galash to the BOARD DESIGNEE POOL (ORS 309.067(1)(a)) and Appointment of Michael Mace, Sharon Cowley, Robert Heimbucher, Neal Galash, Robert Boyer, Toni Sunseri, David Threefoot and Gary Pope to the NON-OFFICE HOLDING POOL (ORS 309.067 (1)(b)) for the 2009-2010 BOARD OF PROPERTY TAX APPEALS
- R-5 Reappointment of Pamela Knowles and Appointment of Brian Rice, Jennifer Cies and Max Miller to the Board of Directors of the REGIONAL ARTS AND CULTURE COUNCIL. Presented by Eloise Damrosch Executive Director, Regional Arts and Culture Council.

**PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

**DEPARTMENT OF HEALTH – 9:30 AM**

- R-6 First Reading of a Proposed ORDINANCE Amending Multnomah County Code Chapter 21.406, Ambulance Staffing. Presented by Bill Collins and Dr. Gary Oxman. 15 MINUTES REQUESTED.
- R-7 RESOLUTION Declaring Intent to Extend the Agreement for Exclusive Ambulance Service, Contract No. 0506046 with American Medical Response Northwest (AMR) and Authorizing Negotiations for Extension. Presented by Bill Collins and Dr. Gary Oxman. 15 MINUTES REQUESTED.

**DEPARTMENT OF COUNTY MANAGEMENT – 10:00 AM**

- R-8 PROCLAMATION Declaring the Week of October 19, 2009 Save for Retirement Week in Multnomah County, Oregon

**NON-DEPARTMENTAL - 10:10 AM**

- R-9 Administrative Review Update and Briefing. Presented by Jana McLellan, Chief Operating Officer, Carol M. Ford, Administrative Review Project Manager and Bob Thomas, Facilities and Property Management Director. 20 MINUTES REQUESTED.

**NON-DEPARTMENTAL - 10:30 AM**

R-10 First Reading of a Proposed ORDINANCE Establishing Vehicle Registration Fees (Multnomah County Code Sections 11.250-11.256) for Construction of a New Sellwood Bridge. Presented by Karen Schilling. 1 HOUR REQUESTED.

R-11 Recap Briefing on Latino Heritage Month for Multnomah County. Presented by Commissioner Deborah Kafoury, Commissioner Jeff Cogen, RJ Cervantes, and Marissa Madrigal. 20 MINUTES REQUESTED.

# **The Fiscal Crisis in Corrections**

## Rethinking Policies and Practices

JULY 2009

Christine S. Scott-Hayward

# Executive Summary

States across the United States are facing the worst fiscal crisis in years. Declining revenues are forcing cuts across virtually all government functions, including corrections, which for many years had been considered off limits. The budgets of at least 22 state departments of corrections have been cut for FY2010, and even those whose budgets have not been cut are reducing expenditures in certain areas. This report, drawing on a survey of enacted FY2010 state budgets and recent legislation, looks at how officials are responding to these reductions and how others are mobilizing to find efficiencies and savings.

Most of the activity is occurring in three areas:

**OPERATING EFFICIENCIES:** Though many state corrections departments squeezed out efficiencies during the last recession, they are trying to eke out even more savings now. States are reducing healthcare services or joining in purchasing agreements to lower the cost of inmate pharmaceuticals. Many states have reduced corrections staff, instituted hiring freezes, reduced salaries or benefits, and/or eliminated pay increases. Others are consolidating facilities or halting planned expansions. Still others are eliminating or downsizing some programs.

**RECIDIVISM REDUCTION STRATEGIES:** High rates of failure among people on probation and parole are a significant driver of prison populations and costs in most states. To cut down on new offenses and the incarceration of rule violators, several states are strengthening their community corrections systems. Many states began these efforts in the past few years as part of the national emphasis on helping people successfully return to the community following their release from prison. States are now bolstering both their reentry programs and community supervision programs and working to improve outcomes for people on supervision.

**RELEASE POLICIES:** The biggest budget savings come from policy changes that impact how many people come into prison and how long they stay. Staffing typically accounts for 75 to 80 percent of corrections budgets, so substantial cost reductions can be achieved only when the prison population shrinks enough to shutter a facility—whether a single cellblock or an entire prison. In FY2010, states looking for large cuts have turned to release policies and found that they can identify some groups of people who can be safely released after serving shorter terms behind bars.

Given that current state budget deficits are expected to continue and possibly increase over the coming years, states will need to continue to find ways to control corrections costs. Each year, the decisions will become more difficult. Management strategies may extend operating efficiencies, but the resulting cost savings are likely to fall short of what states will need to make ends meet. When deeper cuts are required, states will have to shift expenditures from costly prisons to far more economical investments in community corrections and confront controversial questions about which people really need to go to prison and how long they should stay. State governments are beginning to rise to the challenge of cutting corrections costs while maintaining or even boosting public safety. This paper highlights some of the innovative and creative ways they are doing so.

# The Fiscal Crisis in Corrections

## Rethinking Policies and Practices

Christine Scott-Hayward

REPORT UPDATE • AUGUST 2009

On July 29, the Center on Sentencing and Corrections released *The Fiscal Crisis in Corrections: Rethinking Policies and Practices*, which highlights the impact of state budget cuts on departments of corrections. After publication, additional information about the influence of stimulus funds and new budget information from a number of states became available. A revised report incorporating this information is available online. This insert summarizes the main changes and includes an updated version of Table 1 (on reverse).

In three states—Kansas, Nebraska, and South Dakota—officials reduced initial general fund appropriations knowing that a portion of the reduction would be made up by federal stimulus funds. Thus, although general fund appropriations decreased by double-digits in these states, the actual operational impacts were smaller (see Table 1).

Updated findings include:

- > The revised report is based on survey responses from **37 states**.
- > At least **26 states** have reversed the trend of recent decades and cut corrections spending.
- > At least **31 states** are reducing staff, instituting hiring freezes, reducing salaries or benefits, and/or eliminating pay increases.
- > At least **20 states** are eliminating or reducing programs or discontinuing or renegotiating contracts for programming.
- > At least **22 states** are closing facilities or reducing beds, or delaying expansion or construction of new facilities.

To download the revised report, visit Vera's web site at <http://www.vera.org/content/fiscal-crisis-corrections-rethinking-policies-and-practices>.

**Table 1: Corrections Budget Changes and Cost-Saving Efforts in Fiscal Year 2010**

State	CORRECTIONS BUDGET CHANGES		COST-SAVING EFFORTS IN FY2010 BUDGETS						
	Initial FY2010 general fund appropriations (in millions)	% change in initial general fund appropriations from FY2009 to FY2010	Decrease health services (medical, mental health, or dental)	Reduce food services	Eliminate pay increases, reduce benefits, or decrease overtime	Staff reductions or hiring freezes	Eliminate or reduce programs or discontinue/renegotiate contracts for programming	Close facilities or reduce beds	Delay expansion or construction of new facilities
AL	\$366.2	-1.13			x	x			
AK	\$212.4	-0.16					x		x
AZ	\$876.3	-7.51	x		x	x	x	x	x
AR	\$290.4	5.31							
CO	\$677.6	0.38			x	x		x	x
DE	\$249.5	-3.71		x	x	x	x		x
FL	\$2,297.9	1.64	x	x		x	x		
GA	\$986.6	-14.77			x	x	x	x	
IL	\$1097	-17.42			x	x	x	x	
ID	\$150.7	-14.35			x	x		x	x
IN	\$678.8	6.38			x	x			x
IA	\$356.5	-4.31			x			x	
KS*	\$215.1	-21.98	x		x	x	x	x	
KY	\$440.4	3.73			x	x		x	x
LA	\$604.4	-7.63			x	x	x	x	x
ME	\$165.3	3.49	x	x	x	x	x		
MD	\$1,049.6	-4.59			x	x			
MA	\$521.1	-1.78	x		x	x	x	x	
MN	\$430.9	-8.75	x			x	x		
MO	\$656.9	-1.48			x	x	x		
MT	\$167.4	-11.19							
NE+	\$120.8	-18.06							
NV	\$257.7	-0.08			x	x	x	x	x
NJ	\$1,052.1	1.50			x	x	x	x	
NM	\$284.6	-4.21	x	x	x	x	x	x	x
NY	\$2,300.9	-3.76			x	x	x	x	
ND*	\$70.5	1.29							
OK	\$503	0				x			
OR*	\$604.7	-4.63			x	x	x	x	x
RI	\$177.4	-0.69			x	x	x	x	
SC	\$330	-1.97			x	x	x		
SD+	\$75.9	-8.51	x	x	x	x			
TN	\$667.3	-1.90		x		x			x
TX	\$2791.5	6.66							
VA	\$973.4	-4.22		x	x	x	x	x	
WA*	\$1,555.7	-10.37	x		x	x		x	x
WI	\$1,123.9	3.49			x	x			

Note: Corrections budgets are given for informational purposes only. Some budgets include appropriations for probation, parole, and/or juvenile corrections, while others only include adult corrections expenditures.

Sources: Enacted budgets; interviews with state departments of corrections officials.

At time of printing, three states—Connecticut, Michigan, and Pennsylvania—had not passed budgets for FY2010.

\*FY2009-2011 Biennium. Figure for North Dakota's FY2010 is an estimate provided by the North Dakota DOC. Figure for Oregon's FY2010 estimated by the Oregon DOC at 48 percent of the agency's biennial budget. The Washington DOC was unable to provide a figure for FY2010.

+ Officials in Kansas, Nebraska, and South Dakota reduced initial general fund appropriations for their departments of corrections knowing that a portion of the reductions would be made up by federal stimulus funds. In addition to the \$215.1 million in general fund appropriations, the Kansas DOC initial FY2010 operating budget includes \$40.5 million in federal stimulus funds; thus the actual operational impact on the Kansas DOC budget is a decrease of 7.28% from FY2009. Similarly, the Nebraska DOC's FY2010 budget replaced approximately \$35 million of general funds with federal stimulus funds with the result that its FY2010 operational budget increased by 5.67% from FY2009. South Dakota added \$8 million in federal stimulus funds to its DOC budget making its FY2010 operating budget \$83,861,452, an effective increase of 1.1% from FY2009.

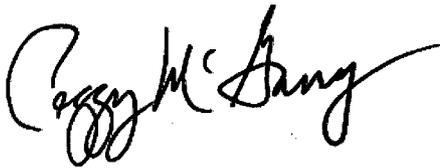
## FROM THE CENTER DIRECTOR

The story of the rise in incarceration rates in the United States and the associated increase in corrections expenditures is not new. In most states, prisons are full or overcrowded and corrections absorbs significant resources—more than \$50 billion in 2008. What is new is the states' recent focus on cutting corrections costs and improving criminal justice outcomes.

This report, from Vera's Center on Sentencing and Corrections, examines how states are responding to the current fiscal crisis and attempting to make changes in their criminal justice systems that will not only reduce costs but also enhance public safety and reduce recidivism.

This report could not be more timely. Political leaders on both sides of the aisle are looking for cost-effective ways to increase public safety. Fortunately, for the past number of years, researchers and practitioners around the country have developed and tested new and innovative criminal justice policies that work to reduce recidivism. And these policies are gaining support at all levels of the government—from state governments to the Department of Justice, where Attorney General Eric Holder has repeatedly supported using modern, evidence-based methods for developing policy.

As policymakers navigate their budget shortfalls this year and next, we hope this report provides them with useful evidence-based options for cutting costs and increasing public safety.



Peggy McGarry  
Director, Center on Sentencing and Corrections

## Introduction

As their 2009 legislative sessions ended, many states were still working to balance their budgets. Deficits that affected a handful of states in FY2008 had become widespread: Forty-three states were facing an aggregate budget gap in FY2009 of more than \$100 billion, undermining funding for essential services such as education, health care, and corrections. More shortfalls were projected for FY2010, and at least 31 states had forecast budget gaps for FY2011.<sup>1</sup> These gaps would be even greater without the availability of federal stimulus funds.

Second only to Medicaid, corrections has become the fastest growing general fund expenditure in the United States.<sup>2</sup> Two million three hundred thousand people in the U.S. are now in prison or jail—more than one in 100 adults.<sup>3</sup> On any given day 7.3 million adults are under federal, state, or local correctional control (including those on probation, parole, and other forms of supervision)—one in 31 adults.<sup>4</sup> In FY2008, the most recent year data are available, states spent an estimated \$47 billion of general funds on corrections, an increase of 303 percent since 1988. They spent an additional \$4 billion in special funds and bonds and \$900 million in federal funds, bringing total corrections expenditures to nearly \$52 billion. With one in every 15 state general fund dollars now spent on corrections, officials have little choice but to look there for savings. In doing so, however, they must be careful to find cuts that will not compromise public safety.

This report, based on a survey of enacted FY2010 state budgets and other recent sentencing and corrections legislation, found that at least 22 states have reversed the trend of recent decades and cut funding for corrections.<sup>5</sup> The report examines the form of these cuts: reductions in operational costs, strategies for reducing recidivism, and reforms in release policies. It also highlights a number of innovations that states are pursuing for long-term cost reductions.

# The Effect of the Fiscal Crisis on Corrections

States have responded to the budget shortfalls in different ways. In some cases, policymakers have made no cuts to corrections budgets. Often this is because legislators and/or governors want to insulate public safety agencies from statewide cuts. In Indiana, for example, where most executive branch agency budgets were reduced by 8 percent, public safety was named one of four priority areas and the Department of

Correction's FY2010 budget was increased by more than 6 percent from FY2009. Arkansas also saw increases of greater than 5 percent.

Most states, however, cut their corrections budgets. Corrections spending decreased in 22 of the 33 states for which numbers were available. Six states—Georgia, Idaho, Kansas, Montana, Nebraska and Washington—saw double-digit decreases.<sup>6</sup>

Whether their corrections budgets are up or down, some states are investing for long-term savings. Wisconsin, for example, which is facing a \$6.6 billion deficit over the next two years, increased its corrections budget by more than 3 percent, including an appropriation of \$10 million to expand community-based treatment

for people on community supervision. This investment is expected to yield lower costs in years to come.

Table 1, opposite page, summarizes the actions taken by the states that responded to the survey.

## Seeking Operating Efficiencies

State agencies faced with imminent cuts often find reducing operational costs to be the quickest and easiest step to take. During the budget shortfalls that occurred earlier this

Changes in Corrections Budgets FY2009-FY2010

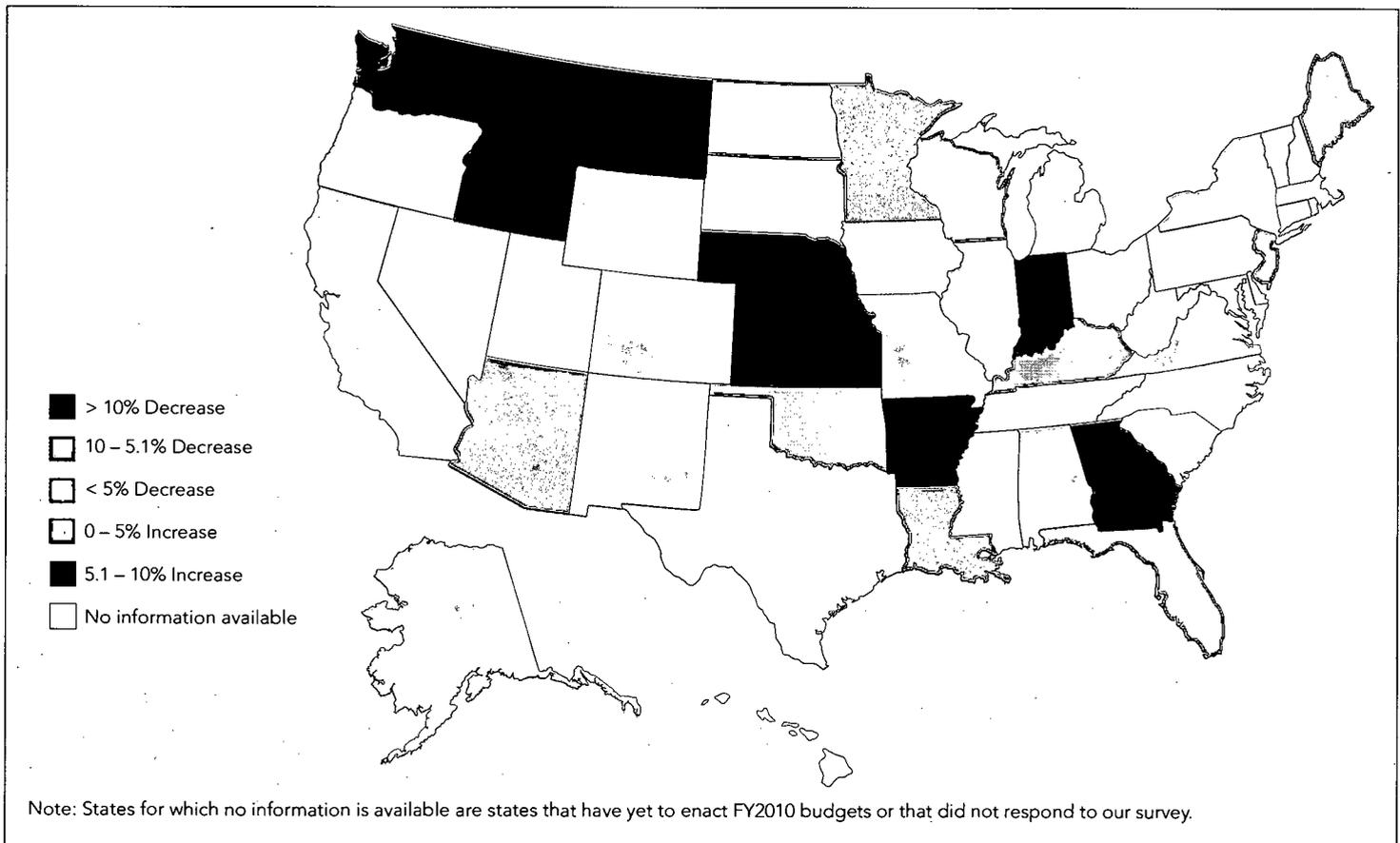


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AL	\$366.2	-1.13			x	x			
AK	\$212.4	-0.16					x		x
AZ	\$876.3	-7.51	x		x	x	x	x	x
AR	\$290.4	5.31							
CO	\$677.6	0.38			x	x		x	x
DE	\$249.5	-3.71		x	x	x	x		x
FL	\$2,297.9	1.64	x	x		x	x		
GA	\$986.6	-14.77			x	x	x	x	
ID	\$150.7	-14.35			x	x		x	x
IN	\$678.8	6.38			x	x			x
IA	\$356.5	-4.31			x			x	
KS	\$215.1	-21.98	x		x	x	x	x	
KY	\$440.4	3.73			x	x		x	x
LA	\$604.4	-7.63			x	x	x	x	x
ME	\$165.3	3.49	x	x	x	x	x		
MD	\$1,049.6	-4.59			x	x			
MA	\$521.1	-1.78	x		x	x	x	x	
MN	\$430.9	-8.75	x			x	x		
MO	\$656.9	-1.48			x	x	x		
MT	\$167.4	-11.19							
NE	\$120.8	-18.06							
NV	\$257.7	-.08			x	x	x	x	x
NJ	\$1,052.1	1.50			x	x	x	x	
NM	\$284.6	-4.21	x	x	x	x	x	x	x
NY	\$2,300.9	-3.76			x	x	x	x	
ND*	\$70.5	1.29							
OK	\$503	0				x			
OR**	\$604.7	-4.63			x	x	x	x	x
RI	\$177.4	-0.69			x	x	x	x	
SC	\$330	-1.97			x	x	x		
VA	\$973.4	-4.22		x	x	x	x	x	
WA***	\$1,555.7	-10.37	x		x	x		x	x
WI	\$1,123.9	3.49			x	x			

Note: Corrections budgets are given for informational purposes only. Some budgets include appropriations for probation, parole, and/or juvenile corrections, while others only include adult corrections expenditures.

Sources: Enacted budgets; interviews with state departments of corrections officials.

At time of printing, seven states—California, Connecticut, Illinois, Michigan, North Carolina, Pennsylvania, and Ohio—had not passed budgets for FY2010.

\*FY2009-2011 Biennium. Figure for FY2010 is an estimate provided by the North Dakota Department of Corrections.

\*\*FY2009-2011 Biennium. Figure for FY2010 estimated by the Oregon Department of Corrections at 48 percent of the agency's biennial budget.

\*\*\* FY2009-2011 Biennium. The Washington Department of Corrections was unable to provide a figure for FY2010.

decade, most states followed this path by consolidating facilities or reducing beds, reducing personnel costs, or eliminating programs.<sup>7</sup> They are taking similar actions for FY2010. Almost every state that responded to our survey (30 of 33), including those whose corrections budgets were not reduced, has adopted such cost-cutting measures.

The specific strategies for finding such savings vary, however. Health-care costs associated with corrections have been a common target. Maine, for example, renegotiated the contract with its healthcare provider and also changed the way it dispensed medications to inmates. More controversially, a few states have reduced the food services provided to inmates: Georgia, for example, reduced the number of meals provided to inmates, (while still providing the same number of calories). Some states, including Kansas and New York, have postponed planned expenditures and put holds on technology upgrades. However, the most common cost-cutting measures for FY2010 fall into three broad categories: reducing personnel costs, downsizing programs, and closing facilities.

### PERSONNEL SAVINGS

At least 28 states have reduced staff, instituted hiring freezes, reduced salaries or benefits, and/or eliminated pay increases. Alabama eliminated merit and cost-of-living pay raises and froze hiring of all corrections personnel except correctional officers. New York extended an existing hiring freeze and eliminated nonessential administrative positions. Idaho's Department of Corrections recently

announced plans to cut 38 jobs and require all workers to take unpaid furloughs over the course of the fiscal year. Nevada and New Mexico are among several states that passed increases in medical insurance costs on to their employees.

### DOWNSIZING PROGRAMS

In recent years, many states strengthened their community supervision services by expanding treatment and other programs. Unfortunately, budget deficits have forced many states to make some cuts to these programs. At least 19 states have eliminated or reduced programs or discontinued or renegotiated contracts for programming. Most of these states have been able to cut costs without eliminating any programs entirely. For example, Louisiana consolidated some programs while New Mexico halted proposed expansion of reentry and other prison programs. Other states have made more significant cuts. Delaware reduced funding for some substance use and community treatment programs while Colorado reduced some parole services. Kansas, one of the national leaders in community corrections, saw some of the worst cuts. Treatment programs in the community were severely impacted with 80 percent of substance abuse treatment slots and over half of sex offender treatment slots eliminated. Some in-prison academic and vocational education programs were also eliminated. The state is attempting to restore funding for some of these programs by shifting some financing from the general fund to federally funded Byrne Grants. The fear is that the gains in recent years

will be reversed when the programs are eliminated. However, at least one state used the need to cut programs as justification for eliminating ineffective practices. New York recently ended its Prison Farm operations in recognition of the fact that its usefulness as a vocational tool has diminished. It also eliminated a drug treatment program—Road to Recovery—that was underutilized and had a low completion rate.

### CLOSING PRISONS

Despite opposition from corrections unions, local businesses, some lawmakers, and others, several states elected to close facilities. Hit especially hard by the economic crisis and facing a \$1.7 billion budget deficit in FY2010, Michigan governor Jennifer Granholm announced that she would close three prisons and five prison camps (laying off up to 500 employees) to save \$118 million annually. This is in addition to two prisons and one prison camp that have already been closed this year.<sup>8</sup> Similarly, New York plans to close three minimum security correctional camps and parts of seven more facilities. These closures are expected to save more than \$50 million over the next two fiscal years.

Other states have halted expansion or delayed the openings of new facilities. Alaska, for example, will save more than \$700,000 in FY2010 by freezing prison system expansion. Colorado delayed opening one prison and delayed the staffing and expansion of another. All told, at least 20 states have shut facilities, reduced beds, halted expansions, or delayed the opening of new facilities. It bears

noting, however, that not all states are in a position to take such actions. Only those that have engaged in policy reforms that lowered their prison populations can take this step. Some of these successful policy changes are discussed below.

## Reducing Costs Associated with Recidivism

A growing body of research suggests that improving community supervision and helping formerly incarcerated people reintegrate into society can save money and, in many cases, also increase public safety. Over the past decade, more and more states have begun to focus on these strategies. Actions taken during recent legislative sessions show an increased willingness to invest scarce resources in evidence-based programs and initiatives in these areas.

### IMPROVING COMMUNITY SUPERVISION

Given that more than five million people in the United States are on probation, parole, or post-prison supervision and that many of them will return to prison for failing to comply with their conditions of supervision, states are looking for ways to reduce both the cost of supervision and the number of technical violations that return people into custody—violations of conditions of release, such as not attending meetings with parole

officers or failing drug tests. The costs of technical violations are huge: more than one-third of prison admissions are the result of a parole violation.<sup>9</sup>

An increasing number of states are relying on “evidence-based” policies and practices, which have been shown by research to reduce recidivism among individuals on community supervision. These include using graduated responses to violations, eliminating or minimizing supervision requirements for lower-risk people, using positive reinforcements, and adopting incentive funding. (Many of these strategies are described in the sidebar on page 12.)

**GRADUATED RESPONSES.** Graduated responses represent a range of actions, each more emphatic than the former, that provide supervision officials with alternatives to revocation. Since 2007, nine states have established formal graduated response grids, providing a set of options for responding swiftly and certainly to both compliant and non-compliant behavior. New York and Wyoming are currently considering response grids like this. Two other states, Missouri and Arkansas, are developing technical violator centers, an additional graduated response involving short-term intensive residential programming to serve as a last resort before returning a violator to prison.

**REDUCING SUPERVISION REQUIREMENTS.** To reduce supervision costs and focus scarce resources on those who are most at risk of violating or committing a new offense, some states are shortening periods of supervision; others are

reducing, or eliminating, supervision requirements for certain populations altogether. Virginia now requires judges to remove from supervision people who have been supervised for at least two years and have satisfied all conditions except the payment of restitution, fines, or costs. Washington eliminated supervised probation of people convicted of misdemeanors and some low-level felonies. Texas has reduced the maximum probation terms for people convicted of certain property or drug offenses from 10 to five years, allowing officials to focus supervision resources on the early years after release, when research shows people are most likely to commit new crimes. The Washington Department of Corrections is also preparing to end supervision of low-risk people (except those convicted of a sex offense), and Wisconsin’s department of corrections may discharge people from community supervision if they have completed 50 percent of the probation period.

**POSITIVE REWARDS.** Some states are increasing the use of positive rewards. At least two states have established or expanded earned compliance credits for people on community supervision. Arizona passed legislation last year that allows some people on probation to reduce their supervision term by up to 20 days for every 30 days they comply with the terms of their release and are current in payments of victim restitution. Nevada passed a similar provision in 2007, increasing the credits earned by parolees who are current with supervision fees and restitution payments. These provisions provide

## REENTRY/TRANSITION PLANNING EFFORTS

**CALIFORNIA:** Despite an overall reduction in expenditures, California's proposed budget includes \$47.2 million to pay for the activation of the Northern California Reentry Facility. This is a former women's prison that has been converted to a 500-bed secure reentry facility that will house male inmates for up to 12 months prior to parole. The facility will provide programs and services to people returning to three Northern California counties. These programs and services will include intensive substance abuse treatment, vocational training and job placement, academic education, housing placement, anger management classes, family counseling, and other targeted services to ease the transition to the community. In addition, the California Department of Corrections and Rehabilitation is engaging in ongoing communication with local stakeholders to ensure continuity of service after people leave the facility.

**COLORADO:** The FY2010 Crime Prevention and Recidivism Reduction Package establishes and provides \$160,000 in funding for community corrections discharge planning. This includes discharge planning services for people with mental health and substance abuse needs who are transitioning into community corrections. The package also provides more than \$1.2 million to continue a pre-release program initiated in FY2009. This program provides discharge planning to inmates within four months of release through individualized education modules and detailed transition planning.

**CONNECTICUT:** Governor Jodi Rell's proposed FY2010 budget would reinstate and expand the commissioner of correction's authority to place inmates on reentry furloughs. The reentry furlough will release people from prison up to 45 days early and provide accountability, support, and aftercare services to released individuals for a period of community supervision and is estimated to save more than \$5 million each year.

**LOUISIANA:** In March 2009, Governor Bobby Jindal announced the establishment of a program designed to prepare state prison inmates for release and reentry into society. The program will be piloted in two parishes at a cost of \$1.1 million in FY2010 and will eventually expand to 10 regional offices. Inmates will be evaluated medically, mentally, and educationally when they enter prison and will un-

dergo three to six months of pre-release training on topics such as communication skills, money management training, housing resources, and succeeding on parole.

**MARYLAND:** The FY2010 budget for the Division of Probation and Parole contains funds to expand the state's Violence Prevention Initiative (launched in FY2009). This initiative aims to reduce reoffending among the state's most violent supervisees and uses techniques such as stricter supervision, follow-up counseling, and GPS monitoring.

**MICHIGAN:** Although the proposed FY2010 budget for the state's department of corrections was cut by almost 3 percent from FY2009, funding for the Michigan Prisoner Re-entry Initiative was expanded by \$23.4 million to \$56.6 million. This initiative aims to reduce the state's costly recidivism rate by better preparing inmates for release.

**MISSOURI:** The FY2010 budget provides \$3 million to expand the community reentry grants program, which makes funds available to local agencies and nonprofit organizations to support reentry. The budget also provides \$900,000 for ongoing funding of the St. Louis reentry program, a pilot being converted to a permanent program.

**MONTANA:** Montana's FY2010 budget provides almost \$1 million to add 33 beds to the Great Falls Pre-Release Center, a facility that serves mentally ill and aging/disabled inmates as they transition from secure custody to community placements.

**TEXAS:** Legislation in 2009 (HB 1711) requires the Texas Department of Criminal Justice to establish a comprehensive reentry plan for people leaving correctional facilities. The goal is to reduce recidivism and ensure the successful reentry and reintegration of inmates into the community. This will be accomplished with needs assessments, new programs, including a network of transition programs, and information sharing across agencies and with private providers. The act also establishes a multi-agency Reentry Taskforce, which will identify gaps in services and coordinate with providers.

incentives for people to complete the terms of their probation and parole supervision, saving states money in both the short and long term.

**INCENTIVE FUNDING.** Finally, some states are adopting incentive funding to improve the performance of county systems. Both Kansas and Arizona recently adopted legislation that provides counties with incentives to adopt evidence-based practices and programming to reduce the rate of probation or community corrections revocations in their jurisdictions. In the first year of implementation in Kansas, community corrections revocations dropped statewide by 21.9 percent.<sup>10</sup> This year, the Illinois General Assembly passed the Crime Reduction Act, which directs state funds toward locally based sanctions and treatment alternatives if the local jurisdiction successfully reduces the number of people entering local or state incarceration facilities.<sup>11</sup> Similar performance incentive funding is under review in California.

## REENTRY AND REDUCING RETURNS TO PRISON

People returning from prison face a variety of challenges. These include reconnecting with family and peers, finding housing and employment, and more generally, avoiding criminal activity. There is growing, nationwide interest and support for comprehensive reentry planning and services—with the understanding that these must begin when an individual enters prison. There is also a recognition that these services, by reducing the likelihood that a person will return to prison, can help save

states money.

Colorado was in the vanguard of this trend in 2007, when it adopted the Crime Prevention and Recidivism Reduction Package, authorizing the use of evidence-based, cost-effective reforms aimed at reducing recidivism. Despite limited funds, Governor Bill Ritter extended this effort into FY2009-10 with an additional \$9.5 million appropriation to fund a series of reforms that are expected to save the state more than \$380 million over the next five years.<sup>12</sup>

Other states are also considering developing or expanding reentry programs. Connecticut, for example, recently established reentry furloughs that not only accelerate prison releases, but also provide aftercare services to people transitioning from prison to community supervision. The aftercare provision is supported by evidence-based research that clearly demonstrates that a period of community supervision and targeted interventions after release lower the risk of recidivism.

To reduce the second highest recidivism rate in the country, Louisiana's governor, Bobby Jindal, recently established a program to prepare people in prison for release and reentry into society. Inmates will be evaluated when they enter prison for their educational, health, and mental health needs, and participants will undergo three to six months of pre-release programming. The program will be piloted in two parishes and then expanded to 10 regional offices.

Maryland and Michigan are expanding their existing reentry initiatives. Proposed funding for the Michigan Prisoner Re-entry Initiative

more than doubled between FY2009 and FY2010, in large part due to the role it is has played in reducing that state's prison population.<sup>13</sup> (Details on these initiatives as well as other state activity in this area are highlighted in Reentry/Transition Planning Efforts, opposite page.)

## Accelerating Prison Releases

Many states are facing the increased fiscal consequences from years of harsher policies—such as truth-in-sentencing requirements, “three strikes” laws, and mandatory minimum sentences—that have resulted in long sentences. While there is wide consensus that tougher penalties are necessary and appropriate for those convicted of serious violent or sex offenses, many policymakers are questioning the need for long prison terms for people convicted of less serious crimes such as non-violent drug offenses. Some of these provisions were reversed during the fiscal crisis earlier this decade, but many remain, resulting in severe prison overcrowding in some states.<sup>14</sup> States are also presented with a growing number of elderly and chronically ill prisoners whose ongoing care requires significant resources. To address these issues, officials have added or modified the laws and policies that determine the amount of time people spend in prison. These changes have the potential to lower prison populations, allowing states to close facilities and

## SYSTEMATIC REFORM: SENTENCING COMMISSIONS AND TASK FORCES

To ensure that policy reforms are systematic and sustainable, many states have established sentencing commissions or other task forces to plan their sentencing and corrections strategies or to address particular areas of concern.

Sentencing commissions typically are designed to be neutral permanent bodies that analyze data and research to inform sentencing and corrections policies. In the past, most sentencing commissions were established and charged with developing some form of sentencing guidelines. Recent trends, however, indicate that many states are now creating or expanding commissions to address broader criminal justice policy agendas. Colorado, Nevada, New York, and Vermont all created sentencing commissions in 2007, none of which were primarily charged with implementing sentencing guidelines.<sup>15</sup> The trend continues this year with the passage in Illinois of legislation to establish a Sentencing Policy Advisory Council. This council will collect and analyze data from local criminal justice agencies and provide policymakers with the information they need to make sound planning decisions. Connecticut will be considering a similar sentencing commission, recommended by its bi-partisan Sentencing Task Force, during its special budget session.

Other states are establishing task forces to deal with specific issues. For example, in 2009, Colorado's legislature passed a bill mandating the study of sentencing in Colorado by the Commission on Criminal and Juvenile Justice (CCCJJ). The CCCJJ was set up in 2007 to enhance public safety, ensure justice, and protect the rights of victims through the cost-effective use of public resources. The 2009 legislation directs the CCCJJ to focus specifically on sentencing reform.

Virginia, which has had a sentencing commission for many years, recently established the Alternatives for Nonviolent Offenders Task Force. This body is charged with developing recommendations to expand the use of alternative methods of punishment for nonviolent, lower-risk individuals who have been sentenced by a court to a term of incarceration. The state's goal is for these recommendations to inform legislation that would reduce the growth in the number of nonviolent, lower-risk individuals entering state correctional facilities, thus saving the state money.

reduce corrections expenses in the longer term.

### GOOD TIME/EARNED TIME

Many states are considering or have increased the amount of good time (days off for good behavior) or earned time (days off for doing something productive) available to inmates:<sup>16</sup>

- > Colorado recently increased earned time for eligible inmates from 10 to 12 days per month. It also provided for early parole release of up to 60 days for certain inmates.
- > The Illinois Department of Corrections is weighing reinstating an early release program for people convicted of low-level and nonviolent drug offenses.
- > Ohio is considering a seven day earned credit policy that would cut seven days from the sentence for every month that a person is engaged in prison treatment or programs, yielding projected annual savings of \$11,407,009.
- > Oregon recently enacted legislation increasing the amount of earned time people may accumulate from 20 percent of their sentence to 30 percent of their sentence.

### AVAILABILITY OF PAROLE

Other states have focused on increasing the availability of parole:

- > Governor Jennifer Granholm of Michigan expanded the parole board from 10 to 15 members so that it can expedite the review and possible parole of 12,000 inmates who have served their minimum sentences.
- > Idaho's department of corrections will provide resources to the state's Pardons and Parole Commission to reduce the number of inmates incarcerated past their parole eligibility dates.
- > To reduce severe overcrowding, California prison officials have granted early releases (of up to 60 days) to some people serving prison time for parole violations or who are in prison awaiting a hearing on a parole violation. All people released were screened and approved by the parole board.
- > Mississippi is enhancing coordination between the department of corrections and the parole board and recently provided the parole board with a list of 2,900 nonviolent inmates for consideration of parole.

## MEDICAL OR GERIATRIC PAROLE

Providing health care to the growing number of elderly and chronically ill people in prison presents states with a significant financial burden. A number of states have proposed

new, or modified existing, medical or geriatric release provisions to avoid sole responsibility for these costs. By releasing this population and placing them in the community, states can share the medical costs with the federal government under Medicare and Medicaid rules. In 2008, at least seven states established medical or geriatric parole, or expanded already existing provisions.<sup>17</sup> Several other states have followed their lead this year:

- > New York expanded the eligibility requirements of the current medical parole policy for a projected cost savings of \$2 million annually.
- > Washington projects \$1.5 million in savings from its new geriatric and medical parole release policy, which allows early release for adult inmates who are chronically or terminally ill and 55 years or older.
- > Wisconsin's Earned Release Review Commission (formerly the Parole Commission) was given the authority to release inmates with extraordinary health conditions to extended supervision as long as public safety is maintained.

## RISK-REDUCTION SENTENCES

Risk-reduction sentences are a sentencing option recently adopted in two states, Pennsylvania (2008) and Wisconsin (2009), that give inmates

an incentive to participate in pre-release programs designed to reduce recidivism. At sentencing, people convicted of some low-level offenses may be eligible to receive two minimum sentences: the regular minimum and a shorter, risk-reduction incentive minimum. If the inmate completes programming required by the department of corrections based on a risk/needs assessment and also demonstrates satisfactory institutional behavior, he or she will be released after serving the risk reduction minimum. The fiscal benefits to this policy are twofold. Not only does it reduce the length of stay for participants, but by encouraging participation in programs designed to meet their criminogenic needs, it reduces the likelihood that they will return to prison after release.

## REDUCING PRISON ADMISSIONS BY STRENGTHENING COMMUNITY CORRECTIONS

Given the high rates at which people on probation, parole, and post-prison supervision are incarcerated for failing to comply with the conditions of their release or for committing new offenses, community corrections is an area ripe for policy change. Reducing these failure rates could decrease the overall corrections populations, which is key to saving states money. Some of the most promising strategies for reducing failure rates are collected in the Pew Public Safety Performance Project's *Policy Framework to Strengthen Community Corrections*.

In 2008, the Public Safety Performance Project of the Pew Center on the States brought together leading policy-makers, practitioners, and researchers to create a policy framework for strengthening community corrections.<sup>18</sup> The framework includes five innovative policy options that have already been implemented in several states:

- > Evidence-based practices
- > Earned compliance credits
- > Administrative sanctions
- > Performance incentive funding
- > Performance measurement

Although each of these policies has the potential to reduce recidivism and control corrections costs on its own, they promise an even greater impact when implemented together. The initial expenditure associated with some of

the elements is typically limited and far outweighed by the potential long-term cost savings they can generate.

Several states have already begun to adopt the framework. Illinois's Crime Reduction Act, for example, establishes three of the five policy options as part of package of criminal justice reforms undertaken this year. The legislation, which was passed unanimously by both houses of the General Assembly and is awaiting the governor's signature, calls for implementing evidence-based practices such as:

- > using a risk and needs assessment tool to assign individuals to supervision levels and programs,
- > developing individualized case plans to guide case management decisions,
- > implementing a system of graduated responses to guide responses to violations, and
- > providing professional development services to support staff in deploying these practices.

The legislation also establishes Adult Redeploy Illinois, a program that directs state funds toward local efforts at rehabilitation. This system of incentive funding will be used to support locally based sanctions and treatment alternatives that reduce the number of people entering local or state incarceration facilities.

# A Look Toward the Future: Sustainable Policy Changes that Cut Costs

A series of sentencing policies enacted over the past three decades—including mandatory minimums, habitual offender laws, enhanced sentences for drug offenders, and truth in sentencing—have helped generate the high incarceration rates that many states face today.<sup>19</sup> Even though most states have stopped enacting such policies, and some have begun to repeal earlier legislation, their corrections systems must still contend with the costs these policies

incurred. Fortunately, new and innovative policies implemented over the past 10 years suggest that states can both save money by slowing the growth of their prison populations and, in the process, also increase public safety—a combination formerly considered inconceivable.

Despite facing severe budget cuts, many states continue to invest in these new policies. Yet such investments cannot be taken for granted. Over the past decade, Kansas made huge improvements in its community supervision practices, becoming a national leader for achieving significant reductions in the number of people returned to prison from probation and parole. However, it recently made program cuts that jeopardize this progress. It is critical that other states consider the repercussions of cutting programs that have a positive impact on system and

individual outcomes. Fortunately, sentencing commissions—independent, government-sanctioned bodies that inform sentencing and corrections policymaking—have also been established recently in many states. These bodies may help ensure that policy reforms are thoughtful and sustainable (see box on page 10).

The next several years will be difficult ones for the states as they continue to confront severe budget shortfalls. This analysis of current trends, drawing on FY2010 budgets and recent legislation, suggests that many states are not simply looking for operational efficiencies. Rather, they are taking advantage of the opportunity this crisis presents to invest in innovative, evidence-based options that have proven to cut corrections costs while maintaining or even improving public safety.

## ENDNOTES

- 1 National Conference of State Legislatures, *State Budget Update: April 2009*.
- 2 All cost figures from the National Association of State Budget Officers, *State Expenditure Reports*.
- 3 Pew Center on the States, *One in 100: Behind Bars in America 2008*, (Washington, DC: Public Safety Performance Project, The Pew Charitable Trusts, February 2008).
- 4 Pew Center on the States, *One in 31: The Long Reach of American Corrections* (Washington, DC: Public Safety Performance Project, The Pew Charitable Trusts, March 2009).
- 5 This report is based on FY2010 enacted budgets, other legislation, newspaper reports, and a survey of state departments of corrections budget officials. At press time, seven states had not enacted budgets for FY2010. Of the remaining 43 states, 33 responded to our survey.
- 6 Officials in Kansas and Nebraska made these cuts knowing that a portion of the decrease in general fund appropriations would be made up by federal stimulus funds.
- 7 Jon Wool and Don Stemen, *Changing Fortunes or Changing Attitudes? Sentencing and Corrections Reforms in 2003* (New York: Vera Institute of Justice, March 2004).
- 8 Michigan's fiscal year does not begin until October 1, so its FY2010 has not yet been enacted.
- 9 Heather C. West and William J. Sabol, *Prisoners in 2007* (Washington, DC: U.S. Department of Justice, 2008).
- 10 Kansas Department of Corrections, Community Corrections Services Divisions, *Kansas Community Corrections Statewide Risk Initiative Annual Report*, January 12, 2009.
- 11 At press time, the act was awaiting Governor Pat Quinn's signature.
- 12 Memorandum from Governor's Office of State Planning and Budgeting, November 1, 2008, available at <http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1227118480154&ssbinary=true>.
- 13 At press time, Michigan had yet to pass its FY2010 budget.
- 14 Daniel F. Wilhelm and Nicholas R. Turner, *Is the Budget Crisis Changing the Way We Look at Sentencing and Incarceration* (New York: Vera Institute of Justice, June 2002).
- 15 South Carolina is an exception to this rule and in 2008 established a Sentencing Reform Commission to review, study, and recommend legislation for sentencing guidelines, the parole system, and alternative sentencing procedures for nonviolent offenders.
- 16 For a recent review of earned time policies for state prisoners, see Alison Lawrence, *Cutting Corrections Costs: Earned Time Policies for State Prisoners* (Washington DC: National Conference of State Legislators, July 2009).
- 17 Alabama, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania and Wyoming.
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- 19 Don Stemen, Andres Rengifo, and Jim Wilson, *Of Fragmentation and Ferment: The Impact of State Sentencing Policies on Incarceration Rates, 1975-2002* (New York: Vera Institute of Justice, 2005).

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For more information about Vera's Center on Sentencing and Corrections, contact the center's director, Peggy McGarry, [pmcgarry@vera.org](mailto:pmcgarry@vera.org).

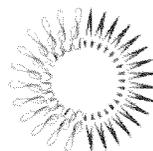
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September 15, 2009

Overview and  
recommendations



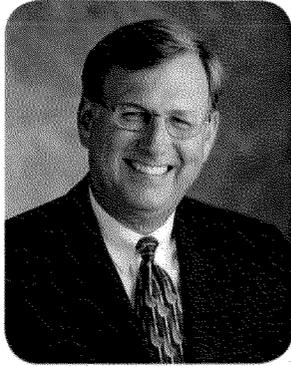
MAKING THE GREATEST PLACE

# Strategies for a sustainable and prosperous region

A report from  
Metro's Chief Operating Officer

September 15, 2009

 Metro | *People places. Open spaces.*



Dear Friend,

After four years of study, analysis, number crunching and hard work with our local government partners – and people like you from around the region – I am pleased to provide you with a comprehensive set of proposed strategies for creating a sustainable and prosperous region.

This document contains a brief overview, with a summary of recommendations located on pages 14 and 15. For more detailed information, including supporting documents and appendices, visit [www.oregonmetro.gov/greatestplace](http://www.oregonmetro.gov/greatestplace).

I want to stress that these are *recommendations* from Metro's staff – not decisions. They are intended to spark conversation and promote dialogue to inform future decisions by the Metro Council and other elected officials around the region.

One of the primary reasons our region is successful is because Metro does not make decisions or plan in a vacuum. Instead, we work with our local partners and the region's residents to achieve the outcomes we value as a community. Those outcomes include preserving our urban growth boundary to protect farmland, forestland and outdoor recreation opportunities while ensuring we have enough land to accommodate new residents and businesses for at least the next 20 years; making the most of our existing roads, sidewalks, sewers, parks, schools, and other public investments; and, perhaps most importantly, doing everything we can to ensure there are enough good jobs for the people who are here now and those who will come.

As Metro's chief operating officer, I present these recommendations to you and invite you to voice your opinion. Each of us bears responsibility for helping make our region the greatest place it can be.

The Metro Council and all the elected policymakers from our region look forward to hearing from you.

Sincerely,

Michael Jordan  
Metro Chief Operating Officer

a high  
quality of  
life

80

Eighty percent of residents of the Portland metropolitan region mention the environment when asked what they enjoy most about the quality of life in the region.

83

Eighty-three percent of residents believe that land use regulations are an essential tool to protect the region's quality of life.

83

Eighty-three percent of residents agree that maintaining the region's quality of life will bring jobs to the region.



## INVESTING IN OUR FUTURE

These are difficult times in our nation and our state. Unemployment is high, trust in traditional institutions is low, and an unprecedented array of challenges loom over our future.

Yet even in the face of extraordinary economic difficulties, the people of the greater Portland metropolitan region remain optimistic. We value the exceptional quality of life that is supported both by our unmatched natural setting and by the creativity and civic spirit that have enabled us to build lively communities throughout our region. We understand that in the long run, our livability provides a competitive advantage that allows us to attract and keep a talented work force and cutting-edge employers.

We also understand that while the place we call home is the envy of people across the nation, we face both local and global changes that will require us to do better.

The people of the region expect leadership that respects our common values and builds upon the legacy we have inherited. We deserve government that is careful with our money, responsive to our needs and sensitive to the challenges we face.

The city and county governments of the region reflect the aspirations of the people they serve. They want to cultivate great communities that can thrive in a changing world. Their relationship with their residents is direct and immediate, and when times are tough they get squeezed between budget cuts and increased demand for services. They expect their regional government to be a partner in serving their communities.

It is in this spirit of innovation, partnership and service that I offer my recommendations for the next phase of our efforts to make this region the greatest place it can be.

These recommendations have many elements, but they revolve around a single imperative: we must invest in our communities to secure the future the people of the region desire. This means we must invest existing dollars strategically; focus our investments for maximum impact; elevate our level of overall investment; and deploy our public resources in a way that supports private investment. Only if we do all of these things can we ensure a strong economy, a healthy environment and communities that serve the needs of all.

*We must invest in our communities to secure the future the people of the region desire.*

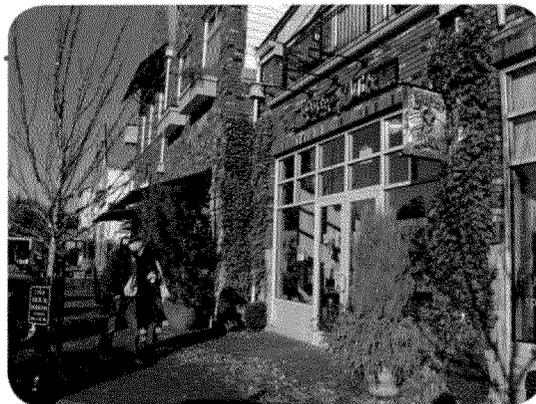
### Investing in public priorities

Specifically, I recommend that we invest in ways that:

Focus our growth in city and town centers and main streets within the current urban growth boundary to the greatest extent possible – to preserve farms, forests and natural areas outside the boundary while protecting single-family neighborhoods within our existing communities.

Repair and maintain our existing public works and community assets – roads, water and sewer lines, schools, parks and public places – to get the most out of what we already have, bring increased vitality to our communities and create a solid foundation for meeting the needs of the future.

Protect and create good jobs for the people who live here now, and those who will come.



thriving,  
compact  
communities

**15,000**

There are 15,000 acres of vacant, buildable land within the urban growth boundary, a combined area roughly 35 times the size of downtown Portland.

**95**

In the last ten years, almost 95 percent of all new residential development occurred inside the original 1979 urban growth boundary.

**33**

In a nationwide study, compact communities were shown to reduce average driving by as much as 33 percent.

## WHERE WE'VE BEEN AND WHAT WE'VE LEARNED

Fortunately, we are not starting from scratch. For years, the Portland region has been widely celebrated for its dedication to planning for the future. Our successes are well-known and defy national trends:



By accommodating rapid growth while limiting expansion of the urban growth boundary, we have reaped many benefits. Unlike most communities nationwide, we are consuming land at a rate less than our rate of population growth. Our efficient use of urban land protects valuable farms, forests and natural areas, makes our communities more vibrant, reduces the region's carbon footprint, and saves both public and private dollars.



By increasing travel choices, we have made it possible for people to meet their needs while driving less. Our transit use and biking are increasing much faster than our population, and compact growth has helped to shorten trips and make our communities more walkable. As a result, while the average American drives more miles every year, the average amount each of us drives has been declining for more than a decade. Because we are able to drive less, more than \$1 billion a year remains in our pockets, most of which returns to our regional economy.



We have acted to protect our region's natural heritage. By purchasing thousands of acres of natural areas with voter-approved funds, we are protecting and restoring wildlife habitat and water quality and enhancing access to nature for current and future residents. Now a broad coalition of public, private and nonprofit partners is working to link the region's parks, trails and natural areas into a seamless system that makes the experience of the outdoors more accessible to all.



We have cleaned up our air and stabilized our greenhouse gas emissions. Portland's air quality violations have declined from 180 days a year in the 1960s to zero today. While greenhouse gas emissions nationwide have increased by 17 percent since 1990, in Portland and surrounding Multnomah County they have declined by 0.7 percent.

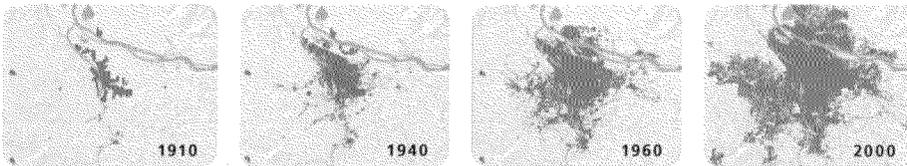
*The bottom line is that we've created a place where people want to live.* Longtime residents fiercely defend the livability of their communities, and our excellent quality of life continues to attract new residents, including members of the highly sought-after cohort of educated young adults – even during the current economic downturn.

But patting ourselves on the back will only take us so far. Yes, our long-range plan, the 2040 Growth Concept (see box, page 6), enjoys local support and national admiration and our planning expertise gives us a leg up on many other urban regions. But a decade and a half after the adoption of our long-range plan, we have yet to fully achieve our regional vision. We have reached a point where planning alone will not suffice.

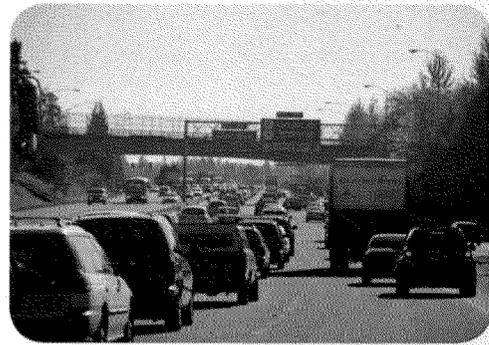
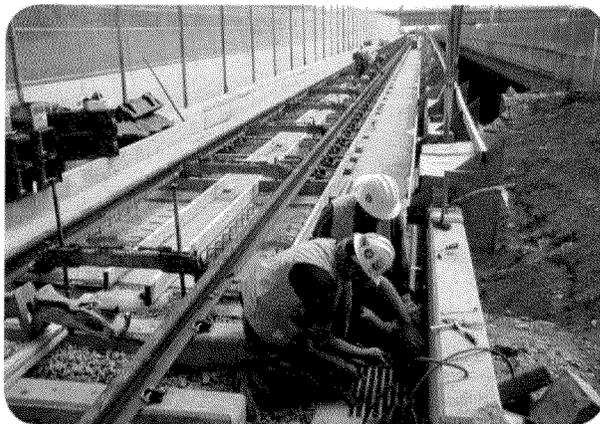
*Put bluntly, the tools of the past are not enough to address the increasingly complex challenges of the future.*

For example:

Our population is growing and changing. Within 25 years, we can expect to be joined by one million new neighbors – a much faster rate of growth than was forecast when the region developed its long-range plan. We are becoming more diverse, we are growing older, our household size is shrinking and there is a growing gulf between haves and have-nots.



We are failing to maintain our existing public facilities, and can't afford the investments we need to protect our livability as we grow. Meanwhile, the costs of providing, maintaining, and replacing pipes, pavement, parks and other public facilities and services are skyrocketing, even as traditional sources of funding – including federal dollars that have financed much of the region's infrastructure – are drying up.



## public assets and investments

27

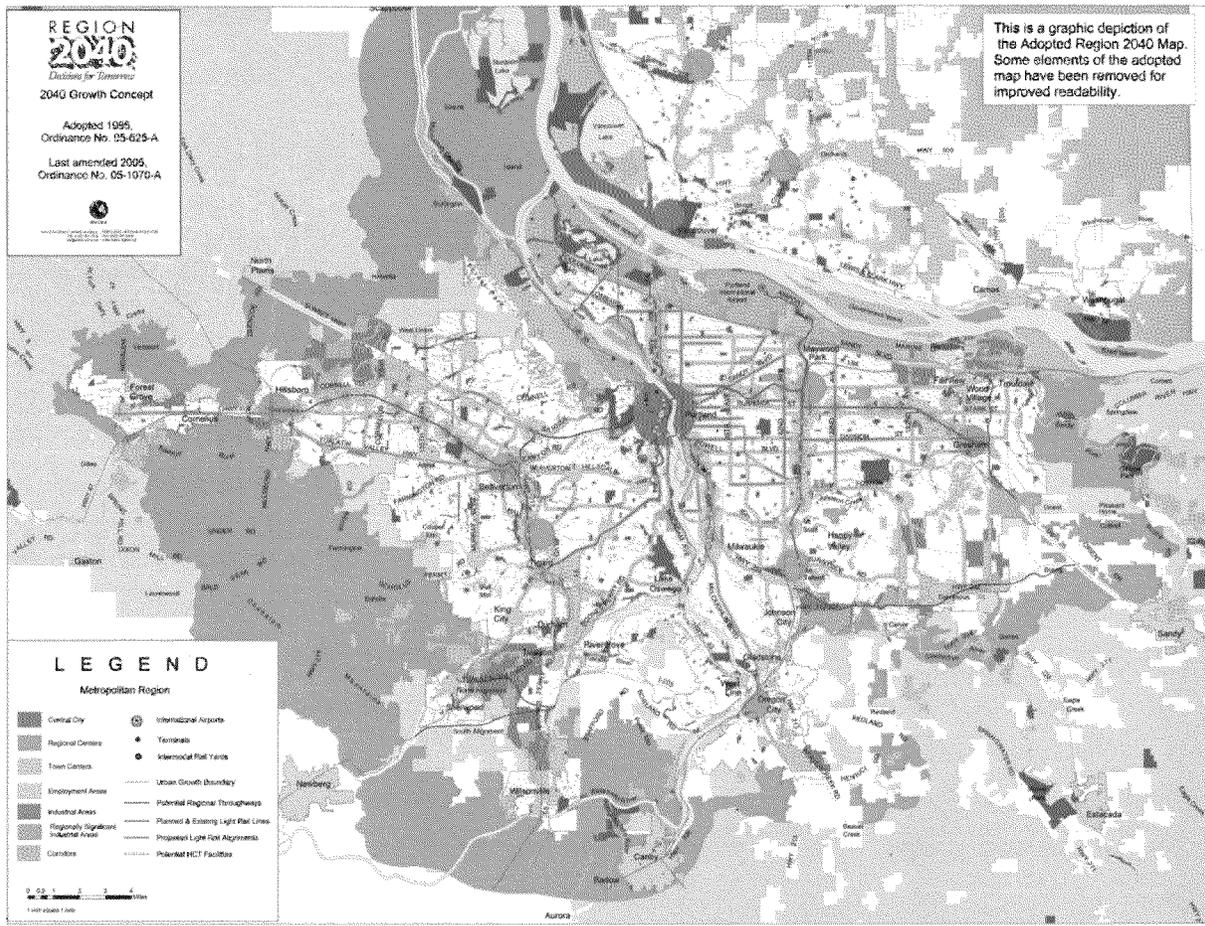
Since 1965, government spending on transportation, sewers and water systems has declined from 39 cents to 25 cents for every dollar spent on private residential construction.

10 billion

Our region will need approximately \$10 billion during the next few decades just to repair and rebuild our existing infrastructure. To meet the demands of anticipated growth in jobs and housing in the region through 2035, we will need as much as \$31 billion in additional funding.

8th place

Oregon ranks last in total auto taxes collected compared with other Western states (Arizona, California, Idaho, Montana, Nevada, Washington and Utah).



## greenspaces

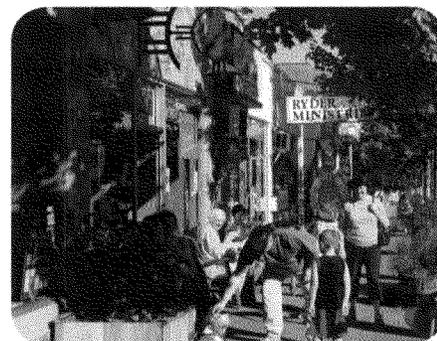
**8,100**

Acres purchased by Metro through bond funds approved by voters in 1995. Thousands more acres will be purchased by Metro through a second bond measure approved by voters in 2006.

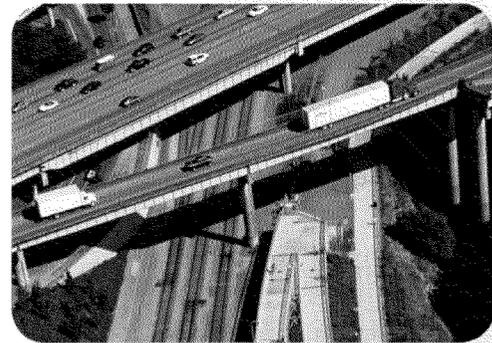
**8,000**

Based on population projections, the region will likely need 5,000 acres of urban parks and 8,000 additional acres of open space by 2035.

**The 2040 Growth Concept** – In 1995, the Metro Council adopted the 2040 Growth Concept, a long-range plan designed with the participation of thousands of Oregonians. This innovative blueprint for the future acknowledges population growth as a fact of life, but expresses the region’s intent to incorporate growth within existing urban areas as much as possible and expand the urban growth boundary only when necessary. Implicit in the plan is the understanding that compact development is more sustainable, more livable and more fiscally responsible than low-density sprawl, and will reduce the region’s carbon footprint.



Our fragmented governance structures and antiquated public finance systems frustrate our ability to deliver on our regional development goals. Many areas of the region are served by a hodgepodge of local governments and service providers whose jurisdictions are often artifacts of history that do not coincide with current community boundaries, infrastructure capacity or demand. This situation raises questions of equity and hampers coordination of regional development.



Our economy is globalizing, greening and changing in other ways we cannot anticipate. Our region's status as both a hub for domestic commerce and a gateway for international trade provides tremendous benefits but also makes us highly vulnerable to global economic changes. We are also rapidly becoming an international epicenter of the movement toward a sustainable economy. While these and other factors confound our ability to predict the character of future employment, it is clear that the future will not look like the past.

Energy instability and climate change require us to rethink everything – from where we live to where we get our food to how we get around. Even though our region is a national leader in stabilizing carbon emissions, our current efforts fall far short of what is needed to meet carbon reduction targets established in state law.

In the face of these and other challenges, we will need to be smarter, work harder and dig deeper to achieve the aspirations of our communities and truly realize our regional vision. Now is the time to adopt new approaches that will enable us to maintain and improve our communities, protect our urban growth boundary and our natural environment, and support a strong economy that benefits all of the people of our growing region.

## getting from here to there

**70**

More than 70 percent of the region's residents live within 1/4 mile of public transit.

**34**

Transportation activities are the second largest source of greenhouse gases in the state, accounting for approximately 34 percent of the state's carbon dioxide emissions.

**100 million**

Commuters here spend 100 million fewer hours per year getting to work compared with the 33 other largest metro areas in the nation. People here are twice as likely to use transit and seven times as likely to bike than other large metro areas, leaving more room on the road for moving goods and freight.

**\$1.1 billion**

The region's shorter commute translates into \$1.1 billion in savings on transportation costs, most of which is reinvested in the local economy.

## jobs and the economy

**1.0 to 1.3**

The region must plan for between 1.0 and 1.3 million total jobs by 2030.

**71**

71 percent of the Portland region's largest employers originated here.

**10,000**

There are nearly 10,000 acres of vacant employment land inside the UGB and thousands more acres of dilapidated, contaminated and underutilized employment sites.



## Meeting the challenge: MAKING THE GREATEST PLACE

For all of these reasons, the region has been working for four years to develop a new, integrated approach to guiding the growth and development of our communities.

This new approach builds on the strong foundation of the 2040 Growth Concept, which calls for focusing development in city and town centers, along transportation corridors and near employment areas. But while that plan reflects a regional agreement about what we want the future to look like, the new approach – known as “Making the Greatest Place” – represents a concerted effort to decide how we are going to get there. It responds to new challenges with new tools and marks a renewed commitment to making this region the greatest place to live, work, learn and play.



In September 2005, the region’s leaders received a wake-up call: a forecast that more than one million more people would live here within 25 years. This dose of reality stimulated a burst of activity region-wide that will culminate during the coming year in a series of major decisions that will change the way we tackle the challenges – and seize the opportunities – that come with growth.

## Since 2005, the region has:

**Embraced** a comprehensive new definition of the attributes that comprise successful communities (see box).

**Completed** the “Shape of the Region” study, which evaluated the importance of land outside the urban growth boundary for agriculture, forestry and the protection of natural landscape features, and identified the common attributes of great communities

**Collaborated** to obtain legislative authority to jointly establish urban and rural reserves directing where the region will and will not grow over the next 40 to 50 years

**Required** major construction projects to support planning for the development of areas included in the urban growth boundary

**Analyzed** the region’s long-term need to increase public investments in infrastructure

**Undertaken** a new, outcome-oriented approach to transportation planning

**Endorsed** a long-term plan to expand the region’s high-capacity transit system

**Initiated** a conversation about the local aspirations of communities throughout the region

**Begun** to integrate the imperative to reduce carbon pollution into our land use and transportation plans

**Developed** and refined a series of “scenarios” to illustrate the implications of various land use and investment choices

**Produced** 20- and 50- year population and employment range forecasts that illustrate the need to make decisions in the face of uncertainty

**Generated** an analysis of the capacity of the current urban growth boundary to accommodate growth while anticipating potential changes in both policy and market behavior

### Attributes of great communities: The region’s desired outcomes

The “Making the Greatest Place” initiative represents a renewed effort to attain objectives the region has long sought to achieve. However, policy documents of the past often focused on strategies (e.g., “compact urban form”) rather than on the actual outcomes that are important to people’s lives.

In 2008, the region agreed on a set of desired outcomes that not only reflect what really matters to the citizens of the region, but also may be used to develop benchmarks against which we can measure our progress toward creating great communities. It is these outcomes that this recommendation is designed to achieve:

**Vibrant communities** – People live and work in vibrant communities where they can choose to walk for pleasure and to meet their everyday needs.

**Economic prosperity** – Current and future residents benefit from the region’s sustained economic competitiveness and prosperity.

**Safe and reliable transportation** – People have safe and reliable transportation choices that enhance their quality of life.

**Leadership on climate change** – The region is a leader in minimizing contributions to global warming.

**Clean air and water** – Current and future generations enjoy clean air, clean water, and healthy ecosystems.

**Equity** – The benefits and burdens of growth and change are distributed equitably.





### Guiding principles

All of this work has contributed to the emergence of a common understanding of what we need to do to realize our shared vision. We have learned that “making the greatest place” will require many actions by many players. Now we begin the task of weaving together these different threads to strengthen the fabric of our existing and future communities.

In developing these recommendations, I have been guided by several key principles that have emerged from the conversations in which the region has been engaged for the last four years:

**Focus on outcomes.** Our actions should be specifically designed to achieve six desired outcomes that matter to the people of the region: vibrant communities, economic prosperity, safe and reliable transportation choices, clean air and water, reduced contributions to global warming, and fair distribution of the benefits and burdens of growth.

**Move from “what” to “how.”** Having agreed on what we are trying to achieve, we must accelerate the fundamental shift in emphasis from developing a vision of the future to making the vision we have already embraced a reality.

**Minimize risk.** Even with Metro’s tremendous forecasting capabilities, the future remains uncertain. We should act based on the best available information, but in ways that leave future generations the flexibility to make adjustments if our assumptions are wrong.



Don't chase numbers. We need to devote our energy to creating great communities. We can't allow ourselves to get bogged down in a numbers game where we squabble about how many dwelling units can fit on the head of a pin.

Work together. We have come this far because of our history of public involvement and collaborative governance. Future success will require us to forge new partnerships and will entail a range of highly interdependent decisions and actions by many players beyond Metro – chiefly city and county governments, but also other public agencies and the private sector.

- 1,450,000 residents living within the urban growth boundary
- 65,600 businesses
- 33,229 acres of public parks and natural areas
- 830 miles of rivers and streams
- 25 cities
- 3 counties
- 1 region



Some people want to live in the suburbs and feel strongly that their quality of life, their American dream, is a house and a yard and a fence. Others want to live in a vital city where they're a regular at the coffee shop down the street. It's not that one is better than the other, but it is a fact that within this region, you can choose either, and that's what we're trying to achieve – not that everyone chooses the same, but that people can find what they want.

— Ethan Seltzer, director,  
Toulon School of Urban  
Studies and Planning,  
Portland State University

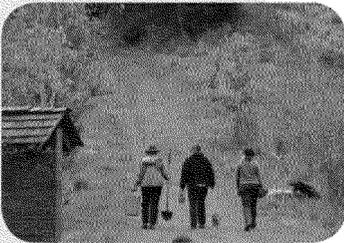


## RECOMMENDATIONS

Today, I am recommending the following three categories of actions:



**Make the most of what we have.** Our top priority must be to improve the quality of life for the people who live here now by investing in our existing communities. We should leverage previous investments, rebuild dilapidated buildings and decaying infrastructure, revitalize town and city centers and maintain community assets before taking care of people who are not here yet.



**Protect our urban growth boundary.** Second, by leveraging both strategic investment and innovative policies, we should accommodate most of our population growth in our existing communities rather than by adding large amounts of farm and forest land to the boundary at the edge of the region.

**Walk our talk.** Finally, to ensure that our actions and investments are responsive to the values and priorities of the region's residents, we must develop and adopt performance targets specifically based upon the region's desired outcomes, and use those targets to hold ourselves accountable for achieving those outcomes.

My specific recommendations, which are summarized on pages 14 and 15 and detailed in Section 2 of this report, represent the integration of several policy areas that, until now, have been considered in discrete processes, sometimes with conflicting results. During the last four years, the region has explored the linkages among various policy “streams” and the ways they inform each other. This recommendation represents the “confluence” of those various streams into a coordinated strategy.

It is important to remember that this document does not represent a *decision* by anyone; it is a set of *recommendations* that are intended to invite, and give focus to, the regional conversation that will ensue. And once these recommendations have been acted upon by the decision makers of the region, we will not be finished. Many questions will remain, but the choices we make today will determine the choices we are able to make in the future.



## integrating habitats and greenspaces

64

Sixty-four percent of metro area residents live within 1/4 mile of a public park, greenspace or regional trail. Ninety-seven percent of Boston's children live within 1/4 mile of a park.

53

Approximately 53 percent of the region's park land and 60 percent of land within 50 feet of streams and wetlands are deforested.

10

About 10 percent of the region's floodplains are developed, substantially degrading ground and stream water quality.

# Strategies for a sustainable and prosperous region

1

## MAKE THE MOST OF WHAT WE HAVE

Invest to maintain and improve our existing communities.

**By December, 2010, adopt an integrated regional investment strategy focused on revitalizing our downtowns, main streets and employment areas consistent with the 2040 Growth Concept.**

**Place** the highest priority on maintaining the public investments we have already made, including our roads, sidewalks, water and sewer lines, and parks.

**Reuse** and revitalize dilapidated buildings, vacant and under-used lots, and decaying infrastructure in already developed areas, accommodating growth within the urban growth boundary and bringing increased economic activity to those areas.

**Get more** for the public's money by ensuring that regional investments are coordinated with each other, and with the goals and investments of local communities.

**Leverage** private investment through strategic coordination of public investments with the private sector.

**Protect** existing residential neighborhoods by focusing new residential and commercial development in downtowns and along main streets.

**Consider** the natural environment, personal and public costs, individual and regional equity, and health in all of our investment decisions.

**Identify** local and regional actions needed to pursue new sources of funding to maintain and improve existing communities, accommodate growth and create favorable conditions for job creation within the UGB.

**Make transportation investments that increase safe, affordable and convenient travel options for everyone and help the region's businesses and industry remain competitive.**

**Get the most** out of the transportation system we already have by:

- Repairing and maintaining our existing roads, bridges, public transit and bicycle and pedestrian facilities.
- Employing market incentives and pricing strategies to use our transportation system as efficiently as possible.
- Investing in smart technological solutions to reduce and manage congestion.

**Attract** and retain businesses and family-wage jobs through strategic investments in roads and transit as well as critical air, marine and freight rail facilities.

**Increase** transportation choices, protect air quality, and reduce congestion by accelerating development of transit, biking and walking facilities.

**Maintain** compact communities that allow for more cost-effective transportation investments and make it easier for residents to perform the tasks of their day-to-day lives.

## PROTECT OUR URBAN GROWTH BOUNDARY

To the maximum extent possible, ensure that growth is accommodated within the existing boundary.

**Manage the urban growth boundary to protect farm and forest land, support a strong economy, and maintain and create great communities.**

**Accommodate** most growth through investment within the existing UGB.

**Use** land inside the boundary more efficiently to reduce residents' transportation costs, get the most from our public investments, and limit unnecessary urban expansion into farmland, forest land and natural areas.

**Support** job creation and economic opportunity and enhance development in existing communities by making strategic UGB expansions as needed to take advantage of real opportunities to attract key employers.

**Protect** the region's industrial land supply from conversion to non-industrial uses and improve and protect access to major industrial areas.

**Require** rigorous urban and financial planning prior to UGB expansion to address land use, infrastructure, and governance issues.

**Protect** farms, forests and natural areas outside the boundary.

**Use urban and rural reserves to achieve the region's long-term goals.**

**Designate** urban reserves based on successful implementation of Strategy 1 calling for strong investment within existing communities, where most growth will occur.

**Establish** urban reserves in areas that will:

- Strengthen and complement existing downtowns, main streets and employment areas.
- Protect the agricultural industry from the impacts of urban development.
- Support good jobs and a healthy economy by facilitating addition of industrial land to the urban growth boundary when needed.
- Use less land and less carbon and offer citizens more economical living choices.

**Designate** rural reserves to provide long-term protection for the agriculture and forest industries and for important natural landscape features.

**Prepare for and support private investment in efficient development through greater use of existing zoning strategies and financial incentives.**

**Use** existing financial incentives more aggressively and creatively to help local communities achieve their aspirations for their downtowns, main streets and employment areas.

**Encourage** innovative approaches to zoning to encourage development of downtowns and town centers, make transportation corridors ready for high capacity transit, and protect industrial land for industrial use.

## WALK OUR TALK

Be accountable for our actions and responsible with the public's money.

**Ensure** that public investments are consistent with the public's values and priorities.

**Develop** and adopt performance targets specifically based on the region's desired outcomes.

**Measure** our performance against these targets.

**Adapt** our policies and investment strategies based on what we learn.

**Hold** ourselves accountable to achieving the region's desired outcomes.



## FULFILLING THE PROMISE OF OUR REGION

For longer than we can remember, this special place has nourished the bodies and the souls of the people lucky enough to have found their way here. The abundance and splendor in our common backyard inspire not just awe, but action, as the land invites us to engage with it in myriad ways.

Our relationship with our surroundings remains at the heart of every resident's experience of life in this evolving region. Today, we enjoy not only the richness of our natural endowment, but also the dynamic communities we have built upon its foundation.

We have been entrusted with this wondrous place at a critical time. Residents of this region have always confronted challenges that tested their resourcefulness and commitment, and we are the beneficiaries of wise decisions made in the face of change by those who came before us. Now we bear the responsibility of carrying forward the legacy of courageous innovation that we have inherited.

However, the changes we face today are unprecedented in their magnitude and complexity. Paradoxically, clinging to our past – or even to things as they are – imperils our future; if we fail to act decisively in anticipation of the upheavals on the horizon, we will squander the opportunities that come with change, and risk losing the very nature of this region.

The decisions we make today will have profound consequences, not only for our descendents but for the land itself, as well as its waters, its wildlife and the very air we breathe. Luckily, the people of this region have the smarts, the guts and the dedication to chart a new and successful course.

**Together, we can continue to fulfill the promise of this place.**

# Section 2 | Recommendations

## STRATEGIES FOR A SUSTAINABLE AND PROSPEROUS REGION

### A report from Metro's Chief Operating Officer

For the last four years, public officials from throughout the Portland metropolitan area have worked hard to lay the groundwork for major decisions about the future of the region. Together, Metro and its local partners have analyzed past performance and current trends, looked into the future, developed a range of policy alternatives, and sought advice from citizens. We established a set of six outcomes that matter to residents of the region, posed optional courses of action, and studied the contributions of these actions toward the desired outcomes.

We have come to understand that *Making the Greatest Place* will require many actions by many players, coordinated to take full advantage of everyone's efforts and to wring the most public value from the public's dollars. Now we have reached the point at which we must lay some proposals on the regional "table" to allow us to see the whole and how its parts might fit together.

As noted in the previous section, the set of strategies and actions proposed here brings together several strands of policy in order to maintain and improve our existing communities, protect the urban growth boundary and support prosperous economy. This recommendation is intended to set the stage for discussion among the people of the region about the choices we face.

### SETTING THE STAGE FOR MAKING THE GREATEST PLACE

#### Knowing where we're going – the region's desired outcomes

The region has long agreed on its vision of the future, and the people who live here have remained remarkably consistent in their commitment to the values that underlie that vision, as expressed in the 2040 Growth Concept. In the summer of 2008, the region agreed that our planning efforts should start by defining in clear and simple terms the outcomes that residents tell us they want. To that end, the Metro Council and our regional partners in local government adopted the six desired outcomes described in Section 1 of this recommendation to guide our regional planning for the future. Briefly, those outcomes are:

- Vibrant and walkable communities
- Economic competitiveness and prosperity
- Safe and reliable transportation choices
- Leadership in addressing climate change
- Clean air, clean water and healthy ecosystems
- Equitable distribution of the benefits and burdens of growth

## Growth forecast – How many people and jobs are we expecting?

With these outcomes in mind, we began the process of developing an integrated regional development strategy with a growth forecast. State law requires Metro to provide sufficient capacity to accommodate the growth in population and employment expected in the next 20 years. To do that, we need to know how many people and jobs to plan for.

The current growth forecast departs from past practice in two ways:

- Taking advantage of an opportunity provided by the Oregon Legislature, the Metro Council decided to look farther into the future – 50 years – to support the designation of “rural reserves” for long-term protection of farms, forests and natural areas, as well as “urban reserves” to identify long-term opportunities for urban expansion (see pages 25-28).
- Acknowledging the uncertainties inherent in long-term forecasting, the Council requested a range of possible growth scenarios rather than a single estimated number of people and of jobs (“point forecast”). The range forecast allows the region to focus less on “chasing numbers” and more on how best to achieve our desired outcomes and create jobs and great communities.

In May, 2008, Metro published the “2005-2060 REGIONAL POPULATION AND EMPLOYMENT FORECAST.” The forecast predicts likely ranges in the numbers of people and jobs in the region to the year 2030 (to fulfill the state’s 20-year capacity requirement), and also to the year 2060 (to inform the designation of urban and rural reserves).

Depending upon the many factors that will influence our growth, the forecast tells us to expect the seven-county region<sup>1</sup> to have between 2.9 and 3.2 million residents and between 1.3 and 1.7 million jobs by 2030. For the longer term, we should expect between 3.6 and 4.4 million in population and between 1.6 and 2.4 million jobs by 2060.<sup>2</sup>

This recommendation focuses on the middle third of this range as our most likely future. This smaller range will sharpen our options and help the region understand the issues we face.

	Low	Bottom third	Upper third	High
<b>2030 population</b>	1,877,700	1,947,000	1,989,600	2,060,700
<b>2060 population</b>	2,313,900	2,496,500	2,606,300	2,787,800
<b>2030 households</b>	789,700	818,100	835,600	864,700
<b>2060 households</b>	968,500	1,043,300	1,088,300	1,162,700
<b>2030 jobs</b>	1,083,200	1,142,600	1,211,600	1,273,500
<b>2060 jobs</b>	1,345,355	1,473,792	1,608,109	1,754,885

### Forecast for Metro urban growth boundary

Metro’s forecasts begin with the federally-defined seven-county Portland-Beaverton-Vancouver Metropolitan Statistical Area. In order to estimate what share of this growth is expected to locate within the Metro urban growth boundary, a “capture rate” is applied based on historical and forecast growth trends.

<sup>1</sup> The Portland-Beaverton-Vancouver Primary Metropolitan Statistical Area (PMSA) consists of Clackamas, Columbia, Multnomah, Washington and Yamhill counties in Oregon as well as Clark and Skamania counties in Washington.

<sup>2</sup> Historically, in-migration has accounted for two-thirds of the region’s population growth. In the year 2030 in-migration is expected to account for about half of population growth, with births making up the other half.

## Capacity analysis – Where will they go?

Our next step was to determine whether our urban growth boundary has sufficient capacity to accommodate the ranges of population and employment projected in our forecast.

The draft *Urban Growth Report* (UGR) gives us a good idea where our existing policies and level of effort would take us during the next 20 years. The UGR finds that, at least “on paper” (in city and county plans and zoning ordinances), the region has the capacity to accommodate population and job growth within the projected ranges over that period.

However, the UGR also concludes that under current market conditions and the policies and financial structures that we have in place today, the region will not be able to actually realize that potential capacity and accommodate projected growth to the year 2030. We face a gap between the UGB’s theoretical capacity and the number of housing units and jobs we can reasonably project will actually be created by the private sector under current conditions.

More importantly, the UGR tells us we are falling short of our targets and aspirations for achieving some of the most fundamental objectives of the 2040 Growth Concept. Development in many of the areas we have targeted for more growth – our designated regional centers, town centers, station communities and main streets within the UGB – is lagging: while there has been some progress, there are not yet enough residents and workers to make these areas the centers of vibrant urban life envisioned in our plans and hoped for by our local partners.

State law says that if we cannot accommodate projected growth within the UGB, we need to add land to the boundary. But this does not solve our capacity problem. Areas added to the UGB since 1998 – Pleasant Valley, Damascus, North Bethany and others – are not urbanizing or attracting new homes and jobs because, among other reasons, we have not found a way to pay for the sewers, water systems, parks, streets and roads needed to make them work as urban places. We also have not yet found the right tools to provide full city governance to these new areas. The region would face the same costs and obstacles on any new land added to the UGB. Moreover, expanding the UGB involves other tradeoffs, including loss of productive farmland, diversion of limited public dollars from our existing communities, longer commutes, and increased carbon pollution.

Lagging development also impedes our efforts to provide transportation options to the region’s residents, including efforts to connect centers with high capacity transit; this requires more residents and workers plugging the farebox, and therefore higher densities in a given transportation corridor, to be cost-effective. Failing to provide travel choices leaves more people reliant on the most expensive – and most carbon-intensive – mode of surface transportation, the private automobile. Lack of alternatives to auto travel also fills our roads with cars that impede the movement of freight and reduces our economic competitiveness.

In short, our existing policies and levels of investment in our communities will not bring us the outcomes we desire.

## **CLOSING THE GAP**

# **RECOMMENDATIONS FOR MAKING THE GREATEST PLACE**

But there is another message in the *Urban Growth Report*: we can close the gap between the current capacity of the UGB and our forecast growth by investing in our existing communities. That is, we can turn our potential capacity into real capacity by increasing the levels of our investments and taking complementary actions at the policy level. But we must invest at every level – city, county, regional, state, federal and private sector – and we must invest wisely to stimulate private investment.

This recommendation calls for strategic investments and policy actions by all level of government to use land inside the existing urban growth boundary as efficiently as possible to minimize expansion of the urban growth boundary, to make the most of our existing communities and to help make good jobs available to our citizens.

### **STRATEGY 1 | MAKE THE MOST OF WHAT WE HAVE**

#### **Invest to maintain and improve our existing communities**

A strategy of investment is the essence of this recommendation. First and foremost, we must find new ways to invest in our future. Specifically:

**By December, 2010, the region should adopt an integrated regional investment strategy focused on revitalizing our downtowns, main streets and employment areas consistent with the 2040 Growth Concept.**

The region must maintain, replace, and in some cases expand, the public works – water, wastewater and storm water systems, and streets and roads – that are essential to support redevelopment in existing urban areas and new development in areas previously added to the UGB. We must also invest in the community assets essential to making our urban communities better places to live and work: parks, schools, natural areas and trails; town squares and gathering places; and bicycle facilities and sidewalks, for example.

By committing ourselves to maintain and improve these public works and community assets, we will attract complementary investments by the private sector to take advantage of the value added by public investments. By collaborating strategically with private investors and, when appropriate, entering into public-private partnerships, we can further ensure that we will invest the public's dollars in ways that provide the greatest overall benefit to our communities.

Moreover, the region should increase its investments in the reuse and revitalization of old buildings and vacant and underused lots in already developed areas. These investments will bring increased activity and private investment to those areas and support efforts to efficiently accommodate growth within the UGB.

Consideration of the natural environment, impacts on personal and public costs, individual and regional equity, and public health should be factored into all of our investment decisions.

**The region should make transportation investments that increase safe, affordable and convenient travel options for everyone, help the region's businesses and traded sector industries remain competitive, and reinforce the region's desired outcomes.**

The region has effectively used, and should continue to use, a range of approaches to achieve these outcomes. These approaches include repairing and maintaining our previous investments in transportation facilities and using both market-based and technological means of getting the most out of our existing system. We should also make strategic investments both in transportation facilities that improve freight mobility and in transit, biking and walking facilities to provide residents with more ways to get around.

Perhaps most critically as a stimulus for private investment, we must significantly expand the region's high-capacity transit system to give residents more options than the private auto to travel to work and other daily destinations, to free-up road capacity for movement of freight, to attract and support compact development and to reduce our carbon emissions.

There is not enough money to make all the investments we need. For decades, investments in public facilities have been declining in communities nationwide, and our region is no exception. Despite the current flow of federal "stimulus" dollars, the heyday of nearly limitless federal largesse is over, and state property tax restrictions have further depleted public coffers.

This recommendation, therefore, proposes that we focus public investments in those places around the region where the investments are most likely to help us achieve the outcomes we desire. Moreover, we must link the investments to our desired outcomes, and to one another, to maximize the value of each investment. Finally, we will need to identify the local and regional actions necessary to pursue new sources of funding if we are to maintain and improve our existing communities, accommodate growth efficiently and create favorable conditions for private investment and job creation.

### **Focus investments in centers, corridors and employment areas**

First, we must concentrate investments within the 2040 Growth Concept's places of highest potential density and established infrastructure. These include centers across the region (areas designated as town centers, regional centers, central city and light rail station communities), important employment areas, and the principal highways and roads ("corridors") that connect centers with frequent bus service. Focusing investment in these places will yield the following benefits, each of which supports outcomes the region seeks to achieve:

**Local aspirations** – The region will invest in the very places cities and counties want to invest local funds to achieve their community aspirations. Regional investments will complement and enhance local investments, and vice versa.

**Existing infrastructure** – This focus will encourage growth in places where sewer, water, storm water facilities, parks and streets already exist, using these services more efficiently and bringing more ratepayers to share their costs.

**Public transit** – The region will be able to accommodate a larger share of forecast growth where we have already made major investments in public transit. Concentrating growth in centers and corridors will give more residents access to transit for commuting and other daily travels, thereby reducing their transportation costs and freeing up road capacity for freight movement. More transit rides means more fares paid and more cost-effective transit.

**Walking and biking** – Higher levels of housing and jobs in centers and corridors will also bring jobs and everyday needs – stores and professional and civic services, for example – within walking and biking distance of many more residents.

**Energy and climate** – Concentrating development in centers and corridors reduces and shortens our trips, thereby reducing energy consumption and the amount of carbon emissions produced by our travels.

**Neighborhood stability** – By absorbing most of the forecast growth in centers and corridors, we can protect our existing residential neighborhoods from the impact of this growth.

**Regional equity** – Because there are centers and corridors in every part of the region, this approach will distribute the benefits of community investments equitably across the region. For example, our Housing Needs Analysis shows a growing number of households in parts of the region spending more than they can afford on housing and transportation during the next 20 years. Investment in new high-capacity transit lines to centers and corridors with disproportionately large numbers of “cost-burdened” households can reduce transportation costs for those households and leave them more money to spend on housing and other essential needs.

## Link investments

Second, we must link investments in the following ways:

- Link regional investments to local investments and actions to achieve both regional and local aspirations.
- Link investments to achieve multiple outcomes.
- Link investments to make each investment more effective.
- Link public investments to private investments.

The following examples from across the region teach us that linkages make investments greater than the sum of their parts. These successes are stimulating coordinated investments elsewhere.

### Current and future successes

**Portland's** 1988 plan for the River District (north of downtown) called for 1,800 new dwelling units. Pursuant to the plan, the city and the region made a coordinated set of investments: replacement of the Lovejoy ramp from the Broadway Bridge; a streetcar line to downtown; upgrades to public works; a system of new parks connected to one another and eventually to a trail along the river; bike lanes and sidewalks; and other community assets.

As a result of these investments, private investment has increased dramatically, adding 7,600,000 square feet of new building space within three blocks of the streetcar line. By 2008, the district had added 8,000 dwelling units, several hundred of them “affordable” and rendered more so by access to transit, walking and biking facilities. When currently anticipated projects are completed, the district will have added a total of 10,000 dwelling units and 21,000 jobs. Outcomes: the city has built a vibrant, economically prosperous community, rated one of the most walkable in the country.

**Tigard** wants to revitalize its downtown – a designated town center under the 2040 Growth Concept, which calls for higher density housing and employment there. The city has adopted a vision plan that calls for 2,500 new housing units and 900,000 sq. ft. of new commercial floor space. The city has also established an urban renewal district and uses tax increment financing to upgrade public works. In partnership with Metro, Tigard is investing in parks and trails along Fanno Creek, using funds secured through the 2006 natural areas bond measure. As provided in the proposed High Capacity Transit System Plan, Metro will invest regional funds to extend light rail to Tigard's town center when conditions justify the investment. City investments make light rail more feasible financially, and the region's investment in light rail will encourage the new housing and job development the city desires.

**Cornelius** hopes to add jobs to offer more employment opportunities to its residents, who travel long distances to jobs in other cities, and to boost its tax revenues to pay for community assets that would add vitality to its center. The 2040 Growth Concept calls for greater employment and residential capacity along Cornelius' designated main street. The city has asked Metro to designate an area around its main street as a town center to stimulate greater investment. The proposed High Capacity Transit System Plan would provide regional funds to extend light rail from Hillsboro to Forest Grove, passing along Cornelius' main street, when conditions justify the investment. Redesignation of the city's main street as a town center under the 2040 Growth Concept would complement the city's strategy.

Many cities and counties in the region have developed action plans to bring life to their downtowns and other centers. Complementary regional and local investments and actions can shepherd these aspirations to reality. Metro has assembled an inventory of the aspirations of cities and counties for their centers, as well as investments that can help achieve these aspirations (see “Investing in Great Places Matrix” in Section 3 of this recommendation). These collective aspirations, and the investments and policy actions needed to realize them, are ambitious and will require sustained leadership and collaboration to implement.

The region should make use of the full range of existing regional and local investment tools and strategies, including the following:

**Tax increment financing (TIF)** in urban renewal districts has revitalized many lagging urban areas by raising funds to pay for upgrades to public works and community assets that, in turn, attract private investment that generates new tax revenues to pay for the upgrades. Nine cities and Clackamas County use TIF in urban renewal districts.

**Local improvement districts** have helped local governments pay for public works and community assets by assessing fees on properties in the districts that benefit from the services.

**Economic and business improvement districts** have stimulated private investment in industry and businesses in the region’s employment areas.

**System development charges (SDCs)** currently cover a portion of the costs of providing a limited list of public facilities to new development: transportation, water supply, sewer, storm water management, and parks. Revisiting local government capital improvement plans in light of the stated aspirations of local communities could result in SDCs that more accurately reflect the full anticipated costs of accommodating growth.

**High-capacity public transit lines** have drawn very significant private investment to the corridors along the lines. The region has endorsed an ambitious program of expanding the region’s high capacity transit system to connect regional centers and other centers along principal corridors in the High Capacity Transit System Plan. The plan’s “System Expansion Policy” sets targets for cities, counties, Metro and TriMet that signal financial and community readiness for new lines.

**Transit-oriented development investments** by the region have demonstrated that mixed-use, higher density development can succeed in places the private sector has been reluctant to invest. In Gresham, Portland, Milwaukie and other places, transit-oriented development supported by the region’s flexible transportation funds is helping to revitalize communities and leading the way for private investment.

**Transportation network improvements** are under-appreciated investments that close gaps in street, bicycle and pedestrian (sidewalks and trail) networks. Adding these missing links increases mobility and accessibility in our centers and corridors throughout the region, while improvements to the network of freight routes are essential to regional prosperity, especially traded-sector industries that rely on the movement of freight. These connections help the region achieve its desired outcomes for transportation choice, vibrant communities, healthy ecosystems, and reducing carbon emissions.

**Natural areas land acquisitions** are preserving thousands of acres of critical habitat and other special places across the region. Investments in protecting natural areas provide refuge and recreation to current and future residents of our urban region, enhancing our sense of place; there is a direct link among these investments and increased property values. These areas also support the healthy function of rivers and streams, filter our water, provide connectivity for wildlife, improve our air quality, and sequester carbon.

**Parks and Nature in Neighborhoods grants** restore and enhance these local and regional assets. These grants support the nature close to home that makes our centers and corridors more livable and connects them to the rest of the region.

Metro and its local government partners should develop an action plan for making the regional and local investments needed to implement Strategy 1, and for linking the investments with the tools described in Strategy 2.

## **New funding**

The region currently lacks the resources to repair and maintain our existing public facilities, let alone build the new sewers, water systems, roads, parks and schools our communities will need to accommodate population and employment growth. The governments of the region must commit to seeking new sources of funding for needed investments in public works and community assets, including local and regional dollars to match federal funds for transportation improvements. This action plan will become the basis for realizing our aspirations and enabling us to protect our urban growth boundary by accommodating growth in our existing communities.

An integrated regional investment strategy would include two major elements:

**Transportation investment** Implement the transportation investment strategy identified in the Regional Transportation Plan (RTP).

The RTP identifies existing revenues as well as aspirational revenue targets to fund a prioritized list of planned transportation projects. Local and regional follow-up actions are required to enact new revenue sources. The region's transportation leaders should create a "road map" identifying the local and regional action steps to generate the levels of revenue envisioned in the RTP.

**Other community investments** Develop a regional action plan to make focused investments in the region's downtowns, main streets and employment areas.

To maintain our existing infrastructure and community assets, and to meet the region's collective aspirations for population and employment growth, regional leaders should develop a strategy for closing the finance gap between our aspirations for development and our current means. This strategy should:

- Refine the investment needs identified in the "Regional Infrastructure Analysis" and "Investing in Great Places Matrix" to begin serving as a "project list" for targeting regional and local resources.
- Identify and recommend local and regional revenue actions to increase the resources available to make the public investments required to implement Strategy 1.

## STRATEGY 2 | PROTECT OUR URBAN GROWTH BOUNDARY

**To the maximum extent possible, ensure that growth is accommodated within the existing UGB.**

Residents of this special place understand the relationship between our management of urban growth and the quality of life we enjoy. Metro and its local government partners should employ available policy tools to use land within our existing urban growth boundary more efficiently and avoid adding land to the boundary whenever possible to achieve the outcomes desired by the people of the region. Specifically:

**We should manage the urban growth boundary to protect farm and forest land, support a strong economy, and maintain and create great communities.**

A complement to the strategy of investment in centers, corridors and employment areas is a policy of maintaining a “tight” urban growth boundary. Expanding the UGB means extension of expensive streets and roads, as well as public water, wastewater and storm water systems, to new areas. Extension of services to new UGB expansion areas diverts limited public dollars from our existing centers and corridors, working against our investment strategy. A tight UGB supports the creation of great communities by sending a signal to the private sector that investments in our downtowns and main streets are investments that will hold their value.

To be clear, this recommendation does not represent a firm resolution against any expansion of the UGB. The *Urban Growth Report* tells us we have a capacity gap; state law tells us we must close the gap. Certainly, we should close as much of the gap as possible by increasing our investments from all levels of government in centers, corridors and employment areas. But if we cannot fully accommodate projected growth through our strategy of investment and the other tools recommended here, we will have to expand the UGB. If we must expand the UGB, we should add land only from our designated urban reserves, and only land that can help us achieve our desired outcomes for our centers, corridors, and employment areas.

The greatest uncertainty facing the region is predicting our industrial capacity needs during the next 20 years. A look back demonstrates how rapidly needs for industrial capacity have changed, how difficult those needs are to predict, and how vulnerable the region is to national and international trends, such as global warming and economic globalization.

In the face of this uncertainty and mindful of our firm desire for a prosperous regional economy, a committee of regional leaders is forming to identify approaches that will allow us to take advantage of real opportunities to attract traded-sector, family-wage jobs in a way that is consistent with the region’s overall vision. Options under consideration include:

- Pursuing land assembly and brownfield redevelopment in existing industrial areas;
- Targeting infrastructure investments to make land inside the UGB shovel-ready, and identifying approaches to protect the public’s investment;
- Bringing large parcels into the boundary under conditions that severely restrict conversion to non-industrial use; and
- Designating key parcels as urban reserves and creating a fast-track process to bring them into the boundary when needed.

We must recognize there is a risk associated with maintaining a tight urban growth boundary (little or no expansion). If we hold the UGB and fail to use land inside the boundary more efficiently, some of the households that would otherwise be expected to locate within our region will instead spill over to our neighbors: Vancouver, Sandy, Canby, Newberg, North Plains, Banks, and Scappoose. This spillover could be costly: it may use up more farmland if our neighbors do not use land as efficiently as we do; it may outstrip public services in those cities; and it would likely create many new trips between our neighbor cities and the Portland area, which would require expensive new highway capacity and increase carbon emissions. Just as holding the boundary tight is a complement to the investment strategy, so the investment strategy and the zoning tools and financial incentives discussed below are essential complements to the UGB strategy. These tools will help us use more of the zoned capacity we have inside the UGB to make room for people who would like to live in our communities.

**We should use urban and rural reserves to achieve the region's long-term goals.**

**Urban reserves**

In 2007 Metro and the local governments of the region concluded that the best way to ensure that land we add to the UGB over time produces great communities is to plan ahead for a longer time horizon than the 20-year UGB planning period. A broad coalition of partners from government, business, agriculture and the environmental community worked together to pass legislation allowing the region to establish urban and rural reserves directing where the region will and will not grow during the next 40 to 50 years. Since then, members of that coalition, led by Metro and Clackamas, Multnomah and Washington Counties, have been working to identify the best areas in which to establish these reserves. We are on track to designate them in 2010 as part of our *Making the Greatest Place* initiative.

Designation of urban reserves constitutes a key strategy in achieving the region's desired outcomes. Because land in urban reserves receives the first priority under state law for addition to the UGB, we will be able to select land from urban reserves when needed, with greater certainty that the expansion will survive a legal challenge. This increased predictability sends clearer signals to investors from all sectors, private and public, about where the region will expand. In addition, it means the region will be better prepared to add land to the UGB quickly if the opportunity should arise to recruit a targeted new industry that cannot be accommodated inside the existing UGB.

The four governments who have authority under state law to jointly designate urban and rural reserves (Metro and the three counties) have completed their assessments of the suitability of land outside the UGB for urban reserves and are currently working to prioritize among suitable land to prepare for designation of reserves in 2010. When the time comes to designate urban reserves, it is expected that the partners will use the same caution we would exercise when adding land to the UGB.

**Forecast for Metro urban growth boundary**

	Low	Bottom third	Upper third	High
<b>2060 population</b>	2,313,900	2,496,500	2,606,300	2,787,800
<b>2060 households</b>	968,500	1,043,300	1,088,300	1,162,700
<b>2060 jobs</b>	1,345,355	1,473,792	1,608,109	1,754,885

The following recommendations are made with great respect for the work that has already been done by the many public officials and other parties who have been working for over a year to designate reserves, and with the expectation that many, if not most, of these comments are generally consistent with the direction of that process:

- Acknowledging the uncertainties we face predicting the long-term future, the reserves partner governments should designate an amount of urban reserves sufficient to accommodate growth in the middle third of the population and employment forecast ranges.
- Our long-term success in focusing growth in our centers and corridors inside the UGB will reduce the amount of urban reserves we need and use over time.
- We ought to anticipate that communities of the future will develop in patterns that use less land and emit less carbon than communities of the past. Communities that are ultimately built in reserves added to the UGB should provide a more complete array of services near where people live and make it easier for people to choose walking, transit and biking for everyday travel.
- The location of designated urban reserves should complement and reinforce our strategy to focus investment in existing centers, corridors and employment areas.
- We should ensure that the designated urban reserves contain land suitable for industrial use adjacent to or near the existing UGB.
- Our designation of urban reserves should minimize loss of our best farmland, our source of food and many other products that make agriculture one of our steadiest and most important industries.
- When designating urban reserves, we should leave space – including rural reserves when appropriate – between them and our neighbor cities so those cities can retain their identities and achieve their own aspirations.

If the reserves partner governments make the assumptions and apply the recommendations above, the region will be able to accommodate our longer-term residential and employment growth with urban reserves in the range of 15,700 to 29,100 acres. Selecting from the areas described in the Reserve Area Assessments and Recommendations contained in Exhibit 3E-A of this report should enable the designated reserves to fall within that range. These areas include the lands deemed most suitable for future urbanization as great communities by advisory committees in the three counties.

Selection from among lands in these areas will ensure a long-term supply of land for future industries and jobs without undermining the critical farm and forest industries outside the UGB. Selection from these lands will also reinforce our strategies to create great communities inside the UGB.

Finally, Metro and the counties should require that “concept plans” be completed before we add urban reserve land to the UGB. These plans should firmly guide critical decisions about eventual urbanization of this land so it yields the communities that achieve the region’s long-term goals. Concept plans should include:

- The location of centers, employment areas, major transportation routes, and public facilities, and how these elements will link to communities and roads, sewers, water systems, trails, parks and open spaces already inside the UGB.
- Formal agreements among responsible local governments that determine which cities will govern the land and who will provide urban services once it is brought inside the boundary.
- A plan to finance public works (e.g., sewer, water, and roads) and essential services (e.g., schools, parks, sidewalks and trails).

Completing this planning before adding land to the UGB, rather than after, will ensure that future expansion areas can quickly and efficiently develop into great communities that achieve the region’s desired outcomes.

## Rural reserves

Rural reserves are the companion to urban reserves. Designation of urban reserves signals where the region will expand the UGB when necessary. Designation of rural reserves identifies areas where the region will not expand.

The reserves partners have been working for many months to identify the agricultural lands, forests and natural landscape features that should not be added to the UGB at any time during the next 40 to 50 years. Rural reserves will provide the same certainty and security to farmers and foresters that urban reserves provide for investors in urban development: working farms and forests can invest in their operations with confidence that the metropolitan region will not add their farms or woodlots to the UGB for decades. This security for the farm and forest industries – the oldest industries in the region and major employers in our urban communities (in processing, for example) – will help the region achieve the economic competitiveness and prosperity that constitutes one of our key desired outcomes. When the time comes to designate rural reserves, the region should exercise the same caution we would use when designating urban reserves:

- The reserves partner governments should designate the region's most important and threatened farmland as rural reserves to help maintain the critical land base needed to support the agricultural industry, from growers to processors to distributors.
- Because of growing concern for a local supply of safe and healthy food, the reserves partner governments should keep in mind for designation of rural reserves those areas near the UGB with farms that market fresh local food to urban dwellers through the growing network of farmers' markets, co-ops, restaurants and grocery stores.
- The reserves partner governments should designate as rural reserves those important natural landscape features that help define our place, are worthy of protection in their own right, and provide "hard edges" to limit long-term urban expansion.
- The reserves partner governments should use rural reserves to protect our sense of place by ensuring some rural separation remains between our metropolitan region and our neighboring cities.
- The same uncertainties that should cause us to limit the amount of urban reserves we designate should also cause us to leave some land near the urban reserves undesignated as rural reserves.

Designation of rural reserves is evidence of a strong regional commitment to protect these lands from urbanization over the long term. The four partner governments should make good on this commitment to working farm and forest families by pursuing additional actions to keep the farms and woodlots in the reserves available for food and fiber production. For example, voluntary "transferable development credits" programs would reduce the number of new non-resource dwellings in these areas by paying farm and forest landowners for their development rights and selling the rights to developers in centers and corridors within the urban growth boundary.

**We should prepare for and support private investment in efficient development through greater use of existing zoning strategies, financial incentives, and other tools.**

## **Zoning tools**

The “seeds” of investment will grow best if they germinate on fertile ground. There is much fertile ground in the region as the result of thoughtful planning and zoning by cities and counties to put the 2040 Growth Concept into place. But not all centers, corridors and employment areas are ready for investment. To help make these places ready, the region should work in partnership with cities and counties to link regional investments with local “readiness” actions, including the following:

- Change zoning regulations in centers and corridors to allow use of substandard lots, a broader mix of uses, less parking and higher densities.
- Re-examine current zoning limitations on those corridors identified for future high capacity transit investments in the High Capacity Transit System Plan and make changes to achieve levels of housing and employment capacity needed to support and justify the projects.
- Change zoning regulations in industrial areas to protect these prosperity assets from encroachment by non-industrial uses.

Local governments are already making changes to their zoning codes to achieve higher levels of urban activity in their centers and corridors and to put more of residents’ daily needs within walking distance of their homes. These actions will bring more residents and workers to regional and town centers to share the costs of operating and maintaining services and community assets, such as transit and parks. More residents and workers will also support the restaurants, bakeries, coffee shops and other businesses that make our centers lively and prosperous. This recommendation urges cities and counties to take the additional actions that will stimulate the private sector to invest in ways that realize the potential capacity of our centers to accommodate future job and population growth.

## Financial tools

Financial incentives encourage private investment in downtowns, main streets and employment areas. Cities across the region use these tools to stimulate housing and employment in key locations, but they are not being used to their fullest potential. Accordingly, local governments across the region should increase the use of these existing tools to prepare for and support investment in efficient development. Examples show the variety of incentive programs available to local governments:

- Gresham and Milwaukie have used the state's Vertical Housing Tax Credit in their downtowns to incentivize private investment in high-density, mixed-use projects by reducing developers' up-front costs through temporary tax relief. Wood Village is applying to the state to establish such a program.
- Portland and Gresham have employed the multiple unit housing tax exemption to encourage private investment in transit-supportive, multi-family housing in their light rail station communities.
- Clackamas County, Beaverton, Sherwood, Milwaukie and Portland are a few of the local jurisdictions who have taken advantage of the U.S. Environmental Protection Agency's Brownfields Assessment and Cleanup funds to clean up "orphan" sites and get them back on the market for private employment and housing projects. Metro uses brownfields funds to assess potential contamination at sites across the region and provide information and other resources to assist local cleanup of the sites.
- System development charges (SDCs) are a principal source of funding for water, sewer and storm water systems, streets and roads, and parks. Oregon City and Gresham have adopted Impact-Based SDCs that vary the charges to more equitably reflect the lower costs associated with development in their downtowns as compared to less urbanized areas and to provide an incentive to develop there.
- Property Tax Abatement programs can entice industries to targeted employment areas. Forest Grove uses tax abatement (three and five-year exemptions) to attract new industries to its Enterprise Zone.
- Main Street programs make funds available for "sprucing up" main streets – adding street trees and benches, pedestrian improvements and new building facades, for example – to attract people and businesses.
- Excise Tax Planning Grants, new in 2009, will help local governments develop action plans for revitalization of their centers.

These financial incentives can stimulate the private market to use land in centers, corridors and employment areas more efficiently, particularly if the incentives are used in concert with investments and other tools. Today, these programs are underutilized. Cities and counties across the region should make more aggressive use of these tools to achieve their aspirations for their centers, corridors, and employment areas while helping the region to close its "capacity gap" and to protect farm and forest land from development.

## Efficiency tools

There are many other actions Metro and other local governments can take to encourage efficient use of land and transportation systems. The region should make widespread use of the following tools and strategies:

**Land assembly**, used by Hillsboro in its remarkably successful strategy to attract high-tech development (a former large proposed residential development today is the site of Intel's Ronler Acres facilities), can provide larger properties that are more attractive to the industries that need large sites.

**Transportation system and demand management** conserves the capacity of our existing transportation system and yields benefits analogous to energy conservation: by getting more performance out of the same investments, it is often less expensive than creating new capacity by, for example, building a new freeway interchange.

- Gresham installed an “adaptive traffic signal timing system” that reduced travel time by ten percent and saved 74,000 gallons of fuel in a year.
- Portland used an “individualized marketing program” to inform residents along the new MAX Yellow Line about alternatives to drive-alone trips. Auto trips have declined nine percent and transit ridership has increased 24 percent among residents who participated in the program.

Programs such as these increase system efficiency, reduce demand, conserve energy, and reduce carbon emissions. This recommendation proposes a comprehensive program of system and demand management – from incident response to congestion pricing – in the Transportation System Management and Operations Action Plan, part of the Regional Transportation Plan.

**Parking management** has proven successful in reducing congestion in portions of centers with dense concentrations of retail, professional and civic services. Communities should employ a range of parking management techniques – shared parking, lower minimum and maximum parking standards, structured parking and metered parking – in the Regional Transportation Functional Plan and the investment strategy.

**Service agreements** can reduce the time and cost of providing urban services to developing areas. For example, the cities of Happy Valley and Damascus signed an agreement to determine which city would annex unincorporated territory between them to avoid time-consuming and expensive case-by-case disputes. To achieve similar benefits, areas designated urban reserves should be covered by service agreements as a pre-requisite to their addition to the UGB. This recommendation also proposes amendments to Metro’s boundary change code to ensure that new cities are capable of providing a level of urban services that enables them to be great communities.

These tools, particularly if integrated into an overall strategy of investments and incentives, can facilitate, encourage and support development in centers, corridors and employment areas that will help the region achieve multiple desired outcomes.

### STRATEGY 3: WALK OUR TALK

#### Be accountable for our actions and responsible with the public’s money

Both our experience and extensive modeling give us confidence that investing in the downtowns and main streets of our existing communities, maintaining a relatively tight UGB, and using the various policy and financial tools described above will help us achieve the outcomes we desire and close the capacity gap identified in the *Urban Growth Report*. But empirical evidence will be needed to tell us whether the strategies are succeeding and to inform future decisions as the region moves forward.

For that reason, it is critical that we establish a system to measure our progress toward achieving our desired outcomes and respond to the results.

Accordingly, the region should:

**Develop and adopt** a set of performance targets specifically based on the region’s desired outcomes. For example, one of the region’s desired outcomes is leadership in minimizing contributions to global warming. A performance indicator associated with this outcome is reduction of carbon emissions. The logical target might be the reduction levels adopted by the Oregon Legislature in 2007.

**Measure** performance on a periodic basis and report the results to the region. Evaluation against the performance indicators agreed to by regional partners could be conducted by an objective third party.

**Adapt** our policies and investment strategies based on what we learn.

**Be accountable** to each other and the people of the region for achieving the outcomes we have agreed to pursue.

**Ensure** that public investments are consistent with the public’s values and priorities.

## PUTTING THE STRATEGIES IN PLACE

DECISION	WHEN	WHO
<p><b>Regional Transportation Plan</b> – accepts policies, projects and funding strategy as the long-range blueprint for the region's transportation system</p> <ul style="list-style-type: none"> <li>• Revise the 2004 Regional Transportation Plan (RTP)</li> <li>• Adopt new and revised components: the Transportation System Management and Operations Plan, the Regional Freight Plan, and the High Capacity Transit System Plan</li> <li>• Adopt new transportation policies</li> <li>• Adopt a list of transportation projects the region expects to undertake during the planning period</li> <li>• Revise the Regional Transportation Functional Plan to prescribe how cities and counties help implement the new RTP</li> </ul>	December 2009	Joint Policy Advisory Committee on Transportation and Metro Policy Advisory Committee make recommendations to Metro Council; Metro Council votes
<p><b>Urban Growth Report</b> – estimated capacity of the metro region to accommodate population and job growth over the next 20 years</p>	December 2009	Metro Policy Advisory Committee makes recommendation to Metro Council; Metro Council votes
<p><b>20-year capacity ordinance</b> – describes how the region will accommodate the next 20 years of population and employment growth</p>	December 2010	Metro Policy Advisory Committee makes recommendations to Metro Council; Metro Council decision
<p><b>Urban reserves</b> – land outside the urban growth boundary identified for potential future urban development</p>	December 2009	Metro Council and three counties identify potential urban reserves through intergovernmental agreements
<p><b>Rural reserves</b> – land outside the urban growth boundary identified for continued use as farmland or natural area</p>	December 2009	Clackamas, Multnomah and Washington counties identify potential rural reserves through intergovernmental agreements with Metro
<p><b>Urban reserves designated</b></p>	Spring 2010	Metro Council designates urban reserves by amending framework and functional plans
<p><b>Rural reserves designated</b></p>	Spring 2010	Clackamas, Multnomah and Washington counties designate rural reserves by amending comprehensive land use plans
<p><b>Regional Transportation Plan</b> – final adoption, which initiates local plan updates</p>	Summer 2010	Joint Policy Advisory Committee on Transportation and Metro Policy Advisory Committee make recommendations to Metro Council; Metro Council votes

## NEXT STEPS

This recommendation kicks off the decision-making phase of *Making the Greatest Place*. It is intended to stimulate public discussion of possible courses of action to improve our communities.

Concerted action by Metro and the other local governments of the region can put us on track to build great communities, limit expansion of the UGB, support a strong economy, and achieve important outcomes on behalf of the people of the region. Action by cities and counties to encourage higher levels of development in their centers, corridors and employment areas can help local communities to achieve their own aspirations to become more livable, lively and prosperous, and can also help the region to accommodate growth efficiently.

### **This recommendation, then, is a call to action. Action comes next.**

For Metro's part, the Council will "accept" the *2005-2060 Regional Population and Employment Forecast*, the *Urban Growth Report* and performance indicators to evaluate possible courses of action by resolution in December of this year. Immediately thereafter, Metro will work with its partner local governments and many others to improve each of the draft elements of the three ordinances. Then the Council will take its actions to adopt the ordinances in 2010.

To download the complete report, find out about open houses and public hearings, or to provide comments, visit **[www.oregonmetro.gov/greatestplace](http://www.oregonmetro.gov/greatestplace)**



## **Metro** | *People places. Open spaces.*

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy.

### **Metro representatives**

**Metro Council President** – David Bragdon

### **Metro Councilors**

Rod Park, District 1

Carlotta Collette, District 2

Carl Hosticka, District 3

Kathryn Harrington, District 4

Rex Burkholder, District 5

Robert Liberty, District 6

**Auditor** – Suzanne Flynn

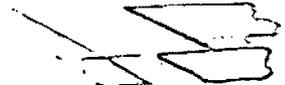
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## MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
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Diane McKeel • DISTRICT 4 COMMISSIONER

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### MEMORANDUM

TO: Chair Ted Wheeler  
Commissioner Deborah Kafoury  
Commissioner Jeff Cogen  
Commissioner Judy Shiprack  
Board Clerk Deb Bogstad

FROM: Sam Peterson  
Staff Assistant to Commissioner Diane McKeel

DATE: October 12, 2009

RE: Commissioner McKeel to be excused from the October 13, 2009  
Executive Session and Board Briefings

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Commissioner McKeel regrets the late notice, but will not be attending the October 13, 2009 Executive Session or Board Briefings.

Thank you,

Sam Peterson



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 10/13/09
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 10/07/09

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: October 13, 2009
Amount of Time Needed: 15 mins
Department: Non-Departmental
Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Agnes Sowle and Invited Others

General Information

1. What action are you requesting from the Board?

No final decision will be made in the Executive Session.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.

3. Explain the fiscal impact (current year and ongoing).

4. Explain any legal and/or policy issues involved.

ORS 192.660(2)(d),(e)and/or(h)

5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

Elected Official or
Department/
Agency Director:

[Handwritten signature]

Date: 10/07/09



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST** (revised 09/22/08)

**Board Clerk Use Only**

**Meeting Date:** 10/13/09  
**Agenda Item #:** B-1  
**Est. Start Time:** 9:15 AM  
**Date Submitted:** 10/07/09

**Agenda Title:** **Multnomah County Attorney's Annual Litigation Report**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

**Requested Meeting Date:** October 13, 2009      **Amount of Time Needed:** 45 minutes  
**Department:** Non-Departmental      **Division:** County Attorney  
**Contact(s):** Agnes Sowle, County Attorney  
**Phone:** 503-988-3138      **Ext.** 83138      **I/O Address:** 503/500  
**Presenter(s):** Agnes Sowle, John Thomas, Jenny Morf, Stephen Madkour

**General Information**

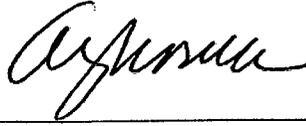
1. **What action are you requesting from the Board?**  
 Informational Only
2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**  
 Presentation of the County Attorney's FY 08/09 Litigation Report
3. **Explain the fiscal impact (current year and ongoing).**  
 N/A
4. **Explain any legal and/or policy issues involved.**  
 N/A
5. **Explain any citizen and/or other government participation that has or will take place.**  
 N/A

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**Required Signature**

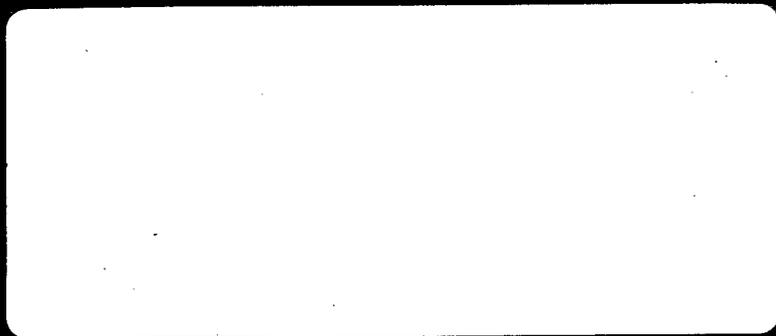
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**Elected Official or  
Department/  
Agency Director:**

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**Date: 10/06/2009**

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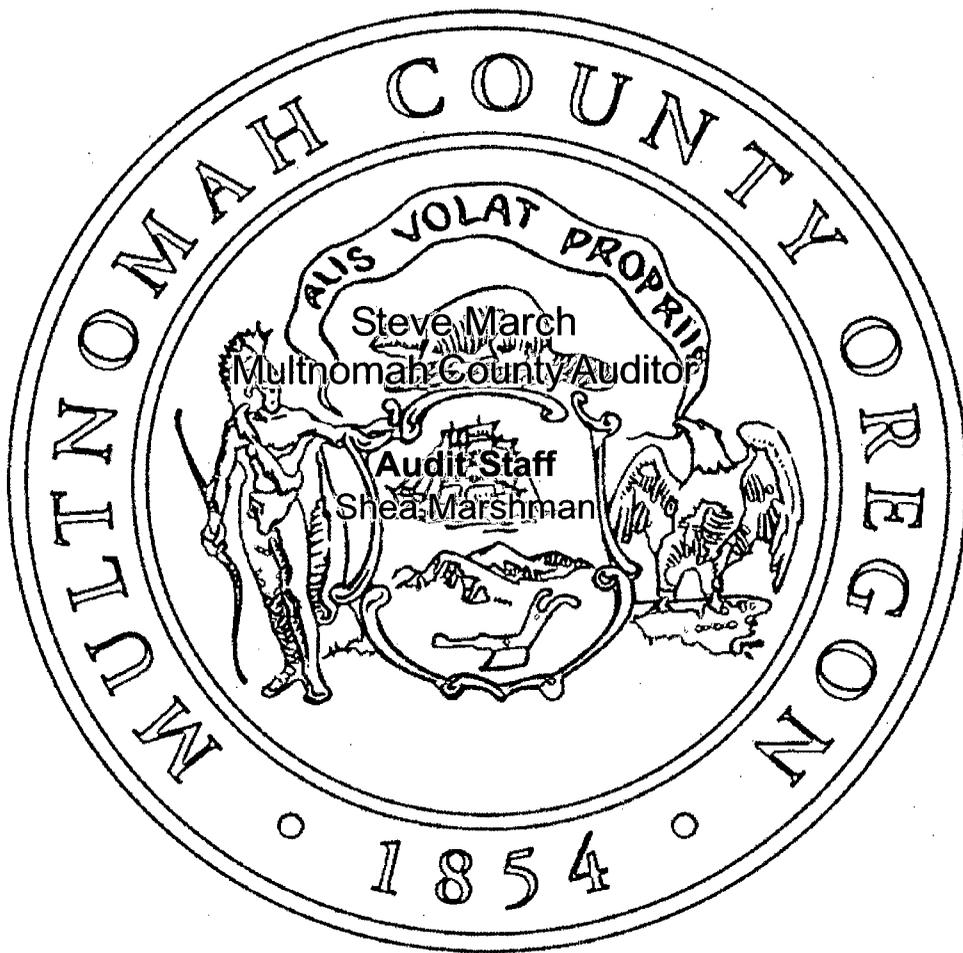
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MULTNOMAH COUNTY AUDITOR  
PORTLAND, OREGON

Multnomah County District Attorney:  
Data, Technology, and Communication  
with the Public

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September 2009



We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



# Office of Multnomah County Auditor

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Steve March  
County Auditor

501 SE Hawthorne Room 601  
Portland, Oregon 97214  
Phone: (503) 988-3320

Fran Davison  
Judith DeVilliers  
Joanna Hixson  
Craig Hunt  
Sarah Landis  
Shea Marshman  
Mark Ulanowicz

## MEMORANDUM

Date: September 10, 2009

To: Michael Schrunk, Multnomah County District Attorney  
Ted Wheeler, Multnomah County Chair  
Deborah Kafoury, Commissioner, District 1  
Jeff Cogen, Commissioner, District 2  
Judy Shiprack, Commissioner, District 3  
Diane McKeel, Commissioner, District 4  
Bob Skipper, Multnomah County Sheriff

From: Steve March, County Auditor  
Shea Marshman, Public Safety Auditor

Re: Audit of the District Attorney's Data, Technology, and Communication with the Public

The attached report covers our audit of the Multnomah County District Attorney's Office: data, technology, and communication with the public. We reviewed the efficiency, effectiveness, and performance of these department-wide policies and practices that affect operations across the organization. We found a number of areas in which successful changes are under way as well as areas where improvements can be made. We recommend several changes to enhance productivity through use of existing technology and improved communication with the public, while preserving the integrity of the county's public safety system.

This audit and our recommendations arrive at a difficult financial time for the county, when departments, including the District Attorney's Office, have been asked to do more with less. Multnomah County is fortunate to have a District Attorney who has long been a proponent of using technology to aid decision making and promote efficiencies in the area of public safety.

We want to thank District Attorney Schrunk, Chief Deputy District Attorney Rod Underhill, and the other members of the District Attorney's management team for their cooperation and assistance throughout the audit. In particular, we want to thank the prosecutors, administrative staff, and information technology staff in the District Attorney's Office, who spent time facilitating direct observations of prosecutorial functions, answering our numerous questions, assisting us with retrieving data, and helping us obtain a thorough understanding of the complexities of the essential services they provide.

Cc LPSCC

# Multnomah County District Attorney: Data, Technology, and Communication with the Public

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## Executive Summary

The Multnomah County District Attorney's Office (MCDA) is an important element of the public safety system, representing the state in the prosecution of criminal defendants. Prosecutors decide what cases should be issued, what criminal charges will be included, and what sentences should be recommended to the judge. If MCDA does not function effectively, public safety related to criminal prosecution may suffer. We analyzed MCDA's practices related to data-based decision-making, use of technology, and communication with crime victims, witnesses and the general public to determine whether functional improvements are needed.

The audit found that:

- Data are used effectively to support essential functions. Improvements in data collection techniques would help managers make better use of data to inform decision making and analyze policy outcomes.
- Existing technology is used to support legal research. Low cost enhancements to current systems show promise for improved efficiency.
- On-going efforts are being made to optimize case management tools using existing technology and to use electronic rather than printed documents where possible. Continued work will be needed to maintain the efficiencies that have been attained.
- Written and telephone communication with the public can be improved by simplifying word choice and clarifying management expectations through targeted training and policies.

Recommendations included in this report are intended to improve MCDA's ability to fulfill their mission of providing the citizens of Multnomah County with fair, timely, and cost-effective justice services. MCDA managers have already begun implementing improvements in several areas.

## Introduction

The Multnomah County District Attorney's Office (MCDA) represents the state in the prosecution of criminal defendants. When crimes are alleged, MCDA's prosecuting attorneys (prosecutors) review the cases and determine whether or not to issue criminal charges. Prosecutors decide what cases should be issued, what criminal charges will be included, and what sentences should be recommended to the judge. Criminal justice scholars recognize prosecutors as among the most powerful actors in the criminal justice system, exercising considerable authority over life and liberty. If MCDA does not function effectively, public safety related to criminal prosecution may suffer.

The mission of MCDA is: "To provide the citizens of Multnomah County with fair, timely, and cost-effective justice services." To successfully achieve their mission, MCDA must work to ensure that all internal processes are as effective and efficient as possible. As will be discussed in more detail below, MCDA contains specialized units to prosecute specific crime types. Each unit functions in a slightly different way than the others. However, this audit focused on reviewing department-wide policies and practices that effect operations across the organization.

After assessing overarching operations, the auditor determined that MCDA's use of data to inform decision-making, use of technology to streamline processes, and communication with the public were in need of additional review. As a result, the specific audit objectives were to: 1) determine whether MCDA is making optimal use of data to manage and evaluate its services; 2) determine whether improved use of existing technology could streamline processes; and 3) determine whether adequate policies are in place to ensure quality communication with the public.

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**Background**

MCDA is the largest county prosecutor in Oregon. From 2006-2008, MCDA issued criminal charges against (issued) more than 20,000 criminal cases annually. The MCDA attorneys and legal support staff prosecuted crimes ranging from low-level misdemeanors like offensive littering to violent felonies such as murder, rape, and robbery. In addition, MCDA is nationally recognized as an innovator in community-based prosecution strategies.

Oregon State Law (Oregon Revised Statutes 8.610-8.852) gives authority to the elected District Attorney to prosecute all felony and misdemeanor crimes in Multnomah County as well as city code violations in the City of Portland<sup>1</sup>. MCDA reviews and prosecutes criminal cases presented by the police agencies in the County, represents the State in cases of juvenile dependency and delinquency, enforces child support orders, and provides services to victims. MCDA also works in collaboration with other public safety and social service organizations to prevent and intervene in domestic violence, elder abuse, and child abuse, and to eliminate chronic sources of crime through appropriate sanctions, supervision, and treatment programs.

MCDA is part of the larger criminal justice system in Multnomah County. The county's criminal justice agencies also include the Multnomah County Sheriff's Office, responsible for jails and some law enforcement and the Department of Community Justice, responsible for probation, parole, and juvenile justice services. The criminal justice agencies located within the borders of Multnomah County, but which do not fall under Multnomah County authority, include: the Portland Police Bureau, Gresham Police Department, Troutdale Police Department, Fairview Police Department, and the Courts.

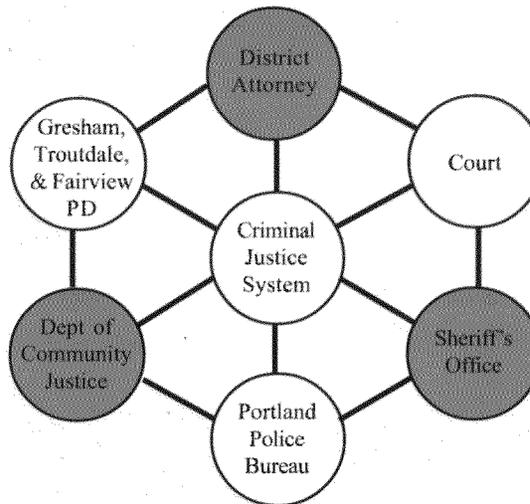
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<sup>1</sup> MCDA has specific jurisdiction over municipal (city code violation) cases only in the City of Portland, not the other incorporated cities in the County.

Figure 1 illustrates how the criminal justice system is interconnected. Even though the individual agencies are not necessarily governed by the same authority or funded through the same sources, they are interdependent. For example, if the District Attorney's Office changes the way it prosecutes certain types of crimes, it may impact the other criminal justice agencies by affecting jail bed usage or the number of people sentenced to probation.

MCDA's managers must consider organizational interdependence, time constraints, and budgetary factors when making decisions. As an organization, MCDA is directly impacted by its interdependence with other criminal justice agencies. Because MCDA is part of the larger criminal justice system in Multnomah

**Figure 1: The Criminal Justice System in Multnomah County**



Source: Multnomah County Auditor's Office

County, policy decisions must be carefully considered to identify how they might affect other agencies and the safety of the public. In some cases, policies may not be implemented without direct collaboration with other agencies.

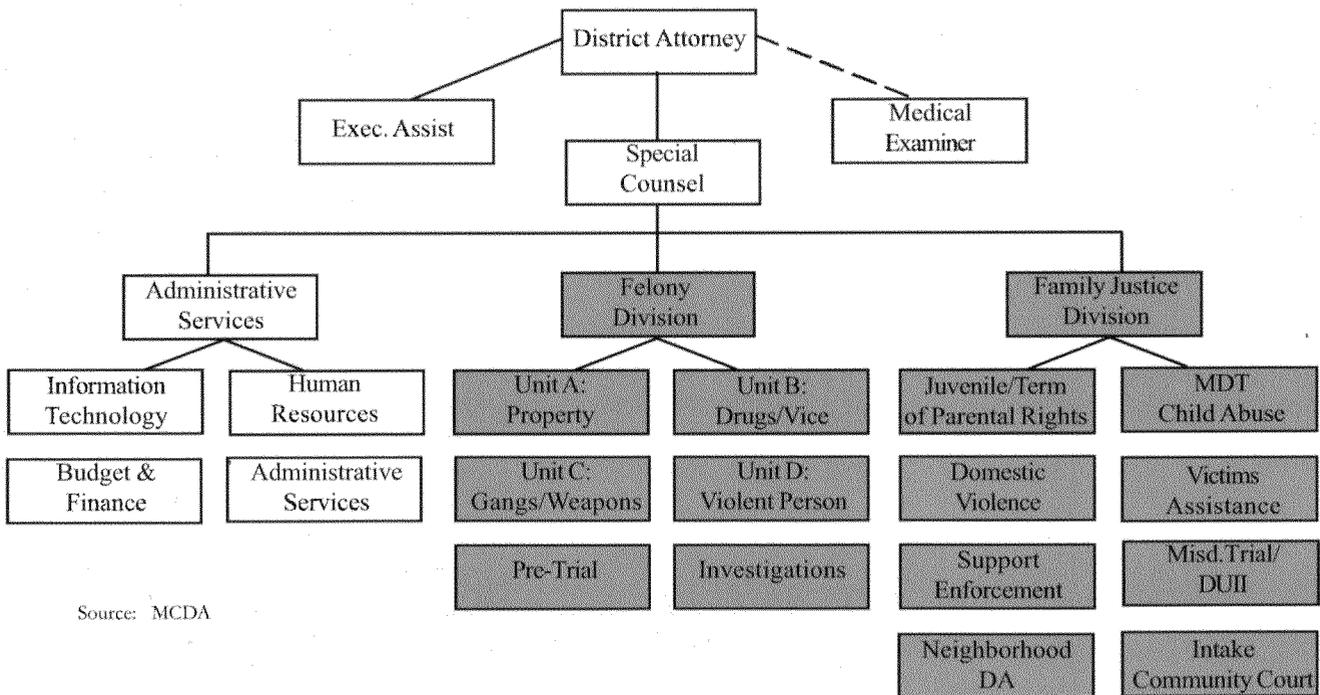
Time is also a factor that MCDA's managers must consider. Many of the legal functions that MCDA performs are time sensitive. For example, people arrested for a crime must be

arraigned in court within a certain number of hours (generally the next court day) or the case may be dismissed. Policies that increase the time needed to process cases may be impossible to implement.

As this audit was conducted, MCDA was facing a reduction in budget brought on by the county budget constraints. The county general fund allocation for MCDA was reduced in FY2010. This may result in the loss of a number of administrative staff and attorney positions. Policies and practices that make better use of limited resources are essential in the current environment.

MCDA is organized into units that specialize in prosecuting specific crimes and providing support services for victims. Figure 2 shows how MCDA is structured. The prosecution units (Felony Division and Family Justice Division) are shaded.

**Figure 2: MCDA Organizational Structure**



Source: MCDA

## **Audit Findings**

The audit findings fall into three broad categories of analysis: use of data to inform decision-making, use of technology to streamline processes, and communication with the public.

### **Use of Data to Inform Decision-making**

MCDA maintains a case management and data collection system called CRIMES. CRIMES was designed to track cases through the prosecution process and allow managers to evaluate large amounts of data. When a case is entered into CRIMES it includes basic information about the alleged crime, the defendant(s), victim(s), and witness(es). As the case proceeds through the system, data such as case notes and detailed information about the legal proceedings associated with the case are added. Once the case is closed, the information is maintained in the database and can be retrieved for review as necessary.

Managers explained that the primary purpose of CRIMES has been to carry out tasks on cases that were previously often performed manually, such as issuing charging instruments and subpoenaing witnesses. For these purposes, the CRIMES system has allowed the office to more efficiently and effectively accomplish its primary tasks. Even though tracking cases and allowing managers to evaluate large amounts of data are secondary purposes of the system, CRIMES has had recognized success in these areas. Managers said MCDA frequently receives requests for case information and data from local, regional, and national criminal justice organizations.

The data in CRIMES must be accurate to inform decision-making and to help ensure that MCDA is doing the best possible job for the community. It may ultimately affect public safety because mistakes can be made if managers base their decisions on incorrect or incomplete data. However, once accuracy is assured, the data can be used to evaluate practices and make improvements as needed.

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**Finding 1: Improvements to data collection processes are needed to ensure that data are accurate**

- Unnecessary and inconsistently selected reason codes and case flags make drawing accurate and inclusive data cumbersome
- Informed decision-making is limited by inconsistent data entry in some areas

Reason codes and case flags are data elements assigned to cases. For example, when attorneys reject a case they select a reason code such as “insufficient evidence as a whole” that indicates why the case was rejected. Case flags are used to identify cases by type. For example, a case prosecuted under a specific federal grant would be flagged for inclusion in summary grant reports. Reason codes and case flags are important because they provide specific information, which would not otherwise be available, about cases. When used consistently and correctly, data collected from reason codes and case flags can allow MCDA to identify what has transpired in individual cases, track specific case types, and more completely evaluate their practices.

Our evaluation of current reason codes and case flags identified problems. In an effort to capture detailed information, MCDA has too many codes with no accompanying direction about how staff and attorneys should select them. For example, all of the reason codes associated with dismissed and rejected cases are included in drop down menus from which the most appropriate code must be selected. Over time, dismissal reason codes and case rejection codes have been added, but no effort has been made to ensure that they are being used correctly. At the time of this audit, there were 65 dismissal reason codes and 63 case rejection reason codes to choose from.

As discussed previously, attorneys and staff have considerable time constraints that limit the time they can dedicate to searching through a long list of reason codes or case flags. Studies show that when seasoned professionals make decisions under time constraints they are significantly more likely to save time by choosing the first option that will effectively solve the problem than to take the time to make sure they have made the optimal choice<sup>2</sup>.

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<sup>2</sup> Klein, A. & Calderwood, R. (1991) *Decision models: Some lessons from the field*. Transactions on Systems Management, and Cybernetics. 21:5. Sept/Oct.

Over the past three calendar years, more than two thirds of the dismissal and rejection codes have been used less than one percent of the time and managers are not confident that those codes that are being used were selected correctly. However, problems were not identified for reason codes with a list of options short enough to be easily scanned for the optimal selection. Although case flags are used for different purposes that may make accurate selection more likely, similar problems were found with case flags, which have been used inconsistently and not removed once they become unnecessary.

Inconsistencies in some of MCDA's data entry practices does not imply that case information is inaccurate. The CRIMES system receives a download of case events each night from the Oregon Judicial Information Network (OJIN). This process helps ensure that CRIMES case information is consistent with case activity recorded in the courts' data system. Managers also said that inconsistencies in data do not ultimately result in inaccurate reports because the data and the resultant reports are subject to careful and inclusive scrutiny. However, they also described situations in which the process of ensuring that data are correct has been cumbersome and time consuming. By identifying and correcting current problem areas and conducting regular spot-checks of reason codes and case flags in the future, MCDA will promote increased data usability.

Managers said that work is currently underway to identify dismissal and rejection reason codes that can either be eliminated or collapsed. Some case flags may be eliminated if no unacceptable loss of data results from the change. Further, an annual or bi-annual review of codes and flags will be established.

**Recommendations:**

- 1.1 Continue to work with IT to remove and collapse reason codes and case flags that are confusing, no longer needed, or duplicate other functions in CRIMES
- 1.2 Conduct regular tests of reason codes and case flags to ensure that they are maintained at a workable size and are being selected appropriately
- 1.3 Spot check new reason codes and case flags to ensure that they are being used correctly
- 1.4 Develop guidelines and conduct on the job training if needed to standardize use of reason codes and case flags.

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**Finding 2: More thorough analysis of data is needed to inform management decisions and evaluate practices and policy outcomes**

- Management reports are primarily used to assess case management and general performance information rather than specific areas for improvement
- Data are not commonly used to assess policy outcomes

A common goal of prosecutors is to effectively manage their offices by using sufficient resources to provide quality prosecution services consistent with their policies. To achieve this goal, prosecutors must have management information to know what is happening in their offices and to make informed decisions. They also have to be able to analyze and act on this information<sup>3</sup>.

There are two types of data-driven information that help to inform prosecutorial management: operational information and management information. Both types of information are important. Operational data provide information needed to run an office. This may include elements like the status of cases or where cases are in the court system, the inventory of cases that attorneys are currently prosecuting, the docket and the files needed for court proceedings, scheduled hearings, or how cases can be moved along to disposition.

Management data provide information needed to assess the office's performance and to identify areas needing change or improvement. For example, management information about case processing and disposition provides answers to important questions like: how good are MCDA's conviction rates?; are too many cases being dismissed and if so why?; if attorneys are having trouble with trial calendars breaking down, where is the problem occurring?; are attorneys following the plea policy?

MCDA currently draws upon a wide array of operational information to inform decision-making. Managers explained that senior management uses a variety of reports on a monthly, semi-annual, and annual basis. Some of those reports originate with

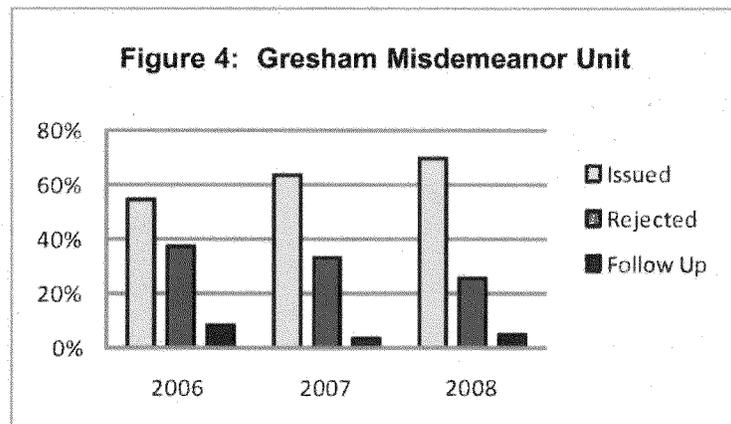
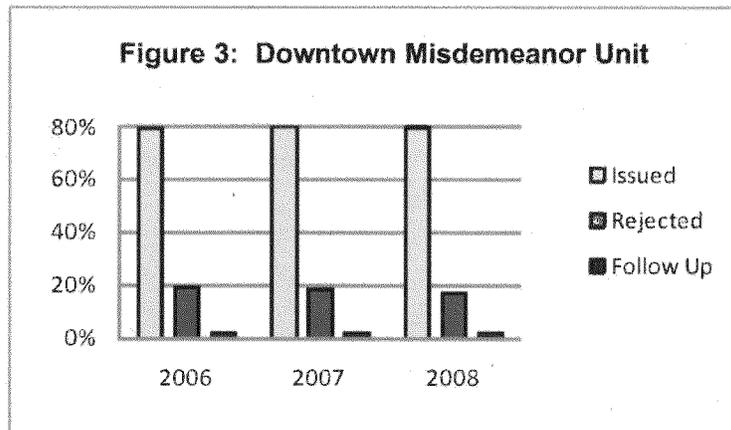
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<sup>3</sup> Jacoby, J et al (1999). *Prosecutor's Guide to Management Information*. Jefferson Institute for Justice Studies. <http://www.jiis.org/publications/prospubs/mgtinfo.pdf>

CRIMES, some do not. The reports include, but are not limited to: fiscal reports by division, case statistics broken down by unit, year-to-date and year-to-year statistics by unit, and case-aging data. Managers also said that they review case issuing and cases reviewed reports similar to those shown below on a periodic basis throughout the year.

MCDA managers currently have access to mostly operational information that helps them to manage cases. Improvements could be made to promote the better use of management information. MCDA's data could be, but are not commonly used to analyze practices to determine whether MCDA is meeting policy goals over time or to identify problem areas in the process.

Figures 3 and 4 are examples of one way that existing data analysis could be used to evaluate trends in case issuing and to make comparisons between units to assess the success of practices.



Source: MCDA data compiled by Auditor's Office

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Figures 3 and 4 show the percentage of cases received in which MCDA issued charges, rejected the case, or returned the case to police for follow up investigation. During 2006, 2007, and 2008 the downtown misdemeanor unit issued criminal charges on a higher percentage of cases than the Gresham misdemeanor unit. However, the percentage of cases the Gresham unit issued has increased steadily over the same time period. If these trends do not support the anticipated results for the units, managers will need to look closer at how charges are issued and why they are being rejected.

Among the other types of data that could be analyzed are: plea bargaining and dismissal patterns by case and charge type, the point in the system in which most cases are disposed and/or delayed, case backlogs, and the impact of changes in population and crime types<sup>4</sup>.

MCDA data can also be used to analyze policy outcomes. For example, Oregon law gives District Attorneys the authority to decide at what level (e.g. felony, misdemeanor, or violation) some criminal charges will be prosecuted. The District Attorney may reduce many felony charges to misdemeanors and misdemeanor charges to violations if there is reason to believe that the interests of justice would be served in doing so. Reducing a felony to a misdemeanor limits the types of sentences and fines that can be requested if the defendant is found guilty. Reducing a misdemeanor to a violation means that the charge will not be recorded in the defendant's criminal history and may be resolved by paying a fine rather than by proceeding through the court system.

MCDA managers have indicated that they may attempt to meet budgetary shortfalls through cost savings that result from reducing some crimes from felony to misdemeanor and more misdemeanors to violations. Therefore, at this time, it is particularly important for MCDA managers to pay attention to outcomes related to levels of prosecution.

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<sup>4</sup> Areas for data analysis based on recommendations from research conducted by the Jefferson Institute for Justice Studies.

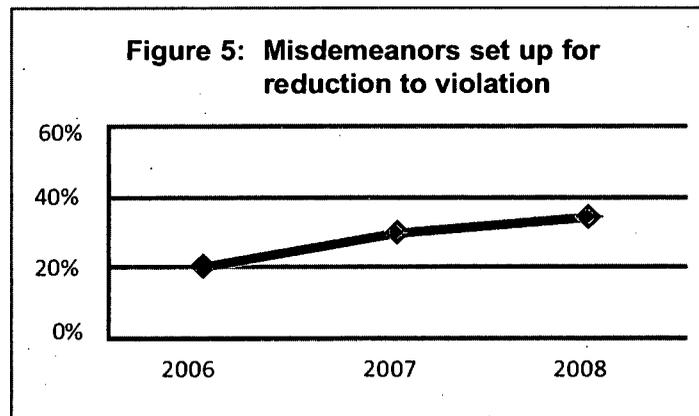
The following is an example of how managers could use data they already collect to evaluate MCDA's current policy supporting the reduction of some low-level misdemeanors to violations if the defendant appears in court for his or her scheduled arraignment.

MCDA policies instruct attorneys on how to decide whether certain types of misdemeanors should be: 1) issued as a violation; 2) issued as a misdemeanor and set up for reduction to a violation at arraignment; or, 3) issued as a misdemeanor. Under option two, if a defendant charged with certain categories of low-level, non-violent misdemeanors appears in court for arraignment, the charge may be reduced to a violation. If the defendant fails to appear (FTA) in court, the judge will issue an arrest warrant and the original charge will be issued as a misdemeanor.

MCDA managers explained that the purpose of this policy is to expedite the processing of very low-level, non-violent misdemeanors if the defendants follow the law by appearing in court while still holding them accountable if they continue to break the law by failing to appear. As discussed previously, MCDA policies affect other criminal justice agencies. In this case, MCDA's policy directly impacts both the courts and the Multnomah County Sheriff's Office (MCSO). For the courts, there is a cost associated with every warrant issued. If the administrative cost of processing an FTA warrant is greater than processing a violation, it is important for MCDA managers and the courts to be confident that the policy balances the interest of justice with the effective use of scarce resources. For MCSO, every warrant must be resolved by booking the defendant into custody. MCDA and MCSO managers should consider whether the cost of booking defendants into custody is equal to the public safety benefit of holding low-level, non-violent misdemeanants accountable in this way.

Currently, MCDA managers do not know how often this policy is used or whether it appears to be an effective use of court resources because they have not analyzed available data to evaluate the policy outcomes. The following is an example of one way that managers might use existing data to evaluate the policy.

Among the many variables that MCDA managers might consider are: 1) the number of misdemeanor cases that are set up for reduction to violation; 2) the number of reduction cases that result in FTAs (and an arrest warrant); and 3) the number of FTAs in which the defendant is alleged to have committed new crimes while the resultant arrest warrant was in effect. Although some of the potential implications of the data are included below, this example is intended as a demonstration of possible methods that could be used rather than an analysis MCDA's current policy.



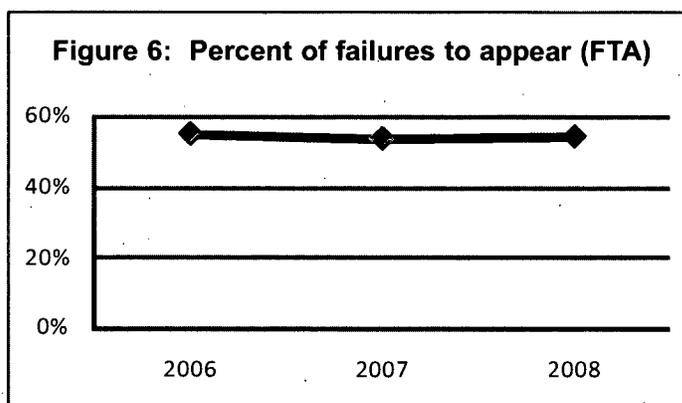
Source: MCDA data compiled by Auditor's Office

Figure 5 shows the percentage of misdemeanors set up for reduction to violations at arraignment in MCDA's downtown Portland misdemeanor unit<sup>5</sup>.

Between 2006 and 2008, the percentage of misdemeanors set up for reduction to violation increased from twenty percent (1,781 cases) of the total number of misdemeanors issued to thirty-four percent (3,148 cases). It can be assumed that MCDA and court resources were saved every time a defendant appeared at arraignment because the charge would have been issued as a violation and there would have been no need for the case to be processed through the formal court system.

<sup>5</sup> Similar cases issued by the Gresham misdemeanor unit are not included in this example.

Figure 6 shows the number of misdemeanors set up for reduction to violations in which the defendant failed to appear (FTA) in court.



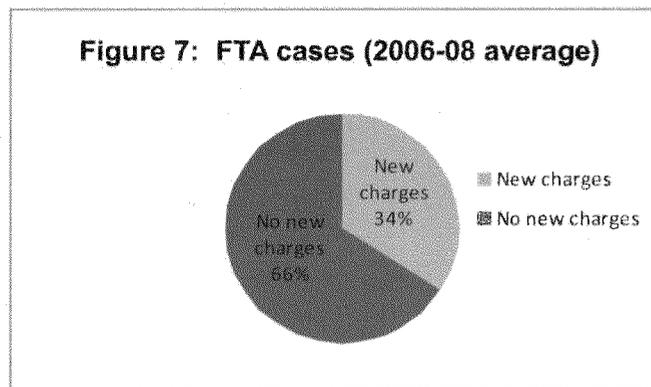
Source: MCDA data compiled by Auditor's Office

An average of just over fifty-four percent (1,350) of defendants with cases assigned to the Portland misdemeanor unit failed to appear in court for arraignment on misdemeanors set up for reduction to violation during 2006, 2007, and 2008.

These data demonstrate that over three year more than 3,400 cases that might otherwise have entered the formal court system were processed as violations. In addition, there was an increase in the number of cases processed as violations without a corresponding increase in FTA problems. Conversely, the data also show that between 2006 and 2008, more than 4,000 warrants were issued for low-level, non-violent misdemeanor crimes that had been set up for reduction to violation.

The data raise a variety of policy questions. On one hand, if the cases had all been prosecuted as violations rather than misdemeanors set up for reduction at arraignment, MCDA, the court, and MCSO would have saved the cost of all 7,484 cases. On the other hand, MCDA managers have said that issuing all of the reduction cases as violations would fail to support justice and public safety because defendants would not be held accountable for the criminal acts that they are alleged to have committed.

Figure 7 shows the three-year average percent of cases in which defendants with an FTA warrant on cases set up for reduction to violation were arrested for a new crime during the time that the warrant was in effect. Between 2006 and 2008, an average of thirty-four percent (462 of 1,350 cases) of the FTAs on cases set up for reduction to violations were arrested for committing new crimes. It cannot be assumed that everyone who committed a crime was caught, but this measure demonstrates that behaviors associated with a criminal lifestyle may contribute to FTAs.



Source: MCDA data compiled by Auditor's Office

Again, there are many ways to evaluate this information. These data may demonstrate the benefit of the existing policy for holding defendants accountable by enhancing the likelihood that they will be held in custody. On the other hand, the police may have caught the defendants committing new crimes regardless (and without the added cost) of the FTA warrant. In order to answer this question, MCDA managers may choose to consider the types of crimes that are being alleged. If even a few serious crimes appear to have been thwarted as a result of this policy, the potential benefit to public safety may outweigh other costs. However, if the new charges are the same low-level, non-violent misdemeanors, the cost to the criminal justice system may be too great. In light of current budgetary constraints, managers may wish to consider whether or not MCDA and public safety would benefit from similar policies in other areas of the criminal justice system.

Similar evaluations of policies can be used to estimate the possible impact of current budget changes and track actual changes resulting from policy implementation. To date, MCDA managers have rarely analyzed data in this way, thus limiting their ability to assess the office's performance and to identify areas needing change or improvement.

Managers pointed out that there are many variables that make analyzing MCDA's policy outcomes difficult. For example, while the quantity of cases processed (as demonstrated in this report) is an easy piece of data to obtain, determining the quality of an outcome is more complicated. MCDA managers said just a few of the variables are: cooperativeness of victims, quality of witnesses and evidence, complexity of the case issues and charges, and trial by jury. They also said the forty circuit court judges and the fourteen referees that may be assigned can be a factor. Managers also explained that there are also cases in which the best outcome is not a guilty verdict or plea, but rather a successful diversion program followed by a dismissal of charges. In addition, there is a significant difference in the way misdemeanor cases are handled versus felony cases in that felony cases are assigned to specific attorneys from their inception while misdemeanors may be prosecuted by a different attorney than the one who issued the case.

These complexities demonstrate why meaningful data analysis of MCDA's management information must include collaboration between information technology staff and prosecutors. Prosecutors provide the professional expertise to develop analytical questions and reports that meaningfully inform real world decision-making. IT staff can ensure the appropriate data are drawn and analyzed. Managers explained that MCDA has already taken steps to address this issue by converting a clerical support position to a data analyst position. The goal of this shift is to provide organizational capacity to drill deeper into data and analyze its meaning. Further, managers have expressed interest in considering possible options for increased use of data for evaluating key policies.

**Recommendations:**

- 2.1 Continue to shift IT and administrative staff efforts toward broader analysis of data
- 2.2 Ensure that collaboration between IT staff, clerical staff, and mid-level managers is resulting in meaningful decision-making data
- 2.3 Increase the use of data to analyze key policies for effectiveness, consistency, magnitude of use, interagency concerns, and impacts

**Use of Technology to Streamline Processes**

Technology is essential for effective prosecution. Computerized functions save time by streamlining the process and ensuring uniformity of legal practices. However, MCDA must monitor its technology to ensure that it is working as intended and available as needed.

**Finding 3: Electronic knowledge management tools for legal research and document sharing will make more effective use of attorney time**

- Re-creating rather than re-using legal research is a poor use of attorney time
- Low cost technological knowledge management options available to prosecutors are not used

Legal research is an essential and often time consuming part of prosecution. Good legal research requires that attorneys fully capture the appropriate precedent setting cases and present them to the court in a well written document. Legal scholars argue that modern innovations in information technology have increased the amount of legal information that attorneys must capture, which also increases the amount of time that must be spent to be sure they have the most accurate information and decreases the time available for writing. To be effective, legal research must include the cases that established a legal precedent as well as all the newest information relating to the case. Since technology has resulted in a huge increase in information and case law, it takes longer for attorneys to search for the newest information. Therefore, it is important that they be able to re-use rather than re-create legal research when possible so they only have to update the research with the newest information rather than starting from scratch.

Knowledge management systems and brief banks reduce the time needed for legal research by sharing legal documents among attorneys, giving examples of the standard of writing that the office expects, and supporting a legal search engine. They do not take the place of the legal expertise required of a professional prosecutor, and it cannot be assumed that a prosecutor can simply pull an existing document from a brief bank and submit it after only having changed a name or date. However, knowledge management systems do help to make better use of existing intellectual capital.

Prosecutors across the country report that they struggle to maintain knowledge management systems in the face of limited financial resources. MCDA managers said several years ago the MCDA Librarian position, responsible for maintaining the law library and brief bank, was eliminated as part of budget constraints. MCDA has continued to purchase and update essential legal research materials and provides access to LexisNexis, one of the leading legal research tools available online. As is the case in many prosecutor's offices, attorneys in MCDA often share information from existing briefs by word of mouth and via email. Managers pointed out that, in some respects, this is as effective as a knowledge management system. However, it can also be inefficient and is limited by attorneys' knowledge of the cases other prosecutors have tried or whether attorneys are available to reply to emails when information is needed.

Managers explained that they know a knowledge management system could save time and effort, but have not fully explored options because they have assumed solutions would mean purchasing costly specialized software packages and hiring additional staff. Currently many of MCDA's most commonly used documents are stored in the CRIMES data system. In addition, managers said they have purchased an electronic document management system and are exploring using the system as a brief bank.

While knowledge management software systems can be very expensive, there are less expensive methods available to facilitate information sharing. In fact, legal scholars<sup>6</sup> recommend careful

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<sup>6</sup> Sanders C. (2002). *KM 101: Assistive Technology for Knowledge Management Initiatives*. American Bar Association Legal Technology Resource Center.

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consideration of existing technology and office needs before purchasing new software systems.

No matter how they choose to enhance their practices, MCDA managers will need to explicitly promote information sharing and provide examples of how knowledge management can be used to increase efficient and effective prosecution. Managers said that they support a culture of information sharing as demonstrated by trainings designed to provide the most current legal research in specialized areas. Further, managers explained that they believe the collective knowledge of attorneys that have reviewed and updated certain materials will often result in the best product.

**Recommendations:**

- 3.1 Make it clear to attorneys that information sharing to re-use rather than re-create intellectual capital where possible continues to be valued in the organization
- 3.2 Develop a knowledge management group including staff with IT, clerical, and legal expertise to contribute a portion of their time to setting standards for document sharing mechanisms, vetting documents, and improving information sharing
- 3.3 Explore existing no-cost prosecution brief banks to determine whether they would be beneficial for MCDA
- 3.4 Use the office shared drive to provide legal writing samples, aside from the document templates maintained in CRIMES, to demonstrate management's expectation for writing quality

**Finding 4: Better monitoring of case management technology is needed to ensure it optimal use**

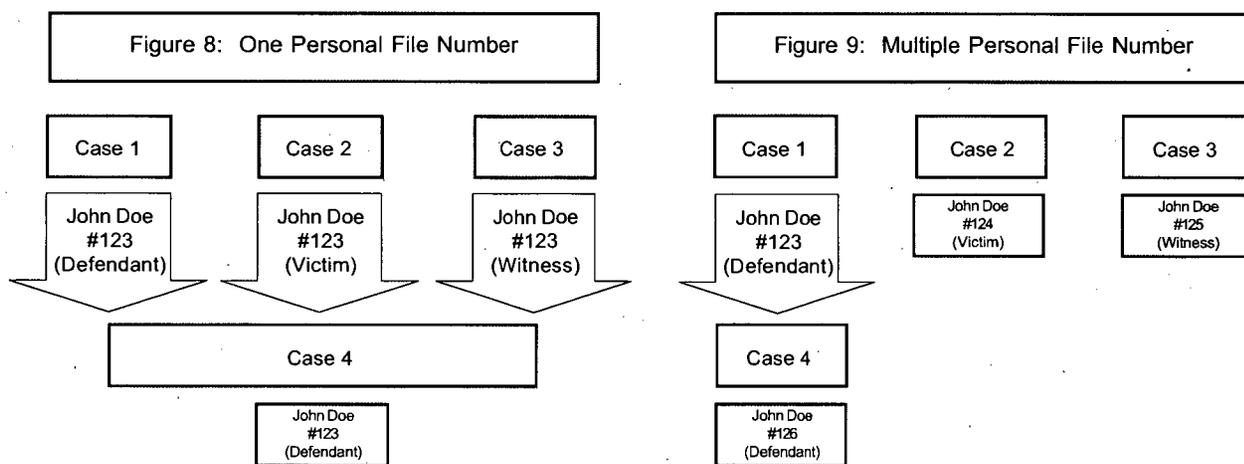
- Multiple personal file numbers reduce efficiency, increase the likelihood of data entry inaccuracy, and limit case information available to prosecutors
- Increased efforts have recently been made to remove multiple personal file numbers from MCDA's case management database, but ongoing work is needed

The CRIMES system designates a unique Personal File Number (PFN) to each person, business, or agency associated with a case.

In the same way that people have a unique social security number defendants, victims, witnesses, emergency medical personnel, law enforcement officers, and all other persons of interest are given a PFN.

The intended purpose of the PFN is to uniquely identify each entity so it can be retrieved even if the name, address, or other identifiers change. The PFN also saves time and limits data entry errors because attorneys and staff members can simply enter a PFN rather than having to retype the information. After staff have compiled a complete criminal history using the Law Enforcement Data System (LEDS), National Crime Information Center (NCIC), Portland Police Bureau Data System (PPDS), Department of Motor Vehicles (DMV), and other law enforcement data from across the country, PFNs can be used to help prosecutors establish a case history if a person involved in the case has also been involved in other criminal cases.

Figure 8 illustrates how a PFN can be used to gather information about John Doe. Although John Doe is the victim in case 2 and the witness in case 3, the prosecutor can use case notes about John Doe along with criminal history reports to inform his or her prosecution strategy in case 4.



Source: Multnomah County Auditor's Office

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If, on the other hand, John Doe is assigned a new PFN for each case, the prosecutor's information about him will be limited to general criminal history information that can be obtained in the criminal justice databases without the additional benefit of past case notes regarding behavior or willingness to work with prosecutors. Figure 9 illustrates how multiple PFNs can limit prosecutors' access to case history.

Managers explained that avoiding multiple PFNs has been a difficult and on-going process for MCDA because individuals trying to avoid prosecution often provide inaccurate identification information to mislead the police and the court. This is a problem that MCDA shares with all of its criminal justice partners. Also, MCDA staff may legitimately hesitate to select an existing PFN if there is any doubt about the individual's identity. Managers said that they would rather staff err on the side of caution and create a second PFN than incorrectly assign an existing PFN to the wrong individual.

During this audit, MCDA increased efforts to merge multiple PFNs that had been assigned to individual people and businesses. Clerical staff who had been inadvertently creating multiple PFNs have received brief, targeted training and have been able to correct errors. Further, managers report that system-wide testing for multiple PFNs and staff trainings have been updated to include specific instructions for correctly reviewing PFNs that might need to be merged.

By the end of audit fieldwork, only three percent of all PFNs were potential multiples. Only 0.3% of the PFNs assigned to individuals were potential multiples. However, almost ninety-five percent of PFNs assigned to businesses were potential multiples. Managers report that MCDA IT staff are working to mitigate this problem by creating easily accessible drop down menus containing the most commonly selected businesses, hospitals, and other non-person participants in criminal cases. Because the problem of multiple PFNs can never be completely eliminated, continued efforts are needed to keep the problem under control.

**Recommendations:**

- 4.1 Continue to conduct regular tests of PFNs to identify multiples, determine why they are being created, and provide specific training for clerical staff and prosecutors who are creating multiples
- 4.2 Continue to develop and update guidelines and conduct on the job training as needed to ensure that employees are confident in selecting an existing PFN rather than creating a new ones
- 4.3 Develop lists of commonly used PFNs (i.e. businesses and hospitals) so staff can avoid searching for them
- 4.4 Continue to work with IT to consolidate multiple PFNs

**Finding 5: Efforts are being made to limit unnecessary use of printed documents and avoid wasted resources.**

**Continued work will be needed to identify and reduce unnecessary use of printed materials**

- Few unused documents are auto-generated and managers are seeking an even greater reduction in printed materials
- A recent collaboration with the Portland Police Bureau (PPB) is facilitating electronic information sharing where printed legal documents are not necessary

MCDA managers said the court system and its legal requirements have a long tradition of being a paper driven process. Legal requirements for specific documents and the approaches that are necessary to avoid potential civil liability are often cumbersome, but well known and unavoidable. Only recently have the court and other involved agencies moved to use technology to improve the system by working toward implementing an electronic document filing system (E-court) that is currently under construction.

In MCDA, auto-generated documents are legal forms necessary for prosecuting cases. The documents are automatically produced and printed by computer then manually sorted and mailed by administrative staff. Managers report that in 2008 MCDA used approximately 12,000 reams of paper in the preparation of hundreds of thousands of legal documents. MCDA produces hundreds of auto-generated documents such as subpoenas and notices to victims every day. The auto-generating tool saves time for administrative staff and alleviates the need to keep track of whether documents have been sent to victims and witnesses. However, because the system is automated, it is

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important to monitor auto-generated documents to ensure that they are being generated correctly and are discontinued when no longer legally necessary. Failure, to do so may result in wasted time and resources.

The auditor found that only about one ream of unused documents were auto-generated during the week-long test period. Even though the amount of unused paper was small, managers expressed interest in considering options to limit it even further. Managers said that, as an organization, MCDA has always looked for ways to maximize technology and find efficiencies that work within the requirements of the court. They also said that staff members regularly provide feedback and suggestions to improve office efficiencies.

During the audit fieldwork, the auditor observed other efforts MCDA is making to reduce the need for printed documents that have become unnecessary due to changes in practices. For example, clerical staff identified a potential area where some printed documents MCDA produces to facilitate its work with the Portland Police Bureau (PPB) might be reduced. During the audit, MCDA managers initiated collaboration with PPB that has the potential to alleviate the need to send more than 71,000 paper subpoenas per year to officers scheduled to appear in court. Managers said MCDA and PPB are carefully considering all legal impediments to a shift away from these printed documents. Attempts are being made to increase the use of electronic methods for sharing documents and information.

**Recommendations:**

- 5.1 Conduct regular reviews of the auto-generated documents to identify ineffective printing practices
- 5.2 Continue to discourage paper usages through use of electronic documents and methods for sharing information where legally possible
- 5.3 Continue to promote collaboration with other agencies and private businesses that receive large numbers of paper documents from MCDA to establish methods for reducing dependence on printed documents

**Communication  
with the Public**

The people MCDA works with have often been directly affected by criminal activity. These include crime victims, witnesses, and criminal defendants. Many victims and witnesses are upset or are confused by the complicated criminal justice process. Effective communication with citizens helps prosecutors establish credibility and trust by providing accurate, timely information that supports the interests of justice.

**Finding 6: Clear expectations and specific training will improve communication with the public**

- Call taking and voice mail policies do not make management expectations clear
- All voice mail greetings are professional and brief, but some lack basic information
- Continued training is needed to ensure management's expectations for call taking are met

In many cases, the telephone is the first (and possibly only) method by which the public will have contact with MCDA. The importance of effective telephone communication by clerical staff and attorneys should not be underestimated. MCDA managers agree that professional telephone communication is important to the work they do. Further, they point out that working with the public is always a learning experience. Managers said MCDA strives to ensure that all employees are trained and coached to meet expectations and confidentiality requirements.

Given the nature of the work, callers may range from citizens asking how to resolve a traffic citation to victims of a violent crime who need immediate assistance. Further, it is not uncommon for staff members to receive calls from people who have called MCDA in error. For example, callers seeking a marriage license may call MCDA for information even though the function is not within its authority. MCDA's clerical staff and attorneys must skillfully assist all callers while also protecting sensitive or confidential information.

In addition, the quality of voicemail greetings on MCDA telephone lines can affect whether callers feel comfortable leaving a voice message. It is important that voicemail greetings clearly convey all necessary information. For example, if voicemail greetings on attorney's phones give their names, but

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do not mention that they work in MCDA, callers may worry that they are leaving a message for the wrong person and hesitate to leave sensitive information.

MCDA's expectations for taking calls are written into work assignments and job descriptions as appropriate. Managers said follow-up and coaching for call taking practices happens when a customer service complaint is received and/or during the course of regular supervisory review. Managers explained that general voicemail guidelines are provided to staff and prosecutors during their initial employee orientation. The guidelines are printed directly from the county's website, which provides suggested greetings and instructions on how to record greetings. The county's general guidelines suggest that voicemail greetings identify the person and/or office the caller has reached, the availability of the person called, and instructions for gaining immediate assistance.

The auditor tested MCDA's telephone practices to determine whether improvements are needed. A random sample of 40 voicemail greetings demonstrated that all voice messages were professional, brief, and to the point. In several cases, greetings included the person's name, but not the organization or did not include contact information for immediate assistance. A clear statement of expectations specific to MCDA voicemail greetings could help managers set a consistent tone for interactions with the public.

Testing call taking practices at MCDA was somewhat more complicated. MCDA call takers answer a very large volume of calls every day. The auditor and managers agreed that conducting a lengthy evaluation by repeatedly calling to test a random sample of call taking practices would only add to the already heavy workload. Therefore, the auditor worked with managers to establish call times and days that would capture the broadest range of call taker practices by calling MCDA's main information telephone lines during low call load times. Supervisors provided the auditor with general questions that callers routinely ask and the expected answers or actions that should be taken. These questions were combined with professional best practices criteria for call takers to develop the test tool. To further ensure that the small, targeted sample captured legitimate problem areas, the auditor asked supervisors

to inform call takers when the test would occur and the questions that would be used to evaluate their call taking.

With only one exception, call takers were polite, professional, and offered assistance. However, lack of specific management guidance and training appears to contribute to inconsistent practices and, at times, inaccurate responses to questions. Some call takers provided inaccurate information about basic MCDA functions or were unable to direct callers to the City/County information line for general information. Several call takers transferred calls to the MCDA general information telephone line rather than answering basic questions themselves. Managers explained that call takers are expected to transfer calls to the appropriate unit to answer specialized questions. However, a practice of transferring callers with general questions may reduce efficiency by contributing to the workload at the general information desk. It may also add to caller frustration.

Cross-training of clerical staff is a common practice that MCDA uses to encourage professional development. Newer employees who have not yet gained broad experience in MCDA appear to need more detailed information about organizational practices early on. Also, spot checks by supervisors and call taking training may benefit more experienced staff who are not meeting management's professional expectations. Managers said that as possible areas for improvement were identified during the audit, immediate action was taken to provide information and coaching,

#### **Recommendations**

- 6.1 Develop policies and procedures for voicemail greetings and call taking that include general guidelines or detailed procedures as appropriate
- 6.2 Train all call takers about basic MCDA functions and provide guidance about when to refer to the City/County information line
- 6.3 Conduct spot checks to ensure that probationary and experienced call takers clearly understand organizational expectations

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**Finding 7: Clearly worded forms and documents will improve written communication with victims and witnesses**

- Documents sent to victims and witnesses are too complicated and increase the likelihood of miscommunication

The law requires MCDA to send a variety of documents and forms to crime victims and witnesses. Some of these documents are intended to provide information about how the case was resolved and do not require action. Others, such as subpoenas, inform victims and witnesses that they are required to appear in court. Forms that are unclear and unnecessarily complicated increase the likelihood that people involved with the criminal justice system will be confused or frustrated by an already complicated process. They also cause recipients to spend time trying to get their questions answered over the telephone. This takes time that staff, attorneys, victims, and witnesses could use more productively. However, managers explained that legal requirements may limit their ability to word documents in the most ideal way.

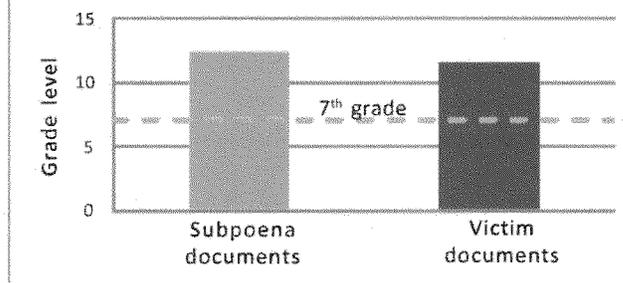
Documents that are both legible and readable are most likely to convey the intended information. Elements of legibility such as font sizes, bolded text, and boxes to focus the reader's attention on important information can be used to help readers recognize important information on the document. We assessed the quality of MCDA's documents and found that, on average, most (80%) of the documents are designed adequately to allow readers to easily recognize and identify the intended information. When considered by type, however, subpoena documents are somewhat less likely (62%) to convey the intended information as compared with documents sent to victims (82%).

Readability is a measure of the likelihood that the reader will understand the information contained in the document. For example, complicated word choice and sentence structure will decrease readability. Research<sup>7</sup> indicates that, to be most effective, the documents MCDA sends to victims and witnesses

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<sup>7</sup>Cotugna, N. et al (2005). *Evaluation of literacy level of patient education pages in health-related journals*. *Journal of Community Health*, Vol. 30, No. 3. June. Rogers, R et al (2007). *An analysis of Miranda warnings and waivers: Comprehension and coverage*. *Law and Human Behavior*. Vol. 31.

**Figure 10: Average document grade level (goal 7<sup>th</sup> grade)**



Source: Multnomah County Auditor's Office

should be written at about a 7<sup>th</sup> grade reading comprehension level. The auditor tested the readability of MCDA's documents and found that, on average, they are written at much higher grade levels (Figure 10).

Figures 11 and 12 demonstrate how wording choices can improve the readability of MCDA's documents. A quick analysis using a tool available in all Microsoft Word documents shows that figure 12 is approximately 50% more readable than figure 11 without any loss of information. These are given as examples of the kind of revisions MCDA should consider for all of its subpoena and victim documents.

**Figure 11: Current document wording**

Please call (503) 988-3122 immediately upon receipt of every subpoena to verify that you have received the subpoena and to state your availability for trial. To avoid unnecessary appearances, please call again the day before the trial date to confirm that the trial is still scheduled. It is important to give the subpoena clerk your unavailable dates for the upcoming four to six weeks to help avoid scheduling conflicts if the case is set-over to a new date.

Source: MCDA

**Figure 12: Suggested readability improvements**

- Please call (503) 988-3122 as soon as you get this subpoena.
- When you call, tell the clerk whether or not you can be in court on the scheduled date.
- Court dates are often rescheduled, so tell the clerk what dates you cannot be in court for the next 6 weeks.
- Call (503) 988-3122 the day before the trial date to make sure the date has not been changed.

Source: Multnomah County Auditor's Office

**Recommendations:**

- 7.1 Evaluate all documents provided to the public and make changes to improve readability and legibility
- 7.2 Develop guidelines for creating documents for the public that include readability tests
- 7.3 As possible, remove unnecessary legal language from documents sent to the public

**Objective, Scope, and Methodology**

The objectives of the audit were to:

- Determine whether MCDA is making optimal use of data to manage and evaluate its services
- Determine whether improved use of existing technology can be used to streamline processes
- Determine whether adequate policies and procedures are in place to ensure the quality of communication with the public

The scope of the audit was generally limited to policies and practices in MCDA that impact the entire organization rather than one or more of the individual units. This audit included all units and programs under the authority of the District Attorney with the exception of the Support Enforcement Division (SED), which is regularly audited by the federal government. The Medical Examiner was not included in this audit because it is funded by MCDA, but not under the organizations authority.

During the course of the audit, the auditor conducted more than fifty interviews, including all management staff (both attorneys and administrative support), deputy district attorneys, clerical staff from all units, and information technology (IT) personnel responsible for maintaining all data systems. The auditor also interviewed prosecutors, attorneys, judges, and scholars with experience working with MCDA and in the field of prosecution in general.

The auditor observed legal proceedings, key administrative meetings, and work activities essential to the primary functions of MCDA and reviewed MDCA general policies for all units, clerical job descriptions for all desks, and internal fiscal policies. The auditor reviewed professional and scholarly literature related to the role and practices of prosecutors as well as the professional standards from organizations such as the American Bar Association (ABA), the Oregon State Bar (OSB), the

National District Attorneys Association (NDAA), and the Jefferson Institute for Justice Studies (JIJS). The auditor also reviewed performance audits of prosecution functions from Snohomish County, Washington, the State of Minnesota, and from this office. There is a scarcity of performance audits of district attorneys and prosecutorial functions.

All management data were collected from MCDA's CRIMES case management data system. CRIMES data were used to evaluate MCDA's data collection and analysis practices to identify areas for improvement and provide examples of how trend analyses and unit comparisons can be used. Specific criteria for the analysis of prosecution management data were based on research conducted by the Jefferson Institute for Justice Studies.

To assess the use of auto-generated documents, the auditor collected a sample of all such documents produced by MCDA during a one week period and conducted hand counts of document totals by type and unit.

The overall quality of forms and documents was evaluated based on a review of all legal document templates designed to be sent to victims and witnesses. Selected portions of each document were analyzed for readability, legibility, and completeness using the Flesch Reading Ease and the Flesch-Kincaid Grade Level formulas available in Microsoft Word software. Documents were also evaluated based on visual communication recommendations for forms design that allows readers to quickly find and understand important elements of the documents. Criteria for the specific information that should, optimally, be included in MCDA's documents were based on interviews with MCDA staff and attorneys.

Telephone practices were evaluated using a random sample of 40 (20%) voicemail greetings recorded by MCDA employees and a judgmental sample (35) of call taking practices. Professional standards for telephone protocols were drawn from a telecommunication audit conducted by the City of Portland Auditor's Office. Specific criteria for call taking expectations in MCDA were based on questions developed by administrative supervisors currently working in MCDA.

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This performance audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



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Responses to Audit





## Michael D. Schrunk, District Attorney

1021 SW Fourth Avenue, Room 600  
Portland, OR 97204-1193  
Phone: 503-988-3162 Fax: 503-988-3643  
www.mcda.us

August 27, 2009

Steve March, County Auditor  
501 S. E. Hawthorne, Room 601  
Portland, Oregon 97214

Dear Mr. March:

I wish to express my appreciation to you and your staff for the work you have performed in auditing the District Attorney's Office. It is important that the Board of County Commissioners and the public get accurate and relevant information regarding the services provided by their county government programs. As you know, this office is a recognized leader around the country in both the quality of prosecution and in innovative approaches to important public safety issues.

As your office also knows, the District Attorney's Office is responsible for prosecuting crimes committed in Multnomah County, the most populous county in the State of Oregon. At the time this audit was prepared, the office maintained a staff of approximately 223 positions (84.3 attorneys) in fifteen locations around the county and with a fiscal year 2008/2009 operating budget of approximately 26.6 million dollars. In calendar year 2008, the office reviewed over 28,000 cases, issued charges on 5,135 felony cases and over 15,000 misdemeanor cases, collected over 32 million dollars in child support and freed 189 children for adoption.

It is important to understand the overall responsibilities and work of the District Attorney's Office so that the results of this audit may be placed in their proper context. We appreciate some of your suggestions for program improvements in areas such as written and telephone communications and a viable brief bank for our lawyers. While we have reservations regarding some conclusions, we share the fundamentally positive view of the office outlined in your Executive Summary. Thank you for your work.

Very truly yours,

MICHAEL D. SCHRUNK  
District Attorney



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 10/15/09  
**Agenda Item #:** B-2  
**Est. Start Time:** 10:00 AM  
**Date Submitted:** 09/03/09

**Agenda Title:** **Board Briefing from Metro Councilors and Metro Chief Operating Officer Michael Jordan Regarding the Integration of Regional Land Use and Transportation Efforts in a Way that Sustains Economic Competitiveness and Prosperity, Protects Farms and Natural Areas, and Enhances Our Quality of Life**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

**Requested Meeting Date:** October 15, 2009      **Amount of Time Needed:** 30 minutes  
**Department:** Non-Departmental      **Division:** District 2  
**Contact(s):** Warren Fish, Karol Collymore, Jeff Cogen  
**Phone:** 503.988.5219      **Ext.** 85219      **I/O Address:** 503/600  
**Presenter(s):** Metro COO Michael Jordan and Metro Councilors Burkholder, Liberty, and Park.

**General Information**

**1. What action are you requesting from the Board?**

Scheduling a Board Work Session to discuss issues related to coordination of regional land use and transportation policy, and getting a briefing on Metro's "Making the Greatest Place" report, which will be issued on September 15, 2009.

**2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

Policy recommendations aimed at better integrating regional land use and transportation efforts in a way that sustains economic competitiveness and prosperity, protects farms and natural areas, and enhances our quality of life will be laid out in a report issued by Metro COO Michael Jordan on September 15<sup>th</sup>, 2009 titled "Making the Greatest Place."

Included in Jordan's report will be:

- A draft of the 2035 Regional Transportation Plan (RTP) that outlines investments in multiple modes of transportation aimed at supporting economic growth, reducing global warming, and enhancing vibrant communities where residents can choose to walk for pleasure and to meet their everyday needs;
  - A report analyzing the capacity of the current Urban Growth Boundary (UGB) to accommodate the anticipated population and employment growth in the region over the next 20 years, as required by Oregon law;
  - Guidelines for designating urban and rural reserves in a manner that supports growth and development inside the current UGB, protects valuable farm and forest land, and achieves the best use of limited public investments in transportation and other services;
  - Stated aspirations of local cities and counties for managing growth in a way that sustains vibrant communities, and a listing of the public and private investments identified to achieve those aspirations;
  - An analysis of the investments necessary to maintain and build new public assets, such as sewers, sidewalks, parks and others that are essential in supporting healthy communities, and
- A framework for measuring the effectiveness of local and regional public policies and investments in achieving desired growth outcomes and to inform future growth management decisions.

**3. Explain the fiscal impact (current year and ongoing).**

None.

**4. Explain any legal and/or policy issues involved.**

Numerous policy links exist between Metro's Regional Transportation Plan; Metro's Urban Growth Boundary Capacity Analysis completed every 5 years, and the tri-county Reserves Steering Committee process.

**5. Explain any citizen and/or other government participation that has or will take place.**

The release of Jordan's recommendations initiates a 30-day public comment period on the elements contained in the report.

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**Required Signature**

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**Elected Official or  
Department/  
Agency Director:**

**Date: 09/03/09**

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On September 15, Metro Chief Operating Officer Michael Jordan will release a report that outlines a series of policy recommendations aimed at better integrating regional land use and transportation efforts in a way that sustains economic competitiveness and prosperity, protects farms and natural areas, and enhances our quality of life.

Included in Jordan's report will be:

- A draft of the 2035 Regional Transportation Plan (RTP) that outlines investments in multiple modes of transportation aimed at supporting economic growth, reducing global warming, and enhancing vibrant communities where residents can choose to walk for pleasure and to meet their everyday needs;
- A report analyzing the capacity of the current Urban Growth Boundary (UGB) to accommodate the anticipated population and employment growth in the region over the next 20 years, as required by Oregon law;
- Guidelines for designating urban and rural reserves in a manner that supports growth and development inside the current UGB, protects valuable farm and forest land, and achieves the best use of limited public investments in transportation and other services;
- Stated aspirations of local cities and counties for managing growth in a way that sustains vibrant communities, and a listing of the public and private investments identified to achieve those aspirations;
- An analysis of the investments necessary to maintain and build new public assets, such as sewers, sidewalks, parks and others that are essential in supporting healthy communities, and
- A framework for measuring the effectiveness of local and regional public policies and investments in achieving desired growth outcomes and to inform future growth management decisions.

This report will be the culmination of a multi-year effort, entitled "Making the Greatest Place," and will inform actions by the Metro Council this fall on the adoption of the RTP (pending an air quality analysis), agreements (with Clackamas, Multnomah and Washington counties) on urban and rural reserves, and the completion of the state-required capacity analysis of the UGB. In 2010, the Metro Council will take final action on the RTP, designate urban reserves (while counties designate rural reserves), and consider a possible expansion of the UGB if needed.

The release of Jordan's recommendations initiates a 30-day public comment period on the elements contained in the report. Metro would welcome an opportunity for Councilors Rex Burkholder, Robert Liberty and Rod Park (as well as Mike Jordan or another Metro staff member) to meet with the Multnomah County Board of Commissioners at its regularly scheduled work session on Tuesday, October 6, to talk about the highlights of the COO recommendation and receive comments and feedback from the Commissioners.

Please contact Ken Ray at [ken.ray@oregonmetro.gov](mailto:ken.ray@oregonmetro.gov) or at 503-797-1508 if you have any questions about this. Thank you.



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST** (revised 09/22/08)

**Board Clerk Use Only**

**Meeting Date:** 10/13/09  
**Agenda Item #:** B-3  
**Est. Start Time:** 10:30 AM  
**Date Submitted:** 10/02/09

**Agenda Title:** **Vera Institute of Justice Briefing on Criminal Justice Research and Trends**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

**Requested Meeting Date:** October 13, 2009      **Amount of Time Needed:** 30 minutes

**Department:** Non Departmental      **Division:** Commissioner Shiprack

**Contact(s):** Jason Ziedenisberg, Department of Community Justice

**Phone:** 503-988-4376      **Ext.** 84376      **I/O Address:** 305/250

**Presenter(s):** Christine Scott-Hayward, Research Associate, the Vera Institute of Justice; Reagan Daly, Senior Research Associate, Center on Sentencing and Corrections

**General Information**

**1. What action are you requesting from the Board?**

The Department of Community Justice (DCJ) has contracted with the Vera Institute to conduct research on its systems practices. This briefing will focus on their work in Multnomah County and include information on past research findings by Vera on Multnomah County practices; new research Vera is working on in conjunction with DCJ, and a brief discussion on where the county fits into Vera's national work to improve public safety outcomes.

**2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

The Vera Institute of Justice has worked with Multnomah County on research to improve DCJ's parole and probation sanctioning practices, and improve our use of correctional resources. Their visit to Multnomah County during this week begins a new research agenda with DCJ to assist in the development of further improving and enhancing the county's community supervision practices.

At Commissioner Shiprack's request, DCJ is making the researchers available to brief the board on their previous research findings, on their plans to engage in new research with DCJ to improve

supervision practices, and to brief the board on, where does Multnomah County fits in national effort to improve public safety practices.

This item has no impact on DCJ program offers.

**3. Explain the fiscal impact (current year and ongoing).**

This item has no fiscal impact for the county.

**4. Explain any legal and/or policy issues involved.**

This item is a briefing, and carries no legal or policy impacts.

**5. Explain any citizen and/or other government participation that has or will take place.**

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**Required Signature**

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**Elected Official or  
Department/  
Agency Director:**



**Date: 10/02/09**

# The Fiscal Crisis in Corrections

## Rethinking Policies and Practices

JULY 2009 (updated)

Christine S. Scott-Hayward

# Executive Summary

States across the United States are facing the worst fiscal crisis in years. Declining revenues are forcing cuts across virtually all government functions, including corrections, which for many years had been considered off limits. The budgets of at least 26 state departments of corrections have been cut for FY2010, and even those whose budgets have not been cut are reducing expenditures in certain areas. This report, drawing on a survey of enacted FY2010 state budgets and recent legislation, looks at how officials are responding to these reductions and how others are mobilizing to find efficiencies and savings.

Most of the activity is occurring in three areas:

**OPERATING EFFICIENCIES:** Though many state corrections departments squeezed out efficiencies during the last recession, they are trying to eke out even more savings now. States are reducing healthcare services or joining in purchasing agreements to lower the cost of inmate pharmaceuticals. Many states have reduced corrections staff, instituted hiring freezes, reduced salaries or benefits, and/or eliminated pay increases. Others are consolidating facilities or halting planned expansions. Still others are eliminating or downsizing some programs.

**RECIDIVISM REDUCTION STRATEGIES:** High rates of failure among people on probation and parole are a significant driver of prison populations and costs in most states. To cut down on new offenses and the incarceration of rule violators, several states are strengthening their community corrections systems. Many states began these efforts in the past few years as part of the national emphasis on helping people successfully return to the community following their release from prison. States are now bolstering both their reentry programs and community supervision programs and working to improve outcomes for people on supervision.

**RELEASE POLICIES:** The biggest budget savings come from policy changes that impact how many people come into prison and how long they stay. Staffing typically accounts for 75 to 80 percent of corrections budgets, so substantial cost reductions can be achieved only when the prison population shrinks enough to shutter a facility—whether a single cellblock or an entire prison. In FY2010, states looking for large cuts have turned to release policies and found that they can identify some groups of people who can be safely released after serving shorter terms behind bars.

Given that current state budget deficits are expected to continue and possibly increase over the coming years, states will need to continue to find ways to control corrections costs. Each year, the decisions will become more difficult. Management strategies may extend operating efficiencies, but the resulting cost savings are likely to fall short of what states will need to make ends meet. When deeper cuts are required, states will have to shift expenditures from costly prisons to far more economical investments in community corrections and confront controversial questions about which people really need to go to prison and how long they should stay. State governments are beginning to rise to the challenge of cutting corrections costs while maintaining or even boosting public safety. This paper highlights some of the innovative and creative ways they are doing so.

## FROM THE CENTER DIRECTOR

The story of the rise in incarceration rates in the United States and the associated increase in corrections expenditures is not new. In most states, prisons are full or overcrowded and corrections absorbs significant resources—more than \$50 billion in 2008. What is new is the states' recent focus on cutting corrections costs and improving criminal justice outcomes.

This report, from Vera's Center on Sentencing and Corrections, examines how states are responding to the current fiscal crisis and attempting to make changes in their criminal justice systems that will not only reduce costs but also enhance public safety and reduce recidivism.

This report could not be more timely. Political leaders on both sides of the aisle are looking for cost-effective ways to increase public safety. Fortunately, for the past number of years, researchers and practitioners around the country have developed and tested new and innovative criminal justice policies that work to reduce recidivism. And these policies are gaining support at all levels of the government—from state governments to the Department of Justice, where Attorney General Eric Holder has repeatedly supported using modern, evidence-based methods for developing policy.

As policymakers navigate their budget shortfalls this year and next, we hope this report provides them with useful evidence-based options for cutting costs and increasing public safety.



Peggy McGarry  
Director, Center on Sentencing and Corrections

## Introduction

As their 2009 legislative sessions ended, many states were still working to balance their budgets. Deficits that affected a handful of states in FY2008 had become widespread: Forty-three states were facing an aggregate budget gap in FY2009 of more than \$100 billion, undermining funding for essential services such as education, health care, and corrections. More shortfalls were projected for FY2010, and at least 31 states had forecast budget gaps for FY2011.<sup>1</sup> These gaps would be even greater without the availability of federal stimulus funds.

Second only to Medicaid, corrections has become the fastest growing general fund expenditure in the United States.<sup>2</sup> Two million three hundred thousand people in the U.S. are now in prison or jail—more than one in 100 adults.<sup>3</sup> On any given day 7.3 million adults are under federal, state, or local correctional control (including those on probation, parole, and other forms of supervision)—one in 31 adults.<sup>4</sup> In FY2008, the most recent year data are available, states spent an estimated \$47 billion of general funds on corrections, an increase of 303 percent since 1988. They spent an additional \$4 billion in special funds and bonds and \$900 million in federal funds, bringing total corrections expenditures to nearly \$52 billion. With one in every 15 state general fund dollars now spent on corrections, officials have little choice but to look there for savings. In doing so, however, they must be careful to find cuts that will not compromise public safety.

This report, based on a survey of enacted FY2010 state budgets and other recent sentencing and corrections legislation, found that at least 26 states have reversed the trend of recent decades and cut funding for corrections.<sup>5</sup> The report examines the form of these cuts: reductions in operational costs, strategies for reducing recidivism, and reforms in release policies. It also highlights a number of innovations that states are pursuing for long-term cost reductions.

# The Effect of the Fiscal Crisis on Corrections

States have responded to the budget shortfalls in different ways. In some cases, policymakers have made no cuts to corrections budgets. Often this is because legislators and/or governors want to insulate public safety agencies from statewide cuts. In Indiana, for example, where most executive branch agency budgets were reduced by 8 percent, public safety was named one of four priority areas and the Department of Correction's

FY2010 budget was increased by more than 6 percent from FY2009. Arkansas and Texas also saw increases of greater than 5 percent.

Most states, however, cut their corrections budgets. Corrections spending decreased in 26 of the 37 states for which numbers were available. Seven states—Georgia, Idaho, Illinois, Kansas, Montana, Nebraska and Washington—saw double-digit decreases.<sup>6</sup>

Whether their corrections budgets are up or down, some states are investing for long-term savings. Wisconsin, for example, which is facing a \$6.6 billion deficit over the next two years, increased its corrections budget by more than 3 percent, including an appropriation of \$10 million to

expand community-based treatment for people on community supervision. This investment is expected to yield lower costs in years to come.

Table 1, opposite page, summarizes the actions taken by the states that responded to the survey.

## Seeking Operating Efficiencies

State agencies faced with imminent cuts often find reducing operational costs to be the quickest and easiest step to take. During the budget

Changes in Corrections Budgets FY2009-FY2010

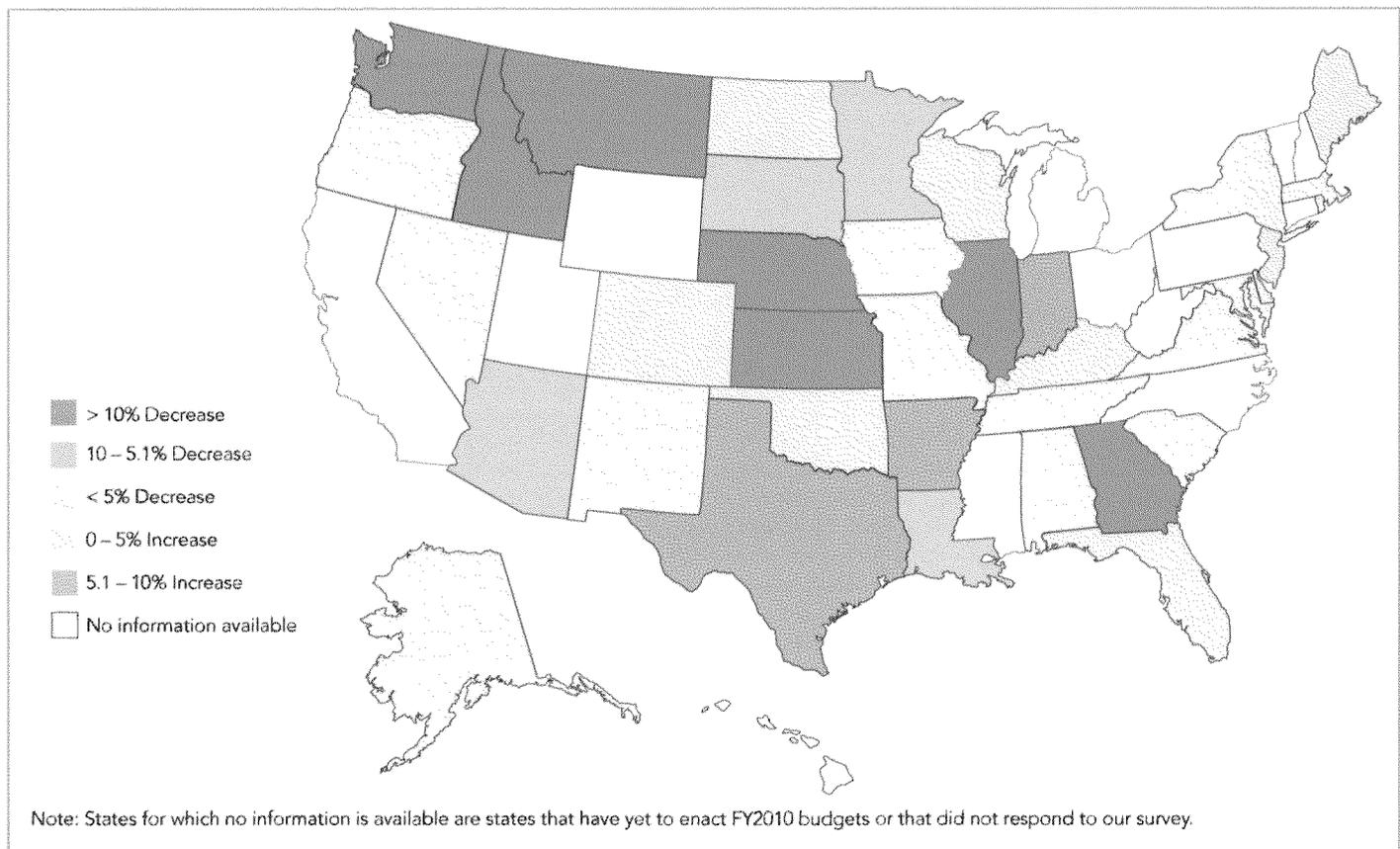


Table 1: Corrections Budget Changes and Cost-Saving Efforts in Fiscal Year 2010

State	CORRECTIONS BUDGET CHANGES		COST-SAVING EFFORTS IN FY2010 BUDGETS						
	Initial FY2010 general fund appropriations (in millions)	% change in initial general fund appropriations from FY2009 to FY2010	Decrease health services (medical, mental health, or dental)	Reduce food services	Eliminate pay increases, reduce benefits, or decrease overtime	Staff reductions or hiring freezes	Eliminate or reduce programs or discontinue/ renegotiate contracts for programming	Close facilities or reduce beds	Delay expansion or construction of new facilities
AL	\$366.2	-1.13			x	x			
AK	\$212.4	-0.16					x		x
AZ	\$876.3	-7.51	x		x	x	x	x	x
AR	\$290.4	5.31							
CO	\$677.6	0.38			x	x		x	x
DE	\$249.5	-3.71		x	x	x	x		x
FL	\$2,297.9	1.64	x	x		x	x		
GA	\$986.6	-14.77			x	x	x	x	
IL	\$1097	-17.42			x	x	x	x	
ID	\$150.7	-14.35			x	x		x	x
IN	\$678.8	6.38			x	x			x
IA	\$356.5	-4.31			x			x	
KS <sup>1</sup>	\$215.1	-21.98	x		x	x	x	x	
KY	\$440.4	3.73			x	x		x	x
LA	\$604.4	-7.63			x	x	x	x	x
ME	\$165.3	3.49	x	x	x	x	x		
MD	\$1,049.6	-4.59			x	x			
MA	\$521.1	-1.78	x		x	x	x	x	
MN	\$430.9	-8.75	x			x	x		
MO	\$656.9	-1.48			x	x	x		
MT	\$167.4	-11.19							
NE <sup>1</sup>	\$120.8	-18.06							
NV	\$257.7	-0.08			x	x	x	x	x
NJ	\$1,052.1	1.50			x	x	x	x	
NM	\$284.6	-4.21	x	x	x	x	x	x	x
NY	\$2,300.9	-3.76			x	x	x	x	
ND*	\$70.5	1.29							
OK	\$503	0				x			
OR*	\$604.7	-4.63			x	x	x	x	x
RI	\$177.4	-0.69			x	x	x	x	
SC	\$330	-1.97			x	x	x		
SD <sup>1</sup>	\$75.9	-8.51	x	x	x	x			
TN	\$667.3	-1.90		x		x			x
TX	\$2791.5	6.66							
VA	\$973.4	-4.22		x	x	x	x	x	
WA*	\$1,555.7	-10.37	x		x	x		x	x
WI	\$1,123.9	3.49			x	x			

Note: Corrections budgets are given for informational purposes only. Some budgets include appropriations for probation, parole, and/or juvenile corrections, while others only include adult corrections expenditures.

Sources: Enacted budgets; interviews with state departments of corrections officials.

At time of printing, three states—Connecticut, Michigan, and Pennsylvania—had not passed budgets for FY2010.

\*FY2009-2011 Biennium. Figure for North Dakota's FY2010 is an estimate provided by the North Dakota DOC. Figure for Oregon's FY2010 estimated by the Oregon DOC at 48 percent of the agency's biennial budget. The Washington DOC was unable to provide a figure for FY2010.

+ Officials in Kansas, Nebraska, and South Dakota reduced initial general fund appropriations for their departments of corrections knowing that a portion of the reductions would be made up by federal stimulus funds. In addition to the \$215.1 million in general fund appropriations, the Kansas DOC initial FY2010 operating budget includes \$40.5 million in federal stimulus funds; thus the actual operational impact on the Kansas DOC budget is a decrease of 7.28% from FY2009. Similarly, the Nebraska DOC's FY2010 budget replaced approximately \$35 million of general funds with federal stimulus funds with the result that its FY2010 operational budget increased by 5.67% from FY2009. South Dakota added \$8 million in federal stimulus funds to its DOC budget making its FY2010 operating budget \$83,861,452, an effective increase of 1.1% from FY2009.

shortfalls that occurred earlier this decade, most states followed this path by consolidating facilities or reducing beds, reducing personnel costs, or eliminating programs.<sup>7</sup> They are taking similar actions for FY2010. Almost every state that responded to our survey (32 of 37), including those whose corrections budgets were not reduced, has adopted such cost-cutting measures.

The specific strategies for finding such savings vary, however. Health-care costs associated with corrections have been a common target. Maine, for example, renegotiated the contract with its healthcare provider and also changed the way it dispensed medications to inmates. More controversially, a few states have reduced the food services provided to inmates: Georgia, for example, reduced the number of meals provided to inmates, (while still providing the same number of calories). Some states, including Kansas and New York, have postponed planned expenditures and put holds on technology upgrades. However, the most common cost-cutting measures for FY2010 fall into three broad categories: reducing personnel costs, downsizing programs, and closing facilities.

### PERSONNEL SAVINGS

At least 31 states have reduced staff, instituted hiring freezes, reduced salaries or benefits, and/or eliminated pay increases. Alabama eliminated merit and cost-of-living pay raises and froze hiring of all corrections personnel except correctional officers. New York extended an existing hiring freeze and eliminated nonessential administrative positions. Idaho's

Department of Corrections recently announced plans to cut 38 jobs and require all workers to take unpaid furloughs over the course of the fiscal year. Nevada and New Mexico are among several states that passed increases in medical insurance costs on to their employees.

### DOWNSIZING PROGRAMS

In recent years, many states strengthened their community supervision services by expanding treatment and other programs. Unfortunately, budget deficits have forced many states to make some cuts to these programs. At least 20 states have eliminated or reduced programs or discontinued or renegotiated contracts for programming. Most of these states have been able to cut costs without eliminating any programs entirely. For example, Louisiana consolidated some programs while New Mexico halted proposed expansion of reentry and other prison programs. Other states have made more significant cuts. Delaware reduced funding for some substance use and community treatment programs while Colorado reduced some parole services. Kansas, one of the national leaders in community corrections, saw some of the worst cuts. Treatment programs in the community were severely impacted with 80 percent of substance abuse treatment slots and over half of sex offender treatment slots eliminated. Some in-prison academic and vocational education programs were also eliminated. The state is attempting to restore funding for some of these programs by shifting some financing from the general fund to federally funded Byrne Grants. The

fear is that the gains in recent years will be reversed when the programs are eliminated. However, at least one state used the need to cut programs as justification for eliminating ineffective practices. New York recently ended its Prison Farm operations in recognition of the fact that its usefulness as a vocational tool has diminished. It also eliminated a drug treatment program—Road to Recovery—that was underutilized and had a low completion rate.

### CLOSING PRISONS

Despite opposition from corrections unions, local businesses, some lawmakers, and others, several states elected to close facilities. Hit especially hard by the economic crisis and facing a \$1.7 billion budget deficit in FY2010, Michigan governor Jennifer Granholm announced that she would close three prisons and five prison camps (laying off up to 500 employees) to save \$118 million annually. This is in addition to two prisons and one prison camp that have already been closed this year.<sup>8</sup> Similarly, New York plans to close three minimum security correctional camps and parts of seven more facilities. These closures are expected to save more than \$50 million over the next two fiscal years.

Other states have halted expansion or delayed the openings of new facilities. Alaska, for example, will save more than \$700,000 in FY2010 by freezing prison system expansion. Colorado delayed opening one prison and delayed the staffing and expansion of another. All told, at least 22 states have shut facilities, reduced beds, halted expansions, or delayed

the opening of new facilities. It bears noting, however, that not all states are in a position to take such actions. Only those that have engaged in policy reforms that lowered their prison populations can take this step. Some of these successful policy changes are discussed below.

## Reducing Costs Associated with Recidivism

A growing body of research suggests that improving community supervision and helping formerly incarcerated people reintegrate into society can save money and, in many cases, also increase public safety. Over the past decade, more and more states have begun to focus on these strategies. Actions taken during recent legislative sessions show an increased willingness to invest scarce resources in evidence-based programs and initiatives in these areas.

### IMPROVING COMMUNITY SUPERVISION

Given that more than five million people in the United States are on probation, parole, or post-prison supervision and that many of them will return to prison for failing to comply with their conditions of supervision, states are looking for ways to reduce both the cost of supervision and the number of technical violations that return people into custody—violations of conditions of release, such as

not attending meetings with parole officers or failing drug tests. The costs of technical violations are huge: more than one-third of prison admissions are the result of a parole violation.<sup>9</sup>

An increasing number of states are relying on “evidence-based” policies and practices, which have been shown by research to reduce recidivism among individuals on community supervision. These include using graduated responses to violations, eliminating or minimizing supervision requirements for lower-risk people, using positive reinforcements, and adopting incentive funding. (Many of these strategies are described in the sidebar on page 12.)

**GRADUATED RESPONSES.** Graduated responses represent a range of actions, each more emphatic than the former, that provide supervision officials with alternatives to revocation. Since 2007, nine states have established formal graduated response grids, providing a set of options for responding swiftly and certainly to both compliant and non-compliant behavior. New York and Wyoming are currently considering response grids like this. Two other states, Missouri and Arkansas, are developing technical violator centers, an additional graduated response involving short-term intensive residential programming to serve as a last resort before returning a violator to prison.

**REDUCING SUPERVISION REQUIREMENTS.** To reduce supervision costs and focus scarce resources on those who are most at risk of violating or committing a new offense, some states are shortening

periods of supervision; others are reducing, or eliminating, supervision requirements for certain populations altogether. Virginia now requires judges to remove from supervision people who have been supervised for at least two years and have satisfied all conditions except the payment of restitution, fines, or costs. Washington eliminated supervised probation of people convicted of misdemeanors and some low-level felonies. Texas has reduced the maximum probation terms for people convicted of certain property or drug offenses from 10 to five years, allowing officials to focus supervision resources on the early years after release, when research shows people are most likely to commit new crimes. The Washington Department of Corrections is also preparing to end supervision of low-risk people (except those convicted of a sex offense), and Wisconsin’s department of corrections may discharge people from community supervision if they have completed 50 percent of the probation period.

**POSITIVE REWARDS.** Some states are increasing the use of positive rewards. At least two states have established or expanded earned compliance credits for people on community supervision. Arizona passed legislation last year that allows some people on probation to reduce their supervision term by up to 20 days for every 30 days they comply with the terms of their release and are current in payments of victim restitution. Nevada passed a similar provision in 2007, increasing the credits earned by parolees who are current with supervision fees and restitution

## REENTRY/TRANSITION PLANNING EFFORTS

**CALIFORNIA:** Despite an overall reduction in expenditures, California's proposed budget includes \$47.2 million to pay for the activation of the Northern California Reentry Facility. This is a former women's prison that has been converted to a 500-bed secure reentry facility that will house male inmates for up to 12 months prior to parole. The facility will provide programs and services to people returning to three Northern California counties. These programs and services will include intensive substance abuse treatment, vocational training and job placement, academic education, housing placement, anger management classes, family counseling, and other targeted services to ease the transition to the community. In addition, the California Department of Corrections and Rehabilitation is engaging in ongoing communication with local stakeholders to ensure continuity of service after people leave the facility.

**COLORADO:** The FY2010 Crime Prevention and Recidivism Reduction Package establishes and provides \$160,000 in funding for community corrections discharge planning. This includes discharge planning services for people with mental health and substance abuse needs who are transitioning into community corrections. The package also provides more than \$1.2 million to continue a pre-release program initiated in FY2009. This program provides discharge planning to inmates within four months of release through individualized education modules and detailed transition planning.

**CONNECTICUT:** Governor Jodi Rell's proposed FY2010 budget would reinstate and expand the commissioner of correction's authority to place inmates on reentry furloughs. The reentry furlough will release people from prison up to 45 days early and provide accountability, support, and aftercare services to released individuals for a period of community supervision and is estimated to save more than \$5 million each year.

**LOUISIANA:** In March 2009, Governor Bobby Jindal announced the establishment of a program designed to prepare state prison inmates for release and reentry into society. The program will be piloted in two parishes at a cost of \$1.1 million in FY2010 and will eventually expand to 10 regional offices. Inmates will be evaluated medically, mentally, and educationally when they enter prison and will un-

dergo three to six months of pre-release training on topics such as communication skills, money management training, housing resources, and succeeding on parole.

**MARYLAND:** The FY2010 budget for the Division of Probation and Parole contains funds to expand the state's Violence Prevention Initiative (launched in FY2009). This initiative aims to reduce reoffending among the state's most violent supervisees and uses techniques such as stricter supervision, follow-up counseling, and GPS monitoring.

**MICHIGAN:** Although the proposed FY2010 budget for the state's department of corrections was cut by almost 3 percent from FY2009, funding for the Michigan Prisoner Re-entry Initiative was expanded by \$23.4 million to \$56.6 million. This initiative aims to reduce the state's costly recidivism rate by better preparing inmates for release.

**MISSOURI:** The FY2010 budget provides \$3 million to expand the community reentry grants program, which makes funds available to local agencies and nonprofit organizations to support reentry. The budget also provides \$900,000 for ongoing funding of the St. Louis reentry program, a pilot being converted to a permanent program.

**MONTANA:** Montana's FY2010 budget provides almost \$1 million to add 33 beds to the Great Falls Pre-Release Center, a facility that serves mentally ill and aging/disabled inmates as they transition from secure custody to community placements.

**TEXAS:** Legislation in 2009 (HB 1711) requires the Texas Department of Criminal Justice to establish a comprehensive reentry plan for people leaving correctional facilities. The goal is to reduce recidivism and ensure the successful reentry and reintegration of inmates into the community. This will be accomplished with needs assessments, new programs, including a network of transition programs, and information sharing across agencies and with private providers. The act also establishes a multi-agency Reentry Taskforce, which will identify gaps in services and coordinate with providers.

payments. These provisions provide incentives for people to complete the terms of their probation and parole supervision, saving states money in both the short and long term.

**INCENTIVE FUNDING.** Finally, some states are adopting incentive funding to improve the performance of county systems. Both Kansas and Arizona recently adopted legislation that provides counties with incentives to adopt evidence-based practices and programming to reduce the rate of probation or community corrections revocations in their jurisdictions. In the first year of implementation in Kansas, community corrections revocations dropped statewide by 21.9 percent.<sup>10</sup> This year, the Illinois General Assembly passed the Crime Reduction Act, which directs state funds toward locally based sanctions and treatment alternatives if the local jurisdiction successfully reduces the number of people entering local or state incarceration facilities.<sup>11</sup> Similar performance incentive funding is under review in California.

## REENTRY AND REDUCING RETURNS TO PRISON

People returning from prison face a variety of challenges. These include reconnecting with family and peers, finding housing and employment, and more generally, avoiding criminal activity. There is growing, nationwide interest and support for comprehensive reentry planning and services—with the understanding that these must begin when an individual enters prison. There is also a recognition that these services, by reducing the likelihood that a person

will return to prison, can help save states money.

Colorado was in the vanguard of this trend in 2007, when it adopted the Crime Prevention and Recidivism Reduction Package, authorizing the use of evidence-based, cost-effective reforms aimed at reducing recidivism. Despite limited funds, Governor Bill Ritter extended this effort into FY2009-10 with an additional \$9.5 million appropriation to fund a series of reforms that are expected to save the state more than \$380 million over the next five years.<sup>12</sup>

Other states are also considering developing or expanding reentry programs. Connecticut, for example, recently established reentry furloughs that not only accelerate prison releases, but also provide aftercare services to people transitioning from prison to community supervision. The aftercare provision is supported by evidence-based research that clearly demonstrates that a period of community supervision and targeted interventions after release lower the risk of recidivism.

To reduce the second highest recidivism rate in the country, Louisiana's governor, Bobby Jindal, recently established a program to prepare people in prison for release and reentry into society. Inmates will be evaluated when they enter prison for their educational, health, and mental health needs, and participants will undergo three to six months of pre-release programming. The program will be piloted in two parishes and then expanded to 10 regional offices.

Maryland and Michigan are expanding their existing reentry initiatives. Proposed funding for the

Michigan Prisoner Re-entry Initiative more than doubled between FY2009 and FY2010, in large part due to the role it is has played in reducing that state's prison population.<sup>13</sup> (Details on these initiatives as well as other state activity in this area are highlighted in Reentry/Transition Planning Efforts, opposite page.)

## Accelerating Prison Releases

Many states are facing the increased fiscal consequences from years of harsher policies—such as truth-in-sentencing requirements, “three strikes” laws, and mandatory minimum sentences—that have resulted in long sentences. While there is wide consensus that tougher penalties are necessary and appropriate for those convicted of serious violent or sex offenses, many policymakers are questioning the need for long prison terms for people convicted of less serious crimes such as non-violent drug offenses. Some of these provisions were reversed during the fiscal crisis earlier this decade, but many remain, resulting in severe prison overcrowding in some states.<sup>14</sup> States are also presented with a growing number of elderly and chronically ill prisoners whose ongoing care requires significant resources. To address these issues, officials have added or modified the laws and policies that determine the amount of time people spend in prison. These changes have the potential to lower prison populations,

## SYSTEMATIC REFORM: SENTENCING COMMISSIONS AND TASK FORCES

To ensure that policy reforms are systematic and sustainable, many states have established sentencing commissions or other task forces to plan their sentencing and corrections strategies or to address particular areas of concern.

Sentencing commissions typically are designed to be neutral permanent bodies that analyze data and research to inform sentencing and corrections policies. In the past, most sentencing commissions were established and charged with developing some form of sentencing guidelines. Recent trends, however, indicate that many states are now creating or expanding commissions to address broader criminal justice policy agendas. Colorado, Nevada, New York, and Vermont all created sentencing commissions in 2007, none of which were primarily charged with implementing sentencing guidelines.<sup>15</sup> The trend continues this year with the passage in Illinois of legislation to establish a Sentencing Policy Advisory Council. This council will collect and analyze data from local criminal justice agencies and provide policymakers with the information they need to make sound planning decisions. Connecticut will be considering a similar sentencing commission, recommended by its bi-partisan Sentencing Task Force, during its special budget session.

Other states are establishing task forces to deal with specific issues. For example, in 2009, Colorado's legislature passed a bill mandating the study of sentencing in Colorado by the Commission on Criminal and Juvenile Justice (CCCJJ). The CCCJJ was set up in 2007 to enhance public safety, ensure justice, and protect the rights of victims through the cost-effective use of public resources. The 2009 legislation directs the CCCJJ to focus specifically on sentencing reform.

Virginia, which has had a sentencing commission for many years, recently established the Alternatives for Nonviolent Offenders Task Force. This body is charged with developing recommendations to expand the use of alternative methods of punishment for nonviolent, lower-risk individuals who have been sentenced by a court to a term of incarceration. The state's goal is for these recommendations to inform legislation that would reduce the growth in the number of nonviolent, lower-risk individuals entering state correctional facilities, thus saving the state money.

allowing states to close facilities and reduce corrections expenses in the longer term.

### GOOD TIME/EARNED TIME

Many states are considering or have increased the amount of good time (days off for good behavior) or earned time (days off for doing something productive) available to inmates.<sup>16</sup>

- > Colorado recently increased earned time for eligible inmates from 10 to 12 days per month. It also provided for early parole release of up to 60 days for certain inmates.
- > The Illinois Department of Corrections is weighing reinstating an early release program for people convicted of low-level and nonviolent drug offenses.
- > Ohio is considering a seven day earned credit policy that would cut seven days from the sentence for every month that a person is engaged in prison treatment or programs, yielding projected annual savings of \$11,407,009.
- > Oregon recently enacted legislation increasing the amount of earned time people may accumulate from 20 percent of their sentence to 30 percent of their sentence.

### AVAILABILITY OF PAROLE

Other states have focused on increasing the availability of parole:

- > Governor Jennifer Granholm of Michigan expanded the parole board from 10 to 15 members so that it can expedite the review and possible parole of 12,000 inmates who have served their minimum sentences.
- > Idaho's department of corrections will provide resources to the state's Pardons and Parole Commission to reduce the number of inmates incarcerated past their parole eligibility dates.
- > To reduce severe overcrowding, California prison officials have granted early releases (of up to 60 days) to some people serving prison time for parole violations or who are in prison awaiting a hearing on a parole violation. All people released were screened and approved by the parole board.
- > Mississippi is enhancing coordination between the department of corrections and the parole board and recently provided the parole board with a list of 2,900 nonviolent inmates for consideration of parole.

## MEDICAL OR GERIATRIC PAROLE

Providing health care to the growing number of elderly and chronically ill people in prison presents states with a significant financial burden. A number of states have proposed

new, or modified existing, medical or geriatric release provisions to avoid sole responsibility for these costs. By releasing this population and placing them in the community, states can share the medical costs with the federal government under Medicare and Medicaid rules. In 2008, at least seven states established medical or geriatric parole, or expanded already existing provisions.<sup>17</sup> Several other states have followed their lead this year:

- > New York expanded the eligibility requirements of the current medical parole policy for a projected cost savings of \$2 million annually.
- > Washington projects \$1.5 million in savings from its new geriatric and medical parole release policy, which allows early release for adult inmates who are chronically or terminally ill and 55 years or older.
- > Wisconsin's Earned Release Review Commission (formerly the Parole Commission) was given the authority to release inmates with extraordinary health conditions to extended supervision as long as public safety is maintained.

## RISK-REDUCTION SENTENCES

Risk-reduction sentences are a sentencing option recently adopted in two states, Pennsylvania (2008) and Wisconsin (2009), that give inmates

an incentive to participate in pre-release programs designed to reduce recidivism. At sentencing, people convicted of some low-level offenses may be eligible to receive two minimum sentences: the regular minimum and a shorter, risk-reduction incentive minimum. If the inmate completes programming required by the department of corrections based on a risk/needs assessment and also demonstrates satisfactory institutional behavior, he or she will be released after serving the risk reduction minimum. The fiscal benefits to this policy are twofold. Not only does it reduce the length of stay for participants, but by encouraging participation in programs designed to meet their criminogenic needs, it reduces the likelihood that they will return to prison after release.

## REDUCING PRISON ADMISSIONS BY STRENGTHENING COMMUNITY CORRECTIONS

Given the high rates at which people on probation, parole, and post-prison supervision are incarcerated for failing to comply with the conditions of their release or for committing new offenses, community corrections is an area ripe for policy change. Reducing these failure rates could decrease the overall corrections populations, which is key to saving states money. Some of the most promising strategies for reducing failure rates are collected in the Pew Public Safety Performance Project's *Policy Framework to Strengthen Community Corrections*.

In 2008, the Public Safety Performance Project of the Pew Center on the States brought together leading policy-makers, practitioners, and researchers to create a policy framework for strengthening community corrections.<sup>18</sup> The framework includes five innovative policy options that have already been implemented in several states:

- > Evidence-based practices
- > Earned compliance credits
- > Administrative sanctions
- > Performance incentive funding
- > Performance measurement

Although each of these policies has the potential to reduce recidivism and control corrections costs on its own, they promise an even greater impact when implemented together. The initial expenditure associated with some of

the elements is typically limited and far outweighed by the potential long-term cost savings they can generate.

Several states have already begun to adopt the framework. Illinois's Crime Reduction Act, for example, establishes three of the five policy options as part of package of criminal justice reforms undertaken this year. The legislation, which was passed unanimously by both houses of the General Assembly and is awaiting the governor's signature, calls for implementing evidence-based practices such as:

- > using a risk and needs assessment tool to assign individuals to supervision levels and programs,
- > developing individualized case plans to guide case management decisions,
- > implementing a system of graduated responses to guide responses to violations, and
- > providing professional development services to support staff in deploying these practices.

The legislation also establishes Adult Redeploy Illinois, a program that directs state funds toward local efforts at rehabilitation. This system of incentive funding will be used to support locally based sanctions and treatment alternatives that reduce the number of people entering local or state incarceration facilities.

# A Look Toward the Future: Sustainable Policy Changes that Cut Costs

A series of sentencing policies enacted over the past three decades—including mandatory minimums, habitual offender laws, enhanced sentences for drug offenders, and truth in sentencing—have helped generate the high incarceration rates that many states face today.<sup>19</sup> Even though most states have stopped enacting such policies, and some have begun to repeal earlier legislation, their corrections systems must still contend with the costs these policies

incurred. Fortunately, new and innovative policies implemented over the past 10 years suggest that states can both save money by slowing the growth of their prison populations and, in the process, also increase public safety—a combination formerly considered inconceivable.

Despite facing severe budget cuts, many states continue to invest in these new policies. Yet such investments cannot be taken for granted. Over the past decade, Kansas made huge improvements in its community supervision practices, becoming a national leader for achieving significant reductions in the number of people returned to prison from probation and parole. However, it recently made program cuts that jeopardize this progress. It is critical that other states consider the repercussions of cutting programs that have a positive impact on system and

individual outcomes. Fortunately, sentencing commissions—independent, government-sanctioned bodies that inform sentencing and corrections policymaking—have also been established recently in many states. These bodies may help ensure that policy reforms are thoughtful and sustainable (see box on page 10).

The next several years will be difficult ones for the states as they continue to confront severe budget shortfalls. This analysis of current trends, drawing on FY2010 budgets and recent legislation, suggests that many states are not simply looking for operational efficiencies. Rather, they are taking advantage of the opportunity this crisis presents to invest in innovative, evidence-based options that have proven to cut corrections costs while maintaining or even improving public safety.

## ENDNOTES

- 1 National Conference of State Legislatures, *State Budget Update: April 2009*.
- 2 All cost figures from the National Association of State Budget Officers, *State Expenditure Reports*.
- 3 Pew Center on the States, *One in 100: Behind Bars in America 2008*, (Washington, DC: Public Safety Performance Project, The Pew Charitable Trusts, February 2008).
- 4 Pew Center on the States, *One in 31: The Long Reach of American Corrections* (Washington, DC: Public Safety Performance Project, The Pew Charitable Trusts, March 2009).
- 5 This report is based on FY2010 enacted budgets, other legislation, newspaper reports, and a survey of state departments of corrections budget officials. At press time, three states had not enacted budgets for FY2010. Of the remaining 47 states, 37 responded to our survey.
- 6 Officials in Kansas, Nebraska, and South Dakota made these cuts knowing that a portion of the decrease in general fund appropriations would be made up by federal stimulus funds. For detail, see Table 1. It is possible that other states also considered stimulus funds in their budget process but that information was not available to us.
- 7 Jon Wool and Don Stemen, *Changing Fortunes or Changing Attitudes? Sentencing and Corrections Reforms in 2003* (New York: Vera Institute of Justice, March 2004).
- 8 Michigan's fiscal year does not begin until October 1, so its FY2010 has not yet been enacted.
- 9 Heather C. West and William J. Sabol, *Prisoners in 2007* (Washington, DC: U.S. Department of Justice, 2008).
- 10 Kansas Department of Corrections, *Community Corrections Services Divisions, Kansas Community Corrections Statewide Risk Initiative Annual Report*, January 12, 2009.
- 11 At press time, the act was awaiting Governor Pat Quinn's signature.
- 12 Memorandum from Governor's Office of State Planning and Budgeting, November 1, 2008, available at <http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1227118480154&ssbinary=true>.
- 13 At press time, Michigan had yet to pass its FY2010 budget.
- 14 Daniel F. Wilhelm and Nicholas R. Turner, *Is the Budget Crisis Changing the Way We Look at Sentencing and Incarceration* (New York: Vera Institute of Justice, June 2002).
- 15 South Carolina is an exception to this rule and in 2008 established a Sentencing Reform Commission to review, study, and recommend legislation for sentencing guidelines, the parole system, and alternative sentencing procedures for nonviolent offenders.
- 16 For a recent review of earned time policies for state prisoners, see Alison Lawrence, *Cutting Corrections Costs: Earned Time Policies for State Prisoners* (Washington DC: National Conference of State Legislators, July 2009).
- 17 Alabama, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania and Wyoming.
- 18 Pew Center on the States Public Safety Performance Project, *Policy Framework to Strengthen Community Corrections*, December 15, 2008.
- 19 Don Stemen, Andres Rengifo, and Jim Wilson, *Of Fragmentation and Ferment: The Impact of State Sentencing Policies on Incarceration Rates, 1975-2002* (New York: Vera Institute of Justice, 2005).

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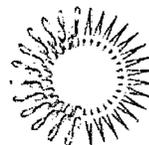
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