

MULTNOMAH COUNTY, OREGON

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

SEPTEMBER 24, 1998 BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

PG 2	9:30 am Board Work Session on Public Safety Issues
PG 2	11:00 am Regular Board Meeting
PG 3	11:00 am Student Attendance Initiative Project Agreements
PG 3	11:10 Request for Contingency Budget Modification MSCO 99-03
PG 4	11:15 am Jail Siting Resolution
PG 4	11:30 am Executive Session on Real Property Negotiations
★	Check the County Web Site: http://www.multnomah.lib.or.us

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:

Thursday, 9:30 AM, (LIVE) Channel 30
Friday, 10:00 PM, Channel 30
Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community
Television

Thursday, September 24, 1998 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

WORK SESSION

WS-1 Discussion on the Public Safety Planning Process, Implementation of the Bennett Study, and Jail Siting Developments. Presented by Peter Ozanne, Dave Warren, Dan Noelle, Michael Schrunk, Elyse Clawson, Bob Oberst, Bob Nilsen and Dave Boyer. 1.5 HOURS REQUESTED.

Thursday, September 24, 1998 - 11:00 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-1 Intergovernmental Revenue Agreement 300109 with the City of Troutdale, for Design and Construction Management of Intersection Improvements at SE Stark Street and Troutdale Road
- C-2 Intergovernmental Revenue Agreement 300289 with the Oregon Department of Transportation, to Construct a Bike Lane and Sidewalk on East Columbia River Highway from Downtown Troutdale (Kibling Avenue) to the Community Park at Beaver Creek Bridge
- C-3 ORDER Authorizing Execution of Deed D991576 for Purchase of Tax Foreclosed Property to V.W. Construction, Inc.
- C-4 ORDER Authorizing Execution of Real Estate Purchase and Sale Agreement for the Purchase of Tax Foreclosed Property to Waxman and Associates, Inc.
- C-5 Budget Modification DES 9901 Authorizing Classification Changes in the Planning Section of Facilities Management

NON-DEPARTMENTAL

- C-6 Budget Modification NOND 2 Authorizing Reclassification of a Legal Assistant Position to an Assistant County Counsel II

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-7 Intergovernmental Revenue Agreement 9910330 with The Annie E. Casey Foundation to Implement the Juvenile Justice Health Project Proposal, a Joint Effort Between Health, Behavioral Health and Juvenile Justice to Provide Necessary Medical, Mental Health and Substance Abuse Services to Juveniles in Detention
- C-8 Intergovernmental Revenue Agreement 9910334 with Oregon Mental Health and Developmental Disabilities Division, Funding Mental Health Services on a Capitated Basis for Children and Adults Enrolled in the Oregon Health Plan Medicaid Demonstration Project

REGULAR AGENDA

PUBLIC COMMENT

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

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- R-2 Intergovernmental Agreement 700499 with Multnomah Education Service District in Support of the Student Attendance Initiative Project
- R-3 Intergovernmental Agreement 700509 with Portland Public Schools District No. 1 in Support of the Student Attendance Initiative Project
- R-4 Intergovernmental Agreement 700559 with Multnomah Education Service District in Support of the Student Re-Entry Program, Which is Part of the Student Attendance Initiative Project

SHERIFF'S OFFICE

- R-5 Budget Modification MCSO 99-03 Requesting \$88,067 General Fund Contingency for Assessments, Case Management, and Transportation for

Substance Abusing Women in Jail to Assist with Placement in Community Treatment

NON-DEPARTMENTAL

R-6 RESOLUTION to Discontinue Efforts to Purchase Radio Towers Site and to Explore Agreement with the Port of Portland to Acquire Land for a Jail in the Rivergate Industrial Area

COMMISSIONER COMMENT

R-7 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest. Comments Limited to Three Minutes Per Person.

Thursday, September 24, 1998 - 11:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

EXECUTIVE SESSION

E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(e) to Deliberate with Persons Designated to Negotiate Real Property Transactions. Presented by Bob Oberst and Bob Nilsen. 30 MINUTES REQUESTED.

MEETING DATE: SEP 24 1998
AGENDA NO: WS-1
ESTIMATED START TIME: 9:30 AM

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT Work Session on Public Safety Issues

BOARD BRIEFING: DATE REQUESTED: 9/24/98
REQUESTED BY: Chair Beverly Stein
AMOUNT OF TIME NEEDED: 1.5 Hours

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Nondepartmental DIVISION: Chair's Office

CONTACT: Bill Farver TELEPHONE #: 248-3958
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Peter Ozanne, Public Safety Coordinator; Dave Warren, Budget Manager; Sheriff Dan Noelle; Mike Schrunck, District Attorney; Elyse Clawson, Department of Juvenile & Adult Community Corrections; Bob Oberst and Bob Nilsen, Facilities & Property Management; Dave Boyer, Finance Manager

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Work session to discuss the public safety planning process, implementation of the Bennett study, and jail siting developments.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein
(OR)
DEPARTMENT
MANAGER: _____

98 SEP 16 AM 11:38
MULTIUMAH COUNTY
OREGON
CLERK OF COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

Public Safety Issues Work Session

Thursday September 24, 1998

9:30 a.m. - 11:00 a.m.

County Courthouse, 1021 SW 4th, Room 602

Portland Oregon 97201

A G E N D A

- | | | |
|----|--|------------|
| 1) | Public Safety Planning Process
Peter Ozanne | 1 Hour |
| 2) | Implementation of Bennett Study
Peter Ozanne, Dave Warren | 30 Minutes |

Sept 23, 1998

Memorandum

September 23, 1998

TO: Chair Beverly Stein
Commissioner Diane Linn
Commissioner Gary Hansen
Commissioner Lisa Naito
Commissioner Sharron Kelley

FROM: Peter Ozanne and Carol M. Ford

RE: Public Safety Plan

Based on informal conversations in July and August with Peter Ozanne, there appears to be consensus among Commissioners about the importance of developing a comprehensive public safety plan for adult offenders. The following ideas and suggestions are submitted to the Board for consideration in developing a long-range Public Safety Plan for Multnomah County. This topic will be discussed further at the Board's worksession on September 24, 1998.

The Board's Public Safety Plan would not be intended to replace the planning and coordination activities of Multnomah County's Public Safety Coordinating Council, but like every other agency participating on or cooperating with the Council, would establish the Board's own strategic priorities and desired outcomes. The Council would continue to perform its statutory responsibilities, including interagency planning and coordination functions. Moreover, the Board's Public Safety Plan for adult offenders would not alter the terms of the Council's Juvenile Justice and Delinquency Prevention Plan, two years in the making and about to be submitted to the Board.

A Master Plan or a Strategic Plan:

Based on Peter Ozanne's nearly three years of experience as the Local Public Safety Coordinating Council Director and four years developing statewide corrections plans for Governor Neil Goldschmidt, it is proposed that "strategic" planning, as opposed to "master" planning, is the most realistic and effective approach for local governments to take in addressing complex, system-wide public safety issues. A Master Plan addresses system-wide problems and solutions all at once (albeit with a

relatively long time horizon) and is simply too large a task to undertake in light of the controversial nature and complexity of issues affecting local public safety. Moreover, state law and policy and local practices change so frequently that “across-the-board” solutions (assuming public consensus over such solutions is possible) become obsolete before they can be implemented.

Instead, it is recommended that the Board develop a “**Strategic Plan for Public Safety**” that focuses on key issues, challenges and solutions which:

- (1) will make a difference in terms of public safety,**
- (2) are within the Board’s power to influence or control,**
- (3) can be supported by best practices, local communities and relevant stakeholders and/or**
- (4) are likely to require additional funding from the public or reallocation of current resources.**

Rather than a master planning process’ comprehensive assessment of all policies, practices and circumstances, this approach results in targeted solutions that increase or promote public safety within the range of resources likely to be available to the County and other local governments within the County. This approach also focuses directly on what the County can do to achieve the Long Term Benchmark of reducing crime, which in turn we believe also impact the other two Long Term Benchmarks – reducing children living in poverty and increasing school completion. The Local Public Safety Coordinating Council’s “Vision, Goals and Value Statement” (attached) provides the foundation for starting the County’s strategically focused planning approach.

The Planning Process:

We propose that the Board hold a **series of worksessions**, teaming up with the Sheriff and the District Attorney, for the purpose of:

- (a) focusing on and prioritizing issues and challenges that can make a difference in terms of public safety,**
- (b) surveying data, research and best practices from across the state and the country which address those issues and challenges and,**
- (c) identifying the Board’s shared set of vision, goals and objectives for each issue or challenge.**

In preparation for these worksessions, recent reports and assessments of the condition of criminal justice and public safety in Multnomah County will be provided for the Board's review, as well as surveys of relevant research and best practices from across the country. Documents will include (1) the Portland/Multnomah County Progress Board's soon-to-be-released report on recidivism, (2) David Bennett's July 1998 report to the Board, "SB 1145: Refining the Continuum" and (3) the Health Department's June 1996 report, "Faces and Voices of Violence."

It is also suggested that experts on the issues and challenges be invited to help the Board identify which ones it should consider targeting in a Strategic Plan – experts such as criminal justice professionals, administrators and academics from Multnomah County and other parts of Oregon and the country who are addressing similar issues. The Board would also survey best practices and research, which are likely to offer cost-effective solutions to those issues and challenges. Academics, consultants and practitioners from other parts of the country under the auspices of the National Institutes of Justice and Corrections may also be available through the federal project that Peter Ozanne is currently directing in Portland for the U.S. Department of Justice.

After the worksessions, the Board would adopt their vision, goals and objectives for each issue and direct them to **Action Plan working groups**. The working groups would consist of outside consultants retained by the Board, affected public safety officials, agency heads, stakeholders and community representatives. The Board will direct the Action Plan working groups to develop and propose, within a specified time frame, strategies and interventions which are consistent with the Board's vision, goals and objectives for an issue. The Action Plan working groups should be instructed to (a) **involve those closest to and most familiar with targeted issues in the development of proposed strategies and solutions** and (b) **follow a four-step problem-solving process**:

1. Gather data, research and best practices relevant to the issue identified by the Board;
2. Refine the definition of the targeted issue based upon the foregoing information and identify the desired outcomes,
3. Design strategies to address the targeted issue and develop plans to implement and evaluate those strategies; and
4. Propose these strategies and implementation/evaluation plans to the Board.

The Board would review and revise the working groups' proposed strategies and implementation/evaluation plans, and then adopt final Action Plans. **These Action Plans will (a) direct relevant County agencies to implement and evaluate the Board's public safety strategies and (b) propose levy funding to the voters to support those critical strategies requiring additional resources.**

In addition to the direct involvement of stakeholders and community representatives in the working groups, a public input process will be designed to provide appropriate opportunities for the review and comment of the proposed Action Plans and strategies.

Suggested Subjects of a Strategic Plan for Public Safety:

By definition, a Strategic Plan for Public Safety focuses selectively on issues and challenges that are within the Board's ability to control or influence, and on strategies and solutions that can make a significant difference in the level of public safety in Multnomah County. Therefore, "big ticket items" in the County's public safety budget are obvious candidates for the Board's consideration in the search for cost-effective strategies to include in its Strategic Plan. However, some if not most of the resources in those budgets are managed jointly with the Board by independently elected officials, such as the Sheriff, the District Attorney and Circuit Judges, who are professionally trained to deal with public safety issues and equally committed to the search for effective strategies. Even when public safety resources are not subject to such joint management, as in the case of the separate functions of cities and counties, the missions and objectives of all the agencies and officials involved are interrelated and interdependent. As a result, the Board's strategic planning process must be open and collaborative.

The following subjects are suggested as worthy of the Board's consideration in a Strategic Plan for Public Safety; there will no doubt be others to discuss on September 24:

1. Jail Population Management. As David Bennett observed in his recent report, "SB 1145 Refining the Continuum," most county budgets, including Multnomah County's, are increasingly consumed by the cost of operating jails. While our Sheriff has made great progress in managing the County's jail populations and in reducing early releases, the Board could assist in promoting the cost-effective

use of the County's jail space by (a) providing technical analysis through the Department of Support Services' Evaluation Research Unit and through outside experts to monitor and analyze the continually changing nature and dynamics of the County's jail and other custodial populations and (b) directing the Public Safety Coordinating Council, through its Executive Committee or appropriate working groups and with the assistance of outside expertise, to develop additional interagency and intergovernmental strategies to manage these populations.

2. Jail in a Continuum of Local Sanctions. Given the limits on the amount of jail space that will likely be available to this or any other county, only a relatively few offenders can be detained long enough to be incapacitated or deterred from committing future crimes solely by virtue of a jail sentence. State prison is the place for dangerous offenders in need of prolonged incarceration. If the Board agrees, it should consider adopting and promoting a policy which (a) reserves lengthy jail sentences for the relatively few, most serious offenders who have not been committed to state prison and (b) encourages the greater use of jail sanctions in conjunction with community-based sanctions, and as a "back-up" sanction to enforce compliance with those sanctions and to get the attention of those offenders who ignore the conditions of community supervision. And, if jail should be used primarily as punishment for offenders who fail to comply with the terms and conditions of community-base programs and supervision, then the Board should reconsider the wisdom and cost-effectiveness of delivering treatment, training or education services to offenders serving short sentences in jail, when most of those programs can be delivered more cheaply and effectively under supervision in the community.

3. Local Sentencing, Charging and Plea Bargaining Decisions. Although Oregon has enacted a detailed set of sentencing guidelines to regulate and manage the imposition of felony sanctions within the level of corrections resources currently available to the State, local discretionary sentencing, charging and plea bargaining decisions by individual judges and deputy district attorneys still greatly influence, if not control, the commitment of Multnomah County's corrections resources -- including, most notably, its jail space. While these individual decisions are no doubt well-intentioned and entirely lawful, they are probably frequently inconsistent and may not reflect the policies and preferences of the Board, the Local Public Safety Coordinating Council or the agencies involved. Given the effectiveness of the Public Safety Coordinating Council and the "culture of cooperation" that prevails

among public safety officials in Multnomah County, now may be the time for the Board to initiate a joint project with the Courts and the District Attorney, under the auspices of the Council, to develop misdemeanor or sentencing guidelines, prosecution charging guidelines and other local rules that structure the discretion of individual decision-makers in a way which promotes the consistent and rational use of local public safety resources.

4. Transitional Housing. In the real estate business its “location, location, location;” in the corrections business it’s “transition, transition, transition.” Offenders coming out of jail, treatment, or any other custodial sanction need a safe, stable drug-free place to live while reestablishing themselves in the community and developing new habits and skills, like showing up sober and on time for school or a job. Historically, states and counties have built prisons and jails, and developed a few effective custodial treatment programs, and then expected the graduates of these expensive corrections sanctions to succeed upon their return to the same unstable, unsafe and drug-infested environments from which they came. No wonder recidivism rates are so high, in spite the enormous amount resources devoted to public safety! As David Bennett recommended in his SB 1145 report, the Board should insure an adequate amount of specialized and supervised “transitional housing” for local offenders. This important resource could also be used to house pre-trial detainees and the mentally ill who would not otherwise be released from jail, at a fraction of the cost of jail.

5. Future Jail Space. From Multnomah County’s experience with SB 1145 and the State’s history with prison population projections, it’s obvious that offender population forecasting is fallible, if not impossible. The dynamics of the criminal justice system are as complex as the economy’s (which also regularly defies prediction) and, besides that, the Legislature or the voters frequently change controlling law and policy. However, more can be done to develop reliable assessments of Multnomah County’s need for new jail space than has been done in the past.

Before considering the need for additional jail space beyond the amount currently funded, the Board should retain outside expertise from the National Institute of Corrections, the National Institute of Justice or a similar professional or accrediting agency to assess the nature and extent of the County’s likely need for new jail space. While there are no readily available formulas or technologies to assess this

need precisely, such an outside, professional assessment would employ national standards, comparisons with other jurisdictions and sophisticated projections models; and the assessment would likely produce far better and more credible estimates than have been generated by the County thus far. Such an assessment may come with a six-figure price tag; but it would serve to avoid or to justify the seven or eight-figure sums necessary to construct and operate new jails.

6. Community Justice. Meaningful, and sometimes very intensive, supervision of offenders will continue to be the only way to protect the public from serious criminals. However, parole and probation departments across the country are reconsidering the efficacy of attempting to supervise every offender on individual caseloads which may average 50 or more offenders. An apt analogy would be the attempt to convert all teachers in our public school systems into individual tutors of every student. By adopting the philosophy of “community justice,” this country’s more creative parole and probation departments are starting to deploy some of their professional work force to “hot spots” and crime-impacted neighborhoods in their communities -- for the purpose of developing, in partnership with these communities, effective prevention and intervention programs that engage at-risk youth, as well as convicted offenders, in work, education and recreation programs. Other creative departments, like our own Department of Community Justice, have developed effective educational and group training programs for low risk offenders (e.g., ACJ’s “Alternative Sentencing and Sanction Program” and Day Reporting and Learning Centers), which free up resources for the supervision of more serious offenders, and which are proving more effective than the superficial case management or expedient “case banking” strategies traditionally forced upon most parole and probation departments by inadequate resources. Our District Attorney has also taken the lead in community justice by establishing neighborhood prosecutor’s offices and community courts that serve as natural models of creativity and reform. The Board should consider the potential for increased effectiveness by adopting and expanding these kinds of community justice strategies.

7. Balance Between Custodial and Community Treatment. Like “transition,” “balance” is a fundamental principle of any sound corrections or public safety policy: balance between law enforcement and prevention, between incarceration and community sanctions and, as Multnomah County now embarks on the essential strategy of treating alcohol and other drug abuse among high risk, repetitive offenders, balance between treatment in custody and treatment in the

community. Notwithstanding David Bennett's recommendation of a minimum requirement of three-months of treatment for high risk offenders, the need for custodial and community treatment among those offenders may vary widely, and all of them will need some form of supervision and support in the community, at least during the initial stages of their recovery process. If the County constructs and operates hundreds of new custodial treatment beds, without providing for essential, alternative and complementary community-base treatment services, it is likely to repeat the mistakes of numerous states and counties across the country that have built prisons and jails without providing the necessary balance between custodial sanctions and community sanctions and supervision. The predictable result is the "revolving door" of recidivism.

8. Balance Inside and Outside the Criminal Justice System. The Board is in the unenviable position of being responsible for providing (1) criminal justice sanctions and services for adult offenders in response to the operations and demands of separate and independent branches of government and public safety agencies over which it has only limited control, and (2) health and human services which must compete for scarce County resources with the more immediately compelling demands for more law enforcement and punishment -- but which also may have greater positive long-term impact on the public's safety. Both of these responsibilities call for the Board to constantly consider the question balance inside and outside the criminal justice system.

Balance inside the criminal justice system can be ensured through the thoughtful and judicious exercise of the Board's first responsibility and calls for the kinds of strategies suggested above, such as collaborative intergovernmental agreements over the nature, extent and appropriate balance between arrest, prosecution, sentencing and punishment. For no matter how big or how small a criminal justice system is, it can neither deter, punish, rehabilitate nor protect if it remains out-of-balance within and therefore dysfunctional. The best available example is our County's historic and notorious "matrix release" system.

Promoting balance outside the criminal justice system through the exercise of the Board's second responsibility -- to provide other essential health and human services -- is even more challenging. When the Board is called upon to increase drug treatment, mental health, housing, educational and family services for criminal

offenders, it must cross the Board's collective mind that its provision of these services will come at the expense of the needs of law-abiding constituents who are at least equally in need of these services. Moreover, in the context of public safety, delivery of these services outside of, or more broadly than, the criminal justice system may have a far greater positive impact on public safety. While no longer entirely ignored by most local governments, formal and structured consideration of the proper balance between the competing criminal justice demands and public service needs and the prioritization of short-term and long-term public safety strategies has, to my knowledge, never been "hardwired" into the deliberative processes of county government. With the help of the local and national expertise already described, the Board should consider addressing these issues more effectively by developing a structured deliberative process and an explicit analytical framework within which to evaluate them.

9. A Legislative Strategy for 1999. In conjunction with or independent of the development of a Strategic Plan for Public Safety, the Board should reach consensus on its priorities for legislative change in the 1999 session of the Oregon Legislative Assembly. David Bennett in his SB 1145 report has already identified some of the most critical issues that need to be addressed by the Legislature: (a) a revised funding formula for the distribution of community corrections and local control resources which more accurately reflects the costs of operating jails and community-based programs in Multnomah County, and which incorporates incentives for counties to pursue the kind of early intervention and diversion strategies that our Department of Community Justice has implemented to reduce the demand for community corrections and local control sanctions; (b) expanding the authority of judges and probation officers to commit dangerous or incorrigible local offenders to state prison; and (c) establishing more custodial sex offender treatment programs.

C: Judge Jim Ellis
Sheriff Dan Noelle
DA Mike Schrunk
Elyse Clawson
Dave Warren

**MULTNOMAH COUNTY
PUBLIC SAFETY COORDINATING COUNCIL
VISION, GOALS AND VALUE STATEMENT**

VISION

The Public Safety Coordinating Council's vision for Multnomah County is a quality of life that ensures the personal safety, security and freedom from fear of residents, where all laws are enforced and all crimes have consequences; a thriving, vital and productive community with supportive and healthy environments for children and families; a rich variety of educational, employment and cultural opportunities for all citizens; and a shared sense of community responsibility, accountability and fairness.

GOALS

In light of that vision, the goals of Multnomah County's public safety system are:

- To protect, in order of priority, life, personal safety and property
- To reduce all crime to the maximum extent possible
- To protect and respect the victims of crime
- To protect constitutional principles of fairness, equity and due process
- To change the future behavior of offenders by providing opportunities for offenders to return to their communities as productive citizens.

To achieve these goals, the public safety system should function as an integrated, cost-effective network of public and private agencies in partnership with its citizens and community institutions with joint responsibility for crime prevention, law enforcement, education, employment training, social services, health, adult and juvenile justice and corrections.

An effective public safety system must also be supported by a shared sense of responsibility, accountability and community justice among all participants in the daily life of our communities, including individual citizens, neighborhoods, churches, schools, businesses and government agencies. Finally, the County's public safety system must be accountable to the public, while criminal offenders must be accountable to the law, their victims, and their communities.

Multnomah County's Public Safety Coordinating Council will design, oversee and advocate the foregoing vision and goals, in partnership with the County's public safety agencies and its local communities and guided by an ongoing public dialogue with citizens throughout the County.

VALUES

Multnomah County's public safety system must preserve and promote the following values:

- All public safety policies, strategies and operations in the County should be undertaken with recognition that a **comprehensive, balanced approach to public safety** will advance the goals of Multnomah County's public safety system; and that all **policies, strategies and operations designed to prevent crime must focus on its causes, utilizing valid and reliable data and best practices** which have proven effective in other jurisdictions.
- **The equality, diversity and personal rights** of each individual in the County **must be respected and protected**. Any unfair impact on or bias against the County's minority communities or women which is caused by its public safety system must be eliminated;
- **Secure and healthy children and families, strong and relevant education systems, and a shared sense of community, responsibility and justice are essential conditions for safe communities**. Moreover, **crime prevention and intervention strategies are essential to prevent youth involvement in crime**. Therefore, strategies and programs aimed at reducing the risk of youth involvement in crime and increasing youth involvement in education and healthy social activities must be a primary focus of Multnomah County's public safety system.
- **All of the Council's public safety policies, strategies and programs must be developed and operated in partnerships** with private citizens, organizations and businesses; schools, churches and other associations; and public and private agencies providing health, education, and social services in the County; and be guided by an ongoing public dialogue.
- Progress in achieving Multnomah County's **public safety goals must be measured rigorously and reported regularly to the public** through the use of reliable data and valid outcome evaluations;
- The County's **public safety policies and strategies must first target violent crimes against persons**. However, those policies and strategies must also encourage a shared sense of security and community justice throughout the County by focusing on crimes that erode the quality of life and respect for the law in our neighborhoods;
- **The Public Safety Coordinating Council is committed to informing, and being informed by the public and the media** about challenges facing Multnomah County's public safety system and facts regarding the causes and prevention of crime. The Council and public safety agencies in the County must

also gain the public's trust and confidence in the capacity of local government to achieve its public safety goals, in partnership with the community. The public must be encouraged to assist in preventing and reporting crime.

- **Multnomah County's public safety system must provide a full continuum of law enforcement sanctions and services, which insures that the County's public safety strategies are flexible, comprehensive and cost-effective. Such sanctions and services must include community policing strategies which recognize a shared responsibility between the police and the community in making communities safer and more livable. Community policing encourages a problem solving partnership between citizens and police and emphasizes a customer service orientation that provides supportive, professional services to the community through the promotion of human rights, mutual respect and courtesy.**

Multnomah County, Oregon
SB 1145
Refining the Continuum

Submitted to:

The Multnomah County Commissioners

Multnomah County, Oregon
July 1998

DAVID BENNETT
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in
association
with

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Preface

This report describes the management of Local Control offenders in Multnomah County for the period of January 1, 1997 to June 30, 1998. It presents an analysis of the difference between the predicted and the actual experience, and offers recommendations regarding population management, resource development, and data collection and analysis. The conclusions reached are based on a review of previously collected SB 1145 data; an examination of case files; interviews of local staff, administrators and policy makers; and observations of case screening and processing protocols. In addition, data was collected to profile the local Jail population for a one-day "snapshot." This issue was studied, and the report prepared, over a three week period in July, 1998.



Many people contributed their time and ideas to make this report possible. Two individuals deserve special recognition. Jim Carlson, Evaluation Specialist, with the Department of Support Services, completed a "download" of SB1145 data that took many months of hard work. His efforts helped make this analysis possible. Larry Reilly, Director of Planning and Research for the Multnomah County Sheriff's Office, devoted many hours compiling local data for a one-day jail snapshot. Their efforts are appreciated.

RECOMMENDATION HIGHLIGHTS

- Strengthen the Local Sanctions Continuum**
 - Design Specialized In-Jail Treatment Readiness Program
 - Develop Secure Program for Sex Offenders
 - Broaden Eligibility Criteria for Restitution Center

- Link Services on Local Sanctions Continuum**
 - Link Residential Treatment with Outpatient Services
 - Link Certain Programs with Transition Housing

- Ensure Three Month Minimum Program Involvement**

- Develop a Post-Sentence Drug Court**

- Extend Upper End of Sanctions Continuum to Prison**

- Establish Tri-County Court to Expedite Removal of Holds**

- Develop Policy Parameters to Guide Placement Decisions**

- Eliminate Local 30-day Jail Stay Policy**

- Integrate SB 1145 Data Base Systems**

- Encourage State to Revise Funding Formulation**

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I. SUMMARY

Large scale change requires long-range vision. The implementation of SB 1145, which transferred the responsibility for offenders sentenced to twelve months or less from the State to 36 counties, is still in a developmental stage. Given that not all the new corrections facilities are yet built, it might even be said that the plan is still "under construction."

So while it would be premature to assess the long-term value of this new corrections approach, after eighteen months enough time has passed to allow a description of emerging trends. And enough experience has been gained to allow an informed discussion of emerging issues. It is a good time for Multnomah County to step back and use this experience to help refine the next phase of development. This report attempts to provide a framework for that discussion.

Shift to Local Control

Senate Bill 1145 changed the way the system responds to offender failure. The legislation was built on the premise that, except for long-term sentences, the offender is best managed in the community. Although compelled by a need to address the prison impact of Measure 11 (mandatory minimums), the philosophy of "local control" was grounded in the assumption that counties could more efficiently manage the non-compliant offender. Moreover, it was based on the conviction that behavioral change was best affected by a balanced response of services, sanctions, and supervision. The overall tone was optimistic; the task was daunting.

Multnomah Predicts Impact

On January 1, 1997 county corrections systems, which had grown reliant on access to prison to sanction non-compliant offenders, became sole caretakers of offenders with sentences or sanctions of twelve months or less. The counties and the State had entered into a new "partnership." The State supported this move by funding the construction of new and expanded custody facilities, and by supporting the development of new community corrections programs. Multnomah County had developed and submitted a Plan to the State that requested funding for the construction of 330 new jail beds and 150 residential treatment beds. The Plan had been developed, based on a model that tried to predict the impact of the new policy on the local system.

Experience Different than Predicted

Predictive science is, in the best of circumstances, an inexact art. Over the first year of implementation, the local SB 1145 experience was different than projected. Total numbers were down; the average daily

population was half that expected; and the planned program placement rate of 50% was closer to 10%.

*Decrease in
Number of New
Sentences*

The fact that the number of new sentences in Multnomah County is down, speaks to the successful utilization of an effective diversionary option — Drug Court. And lower numbers reflect the positive impact of a community corrections philosophy that expects full use of the lower end of the sanctions continuum prior to revocation. It is a system in which the low-cost Day Reporting Program is employed as a companion sentence to jail as frequently as Secure Treatment.

*SB 1145 ADP
represent < 5 % of
supervised offenders*

The fact that sentence and sanction length have declined may well reflect the local systems response to pressures on county custody resources. It may also represent a change in the practices of probation and parole officers, who now continue to manage cases that in the past could have been sent to the State for extended periods.

Overall, the Multnomah County experience is not an anomaly. Around the State, the average daily population has been less than expected. Statewide, placement in non-jail programs has been affected by a reduction in sentence length; by the percentage of inmates with 'holds;' and by the complex program needs of a higher risk population. The limits of the local continuum have been tested.

*Reduction in
Sentence Length*

The influence of shorter sentence lengths has limited the ability to place a person in a non-jail program. Local planning was based on the assumption that an offender would serve 4.5 months in "local control" status. In the first year of implementation the average time served was 2.5 months. This is a result of both sentence length and the effect of good time/work time calculations. It is important to note that sentence lengths may decrease even more, because of a recent shift in sanctioning practice, brought about by legislation implemented in November, 1997. This legislation affords community corrections greater discretion in imposing administrative sanctions for post-prison violation behavior. And these administrative sanctions are, on average, of less duration than the previous response (revocation).

*Recommend:
Ensure 3-Months
in Program*

The relationship between sentence length and program involvement is of importance because of a body of corrections research, that suggests that at least three months of treatment is needed to realize any long term reductions in recidivism. There appears to be a therapeutic threshold. This does not mean that individuals with shorter sentences should not be considered for program placement. It does mean that residential treatment of less than three months must be continued in the community once the person is released. Shorter stays than expected, coupled with

the need for effective interventions, argue for a reconsideration of the local policy that all "local control" offenders will spend at least 30 days in a jail bed before given consideration for placement in a program.

*Recommend:
Integrate services*

Tightly structured and closely linked programs are important in any system trying to address individuals with multiple and complex issues. When dealing with a higher risk population in a shorter time frame, continuity becomes even more crucial. In an effort to create a stronger "system" of sanctions, the continuum of sanctions must be constructed in such a manner that existing services are cohesive and continuous. As an example, the re-design of an in-jail Treatment Readiness Program, to target SB 1145 offenders who refuse treatment, is recommended to increase program success. In addition, an intensive outpatient program should be designed as an extension of residential treatment, to continue the in-house program and ensure the minimum three month stay needed to realize long-term benefits. This kind of coordinated movement between services is an important next step in refining a strong continuum of services.

*Recommend:
Secure treatment
for sex offenders*

The continuum of services must not only be better integrated; it must also be strengthened. An analysis of SB1145 cases rejected for program placement over a one-year period highlights the need for services tailored to offenders with more chronic needs. It is a terrible irony that the offender considered too high risk for program placement, is the same inmate held in jail and then simply released back to the streets untreated. A secure treatment program for sex offenders would serve a vital public safety interest. Another category of offenders would benefit from placement in the Forest Camp if transition housing were available for the weekends. And, the Restitution Center should be considered a central option for the SB 1145 population, either as a stabilization program for those in outpatient services, or as a direct alternative to jail. It is time to review the eligibility criteria for this Program, which has been in operation for ten years, to consider accommodating a more diverse offender population.

*Recommend:
Re-link State /
County Continuum*

The local continuum should be better integrated and it should be strengthened. The continuum should also be extended. SB 1145 was built on the premise that communities were better served by locally managing the non-compliant offender. As a result, State and county corrections systems were bifurcated. And the continuum of sanctions that had stretched from the local level to the State was severed. Yet, while it appears that counties can indeed manage most of these cases at the local level, there will always be a few individuals who are better managed in a State system equipped to deal with violent behavior and tough security issues. And there will always be a few high risk,

dangerous offenders, who need more time in custody than currently available to address complex issues. Senate Bill 156 includes language that will allow the Board of Post-Prison Supervision, at the request of the Supervisory Authority, to place an offender who is in post-prison supervision status, in a correctional facility for up to 24 months for violation behavior. The State and county partnership should be refined by discussing how the full continuum can be restored, and how this new provision will be implemented.

*Recommend:
Develop Post-Sentence Drug Court*

The lower end of the continuum should also be extended to provide additional local non-jail sanction resources. Given the tremendous success of the Multnomah County Drug Court Program (as evidenced in the recent outcome evaluation), consideration should be given to expanding this model to serve a sentenced population. The drug court model, which provides intensive treatment, judicial monitoring, and swift and certain punishment, has tremendous potential to serve as a sanction option for drug-affected offenders. Building up the lower end of the continuum conserves high cost custody resources; and custody resources are especially costly in this large, urban county.

The State funding made available for the management of the SB 1145 population was based on an assumption that on any given day, 75% of this population would be in custody, and 25% would be in a community-based program. Because of jail costs that are higher than the statewide average, Multnomah County had to devise a plan based on an assumed 50/50 split—half in custody and half in the community, on any given day.

*Higher Than
Expected
Percentage in Jail*

However, in practice, the planned distribution between jail and non-jail programs was not realized. By July of 1998, the number in a non-jail program was the highest it had been over the first 18 months, still leaving 84% of the population in jail on any given day. The reason that this outcome did not “break the bank” was because the total number of SB 1145 offenders booked into the facilities was less than anticipated, and when they arrived they stayed for shorter periods than expected.

But intake numbers are now on the increase, and the longer term impact of trends in sentence length (down), and program placement (up), is unknown. This speaks to the need to closely model the effects of these changes on the jail over the coming months in order to foresee the operational and fiscal impact of SB 1145 over the next biennium.

*Recommend:
Revise Funding
Formulation*

For purposes of state budget development, the costs of managing local control offenders needs to be revised. A recent statewide effort to capture the actual average cost of managing this population has just

*Recommend:
Revise Funding
Allocation*

been completed. If the revised figures are used to calculate the baseline funding for the next biennium, per-day jail costs will be calculated at \$80.64 per-day (current biennium is \$66.96) and \$18.69 per-day for community sanctions (current biennium rate is \$7.21). A separate analysis of the cost of Work Release Centers was also included. The State should be encouraged to revise per-day costs based on this Actual Cost Study.

Related to the issue of baseline funding is the issue of how funds are distributed. While the higher operational costs of Multnomah County Jails (\$103.37 average per-day) drives up the statewide average cost figure (and therefore the total state funding available) the distribution of the total neither reflects this fixed cost nor adjusts for local variation. The State should consider constructing a formula that addresses this fixed system cost, and adds an "adjustment factor" that acknowledges the disparity between counties. The task of building a budget is always complicated by competing interests. In this new era in which Public Safety Agencies and Community Corrections Departments are partners in a shared task, any funding formula needs to reflect the needs of each group. Jail is a static cost, and the operational costs in a County with a large urban population present a unique funding problem.

*Recommend:
State funding reward
Diversion*

The costs of Community Corrections management is more dynamic than that of a jail. Offenders can be placed along a broader continuum, and service levels more easily adjusted. Funding should reward local practices that divert offenders to effective system options, such as Drug Court; or that make use of safe, low-cost alternatives such as Day Reporting. Multnomah County makes good use of both. Yet, system diversion is not rewarded in any funding formulation, and Day Reporting and less than 30-day sanctions (including jail) are not counted for purposes of budget preparation. Funding should reward sound and cost-effective practices.

SB 1145 resulted in an arranged marriage of sorts between Public Safety and Community Corrections agencies. The legislation called for the designation of a Supervisory Authority in each county who would assume final responsibility for managing the population along a custody and non-custody continuum. In Multnomah County, the Sheriff and the Director of Adult/Juvenile Community Corrections share this authority. This arrangement meets the spirit of the local control philosophy, that recognizes the benefits of balanced offender management. And this balance requires cooperation, coordination and trust. This, between two Corrections entities that have never had to work together this closely, nor share this level of authority. The evolution of protocols and the refinement of roles takes time.

*Recommend:
Establish Placement
Guidelines*

At the line level, the SB 1145 Team, comprised of staff from both the Sheriff's office and Adult Community Justice, share decision-making in the community placement of offenders. This arrangement is working, and Multnomah County is well served by a team of individuals who work hard to make careful and reasoned decisions. And they truly function as a team. However, the system would benefit from a policy discussion at the Criminal Justice Council, regarding the goals and objectives which should influence the placement of offenders; and the SB 1145 team would benefit from general screening and placement criteria to guide their day-to-day decisions. With this in place, these professionals then need to be given permission to take reasonable risks within a general policy framework.

*Recommend:
Integrate Database
Systems*

Both the SB 1145 team and the system need to be able to routinely review information that provides a description of how the population is being managed, and describes general patterns and trends. Good information should shape and inform local policy. But complete and reliable information about the local SB1145 population is not available. This is a critical issue that needs to be addressed. The lack of accurate information can weaken local decision-making and frustrate State budget building. A fragmented system of information in which SB 1145 data resides in unmatched and unmerged databases means that information cannot be extracted without tremendous time and effort. One such effort was recently completed. This needs to be fixed.

*Recommend:
Evaluate, Evaluate,
Evaluate!*

In addition to routine data collection and on-going analysis, the County should begin planning an outcome evaluation to judge the effects of this intervention. A study of the relative benefits of various sanction options can provide important information to guide future practices. If the goal is recidivism reduction, does a shorter term sanction yield as much benefit as a longer term sanction? The community corrections system can now apply from 31 - 90 days of sanction units. Are 90 units more effective than 50? Do sanctions coupled with treatment yield better results? And what would be the effect of sanctions delivered, in a drug court model, that are outlined in advance, and achieve the objectives of swiftness and certainty? With the largest offender population in the State, Multnomah County is well positioned to make a significant contribution to the knowledge base on sanction practices.

*Recommend:
Conduct systems
study*

As the impact of SB 1145 is studied, it is a good opportunity to begin a larger scale analysis of the local criminal justice system. This kind of analysis can provide an understanding of the multiple influences on limited jail and program resources. It is important that those involved in making criminal justice decisions recognize that the system is not a

*Recommend:
Refine local policies
that impact resource
utilization*

fixed "container," enlarged as needed to accommodate overflow. A criminal justice system is, in the broadest sense, a concept. The system must be viewed as dynamic, consisting of interdependent programs, agencies, organizations and individuals, whose roles evolve through time. County criminal justice systems, especially, must be designed to respond quickly to rapidly changing needs. The nature of county jail populations — whose lengths of stay are substantially shorter and are measured in days, not years — is that they are constantly changing. A system analysis lays the foundation for a full discussion of local policies that guide the use of the jail and other limited resources. The key to managing costs and preparing for the future is good information, clear policies, and on-going planning.

Local Control legislation has restructured the way the system responds to offender failure. It resulted in the creation of Local Public Safety Coordinating Councils; and it reshaped the way two county corrections agencies interact. Corrections professionals are now planning around a single table, and corrections staff are working together on a common task. So, while the verdict on the long-term costs and benefits of this legislation has not yet been reached, its potential for better integrating the criminal justice system and promoting the pursuit of common goals has already been shown.

II. SYSTEM CHANGE

*Organizational
Changes*

Even in periods of relative stability it can be difficult to assess the impact of a single system change. Yet, over the last eighteen months the corrections landscape in Multnomah County has been significantly altered. The effects of exciting changes in, policy, and practice, and resources are just beginning to be observed.

Policy Changes

In January, 1997, SB 1145 was implemented at the same time that the Board of County Commissioners approved the consolidation of Adult and Juvenile Corrections. And in the summer of that year, a redesign of adult community corrections served to concentrate resources on higher risk cases, while providing innovative programs to respond effectively to the lower risk offender.

*Resource
Changes*

A Probation Violator Court, established in the last year, consolidated the processing of half of all probation cases; and a Community Court is just preparing to open its doors.

An expansion of jail beds has reduced matrix releases. Matrix releases have been reduced from an average of over 500 per month in 1997, to a little over 300 per month over the first four months of 1998.

Add to all this, the increased diversion of cases to a successful Drug Court Program; changes in the duration of judicial sentences; and shifts in the number of cases sentenced to prison, and one begins to wonder what hasn't changed. (Well, the local crime rate has remained fairly constant in the last year!)

*Information
System Changes*

Even the information systems that allow us to analyze change have changed. This last year saw the adoption of a new management system in the Sheriff's office and the construction of a new sanctions tracking system in Adult Community Justice. The movement to Local Control must be understood within this context.

III. HISTORY

“Oregon’s correctional system is critically out of balance in two ways. First the demands being placed upon the system far exceed the current available capacity of its institutions and community supervision programs... Secondly, the Oregon correctional system is out of balance, because it fails to provide a full range of intermediate sanctions between parole or probation and prison... This lack of ability to impose a greater range of control over convicted felons who remain in or return to the community has contributed both to the increasing use of prison as a sanction and to the increasing rate of failure of those offenders who are placed on probation and parole.”

(Governor’s Task Force on Corrections Planning, 1988)

SB 1145, enacted in 1995, restructured the delivery of corrections services in Oregon. It required counties to assume full management for community-based offender services; shifted the responsibility for offenders sentenced or sanctioned for twelve months or less; and mandated the establishment of Public Safety Coordinating Councils.

These changes might be viewed as the culmination of three major shifts in Corrections in this State over the last twenty years. These include:

- The emphasis on community managed corrections (Community Corrections Act, 1977)
- The adoption of structured decision-making for sentencing and sanctioning (Sentencing Guidelines, 1989; Structured Sanctions, 1993)
- The re-examination of sanctioning practices after the passage of mandatory minimum sentencing legislation (M. 11, 1995).

Over the years, counties had gradually assumed more responsibility for managing community corrections. Multnomah County became an Option I county in 1991, assuming full responsibility for offender supervision services and related programs.

Over time a range of local intermediate sanctions were developed, and new sanctioning guidelines provided a framework for their allocation. And this was happening against a backdrop of new research that suggested that the greatest reductions in recidivism could be realized by focusing on the higher risk offender; and that institutional sanctioning without services did not evidence positive long-term change. Community Corrections professionals began to re-examine the

assumptions guiding the system response to failure. At the same time, the use of prison as a short-term sanction was increasing.

The debate over the use of prison to respond to violation behavior was fortified ten years ago in Oregon with the release of the Governor's Task Force Report on Corrections Planning. That Report provided a description of an overburdened prison system that had come to rely on "temporary releases" to control population, and a community corrections system that lacked the resources to affect change.

Prison Crowding

It was also a bold indictment of an over-reliance on prison as a sanction. The Report noted not only the impact this practice had on prison resources, but the lack of any positive impact it seemed to have on the offender population as a whole. And in a State famous for recycling, the Report spoke of the terrible failure of a system that had achieved high levels of offender "recycling." It called for change. The solution proposed was twofold: to increase prison capacity, and to strengthen community corrections resources.

Sentencing Guidelines

In the ten years following the Governor's Task Force Report, Oregon saw significant growth in prison capacity and the development of policies that structured the use of scarce custody resources. In 1989, Sentencing Guidelines were adopted to provide a framework for judicial decision-making. And in 1993, statewide Structured Sanctions Guidelines provided probation/parole officers with expanded discretion to impose local sanctions, while providing checks on the use of jail resources. State capacity had been expanded and guidelines created to ensure that State and local beds were accessed in a manner that was equitable and proportionate. Community Corrections agencies had adopted risk assessment instruments to guide case management resources and were now turning greater attention to strengthening the local continuum of programs and sanctions to serve that population. Then Measure 11 passed.

Reassessment of Sanction Practices

In an effort to address projected Measure 11 prison needs, the State reopened one issue raised in 1988 — the use of prison as a short-term sanction. A discussion of the relative roles of the State and the counties in managing the offender population followed. The State had a prison bed crisis, but could a public safety argument be made for managing this population at the county level? Many corrections professionals argued, "Yes." The theoretical basis for the shift to Local Control was grounded in the effectiveness literature that suggested that swift and certain sanctions, coupled with appropriate programs, offered the best long-term gains. Balanced responses to failure, continuity of case management,

and access to a local continuum of services were advanced as local advantages.

“With adequate support under SB 1145, Multnomah County believes it can reverse the trend identified by the Governor’s Task Force as a failure of Oregon’s Corrections system..”

Source: Multnomah County SB 1145 application

However, while the State had a prison bed crisis, could counties absorb this new workload? Not without significant additional jail and program resources, counties responded. And so a new “partnership” was proposed. The State would expand local jail and program capacity, and the counties would assume responsibility to manage those offenders with a twelve month or less sanction or sentence. SB 1145 (“Local Control” Legislation) was implemented January 1, 1997.

Multnomah County studied the predicted impact of this legislation and then submitted a proposal to the State to address the projected need. This proposal requested funding to construct 330 additional jail beds and a 150 bed residential drug treatment facility, as well as funds to enhance program services and information systems. Planning was based on the assumption that costs would be contained by managing the population in a 50/50 mix of jail and programs.

Local policy was adopted that required all SB 1145 offenders to serve at least 30 days in jail, after which they would be eligible for placement in one of a number of community sanction programs. The new jail beds are now nearing completion and siting is being worked on for the drug treatment beds. Yet, eighteen months into this change, the average daily population is almost 50% lower than expected, and less than 20% of offenders are serving any of their time in a non-jail program. What happened?

IV. THE PROJECTION

“Where have all the inmates gone?”

Multnomah County Sheriff, Dan Noelle

Predictive science is, in the best of circumstances, an inexact art. The shape of the future is drawn based on the practices of the past. Multnomah County did a good job of modeling based on the information at hand. Yet, one model assumption changed (certain offenders were required to spend all time in jail); one model effect was unforeseen (sentence length decreased); and one model element was unrealized (not all resources have been implemented).

Table 1.

Multnomah County SB 1145 Experience

<i>The average daily population is:</i>	Expected = 700
• <u>less</u> than forecast	Observed = 370
• Sentence stays have	Expected = 4.5 mo.
<u>decreased</u>	Observed = 2.5 mo.
• Program placement rates are	Expected = 50 %
<u>lower</u> than expected	Observed = 16 %

Based on previous prison activity, Multnomah County expected to have an average daily population of approximately 700 SB 1145 offenders. However, the actual number served was roughly 50% less than forecast.

The original planning was based on the fact that those who had been sent to prison from Multnomah County in 1996, had an average sentence of 7 months, and then actually served an average 4.5 months. In contrast, the county experience over the last eighteen months has been that the average sentence is 4.5 months, resulting in an average length of stay of 2.5 months.

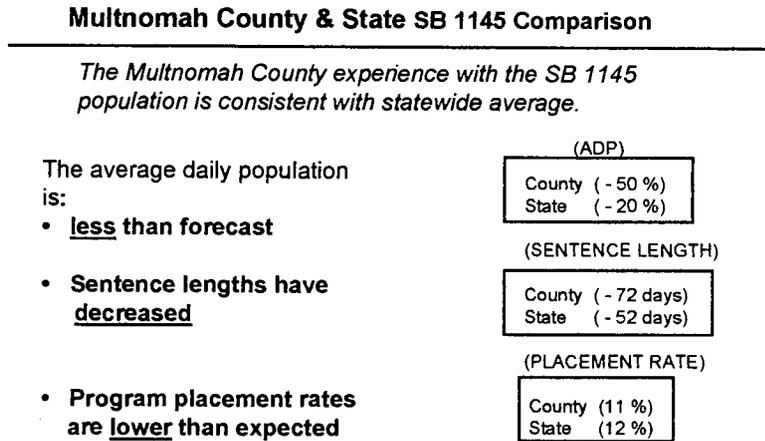
The average length of time in SB 1145 status is 2 months less than expected

And, although it was expected that 50% of the population would move from jail to a program; in the first six months of 1998, 16% were placed in a non-jail program. (This is up from 11% for calendar year 1997).

COMPARISON OF MULTNOMAH AND STATE

The Multnomah County experience is not an anomaly. The local experience with the SB 1145 population is fairly consistent with the statewide experience. Multnomah County experienced change in the same direction as the State on the following indicators (remembering that because of its size, Multnomah also has a significant impact on the statewide numbers).

Figure 1.



The Average Daily Population is Less Than Forecast

The statewide average daily population of SB 1145 offenders was approximately 20% less than forecast, while in Multnomah County it was down 50%. The difference in degree between the County and the State can be explained by at least two factors:

1. Statewide, there was a slight increase in admissions, while in Multnomah there were fewer than expected admissions.
2. The average length of sentence decreased more in Multnomah in comparison to the statewide average.

Sentence Length Decreased

Sentences in Multnomah County decreased 72 days when comparing 1997 data with 1996, while the average statewide decrease was 52 days. This reflects changes in sentencing and sanction practices, as well as the local effect of good/work time and credit for time served.

Program Placement Rates are Lower Than Expected.

For the first year of implementation, the statewide program placement rate and Multnomah County's rate were very close. Statewide, the average placement rate in a non-jail program was 12%, while in Multnomah it was approximately 11%

LOCAL CHANGES

The average daily population of SB 1145 offenders is based on the *total number of admissions* to Local Control, and the *duration* of their stay in that status.

The average daily population was impacted by lower than expected intakes in the first year, and by an average length of stay that was two months shorter than expected.

Total Numbers

- Local Decline in Less Than 12 Month Sentences

Multnomah County experienced a 44% decrease in less than 12 month sentences for new criminal activity, comparing 1997 to 1996. Conversely, placements in Drug Court diversion increased by 79% in 1997

- Shift to Non-Jail Sanctions for Lower Risk Offenders

The increased use of non-jail interventions, such as the Day Reporting Program, lessens the impact on the jail

44% Decrease in
less than
12 month sentences
for
new crimes

Duration of Local Control Sentence/Sanction

- Length of Sentence Imposed is Down

According to data compiled by the State, the length of sentences imposed in Multnomah County is down by more than two months, declining from an average of 211 days in 1996, to 139 days in 1997.

- The Effect of Good Time/Work Time and Credit for Time Served

The application of good time/work time and credit for time served at the local level results in more time deducted than at the State (which formed the baseline for local forecasting). In addition, local application of good time/work time seems to vary between jurisdictions.

TRENDS

The search for patterns takes time. Eighteen months is still a relatively short period of time to begin describing trends. Yet, change can still be described, understanding that change is often temporary and subject to changes in policy and practices.

What are the Trends?

- ✓ Increase in total number of intakes
- ✓ Increase in SB 1145 Average Daily Population (ADP)
- ✓ Increase in program placement rate
- ✓ Upward trend in Parole / PPS sanctions
- ✓ Decrease in number of *new* < 12 month sentences

Increase in SB 1145 Intake Numbers

While the projected number of intakes was slightly less than expected for the first year, in the first six months of 1998 the average number of SB 1145 intakes is up by approximately 50 individuals per month. Upward trends can be influenced by population growth, a lowered system tolerance for failure, program failure and return rates, or the exhaustion of local program options for a population under supervision for longer periods.

Increase in SB 1145 Average Daily Population

The average daily population of Local Control offenders increased 35% when comparing the first six months of 1998 to calendar year 1997

Increase in Usage of County Jail Beds for SB 1145 Population

While usage of State Department of Corrections rental beds has not changed significantly, the use of local jail beds is on the increase, as displayed in Table 2 below.

Custody Location of Multnomah County SB1145 Population, 1997/98

Table 2.

	<u>ADP 1997</u>	<u>ADP 1998 (Jan-June)</u>
DOC Bed	135	130
Grant County	7	15
Multnomah	68	116

(Source: Jail Population Report, First Quarter Report, 1998)

Increase in Program Placement Rate

Program placement rate is now 16%

The percentage of SB 1145 offenders placed in a jail alternative has increased from 11% of all admissions for 1997, to an average 16% of admissions for the first six months of 1998 (Sheriff's OMU data).

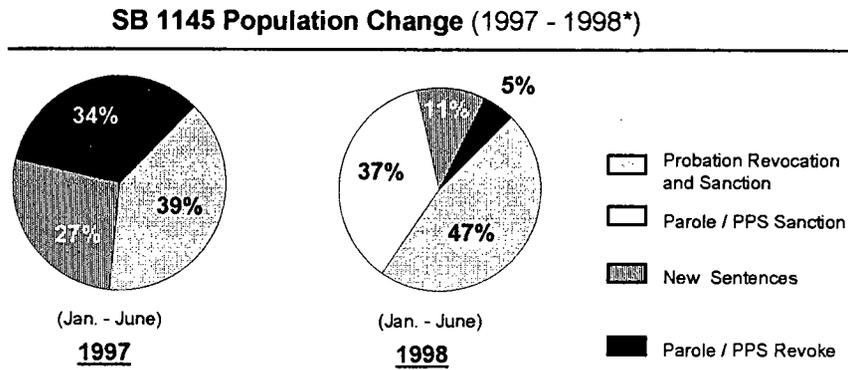
Although Multnomah County compares its current placement rate to an expected 50% they developed as part of their Plan, it should also be remembered that the estimate for program placement made by the State Department of Corrections was 75% in a jail bed and 25% in a jail alternative. As program placement rates increase around the state, (with the development of new programs, the increase numbers of sanctioned parolees who can now be moved to programs, and resolution of other issues -such as holds) we should see program placement rates increase.

Upward Trend in Number of Sanctioned Parole/PPS Cases

Shift in practice from revoking to sanctioning

A statutory change, implemented in November, 1997 gave community corrections expanded discretion to impose 31-90 day sanctions. Administrative sanctioning for this population increased dramatically when comparing the first six months of 1998 to the first six months of 1997. The importance of the shift to sanctioning from revoking is that the sanctioned group can be moved to programs (revoked parole/pps cases had to serve their time in custody), and that on average they have shorter sanctions. While this could, over time, reduce the average daily population of SB 1145 offenders in Jail, it can also provide a challenge for placing offenders with shorter stays. (ISD data download for 1997 data; Sheriff's OMU data for 1998)

Figure 2.



Decrease in Number of Sentences for Twelve Month or Less Convictions

Individuals sentenced on a new less-than-twelve-month sentence decreased 56% when comparing the first six months of 1997 to the first six months of 1998 (DSS data download for 1997; Sheriff's OMU data for 1998)

V. PROGRAM PLACEMENT CONSTRAINTS

The Multnomah County SB 1145 Plan was based on the assumption that on any given day half of the population would reside in a jail bed, and half would be in an alternative jail program. Several factors have contributed to the lower than expected program placements. These include:

- *Parole/PPS Revokes Must Serve All Time in Jail*

The inability to move this population was unanticipated.

- *Holds*

More than 20% of the SB 1145 population have a hold of some kind, restricting their movement. The number of holds is a reflection of offenders with deeper system involvement. The extent to which it would influence program placement was unanticipated.

- *Non-1145 Companion Sentences*

In these cases, the offender has mandatory custody time on a non-SB 1145 sentence that must be served before considered for placement.

- *High Risk*

This category includes offenders with violent histories, untreated sex offenders, chronic absconders, and those exhibiting hostile or assaultive tendencies.

- *Inmate Refuses Treatment*

The inmate denies having a problem or is resistant to program placement.

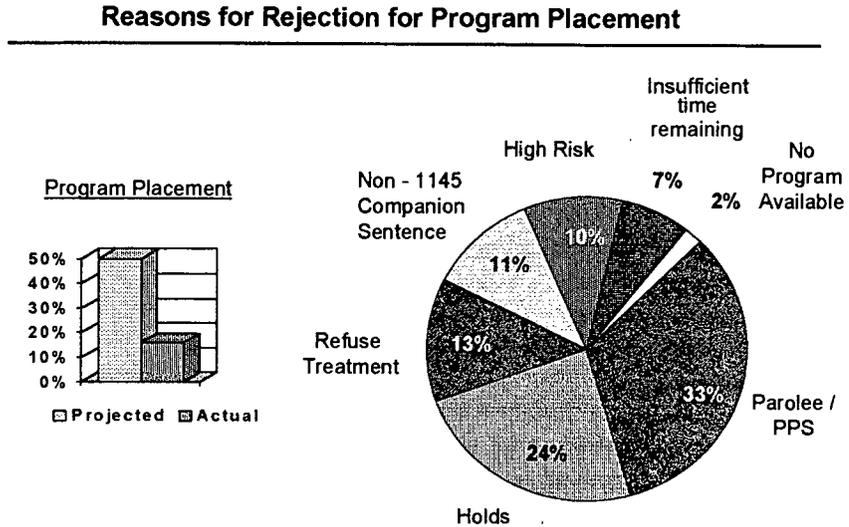
- *Insufficient Time Left to Access Program*

The combined effect of good/work time, and the local 30-day stay-policy is to reduce available time to such an extent that program options are severely limited.

- *No Program Available to Meet Need*

In some cases no appropriate program existed to address the unique or complex needs of the offender. But it is also important to note that the Secure Drug Treatment beds only became available early in 1998. The numbers placed in treatment increased significantly after this resource was made available.

Figure 3.



Source: DSS Download, 1997.

To better understand the population rejected for programs, case files for the last year were reviewed for certain categories. These and other groups are further discussed below.

Parolee/Post-Prison Revocations

*Couldn't move
revoked
parole/pps to
programs*

The original Multnomah County SB 1145 Plan did not account for the statutory prohibition against placing a revoked post-prison offender in alternative programs. This prohibition appears to have caught many jurisdictions by surprise. The other unexpected issue was the disallowance of good time and work time for this same population.

Given that in the first year, almost 40% of the SB 1145 offenders were Parole/PPS revoke cases, the inability to move them out of the jail represented a major constraint to program placement. This issue has been all but resolved with the implementation of SB 156. This legislation, which broadened the authority of local community corrections to impose administrative sanctions (of from 31 - 90 days), reduced the system incentive to revoke and has resulted in a wholesale shift in practice. And, unlike revoked offenders, sanctioned offenders are eligible for program consideration.

The impact of this change can already be observed in the increase in the number of cases placed in programs over the last six months. Given that the total numbers of sanctioned offenders is also going up, we can expect to see a continued growth in program placement over the coming months.

Holds

The Multnomah County planning model did not anticipate that such a large percentage of the 1145 group would have holds limiting their placement. Roughly 24% of the population has a hold.

Various efforts have been made to expedite the removal of holds. Personnel in the Sheriff's office, Adult Community Justice, the District Attorney, and the Public Defender's Office have all attempted to address this problem with little success. The two kinds of hold that merit further discussion are: Other County Holds, and INS holds

44% of all holds are 'other county' holds

Other County Holds This group constitutes 44% percent of all SB 1145 holds (DSS Download, 1997). County staff relate that a large percentage of these are holds for either Clackamas or Washington counties. Given the movement within this urban zone it is worth considering the development of a court to process holds for this tri-county area.

Apart from this, it is also worth noting that there are no restrictions to moving cases with other county holds to a jail alternative. Multnomah County Legal Counsel, responding to a question regarding holds indicated that, "The fact that a sentenced offender has an "other county hold" does not prevent the supervisory authority from placing the offender in community supervision in execution of the sentence." (Memo, Office of County Counsel, June 13, 1997)

Local policy keeps INS holds in Jail for 30 days

INS Holds The local policy to hold INS inmates for 30 days should be reviewed. While the goal of equity is fundamental to any criminal justice system, it might be asked whether that objective can be met by other means. It might be argued that deportation itself is a punishment of equal or greater value than the 30 days in local bed custody. To address the issue of deported individuals returning to the local area, discussions should be initiated with the Office of the U.S. Attorney to explore their willingness to file Aggravated Re-entry charges in the event a deported individual returns.

Recommendation: Establish a Court to process Tri-County Holds.

Recommendation: Reconsider local 30-day custody policy for INS Holds.

■ ■ ■

Insufficient Time Left

The expected program placement rate of 50% was based on an assumption that there would be more time available to work with the offender.

Expect further reduction in sanction length

The effect of the decrease in length of stays has been significant. The original Multnomah County Plan anticipated that SB 1145 offenders would serve 4.5 months on a local sentence. In practice they have served an average of 2.5 months (DSS Download, 1997). And the system can expect the average stay to decrease even more over the next year, due to recent implementation of new sanction legislation and a resultant shift in sanctioning practices. This decrease in length of sentence can reduce population pressures on the jail, at the same time that it further challenges system efforts to provide well-structured and meaningful interventions. An average 71-day sanction translates into a 40-day stay, after good time and work time is applied. And research indicates that a minimum program stay of three months is needed to realize reductions in recidivism.

The local policy to hold all revoked offenders for at least 30 days in jail, was based on a goal of providing a minimum jail stay, for a population that would in the past have received a longer prison term. Yet, given the shortened time available to work with offenders, this policy should be reconsidered.

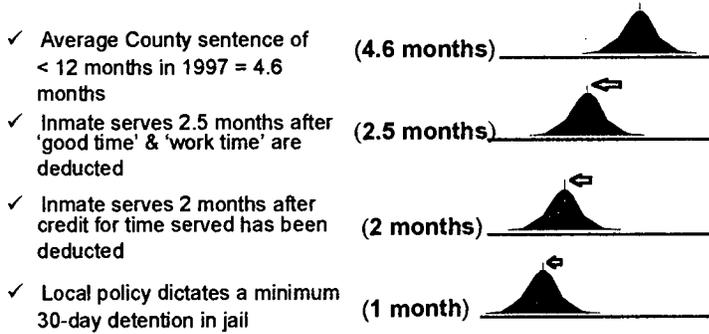
Research suggests 90 day minimum program stay is needed to realize reduction in criminal behavior

The importance of sufficient time for program involvement is a critical issue. One of the lessons from the literature on program effectiveness, is that program involvement of less than three months has no perceived long-term effect on recidivism. This research is strengthened by the recent outcome evaluation of the Multnomah County Drug Court. Given this, the 90-day threshold should become a standard for program involvement. Yet, this standard should not limit placement of an offender with only 60 days remaining in Local Control status, in a residential treatment program. It does suggest that offenders in a residential program should be routinely expected, by condition of supervision, to complete an outpatient phase of treatment to meet the minimum time involvement.

Another issue related to good/work time is the anomaly of a calculation formula that results in a person sentenced to 30 days serving 24 days, while a person with a 31-day sentence serves 18 days. This should be reviewed.

Effect of Time Calculation on Time for Programs

Figure 4.



Recommendation: Eliminate the blanket 30-day minimum jail stay before program placement.

Recommendation: Address disparities in good/work time that result in a 31-day sentence translating into less time than a 30 day sentence

Recommendation: Set as a standard condition, the continuation of residential treatment in an intensive outpatient setting.

...

Refuses Treatment

"We have been giving the inmate the option to refuse treatment, maybe we shouldn't give them the choice - they have shown that they're not very good at making choices." SB 1145 Screening Team Member

Inmates give many reasons for refusing placement in treatment. "Done that." "Don't need it." "Just send me to DOC (prison bed)."

Treatment often considered 'tougher' than custody by offender

Treatment is tough time for many offenders. Given the choice between time in a hard bed and time in a program, many will choose the bed. This is consistent with studies related to offender choice. In an Oregon study, selected offenders were given the choice of serving a prison term or returning to the community to participate in an Intensive Supervision program with drug testing and mandatory services. Given the choice, about a third chose prison (Petersilia 1990).

This disinclination for treatment is made worse in the case of SB1145 offenders, in that time in treatment can serve to lengthen the time under "local control." Good time but not work time is applied while in a residential treatment program.

Lack of treatment preparation contributes to program failures

While it is true that a fair number refuse treatment, it is also true that screening staff have very little time to spend explaining the available programs or educating people about their benefits. Case notes suggest that approximately one-third of this group have managed to elude treatment while under supervision. And this group includes a good percentage with histories of person-to-person crimes. Clearly, this is a group that could benefit from treatment. Yet, the benefits that may derive from coercing involvement must be weighed against the disruptive influence a short-term participant can have on a treatment program in-progress. Staff have seen the failure rates of offenders who were sent directly to one of the residential programs without the benefit of good information or solid preparation.

To address these issues, it is recommended that the In-Jail Inmate Program (IJIP) be restructured as a two-week Treatment Readiness track for the SB 1145 population. This two-week period would afford staff time to prepare the resistant inmate for treatment, and to assess the appropriate placement. Finer distinctions could then be made regarding placement in a residential program, or, for appropriate offenders - in the Restitution Center Program with intensive outpatient involvement.

Recommendation: *Modify the In-Jail Inmate Program.*

■ ■ ■

No Program Available to Meet Need

“Defendant has serious mental health issues. Claims issues are related to depression. Also has physical problems so can't work. Is on SSI. Seven year cocaine problem. Only had outpatient treatment but didn't complete. Good attitude. Is stable on medications but Yamhill program is down medical staff so can't accept.” Case Notes for SB 1145

The profile of the population that couldn't be placed because no program was available stands apart for three reasons: 1) The incidence of chronic mental health issues, 2) The prevalence of serious medical issues, and 3) The percentage of female offenders.

Of those rejected for program placement, this group had the lowest history of violent offenses, the greatest history of drug-related convictions, and the most chronic physical and mental problems. This population presents a complex challenge to corrections systems not well equipped to provide comprehensive services.

Assessments not always available

Roughly 10% of this group were not placed in a program because an assessment was not readily available. This speaks to the larger need to have, as a member of the SB 1145 team, someone who can provide needed assessments for addiction or mental health issues. Consideration should be given to having a staff person from the Target Cities Assessment Project join the SB 1145 work group. An integrated group of Public Safety personnel, Community Corrections, and Clinicians would provide a strong team.

Many offenders cannot afford prescribed medications, that if taken, might stabilize the person enough to make them a candidate for program placement.

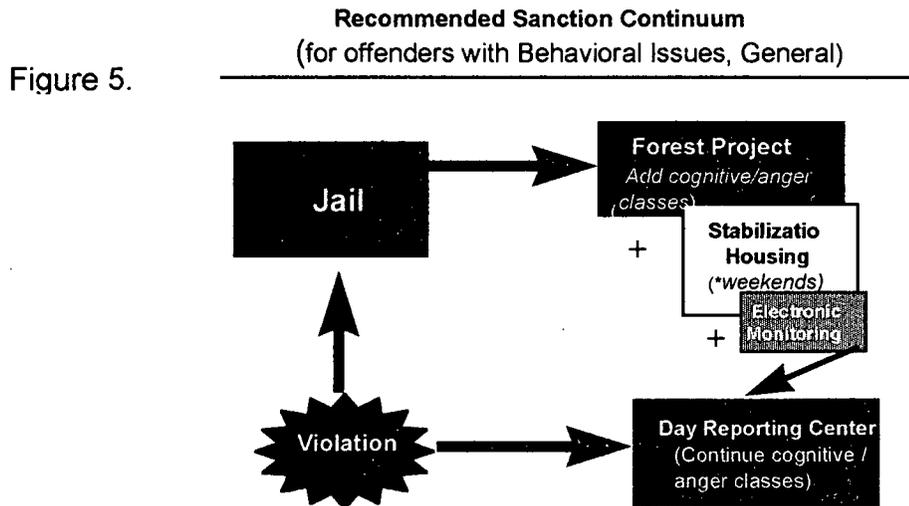
Lack of Transition Housing limits program placement

Not all individuals within this category possess chronic conditions which make placement problematic, some simply lack stable housing and therefore cannot be considered for the weekday Forest Work Program. Stabilization housing provided in conjunction with the Forest Camp would open this option for some, and for others provide another measure of public safety.

Restitution Center would be good option for many

The Restitution Center provides an ideal resource for the SB 1145 offender accessing other resources (such as outpatient treatment), or transitioning from a more secure program. Even so, it has been little used over the last eighteen months for this population. The Work Program is now ten years old and has been a success in the community.

It is time to review the eligibility criteria and consider it as a resource for an expanded group of offenders.



Recommendation: Dedicate Target Cities staff to join SB 1145 team to provide assessment support.

Recommendation: Make a fund available to purchase already prescribed medications to stabilize offenders with unmet mental health needs.

Recommendation: Develop stabilization housing to be used in conjunction with the Forest Project

Recommendation: Reassess the Restitution Center eligibility criteria and consider it for the SB 1145 offender who is linked with other programs.

...

High Risk Offender

*“Untreated, predatory sex offender with no home, no job, and no GED
High Risk to Re-offend. No appropriate program.” Case Notes
 from SB1145 Screening Unit*

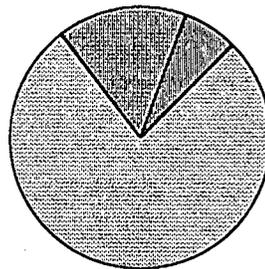
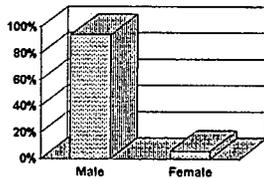
It is a terrible irony that the offender considered too high risk for a treatment program is often the person held in jail and then released back to the streets, without any constructive intervention. Yet, the system is challenged by a group of recalcitrant, disruptive, and potentially volatile individuals; some who have tried and failed available programs. Others have not yet made it to the treatment door.

“Hostile, with a History of Institutional Segregation” “A Chronic Absconder” “Gang Affiliation with History of Domestic Violence . . . victim frightened”

The profile of the cohort rejected for program placement because of Risk paints a stark picture. Predominately male (94%), they have a significant history of person-to-person offenses (77%) as described in case notes at the time of screening.

Figure 6.

Reasons for Denial of Placement (High Risk, n = 80)



Reason for Rejection

- Violent criminal history 50 %
- Sex Offender 23 %
- Hostile attitude or history of Institutional segregation 18 %
- Chronic absconder 9 %

Case Notes:

- Gang Affiliation 30 %
- History Domestic Violence 17 %
- History Sex Offense 24 %

Most Serious Prior Conviction

Source: Review of Case files Rejected for Program Placement April 1997 to April 1998

“Sentenced for Possession of Controlled Substance II. Untreated sex offender. History of Attempted Rape(93) , Robbery II (88), Robbery III (91), Many PC charges. Initially stated that he wanted inpatient treatment, then changed mind and said that he has only used drugs for one year and doesn't need. High Risk”

Case Notes SB 1145 Screening

No Appropriate Services for High Risk Sex Offenders

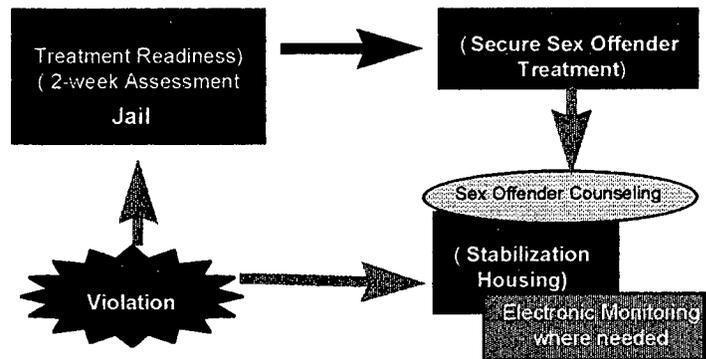
Roughly a quarter of the High Risk group rejected for program placement had a history that included a sex offense conviction. Several were listed as untreated, predatory sex offenders. It is difficult to place these individuals. Most programs won't take them. And the majority of good residential drug treatment programs are simply not equipped to deal with the issues related to treating both sexual pathologies and substance addictions. No secure, residential program designed specifically for sex offenders, is available in this State. Yet, a terrible need exists.

Consideration should be given to filling this gap with the development of a secure facility for this population. In the case files examined, 19 individuals were denied placement because they were sex offenders, often with other complications noted. However, a larger percentage of those denied for other reasons also have a sex offense in their criminal history.

As with the population placed in residential drug treatment, those placed in secure sex offender treatment will need to be engaged in treatment beyond the short time in SB 1145 status. This necessitates the continuation of treatment in an outpatient setting, and, where needed, a transition phase that incorporates stabilization housing.

**Recommended Sanction Continuum
(for Sex Offenders)**

Figure 7.



Case: Original crime was Sex Abuse I. Predatory crime - victim was a stranger, 14 years old. Defendant on psychotropic medication regimen. Uses all street drugs, prefers methamphetamines by injection. Suspected in multiple sex abuse cases while on supervision. Defendant has become demanding and disruptive in custody - released to maximum close custody. Serious dual diagnosis. Not in compliance with sex offender counseling.

Case Notes from SB 1145 Screening

**Control Strategies
Needed for those
who pose
imminent risk**

**Recommend:
Review use of
electronic
monitoring**

No matter what provisions are made to deal with the high risk offender, some will never be appropriate candidates for community program placement, either because they cannot conform to the rigors of an interactive group setting, or because their pathologies leave them unresponsive to short-term therapeutic interventions. In these cases, the screening staff should simply address public safety issues and consider all available options at the time of release, such as intensified contact and electronic monitoring. The assessment process should also be refined to allow, where needed, a general determination of imminent risk for violence.

"Rejected due to assaultive history/domestic violence. Domestic assault. Victim indicated fearful. History of aggravated assault (87) assault (88), aggravated assault (88) gang activity association (88), assault - domestic violence (95), robbery (96). Feb. 97 became combative - struggled with security guard"

Case Notes from SB 1145 Screening

**Domestic Violence
Cases warrant
specialized
response**

The cases with domestic violence and assault involvement present their own concerns and frustrations. Multnomah County has taken a positive step in providing specialized supervision for this population of offenders, through its domestic violence unit. This effort would be complimented by an In-Jail track that continues to address anger management issues while in custody. These sessions could be continued in a Day Reporting Program (with electronic monitoring where appropriate).

"Defendant considered a high risk dangerous offender according to (sentencing guideline) Grid. Needs treatment but insufficient time for secure/inpatient treatment. History of Assault 2 (94), Assault 4 Domestic (97), Robbery 2 (94), PPDS contacts for theft, drugs, duii, burglary, forgery, domestic violence. Has never been to Day Reporting Program, Work Release or Forest Project. Was supposed to do outpatient but didn't."

Case Notes from SB 1145 Screening

*Longer
incarceration
option needed to
address few
cases*

Still, there will always be those few chronic, dangerous offenders for whom a longer period of incarceration is needed. The logic of SB 1145, that argues for maintaining offenders in the community applies to most individuals under supervision. Yet, for a small number of non-compliant offenders, access to a prison bed is an important option. It offers additional leverage to compel treatment compliance for a high risk population, and it provides additional time to address serious treatment needs in a secure setting.

SB 1145 bifurcated the Corrections System. It created two separate systems, a county system and a State system. To adequately address the high risk dangerous offender these systems need to be re-linked. While prepared to initially propose a call for the restoration of the full continuum as part of this Report, further research has revealed a clause in recently implemented legislation (SB 156) that provides this longer term prison option. The language of SB 156 allows the imposition of up to 24 months of prison time under the following circumstance:

*Extend continuum
to prison*

ORS 144.108,

Section 5 (1) If the violation of post-prison supervision is new criminal activity or if the supervisory authority finds that the continuum of sanctions is insufficient punishment for a violation of the conditions of post-prison supervision, the supervisory authority may:

- (a) Impose the most restrictive sanction available, including incarceration in jail;
- (b) Request the State Board of Parole and Post-Prison Supervision to impose a sanction under subsection (2) of this section; or
- (c) Request the board to impose a sanction under section 2 of this 1997 Act.

Section 2.The board shall adopt rules under subsection (1) of this section that include, but are not limited to, a sanction under ORS 144.108 of imprisonment in a correctional facility for a period that may exceed 12 months. The rules adopted by the board may not allow the imposition of more than 24 months of imprisonment without a subsequent hearing to determine whether additional imprisonment is appropriate.

*Recommend:
State
development of
Violator Program
Camp*

The language in ORS 144.108 applies only to a person serving a term of post-prison supervision for a felony committed on or after the effective date of the Act, which is July, 1997. Counties should pursue discussions with the Parole Board and the State Department of Corrections regarding the implementation of this provision. What rules will be adopted? What criteria will be used to select appropriate candidates? And, while the prison bed will be available for these few, the State may want to consider managing them in a manner that is consistent with the philosophy of Local Control — to provide programs as well as beds. If the interest is to reduce risk, a longer term Violator Program Camp might best meet community safety needs.

“Defendant housed in administrative segregation and is on disciplinary lockdown unit for disruptive behavior and threats to staff. Has 17 entries on discipline screen. Listed as a gang member.”

Case Notes from SB 1145 screening

“Defendant to remain in a Dept. of Corrections rental bed due to institution behavior - inmate assault. In lockdown.”

Case Notes from SB 1145 screening

In the past, the system response to the High Risk offender has been to imprison. Yet we know that while this served a short-term public safety goal, it did not address long-term public safety needs. However, the community corrections continuum may not yet be fully capable of addressing the complex issues presented by this group. As Local Control strategies evolve, it becomes increasingly important to ensure that the local continuum can accommodate this population. Good assessments, secure treatment for sex offenders, and stabilization housing linked with programs would expand local service options.

Recommendation: *Develop secure, residential sex offender treatment*

Recommendation: *Develop transition housing linked to treatment*

Recommendation: *Make routine, the continuation of treatment in an outpatient setting*

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VI. MANAGING THE CONTINUUM

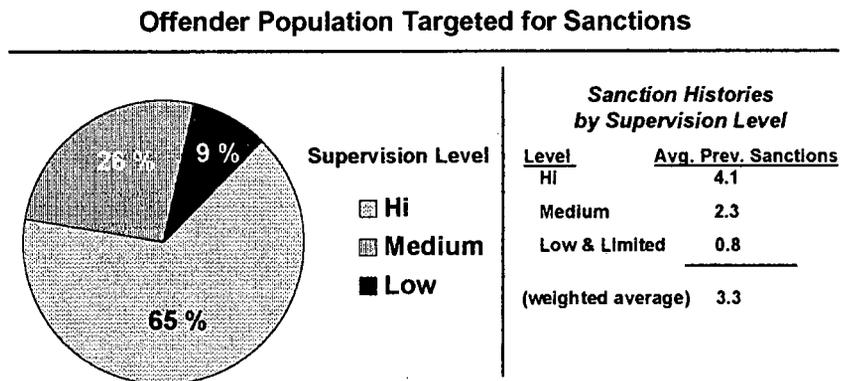
“If Public Safety is our goal, then we must give people the skills to manage their own lives.” Elyse Clawson, Director of Adult and Juvenile Community Justice

Target Population

Majority of sanctioned offenders are high risk cases

The population targeted for sanctions and interventions is that high risk group for whom supervision resources are targeted. Sixty five percent (65%) of those sanctioned in the first six months of 1998 were supervised at a high level. The offenders in this group had, on average, received 4.1 previous sanctions.

Figure 8.



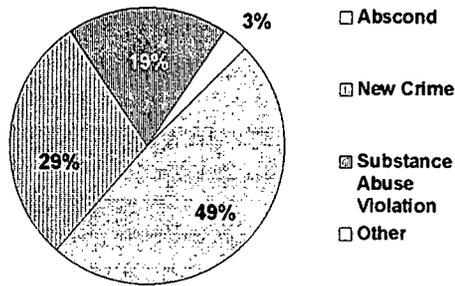
Source: (Sanctions Tracking Unit 1/1/98 through 6/30/98)
Footnote: Does not include Probation Revocations or Judge imposed sanctions.

The most frequent reason for violation was Failing to Report to a Probation or Parole Officer (Abscond), comprising forty-nine percent (49%) of all violations.

Figure 9.

Reasons for Violation (SB 1145 + Non-SB 1145 Offenders)*

Absconding is the most frequent violation



Source: Sanctions Tracking Unit, 1/1/98 through 6/30/98.
 * All, except probationers processed by Judges.

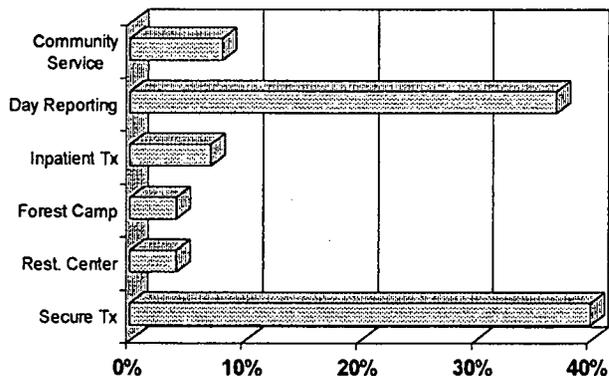
The Lower End of the Continuum

Both ends of continuum are well utilized

By design, Multnomah County makes good use of the lower end of its continuum. The expansion of the Day Reporting Center serves a central function in the sanctioning of lower risk behavior. Once jail is imposed, the Day Reporting Center is still an important tool. In fact, when examining the type of programs imposed with a Jail sanction, the Day Reporting Center is imposed as frequently as Secure Treatment. Clearly, both ends of the sanction continuum are fully used.

Figure 10.

Type of Program Imposed with Jail
 (All Local Sanctions, Including SB 1145)*



Source: Sanctions Tracking Unit, 1/1/98 through 6/30/98.
 * Does not include Probationers sanctioned by the Court.

The Jail Resource

Majority of jail sanctions are for 30 days or less

When Jail is used as a sanction, the majority of placements are for the shorter (non SB 1145) stays of thirty days or less. Seventy seven percent (77%) of all jail sanction units imposed in Multnomah County are for 30-days or less (Sanctions Tracking Unit Data. July, 1998)

In a one-day Jail snapshot taken for this Report in July, 1998, 61% of the total post-trial population of 582 inmates were SB 1145 offenders (353 inmates).. [see Appendix for Jail Snapshot breakout]

VII. EFFECTIVENESS

"In summary, regardless of the review or the standard of effectiveness set, when one examines the actual studies reviewed the positive evidence regarding effective intervention is found in tests of correctional treatment services rather than tests of official punishment". Andrews, 1994

How can the lessons from the corrections literature on effectiveness be applied to the business of sanctioning offenders? Support for the local management of offenders was based, in part, on the conviction that prison sanctions in and of themselves had not proven successful in reducing recidivism, and that effective practices required a balance of sanctions and treatment. Yet, as Oregon approaches the two-year mark of the SB 1145 experience, statistics indicate that the majority of offenders are now serving their sanction exclusively in a county jail. At this juncture, the underlying premise of the Local Control philosophy should be reviewed, and strategies refined.

A body of scientific literature on the effectiveness of corrections interventions now exists. Its lessons are still being taught, and the application of its principles tested. These principles include:

- ◇ **Balance Supervision, Sanctions, and Supervision**
- ◇ **Ensure Treatment Involvement of At Least Three Months**
- ◇ **Target the Higher Risk Offender**
- ◇ **Focus on Underlying Issues Linked to Criminal Behavior**
- ◇ **Provide Programs that are of Sufficient Duration**
- ◇ **Provide Programs with a Cognitive/Behavioral Approach**
- ◇ **Responses to Non-Compliance should be Swift and Certain**

"Every tax dollar spent on alcohol and drug treatment produced \$5.60 in avoided costs to the Oregon taxpayer" (Finigan, 1996)

Multnomah County has, in the focus on higher risk cases, the planned enhancement of alcohol and drug resources, and the use of cognitive skills sessions, adopted programs and approaches consistent with effective correctional practices. There is room, however, in the next phase of development, for Multnomah, and other counties to assess how to best translate other principles into practice.

How can sanctions be applied in a manner both equitable and predictable? The existing Structured Sanctions Guidelines ensure a greater measure of uniformity than existed under the previous system; but with the overlay of new legislation and administrative rules, the Guidelines have become overly complex.

In serving the goal of standardization, Oregon may have traded certainty for a labyrinthine uniformity. Clearly, we've traded clarity. The predictability of a short and certain sanction (like that used in DROP programs), is lost when probation officers must employ a multi-step process just to determine the starting point on a sanctions grid. If sanctions are to ever meet the test of "certainty," they must also pass a test of "simplicity."

In programs in which offenders received both supervision and treatment, recidivism was reduced 20-30 percent.

(Petersilia, 1990)

How can we ensure that responses are balanced? The research on the effectiveness of balanced supervision, sanctions and treatment is compelling (Petersilia, 1990). Given this, the pursuit of balance should not begin at the point of violation. Balance must be achieved within the larger context of supervision planning. And a good place to start is with the Action Plan, devised at the time of intake. Each Plan, based on an individualized assessment of risk and needs, should map out a balanced strategy for the offender, and include clear expectations and predictable consequences. With this in place, the SB 1145 screening would become less a task of devising a plan, and more a task of implementing an already designed strategy.

What kind of assessment is needed to ensure that priority for drug treatment is given to those for whom addiction is directly linked to criminal behavior? The cost effectiveness of alcohol and drug treatment has been proven (Finigan, 1996); and a recent national study demonstrates the prevalence of addiction among the supervised population, and its terrible contribution to crime — almost half of probationers were under the influence of alcohol or drugs at the time of their offense (BJS, 1998). Yet, given the cost of residential treatment, who do we target for this scarce resource?

These questions represent just a few of the issues community corrections agencies in Oregon will need to address, as they continue the challenge of transforming the science of corrections into sound policies and realistic sanctioning practices.

VIII. ADMINISTRATION OF SB1145

The administration of SB1145 relies upon the combined efforts of a team of Jail and Community Corrections staff. The duties and roles of these staff members have evolved over the last eighteen months, and will continue to be refined as practices change and polices are reviewed. But a good foundation has been established.

SB 1145 Team

Joint training advised

Any team is made stronger by proximity. The Jail and Community Corrections staff would benefit from being housed in the same office. This would allow them to more closely monitor and review cases.

It would also be advisable if the expertise of both staff were tapped when interviewing the offender. Currently, only Jail personnel interview the inmate, and then both staff come together to review paper records and deliberate over the placement decision. Given the importance of the two perspectives, both should be engaged in the initial assessment.

In addition, future training opportunities made available to one agency's members should be made available to the entire team. This will facilitate the development of a common language.

Recommendation: *Co-locate Jail and Community Corrections staff and share training.*

Recommendation: *Involve both Jail staff and Community Corrections staff in interviewing offender.*

Placement Guidelines

*Policy Shapes
Response*

The SB 1145 Team must make difficult decisions about the placement of offenders in community programs. These decisions should be influenced by written policy guidelines. These guidelines should be shaped by the two Supervisory Authorities, and debated by the local Criminal Justice Coordinating Council. Once adopted, SB 1145 team members should be given permission to take risks within this policy framework.

Recommendation: *The Criminal Justice Council should develop Policy Guidelines for Offender Placement.*

Philosophy shapes response

Designing a Response

Corrections practices are best developed within a theoretical framework. An example of such a framework is the “Balanced Approach,” in which the response to the offender is based on three considerations:

- (1) Accountability : Has harm been inflicted that needs to be restored?
- (2) Reducing Risk : What underlying issues should be addressed to reduce future risk?
- (3) Controlling Risk : What level of control is needed to manage existing risk?

This model assumes that immediate public safety concerns are addressed; efforts are undertaken to reduce future criminality; and that the offender will be expected to repay debts or restore harm.

The kind of questions that are asked at the time of screening will to a large degree dictate what options are developed, and ultimately determine how success is measured.

Recommendation: *Discuss the considerations/questions that should help shape the system response to violation behavior.*

Role of Originating Probation Officer

Case Continuity - the benefits

At the time of revocation, the originating officer closes the case and transfers it to the SB 1145 team for the duration of their Local Control status. The argument advanced for this arrangement relates to the complexity of SB 1145, and the short-term need for more intensive supervision.

On the other hand, it might be argued that the benefits derived from continuity of case management outweigh the disadvantages. In fact, it might be argued that it is the point of non-compliance when the case familiarity and specialized expertise of the originating officer is most needed.

Recommendation: *Continue to debate the advantages and disadvantages of having originating officer close case at time of revocation.*

*Meeting Statutory
deadlines*

Hearings Officer

Post-Prison Supervision cases in the Jail on a detainer must be released from custody if not granted a hearing within 15 days. Jail staff track these cases and on the 14th day in custody send a teletype to the parole officer, supervisor, and sometimes the Parole Board, notifying them that the individual will be released if no action is taken. In the four month period reviewed for this Report (March - June, 1998), 173 teletypes were sent and 124 offenders were released, because a hearing had not been conducted within the two-week deadline. This issue merits further review and analysis. It may speak to the need for more Hearing Officer resources to ensure that cases can be processed within statutory time frames.

Recommendation: *Review Hearing Officer resource needs.*

IX. INFORMATION AND ANALYSIS

Analysis is only as good as the data from which it is drawn. The State and the counties are in a difficult position today when it comes to analyzing SB 1145 data. Jail systems are not linked to the State Department of Corrections; the DOC database was not designed to track detailed movement between community programs; and at the community corrections level, SB 1145 data is often not centralized. In the end, it is difficult to know with complete confidence statewide, how many SB 1145 offenders have been processed, how much custody resource they used, and how they were managed once moved from jail. This needs to improve.

Information Systems

Fragmented Databases

In Multnomah County, SB1145 data is kept in several databases. The SB 1145 team has developed a system of working with the jail to capture entry and exit information for Local Control offenders. This information is entered into the DOC database. With the need to also track 31+ day sanctions, this effort needs to be linked to that of the *Sanctions Tracking Unit* to ensure that all information is captured. The *JC-2 Court* has a stand-alone database that has data on Probation revocations and sanctions; and the *Sheriff's Office* collects SB 1145 information and generates a monthly Offender Management Report.

In a cursory review of these databases, it is not surprising that discrepancies were found. Some discrepancies are explained by problems of identification, problems of completeness, and by differences in the time of information entry. A system this fragmented, is broken.

Discrepancies in data

These information systems need to be integrated. Although the Multnomah County Bond Technology Project holds out hope for large-scale data 'warehousing,' it should not delay the integration of SB 1145 databases. This immediate need should be addressed short of other long-term information projects. And after the databases are merged, regular audits should be conducted to ensure that the information collected is complete and accurate.

Recommendation: Integrate SB 1145 data systems.

*Accessing
Information*

Information Linkage

The Sheriff's SB 1145 Team should have access to the Community Corrections database (ISIS). This access would provide important offender information for purposes of case screening. Creating this linkage requires the State to provide an ID number. This has been requested.

Recommendation: *Link Sheriff's SB 1145 Team members to Adult Community Justice Offender database.*

*Tracking the
Information*

Information Routing

Apart from the problem of data systems, is the issue of how information is routed for entry into those systems. Currently, court orders are sent to clerks in seven separate field offices for return to the probation officers. This process could be streamlined to ensure that full information is captured on SB1145 cases, and to serve as a check and balance mechanism for other data collection efforts.

Recommendation: *Route court orders to centralized record-keeping unit in Adult Community Justice.*

*Deciphering the
Information*

Information Interpretation

At the time of jail booking, the Records Unit must determine whether the case is in SB 1145 status, how credit for time served is to be applied, and whether the judge denied consideration for alternative jail placement. This is not as straightforward as might be expected, in large part because it involves the interpretation of Court Orders. Jail Records Unit staff indicate that the lack of standardized Court Orders, coupled with the way in which information is documented, make this a sometimes difficult task. This can lead to errors in identification and processing. Given this, the system may want to address this issue.

Recommendation: *Consider whether Court Orders can be modified to more clearly identify SB1145 status.*

*Suggested
Studies*Analysis

Once the databases are merged and on-going analysis made feasible, routine reports should be generated for Criminal Justice Council review. At the very least, these reports should detail the number of SB 1145 offenders admitted by category, and describe how they were processed. In response to issues raised in this Report, other more detailed analyses are also recommended over the coming months. These include:

- (Forecasting SB 1145)

Carefully monitor the number of SB 1145 admissions, duration of stay, and placement rates over the coming months to support planning for next biennium.

- (SB 1145 Sex Offenders)

Conduct a more thorough analysis of revoked and sanctioned sex offenders to further explore the level of need for a secure treatment program.

- (SB 1145 Profile)

Develop a baseline of data for this population by conducting a more detailed analysis of a sample of "local control" offenders. Special attention should be given to an analysis of sanction and revocation practices of minority populations.

- (Release of Unprocessed Cases)

Collect more information regarding the number of individuals (both post-prison supervision and probation cases) who are in jail pending a hearing or sanction determination, and then released because they are not processed within mandatory time frames.

- (Cost/Benefit Analysis)

What are the cost savings associated with increased diversion and lower end sanctioning? What are the cost savings associated with sanctioning parolees/pps versus revoking them? And what are the unforeseen or unfunded costs?

Outcome Evaluation*Suggested
Evaluations*▪ (Recidivism Study)

The County should begin planning an outcome evaluation to judge the effects of this intervention. A recidivism study could be constructed that compared a group of "local control" offenders with a matched population, previously served with only a prison stay. As part of this study it would be interesting to examine the relationship between technical violations and new criminal activity. Is there a correlation? This question remains unanswered in the corrections literature.

▪ (Sanction Effectiveness Study) A study of the relative benefits of various sanction options could provide valuable information to guide future practices. If the goal is recidivism reduction, does a shorter term sanction yield as much benefit as a longer term sanction? The community corrections system can now apply from 31 - 90 days of sanction units. Are 90 units more effective than 50? Do sanctions coupled with treatment yield better results? And what would be the effect of sanctions delivered (in a Drug Court model), that are spelled out in advance, and achieve the objectives of swiftness and certainty? With the largest offender population in the State, Multnomah County is well positioned to make a significant contribution to the knowledge base on sanction practices.

X. FUNDING

There is no room for competition between jails and community corrections for State funding. To ensure that County Commissioners are not faced with impossible decisions regarding the support of expensive jail beds and the funding of necessary programs, State funding must be fairly developed and equitably distributed. It should also reward effective and low-cost practices.

SB 1145 Operational Funding

The State funding made available for the management of the SB 1145 population was based on an assumption that on any given day, 75% of this population would be in custody, and 25% would be in a community-based program. Given that local operational costs are higher than the statewide average, Multnomah had to devise a Plan based on an assumed 50/50 split (half in custody and half in the community).

Distribution of Offenders between Jail and programs different than expected

In practice, the planned distribution between jail and non-jail programs was not realized. By July of 1998, the number in a non-jail program was the highest it had been over the first 18 months, leaving 84% of the population in jail on any given day (OMU Data, July 1998). The reason that this outcome did not "break the bank" was because the total number of SB 1145 offenders booked into the facilities was less than anticipated, and when they arrived they stayed for shorter periods than originally expected.

But intake numbers are now on the increase. At the same time, the impact of trends in sentence length (down), and program placement (up), is unknown. This speaks to the need to closely model the effects of these changes over the coming months in order to foresee the fiscal impact of SB 1145 over the next biennium.

Per-day costs are higher than funded

For purposes of State budget development, the actual per-day costs of managing "local control" offenders needs to be revised. A recent statewide effort to capture the actual average cost of managing this population has just been completed. If the revised figures are used to calculate the baseline funding for the next biennium, per-day jail costs will be calculated at \$80.64 (current biennium is \$66.96 per-day) and \$18.69 for community sanctions (current biennium rate is \$7.21 per-day). A separate analysis of the cost of Work Release Centers was also included.

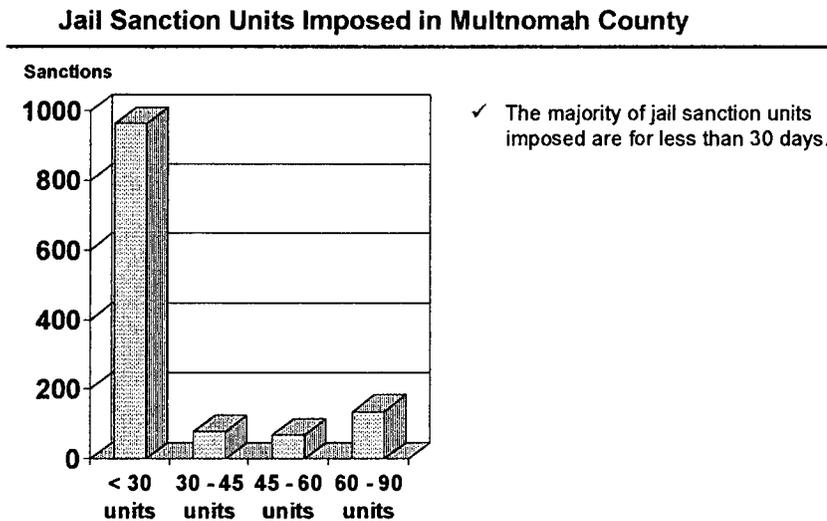
The State should be encouraged to revise per-day costs based on this statewide study, and to also revise the assumed 75/25 distribution to

reflect the actual distribution of cases between custody and the community over this biennium. (Although the current distribution in Multnomah is 84% jail and 16% in jail alternatives, this ratio can be expected to change both here and around the state in the coming months, as the shift from revoking to sanctioning parolees/ppts cases continues, as more programs come on-line, and as screening and placement policies and procedures are refined.).

No funding credit given for less than 30 day jail stays

As SB 1145 evolves, another issue to track will be the use of the jail for less than 30-day sanctions. This activity is not reflected in SB 1145 funding because it falls below the threshold historically eligible for a prison sanction. Yet, consistent with the decrease in sentence lengths, counties might expect to see this group increase. In Multnomah County, less than 30-day jail sanctions comprise 77% of all local jail sanction units imposed (Sanctions Tracking Unit, July 1998). The efficient use of short-term sanctions benefits the entire system. Given this, consideration should be given to rewarding counties for the judicious use of jail resources.

Figure 11



Source: Sanctions Tracking Unit Data 1/1/98 - 6/30/98
(excludes probation revocation or judge imposed sanctions)

Under the existing funding scheme, if an offender receives a 30-day jail sanction and then exits jail for the Day Reporting Program there is no SB 1145 compensation. But, if the offender receives a 90-day sanction, and then serves 30 days in jail before being placed in the community, they are considered an SB 1145 offender. The Jail impact is the same in both cases, but for purposes of budget planning, the State counts the one and not the other.

Recommendation: Encourage the State to Adjust Funding Based on Revised Per-Day Costs and the Actual Distribution of Offenders Between Jail and the Community.

Field Supervision, Services and Sanctions Funding

No funding credit given for diversion

The baseline funding for Field Services is based on a case rate that estimates the costs of managing felony offenders under supervision. Yet, this formula does not capture the good work being done by counties, like Multnomah, in diverting offenders from the system altogether through programs like the Drug Court.

Consideration should be given to constructing a formula that financially rewards low-cost diversion options

Recommendation: Encourage the State to Reward Diversion Activities.

Allocation Formula

Funding allocation does not reflect operational costs

Related to the construction of baseline funding is the issue of how funds are then distributed. The current allocation formula multiplies a statewide average workload for the less-than-12-month population, against each counties' total supervised population. This approach, (the use of a "leveler") was devised to neutralize the effect of local practice in managing Local Control offenders. The intent was to neither reward higher than expected sanctioning practices, nor to punish lower than expected activity. This makes good sense. Yet, while the sole reliance on averages is relevant when dealing with more dynamic factors, such as offender management, it does not also acknowledge the more fixed and static costs associated with managing a population in jail.

The average. per-day cost of a jail bed in Multnomah County is \$103.37

While jail costs influence baseline funding, the distribution of these funds to each county bears no relationship to local custody costs. So, while the high average cost of jail operations in Multnomah County (\$103.37) drive up the statewide average (\$80.64) for purposes of constructing a budget, these higher than average costs are not then reflected in the distribution of that budget. The State should be encouraged to add an "adjustment factor" to the distribution formula to acknowledge the disparity in county jail operational costs.

Recommendation: Encourage State to build in an "adjustment" factor to reflect differences in local custody costs.

XI CONCLUSION

The passage of Measure 11 has challenged the Oregon Corrections System. Mandatory minimum legislation has sent more individuals to prison for longer periods of time. Yet, at the same time that Oregon implements a more punitive, prison-based approach to criminal behavior, a different approach to failure is being tested in its counties.

Local Control legislation (SB 1145) is based on the premise that, given a full continuum of resources, counties can effectively manage most offender failure. Its theoretical base is a body of corrections research which suggests that swift and certain sanctions, delivered within the context of a balanced strategy of supervision and treatment is the most effective corrections strategy.

The shift to Local Control is pragmatic in its approach. If prison sanctions punish but do not reduce recidivism, they do not in the end protect. A more successful approach is needed. It holds out hope for effecting positive change in individuals and communities. And hope has been a scarce commodity in corrections.

The shift to Local Control is also idealistic in its goals, with counties agreeing to assume the management of all offenders previously sentenced or sanctioned to prison for a less than twelve month period. This is no small task. Yet, in many respects it is the final chapter in a community corrections movement which is based on the belief that, in most cases, local problems are best managed at the local level. And this philosophy is evident in other efforts: community policing, court-based mediation and restorative justice. Increasingly, the community is being called upon to address issues that affect their quality of life. They are being challenged to act as problem-solvers.

Counties in Oregon now have more than one year of experience with the management of Local Control offenders. Overall, the experience is different than expected. Statewide, there are less offenders in SB 1145 status than expected on any given day; but a greater percentage than planned are serving all their time in jail. The Multnomah County experience is no different. In Multnomah County the average daily population of SB 1145 offenders is less than expected given the increased diversions of offenders to drug court, increased utilization of non-jail sanctions, and an overall reduction in sentence length. This reflects the judicious management of local resources. This is positive.

On the other hand, the planned transition of offenders from jail to programs has not been as successful as hoped. In part, this was a

function of the statutory prohibition against moving revoked parole and post-prison supervision cases (40% of SB1145) to a jail alternative. And in part, it can be explained by the fact that not all planned program options were fully implemented in the first year.

With a recent shift in parole officer practices, that is resulting in more sanctions than revocations, the first problem should be mitigated. And with the implementation of new and planned programs, the second issue should be better addressed. Still there are other constraints to program placement that this report addresses: the management of high risk offenders; the processing of "holds;" the response to offenders who are resistant to treatment; and the challenge of shortened periods of time in which to provide meaningful interventions. As these and other issues are addressed the county should also continue to assess how to provide sanctions and services that are balanced and that meet the test of swiftness and certainty. In order to test the success of the Local Control premise, it must be fully implemented.

The first phase of this new corrections strategy has been challenging. At the same time, Multnomah County deserves praise for its approach. The Commissioners supported and supplemented a strong foundation of local services. The Sheriff adopted a policy that, unlike some other counties, excluded SB 1145 offenders from the matrix release. And Adult Community Justice implemented innovative practices that targeted resources, and ensured that non-Jail sanctions were fully employed. The groundwork has been laid for the next phase of development.

In the next phase, local SB 1145 policies should be clarified, state funding formulations revised, and the existing continuum refined. In the end, the success of Local Control legislation will be judged based on measures of public safety and calculations of cost. Oregon has led the nation in many corrections innovations. The outcome of this new approach will be worth watching.

APPENDIX A

INDIVIDUALS IN MULTNOMAH COUNTY INTERVIEWED FOR REPORT

Honorable Judge Frank Bearden
Maria Alvarez, , Probation/Parole Officer, SB 1145 Unit, ACJ
Duane Cole, SB 1145 Unit Leader, ACJ
Jim Carlson, Evaluation Specialist, Dept. of Support Services
Elysè Clawson, Director, Dept. of Juvenile & Adult Community Justice
Honorable Judge Jim Ellis, Presiding Judge, Multnomah County Courts
Joyce Griffith, Administrator Records Unit, Sheriff's Office
Bob Grindstaff, Former Deputy Director, ACJ.
Sandy Haffey, Manager, Target Cities Program
Cary Harkaway, ACJ Administration
Jim Hennings, Executive Director, Metropolitan Public Defender
Sharron Kelley, Multnomah County Commissioner
Honorable Judge Bill Keys
Jackie Jamieson, Commander, Program Operations, Sheriff's Office
Mike King, District Manager, ACJ
Ginger Martin, Program Administrator, ACJ
Byron Moore, Manager Detention Programs/SB 1145 Coordinator, Sheriff's Office
Dan Noelle, Multnomah County Sheriff
Peter Ozanne, Executive Director, Public Safety Coordinating Council
Larry Reilly, Director of Planning and Research, Sheriff's Office
Suzanne Riles, Ph.D. Director of Research, Public Safety Coord. Council
Jim Rood, Deputy Director, ACJ
Wayne Salvo, Program Administrator, ACJ
Sheryle Sample, Senior OA, SB 1145 Team, ACJ
Mike Schrunk, Multnomah County District Attorney
John Siebenaler, Probation/Parole Officer, SB1145 Unit, ACJ
Barbara Simon, Executive Assistant, Sheriff's Office
Beverly Stein, Multnomah County Commissioner, Chair
Don Trapp, Probation/Parole JC-2 Court, ACJ
Dave Warren, Multnomah County Budget Manager
Jacqueline Weber, Multnomah County Legal Counsel
Bill Wood, Former Director of Planning and Research, Sheriff's Office
Charissa Zebede, SB 1145 Team, Sheriff's Office
Kathy Zimmerman, Sanctions Tracking Unit, ACJ

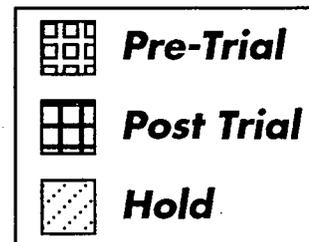
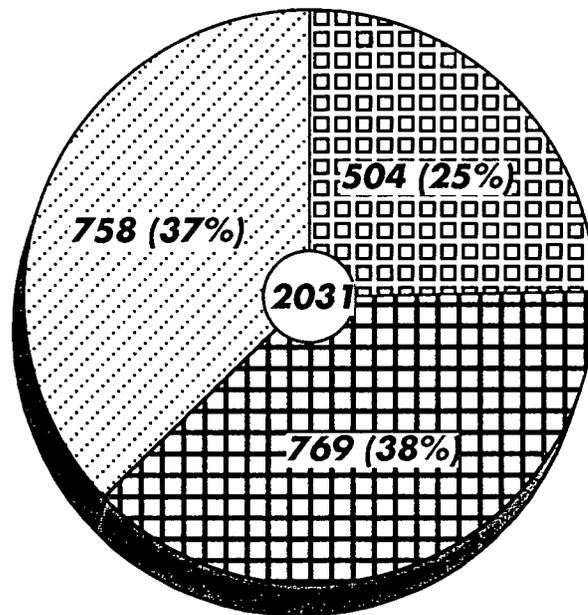
Note: Other individuals contacted or interviewed for this Report include: staff from Oregon Dept. of Corrections, Oregon Board of Parole and Post-Prison Supervision, Oregon Criminal Justice Commission, and Corrections officials from other Oregon counties. Our sincere thanks to all those who took time to share their thoughts and ideas on this topic.

APPENDIX B

Multnomah County One Day Jail Snapshot (July, 1998)

Jail Population Breakdown

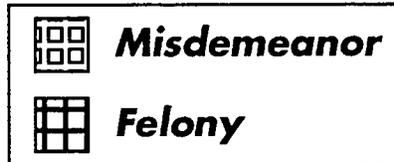
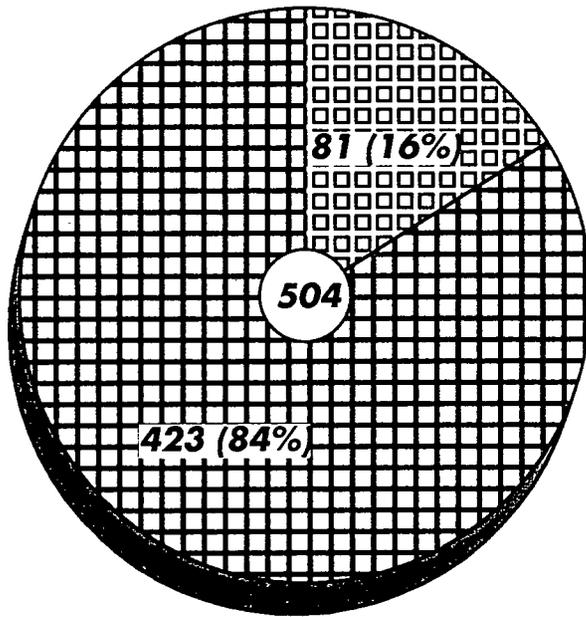
Prisoner Status



Multnomah County

Jail Population Breakdown

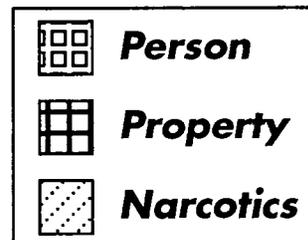
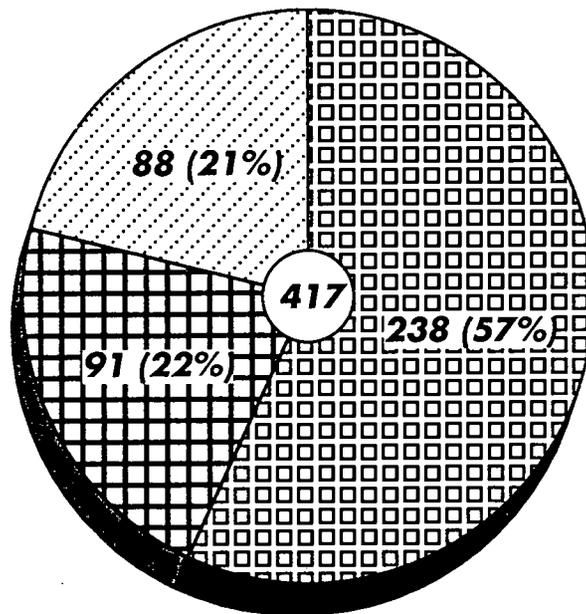
Pre-Trial Prisoners



Multnomah County

Jail Population Breakdown

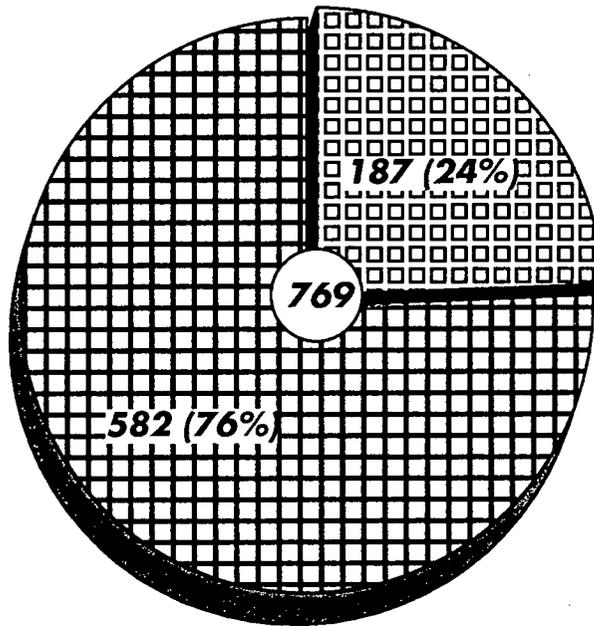
Pre-Trial Felons Charge Category



Multnomah County

Jail Population Breakdown

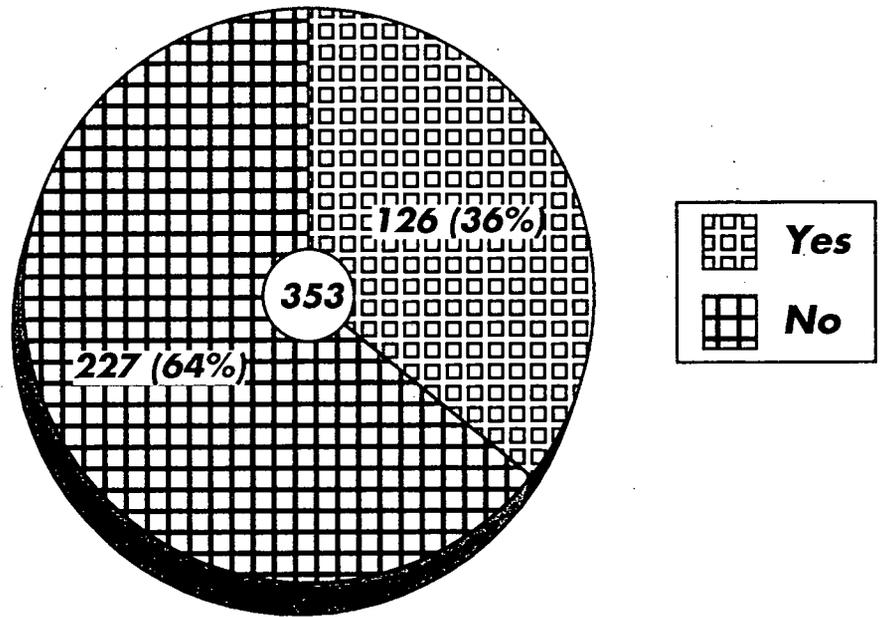
Post Trial Prisoners



Multnomah County

Jail Population Breakdown

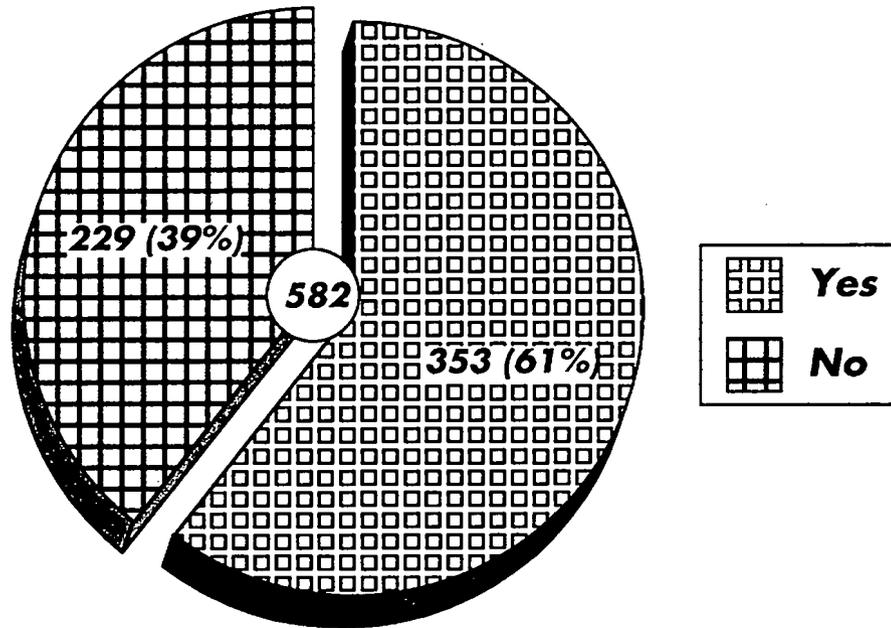
**Post Trial 1145 Felons
Sanctioned Parole Violator?**



Multnomah County

Jail Population Breakdown

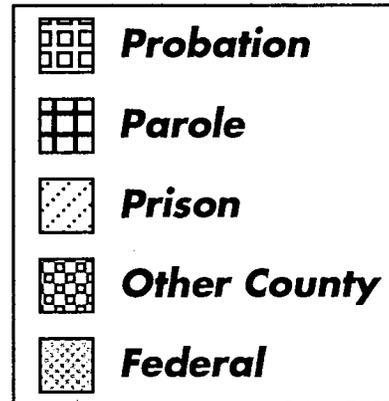
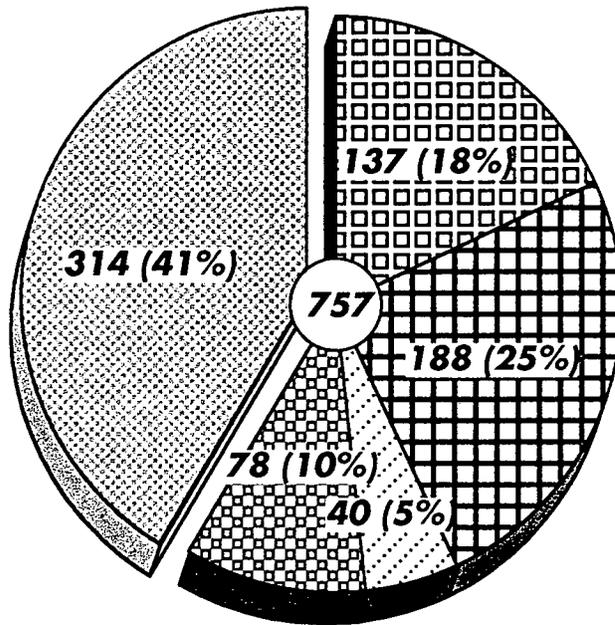
**Post Trial Felons
1145?**



Multnomah County

Jail Population Breakdown

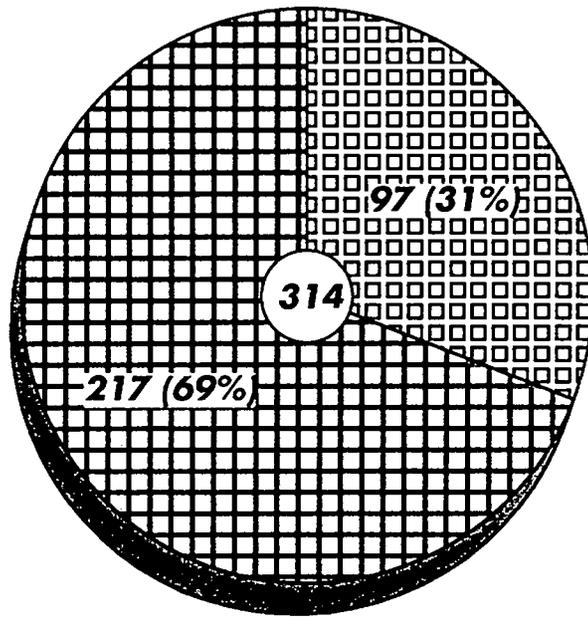
Holds



Multnomah County

Jail Population Breakdown

Federal Prisoners



Multnomah County

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