

Lane County Budget Committee Questions

May 18, 2009 Responses

General Fund Reserve

"The budget committee, one year ago, took \$7M from the GF & Road Fund reserves to balance the budget. Was SRS funds from FY 08-09 used to replace those funds? Why or why not?"

The \$7.5 million was taken from the excess cash over and above the Prudent Person Reserve we now call the service stabilization reserve for lack of a better term. There is no formal policy surrounding excess cash and since these dollars are not a formal reserve, there has never been any direction to "restore" it.

As it turns out, all excess current year Timber Funding was placed in the service stabilization reserve in Supplemental Budget #3 since it was not approved for expenditure.

DISTRICT ATTORNEY

"Why didn't the Riverbend Hospital have a bigger morgue? Riverbend didn't build a larger Morgue because they don't need one to meet their needs. Pathology practice has evolved over time, and they no longer need the amount of cold storage they once needed. Was this something they discussed with Lane County?"

The hospital did invite county participation very early in the planning process, but their construction protocols and standards made the space we'd need exceedingly expensive. We had no funding to participate in construction on such a scale. Every other alternative we considered was much less expensive and provided greater county autonomy and control over future cost increases. Later, as hospital construction was wrapping up, our physician discussed minor modifications and cost savings which could have provided some additional flexibility and cold storage capacity at nominal cost, but the proposal was rejected by the hospital, though they did follow our physician's cost-cutting suggestions. Sacred Heart has been a very good and patient partner, but our need for an M.E. morgue is not their problem, and they can put any space we might use to much better medical/commercial use.

"Committing an assault in the presence of a child is a felony upgrade. Why was the frequent flier Capt. Hooley mentioned not charged with a felony and sent to prison?"

Assuming no other enhancement factors (like use of a weapon or serious physical injury), the felony charge you're referring to is "Assault-4-felony", a "6" on the Oregon sentencing guidelines. This charge carries a presumptive sentence of probation, not prison, unless the offender has a significant prior criminal history. (For example, it's still a probationary sentence, even if the offender has prior convictions for felony burglary, felony car theft and felon in possession of a firearm.) I don't know what the prior *conviction* record of the "frequent flier" included, but if it included nothing more than a couple of convictions for residential burglary he'd likely be in the "yellow" area of the pyramid illustrated by Captain Hooley during his budget presentation, and many such people are still being released from jail before trial. An offender can not be sent to prison until they are convicted, we can't get them convicted if we can't get them to court, and we can't get them to court if they keep failing to appear.

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In all the years I served as a deputy-DA in Douglas County, I do not recall a single case which included a second failure-to-appear. (Here it's common to have three or four failures to appear on the same file.) That's because a person who failed to appear once in Douglas County would be arrested and held in jail until trial or the matter was otherwise resolved. Douglas County has that luxury, because it has more than twice our net jail capacity with less than one-third of our population

Timely Dispositions

On May 14th, Alex Gardner told the Budget Committee he thought Lane County was either the fastest or second fastest in the state for case resolution time. Chief Deputy Perlow has provided the following confirmation of that statement with data from Lane Co. Circuit Court Operations.

Attached are statistics that compare Lane County Age of Terminated cases with Jackson, Washington, Clackamas and the statewide average from January 1, 2008 through December 31, 2008.

In comparison to like-sized counties Lane County terminates the highest percentage of Felony cases within 120 Days and the highest percentage of Misdemeanor cases within 90 Days of arraignment. Which makes our time to disposition (age of terminated cases) in Lane County excellent.

Cases in warrant status are not included in the time to resolve cases statistics. These are the people who bother to show up to court or remain in custody.

Of that population, Lane County is number one in timely dispositions.

Age of Terminated Felony Cases (Timely Disposition)			
	90% Goal	98% Goal	100% Goal
County	120 Days	180 Days	1 Year
Lane	86.6%	94.3%	98.7%
Jackson	72.3%	83.9%	96.4%
Washington	79.5%	90.1%	98.8%
Clackamas	76.5%	87.4%	96.6%
Statewide	68.1%	81.7%	95.1%

Age of Terminated Misdemeanor Cases (Timely Disposition)			
	90% Goal	98% Goal	100% Goal
County	90 Days	180 Days	1 Year
Lane	89.3%	96.6%	99.1%
Jackson	81.4%	94.7%	99.3%
Washington	87.8%	96.7%	99.7%
Clackamas	81.7%	93.2%	98.0%
Statewide	76.7%	91.1%	97.2%

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SHERIFF'S OFFICE

"What is the cost per inmate or bed in CCC? What is the cost per inmate at jail?"

The total CCC budget divided by 33 beds comes out to \$180 per inmate, per day. Since the infrastructure is in place, if we were to add 60 beds at a total cost of around \$960,000, the cost per day per bed would be \$92.31.

Jail Bed Cost (estimates using 08/09 numbers)

Cost per jail bed including All Booking, support & overhead costs: \$156.09 per inmate, per day.
Cost per jail bed excluding booking, support, and overhead costs: \$96.14 per inmate, per day.
Booking, Support, and overhead cost per day per bed: \$59.95 per bed, per day
Daily Cost of Operating Booking and all support services: \$20,901.05 per day

Individual Housing area bed estimates (do not include admin, or booking)

<u>Area</u>	<u>Beds</u>	<u>Cost per inmate, per day</u>
Seg/ Med:	12	\$178.40
Intake:	35	\$95.89
South Annex:	112	\$93.20
Dorms	96	\$84.23
Third Floor	96	\$99.92

General Fund cost per the 127 local beds, not including booking, support or admin costs:
\$39.33 per day.

"Why is it necessary to use overtime instead of release time for training (JAG budget impact statement). Is there a mandatory match for this grant?"

Sheriff's staff operate 24 hours/day, 7 days/week. Unlike workers in most work environments, Sheriff's deputies work an assigned post or specific patrol assignment. For instance, a deputy scheduled to staff a security post in the jail on swing shift *must* be covered by other staff when that deputy is sick, on vacation, or at training. Since a patrol deputy may be one of only two scheduled to work a graveyard shift, another deputy must be recalled to work to cover illness, vacation, or training.

Due to the nature of the work, we cannot allow a position to be unfilled for a shift or even a partial shift. At our current level of staffing, any additional shift work is done on overtime hours. While there is a "relief factor" built in to normal scheduling, we simply don't have sufficient staff to cover all posts and patrols for all the deputies who need these courses. Instead, we require deputies to work on their day off or send the deputy attending the class on their normal workday and back-fill their post with another deputy who will be paid overtime for working an additional shift. Our deputies don't have "release time" as it is used in other types of work.

Similarly, the instructors for some of these courses come from our own trained leadership staff. Their training duties are in addition to their regular duties and work assignments.

The funding requested is not a required match, it is a one-time request to reduce our training backlog as much as possible during the time the Training Sergeant is funded by the JAG funds.

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Without additional funding, we will be able to complete less than half the needed training. (It may be of interest to note that JAG funds assume that training hours will be funded at overtime rates.)

"Regarding SOS #30 - Court Transport/Civil: Is the sergeant the same person for transport and civil unit?"

Yes, the sergeant is budgeted half in Transport and half in Civil. The sergeant position supervises both programs.

"The add package if for 84 beds is cheaper per bed than a smaller number. What is the cost per bed for 84 beds? What is the cost per bed for 21 beds?"

Beds have to be opened up by housing unit and not by bed. We do not have a 21 bed housing unit. We do have a 84 bed housing unit called the "North Annex." At \$3.28 million for the 84 bed addition the cost for the (actual 78 beds after the federal consent decree is applied) is \$115.20 per bed per day. When the support functions are subtracted out from this \$3.28 million add package, which support the entire jail not just the 84 beds, the marginal cost for that housing area comes out to be about \$88.50 per bed, per day.

"What are the evidence-based practices that we can recommend in a base budget that would improve public safety (based on the research)?"

Evidence Based Practices for Protecting the Community (Immediately improving public safety)

As far as corrections goes, this includes the risk assessment of offenders and adequate jail capacity for incarcerating those offenders that the risk assessment tool indicates are at high risk for being a danger to the public and should not be released. Those determined not to put the public at risk can be released pending trial, or placed on out of custody programs to serve their sentences.

Evidence Based Practices in regards to reducing recidivism. (Eventually improving public safety)

The important thing to note about the following evidence based system, is that **you need to utilize the entire system in order to have a positive effect.** In other words, if you wish to have a positive effect when specifically dealing with the offender population, the science shows that you need not engage in "treatment" unless you are engaging in the entire system as outlined below. To do so can actually have a negative effect, thereby increasing the recidivism rate.

1) Assessing for risk of recidivism and receptivity to behavioral change: Fund our risk assessment effort

We are currently doing this in pretrial services and the Sherman Center. If they lose their funding, we will lose our ability to complete these assessments. We need to maintain our ability to assess risk.

2) Target those offenders who have over a six month sentence to serve, are at high risk for recidivism, are receptive to behavioral change for undergoing a criminogenic needs

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assessment: **Fund the completion of the CNAT and provide staff to use it. Fund jail beds and alternative custody beds for those not appropriate for treatment.**

This would require the Criminogenic Needs Assessment Tool (CNAT) to be completed and beta tested and then have the personnel to operate the CNAT. Those that are high risk and not receptive to change, are not appropriate for treatment and need a jail cell to reside in. Those who are low risk for recidivism, need out of custody alternative sanctions and NO treatment. Those high risk for recidivism that are also at high risk for escape or dangerousness, need to remain in custody at first while undergoing the appropriate treatment. Those that do not fit that profile can engage in out of custody treatment.

3) Targeting the appropriate intervention, then determine and utilize the offender's intrinsic motivators: **Fund both in custody and out of custody Evidence Based Treatment Providers.**

This means place offenders in the appropriate treatment as indicated by the CNAT and use what ever motivates the offender to maintain their participation. Private vendors can provide this treatment on the outside. Trained mental health staff would be needed to administer the treatment inside the jail.

4) Cog Skills training and directed practice: **Fund staff to provide CPC assessments of treatment providers. Fund evidence based curriculum and trained staff that knows how to use it.**

What ever treatment providers we use, we need to have them undergo a Correctional Program Checklist (CPC) assessment to assure they are using curriculum like this that has been proven to work and that it is being administered by those trained to do so. This would require personnel and time to do the assessments. (We have staff that are trained to do these assessments just no time).

5) Utilize appropriate effective sanctions including a 4 to 1 ratio of positive reinforcement: **Fund jail and alternative program beds.**

Sanctions include incarceration sanctions (jail or alternative program beds). There are many opportunities for in-custody positive reinforcement. One of those is graduating to a lesser restrictive custody option. Like going from the jail to the CCC or the CCC to ESP.

6) Provide ongoing positive support in the community: **Fund Pro-social transitional housing, clothing, and employment assistance. Fund a mentorship program.**

7) Evaluation: **Fund a DOMC analyst that monitors and evaluates all of the above and makes recommendations on adjustments based on outcome measures.**

"Why did the County shut down the forest work camp? Why can't we use SRS funds for it?"

In previous years, Secure Rural Schools provided approximately \$2.4 million (about 75% of the total) towards the cost of operating the forest work camp. Up until this most recent renewal of the legislation, alternative incarceration programs in rural setting for low risk offenders were allowed

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under the SRS guidelines. However, the new SRS guidelines do not allow Title 3 money to be used for this purpose any longer. To reopen the camp, the County would have to fund the entire cost.

Additionally, but just as importantly, we are currently not able to hold inmates that would be eligible to participate in the FWC as it is intended for non-violent, lower risk offenders. As you are aware, there is insufficient space at the jail to even hold Measure 11, state-mandated violent offenders, and those who score high on our risk-assessment tool. Given such limited resources, our first responsibility is to hold the most dangerous offenders. Once that is accomplished we can focus on alternatives for lower-risk, less dangerous offenders.