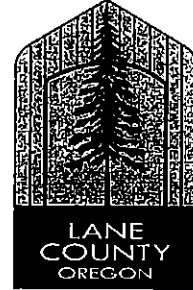


W. G. A.

AGENDA COVER MEMO

AGENDA DATE: October 27, 2004
TO: Board of County Commissioners
DEPARTMENT: Health & Human Services
PRESENTED BY: Jan Clements, Sheriff
Rob Rockstroh, Director H&HS



DISCUSSION: IN THE MATTER OF LANE COUNTY'S PARTICIPATION IN SB 1145 PROGRAMS.

ISSUE OR PROBLEM

The Board of County Commissioners requested an analysis of the impact of withdrawing from participation in Senate Bill 1145 programs with the goal of determining whether to continue participation in the 2005-07 biennium.

DISCUSSION

A. Background/Analysis

In 1995 the Oregon Legislature adopted Senate Bill 1145 which allowed Lane County and others to assume responsibility for services for felony offenders on parole, probation, post-prison supervision, or sentenced, or sanctioned to 12 months or less incarceration, or on conditional release. The State agreed to fund these services, pursuant to an approved plan, with a baseline for the funding established for the biennia beginning after June 30, 1999. Under the statutory funding scheme (ORS 423.483), counties have the right to discontinue participation if the total state community corrections appropriation for the services drops below the adjusted baseline level established in 1999.

On May 1, 2003, Lane County sent notice of its intent to discontinue participation in SB 1145 as well as terminate the Lane County jail sublease, due to the fact that the state of Oregon had reduced funding below the base level as described in ORS Chapter 423. Then, the 2003 legislative session restored some minimal funding. On September 24, 2003, the Board of County Commissioners voted to rescind the notice of termination of participation (board order 03-9-24-12).

July 1, 2005 will begin a new biennium with a new budget to support the public safety program in Lane County. There is a risk that the state funding available to support the program will, again, fall below the statutorily designated amount.

On April 29, 2003, Lane County Counsel, Teresa Wilson provided the board with a memo outlining the process for "opting out" under SB 1145 (board order 03-04-29-4). The memo explained that the process involves sending written notification to the State Director of Corrections 180 days prior to implementation. The date that would begin the 180-day notification for the next biennium is January 1, 2005.

The board requested that an impact statement be provided by the end of October 2004 in regard to the consequences to Lane County of a decision to withdraw from participation under SB 1145. The Lane County Sheriff's Office and the Lane County Department of Health & Human Services (H&HS) have provided an analysis to address issues related to an opt-out.

The Sheriff's Office analysis (attached) states that the immediate impact of opting out of SB 1145 and thereby reducing Corrections Division revenue by \$4,686,585 could be the closing of 203 additional beds and laying off 56.8 FTE of Corrections Division personnel. The total dollar figure contains \$985,732 that is a one time biennial savings for 2003/2005. It included contingency and preemptive cuts earmarked to save 48 maximum-security cells during this biennium. The opt out would also mean the loss of the Community Service Program that, while not a custodial program per se, does supervise nearly 400 convicted offenders daily.

The Sheriff's Office recommendation is not to send an opt-out letter at this time.

The immediate impact to H&HS is that it would lose the Department of Corrections (DOC) grant amount of \$5,328,804. In addition, the state provides a release subsidy of \$27,370. Parole and Probation has 52.75 FTE that could be returned to the state. Parole and Probation receives \$3,789,932 from the DOC grant; \$1,538,872 is allocated to treatment services and alternative housing for offenders. Parole and Probation also receives \$1,228,184 in other revenue, which includes fees and grants.

The recommendation from H&HS is not to send an opt-out letter at this time.

B. Alternatives/Options

1. To continue Lane County's participation in SB 1145 programs.
2. Not to continue. This will require Lane County to give notice of intent to discontinue participation under SB 1145.

C. Recommendation

To approve number one above and to have the Sheriff's Office and H&HS monitor the DOC budget during the legislative session. A report will be made to the Commissioners on the budget progress by the end of April 2005.

D. Timing

The county will continue to operate community corrections services through June 30, 2005 under an intergovernmental agreement with the Oregon Department of Corrections.

The state budget process will begin in 2005 to determine the level of funding support for community corrections for the new biennium.

Oregon Revised Statute Chapter 423.475(4) and 423.483 requires a 180-day notice of termination be given to the Department of Corrections. January 1, 2005 begins the 180-day notice period for a July 1, 2005 end date.

Therefore, if the board decides to forward notice of termination that will be effective July 1, 2005, it must do so before January 1, 2005. However, the county and state could agree to extend the term of the IGA beyond July 1, 2005. This would allow time for completion of the budget process and delay implementation of transition of programs and inmates back to the state.

IMPLEMENTATION

Upon action by the Board, staff will continue to operate community corrections programs and to monitor the process and adoption of the state budget to determine whether funding is designated to support SB 1145 programs.

ATTACHMENTS

Lane County Sheriff's Office Memo
Lane County Health & Human Services Memo

SB 1145 Participation 2004.doc

MEMORANDUM
LANE COUNTY SHERIFF'S OFFICE
Corrections Division



TO: Sheriff Clements
FROM: Lt. Hickok *Bob Hickok by: J. Clements*
DATE: October 4, 2004
SUBJECT: SB1145 Impact Analysis

The immediate impact of opting out of SB1145 and thereby reducing Corrections Division revenue by \$4,686,585 will be the closing of 203 additional beds and laying off 56.8 FTE of Division personnel. It would also mean the loss of the Community Service Program that, while not a custodial program per se, does supervise nearly 400 convicted offenders daily.

The bed closures are as follows:

- 26 beds at the Community Corrections Center
- 25 beds at the Forest Work Camp
- 80 beds in the North Annex of the Jail
- 72 beds in the East Annex of the Jail

The staff losses are as follows:

- 36 Deputy Sheriffs *
- 4 Sergeants
- 1 Lieutenant
- 1 Nurse Practitioner
- 1 Corrections Health Nurse
- 1 Certified Medication Aide
- 2 Records Supervisors
- 1 Records Officer
- 4 Facility Security Officers
- 1 Corrections Cook
- 2.8 Office Assistants
- 1.5 Stores Clerks
- 0.5 Laundry Worker

* (Note: the total DS cutback includes 3.0 FTE from Program 415 – FWC Community Crews. The loss of those DSs does not generate any dollar savings because they are supported by revenue charged to the recipients of the work. So, you won't find these three deputies listed on John's spreadsheet).

Offsetting the loss in bed capacity in the jail will be the loss of the SB1145 inmates. The number of these inmates at any given time during the last two years has fluctuated between a low of 113 to a high of 209. The year 2003's average daily population (ADP) was 153 inmates and 2004's, so far, is 184. The average for both 2003 and 2004 is 166. It should be noted that 2004 has seen a significant

increase in the SB1145 inmates' ADP, therefore it can be expected that the two-year cumulative average will be a good deal higher than the current 166. These inmates are spread through the various Corrections programs as follows (all numbers are 2003 & 2004 cumulative ADPs):

- Community Corrections Center = 34.1
- Forest Work Camp = 43.4
- Electronic Surveillance Program = 1.0
- Main Jail = 81.7
- Intensive Case Management (ICM) = 5.7 (Note: ICM is a program staffed and operated by Parole & Probation personnel.)

If one estimates conservatively and uses the current 166 ADP figure, the net loss in custodial capacity to Lane County's criminal justice system will be 37 beds (203 bed closures – loss of 166 ADP of SB1145 inmates = 37 fewer beds for local offenders). This does not include the nearly 400 local offenders that are currently being supervised by the Community Service staff.

OPERATIONAL IMPACTS

Main Jail:

The North Annex is a dormitory housing unit consisting of one 48-bed dorm (1F) and one 32-bed dorm (1G). 1F houses all of the facility's inmate workers and 1G is the "Education Dorm". The Education Dorm provides educational services to 4J students, inmates in need of receiving their G.E.D., and a small number of inmates needing English as a Second Language services. The instructors providing these educational services, except for the 4J teachers, are funded by Video Lottery dollars.

Closing the North Annex would leave the jail with only three 22-bed dormitory units. One of these units would have to be used for housing female, medium and minimum custody inmates, one would be needed for the remaining inmate workers and the third would be needed for the "Education dorm". This would leave no dormitories for regular medium custody male inmates. One of the fundamental tenets of good correctional practice is that of behavior modification through incrementally increasing privileges in response to good behavior and vice versa for poor behavior. Dormitory living, with its all-day television and telephone use, is a big incentive to maintaining good behavior. The loss of this option takes away one of the tools for proper inmate management.

The East Annex is a 72-bed single cell Maximum-security housing unit. The building is divided into seven sections or "pods" (1H through 1N). An officer, locked into a secure "Control Room", remotely operates the doors in these pods. Pods 1H and 1I house "special needs" inmates; primarily those with mental health problems. In addition, two cells 1H-01 and 1H-02 are self-contained, negative airflow cells. These cells are used to house inmates with communicable diseases such as Tuberculosis. Pods 1J and 1K are the Inmate Disciplinary Units (IDU). The IDU is used to house inmates who have violated the rules of the facility and are serving disciplinary sanction time. The remaining pods in the unit are for housing Maximum Custody inmates. All the inmates in the East Annex are high-risk inmates. They are either there because they are unpredictable or they are rule breakers or they have been arrested for or convicted of notorious and/or violent offenses.

Closing the East Annex would result in the loss of the jail's most secure cells and require that the Maximum Custody inmates be housed in the jail's Third Floor cells. Also, due to the loss of the IDU, it would mean the intermingling of Maximum Custody inmates that are Maximum Custody by virtue of their charges with inmates that are Maximum Custody by virtue of their misbehavior. That situation is contrary to good Correctional practice and was recommended against by the National Institute of Corrections consultant during the jail's staffing study in 2002. It would also mean housing the special needs inmates proximate to those inmates not having those needs. This, in the past, has resulted in increased negative behaviors from both those with the needs and those without. Finally, the closing of the East Annex would result in the loss of the two isolation cells and consequently increasing the risk of exposure to staff and other inmates to communicable diseases.

Community Corrections Center (CCC):

The closure of 26 beds at the CCC would result in the elimination of one, 24 hour, seven-day a week "post". This would drop the number of security staff on duty at any given time to two on graveyard shift and three on swing shift and days. The practical result would be the loss of the post dedicated exclusively to the women's housing unit, requiring those duties to be absorbed by the remaining staff.

Currently, 22 of the beds at the CCC are being used by non-resident, non-rent-paying inmates. These beds are as follows:

- 11 beds – Forest Work Camp (FWC) inmates in transit
- 4 beds – Male Inmate workers
- 6 beds – Female Inmate workers
- 1 bed – Main jail Admin. custodian

The proposal is to eliminate all of these non-resident beds plus four resident beds. That would keep 90 of the current 94 rent-paying resident beds in place.

There are two primary impacts to the CCC's loss of beds and staff. First, and most importantly, the staff remaining will be significantly fewer, but the number of cases needing to be managed will remain close to the same. Each resident at the CCC is assigned to a staff member there. These staff members monitor each resident's "case". They make sure that they get a job, they keep a job and that they adhere to their treatment requirements. This "case management" is very labor intensive and includes working with the individual on a nearly daily basis discussing pass and payment schedules as well as such things as drug and alcohol testing. Increasing officer time spent on case management will decrease time spent on inmate supervision and security.

The other impact will be to the Division as a whole:

- The FWC will not have the ability of housing overnight inmates needing to come to town for medical and court appointments. This will increase the number of "transports" being done to and from that facility.
- The Sheriff's Office will no longer be able to have its vehicles washed by the CCC inmates.
- The jail will have to supply its own custodian for the Administrative area of the jail from inmates within the secure perimeter. This increases concerns regarding the introduction of contraband into the facility.
- The residents at the CCC will have to take turns doing all the janitorial and food service

duties there.

Forest Work Camp:

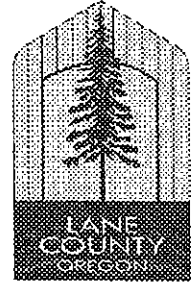
The effect of closing 25 beds at the FWC would be the elimination of the Community Crews component of the operation and making the Camp a completely federally focused camp. That is, all work performed by the crews operating out of the camp will be done on federal work projects. The loss of the Community Crews will mean:

- 20,000 hours of work will no longer be done for Lane County Solid Waste.
- 20,000 hours of work will no longer be done for ODOT
- 5,000 hours of work on numerous smaller jobs such as Autzen Stadium clean-up, local school painting projects, historic cemetery maintenance, etc. would no longer be done.
- Inmate fire crews would only be allowed to fight fires that occur on federal lands.

Decreasing the staff at the FWC by two Deputy Sheriffs and one Sergeant will have the following effect:

- The current "Crew" sergeant will have to double as the "Camp" sergeant whenever the remaining Camp sergeant is on days off or otherwise absent from work. This would mean that the Crew sergeant would have less time supervising job sites and/or meeting with federal contractors.
- Current staffing levels of 2 on graveyard and day shift and 3 on swing shift would drop to either 2 on all three shifts or 2 on graveyard, one on dayshift and 3 on swing shift depending upon a security assessment of the situation. Whatever the case, the FWC will lose one security officer on one of the three shifts seven days per week and this will lessen the security presence in the camp. That will remain a concern even though the population of the camp will drop from 95 to 70 inmates.

MEMORANDUM LANE COUNTY HEALTH & HUMAN SERVICES



TO: Rob Rockstroh
FROM: Linda Eaton
DATE: October 7, 2004
SUBJECT: Returning Community Corrections to the State DOC/Impact Analysis

OVERVIEW:

The significant impact to Parole and Probation is that the entire operation, not just a portion of it, would revert to the state. It is possible that the local criminal justice system would become more fragmented if community corrections became a state function. The state DOC staff that would be employed in Lane County would likely continue to work in a collaborative manner with other local agencies; however, their allegiance would be to a different jurisdiction than Lane County. Likewise, it is likely that local treatment services would become more fragmented if Lane County opted out. Currently, Lane County Health & Human Services does coordinated planning and contracting with treatment agencies that have multiple funding sources (e.g., state Office of Mental Health and Addiction Services [OMHAS], state Department of Corrections [DOC], various federal grants and, the Serbu Foundation). With the State doing direct contracting with local providers, that coordination would be reduced.

Possible Effects of Returning Community Corrections to the State DOC

1. The same amount of community corrections funding would be available for supervision, sanctions and services for offenders in Lane County, whether those funds are controlled by the County or by the State.
2. More of the funding would probably be spent on community supervision (P&P), due to a higher salary level for State POs than for Lane County POs. (The actual salary for state POs has yet to be determined; it will be bargained with the union. However, the "grade level" is established, and the range of pay at that level is higher than the County salaries.) It is likely that all current County P&P employees would become state employees.
3. The State DOC is approaching each opt-out county's situation on a case-by-case basis. In considering the allocation of funding within a state-operated program, DOC would consider the extent to which the current county

corrections plan represents a balance of sanctions, supervision and services. Some of the DOC choices would assumedly be different from ours.

4. In Lane County, the community corrections director would develop the budget for community corrections services, with oversight by DOC management staff and advisory input from the PSCC.
5. The PSCC would continue to operate, per state statute requirements; however, it would be staffed by State DOC employees rather than by Lane County.
6. The DOC would contract directly with private or public treatment providers, depending on the level of treatment service maintained. In addition to P&P employees, there are currently 4.68 FTE in H&HS who provide treatment services funded by community corrections. (There is also an additional vacant .75 FTE Mental Health Specialist position currently in the recruitment process.) These employees provide sex offender and mental health treatment to P&P clients. It is unclear whether DOC would contract with Lane County to continue the services provided by these County employees. However, it is reasonable to assume that the State would retain some level of those types of services, as part of a balanced community corrections plan.
7. Lane County currently receives two federal grants for projects operated by P&P.
 - One is a domestic violence pre-trial monitoring project. This collaboration is among the state Court Pre-Trial Services, the District Attorney's Office, and Womenspace. This project is showing successful outcomes from providing pre-trial monitoring of domestic violence defendants, including a low "failure to appear" rate for these defendants.
 - The other project involves improvements in managing sex offenders in the community, including increased monitoring of high-risk sex offenders.Both are two-year grants, ending September 30, 2005 (or later, depending on funding extensions). It is likely that the transfer of community corrections to the State would disrupt these projects.
8. The DOC would not necessarily continue the supervision of domestic violence and sex offense misdemeanor cases. They would give main priority to felony cases. In Lane County, there is a strong local constituency advocating for the supervision of person-to-person misdemeanor cases, which can be among the most dangerous offenders we supervise. In Linn County, the DOC is negotiating with the Sheriff's Office on some form of "trade off" because that County would like misdemeanor cases to continue to be supervised.