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AGENDA COVER MEMO

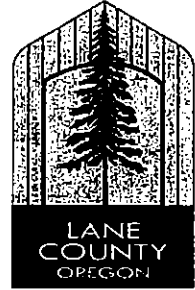
Date: March 21, 2006

To: Lane County Board of Commissioners

Department: Health & Human Services

Presented By: Rob Rockstroh, Director H&HS

Agenda Item Title: Discussion: Policy Choices for Parole & Probation Supervision



I. Motion

Not applicable.

II. ISSUE OR PROBLEM

The issue for today is to discuss and evaluate the County's policy choices on supervision of misdemeanor offenders (both domestic violence and sex offenses), given our current fiscal situation. Are there some creative solutions to solving the supervision issue?

The County's Service Priority Listing places misdemeanor supervision of domestic violence offenders at number 62 out of 79 services. This does not reconcile with the Lane County Strategic Plan, which lists life and health safety as our highest funding priorities.

III. DISCUSSION

A. Background/Analysis

On December 31, 1996 the responsibility for the adult parole and probation (P&P) functions of the State of Oregon was mandated to be transferred by Senate Bill 1145 to any county which had not already operated the P&P services as a local control option. Prior to December 31, Lane County had not previously operated adult parole and probation services, except for two POs who had a specialized caseload. Lane County accepted the previous state functions and the existing state employees. Lane County also adopted the existing state policies and procedures of the State of Oregon's Lane County P&P office.

One of the policies/practices that Lane County maintained was the choice to continue supervision of offenders with misdemeanor convictions for domestic violence or sexual offenses. We believed, and still believe, that this group of offenders presents a high risk to the community, especially to their victims.

Because there is no designated funding for this service, either from the state or Lane County general funds, this work is literally done at the expense of mandated felony supervision, which can include person-to-person (such as domestic violence) or drug crimes. We have among the highest PO caseloads in the state, if not the highest.

The community corrections funds from the State Department of Corrections (DOC) are derived from a fairly complicated formula based on felony cases. Misdemeanor cases are not mandated to be supervised, nor are they considered at all in the state's funding formula. The DOC allows the funding to be used for misdemeanor cases at a county's discretion.

We have been concerned about our POs caseloads for some time now. We have continued to supervise the misdemeanant offenders in spite of our growing caseloads and have looked at alternative ways to handle high caseloads. We have already moved to casebank as many offenders as we can and we believe we are at our limits.

In addition, we have had discussions with the Court and the District Attorney about early discharge possibilities, which have given us only limited success in caseload reduction. We have assigned two POs to work in the Sherman Center, which has shifted some caseloads to other POs, thereby making the caseloads heavier for the remaining POs. Working with the Sherman Center is a good practice, but there was no concurrent reduction in caseloads. We are concerned about our ability to provide an effective public safety service, offender supervision, which protects the community and victims.

We have concerns about liability and risk. Risk goes both ways. That is, there is a risk to the victims and the community if we do not supervise these misdemeanants; and, there is risk to the County and the community if we provide inadequate levels of supervision to our mandated felony population.

We also have risk if we provide inadequate levels of supervision to our misdemeanant population. Once we choose to supervise misdemeanants, we accept the responsibilities and liabilities that go with supervision.

The *Lane County Public Safety Task Force Final Report October, 2005*, has a package of public safety programs that could alleviate problems with misdemeanant supervision. We would have enough POs to provide significant caseload reduction. In addition the report includes a \$2.88 million package to reduce family violence. The report also proposes a variety of other programs that include such things as additional detectives, jail beds, Sherman Center enhancement, prevention services, and mental health, alcohol and drug, and sex offender treatment. All of these would help provide a higher level of public safety. However, we believe we cannot wait until funding is available from this measure to provide an adequate level of staffing to P&P. We believe steps need to be taken very soon to alleviate the high liability exposure and inadequate supervision of offenders.

B. Alternatives/Options

We recognize that there can be many options. The following options, though brief, are intended to engage us in a discussion about how to solve this problem and to lead us to other possible options.

- 1. Status Quo; continue supervising misdemeanor cases.** The result of this option is that we will continue to be spreading our resources over too many cases and activities. We will have difficulty keeping our commitment to the Sherman Center, while covering existing caseloads. Some cases will continue “to fall between the cracks”; many cases will not receive the degree of supervision necessary to protect victim and community safety.

We believe that maintaining the status quo is not an acceptable option because it does nothing to reduce potential liability and it continues inadequate supervision levels.

- 2. Discontinue supervision; do not accept new cases.** This option is to discontinue supervision of all current misdemeanor cases and to stop accepting new misdemeanor cases from Circuit Court, Florence and Cottage Grove Municipal Courts, and from other counties. This would provide significant reduction of current caseload, by about 370 cases. It would allow us to devote a full 2.0 FTE of PO time to the Sherman Center, and would provide the most relief to P&P staff.

This option would have the most severe impact on community safety, by ending supervision for approximately 300 current domestic violence offenders and 70 sex offenders. The negative impact on community safety should be lessened by the 2.0 POs assigned to the Sherman Center because some of the misdemeanor offenders will be sentenced to report to the Sherman Center. They would report either as part of their original sentence or a sanction, and may receive some type of supervision there, based to their risk level.

- 3. Continue Class A misdemeanors; discontinue Class B.** Continue the supervision of all current Class A misdemeanors, but discontinue current supervision of Class B misdemeanors, and stop accepting new misdemeanor cases from all courts and other counties. This would result in discontinued supervision of approximately 35 harassment cases, as well as gradual lowering of caseloads, due to no new misdemeanor cases.

This option would result in less impact on community safety, but also less relief for P&P staff than option 2. It would leave P&P supervising what we consider the current most dangerous domestic violence cases. The potential impact could be lessened by the Sherman Center factor, as described in option 2 above. Under this option, the Board of Commissioners could take the opportunity to revisit the placement of misdemeanor supervision on the list of

prioritized County services, without full cessation of the service. The Board could also consider a range of options for funding misdemeanor supervision by P&P, if it was considered to be a more important service than previously determined.

4. **Discontinue Sherman Center Participation.** P&P could discontinue participation in the Sherman Center, pulling back the 2.0 POs who have been assigned there and re-assigning them to caseloads within P&P. This option, if combined with #2 above, could result in considerable improvements in supervision/caseload size, as well as considerable relief for P&P staff.

The major disadvantage to this option would be to weaken the implementation of the Sherman Center, impairing the Center's ability to implement the goals of system improvement. For example, we would likely lose the improvement in sanctioning P&P offenders which have occurred as a result of our POs being stationed there.

C. Recommendation

Option 3 is the preference, given limited choices. We do not like any of the options listed. We hope the discussion will reveal other choices, which would include the funding needed to implement them.

This option is a balance of factors, including community safety. It is not ideal for either community safety or the workload of P&P. It leaves both in a less than satisfactory status. However, it may be the best balance of all factors and could lead to opportunities for discussion between the Board of Commissioners and partners about ways to fund a lower level of misdemeanor supervision within P&P. This option also continues P&P's presence in the Sherman Center, which in itself may provide some offset to the impact of reduced supervision of misdemeanants.

We are aware that there are other options than what are presented above, such as "mix and match" of different types of misdemeanors from different courts in Lane County, the possibility of a Domestic Violence Courts/ Review Hearing process, or to reprioritize existing County funding.

IV. Implementation/Timing

As directed by the Board.

V. Attachments

Lane County Service Priority Listing
Proposal to Discontinue, February 14, 2006

PP Supervision

Balancing Options

FY 05-06 SERVICE PRIORITY LISTING			
Priority	Service Description	Category	Department
1	BOARD OF COUNTY COMMISSIONERS	Public Services	CAO
2	JAIL 12 BEDS-SEG VIOLENT & MEDICAL	Public Safety	SO
3	THE SHERIFF	Public Safety	SO
4	COMMUNICABLE DISEASE/OUTBREAK INVESTIGATION	Public Services	HHS
5	JAIL 106 BED-40 SNGL 66 DORM (SO ANX)	Public Safety	SO
6	JUVENILE PROBATION SERVICES	Public Safety	YS
7	FELONY PERSON CRIMES PROSECUTION	Public Safety	DA
8	RURAL LAW ENFORC, RESPONSE & CIVIL PROCESS	Public Safety	SO
9	JUVENILE INTAKE & ASSESSMENT	Public Safety	YS
10	JUVENILE DETENTION	Public Safety	YS
11	SEARCH & RESCUE PROGRAM (SAR)	Public Safety	SO
12	ACUTE CARE PSYCHIATRIC SERVICES, CRISIS TEAM	Public Safety	HHS
13	MED - ADULT OUTPATIENT	Public Services	HHS
14	MATERNAL & CHILD HEALTH HIGH RISK INFANT SVC	Public Services	HHS
15	PRISONER TRANS./ COURT SECURITY	Public Safety	SO
16	JAIL 72 SINGLE BED CELLS (EAST ANX)	Public Safety	SO
17	EMERGENCY MGMT PLANNING	Public Safety	SO
18	FWC & FED FOREST CREWS	Public Safety	SO
19	DD - ABUSE INVESTIGATIONS VULNERABLE ADULTS	Public Services	HHS
20	P&P PERSON CRIME FELONY SUPERVISION	Public Safety	HHS
21	MISDEMEANOR PERSON CRIMES PROSECUTION	Public Safety	DA
22	TRAFFIC SAFETY TEAM	Public Safety	SO

Balancing Options

FY 05-06 SERVICE PRIORITY LISTING			
Priority	Service Description	Category	Department
23	FORESTLAND LAW ENFORC. & RESPONSE	Public Safety	SO
24	CONTRACTED POLICE SERVICES	Public Safety	SO
25	CONCEALED HANDGUN/OTHER LIC.	Public Safety	SO
26	NEW CONSTRUCTION & DIVISIONS	Public Services	A&T
27	COMPLIANCE APPRAISALS	Public Services	A&T
28	COLLECT DISTRIBUTE PROPERTY TAX	Public Services	A&T
29	PROPERTY VALUATION	Public Services	A&T
30	PROPERTY TAX PROGRAMS & RECORDS	Public Services	A&T
31	BOARD OF PROPERTY TAX APPEALS.	Public Services	MS
32	PUBLIC RECORDS AND RESEARCH	Public Services	MS
33	JAIL 80 DORM BEDS (NORTH ANNEX)	Public Safety	SO
34	JAIL 48 SINGLE BED CELLS 1ST HALF 3RD FLR	Public Safety	SO
35	JAIL 48 SINGLE BED CELLS (2nd HALF 3rd FLR)	Public Safety	SO
36	COMMUNITY CORR. CTR. - 116 BEDS	Public Safety	SO
37	ELECTIONS & VOTER REGISTRATION	Public Services	MS
38	MARRIAGE LICENSES	Public Services	MS
39	ALCOHOL AND DRUG RESIDENTIAL, DETOX	Public Safety	HHS
40	MLK, JR. ED. CENTER	Public Safety	YS
41	JUVENILE FOREST WORK CREW	Public Safety	YS
42	CHILD ADVOCACY CENTER - INVESTIGATIVE SVCS	Public Safety	DA
43	CENTRAL LANE JUSTICE COURT	Public Safety	JC
44	CHILD ADVOCACY CENTER - VICTIM SVCS	Public Safety	DA
45	DET. ASSIGNED TO VIOLENT CRIMES	Public Safety	SO

Balancing Options

FY 05-06 SERVICE PRIORITY LISTING			
Priority	Service Description	Category	Department
46	DD ADULT DIRECT SUPPORT	Public Services	HHS
47	DD - SERVICE COORDINATION FOR AT-RISK CHILDREN	Public Services	HHS
48	PATHWAYS DRUG & ALCOHOL TREATMENT PROGRAM	Public Safety	YS
49	METHADONE TREATMENT	Public Services	HHS
50	HIV PREVENTION AND TESTING HIGH RISK	Public Services	HHS
51	VICTIM SERVICES PROGRAM -- PROTECTIVE ORDER	Public Safety	DA
52	LCARA ENFORCEMENT & ABUSE INVESTIGATION.	Public Safety	MS
53	JUVENILE CRIMES & DEPENDANCIES	Public Safety	DA
54	METRO CIVIL PROCESS	Public Safety	SO
55	MANDATED ADULT SEX OFFENDER TREATMENT	Public Safety	HHS
56	FELONY NON-PERSON-CRIMES PROSECUTION	Public Safety	DA
57	P&P DRUG & PROPERTY FELONY SUPERVISION, SANCTIONS & INVESTIGATIONS	Public Safety	HHS
58	COMMUNITY CREWS (FWC)	Public Safety	SO
59	ELECTRONIC BRACELET PROGRAM	Public Safety	SO
60	DET. ASSIGNED TO DOMESTIC VIOLENCE	Public Safety	SO
61	TREATMENT, CRISIS FUNDS, HOUSING (CCA)	Public Safety	HHS
62	P&P MISDEMEANANT DOMESTIC VIOLENCE OFFENDER	Public Safety	HHS
63	COMMTY SVC SENTENCING OPTION	Public Safety	SO
64	MEDICAL EXAMINER	Public Safety	DA
65	FAMILY LAW DIVISION	Public Safety	DA
66	EVALUATION, REFERRAL, MONITORING MANDATED OFFENDERS	Public Safety	HHS

Balancing Options

FY 05-06 SERVICE PRIORITY LISTING			
Priority	Service Description	Category	Department
67	VICTIM SERVICES PROGRAM - STATUTORY SERVICES	Public Safety	DA
68	MISEMEANOR NON-PERSON CRIMES PROSECUTION	Public Safety	DA
69	LCARA KENNEL/CATTERY	Public Safety	MS
70	OAKRIDGE JUSTICE COURT	Public Safety	JC
71	FLORENCE JUSTICE COURT	Public Safety	JC
72	METRO TELEVISION SERVICES CONTRACT WITH LCOG	Public Services	GE
73	LCARA ADOPT A KENNEL PROGRAM	Public Safety	MS
74	WIC HEALTH/NUTRITION FOR PREGNANT WOMEN, CHILDREN	Public Services	HHS
75	BASIC NEEDS: HOUSING, FOOD, HEALTH, CRISIS INTERVENTION	Public Services	HHS
76	TEEN PREGNANCY/FAMILY PLANNING	Public Services	HHS
77	LANE COUNTY EXTENSION SERVICES	Public Services	GE
78	THE LONG RANGE LAND USE PLANNING PROGRAM	Public Services	PW
79	JOB CREATION & FAMILY-WAGE JOBS	Public Services	CAO

* As set by Lane County Board of Commissioners on February 25, 2005

TO: Lane County Board of Commissioners
Bill VanVactor, County Administrator

FROM: Rob Rockstroh, Director H&HS

DATE: February 14, 2006

SUBJECT: PROPOSAL TO DISCONTINUE MISDEMEANOR SUPERVISION

On December 31, 1996 the responsibility for the parole and probation functions of the State of Oregon was mandated to be transferred by SB 1145 to any county which had not already operated the P&P functions as a local control option.

Parole & Probation is funded primarily by state community corrections funding through an Intergovernmental Agreement (IGA). Our goals under the IGA are to reduce criminal behavior, enforce court and Parole Board orders, assist offenders to change (employment and treatment), and to provide reparations to victims. The current intergovernmental agreement with the Department of Corrections provides Lane County with \$9,867,320 for FY 2005-06. Of this amount, \$4,456,017 is allocated to the Sheriff's Office, \$3,917,768 to Parole & Probation, and the balance goes to pay for treatment, housing, and crisis services. The appropriate balance of funding has been an on-going issue.

The community corrections funding from the State Department of Corrections (DOC) is derived from a formula based on felony cases. Misdemeanor cases are not mandated nor are they considered in the funding formula from the state. The DOC allows the funding to be used for misdemeanor cases, at a county's discretion. However, most counties in Oregon do not supervise misdemeanants unless they fund that function with county funds or specialized grants.

In February 2005 the Board of Commissioners created a Service Priority Listing, which placed misdemeanor supervision of domestic violence offenders number 62 out of 79 services.

Currently less than 1% of the P&P budget (\$40,000) is from the county discretionary general fund. Lane County has one of the highest caseloads in the state, at an average of 100 cases per officer. The agency caseload is 3,400-3,500 offenders on any given day, of which 350-400 are misdemeanant offenders.

The misdemeanor population supervised by Lane County uses approximately 4 fulltime Parole/Probation Officers (POs). We actually need 5 misdemeanor POs to maintain an adequate supervision ratio (70:1). P&P is finding it increasingly more difficult to adequately supervise this population.

Last summer P&P assigned 2 POs to the DOMC/Sherman Center. Their caseloads were re-assigned to other officers. POs are struggling to supervise 3,400 cases in the community and we continue to assign two officers to the Sherman Center. Failure to adequately supervise, and failure to supervise according to policy, places Lane County in a position of increased claims of liability, in the event an offender commits a serious new offense while under County supervision.

P&P has tried several strategies to reduce or mitigate agency caseload size. Various attempts at casebanking have been implemented, but they have not reduced the workload for individual POs. With the District Attorney's cooperation, a revised process for requesting early discharge from probation was also implemented. The caseload reduction which was anticipated from that process has not occurred, due to many factors.

I propose to discontinue accepting new misdemeanor cases, while continuing to supervise existing misdemeanor cases through the end of their probation. Conversations are being held with Circuit Court and Sheriff's Office personnel regarding the benefits of staffing the Sherman Center vs. supervising misdemeanors. Discussions will be held with other major stakeholders, including the Steering Committee of the Domestic Violence Council. If the public safety initiative passes in November, misdemeanor supervision would be restored.

We will be scheduling a work session with you in the next few weeks to discuss the policy implications and potential timelines. I will take no action until we have the discussion.

c: Judge Mary Ann Bearden
Judge Karsten Rasmussen
Russ Burger
Doug Harcleroad
Karen Gaffney
Linda Eaton
David Factor
Kevin Williams

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FILE NOTE

March 13, 2006

From: D. Williams, Asst. Co. Counsel

Re: Agenda Item: Policy Choices for Parole and Probation Supervision

1. ORS 137.630 raises a question as to whether discretionary immunity would apply to a decision to cease providing supervision of misdemeanor offenders.

2. SB 1145 pertains to supervision of felons, but the County's current Community Corrections Plan includes some components that involve services for misdemeanor offenders. Compliance with the plan is a requirement for state funding, but the state provides funding only for supervision of felons. The plan's reference to supervision of misdemeanor offenders could give the state some control over a budgetary issue that is the County's sole responsibility.

To protect our authority to treat supervision services for misdemeanor offenders as a matter for county discretion, we should amend or modify the Community Corrections Plan. Wording for a modification or amendment might include language to this effect: "Except as to services under this Agreement that are funded by the State, Lane County reserves and retains the sole and exclusive discretion, without prior approval of the State, to alter, modify, expand or discontinue any services provided by Lane County to offenders who are not convicted of felonies."

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FILE NOTE

DATE: Thursday, March 16, 2006
TO: Board of County Commissioners
FROM: David Garnick, Budget/Financial Planning Manager
SUBJECT: **Agenda Item:** Policy Choices for Parole and Probation Supervision

Clarification:

The agenda item says that only \$40,000 or 1% of the discretionary General Fund is used to pay for Parole & Probation Supervision Services. While that is technically correct, the memo fails to mention that \$859,317 in discretionary General Fund dollars are budgeted in the Supervision and Treatment Services Division (STS) of H&HS, which supports a variety of services for supervised offenders. The memo also doesn't mention that it was the department who recommended the funding split shown on the attached worksheet.

Additional Options:

Taking the above into consideration means that there are actually more options available to the Board. The Board could consider changing the allocation of discretionary dollars within the STS division. It could also look at reallocating the dollars within the department. It can also wait to discuss this in more detail during the upcoming budget process in May when all general fund budgets will be examined.

The Board should inquire about the current allocation of State Community Corrections Act (CCA) dollars to see if all the funds have been allocated. If misdemeanor supervision is such a high priority, the Board should also ask why this activity has not been recommended for more CCA funding by the Supervisory Authority Team (SAT) and the PSCC.

**Department of Health Human Services
Supervision and Treatment Services Division
General Fund Allocation**

Supervision & Treatment Services	FY02-03 Actuals	FY03-04 Actuals	FY04-05 Actuals	FY05-06 Current
<u>Division Total</u>				
Transfer Fr General Fund (100) *	836,777	856,860	820,795	859,317
<u>Breakdown by Program</u>				
Methadone Treatment				
Transfer Fr General Fund (100) *	32,486	33,266	45,109	28,990
Sex Offender Treatment				
Transfer Fr General Fund (100) *	86,376	88,449	71,483	74,838
DUII/Corrections Assessments				
Transfer Fr General Fund (100) *	236,216	241,885	231,704	242,578
A&D Subcontracts				
Transfer Fr General Fund (100) *	33,280	34,079	32,645	52,413
CC - Supervision Services				
Transfer Fr General Fund (100) *	39,084	40,022	38,337	40,136
Community Corr. Subcontracts				
Transfer Fr General Fund (100) *	409,335	419,159	401,517	420,362

* These are all discretionary General Fund dollars transferred in from the General Fund