

MULTNOMAH COUNTY
COMMUNITY CORRECTIONS PLAN

JULY 27, 1978

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MULTNOMAH COUNTY OREGON

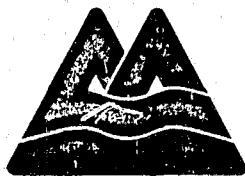
THE
COMMUNITY CORRECTIONS PLAN
FOR MULTNOMAH COUNTY, OREGON

July 27, 1978

This plan was adopted by the Board of County Commissioners of Multnomah County, Oregon as shown by the Board Order which appears as Appendix D on pages 98-99. That order assigned responsibility for the functions described in the plan to the County's Department of Justice Services. Inquiries or comments about this plan should be directed to:

Community Corrections
c/o Department of Justice Services
Multnomah County Courthouse
Portland, Oregon 97204

Phone inquiries or messages can be directed to either (503) 248-3701 (Department of Justice Services) or 248-3469 (Division of Corrections).



MULTNOMAH COUNTY OREGON

OFFICE OF THE CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
ROOM 606 COUNTY COURTHOUSE
PORTLAND, OREGON 97204
(503) 248-3308

COUNTY COMMISSIONERS
DON CLARK, Chairman
DAN MOSEE
ALICE CORBETT
DENNIS BUCHANAN
MEL GORDON

August 2, 1978

NCJRS

Robert Watson
Assistant Director, Human Resources
Administrator, Corrections Division
2575 Center Street N.E.
Salem, OR 97310

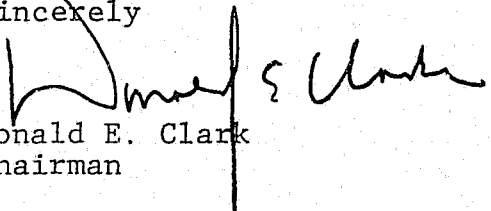
Dear Mr. Watson

This letter transmits the Community Corrections Plan for Multnomah County which was adopted by the Multnomah County Board of Commissioners on July 27, 1978. The Board Order resulting from that action has been incorporated into this document.

We believe this to be a sound plan which reflects a great amount of citizen input and interest. Your approval of the plan will allow us to significantly enhance corrections services in this county.

We commend the plan to you and hope you and the State Community Corrections Advisory Board will approve it for implementation.

Sincerely


Donald E. Clark
Chairman

wwjc

6401 NW Winston
Portland, Oregon 97210
July 20, 1978

Hon. Donald E. Clark, Chairman
Board of County Commissioners
606 Multnomah County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

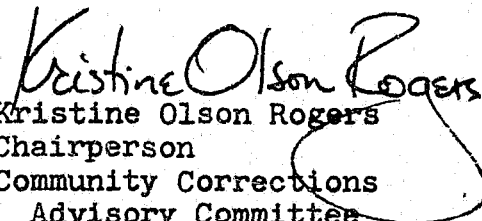
Dear Chairman Clark:

It is with great pleasure that the Community Corrections Advisory Committee submits this Community Corrections plan to the Multnomah County Board of Commissioners for review and action. This plan provides recommendations regarding corrections programs which we feel should be implemented in Multnomah County over the next few years, beginning as soon as possible. We are prepared to assist the County in any way we can in this endeavor.

We appreciate the opportunity the Board created for us to engage in this planning process. We are also extremely grateful for the participation of many interested citizens and professionals, and the staff support provided by the Multnomah County Corrections Division.

With your support, this Community Corrections plan will have a significant impact on future criminal justice programming in Multnomah County.

Very truly yours,


Kristine Olson Rogers
Chairperson
Community Corrections
Advisory Committee

KOR/bal

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COMMUNITY CORRECTIONS ADVISORY COMMITTEE FOR MULTNOMAH COUNTY

Kristine Olson Rogers, Chairperson*
Assistant U.S. Attorney

Jerome LaBarre, Vice-Chairperson
Bar Association Officer

Claire Argow
Corrections Expert

Marilyn Hicks
Citizen

Bruce Baker
Chief of Police, Portland

Sue Juba
Citizen

William Beers
District Court Judge

Stanley Loeb
Attorney

Lee Brown
Director of Justice Services

Dr. Barry Maletsky
Psychiatrist

John Burns
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Wes Carter
District Court Administrator

Dr. Thomas Manaugh
Psychologist

Donna Chalmers
Teacher

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Corrections Division Administrator

Kevin Collins
Department of Army Engineers

Donald Morgan
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Reverend Bill Curtin
Minister

Harold Ogburn
Juvenile Court Director

Thomas Dennehy
College Professor

Judith N. Phelan
Social Worker

Dr. Thomas Gaddis
Psychologist

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Citizen

Kent Reesor
Chief of Police, Gresham

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Mike Hall
Circuit Court Administrator

Philip Roth
Circuit Court Judge

Shirley Hamilton
Bonneville Power Administration

Frank Turney
Corrections Expert

James Hennings
Metropolitan Public Defender

Julie Williamson
Citizen

*See Appendix C for
further information

SUMMARY OF THE PLANNING PROCESS

The Community Corrections Advisory Plan is a product of our 36 member advisory committee assisted by over 90 other citizens who participated in the process. Since our work began in March of 1978, thousands of hours have been expended in arriving at this Plan.

Organizationally, we structured our work into plenary sessions, meetings of the Coordinating Council and meetings of sub-committees. The Coordinating Council, consisting of the chairperson, the vice-chairperson and sub-committee chairpersons plus advisors, met on a weekly basis starting in March. The sub-committees also met on a weekly basis. They were set up to "follow" a typical offender through the system and to cover the areas which we knew the plan would have to address and were as follows: Pre-Trial and Pre-Sentence, Alternative Non-Residential Services, Alternative Residential Facilities and Services, Confinement Programs, Evaluation and Training. Later, we also established sub-committees on Budget, Administration, and Drafting. The names of the members assigned to the sub-committees, together with the advisors who participated in the sub-committee process, are set forth on the following pages.

Our planning process was an open community effort dedicated to finding solutions to the difficult problems now facing local corrections. The 36 appointed members of our committee, aided by our many advisors, made a concerted effort to see that every point of view was represented in arriving at this plan. In over 80 meetings that were held by our various committees, we constantly addressed concerns of the community about public safety, the concerns of offenders and service providers for meaningful programs, and the concerns of the criminal justice system about effective operation. In addition to making every meeting public, we have tried to keep the general public informed of our plan developments through newspapers, radio and television.

We believe the end result of our efforts is a plan which takes into consideration all of the diverse concerns of the community and reconciles them into a workable solution.

A more detailed report of our planning process, a portion of which appears as Appendix B to this report, may be obtained through the Multnomah County Corrections Division.

SUB-COMMITTEE MEMBERSHIP

Pre-Trial and Pre-Sentence Sub-Committee (10 Meetings)

<u>Members</u>	<u>Advisors</u>	
Del Ricks, Chairperson	Virginia Alzner	Julie Frantz
Tom Dennehy	Robey Eldridge	Jane Angus
Dan Mosee	Lou Kaufer	Judge Moultrie
Mike Hall	Bonnie McKnight	Donna Dunbar
Bob Pillsbury	David Wade	Blanche Prohaska
Ed Martin	Dave Stringer	Judge Crookham
Bruce Baker	Captian Dow	Judge Beatty
Jim Hennings	Linda Tyon	Kelly Bacon
Harl Haas	Shirley Robinson	Jack Chapman

Alternative Non-Residential Services Sub-Committee (9 meetings)

<u>Members</u>	<u>Advisors</u>	
Kevin Collins, Chairperson	Jo Judy	Bill Kline
Harold Ogburn	Kelly Bacon	Tim Yowell
Julie Williamson	Virginia Alzner	Elaine Stanke
Harl Haas	Bonnie McKnight	Alex Stone
Tom Gaddis	Ben Tally	Nancy Yashamoto
Barry Maletzky	Lou Kaufer	Jim O'Brien
Dan Mosee	Jack Ryan	Vern Olstead
Frank Turney	Ike Lacefield	Jack West
	Pete Blumklotz	Scott Terrall
	Jim Robbins	Ray Eaglepipe
	Howard Larson	Paul Frank
	Terry Fasthorse	Michael McGee
	Jack Chapman	

Alternative Residential Facilities and Services Sub-Committee (10 Meetings)

<u>Members</u>	<u>Advisors</u>
Reverend Bill Curtin, Chairperson	Steve Bogden
Claire Argow	Larry Morris
Stan Loeb	Jayne Mazur
Shirley Gambee	Kate Thompson
Marilyn Hicks	Karen Gritzka
Don Morgan	Joel Miller
Sue Juba	Virginia Alzner
Judge Roth	
Judge Beers	

Confinement Sub-Committee (9 Meetings)

Members

Shirley Hamilton,
Chairperson
Carl Mason
Kent Reesor
Frank Turney
John Burns
Donna Chalmers
Sue Juba
Tom Dennehy

Advisors

Bonnie McKnight
B. Newborne
Terry Fasthorse
Jayne Mazur
Mike Weatherby
Larry Morris
Barbara Duchon
Jean Savage
Jack Chapman
Lou Kaufer
J. Biswell
Charlie Crawford
Jack Ryan
Gary McGuffin
Ike Lacefield
Randy McLevithan
Bill Ketchum

Evaluation and Training Sub-Committee (10 Meetings)

Members

Dr. Thomas Manaugh,
Chairperson
Tom Gaddis
Judith N. Phelan
Frank Turney
Mike Hall
Bob Pillsbury

Advisors

Connie Mattingly
Michael McGee
Paul Frank
Larry Rutter
Barbara Duchon
Jim Stewart
John Stryker
Linda Tyon
Jack Ryan
Dan Brown
Charlie Crawford
Randy McLevithan
Tonya Hopkins
John Koroloff
John Caldwell

Budget Sub-Committee (4 Meetings)

Members

Tom Dennehy, Chairperson
Sonny Conder
Jerome LaBarre
Marilyn Hicks

Advisors

Linda Tyon
Jerry Hoffman
Connie Mattingly
Lou Kaufer
Bonnie McKnight
Bill Beers

Administrative Structure Sub-Committee (2 Meetings)

Members

Tom Dennehy, Chairperson
Carl Mason
Sue Juba
Frank Turney
Marilyn Hicks

Drafting Sub-Committee (3 Meetings)

Members

Jerome LaBarre, Chairperson
Judith N. Phelan
Kristine Olson Rogers
Tom Gaddis

Advisors

Bonnie McKnight
Jayne Mazur
Jack Chapman

ACKNOWLEDGEMENTS

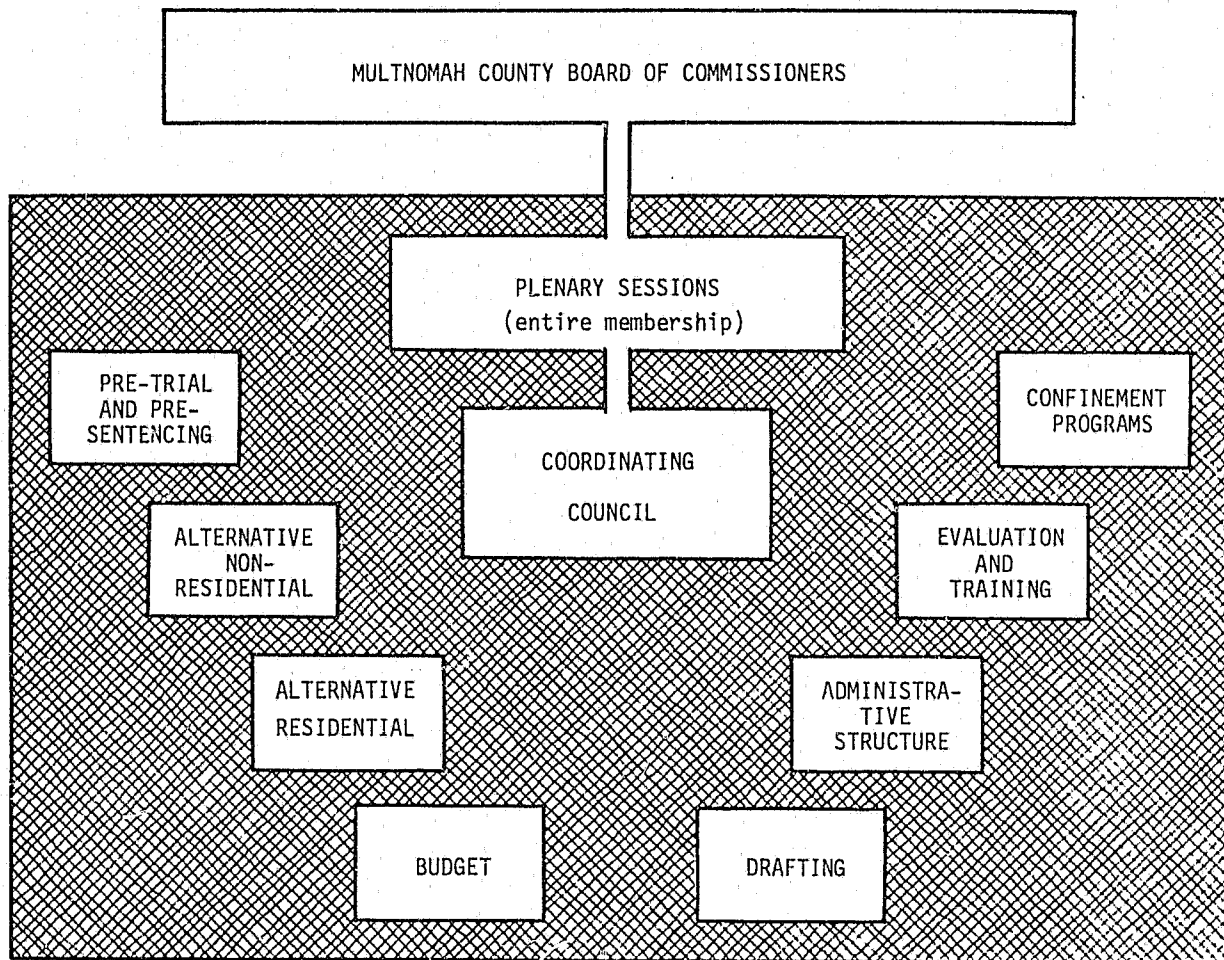
The members of the Community Corrections Advisory Committee thank the following persons for their assistance in the development of the Multnomah County Community Corrections Plan:

Virginia Alzner, Multnomah County Commission Staff
Sally Anderson, Multnomah County Commission Staff
Kelly Bacon, Multnomah County District Attorney's Office
Dr. Jerry Blake, Portland State University
Peter Blumklotz, Multnomah County Mental Health
Jack Chapman, Consultant Planner
Hon. Donald E. Clark, Chairman, Board of County Commissioners
Donna Dunbar, Multnomah County Corrections Division
Robey Eldridge, Manager, Diagnostic Center, SCD
Burdette Emery, Administration, Portland Community College
Terry Fasthorse, Urban Indian Council
Paul Frank, State Corrections Division, Reg. I
Bruce Harder, Office of County Management
Jerry Hoffman, State Corrections Division
Jo Judy, Multnomah Bar Association Project Staff
Lou Kaufer, Director, Job Therapy, Inc.
Ike Lacefield, Multnomah County Corrections Division
Dr. David Lawrence, Department of Human Services
Connie Mattingly, Multnomah County Corrections Division
Jayne Mazur, Multnomah Bar Association Project Staff
Mike McGee, State Corrections Division
Bonnie McKnight, Director, Seventh Step Foundation
Jack Ryan, Portland Community College
Ben Tally, Albina Human Resources
Linda Tyon, Director, TASC
Robert Watson, Administrator, State Corrections Division
Nancy Yashamoto, Metropolitan Public Defender
(All the CCAC members' friends and relatives who have
weathered this 5-month blitz of meetings!)

Support Services:

Betty Lynch, Multnomah County Corrections Division
Ruby Niece, Multnomah County Corrections Division
Gayle Thames, Multnomah Bar Association Project Staff
Dorothy Bays Secretarial Service

ORGANIZATION
OF THE MULTNOMAH COUNTY
COMMUNITY CORRECTIONS ADVISORY COMMITTEE



MULTNOMAH COUNTY COMPREHENSIVE

COMMUNITY CORRECTIONS PLAN

I. Introduction

After an intensive study, the Community Corrections Advisory Committee, hereinafter CCAC, has concluded that a new approach is needed if local corrections is to work. In the past, there have been two main sentencing options for non-dangerous Class C felons and misdemeanants: either jail or probation. Most often these limited choices have proved inadequate to stem the rising recidivism rates or to give these people a new lease on life.

Class C and misdemeanor offenders are usually individuals with a wide variety of problems which figure in their criminal involvement. These include unemployment, lack of education, drugs and alcohol, learning disabilities, psychiatric disorders, lack of housing, and the absence of any caring family or support group. They are, for the most part, those outside the mainstream of society,

The offenses they commit are commonly minor and non-dangerous. In the case of misdemeanants, all of their offenses are defined by law as being sufficiently minor that the penalty cannot include any sentence to the state penitentiary. In the case of Class C felons, most of the offenses involve non-dangerous property offenses, which are punished by a short term of imprisonment and probation. Instead of putting them in jail for a few months, or putting them on virtually unsupervised probation, we must enable them to straighten out their lives, make restitution to their victims and refrain from committing new crimes in the future.

What is needed is a wide variety of individual responses to the many individual problems which prevent these people from being productive citizens. Unless we use this approach of "individualized justice" to deal with the unemployment, drug and other problems, there will be a continued drain on the resources of society.

In response to our finding that for most persons jails don't work and are, in fact, part of the problem, we have arrived at the following solution: In most cases, it is better for the victim, the community, and the taxpayer and the non-dangerous, relatively minor offender if he or she is kept out of jail and put into an alternative community resource. Where confinement is necessary, it should be the least restrictive form possible.

Our conclusion flows naturally from a study of the facts. Instead of reducing crime, jails perpetuate and multiply it. They become schools where minor non-dangerous offenders "graduate" to become dangerous career criminals. The dangerous offender is sent to the state penitentiary, and this practice will continue under the Community Corrections Act.

Nothing in a corrections system is more expensive to build, maintain and operate than a jail. It should be used as a last resort. Every person sentenced there costs the taxpayer many times more than it would cost to treat the same person in a community corrections program. The programs contained in this plan represent an effective way to reduce the burden on taxpayers of our present counter-productive jail system. They also lay the groundwork for the county to save tax dollars by scaling down the need for the massive new jail construction which has been proposed.

In attacking this problem, we have given foremost attention to protection of the public, reduction of crime and restitution to victims of property offenses. We are convinced that the provisions of this plan will further each of these goals.

Our study has also shown that the criminal justice system in Multnomah County (and elsewhere across the nation) appears to discriminate against minorities, particularly Blacks and Native Americans. Members of minority groups have a greater chance of being arrested, staying in jail pending trial, and being sentenced to confinement are much greater. This is an intolerable situation that has existed too long in our community. In addition to addressing this problem within the various components of our plan, we also will require that the numerous private contractors who will establish community resource sentencing options pay particular attention to minority needs.

Initially we allocated \$150,000 as a line item in our budget for "Minority Programs." This allocation was preceded by much debate concerning proper percentages, etc. Minority members of our Committee and those minority people in attendance said it was offensive to them to maintain this "separate but equal" approach to programming. They said that minority contractors should be able to compete in the normal County process for grants providing monies to Community Corrections services.

Accordingly, the Coordinating Council voted to take the separate minority allocation and disburse it to the other applicable headings in our budget (e.g. day treatment, substance abuse, diversion, mental health, bridge services, etc.) and to impose an affirmative action requirement on all contractors submitting bids. In any event, we fully expect that programs giving special attention to minority offenders will receive at least \$150,000 in contracts. Since the CCAC is monitoring that process, we will follow through on that commitment. We have already received requests from the Urban Indian Council, the Native American Rehabilitation Association, and the Exodus Program, to name a few.

Our planning process has been characterized by community interest and involvement. We believe that it is essential that there be expanded community knowledge of the issues in corrections so that appropriate responses can be made.

II. Plan Overview

Under the Community Corrections Act of 1977, this plan entitles Multnomah County to receive \$2,760,000 of financial aid for improving corrections. The financial incentives are computed on a formula tied into the sentences of Class C felons. Most Class C felonies committed in Multnomah County involve non-dangerous property offenses. As required by the law, these persons would be handled by the Multnomah County Corrections System. The relatively few Class C felons who are dangerous would continue to be sent to the state penitentiary. In the past three years, over 70 percent of the Class C felons from this county who were sentenced to prison were convicted of four non-dangerous property offenses: Theft I, Forgery, Burglary II (not in a dwelling) and Vehicle Theft.

What follows is a brief overview of our planning priorities:

A. "Pre-Trial Services". This term indicates those services provided at the point of entry into the system and shortly thereafter. An important part of the plan are the Central Referral Programs which build on the base of medical screening, 24-hour recognizance release officers, alternatives workers, and the legal basis for pre-trial releases other than bail and then adds new functions. Its purpose is to reduce jail population and facilitate entry into community corrections programs.

B. Alternatives to Incarceration. This approach will increase community resource sentencing options. The majority of funds available for programming in the plan is devoted to this category which included: restitution, diversion, employment services, day treatment, substance abuser treatment, and education and alternative residential care. Most of these programs will be handled by private contractors.

C. Existing Institutional Deficiencies. The plan allocates funds to establish services necessary to but not currently operating in the county's correction institutions. The county should be offering these services regardless of CCA participation.

D. Procedural Changes. The plan also suggests several procedural changes which reflect CCA philosophy, but do not require a specific allocation of CCA funds, such as increased and more equitable use of citations in lieu of arrest and use of mailed summonses.

E. Necessary Support Services. The necessary adjuncts to programs described under the previous headings such as administration, planning, contract compliance training and evaluation complete the list of priorities.

The key to this community plan is flexibility and appropriate response. The actual working with the offenders will take place primarily in the private sector with contracts subject to periodic review. A much smaller part of the personnel services which are included in this plan will be provided directly by county employees.

III. System Improvement Recommendations

The following are the improvements recommended for the correctional system in this county within the limitations of the law and the directives from the Board of County Commissioners:

A. Pre-Trial Processes and Services

1. Statement of Problem

Incarceration is one of the harshest sanctions meted out by our criminal justice system. Yet at least one-half of the persons in Multnomah County jails are awaiting trial and presumed innocent. In effect, we are using our most severe punishment against thousands of our citizens each year who have been convicted of no crime. This might be understandable if detention were necessary and there were no reasonable alternatives to the jailing of accused citizens. But experience with the use of pre-trial alternatives to jail has indicated that many people now incarcerated could be released safely and economically pending disposition of the charges against them. Most people will appear in court as required without being held in jail. This overjailing extracts high monetary and social cost from the taxpayer, the accused citizen and from the entire criminal justice system.

Although Oregon law allows citation in lieu of arrest and other non-custodial responses, they are not used nearly enough by police agencies. A study of the numbers involved shows the scope of the problem. About one-half of those arrested are released from custody within 24 hours. Indeed, over 80 percent of those arrested and held in jail before trial end up either serving no sentence of confinement at all or being found not guilty. Although a large majority of citizens charged with misdemeanor crimes could be cited instead of arrested, only 21 percent of these people were cited in 1977. It is particularly disturbing that of Blacks and other racial minorities, hardly any (only seven percent) were given citations in lieu of arrest in 1977 for misdemeanors.

Can there be any justification for the low rate of citation use, particularly in view of the damage which results from it? The costs are enormous. First, in

terms of wasted tax dollars, a recent study found it cost \$21 to book, jail and release each unsentenced prisoner held for less than a day. In 1975 there were over 7,000 such individuals in Multnomah County.

However, the cost isn't just in wasted police and jail budgets. It is even more intolerable when measured in terms of the social and human costs. As stated, under our constitution, persons are presumed innocent unless and until they are tried and found guilty. Moreover, the only control that can be placed over them before trial is that which is required to assure their appearance in court. Yet we jail them, only to release them hours or weeks later. The cost to them, their families, their employers and to our community is beyond calculation. Jailing usually results in a loss of job, the person's family going on welfare, and destroying family ties.

A further injury to these people is the fact that their chance of being sentenced to jail is greatly increased if they are in jail before trial. Under these circumstances, a profound change must occur in police practices. For accused misdemeanants and non-dangerous Class C felons, citations must become the normal procedure and arrest the exception.

The problem of too many citizens in jail prior to trial is not limited to the point of arrest. It is also present throughout the rest of the time leading up to trial. Even among those who must be arrested, a high number of citizens now spend far too many days in jail. This could be avoided if the system were streamlined and made more efficient. The following abuses are frequent:

-- Citizens arrested on Friday night wait in jail until Monday to have their charges disposed of because the courts are closed on weekends;

-- Citizens arrested in the late afternoon on charges the D.A.'s office views as not meriting prosecution must wait all night in jail before being released the next morning because the D.A.'s office and Public Defender's office close at 5:00 P.M.;

-- Citizens who are arrested but deserving of release on their own recognizance from jail frequently must wait to be released since recognizance officers are not available throughout the 24-hour booking period;

-- Too few first offenders deserving of being diverted out of the criminal justice system are actually placed in programs with the consent of the D.A.'s office;

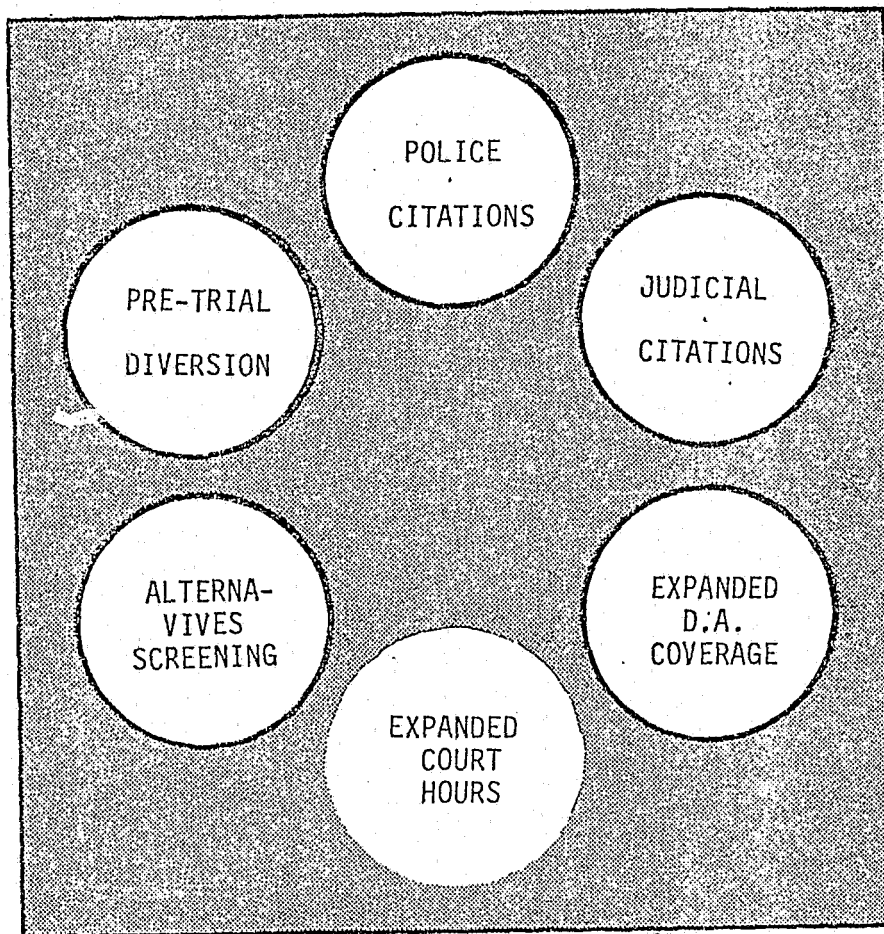
-- Mentally ill persons and individuals who are in need of alcohol detoxification are not adequately screened when they are arrested and frequently have their illness confused with criminal behavior.

In approaching a solution to the many problems now existing on the pre-trial level, the CCAC adopts a presumption against pre-trial detention of misdemeanants and Class C felons, except in aggravated cases. Our objectives in the pre-trial area are to: (a) minimize unsentenced jail time; (b) expand the use of alternative resources to jail, such as mental health treatment and alcohol detoxification; and (c) increase the use of pre-trial diversion and other alternatives to criminal prosecution.

2. Plan For Improved Pre-Trial Processes and Services

a. Summary. If the criminal justice system is to meet its legal obligations on the pre-trial level, a number of changes must take place. These changes must begin at the first point of contact between the accused and the police and continue at every step up until the time of trial. In the field and at the stationhouse, this will mean the police will issue citations to appear in court for misdemeanor and Class C felony offenses, instead of making arrests. At the courthouse, when a misdemeanor complaint or a Class C information of felony is issued by the judge, this will mean that the judge, pursuant to ORS 133.045(2), will have a citation served or mailed on the accused instead of issuing a warrant for arrest. At the booking desk of the jail, this will mean that there will be a 24-hour, seven day a week capacity to evaluate those who have been arrested to see if they can be released on their own recognizance or on another form of pre-trial release. At the jail, there will be improved screening for psychiatric, alcohol and other problems which would warrant another placement. And at the pre-trial conference between defense and prosecuting attorneys, there will be a decision to divert those accused from the system who are not in need of prosecution.

MAJOR RECOMMENDATIONS
FOR IMPROVED PRE-TRIAL
PROCESSES AND SERVICES



All of these improvements can occur now. They will result in a large savings of tax dollars. More importantly, they will give meaning to the constitutional guarantee that all citizens are presumed innocent until proven guilty.

b. Citations In Lieu of Arrest. Oregon law allows citations to be used in lieu of arrest for misdemeanor and Class C felony offenses. The Portland Police Bureau and Multnomah County Sheriff's Office have both issued policies authorizing their officers to use citations. In spite of this, the police officer on the street, particularly in Portland, has failed to use citations except in a small number of cases (PPB -- 21 percent; MCSO -- 55 percent).

A remedy must occur by strong and swift action at the command level. The law enforcement agencies in Multnomah County should immediately adopt policies to strongly discourage arrests for misdemeanor and Class C felony offenses, encouraging the use of citations. These policies should put the burden on the police officer to justify the making of an arrest instead of using a citation.

There should be a strong presumption in favor of citation which would have to be overcome by the police officer. These procedures should be structured in such a way so as to give incentives for the use of citations. For instance, some cities have accomplished this by requiring long written justification for arrests in these classes of crimes. Citation/arrest rate should be a key element of job performance review for each officer. Superiors up the chain of command should constantly monitor this and there should be in-service training for officers.

Immediate policies and practices must also be implemented, particularly by the Portland Police Bureau, to end the racial discrimination which is now apparently occurring in their use of citations. A recent report of the City of Portland Office of Justice Programs concludes that Blacks, Native Americans and other racial minorities are almost never given citations while Whites are more likely to receive them.

Experience in Portland and around the nation has shown that increased use of citations will not

* We note that an article appeared in the Oregonian the day before our report went to press which indicated that Chief Baker of the Portland Police Bureau is taking some steps in this direction.

result in a higher rate of failures to appear at trial. Only about nine percent of those released fail to make required court appearances and of these, only five percent are lost to the courts for over eight days. Those who do not make required court appearances, of course, will have warrants issued for their arrest. However, this will only be necessary in a very small number of cases.

Among the many arguments which favor citation over arrest is monetary cost. The earlier that a decision to release the suspect is made, the lower the cost. Thus, the least expensive is the citation and the most expensive is pre-trial detention. A recent study has shown that it is at least eight times more expensive to hold a person in custody pending trial than it is to release them on citation. The other forms of release which follow also carry with them proportionally greater cost savings than does pre-trial detention.

c. Judge-Issued Citations. In addition to those citizens who are arrested by the police at the time a crime is committed, there are also those who are arrested weeks or months after the commission of a crime, on a warrant issued after a misdemeanor complaint or when an information of a Class C felony is filed with the court. In this situation, many citizens are now unnecessarily arrested. Oregon law authorizes a judge to issue a citation instead of a warrant of arrest in this situation. However, too often warrants of arrest are still being used. A routine policy should be established to issue citations in this situation.

Experience in other jurisdictions has shown that if a citation or summons directing a person to appear in court is mailed, certified mail, return receipt requested, this normally is sufficient to secure the required court appearance. As a second step, if this does not work, the citation can be personally served on the accused. Then, as a last resort, a warrant of arrest can be issued.

This approach has the advantage of saving time and money for law enforcement and corrections agencies. It also is likely to bring more individuals into court on minor charges than the existing system. Currently, serving misdemeanor arrest warrants has low priority in police agencies and, as a result, each year many go unserved and are ultimately dismissed by the district attorney. Experience has shown that most people will go to court if they are directed to do so in writing.

Those who have been cited should be reminded of their court appearances by the criminal justice system, by the Central Referral Programs. Maintaining contact with these defendants by mail and/or telephone should help to reduce the failure to appear rate.

d. District Attorneys--Expanded Coverage On Decision To Prosecute

Since up to one-fourth of those arrested are freed without charges, it is important that a deputy district attorney be on duty on nights and weekends to make the decision to charge or not to charge for those individuals who have been arrested and are in custody. Too often, individuals are arrested on minor charges such as disorderly conduct on a Friday or a Saturday night, and they must wait in jail until Monday morning for the D.A.'s office to decide that no complaint should issue on the case and the citizen should, therefore, be released from jail. The same problem occurs if an arrest is made in late afternoon of a weekday. Then the "no complaint" decision cannot be made until the next day. Typically, the decision not to prosecute a case is not actually conveyed to the court until the afternoon of the day in which the case is first presented to the D.A.'s office. Therefore, an arrest made on Friday night will result in the citizen being held as a prisoner until late Monday afternoon or even Monday evening before he or she is released.

The costs of this delay in processing cases are prohibitive. Since one out of every four cases presented to the D.A.'s office falls into this "no complaint" category, the number of needless jail detentions is high. This causes a correspondingly high cost in corrections dollars since these citizens must be fed and cared for in jail while they wait for a deputy district attorney to come on duty. However, there is even a higher social cost for those who are jailed while awaiting the system to function. As in the case of other unnecessary jailings, this can cause the citizen to lose his job or his schooling, all of which impacts upon the economic production of the community and the collection of taxes. Additionally, once one becomes a prisoner, even for a few days, this fact is a major blow to his psychological, physical and social well-being. Funds for this purpose will be allocated from central referral programs.

e. Expanded Hours of Court Operation.

Courts now operate only Monday through Friday, 9:00 A.M. to 5:00 P.M. As with the limited hours of operation in the District Attorney's office, this schedule poses problems and needless public expense for those arrested in the evenings or on weekends. For example, in the case of "no complaint" from the D.A.'s office, a judge's order is required to release the citizen from jail.

Beyond this, there are other dispositions which a judge could make of cases which would effectively lower the rate of jailings, save money, and streamline the system. Particularly in the case of misdemeanors, many cases are disposed of by a plea of guilty and a non-custody sentence is given the first time a citizen goes before a judge for arraignment. For instance, the 18 year old college man who got arrested for being drunk and disorderly at a Friday night party will most likely receive probation when he goes before the judge at his arraignment to plead guilty. Presently, he must wait in jail until some time Monday to do this. As in the case of "no complaint" the costs associated with this delay in processing are unacceptable.

In addition to making final dispositions of cases, courts also can make a number of other decisions which will reduce jail populations during nights and weekends. Among them are recognizance and bail decisions. Of course, for a judge to operate during these additional hours, there would also have to be a deputy public defender and a deputy district attorney.

The most critical court scheduling need is for weekend court in view of the jail overcrowding which now occurs on Saturday through Monday. However, night court operation, as conducted in other cities, would also result in great savings. There is currently community discussion about the advantages of having night traffic and small claims courts for the convenience of citizens. It appears that one judge would be able to handle criminal cases in addition to these other matters. No funds are allocated for this purpose since the CCAC sees it as a long-range objective.

f. Screening For Other Treatment Alternatives.

Persons who commit inconsequential offenses but whose principal problem is intoxication or mental illness, can be immediately diverted from the central intake unit and placed in an alternative treatment facility.

Presently, many people are held in jail when they really belong at the Hooper Alcoholic Recovery Agency or the UOHSC Psychiatric Crisis Unit. As stated in the description of the central intake unit which is part of the central referral agency, new screening staff and procedures will be established to identify the persons who should be referred out of jail at the point of intake.

The plan calls for a psychiatric nurse to work in central intake so these screening decisions can be properly made. In addition to psychiatric and intoxication screening and referrals, the central intake unit will also screen for juveniles, obtaining a verification of age in questionable cases and, where appropriate, make referrals to the juvenile justice system. As part of its ongoing work, the CCAC will explore whether there can be closer coordination between the adult and the juvenile criminal justice system to facilitate placing juveniles into community resources.

g. Pre-Trial Diversion

Pre-trial diversion is an alternative to prosecution and can occur at any point following the time that a citizen is charged with a crime. It can take many forms and it has existed in Multnomah County for some time on both the felony and the misdemeanor level. Under the plan, the existing pre-trial diversion programs and services are to be enhanced and new approaches developed. A key feature of this approach to pre-trial diversion is victim restitution where possible.

The cases which qualify for pre-trial diversion are those in which it appears that an alternative to prosecution offers a better solution to the victim, the community and the client than standard handling by prosecution and sentencing. This results in a savings of tax dollars, clears the court docket, and minimizes the penetration of the accused into the system. This approach has not been fully utilized and it is necessary that new eligibility criteria be developed and a system set up so all candidates can be uniformly considered for diversion. There also needs to be more education of defense attorneys, prosecutors and judges.

Budget allocations have been made to fund the following forms of pre-trial diversion:

i. "First Offender" Model. This covers programs contracting with eligible non-dangerous first offenders to comply with certain conditions (job, restitution, training, etc.) in exchange for eventual dismissal of the charges. It will be used as an alternative to either prosecution or sentencing. An allocation of \$102,000 have been provided.*

ii. Job Development Model. As described later, the "Jobs Program" can be used in a diversion setting. This will be particularly useful to enable the client to make restitution to the victim or, where appropriate, to allow a "civil compromise" dismissal of charges. The budget allocation for the "Jobs Program" is \$120,000.

iii. The TASC Model. This is a program designed to treat drug abusers and divert them from the criminal justice system. It provides for an assessment of individual cases, the making of arrangements for enrollment in various programs, and financial support of existing programs for drug abusers. The budget allocation for this model is \$9,624, based on an itemized need statement submitted by TASC personnel, currently funded through an LEAA grant.

Other forms of pre-trial diversion are also encouraged. No other funding is made at this time for them. However, in some cases, they cost nothing. Some of these already exist in Multnomah County.

i. "Federal Court" Model. This is a system of imposing an informal probationary period for selected accused persons as an alternative to prosecution. The management of this could occur through central referral programs or by the county probation staff.

ii. Alcoholic Diversion. Set up on TASC model. A new program primarily for alcohol abusers, similar to the TASC program for drug users, should be established. An organization known as OMAC has developed a plan for this which has not yet been funded by the State Mental Health Division.

* Descriptions of all the specific programs which formed the basis for discussion in this planning process are located in the Budget Summary in Appendix A to this report.

iii. Police Warning/Reprimand.

This form of diversion occurs in some communities prior to arrest and has been very successful. It is similar to the police giving a warning ticket in a traffic case and is appropriate for minor crimes. It has an impact on the accused citizen yet costs the taxpayer nothing.

iv. Neighborhood Citizen Arbitration Tribunal. This is a concept which has met with much success in dealing with minor neighborhood and family crimes. Instead of prosecuting the offense in court, the police refer the victim and the accused to an arbitration tribunal, usually in the neighborhood, where a just result is arrived at by mutual agreement. This usually provides for restitution and reconciliation. In some places, such as Orlando, Florida, these tribunals have been staffed by volunteer attorneys. This approach has been recently suggested by Chief Justice Warren Burger of the U.S. Supreme Court.

h. Decriminalization of Victimless Crimes

Many of those filling our jails and clogging our courts are citizens charged with "victimless" crimes. These include certain alcohol offenses, marijuana transportation or cultivation, gambling, prostitution, and pornography. The Community Corrections Advisory Committee takes no position on whether these offenses and other "victimless" crimes should be decriminalized and handled civilly. However, we note that if the legislature took such action, it would significantly reduce client population and taxpayer expense.

i. Savings For New Downtown Detention Center

The features of this plan, particularly those set forth for the pre-trial and pre-sentence levels, will result in a great savings of money for the new multi-million dollar downtown detention center to be built on the courthouse annex block. The plans for the downtown detention center now call for it to hold 270 accused citizens awaiting trial and sentencing. This capacity was arrived at during a study occurring in 1975 and 1976 which used data from 1975 jail populations. Now, in view of the many new methods of reducing jail population which are set forth in this plan, the capacity of the downtown detention center can be sharply reduced.

Such a reduction in size will, of course, save large amounts of public dollars, not only in the construction of this building, but in its operation over the decades to come. However, aside from this obvious monetary advantage, it should also be borne in mind that jails that are too big create serious problems for our community. It is well established that jails have a way of filling up, regardless of their capacity.

B. Central Referral Programs

1. Overview. Community corrections in Multnomah County cannot work without coordination between the many criminal justice agencies and community resources. The Central Referral Programs will provide this coordination and other essential services. It is the first priority of our plan and the cornerstone of community corrections in Multnomah County.

The reason for Central Referral Programs is to do everything possible to keep those arrested out of jail and directed into appropriate alternatives. They will provide services to the client and all criminal justice agencies beginning with the point when a citizen is arrested and enters the system. These programs will continue working with the client and interrelating with the other criminal justice agencies until the point when the client ceases to be under the control of the criminal justice system.

Ultimately, the Central Referral Programs may be the basis for a single umbrella agency. However, for the immediate future, there will only be a series of programs. We believe that the functions and the concepts described for the Central Referral Programs are of paramount importance. How they can best be implemented is a matter which will have to be dealt with in the future work of the CCAC. In this connection, it will be essential that all components of the criminal justice system have input in how these programs are designed. Coordination between the various agencies must occur if these programs are to be successful.

The Central Referral Programs will be composed of three primary parts. They are:

a. Central Intake -- Staff will have contact with the client and affected agencies primarily at the initial point of entry into the system, but also during the interim leading up to the time of trial.

b. Alternatives -- Staff will provide services for the client and affected agencies primarily on the pre-sentence level, but to some extent, pre-trial and post-trial also.

c. Assignment -- Staff will function primarily once a sentence to confinement is made.

The Central Referral Programs will take on different appearances and functions, depending on the point that they have contact with the client in the system. However, their constant goal will be to keep clients out of custody and minimize whatever forms of confinement must exist. They will do this on a routine and constant basis, providing quality services to the other criminal justice agencies that they serve. They will be like an umbrella, covering the tripod of criminal justice agencies, community resources and the client population. As much as possible, county employees will not be used for Central Referral Programs functions. Instead, private contracts will be emphasized.

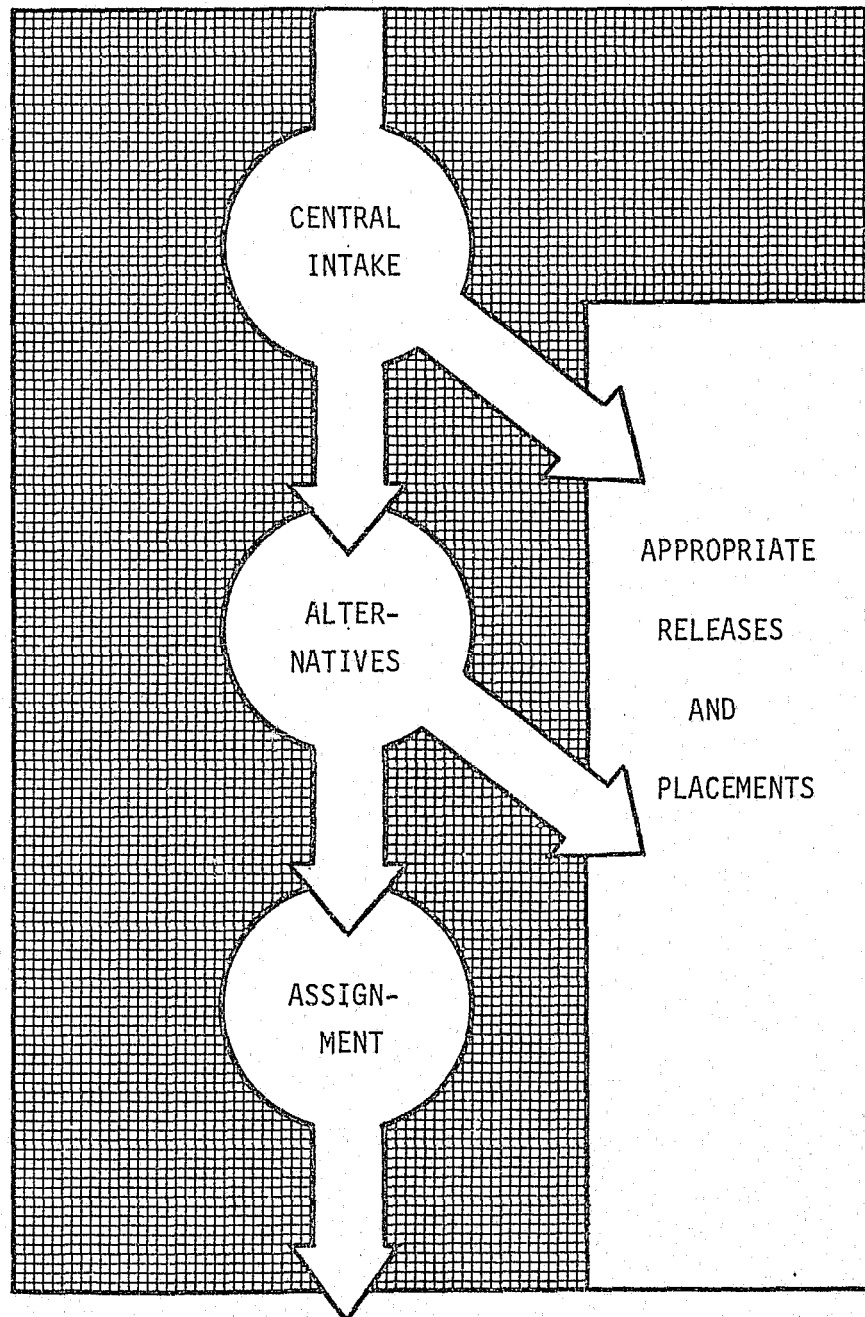
2. Statements of Need and Descriptions of Functions

a. Central Intake Programs

Need -- Presently, only about one-half of all citizens arrested are interviewed and evaluated by staff for recognizance or some other form of pre-trial release. There is no single agency which performs this function, nor is there coverage on nights and weekends. As a result, it is haphazard whether a person arrested will be evaluated for pre-trial release. Even if he or she is lucky enough to be evaluated, there is no assurance that a uniform assessment will be made, since different sets of criteria are presently used by different interviewers. Duplication of effort also results, since the various agencies involved in interviewing, have no centralized coordination.

It is essential that all citizens who are arrested be fully evaluated on a uniform basis so that decisions on recognizance or other pre-trial release can be made. The present patchwork approach results in thousands of unnecessary jailings every year with only about 25 percent of all persons arrested and booked being released and the rest held in jail pending trial. This waste of dollars and lives can be corrected by the kind of full-time uniform approach that central intake will provide.

THE THREE MAJOR FUNCTIONS
OF
CENTRAL REFERRAL PROGRAMS



Description -- The central intake programs will establish a routine procedure for assessing and classifying all citizens who are arrested and booked, except for those who immediately are bailed out. They will be staffed on a 24-hour a day, 365 day per year basis. They will set up an assessment and referral system which meets the needs of the client population as well as the other agencies and community resources which deal with clients at this level. The functions which the central intake programs will perform are as follows:

-- Handle booking of all arrested persons brought to intake;

-- Interview and evaluate for release all arrests booked;

-- Make release decision where possible (explained in more detail below);

-- Provide support services for those who have received citations in lieu of arrest, including telephone calls and letters to remind them of required court appearances;

-- Provide screening by a psychiatric nurse for those suffering mental illness and make referrals to U of O Health Sciences Center Crisis Unit;

-- Screen and refer intoxicated persons to Cooper Alcoholic Recovery Agency;

-- Screen and refer juveniles to appropriate juvenile justice agency;

-- With the aid of the alternatives unit, make referrals and placements of those in need of housing, counseling or other services;

-- Provide verification of criminal charges for those being held in custody and expedite release of citizens whom the D.A.'s office declines to prosecute;

-- Provide orientation information and other needed support to citizens held in custody so they will know what is happening to them;

-- Provide support services to clients such as emergency housing referrals.

The Central Intake Programs will sharply reduce the number of citizens held in jail pending trial with a correspondingly large savings of tax dollars. The two main methods by which citizens will be released will be stationhouse release and release on own recognizance. Under stationhouse release, the person arrested is taken to the police station and released after being given a citation to appear in court. Release on recognizance (ROR) is a release which occurs after the accused signs a written document promising to appear in court at all required appearances, the failure to do so resulting in the commission of a new crime.

Additionally, there are other forms of conditional release and cash bail which can occur. Central Intake Programs will receive a delegation of authority, as permitted by Oregon law, to make these pre-trial release decisions. Presently, because of the haphazard system which exists, the burden of proof is on the arrestee to prove that he or she is a good risk for recognizance or stationhouse release. This is contrary to the letter and spirit of Oregon law. The burden of proof must be on the state to demonstrate why the accused should be confined pending trial. The statistics on the failure to appear rate both in Multnomah County and nationally confirm that greater pre-trial release will not result in any greater failure to appear rate. However, in view of the high monetary and social costs of the present low release rate, it certainly seems that even if there were to be a risk of more failures to appear, that this risk is well worth taking.

b. Alternatives Programs

Need -- One of the basic concepts of community corrections is that existing community resources should be utilized to a maximum extent. Currently, community resources are scattered and only randomly used to a small degree in local corrections. They cannot be effectively used as sentencing options because they are not known, not supported, not coordinated, not evaluated, and, in general, not set up as part of any well-defined sentencing system. The excellent work of the Metropolitan Public Defender's office has proved that centralized approach to alternatives can work. However, the Public Defender's work has been limited in scope by the needs of that office and it is evident that a much more comprehensive effort needs to be taken at the county level.

Description -- To respond to this need, there will be an Alternatives Programs included in the Central

Referral Programs. The Alternatives Programs will have staff members who will establish and keep current the detailed listings of all community agencies that can serve offender needs. Their inventory of resources will include such things as substance abuse, employment, education, housing and counseling programs and services. Essentially, it will be a clearinghouse of all information relating to the resources that make up community corrections.

In addition to making information available about existing resources, the Alternatives Programs will identify areas of need and develop new resources in the community to deal with them.

The Alternatives Programs will be at the hub of a three-spoked wheel made up of the client, the community resources, and the court agencies. It will pass information between these entities and see that alternatives are properly used. It will deal with community agencies that have contracted with the county to receive community corrections funding as well as those agencies which are funded from other sources. While it will seek to support and improve all of the community resources it deals with, it will particularly scrutinize those which have been awarded community corrections contracts. It will periodically evaluate them and make the decision on awarding the continuing contracts with those agencies. Separately, there will be a contract compliance function, which will go on independently from the other alternatives operations.

As well as establishing and maintaining this wide ranging system of alternatives, the alternatives programs will provide needed services for court agencies and corrections workers on the pre-trial and pre-sentence levels. In line with the overriding goal of the Central Referral Programs, it will provide services and information geared toward keeping the client out of custody and in the least restrictive form of confinement possible. On the pre-trial level, after the client has been arrested and enters the system, the Alternatives Programs will make information available to the workers in the Central Intake Programs concerning matters which will facilitate the pre-trial release of the client, including such things as jobs for pre-trial work release and housing.

It will also supply information on this level to enable the pre-trial diversion program (described below) to operate. As with much of its other work, the unit will work in tandem with the Assignment Programs in handing pre-trial diversions to such programs as first offender, job training, and drug treatment.

After a client has been convicted, the Alternatives Programs will work on the pre-sentence level, primarily as an information source and data bank. Alternatives Programs workers will receive information regarding clients and provide the client's attorney or other representative with appropriate information on the programs and resources that are potential for the client. The Alternatives Programs will not make sentencing recommendations. It will be the responsibility of the client's attorney and others to be the moving party and to take advantage of the information which the Alternatives Programs provides. The success of the Alternatives Programs depends upon the various actors in the criminal justice system respecting its information as a reliable, quality product. It cannot align itself with any particular court agent or client, nor risk violating the attorney-client privilege. In this respect, it will be more distant from the client than either the Central Intake Programs or the Assignment Programs.

Nonetheless, the Alternatives Programs will make its information available at any point that the client is in the system, continuing even after he has been sentenced to confinement. This constant availability is to encourage the use of alternatives other than confinement wherever they might work. It is well recognized that clients change. The client that may not be a candidate for an alternative at intake may well become one as his attitude changes by the time of pre-sentence or post-sentence.

Another important function of the Alternatives Programs will be education about the existence, merit and use of community resource alternatives. Presently, there is a lack of knowledge about these alternatives in the criminal justice community, particularly among private defense attorneys and deputy district attorneys. Once in effect, the Alternatives Programs will be a constant reference source for those involved in making decisions on pre-trial release and on sentencing. Accordingly, attorneys, judges, pre-sentence workers, and probation officers must be educated so that a "team approach" can occur in making the best placement for the sake of the client and the community.

c. Assignment Programs

Need -- Just as the Central Intake Programs are needed to facilitate the client's release from custody on the pre-trial level, so also there is a need as the client progresses into the pre-sentence and post-trial levels for attention to be given to securing his release

from custody. For a comprehensive alternatives system to work, there must be coordination and control of the flow of clients into alternatives resources and between them.

Description -- The Assignment Programs will fulfill this function. It will work actively, like the Central Intake Programs, and utilize information from the Alternatives Programs. It, too, will be dedicated toward releasing the client from custody and holding him in the least restrictive form of confinement possible.

It will do this both on the pre-sentence level, to encourage alternative sentences by judges and on the post-sentence level for those offenders who have been sentenced to confinement. In so doing, it will serve court and corrections agencies and the client by performing the following functions:

- Diagnose and classify the client's problems, working in concert with pre-sentence investigators;

- Make referral decisions, joined by other corrections agencies, the client and his attorney on the best resource for the client's needs consistent with the protection of society;

- Place the client in the assigned resource or facility and handle the logistics necessary to get the client off to a good start;

- Advocate for the client where necessary to get him into the appropriate resource facility, job, etcetera;

- Provide support services for the client geared toward helping him succeed;

- Monitor the progress of the client and, where appropriate, reassign him to different programs or facilities after an appropriate due process hearing;

- Evaluate the success of the various community resources in terms of their effectiveness for the needs of particular clients and work to improve these resources.

The Assignment Programs will be the "air traffic controller" of the CRA to ensure that the client, the resources and the criminal justice agencies all "fly" on the right course. A key tool will be its control over the

mobility of clients from one resource or facility to another depending upon what works. It will monitor the performance of clients and move them within the system to make the best match of his or her needs with the appropriate resource. Where a client is moved to a more restrictive form of control or confinement, a due process hearing will occur. As stated, restitution to the victim and contributing to the community will be prime considerations in the assignment.

The bulk of the reassignments will occur after a sentence to an alternative, to probation, or to confinement. In the case of probation, this will require the advise and consent of the sentencing judge. In those cases where the judge has sentenced the client to a period of time in confinement, the Assignment Programs will determine where the time should be served. This is an analogous to the present system used by the state and county corrections divisions. For example, if a judge sentences an offender to a period of one year of confinement, the Assignment Programs might first send him to the secure jail facility, but then after six weeks when his attitude changes, move him into an alternative residential care facility (ARC) where he or she can receive the treatment needed for an alcohol problem. Then after three months in an ARC, it may be determined that the client no longer needs the 24 hour a day supervision he receives there, and can be moved into the more limited confinement of a day treatment program which he is confined eight hours a day, receiving job training, but lives at home. Conversely, where the client has been initially assigned to serve his confinement time in an ARC but does not behave himself, after a hearing he can be moved out of the ARC into the secure jail facility until such time as less restrictive confinement is appropriate and there is a need to prepare him for his transition back into the community.

3. Administration of Central Referral Programs

The level term funding allocated for the Central Referral Programs is \$250,000. A total of 12 new staff positions are specified. The Central Referral Programs will begin to operate as soon as possible on a limited basis. However, an acceptable operational structure will have to be worked out with the five affected authorities. Procedures will have to be developed and refined as the Programs begin operation. The possibility of a private contractual arrangement will be explored, but the Coordinator of these programs should be a public official.

The Community Corrections Advisory Committee will be intimately involved in the decisions relating to hiring, organization, set-up and operation of the Central Referral Programs because they are crucial to the success of the rest of the plan. This will be one of the major areas of focus for ongoing CCAC work and we expect to be very involved in organizing these programs.

C. Pre-Sentence Investigation

Multnomah County intends to contract for all felony pre-sentence services with the State, at least for the first year of participation under the Community Corrections Act.

Presently, pre-sentence investigations on misdemeanants, done by the County, take approximately 30 days to complete. Other jurisdictions around the county are often able to achieve and maintain a 15-21 day interval for PSI. There is a need for a reduction of the interval of time required to complete a pre-sentence investigation. However, it must be consistent with obtaining a quality product.

The County Probation Office submitted a request that a sizable sum be granted to enhance their service capabilities, through increasing staff. Mindful of the Commissioner's directive not to "balloon" county personnel in the package and of the fact that this request should be the subject of ongoing negotiation independent of CCA programs, we elected to simply suggest to the Board that it consider reserving some of the money which will be returned to the County in the Reimbursement Fund for this purpose.

We also recommend that a special docketing system be set up for sentencing appearances of those citizens being held in custody while awaiting sentencing. Those court appearances should be given first priority as should the pre-sentence investigation so the high cost of keeping them in jail can be eliminated. This reform can be accomplished by the Central Referral Programs.

A number of the provisions of this plan, most prominently the Central Referral Programs, will improve the quality and efficiency of pre-sentence investigations on both the state and the county level.

As described in the preceding section, the Central Referral Programs will coordinate closely with the pre-sentence investigation staff in its work.

In response to a demand voiced by Multnomah County Circuit Court judges to appropriate monies to cover a grant expiring for their Diagnostic Center, we have approved a one-time-only allocation, contemplating that the State will provide general funding in the next biennium to accomplish this end. The amount allotted was \$175,000 or whatever is needed to maintain the center at its current operational level (whichever is less). The funds will go directly to the State Corrections staff to spend as they see fit for enhanced presentence capabilities.

This matter will be handled under the terms of the county's assumption contract with the State Corrections Division, for field services. It appears that the Diagnostic Center (or its functional equivalent) and the Central Referral Programs will be able to cooperate for the benefit of participants in the criminal justice system.*

D. Non-Confinement Sentencing Options

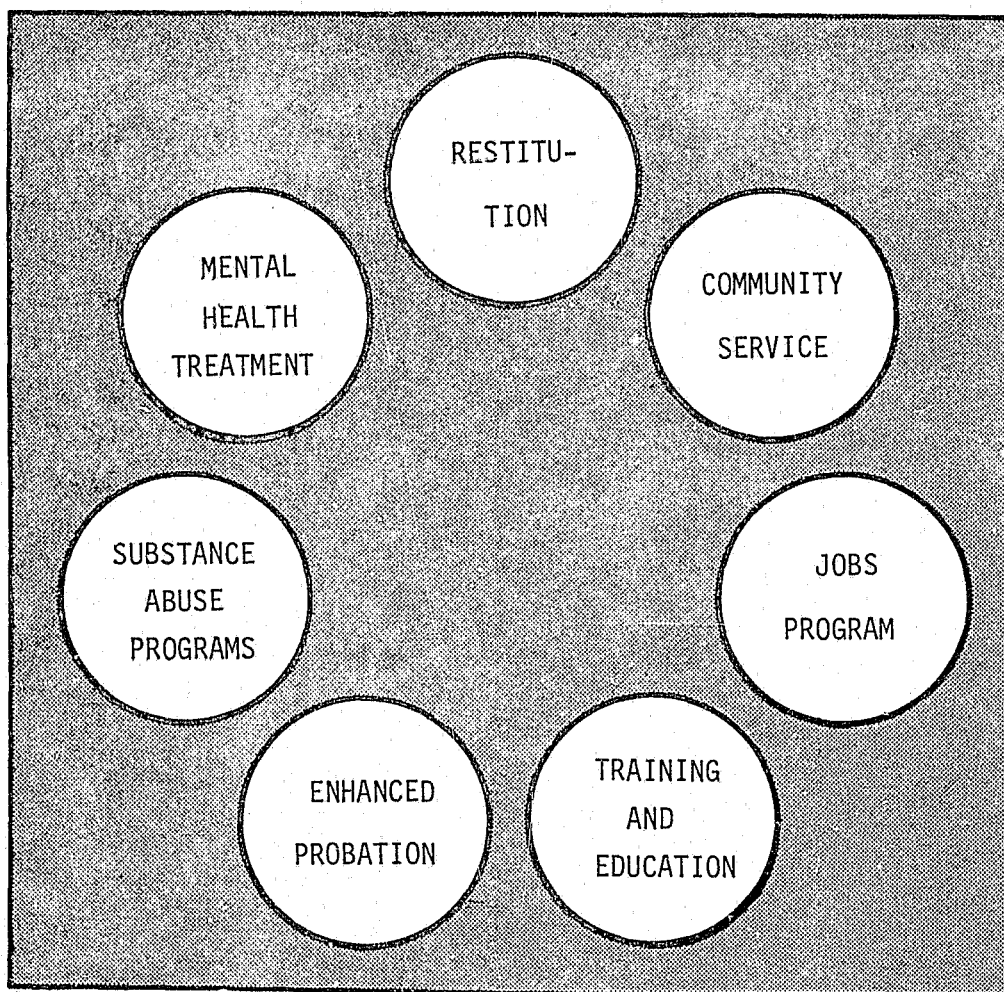
1. Introduction

Consistent with the philosophy and intent of the Community Corrections Act, the bulk of sentencing options for misdemeanants and Class C felons will be in community-based programs and services and not in confinement. Restitution to victims is one of the major goals of this sentencing approach. This is particularly appropriate in the case of Class C felons since most of them are involved in property crimes. The victims of crimes deserve better treatment than they have received in the past. Our plan will enable the offender to work at something constructive to put him in a position of being able to make restitution to the victim.

The restitution to the victim can either be a condition of probation, in which case the offender will remain under the control of the system for a period of time, or restitution can be a lump sum payment to the victim, without keeping the offender under long-term control. This latter approach is in the nature of a fine and is appropriate in many cases. We believe that wherever possible, the control which the system exercises over the offender should be for the shortest period of time possible.

* The Chairman of the Board of County Commissioners informs us that he envisions the Diagnostic Center eventually merging with Central Referral Programs.

MAJOR RECOMMENDATIONS
FOR
NON-CONFINEMENT SENTENCING OPTIONS



Some offenses do not lend themselves to restitution since there is no direct victim. In these cases, a major goal of sentencing should be service to the community. For some time, Multnomah County has had an excellent community service program which handles up to 30 percent of misdemeanants. This program needs to be expanded so it involves a greater number of offenders being sentenced to perform a certain number of hours of work on something that benefits the public. It includes such things as improving public parks or mowing the lawns of senior citizens in the offender's neighborhood. Once the hours of community service are verified and completed, the offender's sentence is terminated.

Whether the offender is working directly to repay the victim with restitution or indirectly to repay the community through community service, he or she is doing something constructive for others and for himself. As described earlier, this is the kind of "new start" that is needed to transform the offender from being a "loser" to being a productive, self-supporting citizen.

Restitution and community service can frequently be accomplished outside of formal probation. However, formal probation will be necessary for many of the non-confinement sentencing options described below. Most of these sentencing options will involve private contracts with community resource agencies which will actually provide services to the client. For example, in the drug treatment program which is part of our proposal for substance abusers, there will be a counselor working on a private contract who will actually be providing the services to the client. That same client will be under the supervision of a probation officer whose job it will be to police the enforcement of conditions of probation.

This division of duty (the counselor doing the treatment and the probation officer doing the supervising) should effect a marked improvement in the success rate of probation. In the past, probation officers have been hamstrung by the dual and conflicting roles they have had to play. On one hand, they have tried to be the friend and counselor to the probationer to help him straighten out, and on the other hand they have had to be the enforcer, as an officer of the court.

2. Restitution

Restitution and victim assistance are provided for in each of the following parts of our plan: Pre-trial diversion, the "Jobs" program, enhanced probation, day

treatment, alternative residential centers, the Central Referral Programs Assignment Units, and a community service program.

Restitution is a correctional alternative to traditional forms of incarceration which assists the victim as well as the offender. It may be defined as payments by an offender in cash (to the victim) or service (either to the victim or general community) when such duties are imposed by the criminal justice system.

To implement restitution, a staff is needed to document victims' losses and evaluate offenders' payment capabilities. Restitution amounts can then be recommended to the judge as a corrections alternative. These functions can be handled by the Central Referral Programs which will emphasize restitution in its work and ensure its use.

The CRA will also combine restitution programs with job training and employment programs for those probationers who are ordered to pay restitution but temporarily unable to do so. More effective restitution can be accomplished by including it in the programs that are actually dealing with the offender. Enhancing prosecution capabilities will not put money in the victim's pocket, but placing an offender in a supervised "jobs" program will.

3. Community Service

The Alternatives Programs within the Central Referral Programs will expand the current community service program. New community service sentencing options will be developed. Central Referral Programs will monitor community service performance. Other aspects of community service have already been described in the introduction to this section.

4. Employment -- "Jobs Program"

Putting clients referred by the criminal justice system to work is a key to reducing crime and making restitution to victims. Therefore, it is a priority of our plan.

Jobs are important for many reasons. Regular employment is the accepted way of assuming responsibility for oneself. The offender needs to be able to support himself. A job is also an influence on the nature of an offender's associates, his use of leisure time, his self-esteem and his expectations for the future.

In view of the importance of jobs to offenders, there need to be community programs which deal specifically with an offender's employment potential. Our plan provides for these. It allocates \$120,000 for programs that include job development, employment counseling and job placement services to offenders. These will be handled by contracts with agencies in the community. One approach is the Job Therapy, Inc. model. Another is Labor's First Offender Program model. However, we make no commitment to these particular programs. Competitive contract bidding will occur if the County approves our plan. The CRA will also make individual placements in jobs and related programs.

5. Training and Education

For the same reasons that employment is essential, it is important that offenders receive the training and education necessary for them to become productive citizens. Many of them do not have high school diplomas and, therefore, need to get into GED programs. Others need special training so that they will have the skills needed in today's tight job market. This is particularly true among minorities. Since the unemployment rate among Black teenagers is around 40 percent, offenders that fall into this group need special attention.

Our plan calls for the Central Referral Programs to develop and implement training and education sentencing options. These options, like employment, will frequently be combined with other programs such as ARCs and day treatment. Wherever possible, existing community programs, e.g., CETA, and resources such as community colleges will be used to train and educate offenders.

Additionally, an education coordination and outreach program is funded. This will provide for screening and interviewing of those offenders needing remedial or further education.

6. Enhanced Probation

Currently, probation caseloads are too high. Presently, offenders are classified by county probation as high-risk and medium-risk. We believe that the high-risk and medium-risk supervisors should have lower case loads and should develop Community Resource Management Teams so probation could be more effective.

The Central Referral Programs will provide many new additional services to county probation to enable

closer supervision of offenders. It will work in conjunction with Probation Officers to see that restitution is made, where appropriate.

7. Substance Abuse (Alcohol and Drug)

Alcohol abuse is a problem for many of the offenders who pass through the county's justice system. Although public drunkenness was decriminalized in 1973, police still detain many public inebriates for delivery to the county detoxification center. Any detention of this nature is improper.

Drunkenness contributes to many Class C felonies and misdemeanors for which people now go to jail: assault, disturbing the peace, resisting arrest, drunk and reckless driving, and others. Many offenders are drunk at arrest and need detoxification, others require treatment for alcoholism. For short-term drying out, there is the David Hooper Detox Center. Of the clients there at any time, 80 percent have been there before and one in four has been there ten times or more. This indicates that Hooper Detox, whatever its intent, has replaced the jail drunk tank as a revolving door drying out place for Skid Row alcoholics. There are other services, both public and private, available in the community, but little coordination or communication exists between them.

Drug abuse, like alcoholism, is another key problem of many offenders. Drug violations are the charges which bring many prisoners to county correctional institutions and drug abuse contributes to crimes such as petty theft and prostitution to support a habit. Again, many community resources are available and the TASC program is probably the most comprehensive, following and monitoring an abuser from time of arrest until completion of treatment.

Alcohol and drug abuse services need to be increased and coordinated. Central Referral Programs will perform this function, by purchasing services for alcohol and drug abusers. Our budget provides for \$119,000 of these purchased services from agencies and professionals in private practice.

8. Mental Health

There is presently a lack of mental health treatment services through county mental health clinics. Where low-cost services are available, there is often a three week or longer wait for services. Additionally,

motivation of clients, whether court-mandated or not, to cooperate with mental health treatment, is a serious problem. Few probation and parole officers have extensive training in the area of mental health.

Moreover, availability of food, shelter, clothing and such basics has an impact on an individual's mental health. Funds will also be made available for food and housing for those in need of short-term support while establishing self-sufficiency. This could be in the form of grants or a loan program. This will be administered by the Central Referral Programs and can sometimes be accomplished through steering people to free, charitable services.

Our plan addresses these various problems, again mainly through the Central Referral Programs. It will encourage professionals in private practice to make a commitment to treat a limited number of corrections clients at little or no cost. This could be provided as a service by professionals to individual clients and to the community as a whole. A method of organizing referrals to those participating will be developed. Additionally, \$116,000 is budgeted for institutional mental health. These funds should also be allocated for contracting for mental health services from private mental health professionals and agencies. Funds should be allocated to make Multnomah County Mental Health Clinic services available to a wider range of individuals.

Staffs of county and state corrections departments and attorneys need to be educated regarding available services and how to put clients in touch with these services. More probation and parole officers should be trained in the area of mental health. The Central Referral Programs will undertake this public education role.

E. Encouraging New Approaches

1. Demonstration Projects

We know that jails do not work for most misdemeanants and Class C felons. However, we are still finding out what does work. Therefore, we have made an allocation of \$50,000 for client-centered projects that are designed to demonstrate the workability of new concepts. Many pilot programs are now going on around the country and some are meeting notable success. Where it is possible to transplant good programs to Multnomah County, we should do so. Some examples of these innovations include assertiveness training for offenders, transcendental meditation, literary workshops for prisoners, etc.

2. Volunteer Expenses

The county has a major volunteer program for corrections now in operation. Corrections clients benefit from a variety of volunteered services. Small expenses frequently arise, including such things as transportation, meals and the purchasing of books or other materials needed for the volunteer's work with the offender. We have budgeted \$10,000 to pay these out-of-pocket expenses. It will be available for reimbursement to community and institutional volunteers in the criminal justice system.

F. Confinement Sentencing Options

1. Introduction

We begin by reiterating our philosophy that citizens should be kept out of jail and, if confined at all, that it be the most minimal security possible. We do want to emphasize that, nonetheless, we recognize that some forms of confinement are necessary for some persons for limited periods of time. Where they are necessary, they should be the least restrictive form of confinement or control appropriate to the individual situation which is necessitated by the protection of the public.

Minimal confinement for sentenced offenders is nothing new in Multnomah County. For years, the county has kept virtually all misdemeanants and Class C felons in MCCI. MCCI represents the most minimal form of security. Any prisoner can "walk away" from MCCI at any time. There are no "guards" per se. In fact, most of the 150 inmates in MCCI come and go according to their employment and family demands and are only there during week night, being gone during the day and on weekends.

It is also important to note that 95 percent of those sentenced to jail in Multnomah County serve less than four months of time. This means we are not actually keeping these citizens off the streets very long even when we do sentence them to a term in jail. We cannot escape the fact that those confined are from our community and will return to our community very soon, even if they receive a jail sentence. Given this situation, we believe that the entire focus of confinement be geared toward making it possible for those confined to successfully re-enter the community.

We have identified three options for different forms of confinement which we believe should satisfy the

future needs for Multnomah County. They range from the lowest form of confinement to the highest form of confinement, and in that order are: (a) Day treatment (partial confinement or intensive supervision while living in a family or community situation); (b) alternative residential centers (ARCs) -- same hours as MCCI but living and working in a small facility in the community; (c) small secure jail -- 24-hour-a-day supervision, short-term confinement.

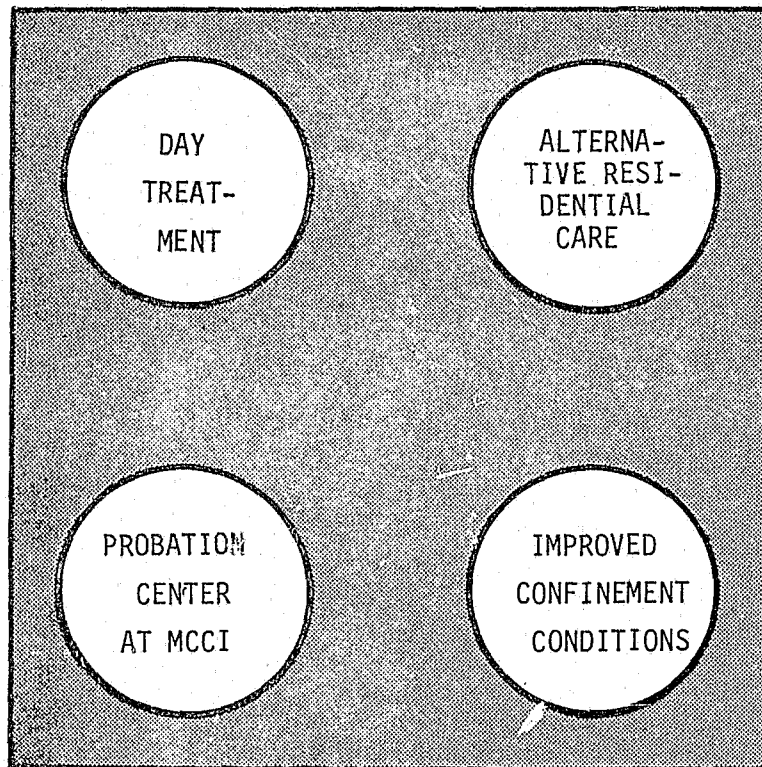
We belatedly approved a fourth option -- a "probation center". To begin with, we were leery of applying for probation center funding, because of our understanding that such centers are really mini-jails for all types of probation violators, and we did not want to be party to a proliferation of new institutions around the County. However, we have learned that MCCI already qualifies as such a center and that we may petition the State for these separate funds to improve the programming at MCCI and remedy some structural deficiencies (see Budget Summary).

With this short-term goal in mind, the Committee voted to seek probation center monies. We also expressed an intent to "explore" the future possibility of diffusing this allocation to encompass small facilities (like ARCs) in the urban center, because of our concerns over MCCI's large size and remote location. With some renovation, MCCI could conceivably serve as the functional replacement for Rocky Butte Jail.

We believe that if a judge sentenced an offender to the custody of Multnomah County Division of Corrections for a period of confinement, such as one year in jail, that county corrections through Central Referral Programs, can decide where this person should spend his time. For instance, county corrections may decide that this person should be sent directly to an ARC and then later toward the end of his sentenced time, moved into a day treatment program, where he is still "confined" eight hours a day. Of course, any other combination between the four confinement options would also be possible.

We do not believe that ARCs and day treatment should be used only as conditions of probation. If this was done, it would have the effect of actually increasing the confinement and control of clients over the present level, not decreasing it as we desire. The problem with putting someone on probation and then sending him to spend a year in an ARC is that if the judge later decides that the person has violated his probation, then he can be still sentenced

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to up to the maximum term in a secure facility. For instance, unless ARCs and day treatment are within the range of confinement sentences, it would be possible for a judge to sentence a misdemeanor to probation on the condition that he spend one year in an ARC. After 11 months in an ARC, if the person violates some term of his probation, it would then be possible for the judge to revoke his probation and sentence him to one year in jail. The end result would be that the person would end up serving about two years in a confinement setting. The maximum sentence for a misdemeanor is one year of confinement. The CCAC recognizes the potential problem and would like to bring such a possibility to the attention of the court.

2. Day Treatment

As stated, day treatment is a form of confinement or intensive supervision whereby the client is in a closely supervised situation during the entire day, but lives at home. This is similar to the present situation at MCCI and other work release centers. There, the client is gone during the day and in the institution at night, which is just the reverse of day treatment. During the day, the client would spend all of his time under the supervision of a day treatment center where he would be involved in work, schooling, or counseling and therapy related to the problems which led him into crime. His attendance at the day treatment center will be strictly accounted for. There will be specific mandatory arrival and departure times and a requirement that the offender remain under supervision the entire day. A failure to meet these rigid criteria will mean expulsion from the program and the transfer into a higher level of confinement. In addition to supervising the client's work and schooling, the day treatment center will also link the client to the Alternatives Programs within the Central Referral Programs so that other needed support services, such as alcohol and drug treatment, are available to the client.

Day treatment offers many advantages to both the community and to the client. It will cost much less than confinement in a jail or an ARC since the client does not have to be housed, fed and given other group living support services. Yet, it still accomplishes many of the same objectives of custody and control that are present in other forms of confinement.

Day treatment involves a much more significant loss of freedom than probation, so it clearly constitutes punishment for the offender. Nonetheless, it allows the offender to remain in the community to which he must

return at the end of his sentence and builds in him social responsibility and other skills needed to make it in our society.

Day treatment fills one of the missing gaps which has been long needed. It also lends itself well to transition in bridge services. The budget allocation for day treatment is \$125,000. This money will be awarded to contracts with community resource agencies establishing day treatment programs.

3. Alternative Residential Centers (ARCs)

When more thorough confinement and control of an offender is required, we believe that in most cases it can be accomplished in an alternative residential corrections facility (ARC). The non-dangerous Class C Felons who need this kind of structure, also need to be in or near the neighborhoods from which they came. They need either work or training at a "support group" around them to help them make it. This can only be accomplished by small living units which are on a "human scale".

However, just as the offender and the criminal justice system have needs, so also does the neighborhood where the ARC is located. The concerns of the neighborhood are matters of the highest priority. We believe that ARCs cannot only exist harmoniously in the community, but beyond that, they can actually be a positive addition to given neighborhoods.

a. Description: Size, Physical Structure --

An ARC is a small corrections facility which will handle non-dangerous offenders who have been sentenced to confinement. An ARC will hold an average of 15 residents who will be confined there but who, like those assigned to MCCI, will be able to come and go for jobs and education. No location sitings for ARCs have been made, however, we believe that they should be located in the central city area, preferably in the neighborhoods which the offenders are currently being taken out of when they are sent down to the penitentiary.

b. City of Portland Residential Care Facility

Guidelines -- City of Portland residential care facility guidelines should be adopted for all ARCs established in Multnomah County. The ARCs will be operated by private, non-profit groups on contracts with Multnomah County, using CCA funding. As stated, the ARCs will be closely audited by County Corrections subject to contract renewals and

cancellation depending upon performance. Wherever possible, ARCs will be situated in existing housing instead of new construction.

ARCs will allow direct involvement of the community in the care and treatment and supervision of the offender. They will monitor and evaluate treatment plan and activities of the offender while allowing the offender a chance to develop positive relationships in the community.

c. Program Population -- The emphasis of an ARC is to provide individualized treatment and supervision. Therefore, different ARCs will be oriented toward different populations. They will not be jails, but will provide the same kind of custody and control associated with minimum security corrections facilities. For this reason, they will be appropriate for offenders who have been sentenced to a term of confinement. The populations which ARCs will be oriented toward include, but are not limited to, substance abusers (drugs and alcohol) and the emotionally disturbed. Each ARC will have a treatment program plan for each resident. The plan will be subject to regular review and evaluation by the staff. Treatment programs will maximize the use of community resources. Whenever possible, outside services will be used, including: Mental health, medical, educational, vocational, recreational, spiritual, and outside transportation systems.

d. Screening -- An evaluation on a pre or post-screening basis will be required for all persons considered for placement in an ARC. The Assignment Unit of the Central Referral Programs will review, evaluate and recommend placement of offenders into specific ARC programs. Any private, non-profit ARC may accept or reject an applicant if they determine the client is not appropriate for their treatment program.

e. Placement of ARCs in the Community -- We believe that for ARCs to succeed, there must be community knowledge and a participation in their development. In order to initiate this, a process of community education and awareness must be engaged in to develop neighborhood support. To insure that this process occurs, we have provided for the hiring of a community developer who will translate the Community Corrections goal to the neighborhoods and lay the groundwork for the placement of ARCs.

In locating ARCs, the community developer will first consider those neighborhoods whose residents would most benefit from an ARC's presence. Such an area

should be accessible to transportation, employment possibilities and the families of offenders. In approaching neighborhoods to discuss placement of an ARC, the community developer will be responsive to the needs, concerns, questions and fears of that neighborhood, the community-at-large, and the membership of the CCAC. Any private contractor wishing to site an ARC should assist the community developer in this process.

A suggested model for implementing the dialogue between Community Corrections and the neighborhood is as follows:

i. Initially, the staff community developer will form a speakers committee. This committee will consist of neighborhood leaders and current ARC directors. They will be responsible for articulating the guidelines and goals of the ARC structure with each community.

ii. A general mailing will go to neighborhood residents, informing them of community corrections planning for ARCs and inviting them to an open meeting to discuss the possibility of locating an ARC in their neighborhood.

iii. In addition, or instead of, large meetings, there could be a series of small coffees to discuss this subject. A meeting may be held at block homes, churches, neighborhood group homes, or other centrally located places.

iv. Before the commencement of any definite plans to locate an ARC in a neighborhood, there must be a thorough canvassing of that neighborhood to further educate the county as to neighborhood acceptance and to educate the neighborhood to the goals of ARCs.

v. Following all this preliminary groundwork, the decision to locate an ARC can proceed only if there is community acceptance within the City of Portland residential care facility guidelines.

f. Control by Board of Directors -- The management of each ARC will be overseen by a board of directors. 30 percent of the membership of the board of directors will come from the neighborhood. Each board of directors will also have representation from local law enforcement and we encourage it to also represent local business or labor organizations. The board of directors will be one of the means by which active, positive relationships are developed between the community and the ARC. In making policy decisions concerning the ARC, the effect on the surrounding environment and neighborhood will always be given heavy emphasis.

g. Staff Training -- Staff training for those who operate ARCs will occur. There will be a strong focus on the treatment needs of the clients, but also, attention will be given to such other areas as security, management, budget, and personal casework.

h. We have set as a target date April 1, 1979 for the beginning of the first ARC and funding is provided for in our budget. Additionally, until other ARCs are developed, bed space will be purchased in existing residential care facilities. Approximately five or six ARCs are currently contemplated.

4. Secure Confinement

For misdemeanants and nondangerous Class C Felons, secure jail confinement will seldom be used. When it is used, it will be only for that small percentage of these offenders who temporarily are unable to get along in some lesser form of confinement.

In the course of our study, we have investigated the situation in the county's existing jail facilities. We believe substantial improvement must be made in those facilities. For offenders today, life in these jails is barren, futile and degrading. It is the poorest possible preparation for an offender to successfully re-enter the community. Jails are the most violent of all places and they inspire manipulation and destructiveness. The citizens who are placed in confinement in Multnomah County are almost uniformly persons of low income and educational levels. Minority groups are disproportionately represented. Whereas minorities only comprise about six percent of our community, 26 percent of those booked are minorities.

In view of our findings, we have adopted a general philosophy regarding secure confinement and specific recommendations for needed improvements: (i) Community Corrections Act monies should be used to provide programs inside the existing county institutions only so far as those programs lead to preparation of the inmate for release into the community. Security is the responsibility of the Multnomah County Corrections Division; (ii) Community Corrections expenditures within institutions should emphasize treatment, not custody; (iii) Programs should be provided through contracted services provided by private, non-profit agencies to the fullest extent possible. All programs should emphasize community involvement whenever possible so that the community is better prepared to receive the ex-offender and the ex-offender is more prepared to enter the community; (iv)

Programs funded through Community Corrections Act monies should insure equal access and treatment of all inmates, regardless of sex, race, or cultural differences. Programs should provide for differences in language and educational levels in all written materials so that programs are truly available to all persons within the institutions; (v) Citizen involvement in county correctional institutions should be encouraged, whether it be through the Community Corrections Advisory Board or through an on-going citizens advisory board to the Corrections Division; and (vi) Given the assumed impact of Community Corrections Act programs within Multnomah County and other surrounding areas, the construction of regional facilities should be studied, both in terms of duplicated costs avoided and impact on the prisoner and community of such facilities.

Accordingly, we arrived at the following proposals for improvement:

a. Mental and Medical Health -- There is an immediate need for secure medical and mental health services to the inmates in county institutions. At present, care is offered only on a part-time or emergency basis to the majority of inmates within the institutions. Data is not yet available regarding the extent of those service needs, county funds available for those needs, or the appropriateness of those services for Community Corrections Act funding. It is clear, however, that present services are inadequate. A full-time psychiatrist to serve all the institutions, a 24-hour psychiatric nurse to be shared between Claire Argow and the Donald E. Long Home, and daily ten-hour psychiatric nurse coverage at MCCI (5:00 A.M. to 9:00 A.M. and 4:00 P.M. to 10:00 P.M.), with on-call availability to the institutions during the remaining hours are identified needs;

b. Recreation -- Recreation, especially at Rocky Butte Jail, is inadequate in county correctional institutions. Sentenced offenders have a right to recreation and exercise. Recreation will serve to give the inmates some outlet for hostility and physical energies as well as provide some activity so that time to be served will pass more rapidly. Recreation at Rocky Butte Jail is further hampered by the facility as well as the common system problem of no full-time recreational staff. Conversion of a storage area within the jail to a recreation area would allow inside recreational activity for a more significant number of inmates of Rocky Butte Jail. This conversion could be implemented through the acquisition of a quonset hut or similar temporary shelter for the stored items, to be located

outside of the building. In addition, a full-time recreational coordinator is needed to direct the entire system of recreation within institutions, implementing programs which use community volunteers and inmates of the facilities as leaders and coaches.

c. Employment -- In spite of the recognition that employment is an essential element in the release of ex-offenders from institutions, job development has traditionally been an area of agency competition and non-cooperation. It is therefore recommended that a job clearinghouse for ex-offenders be developed through a private, non-profit agency such as National Alliance of Business which is designed to involve the business community in working with offenders and has not been funded as a job placement agency. It is suggested that the planned ex-offender job clearinghouse designated for Portland in 1980 be implemented as soon as possible by the National Alliance of Business. Further development of a close working relationship with both CETA programs operating in Multnomah County should be encouraged so that on-the-job training monies, both inside and outside the institutions, are used to teach offenders job skills which are marketable. The emphasis on all employment related activities of ex-offenders should be on development of realistic job skills, career oriented employment, long-term employment potential, and probability of continuation upon the job following release from supervision.

d. Vocational Training -- Almost no vocational training inside county correctional institutions is offered at present. Offenders tend to have minimal job skills at best, and many of the younger inmates have never held any job. Some of these individuals will serve one year within the local institutions, an adequate time for extensive training to take place. While training programs would be difficult at Rocky Butte Jail, the other institutions do have room for such programs. Claire Argow has an extensive kitchen facility which would provide a training ground for inmates, and MCCI has both buildings and grounds which could be used as sites for training programs. Vocational training programs within the area community colleges could be made available within the institutions in some manner, and such programs would have the added feature of being available for continuation after release. The private business sector offers training resources within the community for which there is little or no cost. These skills tend to be highly marketable, would offer contact with potential employers to the trained inmates, and would offer program continuation after release. In addition, the encouragement of the business

community to train people inside the institutions would encourage better communication between the corrections system and potential community leaders from the business community, as well as make the problems and needs of ex-offenders more understandable to the probable employers.

f. Counseling -- Counselors at the county level, as in most other institutional settings, are burdened with other jobs beside person to person contact with the inmates. Alcohol and drug counseling are clearly inadequate within the institutions. There is a need for one full-time Corrections Counselor to be shared by MCCI and Claire Argow, with demand deciding institutional need. To supplement those staff positions, outside private non-profit, or public agencies should be contracted to provide alcohol, drug, and group/personal counseling for inmates which will continue to be available to them after release. It is generally true that counseling that does not continue after release is only a temporary answer to the sometimes chronic problems of the inmate, and for that reason it is particularly important that programs be available during that period of transition from inside prison/jail to outside community living. So, too, should family and pastoral counseling be available to inmates through outside service provision. Whether or not on-going services in these two areas are contracted for, there should be funds available to re-imburse out of pocket expenses incurred by the individuals providing the counseling. In addition, crisis counseling is generally inadequate within the institutions and should be expanded through an emphasis on staff training in appropriate techniques.

Inmates within the institutions are generally apprehensive about the fairness of inmate hearings. Although there is every indication that such hearings are fair, procedures are poorly explained to the inmates through the inmate manual,, and the fact that the Hearings Officer is an employee of the Corrections Division does not encourage the inmate about a neutral decision. It is necessary to have a Corrections Ombudsman position, under the County Commission, and perhaps staffed by an ex-offender or some other professional. This individual should be authorized to sit in on all inmate hearings upon request by the inmate or other parties, and should also be charged with establishing an appeals procedure in a neutral setting, available under certain specified conditions. Appeals should be for more serious charges and punishments and not for minor or technical violations. The hearings procedures, availability of the Ombudsman, and qualifications for the appeal process should be clearly communicated to the inmate through both the inmate manual as well as separate written notice on the charging document.

g. Bridge and Pre-Release Services -- As stated under the preceeding section and in other parts of this report, offenders who have been serving time in secure jail facilities are totally unprepared to re-enter the community. We are, in effect, programming them for anti-social behavior and that is what we can expect to receive upon their release. Therefore, we have provided for pre-release programs to "bridge" the gap between confinement and return to the community. We have budgeted funds to establish programs to minimize the problems of transition from institutional to community life.

5. Savings For Center For Sentenced Offenders

In 1976, prior to the advent of the planning we have done, a proposal was made for the county to build a 270 bed new jail facility for sentenced offenders together with a work release center for 50 sentenced offenders. It is clear that such large facilities are not needed and would be a waste of taxpayers' money. Given the estimated cost of construction of approximately \$30,000 per bed for each new jail bed, and then a high ongoing cost of operation, it is obvious that such massive new construction would require millions of dollars in funding. Since the federal government will only be paying for a limited number of new jail beds for construction in the replacement of Rocky Butte Jail, and nothing for ongoing operation, it would be wise for the county to reconsider this course in light of our planning efforts.

The Rocky Butte Jail relocation project's own study indicated that only 50 secure beds were needed. It is possible that at peaks, this figure would reach as high as 80 secure beds. We believe these numbers can be absorbed within the facilities which will exist after Rocky Butte Jail is torn down.

What we believe should occur is a temporary halt to movement toward construction of new sentenced offender facilities. In view of the colossal expense and the tax revolt which is now occurring in this country, there needs to be time to at least evaluate the impact of community corrections programs. Such a temporary moratorium in jail construction has been recommended by all of the prestigious national organizations which have studied this matter, including the National Council on Crime and Delinquency, the National Advisory Committee on Criminal Justice Standards and Goals, and the American Justice Institute.

G. Those "Not Responsible" For Criminal Conduct

In 1977, the Oregon legislature created a new designation and procedure for handling persons who have been accused of a crime but are found "not responsible" due to a mental disease or defect. These individuals are now adjudicated as "not responsible" (instead of guilty or not guilty) and, if they are determined by a court to be dangerous to themselves or others, are then committed to a mental health facility. Upon release to the community by the newly created Psychiatric Security Review Board, the "NR's" become the responsibility of the county from whence they came. However, no funds were allocated to the counties for this specific purpose.

Although we recognize that CCA funds may be used for "NR's", (and will be insofar as some "NR's" fall into the "non-dangerous Class C felon" category minus the adjudication of guilt for the offense charged), the CCAC elected not to provide funding from the general enhancement or mental health budgets. Rather we recommend that the two populations be clearly distinguished, so that public assurances of the profile of CCA clients (described earlier) can be maintained. Yet, until the State Mental Health staff is successful in securing a separate allocation for "NR" supervision, we suggest that the Commissioners reserve \$127,000 of the monies returned to the County, through our planning efforts in the Reimbursement area, to meet this need. We have been informed that this "compromise" position would be acceptable to the administrators at the state level.

IV. Supporting Services

A. Administration

During this interim stage, prior to final approval and implementation of the Community Corrections Plan, the Chairman of the Board of County Commissioners is designated as the Community Corrections Manager. After approval of the CCA Plan the CCAC will assemble a viable administrative scheme in tandem with existing County management requirements. However, the functions and duties required by the administration of the Community Corrections Plan have been delineated and are described below.

1. Coordination of the Central Referral Programs

Since Central Referral Programs are essential to the community corrections plan, their coordination will for all practical purposes assume many of the CCA Manager's duties. It is difficult to determine at this point what might be required in terms of time because of issues enumerated under the CRP heading in the previous section. During the development period, a full-time planner is provided (6 months).

2. Alternative Programs

The administrative plan provides a section head position which would be assigned to the Corrections Division to administer alternative programs. The CCAC should be involved in the selection of this person and have regular reports on alternatives program performance. This responsibility does not include augmented programs for confinement facilities or the existing Probation section - which are assigned to existing section heads in the Corrections Division. These activities are to be reported separately, reviewed by the Manager (or his delegate) and forwarded to the CCAC.

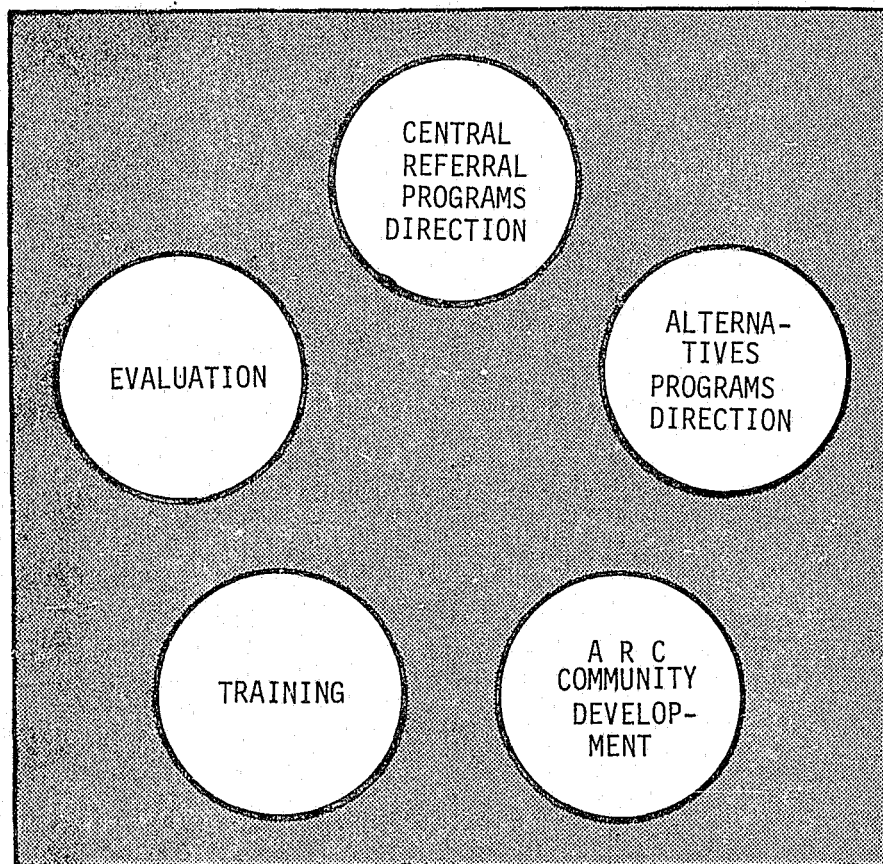
3. ARC Community Development

A separate program and budget for Community Development in behalf of Alternative Residential Care facilities is placed under the Manager for supervision. We will undoubtedly be closely involved with this effort.

4. Staff Support to the CCAC

We will need professional staff support for the implementation phase and will want to work closely with

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the CCA Manager. Note that plan development for the next biennium is a separate item. There is a full-time secretarial position in the Administrative budget to assist with this aspect of CCAC staff support.

5. 1979-81 Plan Development

Almost immediately after approval of this plan, the planning for the next biennium must get underway and be completed no later than March of next year (in general form). A planner for six months is included in the Administrative budget to provide staff for this purpose - at the direction of the CCAC. It does not seem possible to adjust the schedule of this planning with that of the CRP planner in order to have one person fulfill both of these 6 month roles.

6. Assumption of SCD Field Services

Assumption of SCD Field Operations is required by the CCA and it is recommended that Multnomah County contract with the Regional Field Services office for these services on an "actual cost" basis. A number of recommendations were produced by the Joint Staff Committee on this subject. See Section D (infra).

7. Miscellaneous Administrative Responsibilities

There are three major and two minor responsibilities placed under this heading: (major) Evaluation, Training and Demonstration Projects, (minor) Personnel and Fiscal. The major subjects are described in further detail under their own headings below. Personnel and Fiscal Management are not specifically addressed in this plan except to note that the "Training Officer" position is intended to augment the currently budgeted resources of the Corrections Division with the intention that the Division will revise and adjust its assignments and job delineations to accommodate increased and revised responsibilities deriving from this plan. The fiscal management is covered under the 11% add-on to budgets involving County staff with the understanding that the Manager will be responsible for supervision of fiscal management of all programs (directly supervised, delegated and contracted).

B. Future Role of Community Corrections Advisory Committee

By statute, the Community Corrections Advisory Committee has major continuing responsibilities. Our committee wishes to continue participating to the fullest

extent in corrections decision-making. Accordingly, it is paramount that the committee be kept abreast on all information tending to bear on these responsibilities.

For the time being, the CCAC will maintain its present organizational structure, which may be altered or expanded as the need arises. The committee will engage in functions which include, but are not limited to, the following: Reviewing the operation of Multnomah County Community Corrections programs and other matters set forth in this plan; developing new proposals and planning for the next biennium; preparing job descriptions of personnel hired under the plan; overseeing the hiring of additional personnel required by the plan; reviewing the awarding of contracts to private contractors and professionals working under the plan; engaging in legislative action; increasing public awareness of the problems and solutions in the area of corrections; and pursuing the directions it has established thus far.

The CCAC has been concerned that there is presently only one minority representative among its membership. The CCAC recommends that the Board of County Commissioners, acting with the advice and consent of the CCAC, remove those members who have been inactive and make every effort to replace them with members of the minority community.

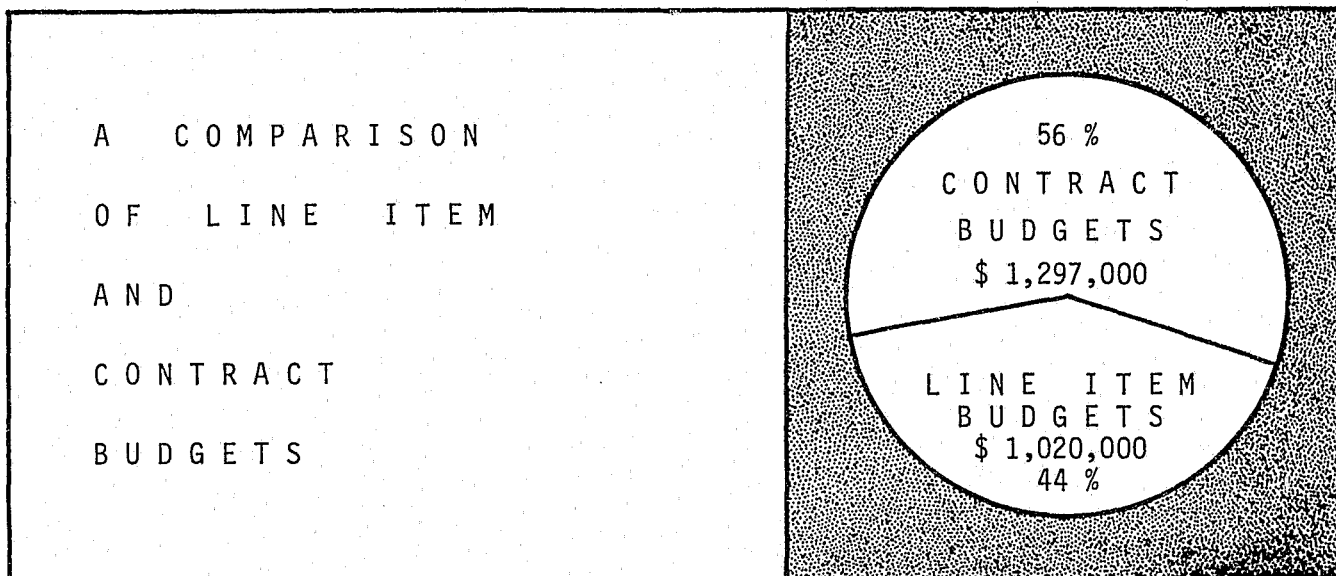
The CCAC will continue having regular meetings of its Coordinating Council and, when appropriate, plenary sessions. Interim activities will remain the responsibility of its Chairperson and a Vice-chairperson. Support services for the CCAC are described in the Administrative section. Staff working with the CCAC will be interviewed and selected by the Coordinating Council.

C. Private Contracting

From the outset of planning, persons with an interest in private contracting were involved in planning and had an effect on recommendations that appear in the recommended plan. Some of the most active participants in plan development were representatives of potential private contractors. It should be noted that SCD notified the County of continued contracting with three local agencies during the period from January 1 to the date of an approved plan. Job Therapy, Inc. and the Seventh Step Foundation representatives were active participants in CCA planning while "Lifeliners" were not.

It has been made clear throughout this planning process that no private party has "an inside track" to

funding for any specific program, but will have to compete through regular contract-letting channels for a slice of the pie depicted below. A philosophical commitment to expanding the base of participation in correctional services is clearly reflected in the funding allocations for private contracts as contrasted with programs carried out by government employees. The pie slice illustration below shows the magnitude of allocation to private contracts as opposed to County operated programs.



D. Assumption

The CCA requires that a participating county must assume responsibility for State Corrections Division Field Services in the County. Multnomah County is the only county in Oregon which is defined as a state region. The general recommendation of the plan states that these (mostly felony) services be contracted with SCD on an "actual cost basis". The issues which must be resolved in the "assumption" contract are: (1) pre-sentence investigations; (2) Class C supervision on Probation (Class C felons placed on probation do not count for purposes of the penalty charge, but those revoked from this status and sent to prison do); (3) Parole of felons is handled as a separate function in this region. (Parole revocations do not affect penalty charges unless there is a new Class C felony conviction); (4) SCD employee rights (SCD employees are part of an entirely separate bargaining unit); (5) Caseload standards (SCD Field Staff have a legislatively approved standard of 50 cases and 3 PSI's per month on a state wide and regional basis); (6) Administrative deduction; (7) Professional practices; (8) "Cross-over" clients (SCD has been assigned some misdemeanor cases and County Probation has been assigned some felony probation cases for years. A gradual elimination of these "cross over" clients is planned during the first year).

E. Training

An allocation of \$90,000 is made for training in the first year of operation. The amount is taken from Enhancement and Mental Health OTO funds - none is allocated from level term funding. Consequently, the training budget is not a part of the regular allocation for community corrections funding on a regular and continuing basis. The recommendation from the Evaluation and Training Sub-committee for a training coordinator was incorporated into the administrative budget.

The sub-committee recommended that a half-time professional position be devoted full time to training. The trainer will be responsible for the implementation of training activities, both in-house and outside conferences, consistent with the philosophy and intent of the Community Corrections Plan. Emphasis will be on treatment methods rather than custody and control issues. Training will be available to all persons, county staff as well as personnel from private contractors and agencies, involved in community corrections programming.

The budget provides about \$65,000 from enhancement and \$25,000 from Mental Health funds. The latter are to be used to train staff to recognize mental health problems and to deal empathetically with confined persons and probationers.

F. Evaluation

By law, evaluation must be a part of the community corrections plan. The approved budget allocates funds for this purpose in three general categories, two of which are funded from level term and the third from OTO Enhancement funding.

A tracking system for class C offenders in the system is the first evaluation element. This will be done manually and it is expected that it will be contracted to a private agency or contractor. The allocation for this is \$20,000.

Program monitoring is the second element. This activity is designed to provide necessary feedback on whether the various delegated and contracted programs are achieving their stated objectives. Without this feedback, timely monitoring might not occur and much time and money might be wasted on inefficient and ineffective programs. Allocation is \$30,000.

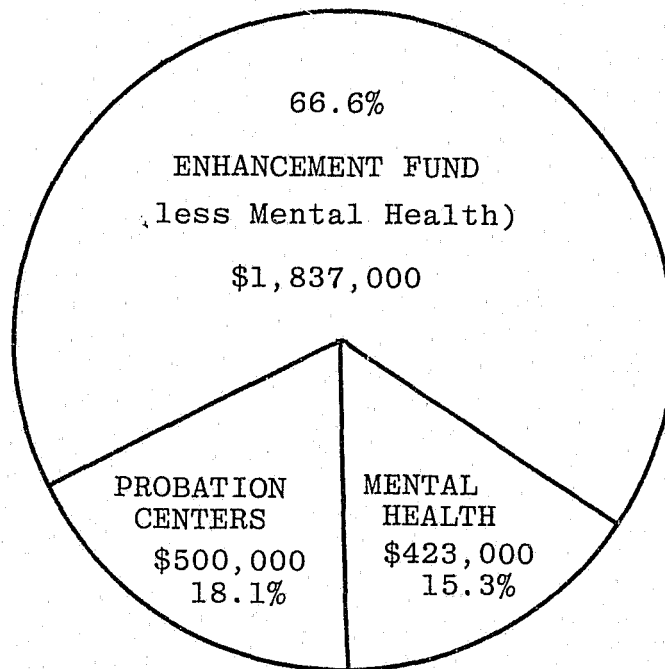
The third element is a \$7,500 allocation for preparation of a detailed plan and cost estimates for use by the Corrections Division of existing or planned computer systems in the criminal justice system (CRISS and PROMIS). The item is necessary because the manual systems now used in the County are not adequate to supply timely information on the more than 6,000 persons under supervision on a typical day.

It is expected that all three of these evaluation elements will be contracted with a private agency or individual.

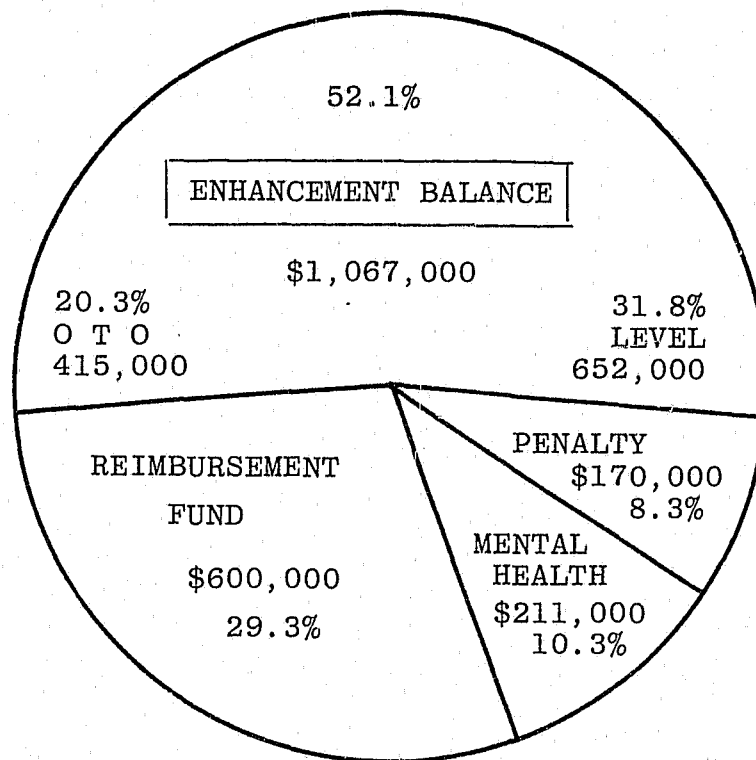
V. Financing Plan

A. Available Funding

The Community Corrections Act provides three categories of operational funding and another for construction. The largest of the operational funding categories is "Enhancement" which is distributed to Counties on a formula basis and includes a designated amount for mental health. The second is a separate mental health fund, also distributed on a formula basis. The third is a competitive application category for "Probation Centers". The Multnomah County plan is based on \$2,760,000 from these sources as follows:



1. Enhancement Fund. The Enhancement Fund is divided, in the Multnomah County plan, into four sub-categories as shown on the illustration on the next page.



2. Reimbursement Fund. The Reimbursement Fund category is not found in the CCA - it is a Multnomah County category established to reimburse the county for actual expenses of caring for sentenced felons in local institutions. Only those sentenced to serve time in local institutions as a condition of probation are counted for the purposes of this fund, but the amount reflects a full 18 month period. The amount shown is adjusted by the balance of costs borne by the county in felony probation and the SCD's cost of providing misdemeanor services. The plan will specify that these cross-over clients be systematically reduced during the first year of operation. Reimbursement funds will go directly into the County's General Fund and any further use of them will be through the County's established budgeting process.

3. Penalty Charge. The county will be assessed a penalty for all Class C felons sent to state correctional institutions after January 1, 1979. In recent years an average of about 160 have been sentenced to prison. The plan offers no definite basis for predicting change in this sentenced felon group, so the penalty charge is simply based on the somewhat arbitrary figure of 170 (see Appendix A 3 for other comment).

4. Mental Health Programs. A portion of the Enhancement category is also reserved for mental health programs. These funds are used to "match" an equal amount of funding in the state Mental Health Division. The formula allocation for Multnomah County is \$211,840 from the CCA and a similar amount from the Mental Health Division for a total of \$423,680.

With these deductions, the net balance in the Enhancement category for this County is \$1,077,000.

The probation centers category is a competitive application funding source, and the \$500,000 shown in this plan represents 2/3 of the state allocation for this purpose.

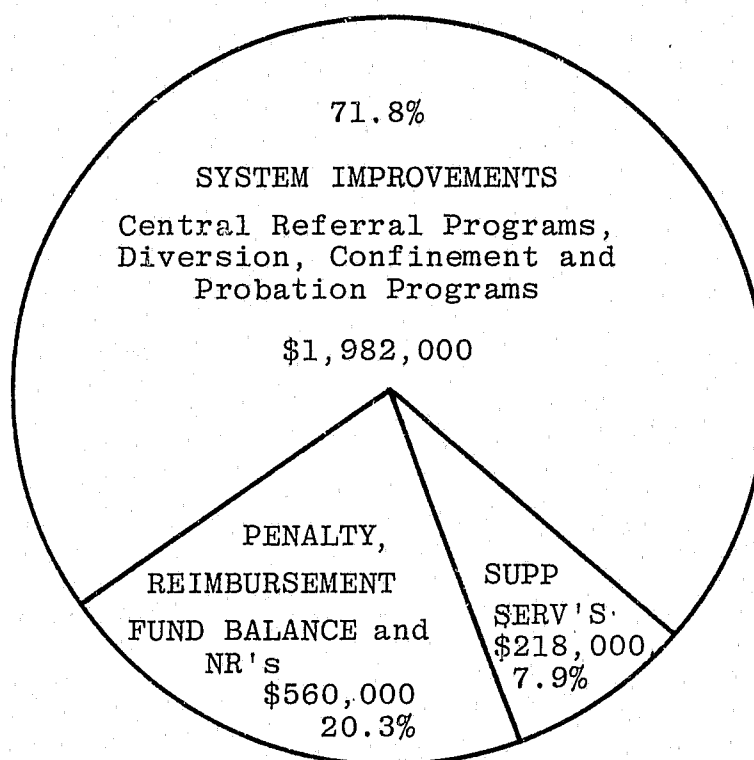
B. Operational Budget

Available funds are allocated to three general functional areas: system improvement programs, supporting services and an unallocated balance account which generally represents a net gain to the county.

System improvement projects include these categories:

	\$	%
Central Referral Programs	275,000	9.9
Diversion Programs	102,000	3.7
Conditions of Formal Probation	964,000	34.9
Confinement Programs	591,000	21.4
Client centered Demonstration projects	50,000	1.8
Totals	1,982,000	71.8

GENERAL DIVISIONS
OF THE PLAN BUDGET



N = \$2,760,000

SUPPORTING SERVICES:

Training	90	3.3%
Evaluation	58	2.1%
Administration	70	2.5%
	<hr/> 218	<hr/> 7.9%

OTHER ITEMS:

Penalty	160	5.8%
N R 's	127	4.6%
Balance in Reimbursement Fund	273	9.9%
	<hr/> 560	<hr/> 20.3%

Since at least 7 months will have elapsed in the 18 months originally possible in this biennium, a further division of operational funds must be made. The appropriation of funds in the CCA was based on the general presumption of 18 months of operation. This means that about 1/18th of any fund is the approximate expenditure rate for an average month, in order to establish an expenditure level that can be maintained into the next biennium. Consequently, our plan identifies a "level term" and a "One Time Only" division of each operational funding category. These are shown on the summary chart on the next page under the Enhancement, Mental Health and Probation Centers headings. Assignment of costs to the OTO category generally indicates that there is no commitment to continue this activity into the next biennium - and there may be doubts about whether these funds will be spent in this biennium.

Program budgets are shown in summary form on the following chart.

C. Construction Funds

No significant construction is being proposed in the plan. Definite estimates on those few items which are being contemplated will be deferred until the Board of County Commissioners has voted to participate in the CCA. Three construction items that have been mentioned are: A quonset building to provide more space for recreation at RBJ, minor renovations at MCCI and additional new or renovated space for the increased staff of the CRA and county probation.

MULTNOMAH COUNTY

COMMUNITY CORRECTIONS PLAN BUDGET SUMMARY

(All figures in thousands...rounded to the next highest thousand...see accompanying text for explanations...July 21, 1978)

LINE ITEM BUDGETS	TOTAL PROGRAM BUDGETS:	DISTRIBUTION TO FUNDS							
		ENHANCEMENT		MENTAL HEALTH		PROBATION CENTER		REIM- BURSE- MENT	PEN- ALTY
		LEVEL	OTO	LEVEL	OTO	LEVEL	OTO		
	2,760	657	420	259	164	300	200	600	160
1. CENTRAL REFERRAL PROGRAMS	275	146	41	63	25				
2. INSTITUTIONAL MENTAL HEALTH	116			77	24			15	
3. PROBATION CENTER AT MCCI	250					150	100		
4. COMMUNITY CORRECTIONS ADMINISTRATION	70	65	5						
5. ARC COMMUNITY DEVELOPMENT	25	25							
6. VOLUNTEER EXPENSES REIMBURSEMENT FUND	10	10							
7. JAIL RECREATION AND COUNSELING	45							45	
8. PROBATION ENHANCEMENT	140							140	

FUNCTIONAL ALLOCATIONS									
9. DIVERSION PROGRAMS	102	75	27						
10. JOBS PROGRAM	120	92	28						
11. DAY TREATMENT PROGRAMS	125	80	20		25				
12. SUBSTANCE ABUSER PROGRAMS	119			119					
13. EDUCATION COORDINATION AND OUTREACH	105	64	41						
14. ARC I OPERATION	30					30			
15. PURCHASED ALTERNATIVE RESIDENTIAL CARE	220					120	100		
16. BRIDGE SERVICES	75	50	25						
17. STAFF TRAINING	90		65		25				
18. EVALUATION	58	50	8						
19. DEMONSTRATION PROJECTS	50		50						

OTHER ALLOCATIONS									
20. "NOT RESPONSIBLE" OFFENDERS PROGRAM	127							127	
21. ENHANCED STATE CORRECTIONS FIELD SERVICES	175		110		65				

PENALTY CHARGES									
PENALTY CHARGES, Jan - June 1979:	160								160
BALANCE	273							273	
COLUMN TOTALS	2,760	657	420	259	164	300	200	600	160

VI. Conclusion

The foregoing document is the result of the combined efforts of a diverse group of citizens. Our single unifying feature is our commitment to the improvement of correctional planning and programming in Multnomah County. We began meeting as the Community Corrections Advisory Committee in mid-March, 1978. Since then we have spent innumerable hours in research and discussion, on holidays and weekends, to pull together a product which is consistent with the spirit of the Community Corrections Act and offers a rational approach for the enhancement of local correctional activities.

This plan is to be viewed as the foundation for a developing community corrections program. We believe it to be a workable plan, one that takes into consideration the needs and requirements of our local community as well as the needs and requirements of our client population.

Special effort has been made to prepare a cost effective plan. It was not our intention to put forth a set of programs with an expensive price tag and questionable productivity. It was our intention to enhance programs focusing on the development of clients' basic skills necessary for economic independence. The often repeated principle of providing the least restrictive form of confinement for an offender in keeping with public safety needs is based not only on a philosophical platform but an economic position as well. The societal costs for an incarcerated person extend far beyond the dollar amount for feeding and housing the individual. They impact on every person in our community through the prisoner's loss of earnings, loss of tax dollars and family separations, often resulting in additions to welfare rolls.

We do not offer any new or unusual approaches to corrections programming. We do not offer any expensive programs. We do not even offer any elaborate promises. What we do offer is a well-defined, cohesive, economically sound plan. We intend to oversee the plan's implementation, assist in hiring the necessary staff, help in setting up the proposed programs, include community groups in our work, monitor program operations and come back next year with a better plan which will be built on the experiences of the first year of operation of a Community Corrections Program in Multnomah County.

MULTNOMAH COUNTY COMMUNITY CORRECTIONS PLAN

A P P E N D I X

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 F - RECORD OF CLERK OF THE BOARD	Page 112

BUDGET SUMMARY

1. Introduction

An overview of the community corrections budget was presented under the heading of "Financing Plan" in the preceding text. This appendix document provides budget information at the next higher level of detail. Budget information on a third level of detail is being prepared specifically for Multnomah County's Budget Office for their review and analysis and can be furnished on request to any interested person.

2. Reimbursement Fund

The Reimbursement Fund is a Multnomah County plan category occasioned by the major increase in locally sentenced felons since the summer of 1975. The County introduced a bill in the 1977 session of the state legislature to recover this additional financial burden. The bill was incorporated into the Community Corrections Act which specifically allows the SCD Administrator to reimburse the County for these services or to approve this expense as a part of the plan for a participating County. Finally, this fund is viewed as the method by which the Board Order of March 2 requiring a maximum offset to the County General Fund is satisfied.

It has been fully understood from the outset that CCAC recommendations to the Board of County Commissioners regarding expenditures from this Fund are only advisory.

METHOD OF FIGURING

There are three principal items in the Reimbursement Fund computation:

1. Cost of institutional care of felons in three county institutions,
2. Cost of felon probation services provided by the county,
3. Deduction of cost of misdemeanor services provided by SCD.

All actual figuring will be done on a daily head count basis in each of the three categories above. The figures quoted below are illustrative rather than actual since they are based on recent averages in these categories. In addition,

a phased reduction in the "cross over" probation (items 2 and 3 above) is projected into these figures since it is clearly to the advantage of the Reimbursement Fund balance.

THREE LEVELS

Three levels of reimbursement have been proposed for consideration and approval of the SCD Administrator and the State Community Corrections Advisory Board:

Proposal A - (minimum) Based on only the cost of custody, institutional programming and medical services.
Total amount = \$579,592

Proposal B - (median) All costs of A plus a pro-rated share of Corrections Division administration.
Total amount = \$596,333

Proposal C - (maximum) All costs of A and B plus an additional pro-rated amount for capital depreciation of facilities. Total amount = \$746,981.

The funding plan has used the figures that result from proposal B since it seems likely that this is the proposal that will be approved. The figures used to arrive at this amount are presented and briefly explained on the accompanying table. Similar computations were made to arrive at the totals for proposals A and C. This data is summarized from a separate document in which all figures are properly authenticated and explained.

PERIOD

The Reimbursement Fund figures are for the entire one and one-half year period of authorized spending under the CCA - January 1978 through June 1979.

SUMMARY OF PROPOSAL B

Multnomah County Reimbursement Fund

1. Institutional Care Cost Computation

- a. Per diem rate at 3 institutions: 1978-79 budget for custody, programs and medical services.

	<u>MCCI</u>	<u>CAC</u>	<u>RBJ</u>
Custody operations	\$303,258	498,468	1,346,182
Programs & Services	197,286	166,934	421,728
Medical Services	95,687	37,971	227,827
	<u>596,231</u>	<u>703,373</u>	<u>1,995,737</u>
Corr. Div Admin	<u>9,182</u>	<u>16,527</u>	<u>53,255</u>

Total cost \$605,413 \$719,900 \$2,048,992

Average daily population \div 135 \div 54 \div 321

Per diem rate \$ 12.28 36.53 17.48

- b. Average sentenced felons at each institution according to counts taken during Jan-Mar of this year

<u>MCCI</u>	<u>CAC</u>	<u>RBJ</u>
75	8	15

- c. Inmate per diem payback at two institutions (MCCI and CAC) must also be credited against the total of per diem charges as applicable

- d. Computation: (18 months - 547 days)

$$\begin{aligned} \text{MCCI} &= \$12.28 \times 75 \times 547 = \$503,787 \\ &\quad \text{less inmate payback} \quad \underline{-126,472} \\ &\quad \$ 377,315 \end{aligned}$$

$$\begin{aligned} \text{CAC} &= \$36.53 \times 8 \times 547 = \$ 159,855 \\ &\quad \text{less inmate payback} \quad \underline{- 7,884} \\ &\quad \$ 151,971 \end{aligned}$$

$$\text{RBJ} = \$17.48 \times 15 \times 547 = \$ 143,423$$

2. Felon probation services provided by Multnomah County

a.	Per diem cost computation	
	Direct operational cost -	\$521,741
	Prorated Corr. Div. Admin.	<u>22,955</u>
	Total	\$544,696

Total caseload - 2,490
 per diem cost of probation: \$0.60

b. Average felons on County probation: 173

c. Computation: A steadily decreasing number of felons on county probation during 1978-79 has been scheduled for the cost computation. On the basis of a constant amount for the first seven months and a "phase-out" schedule during the remaining 11 months, a figure of \$39,748 is projected.

3. Misdemeanant services provided by State Corrections Division

a. Per diem cost computation provided by SCT = \$1.50

b. Average msidemeanants on SCD caseloads = 200

c. Computation: The computation here is also based on a "phase-out" schedule during the last 11 months. On the basis of this schedule, the projected cost is: \$116,124.

SUMMARY OF PROPOSAL B:

1. Institutional care cost computation

MCCI (net)	\$377,315
CAC (net)	151,971
RBJ	143,423

Total	\$672,709
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2. Felon Probation Services by Multco 39,748

Subtotal	\$712,457
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3. Misdemeanant Probation Services by SCD	<u>- 116,124</u>
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Net Reimbursement Fund	\$596,333
------------------------	-----------

3. Penalty Charges

GENERAL

The "performance incentive" for participating counties is the penalty charge that will be made for each class C felon prison sentence after January 1, 1979. The emphasis on diversion of class C felons from prison largely derives from this provision in the CCA.

The charge for each class C prison sentence is fixed by law as the average annual cost of prison confinement as fixed by the legislature: The overall budgeted cost of prisons divided by the average capacity used for fixing the budget. In the current biennium, this charge is \$20.69.

The penalty charge is levied against the County's Enhancement Fund on a daily basis for a period of one year from the date of admission to prison. The charge is not adjusted to reflect the actual time spent in prison by class C felons (generally less than a year). Though questions might be raised about the fairness of the penalty charge, it does offer a simple and easily understood basis for computation.

Since the law and rules only provide for this charge to be made as a deduction from a participating county's Enhancement Fund, withdrawal from participation cancels the unpaid obligation for any previously sentenced class C felons.

PHASE-IN DURING 1979

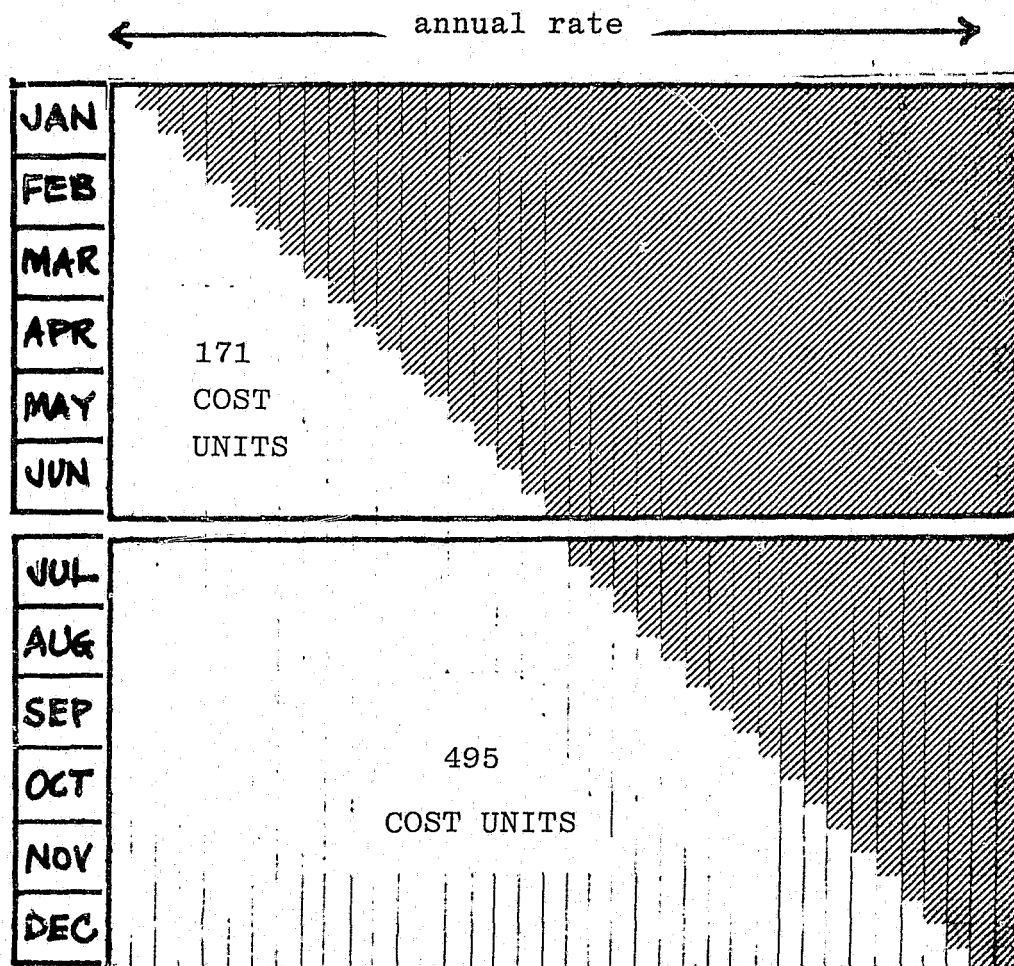
A participating county starts with a zero penalty charge account on January 1, 1979. Class C felons in prison on that date are not charged against the County's Enhancement Account. As class C felon prison sentences occur thereafter, charges are begun on a daily basis against the county's account.

This produces an incrementally increasing daily charge to the county as new sentenced persons are delivered to prison during the first year. This "phase-in" period will last for exactly one year before the daily charges to the county's Enhancement Account accurately reflect the full level of penalty charges if the annual rate of class C sentences remains constant.

The phase-in period produces a distortion of the magnitude of the eventual penalty charges for a given annual prison sentencing rate, especially in the first six months. If straight line projection of a constant annual rate of

prison sentences is assumed, the daily rate will have reached exactly one-half of the annual rate at the end of the first six months. However, the cumulative charges up to the end of the sixth month will have only reached about one-fourth - rather than one-half - of the penalty charges for the first year. The following diagram illustrates this phenomenon. The width of the diagram represents a constant annual class C sentencing rate. Each of the 36 vertical bars represents a group of sentenced class C felons delivered to prison - at which time daily penalty charges begin. The diagram shows three groups delivered each month at approximately equal intervals (for example, on the 1st, 10th and 20th). This incremental phase-in accrues only 171 "cost units" through

INCREMENTAL PHASE-IN
OF CCA PENALTY CHARGES
IN THE FIRST YEAR (1979)



June 30 while 495 will accrue in the following six months. The total for the year of phase-in as shown is 666 "cost units", or about 51% of a level term penalty charge for the same rate.

A constant annual rate of 170 class C felon prison sentences is used in these explanations and illustrations. This number is slightly less than the reported number for 1977 (not believed to be reliable) and slightly more than the average for the 3½ years which ended on June 30 this year. This constant annual rate is the best basis for explaining and illustrating the changes which will take place as a result of the incremental phase-in and inflation of charges. It is believed that CC programs will reduce the number of these sentences and the resulting penalty amounts - perhaps markedly - but this reduction is not reflected in the following explanation. Therefore, use of the constant annual rate of 170 reflects a highly conservative approach to projecting CCA financing for this county in the next biennium.

THIS BIENNIUM

* Jan - Jun, 1979: During this half year period, penalty charges begin from a zero base and begin the incremental phase-in period as shown on the previous diagram. The method of computation includes 85 class C felon sentences to prison on a uniform rate during an 181 day period when charges are \$20.69 per day.

$$\text{Prisoner days: } \frac{85 \times 181}{2} = 7,692.5 \times \$20.60 = \$159,158$$

NEXT BIENNIUM

* Jul - Dec, 1979: During the second half of 1979, 85 new class C felon sentences begin on a uniform incremental rate and there are 85 "holdovers" from the first half year. There are 184 days in this period and the daily rate has risen to \$22.76 per day.

$$\text{Prisoner days: } \frac{85 \times 184}{2} = 7,820$$

$$\text{"Holdovers": } 85 \times 184 = \underline{15,640}$$

$$23,460 \times \$22.76 = \$533,950$$

* Jan - Jun, 1980: By this time, newly arriving and exiting class C felons balance (for purposes of penalty charges) and an average daily population of 170 is reached and maintained. There are 181 days and the daily charge is \$22.76.

Prisoner days: $170 \times 181 = 30,770 \times \$22.76 = \$700,325$

* Jul - Dec, 1980: Constant daily count of 170 through the 184 day period at a new charge rate of \$25.01 per day.

Prisoner days: $170 \times 184 = 31,280 \times \$25.01 = \$783,251$

* Jan - Jun, 1981: Constant daily count of 170 through the 181 day period at the charge rate of \$25.01.

Prisoner days: $170 \times 181 = 30,770 \times \$25.01 = \$770,481$

ADJUSTMENT FOR INFLATION

Another factor which must be taken into account is inflation. The inflation factor used by the state's Legislative-Fiscal office is 10% per year. This is adopted for our purposes so that their figures and ours will correspond. The method of figuring this cost escalator is to add the full amount at the beginning of each fiscal year.

COMPUTED PENALTY CHARGES: 1979 - 81

Combination of the phase-in principle and adjustments for inflation during the 2½ year period from January 1, 1979 through June 30, 1981 produce four different amounts in five half year periods even if the annual rate of sentences remains constant.

Since the amount will vary in each of the first four half year periods after January 1, 1979, it seems best to illustrate and explain the changes that will occur on this basis. The explanations appear immediately below while the illustration appears on the next page.

COMMENTARY

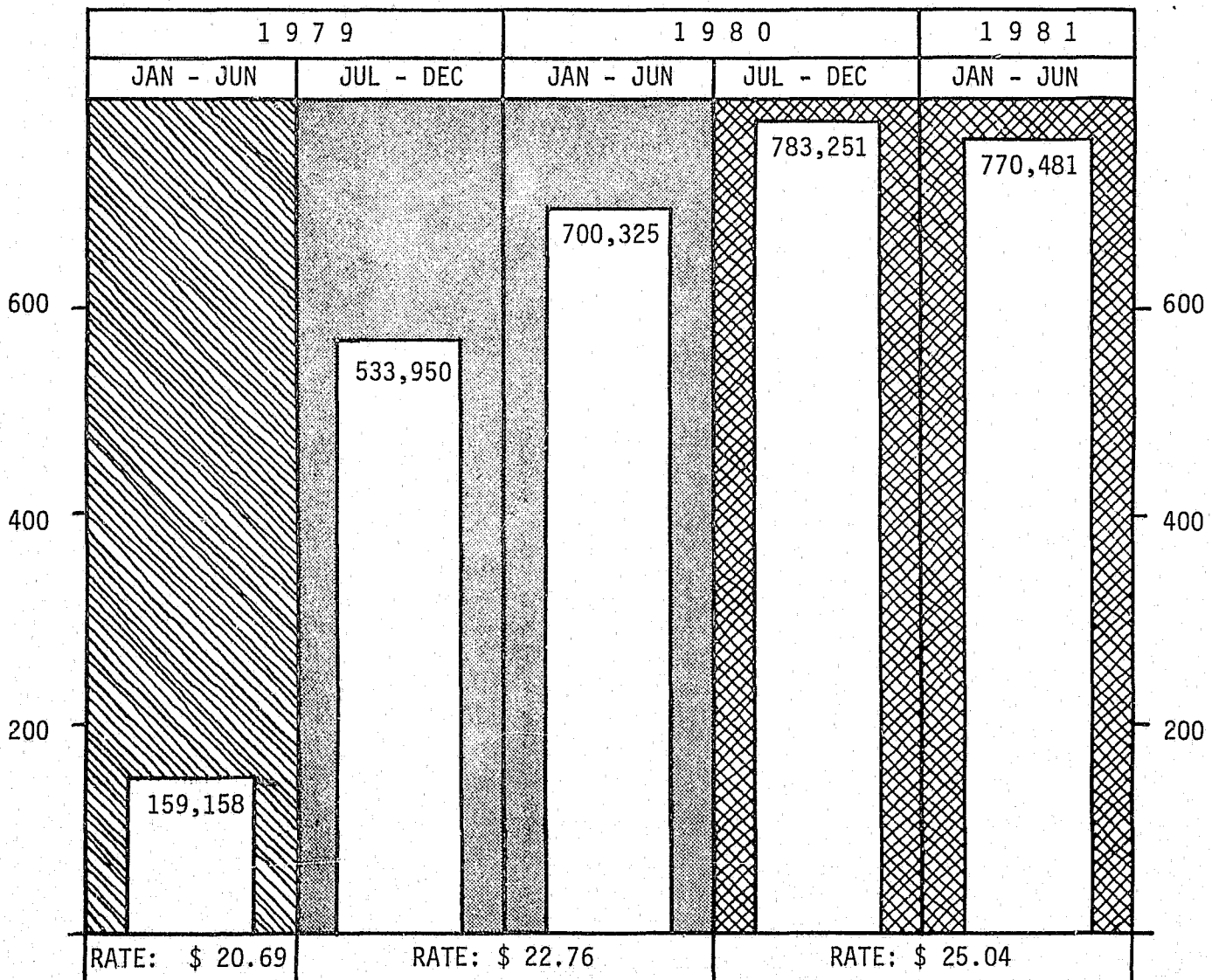
Penalty charges are a major determinant of available Enhancement Funds in the next biennium. More than a million dollars in penalty charges are projected for each year in the next biennium - based on a sentencing rate of 170 annually.

The "payoff" for community corrections financing is found in the "non-dangerous" class C felon which comprise about 70% of the total class C group sentenced from this county. It would appear that there is a significant potential for diversion of this group to community based alternatives, but it is noted that many class C felons sentenced to prison have extensive records of previous convictions and less severe sentences.

BUDGET MANAGEMENT DIMENSIONS

Obviously, the operational budget of the CCA in Multnomah County must be keyed to the penalty charges accruing as a result of class C felon sentencing. A data system and analysis of those sentenced to prison must be a high priority in management of community corrections in this county.

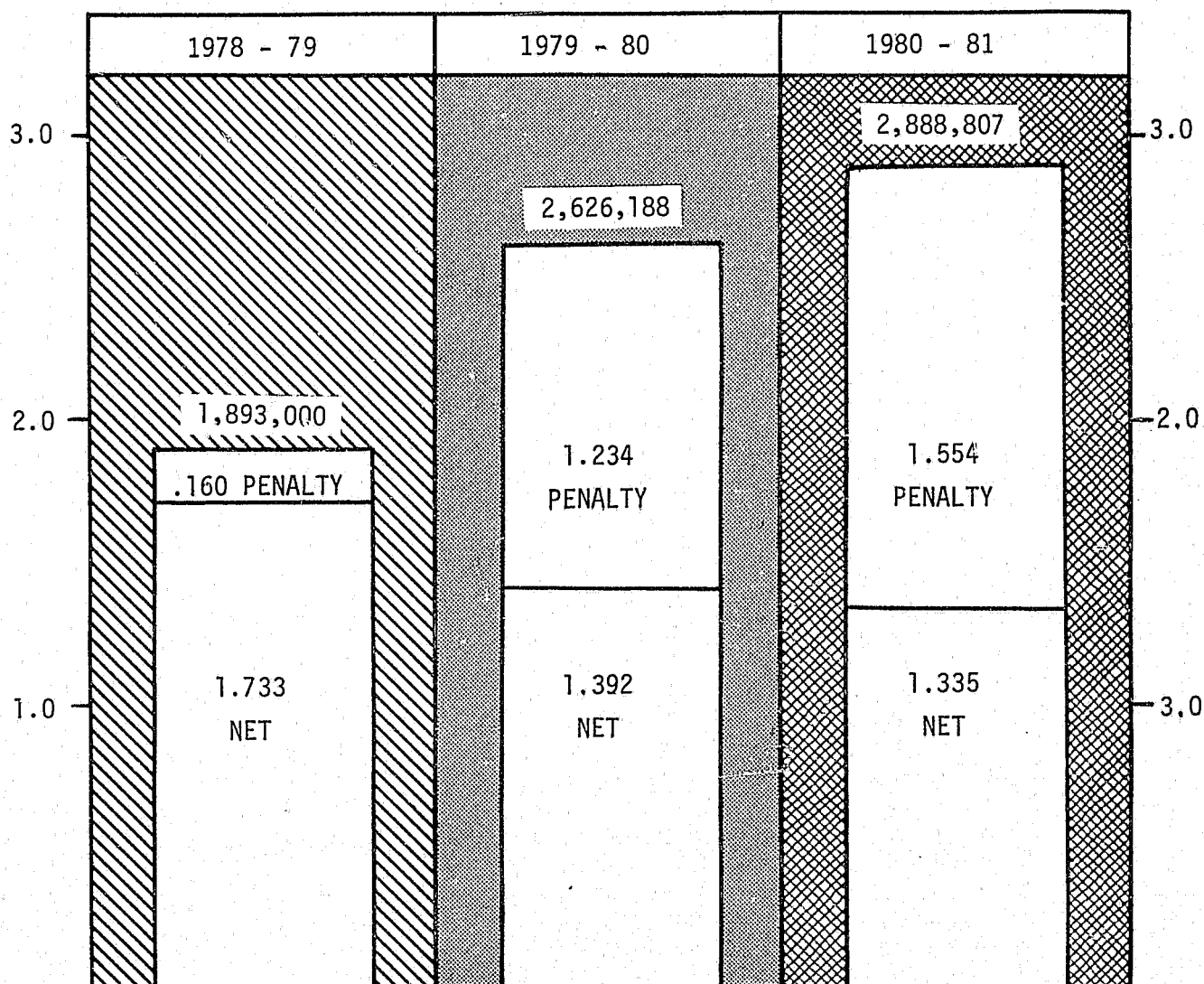
PROJECTED PENALTY CHARGES: 1979 - 81



4. 1979 - 81 Biennium

A projection of fiscal impact from the CCA during the 1979-81 biennium can be made by using existing provisions of the law, the formula used to establish funding for the initial biennium, and the county's historic experience with class C prison sentences. There is a measure of uncertainty about projections of this type since the 1979 Legislature could change the law in any of several ways (to our fiscal advantage or to our fiscal disadvantage). A projection of fiscal impact in the next biennium has been prepared showing the gross amount available to this county. The penalty charges explained in the previous section and the net available operational funds. The following illustration summarizes facts explained in more detail in the remainder of this section.

PROJECTED FISCAL IMPACT OF THE CCA
ON MULTNOMAH COUNTY USING A CONSTANT 170 PENALTY CHARGE RATE



The illustration clearly shows the importance of the penalty charges to net available operational funding. The illustration is based on the constant rate of 170 class C felon prison sentences explained in the previous section. Using this example, the 1979-80 penalty charge increases by more than 7 times over the 1978-79 figure. Even though the total allocation to the county increases by more than \$700,000, the net available amount shrinks by 20%. In the following year, the penalty charge increases by a larger amount than does the gross formula allocation to the county because it is the first full year with no phase-in (as explained in the previous section).

To maintain the annual rate of net operational funding provided in the 1978-79 year (\$1.735 million) plus inflation, it will be necessary to reduce the 1979-80 penalty charges by \$516,000 from the amount shown on the illustration. In terms of the penalty charges for that year, this means class C felon prison sentences must be reduced by 62 (36%). In the following year, penalty charges must be reduced by \$790,000 which represents a reduction of 86 chargeable sentences (50.6%). Both of these reductions seem feasible since the larger number occurs in the last year, by which time programs for diversion from prison will be well established and refined.

THE CCA FUNDING FORMULA

The existing formula used to establish the appropriation for the CCA is keyed to the expectation that 480 sentenced felons (about one-half of those serving 1-5 year sentences) could be diverted from state prisons through a fully implemented and successful community corrections program. The first item in the enhancement formula is the exact amount the state would save if this occurred:

- * 480 state prison class C felons
- * Multiplied by daily budgeted prison operation cost per inmate (\$20.69)
- * Number days in the biennium (used for funding formula)
- * 10% per year inflation factor (specified by state Legislative-Fiscal Office)

The next item in the formula is an allocation for strengthening misdemeanor services. This is based on the belief that these services would serve to prevent or minimize recidivism and deeper involvement in the correctional system.

- * Two thirds of the first figure for strengthened misdemeanor services in the community

Mental health program services are based on an existing \$750,000 allocation from the Mental Health Division (separate from the CCA). We have been advised to use this as an annual, rather than an 18 month figure.

- * Mental Health Division allocation (+ a 10% per year inflation factor)

The current plan for Multnomah County specifies two probation centers of the three specified in the Act). Administrative rules for the CCA give preference to counties with probation centers for continued funding in the next biennium. Therefore, two probation centers are added to the fiscal impact summary in order to make the comparison equal with this biennium. Probation center operational funds are figured on the basis of an annual value of \$262,500 in the current biennium and adjusted with a 10% inflation factor.

- * Two probation centers

COMPUTATIONS

The Base Year (1978-79)

The current annual value of the CCA to Multnomah County as presented in this plan is \$1,733,000. Since this exact figure does not appear elsewhere, it is itemized by categories:

\$	717,000	- Net enhancement
	400,000	- Reimbursement Fund
	282,000	- Mental Health (from CCA + MHD)
	167,000	- Probation Center at MCCI
	<u>167,000</u>	- Probation Center (purchased care)

Total \$1,734,000

The Next Year (1979-80)

In the first year of the next biennium, the gross amount available to Multnomah County will be about \$2,626,188 which is the result of the following figuring:

Enhancement:	\$3,987,376	- state total on the basis of
		480 x 365 x (1.1 x 20.69)
Misdemeanant:	2,658,251	- 2/3 of above figure, state total
Mental Health:	<u>825,000</u>	- existing + 10%, state total
Sub Total	7,470,627	- Overall state total

x .30 = 2,241,188 - Multnomah County formula
allocation

2 probation
centers (+) 385,000

Total for
79-80 \$2,626,188 - Multnomah County

The Third Year

In the final year of the next biennium, Multnomah County will receive about \$2,888,807 according to the existing formula. The categorical amounts are itemized below:

Enhancement:	\$4,386,114	- state total on the basis of 480 x 365 x (1.1 x \$22.76)
Misdemeanant:	2,924,075	- 2/3 of above, state total
Mental Health:	<u>907,500</u>	- previous figure + 10%, state total
Sub Total	\$8,217,689	- Overall state total
x .30 =	2,465,307	- Multnomah County formula allocation

2 probation
centers (+) 423,500

Total for 80-81 \$2,888,807 - Multnomah County

5. Line Item BudgetsINTRODUCTION

The CCA "programs" in this section are those which lend themselves to accurate budgeting because they either: (1) have only been discussed up to this time in terms of county employees, or (2) they have a general equivalency to job functions and pay of existing county employees. As noted elsewhere, these projects account for 44% of available funding (of which 61% is distributed to level term and 39% to OTO funding sub-categories).

Since the preponderance of interest in recent weeks has centered on the number of county positions that would be involved in these programs, a summary of this dimension of these programs is provided in the table below.

COUNTY STAFF ENUMERATED
IN SEVEN LINE ITEM BUDGETS

	PROF FTE	CLER FTE	TOTAL
1. Central Referral Programs	11.6	1.0	12.6
2. Institutional Mental Health.	2.4	0	2.4
3. Probation Center at MCCI	6.5	1.0	7.5
4. Community Corrections Administration .	2.0	1.0	3.0
5. ARC Community Development	1.0	0	1.0
	<u>23.5</u>	<u>3.0</u>	<u>26.5</u>
6. Volunteer Expenses Fund	0	0	0
7. Jail Recreation and Counseling	2.5	0	2.5
8. Probation Enhancement	5.0	0	5.0
	<u>7.5</u>	<u>0</u>	<u>7.5</u>

1. CENTRAL REFERRAL PROGRAMS

Central Referral Programs are allocated \$269,000 from both enhancement and mental health funding categories. Level term funding on a monthly basis is \$20,800 after the "start up" period is over. The proposal adds 12.6 new staff, one of whom is the principal staff member added as a result of this plan - the Central Referral Coordinator. Most salaries shown below are for 10 months in the 1978-79 fiscal year and this is recognized as optimistic.

1978-79 CRP BUDGET

	ENHANCEMENT			MENTAL HEALTH	
	<u>Total</u>	<u>Level</u>	<u>OTO</u>	<u>Level</u>	<u>OTO</u>
C.R. Coordinator*	28,000	24,000		4,000	
6 Interviewers*	62,000	57,000		5,000	
Counselor II*	19,720			19,720	
Deputy Dist. Atty.*	18,446	18,446			
1.6 R.N. II**	26,500			26,500	
2 Alternative Workers*	20,000	20,000			
Clerk*	9,375	9,375			
Psychiatrist***	11,000				11,000
Planner (6 mo)	11,000		11,000		
TASC (match funds)	9,624				9,624
Relief for training	9,000		9,000		
Materials & Supplies	17,500	2,700	9,000	1,800	4,000
Indirect costs	20,240	14,170		6,070	
Start up cost	12,000		12,000		
	<u>274,405</u>	<u>145,691</u>	<u>41,000</u>	<u>63,090</u>	<u>24,624</u>

*10 months

**11 months

***part-time

2. INSTITUTIONAL MENTAL HEALTH

This program area provides a psychiatric Registered Nurse for one shift per day, 365 days a year at RBJ (1.6 FTE) and another similar staffing at CAC/JDH (also 1.6 FTE). However, the latter position is only half funded by community corrections funds. The CCAC recommended to the Board of Commissioners that the other half be funded from the Reimbursement Fund. The budget for this program also includes contracted services of a psychiatrist and materials and supplies. Funding is from mental health level and OTO.

INSTITUTIONAL MENTAL HEALTH BUDGET

Psychiatric R.N. at RBJ: one shift per day, 365 days/year	\$26,500
Psychiatric R.N. at CAC/JDH: one half shift per day, 365 days/year	13,250
Psychiatrist, part-time fee for service	12,480
Materials and supplies	27,120
Training	17,900
Equipment	<u>6,000</u>
Total	\$103,250
1/2 RN from Reimbursement	<u>13,250</u>
	\$116,500

3. PROBATION CENTER AT MCCI

This program will establish an enhanced program for offenders sentenced to the County's existing work release institution in Troutdale. Funding comes from a separate fund for probation centers over and above the formula allocation for enhancement and mental health. This program provides 7.5 new staff members for MCCI, as shown below. Staffing problems at this facility, recently receiving attention and action by the Board of Commissioners, are largely satisfied through this program.

PROBATION CENTER BUDGET

Counseling Supervisor	\$19,538
Corrections Counselor (2)	33,072
Corrections Officer (2)	30,962
Employment Specialist	14,177
Steno II	10,306
R.N. II (.5)	<u>8,217</u>
Subtotal	\$116,272
Part-time, over-time, premium	6,000
Materials and supplies	<u>27,728</u>
	\$150,000

4. COMMUNITY CORRECTIONS ADMINISTRATION

This staff unit provides four positions, two of which are one-half time for an equivalency of 3 full-time. It also has a planner for 6 months on a contract basis. The principal staff person added to the county staff as a result of the community corrections plan is the Central Referral Programs Coordinator in program No. 1. These positions provide additional supervising and administrative capability.

ADMINISTRATION BUDGET

Alternative Director	\$24,000
Training Officer (.5)	8,950
Fiscal Clerk (.5)	6,650
Clerk I	9,375
Materials and Supplies	4,500
Indirect costs	<u>5,395</u>
Subtotal	\$58,870
Planner (6 mo contract)	<u>11,000</u>
	\$69,870

5. ARC COMMUNITY DEVELOPMENT

This program category includes a single professional position and associated expenses for a 10 month period. It is funded entirely from level term enhancement.

ARC Community developer (10 mo)	\$20,000
Travel and materials and supplies	2,500
Indirect costs	<u>2,500</u>
	\$25,000

6. VOLUNTEER EXPENSES REIMBURSEMENT FUND

An allocation for out of pocket expenses for Volunteers in Corrections to be approved according to procedures and guidelines yet to be developed. \$10,000 is allocated from level term enhancement funds.

7. JAIL RECREATION AND COUNSELING

This program category includes two new Counselor positions and one-half of the expense of a jail recreation coordinator -to supplement the existing one-half time position. The CCAC recommends that these positions be funded from the Reimbursement Fund.

RECREATION & COUNSELING BUDGET

Corrections Counselor (2)	\$37,000
Recreation Coordinator (.5)	<u>8,000</u>
Total	\$45,000

8. PROBATION ENHANCEMENT

This program would add five staff positions for assignment to field probation teams, to noticeably reduce the counselor to probationer ratio in the county's current caseload of 2,700 clients. The CCAC recommends that the Board of Commissioners approve this program from the Reimbursement Fund.

PROBATION BUDGET

Correction's Counselor Supervisor (2)	\$46,614
Corrections Counselor II	58,318
Materials and supplies	26,227
Contracted professional services	4,860
Space rental	<u>12,415</u>
	\$148,434

6. Functional Allocations

GENERAL

These twelve program allocations are not supported by line item budgets. Though there were some example budgets reviewed during the process of establishing these program allocations, the amounts eventually approved differ in almost all cases, for any of several reasons. Therefore, these allocations reflect intentions and priorities rather than approval of particular proposals.

It is expected that all, or almost all, of these functional allocations will be contracted with private agencies and vendors. The fact that the CCAC has made no commitment to any private agency during the course of this plan development effort is reiterated. Only in those cases where there is no proposed contract for a service in this group will consideration be given to operating a program with county staff.

Private agencies and vendors may make proposals in more than one of these program categories, and each category may have two or more agencies and vendors.

Contracts will have a stated expiration date directly related to the conditions of the county's contract with SCD. In most cases, this expiration date will be June 30, 1979 but we have been informed that SCD might approve up to 90 additional days beyond this for writing evaluative reports or other similar activities which can't be completed by the final day of actual operation of the program.

Renewal of existing programs after the expiration date will be approved as part of the second biennial planning process (if authorized). There is no automatic commitment to continue either the program area or any particular private agency beyond the stated expiration date. All contracting agencies will be clearly informed of this from the outset.

The allocations have been divided into level term and OTO subdivisions as was done in the preceding section. Funds allocated in this section come from: enhancement, mental health, probation centers and the reimbursement fund.

Each contracted program will be monitored in its early stages for implementation progress and periodic and a final report of accomplishments will be required of each agency and vendor as specified in individual contracts.

(Numbering conforms to budget summary)

9. DIVERSION PROGRAMS \$102,000

This allocation is intended for support of proven diversion programs that are designed for non-dangerous offenders as an alternative to either prosecution or sentencing. An established "first offender" diversion program was used as the model for this allocation and the estimate of an annual service capacity of about 250 clients. \$75,000 is allocated for 11 months of level term operation and \$22,000 for OTO.

10. JOBS PROGRAM \$120,000

This allocation is for programs that include job development, employment counseling and job placement services to offenders on probation and in confinement immediately prior to release. Emphasis is to be placed on offenders with special problems related to employment and there are expectations for significant services to 300 or more clients on an annual basis. \$92,000 in level term and \$28,000 in OTO funding.

11. DAY TREATMENT \$125,000

An allocation of funds from both enhancement and mental health categories for programs of intensive treatment, education, training and care of 100 or more offenders on an annual basis who are able to reside at home but need daily supervision. \$80,000 from level term enhancement and \$25,000 from level term mental health funds, with \$20,000 in OTO enhancement.

12. SUBSTANCE ABUSER PROGRAMS \$125,000

The CCA specifies an interest in substance abuser programs. This allocation of level term mental health funds is to purchase appropriate care and treatment services for these offenders. It is assumed that these services will generally be on an out-patient or short term care basis since those needing small group residential care on a longer term basis are supported by items 14 and 15. All these funds are level term mental health.

13. EDUCATION COORDINATION AND OUTREACH \$105,000

An allocation for an education program coordinator and outreach workers to contact, interview and counsel offenders who need or are interested in remedial or supplementary

education. Significant services to at least 100 clients on an annual basis is projected. \$64,000 in level term and \$41,000 in OTO enhancement funds.

14. ARC I OPERATION \$ 30,000

This allocation is made to insure that funds are available to initiate a new alternative residential care facility in the County, should the possibility materialize. No definite plan has yet been forwarded for consideration. Funds come from level term probation center category. The amount stated is based on a prototype budget for a 15-bed capacity ARC for a 3 month period.

15. PURCHASED ALTERNATIVE RESIDENTIAL CARE \$220,000

This allocation is made for purchase of alternative residential care in five existing appropriate facilities, each of which has been operating at less than full capacity in recent months. This program would financially support care in these facilities on an individual assignment and acceptance basis for about 30 persons, both male and female. \$120,000 in level term probation center funding, \$100,000 in OTO probation center funds.

16. BRIDGE SERVICES \$ 75,000

An allocation of funds for services to inmates prior to, during and just after release from confinement to minimize problems of transition from institutional to community life. \$50,000 of level term and \$25,000 of OTO enhancement funding.

17. STAFF TRAINING \$ 90,000

An allocation to support staff training in the first 11 months of operation of the community corrections program. Coordination of this effort is to be handled by a one-half time training officer found in the CCA Administration budget (Previous section. The allocation supplements existing staff training capabilities in the Corrections Division. \$65,000 from OTO enhancement and \$25,000 from OTO mental health.

18. EVALUATION \$ 57,500

This allocation has three discreet parts: \$20,00 for a class C offender manual tracking system; \$30,000 for program monitoring of all programs in the community corrections

plan; and \$7,500 for preparation of a detailed plan and cost estimates for potential automated data system based on a linkage with CRISS or PROMIS. \$50,000 in level term and \$7,500 in OTO enhancement.

19. DEMONSTRATION PROJECTS \$ 50,000

A small allocation for projects designed to demonstrate the viability of new programs and approaches to the problems of offenders. Such projects must be client oriented and not otherwise provided for in the community corrections plan. All from OTO enhancement.

20. "NOT RESPONSIBLE" OFFENDERS PROGRAM \$127,000

State legislation in 1977 created a new designation and method of procedure for handling persons in the criminal justice system who are found to be suffering from mental illness. The CCAQ recognized this increased burden on the county and recommends funds from the reimbursement fund be used for services to this group while remaining philosophically opposed to the idea that these services should be a component of the community corrections plan.

21. ENHANCED STATE CORRECTIONS FIELD SERVICES \$175,000

An allocation of OTO enhancement and mental health funds that will be made a part of the assumption contract with the SCD Regional office, for purposes they propose. All discussions preceding the decision to make this allocation centered on the SCD's Client Diagnostic Center.

CONTINUED

1 OF 2

APPENDIX B

MEMO

July 21, 1978

TO: Kris Rogers and Members of the
Community Corrections Advisory Committee

From: Jack Chapman

Subject: Brief Summary of the Plan Development Process

This memo furnishes a brief description and statistics on the plan development process you have just completed. I have also added some evaluative comments from my own perspective and brief biographical sketches of members. I believe this will be a valuable addition to the Multnomah County Community Corrections Plan.

INTRODUCTION

The plan development process involved extensive participation by a large number and wide variety of persons. It certainly is one of the most intensive planning efforts involving citizens, Justice Council members and county staff in recent years. In addition to the 37 appointed members of the CCAC, at least 90 others took an active role, observed, advised or informed the active participants.

A three tiered organizational form was adopted at the outset and proved adequate for the task undertaken. The first tier was composed of the appointed membership of the CCAC meeting as a group in "Plenary sessions". The second tier consisted of a small group of persons who met weekly and were designated the "Coordinating Council". The third tier consisted of nine sub-committees to which the CCAC membership was distributed and which also included a large number of other interested persons assuming an active role by invitation. These tiers are illustrated on the diagram following which shows the number of meetings of each unit and the number of persons who participated in the meetings of each unit.

A remarkable consensus of opinion developed on almost all major points and the group resolved a number of problems

An accounting of the 80 formal meetings is presented on the preceding table according to the period of most intensive planning efforts. The table provides a graphic representation of both the scope and intensity of planning.

Each group chose its own meeting site and date, and many of them chose to meet at different sites on occasion. This was especially true of the Plenary Sessions which met at all four county correctional institutions as well as two downtown locations. Sub-committees also met at correctional institutions and community agencies interested in corrections.

There was wide participation from both state and county corrections staff as well as community corrections agencies and criminal justice system agencies. Generally, these staff persons acted as advisors and consultants to sub-committees as well as making proposals.

STRUCTURING

With no prescribed structure for this planning effort, the first meeting of the CCAC appointed a "temporary chairperson" and requested that she and others who were interested develop an organizational plan and schedule for consideration of the group at its second meeting. The plan developed by this organizing group was approved at the second meeting - which would henceforth be known as "Plenary Sessions".

PLENARY SESSIONS

In this structuring plan, Plenary Sessions were assigned the role of giving general policy direction on recommendation of a Coordinating Council that met more frequently and with representation of all sub-committees. Near the beginning of the process, Plenary Sessions would be devoted to bringing all members abreast of developments and issues and toward the end, would confirm or revise recommended plan elements before formal submission to the Board of County Commissioners.

The Board Order which established the CCAC specified two classes of membership: Justice Council members and other appointees. The Justice Council was an existing group of law enforcement and corrections administrators which satisfied all but two interests required by the CCA for the local planning body. It did not include citizens or an ex-offender, who were represented in the second group that totalled 23 members. The latter group was appointed on recommendation of the individual Commissioners and the Corrections Division.

Only one appointed CCAC member took no part at all in the planning process and attendance at Plenary Sessions of members was a respectable 62%. The citizen group had a significantly higher percentage of participation in Plenary Sessions than the Justice Council members (which was true generally in all formal meetings).

All Plenary Sessions after the first were held on Saturday mornings. The meeting at RBJ at 8:15 on a Saturday in May was the only meeting at which a quorum was not present. All of these meetings lasted more than three hours. In addition to members, there were always a number of others attending. It is interesting that non-members outnumbered members on only one occasion.

An average attendance of 42 at these meetings is noteworthy. A general accounting of statistics about these meetings is shown below:

P L E N A R Y S E S S I O N S

	<u>DATE</u>	<u>PLACE</u>	<u>MEMBERS</u>	<u>OTHERS</u>	<u>TOTAL</u>
1.	MAR 20	G P Building	31	26	57
2.	APR 1	CH & CH Jail	26	20	46
3.	APR 22	M C C I	21	20	41
4.	MAY 13	R B J	15	12	27
5.	JUN 3	J D H	21	20	41
6.	JUL 18	Pub Library	<u>16</u>	<u>22</u>	<u>38</u>
		Averages:	22	20	42

THE COORDINATING COUNCIL

The Coordinating Council was the nerve center of the plan development process, from the outset and by design. The first meeting of the group that basically became the Coordinating Council was attended by those who had volunteered to help on an organizing committee after the first Plenary Session. After the second Plenary Session, the organizational plan and role of the Coordinating Council had been confirmed and included a broad delegation of authority for plan development.

The basic role of this group was executive. Assignments of responsibility and monitoring of progress was almost entirely carried out through this group. It also considered as "committee of the whole" a number of subjects not assigned to specific sub-committees. It prioritized sub-committee recommendations (especially on three occasions - May 29, 30 and June 6) for presentation to the Plenary Sessions. At Plenary Sessions 1, 2 and 5, it was given broad discretionary authority to make final decisions on the plan. It was a representative group according to the planning process that had been adopted and it was small enough to engage in detailed examination of a number of issues -which it did.

Meeting on a weekly basis throughout the intensive planning period, this group also was able to keep its finger on the progress of intended work by sub-committees and provide direction as needed. At some meetings, CCAC members who were not CC members were present and allowed to vote. The press was notified of these weekly meetings in Room 506 of the Federal Courthouse. Meetings varied in length from 1½ to 3+ hours with an average of about 2 hrs and 15 minutes.

After confirmation of the planning process structuring in the second Plenary Session, the group consisted of the Chairperson and vice-chairperson of the CCAC and the chairpersons of 6 sub-committees. Since the vice-chairperson was in charge of the drafting sub-committee and the Budget chairperson also was assigned responsibility for the administrative structuring sub-committee created at a late date, this group included the entire leadership of CCAC planning.

SUB-COMMITTEES

Five sub-committees were established in the original structuring plan with the understanding that a sixth would later be activated for budget considerations. In June a seventh sub-committee was established to draft the final report. Near the end of the active planning phase, it became apparent that joint meetings between sub-committees were necessary to establish a unified position on proposals that overlapped assigned areas of interest and three such meetings were held. The original plan stood the test of practicality rather well.

A parallel effort directed at examining the issues involved in the "assumption" feature of the Community Corrections Act was undertaken by staff from County and State Corrections Divisions.

PARTICIPATION ANALYSIS

"The larger the number of persons in any planning effort, the greater the difficulty in attaining consensus." This planner's proverb suggests that the CCAC plan development process was a significant success because there were more than 125 participants overall, of which 57 were active, judged on the basis of participation in 5 or more formal meetings. These are remarkable statistics which deserve further comment.

Of the 37 persons appointed to the CCAC in the Board Order, only one did not attend any formal meeting during the planning process! Twenty-five of this group are rated as active (68%). Citizen members had a somewhat better active participation percentage (78%) than the Justice Council members (50%).

Forty-five other interested persons were recorded as participants, 9 of which are rated as active (although records on this group are known to be incomplete).

Nine SCD staff were active (of a total of 12) and there were 14 active participants of a total of 19 from Multnomah County shown as participants.

The following table summarizes this data:

SUMMARY OF RECORDED PARTICIPATION

	<u>NUMBER</u>	<u>PARTICIPATION</u> <u>ACTIVE</u>	<u>SOME</u>	<u>NONE</u>
<u>CCAC MEMBERS</u>				
Citizens	23	18	5	0
Justice Council Members	14	7	6	1
<u>OTHER INTERESTED PERSONS</u>				
Attended PS & CC meetings	15	4	11	
Attended only Sub-comm mts	26	5	21	
Out of town visitors	4	0	4	
<u>STATE CORRECTIONS DIVISION</u>	12	9	3	
<u>MULTNOMAH COUNTY</u>				
Officials and agencies	8	1	7	
Staff other than Corr Div	9	4	5	
Corrections Division	16	9	7	
	<u>127</u>	<u>57</u>	<u>69</u>	<u>1</u>

All figures on this table are based on an "unduplicated" count.

PUBLIC AWARENESS

The Oregon open meetings law requires that notice be given of meetings such as those in this process. Accordingly, all meetings were announced to the entire press list maintained by Multnomah County. Plenary Sessions were announced individually, and sub-committee meetings were announced generally with a notice of who to contact should a particular sub-committee meeting be of interest. There were articles in the press, as well as radio and television news reports.

CCAC members also met with all four "Quadrant Boards", church groups, Commissioners, the judiciary, a political candidates group (before the May primary) and other individuals before the formal presentation of a "Status Report" to the Informal Meeting of the Board of Commissioners on June 27.

COMMENT

For most, this planning process has been an educational experience. However, most regard it as a beginning rather than a completed process.

There are more details to develop before the plan can be implemented but there is a broad consensus on a comprehensive plan for improving local corrections. It is a complicated plan with many dimensions - and it represents a really significant achievement considering the large number of active participants, the short planning timeframe and the paucity of pertinent information that was available.

There is an enduring value to this achievement since it has brought persons from outside the corrections "establishment" into the structure of planning improvements and expansions to the system. Historically, this has been an important precursor to significant advances in fields of public responsibility.

APPENDIX C

BIOGRAPHICAL SKETCHES AND IDENTIFICATIONS
OF COMMUNITY CORRECTIONS ADVISORY COMMITTEE MEMBERS

MRS. CLAIRE A. ARGOW

After spending 15 years as executive of the Oregon Prison Association, Mrs. Argow turned to teaching and has been a professor in correctional subjects at four universities. She served as chairman of the State Advisory Board on Corrections and now chairs the Advisory Committee for the Portland Women's Center (State work release). Always active in citizen action groups, Mrs. Argow has been involved in all facets of the correctional field.

BRUCE BAKER

Chief Bruce R. Baker has 29 years of police experience and has been a Chief of Police for more than nine years. He is a member of the Oregon Law Enforcement Council, Governor's Commission on Organized Crime, Board on Police Standards and Training, National Advisory Board NILECJ, National Advisory Board of Police Executive Program, Police Foundation, and an advisor to numerous criminal justice research agencies.

WILLIAM BEERS

Judge of the District Court

LEE P. BROWN

Formerly Director of Justice Services (replaced by Larry Craig) who left during mid-planning stage to become Atlanta's Commissioner of Public Safety.

JOHN BURNS

Mr. Burns is a former president of the State Senate and was also chairman of the Senate Judiciary Committee. He is a lawyer in private practice and is experienced in criminal law. Mr. Burns was chairman of the Oregon Criminal Law Revision Commission and also of the Multnomah County Citizen's Committee on Tax Alternatives.

WES CARTER

District Court Administrator

DONNA CHALMERS

Mrs. Chalmers is a teacher at David Douglas High School and serves on the County's East Quadrant Advisory Board and its corrections Task Force. She is also a counselor at the high school and is active in a number of organizations.

KEVIN COLLINS

Mr. Collins is Equal Employment Opportunity Officer, U. S. Army Corps of Engineers, Region X. Mr. Collins spent 10 years as a teacher, counselor and Assistant Vice-Principal at Jefferson High School; was the first Director of Upward Bound; at the University of Oregon; was faculty representative to Oregon Project Newgate while University of Portland Dean of Students; has spent five years on the Board of Directors of N.A.R.A. Indian Alcoholic Centers; is currently on the Board of Directors of the Urban League of Portland and is Director of IMAGE (National Hispanic Government Employees' Organization).

SONNY CONDER

Mr. Conder is a Local Government Financial and Economic consultant working on contract with The Institute for Policy Studies at Portland State University. Mr. Conder formerly worked for Multnomah County as a budget analyst.

FATHER WILLIAM CURTIN

Father Curtin graduated from St. Thomas Seminary in 1965 and in 1969 graduated M. Div. from St. Thomas Seminary Theologate. He was ordained in 1969 and assigned as Associate Pastor to St. Charles Church, moving in 1971 to Immaculate Heart Church. In 1975 Father Curtin was appointed Pastor of Immaculate Heart Church.

THOMAS DENNEHY

Professor Dennehy teaches mathematics at Reed College to which he came in 1962 from John Carroll University. He has also taught at the University of Notre Dame, San Jose State College and University College in Galway, Ireland.

THOMAS GADDIS

Dr. Gaddis is a psychologist in private practice and a writer. He was the founding Director of the Newgate Project at the Oregon State Penitentiary. Dr. Gaddis is the author of "Birdman of Alcatraz" and numerous articles. He has spent several years as a teacher, and was a probation officer in Los Angeles for seven years where he was involved in establishing standards for this work.

SHIRLEY GAMBEE

A native of southern Oregon, Mrs. Gambee has been in Portland for 22 years and has concerned herself with the quality of schools and citizen rights in her neighborhood. Most recently, she has been involved with zoning matters in her area and she has considerable concern about the issue of corrections.

HARL HAAS

District Attorney

MIKE HALL

Circuit Court Administrator

SHIRLEY HAMILTON

Ms. Hamilton is a professional psychiatric social worker presently employed by Bonneville Power Administration as Manager of Federal Women's Programs. Her purpose and interest in the Community Corrections Act is to assist through planning in providing services and treatment to offenders in the community and institutions.

JIM HENNINGS

Metropolitan Public Defender

MARILYN HICKS

Ms. Hicks has spent 11 years as an employment and academic counselor. She has been a community development trainer for the VISTA Training Center at the University of Oregon and an advisor/counselor for a self-help group of ex-offender students at Lane Community College in Eugene.

SUE JUBA

Mrs. Juba is the immediate past president of League of Women Voters of Portland and of Willamette University Alumni Association. She is chairwoman of KBPS Advisory Council for Community Listening; member of Rocky Butte Jail Relocation Committee; campaign coordinator for Wanda Mays for State Representative Committee. Mrs. Juba was a teacher formerly.

JEROME LaBARRE

Mr. LaBarre is a Portland attorney in private practice who is an officer in the Multnomah County Bar Association and has headed a Bar study on corrections. He was formerly a senior Deputy District Attorney for the County. Mr. LaBarre has lectured widely to police officers, jail guards and lawyers on the law relating to jails and prisons.

STANLEY LOEB

An attorney in private practice and active in the Oregon State Bar Association, Mr. Loeb has also been active in ACLU, especially in regard to modernizing municipal courts. He expresses an interest in local corrections and devising ways in which programs can be fiscally maintained over a period of years.

BARRY M. MALETZKY, M.D.

Dr. Maletzky, a psychiatrist, took his medical training at Columbia University in New York City. He is currently in private practice of psychiatry in Portland and is also Associate Clinical Professor of Psychiatry at the University of Oregon Health Sciences Center. Dr. Maletzky is active in teaching and research on violence, alcohol, treatment of sexual dysfunctions, and use of lithium carbonate in psychiatry.

THOMAS S. MANAUGH, Ph.D

Dr. Manaugh, a psychologist, has worked in law enforcement in California, and corrections in Oregon. During 1976 he was the principal investigator on a federally funded project titled "Training Correctional Counselors to Treat Alcoholic Offenders." This past year he served as program chairman and vice-president of the local chapter of the Association for the Professional Treatment of Offenders.

EDGAR E MARTIN

Sheriff Edgar E Martin, as Director of Public Safety for Multnomah County, has been with the Division since 1966, entering as a deputy and serving in the Corrections, Patrol, Planning, Personnel, Training and Intelligence functions. He was Operations Division Commander, and chaired the Task Force which lead to the implementation of Team Policing. Sheriff Martin has an A.A. Degree from Foothills College, a B.S. Degree from Oregon College of Education, and an M.Ed. from the University of Oregon.

CARL V. MASON

Mr. Mason is administrator of the Corrections Division. He previously held positions in both juvenile and adult corrections in planning, service delivery, supervision and management beginning in 1965. Mr. Mason earned bachelor and masters degrees in sociology at Gonzaga University, and a juris doctor degree from Northwestern School of Law. He serves on various committees and is active in community planning.

DONALD MORGAN

An attorney in private practice, Mr. Morgan is interested in the design of various alternative correctional programs.

DAN MOSEE

Commissioner Dan Mosee is a graduate of Franklin High School in Portland and of Willamette University in Salem. He is a U. S. combat war veteran and is serving a third term as a Multnomah County Commissioner; is past president of 15 organizations as well as recipient of 16 Distinguished Service Awards.

HAL OGBURN

Director of Multnomah County Juvenile Court

JUDITH PHELAN

Mrs. Phelan is a social worker, past director of Portland's Comprehensive Employment and Training Program (CETA), Coordinator of Portland's Youth Service Centers and a Juvenile Court counselor. She also has extensive social work experience in juvenile programs in Florida, Illinois and Bogota, Colombia. She has been active in Oregon Corrections Association and served as a board member on a variety of community and state organizations.

BOB PILLSBURY

Mr. Pillsbury has been an employee with the State since 1957, first with the Department of Justice and then with Parole and Probation. He has worked in Roseburg, Medford, Pendleton and Portland and presently functions as Regional Manager, Corrections Division, covering Multnomah County.

KENT REESOR

Chief of Police, Gresham

E. R. DEL RICKS

Mr. Ricks is the Executive Director of Labor's Community Service Agency, AFL-CIO which designs and implements social service programs for members and the community. One program is the First Offender Program which provides an alternative to incarceration for first offenders in non-violent crimes. Mr. Ricks has been active in several other Labor positions.

KRISTINE O. ROGERS

Mrs. Rogers began work in corrections during a college summer internship in 1968 with the Offender Rehabilitation Project in Washington, D.C. The next year she worked in New York with the Vera Institute of Justice's Manhattan Court Employment Project (a diversion program). During her law studies at Yale, she worked part-time as an assistant to the Commissioner of the Connecticut Dept. of Children & Youth Services, also volunteering in legal assistant programs for inmates at the

State prison in Niantic and the Federal prison at Danbury. Since coming to Oregon in 1973, Mrs. Rogers has served on the Oregon State Bar Committee on Detention and Correction, and the State Board on Police Standards and Training (which now also has responsibility for corrections and probation and parole officers). Mrs. Rogers handles prison and criminal litigation in her role as a federal prosecutor in the U. S. Attorney's office, and has administered their Pretrial Diversion Program since 1974. She teaches a seminar on sex discrimination and the criminal/correctional process at Lewis & Clark's Northwestern School of Law.

PHILIP ROTH

Judge of the Circuit Court

FRANK TURNEY

Mr. Turney serves on the Community Corrections Advisory Committee as the ex-offender required by the CCA law. He has experience in probation, parole, mental health programs, county jail and state prison. Interested in jail improvement programs, Mr. Turney is working on a statistical study of comparative suicide in Oregon's county jails. He is currently involved in a number of new business ventures.

JULIE WILLIAMSON

A former administrative assistant to Commissioner Buchanan, Ms. Williamson was also the original chairman of Citizens for Good Government.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

MULTNOMAH COUNTY, OREGON

In the Matter)
of the Community)
Corrections Plan)

ORDER

On March 2, 1978, the Board of County Commissioners appointed a local Corrections Advisory Committee and directed that Committee to prepare a Community Corrections Plan,

That Plan has now been received by the Board,

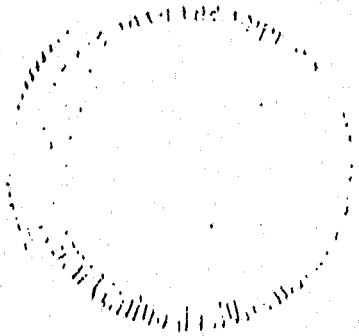
The Board wishes to express its appreciation for the time and effort that the members of Committee freely gave in preparing the Plan, and,

The Board has determined that it is in the best interests of Multnomah County to accept financial assistance and participation in the Community Corrections Act of the State of Oregon, it is therefore ORDERED,

1. The Plan, together with the amended Fiscal Conditions Policy Statement of July 26, 1978 prepared by the Office of County Management which was incorporated into that plan, shall be forwarded to the Corrections Division, State of Oregon, as prescribed in the Community Corrections Act of the State of Oregon for approval and funding,
2. The functions outlined in the Plan shall be assigned as functions of the Department of Justice Services,
3. The Director of the Department of Justice Services shall cause the development of an implementation program for the Plan with the continued advice of the Committee,
4. The implementation program shall phase the Plan into the County's administrative structure in a managerially and financially responsible manner over a reasonable period of time, and

5. The Board shall review the implementation program and modify the Plan as appropriate.

DATED July 27, 1978.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Donald E. Clark, Chairman

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL

**MULTNOMAH COUNTY OREGON**

OFFICE OF COUNTY MANAGEMENT
6th FLOOR J. K. GILL BUILDING
426 S.W. STARK STREET
PORTLAND, OREGON 97204
(503) 248-3300

COUNTY COMMISSIONERS
DON CLARK, Chairman
DAN MOSEE
ALICE CORBETT
DENNIS BUCHANAN
BARBARA ROBERTS

July 26, 1978

TO: Chairman Donald E. Clark
Commissioner Dan Mosee
Commissioner Alice Corbett
Commissioner Dennis Buchanan
Commissioner Barbara Roberts

FROM: *Bruce C. Harder*
Bruce C. Harder, Director
Office of County Management

SUBJECT: COMMUNITY CORRECTIONS ACT - FISCAL POLICY STATEMENT

This memorandum summarizes the key fiscal considerations which should guide the Board in its deliberations regarding participation in the Community Corrections Act. It should be noted that the analysis is limited to purely fiscal matters and does not address the individual program components of the plan. If more time were available, the OCM analysis would include consideration of each program component from a management as well as a fiscal perspective. It is the hope of OCM that, if participation in the Act is approved, a process of staged implementation would be pursued so that any fiscal uncertainties could be resolved without jeopardizing overall County fiscal stability.

Fiscally, OCM is neutral on participation in the Community Corrections Act if a series of fiscal conditions/principles are met. In the analysis which follows, we have again identified those conditions or principles for purposes of clarity. Following each condition/principle we have attempted to test the report to determine the level of remaining fiscal uncertainty.

I. General Conditions.

A. Level of Funding

OCM Position. It must be clearly understood that the County does not intend, now or in the near future, to participate in a plan/program where annual

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requirements (either OTO or CICE) exceed annual enhancement resources. In the event that continuing program requirements exceed continuing enhancement resources, it must be understood that Multnomah County reserves the right to design and modify the Community Corrections program to assure no net negative fiscal impact on the County. This includes the prerogative to adjust program elements to assure resource/requirement balance or to terminate participation in the program if such action is required to preserve countywide fiscal stability.

Community Corrections Plan. To avoid any misunderstanding, the Report, or an addendum to the Report, should explicitly assert that the Board of County Commissioners reserves the right to modify the plan or terminate participation in the program if grant resources are inadequate to cover grant requirements. Indirectly, the Report alludes to the issue of "level term funding" (comparable to CICE) on page 53. It presents the assumptions concerning funding in the next biennium beginning on page 66. Essentially, the plan assumes that future funding by the State will be determined by the same formula that was used to determine the funding for this biennium. Exhibits E, F, and G discuss the formula and the likelihood that funding will be determined by the same formula. However, the level of future funding can not be known with certainty. If funding levels should be reduced, then the program must be reduced unless General Funds are used to replace any revenue shortfall. This is true of any grant program.

If funding continues at its present level in the next biennium then it follows, as the plan assumes, that programs supported with "level term" funding equal to 1/18th of currently available funds for each month of operation can be maintained in the next biennium. (For example, if the program operated for 10 months, 10/18 of its enhancement funding would be used for level term funding, leaving 8/18 for OTO expenses.) The plan explicitly recognizes (page 53) that there is no continuing funding for any item funded with one-time-only (OTO) funds.

The Report (on page 65) also recognizes that, as the system gears up, penalty charges will increase if sentencing patterns do not change. A larger proportion of the grant funds will be required for penalty charges as the number of Class C felons sentenced to

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the State prison on or after January 1, 1979 approaches the 170 annual commitments assumed in the Report. Because a greater share of enhancement funds would be needed for penalty, less would be available for programs. If the programs described are to be continued in the next biennium at the same level, the number of Class C felons sentenced to the State prison must decline from the 170 assumed in the plan. This decline could conceivably result from the Community Corrections program itself. However, it is not possible to determine at this time, if the rate actually will decline. Hence, the need for protective fiscal language.

As is the case with all grant funded programs it is not possible to ascertain for certain what level of funding will be available for programs in the next biennium. We must be extremely clear on the point that any plan for the next biennium does not assume a simply carrying forward of any plan from this biennium without a new fiscal impact analysis.

B. Reimbursement

OCM Position. Any Community Corrections Plan finally approved by the Board of County Commissioners should require maximum reimbursement for felon services already provided by Multnomah County. Such a requirement is consistent with the Board Order of March 2 which provided for formation of the Community Corrections Advisory Committee and established a fiscal framework for the final Report of the Committee. Assuring maximum reimbursement to Multnomah County is critical for the following reasons:

- 1) It provides minimum fiscal protection against the risks/uncertainties associated with participation in a new program which is untried and untested. This principle is particularly critical in this instance where the Advisory Committee has attempted to develop alternative to traditional corrections programming.
- 2) It recognizes that Multnomah County currently provides felon services which are provided for other counties by the State. Multnomah County, by offering the alternative to sentence felons to MCCI has, in effect, been funding a community corrections type program at its own expense. MCCI

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falls in a category of programming that enhancement grants were designed to fund. The County is not in a position to subsidize State programs and has consistently supported State takeover of these activities.

- 3) It provides a small hedge against problems identified in FPR #9 which asserted that fiscal problems experienced by the County in the past (either by voluntary action or mandate) were in part attributable to situations where one level of government controlled the funding of a program and another level had responsibility for service delivery.
- 4) It recognizes that the long term growth in continuing County resources (CICR) required to support continuing requirements (CICE) is not achieved without constant managerial oversight and adjustment. To achieve an overall growth rate of approximately 7% in CICR during the next several years it is absolutely critical to insist on maximum reimbursement for felon services currently provided by Multnomah County. Any plan which does not provide for maximum reimbursement to the County fails to appreciate the delicate nature of County fiscal stability at a time when continuing resources are growing at a rate that will not support continuing requirements. Budgetarily, if the County decides to participate in the Community Corrections program, the General Fund (constraint) contribution to the Corrections Division would be reduced by the annualized amount of the reimbursement (CICR) after the implementation plan has been prepared and participation in the program actually commences.

Community Corrections Plan. The Report is ambiguous on this matter. On page 50 the Report states that reimbursement funds "will go directly into the County's General Fund and any further use of them will be through the County's established budget process." Here again, it needs to be asserted that the activities listed by the Committee under the reimbursement column (page 54) must be funded with non-reimbursement enhancement resources if they are deemed to be necessary activities and are eligible for funding with non-reimbursement enhancement resources.

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Reimbursement resources should not be used, now or in the future, to fund activities that are eligible for enhancement funding within the intent of the Community Corrections Act.

It is OCM's position that the language on page 56 should rule if any interpretation of the intent of the Report is required. That language states: "It has been fully understood that CCAC recommendations to the Board of County Commissioners regarding expenditures from the Fund (reimbursement) are only advisory."

Finally, OCM estimates reimbursement levels for this 18 month biennium in the range of \$650,000 to \$800,000. It could be higher. These tentative figures are based on Proposals B and C on page 57 and the latter includes indirect costs. OCM figures differ from those in the Report (p. 57) because the rates for the period July 1, 1978 to July 1, 1979 are based on 1978-79 budget appropriations and have been updated to include additional corrections officers and recent union settlements.

The Report, or an addendum to the Report, should require a new and updated computation of the reimbursement for the current year and an annual recomputation of the reimbursement fund based on updated felon ADP's and approved budget documents. An update of the head-count of sentenced felons is necessary because there is some inconsistency in the information received from County and State Corrections Officials on the ADP of sentenced felons housed by the County. (The above reimbursement amounts are based on the ADP of sentenced felons for the months of January, February, and March. However, because of seasonal variability, the ADP may be higher at other times of the year. It must also be understood that annual reimbursement levels may require modification of projects funded with the remaining enhancement resources.)

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II. Specific Conditions

- A. Presentence/Probation and Parole. The plan recognizes that felon presentence investigations are a State responsibility. On page 25 it is stated that the plan "contemplates that the State will provide general funding in the next biennium" to cover the Diagnostic Center. In the interim the Committee has proposed funding the Center with an OTO allocation.

Under Community Corrections, the County would assume responsibility for presentence investigations just as it would assume responsibility for other services currently provided by State Corrections field services (probation and parole). However, the level of presentence investigation services that was possible under the expiring LEAA grant for the Diagnostic Center can't be maintained with current field services appropriations.

The plan assumes that the County would meet its obligation to assume responsibility for services currently operated by State Correction Field Services by contracting back with the State for provision of these services. The County will also receive a share of the State's appropriation for field services. The County's contract with the State must explicitly state that any contractual payment from the County to the State for field services can not exceed the amount the County receives from the State as its share of the State Correction's field services appropriation.

The State must be cautioned against passing forward to counties any increased costs for field services now provided by the State. In addition, the last legislative session mandated presentence reports for all felons. Funds to replace the lost grant revenue were not included in the field services appropriation. Thus, State Corrections has asked the CCAC for funds over and above the field services allocation in order to maintain the current level of presentence investigation services.

The language on page 25 of the Report stating that presentence investigations "will be handled under the terms of the County's assumption contract with State Corrections Division for field services" should be clarified and extended. From a County fiscal perspective, presentence investigation for felons should be funded exclusively with State resources.

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Finally, the plan proposes that \$175,000 of enhancement and mental health OTO funds be used to cover the presentence investigations. The Report, by funding this continuing service with OTO resources, is in effect giving a grant to the State for this biennium only. In future bienniums this activity must be funded with continuing resources. It is the OCM position that the State should provide the funds through a separate appropriation as the Committee suggests. Failing this, either the costs must be absorbed by the State within the contract which limits county contractual liability for field services to the amount it receives as its field services allocation; or enhancement funds must be allocated to cover costs. In no case should County reimbursement funds be used for this activity.

- B. Mental Health/"Not responsible" offenders. This issue will have to be addressed as part of the annual budget process.
- C. Cash Flow. Prior to participation in the plan, the State must agree to advance resources to the County on at least a quarterly basis. County reporting requirements should be negotiated in advance of actual participation in the program.
- D. Whenever possible the County would implement these programs through contracts with outside agencies or through personal services contracts.

III. Conclusion

The Community Corrections program is essentially a large categorical grant which must be administered with care. If participation is approved OCM strongly favors a staged implementation which allows County officials the opportunity to closely monitor new program components as they are initiated. Furthermore, implementation must allow for adjustments to the plan as we gain experience with the program. This strategy offers an opportunity to seek the advice of the Advisory Committee during the implementation period and at the same time provides check-points and periodic reassessments which are necessary to protect County fiscal stability.

BCH:rl

EXHIBIT E: CALCULATION OF ENHANCEMENT
GRANT APPROPRIATION

- I. 77/79 - Beginning Jan. 1, 1978
Goal: Divert 480 persons (1-5 yr felons)

Month	Diverted during Month	In Program ADP	Monthly cost per Person, 20.69 per day	Monthly Cost Cost
Jan. '78	40	20	628.98	\$ 12,580
Feb. '78	40	60	"	37,739
March '78	40	100	"	62,898
April	40	140	"	88,057
May	40	180	"	113,216
June	40	220	"	138,376
July	40	260	"	163,355
August	40	300	"	188,694
September	40	340	"	213,853
October	40	380	"	239,012
November	40	420	"	264,172
December	40	460	"	289,331
Jan. '79	40	480	"	301,910
Feb.	40	480	"	301,910
March	40	480	"	301,910
April	40	480	"	301,910
May	40	480	"	301,910
June	40	480	"	301,910
TOTAL				\$3,622,743

II. Enhancement Grants

Part A	3,622,743
Part B	452,866
(equals the sum of the 1st 6 numbers totalled to determine A)	
Part C	2,415,283
(equals 2/3 of Part A)	
Part D	750,000
(Mental Health svcs appropriation)	
Correction factor	11,955
TOTAL	7,252,847
Multnomah share is .282454	2,048,595

EXHIBIT F

MULTNOMAH COUNTY'S SHARE OF COMMUNITY CORRECTIONS FUNDS

77/79 Biennium (assumes 18 months of operation)Money to County

1. State Corrections Division Field Services 0
Appropriation/Probation and Parole Services.
Distribution by formula

The contract with SCD should specify that the amount the County is billed for probation and parole services to felons will equal the amount the County receives as its share of the SCD field services appropriation; and that services provided will include presentence reports.

2. Enhancement Grant Funds (Distribution by formula)

- a) Funds to service felons with 1 to 5 year sentences diverted from State institutions to local corrections. \$1,023,258
- b) Funds to reimburse the State for Class C felons sentenced to the custody of State Corrections. (in this biennium the penalty charge is in effect for only 6 months, Jan. 79 to June 79. Therefore, a) and b) are not equal.) \$ 127,914
- c) Funds to strengthen local correctional services. \$ 682,206
 Equals 2/3 of a)
- d) Funds to provide Mental Health treatment to probationers or parolees with alcohol or drug problems; or to felons with mental and emotional difficulties referred by the court.* State Mental Health Division asserts that these funds are available whether or not we participate in Community Corrections. \$ 211,841

Correction factor \$ 3,376

Sub-Total Enhancement Grant Available to Multnomah County \$2,048,595

- e) Funds the County will have to pay back to the State as reimbursement for Class C's sentenced from Multnomah County to State institutions. (Assumes 160 Class C's sentenced annually) If the County does not participate it does not pay the penalty. \$(149,794)

*There is an equal amount in State Mental Health Division budget.
 MHD and SCD funds are designed to match to provide 100% funding for

3. Construction Funds (Distribution by grant) \$1,666,479

These funds cannot be used for secure facilities, or for facilities that can be converted to secure facilities. The estimated share to Multnomah County assumes it will receive the same percentage share of construction funds as it receives in Enhancement grant funds.

4. Funds for the Operation of three Probation Centers. 261,577

The estimated share to Multnomah County assumes it will receive one of the three centers. The construction funds for the three centers are included in the construction fund appropriation.

TOTAL Community Corrections Funds Available \$3,826,857

TOTAL DEDICATED FUNDS \$3,826,857

Total General Funds that can be offset. (County expenditure on convicted felons can be offset; expenditures on misdemeanants cannot be offset.)

Several State officials have stated that the County can obtain reimbursement for its expenditures on convicted felons even if it does not participate in Community Corrections. In the case non participation, the amount of the general fund offset will be equal to the amount of the reimbursement. The exact amount of the reimbursement will be negotiated with State Corrections. State Corrections will deduct from its reimbursement to the County for services to convicted felons, the cost of serving misdemeanants in SCD custody. (Approximately 800 from Multnomah County.)

EXHIBIT G

Estimated Multnomah County Share of Community Corrections Funds

79/81 Biennium (assumes 24 months of operation)

This projection assumes that the formula used to calculate the total enhancement grant appropriation for the State for the 77/79 biennium is retained for the 79/81 appropriation.* Whether this will actually occur cannot be determined at this time; it depends on actions taken by the 1979 legislature. Although the enacted legislation states that it is the policy of the State to finance community corrections on a continuing basis, it does not specify either the amount of the total appropriation, or the formula to be used to determine the total appropriation in the next biennium.

1. Enhancement Grant**

- a) it is reasonable to expect a) to continue \$2,251,266 at its present level plus an inflation factor if the program is reasonably successful because it is based on the per diem cost of housing prisoners the in the state prison.
- b) assumes b) will continue at its present \$2,251,266 level plus inflation. This allocation may well change because the State is distributing more for payback under the penalty clause than Counties can be expected to require for payback if diversion occurs.

* Multnomah County's share of the 77/79 enhancement grant appropriation is .282454. Although the enacted legislation prescribes that each County's share be based upon its respective share of the unduplicated number of persons charged in Justice, District, or Circuit Court in the County with a felony, the actual share was based on felony arrests because of the unavailability of the required data. Three different distribution formulas were tried, giving Multnomah County a share ranging from 24% to 32% before felony arrests was selected as the basis of distribution. Therefore, it is not possible to predict accurately what our share of the total appropriation will be next biennium.

** Assumes Multnomah County will receive .282454 of the total appropriation. Assumes 10% inflation in per diem prison cost.

c)	this assumes c) will continue at its present level plus inflation. This allocation may well change. It was arbitrary and future levels will depend on evaluations.	\$1,500,919
d)	this assumes Mental Health grants will continue.*	\$ 228,788
Enhancement Sub-Total		<u>\$6,232,239</u>
e)	Pay back for Class C's sentenced to State Prison	(\$2,494,674)
2.	The act makes no reference to continuation of construction fund appropriation.	0
3.	Assumes operating funds for probation center continue.**	\$ 319,178
TOTAL AVAILABLE		\$4,056,743
TOTAL DEDICATED		\$4,056,743
TOTAL GENERAL FUND OFFSET		\$1,640,438

* Assumes 8% growth rate for Mental Health appropriation.

** Assumes 8% growth rate and 24 months of operation.

Record of the Clerk of the Board of County Commissioners
in the matter of presentation of the Community Corrections
Plan Final Report (July 27, 1978)

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At this time, Harl Haas, District Attorney, stated he had a commitment away from the hearing room and wished to express his opinion concerning the Board's participation in the Community Corrections Act. Mr. Haas stated he didn't think that all of the problems he had had with the matter had been satisfactorily addressed, but that if the Board decided to participate, he and his office would do everything they could to cooperate.

Liquor license application for 7-Eleven #14500,)
11220 SE Powell, submitted by Director of Public)
Safety with recommendation that same be
approved)

Upon motion of Commissioner Mosee, duly seconded by Commissioner Corbett, it is unanimously

ORDERED that said recommendation be adopted as the Order
of the Board.

In the matter of the presentation of the)
Community Corrections Plan Final Report)

Carl Mason, Corrections Administrator for Multnomah County, gave some introductory remarks regarding the above-entitled matter.

Kristine Rogers, Chairperson, Community Corrections Advisory Committee, presented the Community Corrections Plan and highlighted the most important aspects of the Plan through the use of a chart. She also answered questions of the Board concerning the matter.

Jerry Hoffman, State Corrections Division, answered a question of Commissioner Buchanan re how the County would lose an estimated \$800,000 in funds for corrections if it decided not to participate in the Community Corrections Act, and how that figure was computed.

Bruce Harder, Director, Office of County Management, presented a Community Corrections Act-Fiscal Policy Statement which he asked be incorporated into the Final Report before the Board with one minor amendment. He asked that he be allowed to amend the Fiscal Policy Statement to provide that if the County decides to participate in the Community Corrections program, the General Fund (constraint) contribution to the Corrections Division would be reduced by the annualized amount of the reimbursement after the implementation plan has been prepared and participation in the program actually commences. He stated he wanted that amendment added because it would assure that reimbursement will be used as an offset for County resources used.

Judith Phelan, 2536 SW Patton Court, member of the Citizens Advisory Committee for the Community Corrections Plan, stated that she had presented the Plan to the Northwest Quadrant Board on June 12, 1978, and that the Board unanimously voted to support the Plan.

Claire Argow, speaking on behalf of the Citizens Advisory Committee for the Department of Justice Services, stated that Committee voted unanimously in favor of the Community Corrections participation by Multnomah County.

Sonny Conder, member of Community Corrections Advisory Board and Budget Analyst, spoke about the concerns of the Committee in connection with funding the Diagnostic Center, a special unit of the State correction services provided to State Circuit Court judges in handling of serious felony cases.

Chairman Clark read a letter addressed to him from Robert J. Watson, Assistant Director, Human Resources, Administrator of Correction with the State of Oregon, dated July 21, 1978, relating to funding of the Diagnostic Center. Mr. Watson stated in his letter that he would amend the State Corrections Division budget for 1979-81 to include the Diagnostic Center with his strongest recommendation that it be funded separate from the Community Corrections Act.

Jim Hennings, Metropolitan Public Defender, testified in support of the Community Corrections Final Report, and reported on his analysis of the Plan. He proposed that the County contract out for corrections services under the Plan whenever possible. He also proposed that no County position be established with Community Corrections dollars without being authorized by the Board independently on a position-by-position basis.

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Shirley Hamilton, member of the Community Corrections Advisory Committee, spoke in behalf of the ethnic minority racial groups, including Hispanic Americans, American Indians and Blacks. She stated she had been appointed as their spokesperson to come before the Board and express their full support and endorsement of the Community Corrections Plan.

Del Ricks, Executive Director of Labor's Community Service Agency, Inc., AFL-CIO, and member of the Community Corrections Advisory Committee, spoke in support of the Community Corrections Plan.

Tom Dennehy, 16421 NE Holladay, member of the Community Corrections Advisory Committee, testified in support of the Plan and expressed some of his concerns.

There being no further persons wishing to testify on the above-entitled matter, the Board went into deliberations.

Chairman Clark suggested that a motion would be appropriate to incorporate the Fiscal Policy Statement as prepared by the Office of County Management, and amended by Mr. Harder, into the Community Corrections Plan Final Report before the Board. Upon motion of Commissioner Corbett, duly seconded by Commissioner Roberts, it is unanimously so

ORDERED.

Commissioner Buchanan proposed that the Fiscal Policy Statement also be amended to reflect the recommendation of Mr. Hennings that whenever possible the County would implement Community Corrections programs through contracts with outside agencies or through personal services contracts. Chairman Clark asked Commissioners Corbett and Roberts if they had any objections to amending their previous motion before the Board to include the recommendation of Commissioner Buchanan. There being no objection, the original motion, as modified, was ^{unanimously} adopted by the Board.

Chairman Clark stated that he had discussed the Community Corrections Plan with District Attorney Harl Haas at great length, and that Mr. Haas had indicated to him that he did not have the flexibility under the current plan to carry out what he believed to be his maximum best effort to favorably impact the plan. He stated that the District Attorney has requested at total of \$54,412 (\$20,000 of which has currently been allocated) to carry out that function, and the Chairman asked the Board for a motion instructing budget staff to analyze the matter; and, if satisfactory, incorporate the request in as part of the Plan during the implementation stage. Upon motion of Commissioner Roberts, duly seconded by Commissioner Buchanan, it is unanimously so

ORDERED.

An eight-minute recess was called by the Chairman.

Following the recess, Commissioner Mosee moved to amend the Community Corrections Plan on Page 36, Section 3.e.v. to add the word "only" after the words "can proceed" and the words "and Multnomah County" after the words "City of Portland." Motion duly seconded by Commissioner Corbett, and it is unanimously so

ORDERED.

After further discussion, it was decided that the above motion might not be appropriate and that it would be better to instruct staff to carry out the intent of the motion rather than specifically amending Section 3.e.v. as proposed. Chairman Clark asked Commissioners Mosee and Corbett if they had any objections to amending their previous motion before the Board, and there being no objection, the original motion, as modified, was unanimously adopted by the Board.

At this time, Carl Mason, Kristine Rogers and Jerry Hoffman answered questions of Commissioner Buchanan.

Commissioner Roberts introduced a Board Order at this time which she read in its entirety.

At this time, Chairman Clark read a letter he had just received from John J. Haugh, President, Multnomah Bar Association, expressing his strong support for the Community Corrections Plan submitted by the Community Corrections Advisory Committee.

Upon motion of Commissioner Roberts, duly seconded by Commissioner Buchanan, it is

ORDERED that the Board Order as presented by Commissioner Roberts, is hereby adopted by the Board, Commissioners Corbett and Mosee voting No.

(See Page 154½ - J. 136 for copy of Order)

Second Reading - Proposed Ordinance relating) O R D I N A N C E
to adoption of the Multnomah County Code	
	No. 169

Copies of the above-entitled Ordinance available to all persons requesting same. Ordinance was read by title only.

At this time, a hearing was had in the above-entitled matter. No one appeared requesting to be heard.

Upon motion of Commissioner Roberts, duly seconded by Commissioner Buchanan, it is unanimously

ORDERED that said Ordinance be hereby adopted by the Board.

(See Supplement, Ordinances - J. 136 for copy)

There being no further business, the Board adjourned until next Tuesday morning at 9:30 o'clock.

I, Diane T. Trudo, being the duly appointed Clerk of the Board of County Commissioners for Multnomah County, do hereby certify that the foregoing record of proceedings for the said Board of Commissioners for the month of July, 1978, is a true and correct recording of the official proceedings thereof as required by law.

Dated July 27, 1978.

END