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BOARD AGENDA COVER MEMORANDUM**Board Meeting Date: April 29, 2003**

DATE: April 16, 2003
TO: Board of County Commissioners
FROM: Bill Van Vactor, County Administrator

AGENDA ITEM, TITLE OR SUBJECT: In the matter of adopting and implementing the Public Safety Coordinating Council Task Force Final Report; and, in the matter of requesting resignations from all Public Safety Coordinating Council members, and appointing citizens and officials to the council to fill vacated positions.

I. MOTION

- 1) THAT THE PUBLIC SAFETY COORDINATING COUNCIL TASK FORCE FINAL REPORT BE ADOPTED WITH THE TRANSITION BEGINNING IMMEDIATELY, AND FULLY IMPLEMENTED BY JUNE 30, 2003
- 2) THAT THE COUNTY ADMINISTRATOR SHALL IMMEDIATELY REQUEST THE RESIGNATION OF ALL MEMBERS OF THE PUBLIC SAFETY COORDINATING COUNCIL EFFECTIVE JULY 1, 2003

II. ISSUE OR PROBLEM

State funding reductions for local criminal justice programs, driven by legislative special sessions 1-4, failure of Measure 28, and legislative action in response to the December State revenue forecast for 2002/03, resulted in reductions in service by all grant-in-aid funding recipients. It is anticipated that the 2003/05 State biennial budget will contain further reductions in grant-in-aid funding, once again necessitating reductions in criminal justice direct services. Downsizing of corrections programs and services has encouraged a discussion regarding the cost and effectiveness of the Lane County Public Safety Coordinating Council structure and support staffing. The result is a recommendation from the Council to restructure itself, and to not renew an intergovernmental contract with the Lane Council of Governments for staff services.

III. DISCUSSION

A. Background

The 1995 legislature passed Senate Bill 1145 creating local Public Safety Coordinating Councils (LPSCCs) along with a host of other structural changes in the State and local criminal justice systems. SB1145 requires that LPSCCs include, at a minimum, representation by a local police chief, the county sheriff, the district attorney, a state court judge, a public defender/defense attorney, the director of community corrections, a county commissioner, a juvenile department director, a health/mental health director, at least one lay citizen, a city councilor/mayor and city manager/other city representative, a representative of the Oregon State Police and a representative of the Oregon Youth Authority.

SB1145 states that LPSCCs shall, at a minimum

- 1) Develop and recommend to the County Board of Commissioners a plan for use of:
 - a. State resources to serve the local offender population; and
 - b. State and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age, which plan must provide for coordination of community-wide services involving, treatment, education, employment resources, and intervention strategies; and
- 2) Coordinate local criminal justice policy among affected criminal justice entities; and
- 3) Develop and recommend to the County Board of Commissioners a plan for use of State resources to serve the local youth offender population; and
- 4) Coordinate local juvenile justice policy among affected juvenile justice entities; and
- 5) In consultation with the local commission on children and families, develop and recommend to the County Board of Commissioners a plan designed to prevent criminal involvement by youth. The plan must provide of coordination of community-wide services involving treatment, education, employment, and intervention strategies aimed at crime prevention.

In August, 1995 Lane County and the cities of Eugene and Springfield adopted an intergovernmental agreement to implement the requirements of SB1145. Besides agreeing upon certain principles of their relationship while fulfilling the State mandate, the parties agreed to add the following tasks to the Lane County PSCC:

- 6) Develop policy choices and recommendations to the three governing bodies for enhancing and improving the criminal justice system in Lane County, including options for effective sanctions and appropriate intervention strategies; and
- 7) Identify opportunities to more efficiently and cost-effectively manage and operate the criminal justice system without adversely affecting the individual components of the system; and
- 8) Review and comment on proposed criminal justice operating budgets of the member organizations.
- 9) Prior to placing a ballot measure before the voters that would provide finance and enhancement to the criminal justice system within either City or within County, or prior to increasing a police services or corrections budget, the unit of government proposing the ballot measure or the police or corrections services budget enhancement agrees to discuss it with the PSCC or to meet with, discuss, and hear objections and/or favorable comments from the other parties to the agreement of the PSCC, if so requested by a party to this agreement; and
- 10) Submit the yearly proposed operating budgets [of the parties to the agreement] for their portion of the criminal justice system to the PSCC for review and comment. The comments from the PSCC were to be submitted to all three Budget Committees prior to final adoption of the respective yearly operating budget by either City Council or the Board of County Commissioners.

This intergovernmental agreement remained in effect until May 1, 2001 when items (8), (9), and (10) were replaced with language agreeing to establish committees to examine opportunities for consolidating functions of the criminal justice system duplicated by the parties to the agreement.

Since its inception the Lane County PSCC fulfilled its responsibilities towards plan development to address services for adult and youth offenders; to develop strategies for crime prevention; and to submit a plan to the State for expenditure of grant-in-aid funding on a biennial basis.

The 2001/03 grant-in-aid allocation for Lane County started at \$18,592,449 with \$9,448,719 dedicated to 2002/03. After the biennial State budget was adopted the State began to experience an unrelenting unanticipated revenue shortfall that the State balanced in part with reductions in the county grant-in-aid allocation. These reductions were implemented progressively in Lane County commensurate with State decisions to reduce quarterly payments to the counties.

Lane County's 2002/03 allocation was reduced by \$92,556 in July as a result of special sessions 1-4; by \$672,869 March 1st as a result of Measure 28 failing; and \$226,297 April 1st as a result of legislative action in the current session. The final

2002/03 grant-in-aid allocation after State cuts is \$8,456,997.

The Lane Council of Governments (LCOG,) as the contractor responsible for coordinating and providing staff support to Lane County PSCC activities was appropriated \$190,219 grant-in-aid monies, which was reduced through the reduction process during the course of the year to \$142,267. LCOG was also funded for PSCC support through Local Law Enforcement Block Grants contributed by the cities and Lane County at \$135,074. Additional funding is provided to LCOG specific to its activities supporting Juvenile Crime Prevention Plan (JCP) development and Juvenile Accountability Incentive Block Grant (JAIBG) activities.

Reductions in direct service programs while maintaining a contract with LCOG to provide staffing services to PSCC for adult activities at \$277,341 and juvenile activities at an additional funding level caused Lane County affected department heads and the County Administrator to initiate a proposal that would review the current staffing model for the PSCC. Concomitant to the staffing review was a desire to review the membership and purpose of the PSCC with eight years of experience under two separate intergovernmental agreements. To this end the PSCC Task Force was convened by Gretchen Pierce as the Chair of the PSCC.

The Task Force was comprised of Sheriff Jan Clements with John Clague as staff; Health and Human Services Director Rob Rockstroh with Grant Nelson as staff; Eugene Police Chief Thad Buchanan; Springfield Police Chief Jerry Smith, Youth Services Director Lisa Smith with Linda Wagner as staff; and Gretchen Pierce as Chair of the Task Force.

The PSCC Task Force goal was to "...reevaluate the mission of the PSCC, the scope of its advisory responsibilities, and associated staffing and resource needs. The Task Force used the ORS 423.560 *Local Public Safety Coordinating Council: duties* as its guiding protocol. The overall goal is to provide an efficient and effective structure to fulfill the mandates of this legislation." The group made a recommendation to the PSCC Policy Committee on March 13th, and again on March 31st. Modifications were recommended at each meeting for inclusion for presentation to the full PSCC on April 8th.

The PSCC met on April 8th and, after lengthy debate, again modified the Task Force recommendation resulting in the final proposal attached for Board adoption.

B. Analysis

Even though State funding declines encourage the review of the PSCC structure and staffing model, debate has persisted as to the value and effectiveness of the

PSCC in its current form. Even though there is no doubt value to convening a very broad cross section of the community to discuss issues of relevance to criminal justice philosophy, policy, statistical trends, best practices and the like, the current PSCC has had a less than stellar record with regard to implementing outcome based best practices to address offender needs and recidivism in Lane County.

The impassioned debates over the Task Force proposal which substantively alters the structure of PSCC and how it will be staffed, provided a thorough discussion of the successes of the PSCC, and some of its shortcomings. The following themes emerged which warrant close consideration while adopting the PSCC Task Force recommendation.

There has been frustration experienced by some Council members over the PSCC's inability to cause meaningful change in Lane County's Criminal Justice System. The causes of this impotence is less clear with each interest group having a different opinion.

Another theme has been "mission creep" far beyond the original charge provided for in the Oregon Revised Statutes since the formation of the PSCC. Besides tacitly endorsing creep at the full Council level, committees of the Council engaged in projects that, although laudable, were not necessarily authorized by the Council nor necessarily supportive of the Council's goals for the biennium. The result was utilization of scarce resources that did not assist the Council in achieving its goals and objectives.

The cost of providing staff support to the Council and its activities have become expensive when examined by its value measured against the glide slope of declining funding for direct services. And because of the nature of councils of government, funding has been inextricably intertwined with grant funding for a variety of projects. Clean accounting of revenue and expense exclusively related to the PSCC and its activities is nigh impossible. This prevents a measure of value.

It is the conclusion of the PSCC Task Force and a clear majority of the Public Safety Coordinating Council that it is time for a meaningful restructuring. The Task Force recommendation adopted by the PSCC provides the blueprint for structural change and the vehicle for system change.

It is important at this juncture of the discussion to recall that on November 6, 2002 the Board of Commissioners adopted an order forming the Supervisory Authority Team as a vehicle for resolving issues surrounding the dual supervisory authority scheme in Lane County, and to implement a streamlined vehicle for developing the County's Community Corrections Plan, addressing operational and policy issues in the corrections arena, and recommending the County's biennial Community Corrections budget.

The formation of the Supervisory Authority Team (SAT) served as the first of several changes needing to occur in the structural framework for planning, budgeting, and implementing corrections programs in Lane County. The formation of the SAT focused resource use, program planning and implementation within the system components held accountable for outcomes: the Sheriff, Parole and Probation, and the State Courts. Even though the SAT is authorized and operates under the authority of the Board of County Commissioners, it also functions as an "adjunct" to the PSCC by making periodic reports, and submitting proposed budgets and plans for approval prior to submission to the Board of Commissioners.

The adoption of the PSCC Task Force recommendation as adopted by the PSCC will further the clarification of goals and will focus resources towards those goals and outcomes in both the adult and juvenile justice systems.

Given the nature of the recommendations contained in the adopted PSCC Task Force report, the Board and other appointing authorities would be afforded the greatest degree of flexibility by requesting resignations from *all* members of the existing PSCC, and then appointing members to positions in the reconstituted Council. To this end an order is provided and is attached.

C. Alternatives/Options

- 1) Adopt both orders implementing the Task Force recommendations for the PSCC beginning July 1. This will allow for an orderly transition with identification of staffing for the Council.
- 2) Reject both orders with no alternatives. This will maintain the PSCC in its current form and will require negotiations with LCOG for staff support costs in the next biennium.
- 3) Modify one or both of the orders. Depending upon the modifications to be made the Board may have to offer alternatives or substitutions.
- 4) Reject one or both of the orders and send them back to the PSCC for further review. This option would most likely not provide any new insights or outcomes as the issues were thoroughly fleshed out at two Task Force meetings, two PSCC Policy Committee meetings, and one meeting of the full PSCC. The discussions at all of these meetings were robust and open with a wide range of perspectives and issues laid out for examination.

D. Recommendation

Alternative 1. Adoption of both orders will allow County staff to immediately begin

work on the transition, to include developing appointment recommendations and identifying appropriate resources for staff support to the PSCC.

E. Timing

Immediately upon adoption of the orders resignations will be requested from all current PSCC members, staff will develop a list of recommended appointees, and staff support models will be developed and implemented.

IV. IMPLEMENTATION/FOLLOW-UP

- 1) Appointment of new PSCC members
- 2) Creation of staffing model
- 3) Implementation of staffing model and/or position

V. ATTACHMENTS

Orders

Public Safety Coordinating Council Task Force Final Report

Oregon Revised Statute 423.560 and 423.565

PSCC Minutes – February 3, March 13 and March 31, 2003

PSCC TASK FORCE – Final Report

The task group's goal is to reevaluate the mission of the PSCC, the scope of its advisory responsibilities, and associated staffing and resource needs. The task force used the ORS 423.560 Local Public Safety Coordinating Council: duties as its guiding protocol. The overall goal is to provide an efficient and effective structure to fulfill the mandates of this legislation.

PSCC Composition and Reorganization - Reform PSCC membership to include those required in ORS.423.560 and representatives from the cities of Eugene and Springfield, and up to two additional lay citizens. The BCC will convene a PSCC with membership including:

Members:	Appointed by (based on statute):
1. Police chief selected by the Police Chiefs in the county	1. Police Chiefs in county
2. Sheriff	
3. District Attorney	
4. State Court Judge	4. & 5. Presiding Judge of the judicial district for County
5. Public defender or defense attorney	6 - 10. BCC
6. Director of Community Corrections	
7. County Commissioner	
8. Juvenile Department Director	
9. Health or Mental Health Director	
10. Up to three lay citizens	
11. City councilor or mayor from Eugene	11 & 12. Eugene & Springfield, respectively
12. City councilor or mayor from Spfld	13. Cities in the County
13. City manager or other city representative	14. Sup. Of State Police
14. Representative of the Oregon State Police (nonvoting)	15. Director Of OYA
15. OYA Representative (nonvoting)	

The restructured PSCC will include up to 17 members. This restructured committee can absorb the work of the Policy Group due to reduced size and representation overlap between the two groups. The Policy Group can disband.

- New or reappointments for the non-mandatory positions will be appointed by channels described above in the table.
- All IGA's and other contracts and / or bylaws involving PSCC will be renegotiated to reflect final recommendations of PSCC Policy Group.
- Grant applications that directly affect the work of the PSCC require approval from this committee.

Committees - Disband existing subcommittees. The PSCC will have two functional standing committees - one to address adult corrections / community safety issues and one for juvenile offenders / prevention issues.

Community Safety Committee (Adult Issues) - The function of this committee is to address mandates in the statute. Specific projects to accomplish that work should be developed by committee members. The overarching goal of this work is to a) determine levels of coordination and collaboration needed among jurisdictions to maintain and improve community safety, b) design and review program and system evaluations, c) develop plans based on best practices to meet local needs with available resources, and d) make recommendations to the full PSCC who ultimately provides final recommendations to the BCC. In addition:

- The Supervisory Authority Team will produce the Community Corrections Plan including the state resource plan to serve the local offender population for review and recommendation by PSCC (including the CCA budget and budget modifications)
- DPPA work will continue as Task Force work with specific work plan and time bound items (including the management of IDM2 grant)

Members should include:

- Members of Supervisory Authority Team (Jail Commander, Judge, Director of Community Corrections)
- Lane County Courts Representative
- Public Defender
- District Attorney (or designee)
- Lay member
- Service Provider (non-voting on budget matters)

Juvenile Committee - The function of this committee is also to address state mandates to coordinate plans to serve the needs of the juvenile offender population including prevention, treatment, education, employment resources and intervention strategies. The overarching goal of this work should be to a) design a coordinated system for juvenile offenders based on best practices, b) develop plans for state resources as described by their respective application processes, c) review program and system evaluations, and d) make recommendations to the full PSCC who ultimately provides final recommendations to the BCC.

- DYS should administer, monitor, and evaluate state juvenile grants (JCP, Diversion, Basic Services, County JAIBG and JAIBG from any other jurisdictions that wish to pool their money).

Members should include:

- County Commissioner
- Juvenile Department Director
- Health/Mental Health representative

- Law enforcement representative
- Commission on Children & Families representative
- County Prevention Coordinator
- United Way Youth on Track representative
- Superintendent of Schools
- Lane ESD representative
- Private Provider (non-voting) (Providers to select and rotate out)
- OYA representative
- City representative from Eugene and/or Springfield
- Juvenile Justice Researcher from DYS
- Representative from Domestic Violence Council
- Oregon Department of Human Services Community Human Services SDA5 Manager
- Juvenile Court Judge

Task Forces - The opportunity to address specific community safety problems and expand participation in both the adult and juvenile work will occur via time-limited task forces to be appointed by the PSCC. These groups will be developed as needed to accomplish defined tasks. Resources required to support task force proposals will be determined by the PSCC at the time task force proposals are accepted.

Task force membership can be broader than PSCC members in order to augment expertise as required by topic area.

- Recommendation - Assign a task force to address FTA (Failure to Appear) issue. Within six months time, the group should at a minimum 1) develop a measurable statement(s) of the problem including costs and 2) make prioritized recommendations for fact based solutions to this problem including costs and benefits, 3) Arrive at broad committee consensus for solutions and priorities. Recommended members would include:
 - o Police Chiefs - Eugene and Springfield
 - o Jail Commander
 - o Director of Community Corrections
 - o District Attorney (or rep from DA's office)
 - o Public Defender or Designee
 - o Judge
 - o Sheriff
 - o Lay Member (recommend Tim Laue who could chair the group)
- Resources - To be determined by the restructured PSCC

Meetings and Staffing - It is recommended that the PSCC, adult and juvenile committees meet quarterly and in the same month. Staffing for committees, e.g., arrange for times/places, prepare handouts, minutes, and other meeting logistics will be accomplished by county staff. In addition, the county juvenile department (DYS) will absorb costs associated with juvenile grant administration, monitoring, and evaluation as described on page 3. It is anticipated that a full time systems analyst will be needed to do research and evaluation in support of the Community Safety and Juvenile Committees as well as Task Force studies. Specific staff and resource support will be decided by the restructured PSCC.

Time line - It is recommended that the transition to the new structure begin immediately and be completed by June 30, 2003.

423.560 Local public safety coordinating council; duties. (1) The board or boards of county commissioners of a county shall convene a local public safety coordinating council. The council shall include, but need not be limited to:

- (a) A police chief selected by the police chiefs in the county;
- (b) The sheriff of the county or, if two or more counties have joined together to provide community corrections services, a sheriff selected by the sheriffs in the counties;
- (c) The district attorney of the county or, if two or more counties have joined together to provide community corrections services, a district attorney selected by the district attorneys of the counties;
- (d) A state court judge, and a public defender or defense attorney, both appointed by the presiding judge of the judicial district in which the county is located;
- (e) A director of community corrections, a county commissioner, a juvenile department director, a health or mental health director and at least one lay citizen, all appointed by the county commissioners;
- (f) A city councilor or mayor and a city manager or other city representative, both selected by the cities in the county;
- (g) A representative of the Oregon State Police, who is a nonvoting member of the council, selected by the Superintendent of State Police; and
- (h) A representative of the Oregon Youth Authority, who is a nonvoting member of the council, selected by the Director of the Oregon Youth Authority.

(2) The boards of county commissioners of two or more counties may jointly convene a single, regional local public safety coordinating council by means of an intergovernmental agreement. Local officials may combine the council with existing local criminal justice advisory councils established under ORS 1.851.

(3) The local public safety coordinating council shall, at a minimum:

- (a) Develop and recommend to the county board of commissioners a plan for use of:
 - (A) State resources to serve the local offender population; and
 - (B) State and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age, which plan must provide for coordination of community-wide services involving prevention, treatment, education, employment resources and intervention strategies; and
- (b) Coordinate local criminal justice policy among affected criminal justice entities.

(4) Nonvoting members of a local public safety coordinating council may not be counted in determining whether a quorum exists. [1977 c.412 §12; 1995 c.423 §11; 1997 c.249 §136; 1997 c.698 §1]

423.565 Additional duties of public safety coordinating council. In addition to the duties assigned to it under ORS 423.560, the local public safety coordinating council convened by the board of commissioners shall, at a minimum:

- (1) Develop and recommend to the county board of commissioners the plan for use of state resources to serve the local youth offender population;
- (2) Coordinate local juvenile justice policy among affected juvenile justice entities; and
- (3) In consultation with the local commission on children and families, develop and recommend to the county board of commissioners a plan designed to prevent criminal involvement by youth. The plan must provide for coordination of community-wide services involving treatment, education, employment and intervention strategies aimed at crime prevention. [1995 c.422 §75; 1995 c.423 §11a]