

W.C.B.



AGENDA COVER MEMO

AGENDA DATE: January 23, 2008

TO: Board of County Commissioners
DEPARTMENT: Department of Public Safety/Sheriff's Office

PRESENTED BY: Sheriff Russ Burger

AGENDA TITLE: ORDER ____/IN THE MATTER OF TRANSFERRING LANE COUNTY PAROLE AND PROBATION SERVICES FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE DEPARTMENT OF PUBLIC SAFETY.

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I. MOTION

Move approval of Order # ____/In The Matter of transferring Lane County Parole and Probation from the Department of Health and Human Services to the Department of Public Safety.

II. AGENDA ITEM SUMMARY

The Board is being asked to reassign Lane County Parole and Probation from the Department of Health and Human Services to the Department of Public Safety (Sheriff's Office).

The "Parole & Probation Division" is really STS – the Supervision & Treatment Services Division in H&HS. That division includes the following seven programs:

P&P (the official name in Community Corrections (or CC) Supervision Services)
Subcontracts
Community Corrections (this is a just a holding account for the \$365,277)
Domestic Violence Monitoring
Methadone
Sex Offender
DUII/Offender Eval Unit (often called ADO by H&HS)

ALL PROPOSED FOR TRANS
PART PROPOSED TRANS
ALL PROPOSED FOR TRANS
ALL PROPOSED FOR TRANS
NOT PROPOSED FOR TRANS
NOT PROPOSED FOR TRANS
NOT PROPOSED FOR TRANS

Summary of all STS programs discussed with regards to a transfer and CCA funds:

P&P	<u>Does</u> receive CCA Funds	Part of STS Division	<u>All</u> proposed for transfer
Sex Offender	<u>Does</u> receive CCA Funds	Part of STS Division	<u>Not</u> proposed for transfer
Mental Health	<u>Does</u> receive CCA Funds	<u>Not</u> part of STS	<u>Not</u> proposed for transfer
Subcontracts	<u>Does</u> receive CCA Funds	Part of STS Division	<u>Part</u> proposed for transfer
Drug Court Emergence	<u>Does</u> receive CCA Funds	<u>Not</u> part of STS	<u>Not</u> proposed for transfer
Community Corrections	<u>Does</u> receive CCA Funds	Part of STS Division	<u>All</u> proposed for transfer
Domestic Violence Monitor	Does <u>not</u> receive CCA Funds	<u>Not</u> part of STS	<u>All</u> proposed for transfer
DUII/ADO	Does <u>not</u> receive CCA Funds	Part of STS Division	<u>Not</u> proposed for transfer
Methadone	Does <u>not</u> receive CCA Funds	Part of STS Division	<u>Not</u> proposed for transfer

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In the late 1980's, under ORS 423.550, counties were given three options for administering community corrections, including parole and probation services:

- The State of Oregon would continue to administer the community corrections program and parole and probation services;
- The State would administer parole and probation services and the county would administer community corrections programs;
- The county would administer the community corrections program and parole and probation services.

Lane County chose the second option, transferring administration of the funds provided through Oregon Community Corrections to County Administration under Justice Services, a program within County Administration. Parole and probation services continued to be administered by a local branch of the Oregon Department of Corrections.

Lane County continued to operate under this system until the State Legislature passed SB 1145 in 1996, which amended the ORS. The bill replaced ORS 423.550 with ORS 423.549 which states that all state positions in community corrections branches of the Oregon Department of Corrections are abolished and responsibility and funding for administering both Community Corrections Act programs and parole and probation services are transferred to counties.

One of the requirements of SB 1145 was for the Board to establish the Public Safety Coordinating Council (PSCC). The PSCC appointed a Parole and Probation Task Group to develop a proposal for moving administration of parole and probation services from the Oregon DOC to a locally administered model. The Task Group looked into two issues:

- Where in county government should parole and probation services be housed as a placeholder while the PSCC developed a long term public safety and justice system plan? and
- How should the parole and probation unit be transferred?

After review and analysis of organizational alternatives by the Public Safety Coordinating Council (PSCC) and the PSCC Parole and Probation Task Group, the Board established the Parole and Probation Unit in the Health and Human Services Department (Board Order 96-6-4-1), temporarily.

B. Policy Issues

Supervisory Authority

In November 2002, the Board adopted ORDER 02-11-26-1 creating a Supervisory Authority Team Model for the Adult Corrections System. The Intergovernmental Agreement between Lane County, the City of Eugene, and the City of Springfield directs the PSCC to review and make recommendations regarding the integration of the adult corrections system, including addressing the dual supervisory authority in Lane County.

It was recommended that the Board of County Commissioners appoint a Supervisory Authority Team (SAT) including representation from Parole and Probation and the Sheriff's Office, who were the current supervisory authorities.

The Sheriff's Office recommends restructuring the Supervisory Authority Team. The restructured SAT would include the Sheriff, the Presiding Judge, and the Health and Human Services Director; or the Sheriff, the Presiding Judge, and a County Commissioner serving on the Public Safety Coordinating Council. Either of these two configurations would even out the representation and bring diverse view points to the group.

The SAT reviews and modifies policies and procedures affecting the activities of the Supervisory Authority.

The members of the SAT are the Sheriff's Office Corrections Division Commander, the Parole and Probation Manager, and the Presiding Judge or his/her designated judge.

The roles and responsibilities of the SAT include:

- Jointly manage the corrections population by developing and using compatible policies and procedures;
- Review and approve changes in policies or practices associated with duties assigned to the supervisory authority under Oregon Revised Statutes;
- Make recommendations that will ensure the efficient and appropriate flow of offenders through the system;
- Monitor existing practices and strategies for managing the offender population and, if appropriate, implement new policies and strategies based on best practices; and
- Provide regular reports to the Board of County Commissioners and the Public Safety Coordinating Council describing the management of the offender population.

Original P & P Placement Designated a Temporary Placeholder

In 1996, the Board ordered PSCC to continue their work to develop a long range strategic plan which included permanent placement of parole and probation services.

During the same year, the PSCC recommended that the location within Lane County where parole and probation services landed, should be temporary and considered a "placeholder" until the PSCC was further along in development of their comprehensive plan and had time to look at parole and probation services from a systems perspective.

In order to reevaluate the temporary assignment of the Parole and Probation unit to the department of Health and Human Services, it's helpful to look at Lane Manual and the Home Rule Charter.

Lane Manual Policies

Lane Manual 3.034 (1) states that as recommended by the County Administrator, Lane County departments shall be organized and employ personnel that most efficiently and economically carry out the functions of the departments and discharge their responsibilities in the best interest of the people of Lane County.

Both the Sheriff's Office Corrections Division and H&HS parole and probation administer adult corrections programs and manage the same adult corrections population within the county. Eliminating redundancies in the management of these separate corrections functions will help streamline operations for staff that deal with the same offender population and work with the same public safety agencies.

Lane Manual 3.044 (1) states the Department of Public Safety shall have the functions of the County Sheriff under general State law, except the functions of the Sheriff regarding the collection of taxes, and further functions as have been allocated and assigned to the Sheriff that are not allocated and assigned to the Department of Assessment and Taxation by the Board.

This policy does not preclude the Board from reorganizing functions and placing additional public safety operations within the Public Safety Department.

Home Rule Charter

The Lane County Home Rule Charter Chapter IV, Administration, Section 22, Changes in Administrative Departments states that the Board of County Commissioners can prescribe the functions of any department, but may not take any functions from the Department of Public Safety without approval of the Sheriff, or by a vote of the people.

Lane County Home Rule Charter:

Section 22. CHANGES IN ADMINISTRATIVE DEPARTMENTS.

(2) Any action

- (a) to combine the department of public safety or the department of assessment and taxation with each other or with another administrative department of the county,***
- (b) to abolish either department, or***
- (c) to take from either any of its functions may have no legal effect until approved either (a) by the head of the department or (b) by the legal voters of the county at a regular or special county election.***

For this reason and because the Sheriff may determine that the anticipated efficiencies cannot be obtained due to unforeseen circumstances, a trial period for placing Parole and Probation in the Sheriff's Office is recommended. County Counsel has advised that the Board Order include language about automatic return to H&HS that will cleanly preserve the authority of the Board under the Charter. The trial period desired by the Sheriff could be accomplished by renewing the agreement in January, 2009 for either an additional term of office, or a shorter period, as desired by all parties.

C. Board Goals

Lane County's Strategic Plan encourages county government to seek reorganizations which reduce expenditures, increase efficiency, and eliminate duplications of effort.

Lane County's Core Strategies as stated in the Lane County Strategic plan have an overall strategic theme: To build and maintain credibility and respect we must both perform well and remain accountable to the public for our performance. We must continually improve services and allocate resources wisely. We must listen carefully to citizens and do our best to effectively inform them how our actions are addressing their concerns.

Specific strategies are outlined in several areas within the plan including the area of service improvement.

Strategy A1 is "Evaluate reorganization opportunities." "Reorganization" as defined, includes the host of restructuring and re-engineering opportunities including but not limited to: consolidation; contracting with or depending upon another provider; and co-location;

The Strategic Plan says Lane County Government will actively seek to improve the efficiency, effectiveness, and quality of public services by considering reorganization of service delivery systems both within county government and across government agencies. The plan encourages Lane County to examine areas where similar or closely related services exist in different organizational units.

Section A -- Service Improvement, under A1: Evaluate Reorganization Opportunities of the Strategic Plan, also calls for evaluating possible reorganizations across County departments, specifically including **Public Safety corrections services and Health and Human Services parole and probation.**

Trial Period

Although the Sheriff is recommending the reorganization, from an organizational view point, it is suggested that the transfer of P&P to the Department of Public Safety be implemented for a trial period of three years.

A trial period is recommended to ensure sufficient time for the Board and the Sheriff to evaluate the efficiency and value of this consolidation. Additionally, this provides a specific point for the Board to exercise its authority to rescind consolidation. However, the staff from both departments would benefit from certainty, consistency, and predictability.

In addition, the Sheriff recommends a review of the location of the P&P services prior to the elected office of Sheriff changing hands each four-year term.

D. Financial and Resource Considerations

The 2007-09 Community Corrections Plan budget for Lane County totals \$21,208,780. These funds are received through an intergovernmental agreement with the Oregon Department of Corrections. ORS 423.505 was amended to declare the state's legislative policy to be that counties will be the provider of these services (new language in bold print): **Because counties are in the best position for the management, oversight and administration of local criminal justice matters and for determining local resource priorities.** This change established an ongoing partnership between the state and the counties with regards to the statewide financing of corrections and parole and probation services with appropriations from the state's General Fund.

The Lane County Sheriff's Office combines Community Corrections Act funds with revenue from several other sources to provide services in its Corrections Division.

The Lane County department of Health and Human Services similarly combines Community Corrections Act funds with other revenue to provide Parole and Probation services. In the case of Parole & Probation services, most of the funding is provided by the State of Oregon through the Community Corrections Act.

The current budget for Parole and Probation Services in the Department of Health and Human Services is \$5,781,060. The entire program, with 54.22 FTE, would move to the Sheriff's Office unit if this transfer is approved. The \$5.8 million budget includes \$4,065,489 in Community Corrections Act funding as well as \$1,715,571 in other revenue.

Health & Human Services also receives \$1,239,335 in Community Corrections revenue that is subcontracted outside of the department. The subcontracts proposed for transfer are related to the pre and post trial supervision of offenders and inmates. These funds, along with \$280,349 in service related funds (for a total of \$1,519,684) will also transfer to the Sheriff's Office.

There is \$365,277 of unallocated CCA funds in each year of the biennium (budgeted in the Community Corrections Program, a holding program, in Health & Human Services). These funds were set aside to cover any unanticipated needs including potential salary increases for the FOPPO (Federation of Oregon Parole and Probation Officers) and/or LCPOA (Lane County Peace Officers Association) bargaining units. These funds will also transfer to the Sheriff's Office, but the disposition of these funds will be at the discretion and recommendation of the Supervisory Authority Team.

The total amount of Community Corrections funds proposed for transfer to the Sheriff's Office is \$5,670,101. In the current CCP this will leave \$478,273 of Community Corrections funds in the Health and Human Services Department. The programs in Health and Human Services that will continue to receive Community Corrections funds are the Sex Offender Treatment Program, the Mental Health Program and the Drug Court Emergence Contract Program (see ATTACHMENT 1 for a detail of the proposed budget changes in all affected programs).

If the transfer of Parole and Probation and related pre and post trial supervision services to the Sheriff's Office is approved, the Sheriff's Office does not intend to change the program structure set-up by Health and Human Services. The current program structure and funding will stay intact and will be separate from all other Sheriff's Office funding.

The Sheriff's Office can absorb the administrative duties in support of the parole and probation with the amount of administrative support now paid by the programs being proposed for transfer. In addition, the Sheriff's Office will add 1.0 parole and probation officer with the available funding. (The Parole and Probation and Subcontract programs currently pay approximately \$225,386 in department overhead. The Sheriff's Office will not need all of these funds for department overhead, and will therefore be able add 1.0 parole and probation officer.)

The goal of the transfer is to seek efficiencies and eliminate duplicative functions between the Sheriff's Office and Parole & Probation. From a financial and resource perspective, this should be very achievable.

E. Analysis

The proposed reorganization would make the programs that deal with local offenders more effective and would lead to better service delivery through the elimination of redundant efforts and duplicative programs. Merging parole and probation services with other corrections services within the county would improve the use of limited resources, by combining like operations and economically

utilizing support and administrative resources.

The existing programs would benefit by eliminating duplication of effort and increasing coordination. Examples of efficiencies gained and opportunities to communicate more effectively are outlined below.

Additional Parole and Probation Staff

Because of the efficiencies gained through the consolidation of resources, there will be an estimated savings of more than a hundred thousand dollars that would be utilized to fund an additional Parole and Probation Officer. It is well known that the ratio of probationers to Probation Officers in Lane County is substandard. Although it would take adding around 20 Probation Officers to bring Lane County in line with national standards, adding one P.O. is a step in the right direction. A decrease in individual P.O.'s caseloads means closer supervision and greater offender accountability.

Strength Through Diversity

A merger will better facilitate the cross sharing of knowledge and experiences from members of both agencies. This will especially benefit officer safety, and inmate management. P&P is in possession of a wealth of knowledge regarding special needs of offenders in the community and Corrections is very familiar with the offender population.

Consistent Communication with Offenders

Specific, proven, practices for reducing recidivism indicate that consistency in communication and motivation techniques with offenders is important. Creating uniformity in one department with both functions will enable this opportunity.

Communication Between P.O.s and Deputies

Some of the offender population takes advantage of situations in systems where information is not consistent and where gaps are unintentionally created due to multiple agency efforts. Managing inmates consistently, where all phases of their sanctions and rehabilitation are coordinated and collaborated upon will help close gaps in offender management issues. Combining both areas of custody and supervision will help all staff be on the same page regarding inmate and offender management.

Unified Mission

A unified mission and goals will serve to enhance efficiency. Occasionally, P&P and Corrections approach issues differently but are ultimately trying to accomplish the same goal of sanctioning offenders. Housing these separate, but similar functions will allow the county to target offenders who repeatedly offend, with collaboratively formed case management plans that are designed to reduce recidivism.

Use of Same Evidence Based Programs for Offenders

Combining the two divisions in one department will bring increased efficiency and fidelity of implementing evidence-based programs. As part of the Defendant and Offender Management Program (Sherman Center) goals, the intent is to provide

evidenced-based programs and practices that have been shown to reduce failure to appear rates, reduce recidivism or reoffense rates, and improve assessment of danger to victims and the community.

Use of the Same Assessment Tools

There are several programs and assessments performed by the Lane County Circuit Court Pretrial Services, Sheriff's Office, and Parole & Probation. These assessments are similar in content and aims. Merging P & P into the Sheriff's Office would assist in reducing redundant services and programs and improve efficiency and communication between Sherman Center partners, as well as provide a seamless process for defendants and offenders as they enter the system, serve sentences, participate in programs, and transition back to the community.

Two Electronic Surveillance Programs

Currently, the county runs two electronic surveillance programs; one through the LCSO and one through P&P. The current number of electronic surveillance clients served monthly by the LCSO is 43 on average. The number targeted by Parole and Probation is six, for a total capacity of 49 offenders between the two programs. If Parole and Probation transfers to the Sheriff's Office, there would be a consolidation of resources, reducing duplicative services while at the same time gaining efficiency. With restructuring and combining these two programs we will double capacity to over 90 offenders with no additional staff required.

Common Utilization of County Support Services: County Counsel / HR / Fiscal/ Other Admin Support:

There are redundant efforts going on in support and administrative services that could be combined under one department. There are times when the same issues dealt with by County Counsel effect both law enforcement staff in the SO and Parole Officers in H&HS.

Common Training Needs and Coordination

Lane County Parole and Probation and Sheriff's Office staff conduct separate but similar training in the following areas: Weapons qualification, Defensive Tactics, Self Defense, Basic Life Support, First Aid/CPR, Blood-borne Pathogens, Use of Force and Arrest, and Detention Protocols. Most of these trainings are mandatory for certification by the Oregon Department of Public Safety Standards and Training (DPSST). The Sheriff's Office operates a training section that coordinates all training and education efforts for all SO staff and would do so for all P&P staff. Monetary savings, time savings, and more efficient and effective training will occur by consolidation.

Records

Communication between the Sheriff's Office and Parole and Probation has greatly increased since two Probation Officers were assigned to the Sherman Center.

Similarly the Sheriff's Office Records section is already working with Parole and Probation on entering local control warrants for offenders that fail to comply with their court orders. Combining the Sheriff's Office with Parole and Probation would serve to further enhance communication between all of those who are involved with the same pool of offenders. This reorganization would allow the Sheriff's Office Records Section to have direct access to databases which would provide 24-hour access to critical information. Better access to information will provide for increased accuracy when determining the intent of warrants and sanctions initiated by Probation Officers.

Labor Relations and Internal Affairs

Lane County was concerned about bargaining unit issues when parole and probation first transitioned from the State to the County in 1996. At the time, the Parole and Probation Officers were represented by AFSCME. Department of Public Safety sworn staff were and still are represented by the Lane County Peace Officers Association and are subject to binding arbitration. The concern at the time regarding placement of P&P Officers in Public Safety was that a case might be made for parole officers to become part of LCPOA and become subject to binding arbitration. For the last two years, P&P Officers have been represented by the Federation of Oregon Parole and Probation Officers (FOPPO) and are subject to binding arbitration, so that is no longer an issue. Because both the Lane County Peace Officers Association (LCPOA), and the Federation of Oregon Parole and Probation Officers (FOPPO) have similar working conditions and issues, are strike-prohibited, and subject to binding interest arbitration, and are represented by the same law firm, it would be beneficial for the County to manage these relationships concurrently and be easier to administer the contracts.

Both organizations devote significant management resources to collective bargaining, grievance resolution, and internal affairs including personnel issues. These important but time-consuming functions would be handled under one administrative unit on behalf of the combined organization. The Sheriff's Office is in the process of organizing an Office of Professional Standards (OPS) with existing resources. That office would assume responsibility for labor relations including collective bargaining, grievance resolution, and personnel issues. All these issues would be managed in a consistent manner with the same procedures and timelines.

There is a Memorandum of Understanding between the County and FOPPO, which states: the County agrees if Parole and Probation is moved to the Lane County Sheriff's Department or any other County department, FOPPO may reopen the contract for bargaining on working conditions only which are mandatory subject to bargains. FOPPO will provide notice to the County of its intent to reopen within twenty-one days of the official notice of the move. Negotiations will last no more than 90 days.

Treatment and Custody

Because Parole and Probation is a component of the Supervision and Treatment Services Division, it includes the Alcohol, Drug and Offender Program. Concurrently, the Sheriff's Office Corrections Division is looking towards evidence-based practices utilizing limited resources to work with offenders.

The trend in corrections practices is leaning away from jail beds and the county's ability to finance jail beds for local offenders is decreasing. The mission of the Sherman Center/DOMC is the way of the future for corrections and criminal justice. Practices in corrections demonstrate that utilizing evidence-based programs in order to change behavior through alternative methods combined with utilizing jail beds as a sanction can be effective.

Research shows that jail beds alone will not reduce re-offense rates. However, the combination of programs demonstrated to be effective, along with jail beds and adequate research-proven transition programs work. To that end, combining the resources of the Sheriff's Office and P & P as well as utilizing the philosophy and research the DOMC is based upon are the most efficient use of agency resources both financially and organizationally.

A consolidation of Parole and Probation with the Sheriff's Office creates an excellent opportunity to coordinate services, and to clinically consult together. This coordinated effort, in conjunction with the Sherman Center/DOMC and the development of the Criminogenic Needs Assessment Tool (CNAT) will help dispel the notion in the community that treatment and custody must be mutually exclusive.

Accountability

The Sheriff would become responsible for the both programs' outcomes. Currently, the Sheriff does not have responsibility for parole and probation services, and although he has developed partnerships and important working relationships with that unit, he is not accountable for the program's outcomes. This merge would put the accountability of the program and its partner programs under one roof.

Support

Attached are letters demonstrating support for the transfer of services to the Department of Public Safety.

Organizational Fit

A 2003 LCOG study called "Lane County Parole and Probation: A Look Within the Organization" included management interviews regarding the internal organization of P&P. LCOG asked P&P management what they felt was not going well regarding the overall functioning of P&P as an organization. Management listed the following:

- Relationship with the Sheriff's Office
- Understaffed due to financial constraints
- Morale
- Not enough in-house and outside training
- Not seen as an equal partner in the criminal justice system because they are under H&HS
- Supervision was not consistent and supervisors not held accountable
- Intensive Case Management not being utilized to capacity
- Organizational culture was not a fit with H&HS

In the past 4 years, some of these issues may have been addressed, however several of those issues including relationship with the LCSO, training, perception as equals in the system, and consistency in supervision are issues that are more easily facilitated within the Sheriff's Office for the parole and probation program than if it were to be housed in another department or stand on its own. Because the parole and probation manager position is vacant, consideration of parole and probation becoming a separate, independent department is not prudent at this time. Administrative and other support for the parole and probation services are available within the Sheriff's Office that would not be available if P&P became a separate department.

Other counties in Oregon have placed their parole and probation services within their Sheriff's Departments including Marion, Curry and Tillamook Counties. Both officers of each discipline are licensed through the state by DPSST. Both need access to safety and communications equipment and both are dealing with the same population and the same public service agencies.

In 1996, the PSCC's Parole and Probation Task Group looked at the DA's Office, County Administration, Youth Services, Public Safety, and Health and Human Services. One of the concerns with placement in H&HS was mission compatibility.

IV. Alternatives/Options

1. Approve the motion.

If the motion is approved, Lane County Parole and Probation will be transferred from the Department of Health and Human Services to the Department of Public Safety. Both departments approach similar issues and are ultimately trying to accomplish the same goal. Housing these separate, but similar functions within the same department will allow the county to target offenders who repeatedly offend, with collaboratively formed behavior plans. Several mission compatibility issues including relationship with the SO, training, perception as equals in the system, and consistency in supervision are issues that are more easily facilitated within the Sheriff's Office for the parole and probation program than if it were to be housed in another department or stand on its own. Additional parole & probation staff are recommended if the cost savings and efficiencies are realized with the move.

The transfer decision will be reviewed in three years or if the Board decides, at the change in the position of Sheriff.

2. Do not approve the motion.

If the Board chooses to not approve the motion, the Parole and Probation function will remain in the Health and Human Services Department, where mission and function of the program are not as well matched as they would be within the Department of Public Safety. Efforts to merge common functions and the ability to better unite the parole officers and deputies who manage the same adult corrections population will be hindered.

V. Timing/Implementation

The proposed transition will be managed by a team made up of staff from both departments. They will propose a reasonable timeline, identify issues and strategies to address needs related to the transition, and ensure that the public will not experience a disruption in services during the transition from one department to another.

VI. RECOMMENDATION

The Sheriff's Office recommends reassigning Lane County Parole and Probation from the Department of Health and Human Services to the Department of Public Safety.

VII. FOLLOW-UP

A transition team will be formed to develop a timeline and identify and address the organizational issues associated with moving a division from one county department to another.

VIII. ATTACHMENTS

Board Order
Programs Proposed For Transfer Spreadsheet
Letters of Support

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER 08-) **IN THE MATTER OF TRANSFERRING LANE COUNTY**
) **PAROLE AND PROBATION SERVICES FROM THE**
) **DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE**
) **DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, ORS 423.549 states that all state positions in community corrections branches of the Oregon Department of Corrections are abolished and responsibility and funding for administering both Community Corrections Act programs and parole and probation services are transferred to counties.; and

WHEREAS, the Public Safety Coordinating Council recommended that the location within Lane County where parole and probation services initially landed, should be temporary and considered a “placeholder;” and

WHEREAS, the Home Rule Charter Section 22 provides that the Board of Commissioners has full authority to prescribe the functions of any department, however, any action to take a function from the Department of Public Safety may have no legal affect until approved by the Sheriff or the voters at county election, and

WHEREAS, Lane Manual 3.034 (1) states that as recommended by the County Administrator, Lane County departments shall be organized and employ personnel that most efficiently and economically carry out the functions of the departments and discharge their responsibilities in the best interest of the people of Lane County; and

WHEREAS, the Lane County Strategic Plan, calls for evaluating possible reorganizations across County departments, specifically including Public Safety corrections services and Health and Human Services parole and probation; and

WHEREAS, both the Sheriff’s Office Corrections Division and H&HS parole and probation administer adult corrections programs and manage the same adult corrections population within the county; and

WHEREAS, the proposed reorganization would make the programs that deal with local offenders more effective and would lead to better service delivery through the elimination of redundant efforts and duplicative programs; and

WHEREAS, in light of the Charter limitations on the Board’s flexibility, and with the concurrence of the Sheriff, the Board is willing to transfer the function only for the term of existing Sheriff, with the understanding that at the beginning of the next term of office of the Sheriff, a similar agreement can made between the then-existing Board and Sheriff,

NOW THEREFORE IT IS HEREBY ORDERED, that conditioned on the concurrence of the Sheriff as noted below, the Board of County Commissioners transfer Lane County parole and probation services from the Department of Health and Human Services to the Department of Public Safety on a trial basis until the end of the term of office of Sheriff Burger, December 31, 2008, at which point the Lane

County parole and probation services function is automatically returned to the Department of Health and Human Services, and it is further

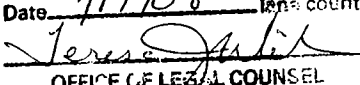
ORDERED that the Board of Commissioners will consider again the appropriate placement of the function of parole and probation services at its first meeting in January, 2009 .

Dated this _____ day of January, 2008.

Chair, Lane County Board of Commissioners

I concur with the transfer and automatic retransfer of the Lane County Parole and Probation Services at the end of my term of office:

Sheriff Russ Burger

APPROVED AS TO FORM
Date 1/17/08 Lane County

OFFICE OF LEGAL COUNSEL

**PROGRAMS PROPOSED FOR TRANSFER
FROM LANE COUNTY HEALTH & HUMAN SERVICES
TO THE LANE COUNTY SHERIFF'S OFFICE
(ALL FIGURES ESTIMATED AFTER SUPPLEMENTAL BUDGET #1)**

HEALTH & HUMAN SERVICES NOW

Health & Human Services programs with Community Corrections Act funding in FY 07/08:

PROGRAM	FTE	CCA FUNDING	OTHER REVENUE	GENERAL FUND	TOTAL BUDGET
Parole & Probation	54.22	\$4,065,489	\$1,396,267	\$319,304	\$5,781,060
Sex Offender Treatment	4.08	292,185	36,244	97,414	425,843
Mental Health	30.00	96,088	3,589,075	455,983	4,141,146
Subcontracts	0.00	1,239,335	3,517,420	275,244	5,031,999
Drug Court Emergence Contract	0.00	90,000	269,496	0	359,496
Community Corrections	0.00	365,277	0	0	365,277
Total	88.30	\$6,148,374	\$8,808,502	\$1,147,945	\$16,104,821

Health & Human Services programs with no Community Corrections Act funding in FY 07/08:

PROGRAM	FTE	CCA FUNDING	OTHER REVENUE	GENERAL FUND	TOTAL BUDGET	
Domestic Violence Monitoring*	1.00	**	\$0	\$201,617	\$0	\$201,617
DUII/Offender Eval Unit	4.76		0	359,100	104,281	463,381
Methadone Treatment	4.39		0	498,270	52,751	551,021
Total	10.15		\$0	\$1,058,987	\$157,032	\$1,216,019

* Current grant ends June 30, 2008.

** This is a FOPPO represented employee. Domestic Violence Monitoring services are consistent with the other supervision services proposed for transfer to the Sheriff's Office.

The yellow highlighted programs are the programs that are affected if the transfer is approved.

HEALTH & HUMAN SERVICES IF THE TRANSFER IS APPROVED

Health & Human Services programs with Community Corrections Act funding in FY 07/08:

PROGRAM	FTE	CCA FUNDING	OTHER REVENUE	GENERAL FUND	TOTAL BUDGET
Parole & Probation	0.00	\$0	\$0	\$0	\$0
Sex Offender Treatment	4.08	292,185	36,244	97,414	425,843
Mental Health	30.00	96,088	3,589,075	455,983	4,141,146
Subcontracts	0.00	0	3,237,071	275,244	3,512,315
Drug Court Emergence Contract	0.00	90,000	269,496	0	359,496
Community Corrections	0.00	0	0	0	0
Total	34.08	\$478,273	\$7,131,886	\$828,641	\$8,438,800

Health & Human Services programs with no Community Corrections Act funding in FY 07/08:

PROGRAM	FTE	CCA FUNDING	OTHER REVENUE	GENERAL FUND	TOTAL BUDGET
Domestic Violence Monitoring	0.00	\$0	\$0	\$0	\$0
DUII/Offender Eval Unit	4.76	0	359,100	104,281	463,381
Methadone Treatment	4.39	0	498,270	52,751	551,021
Total	9.15	\$0	\$857,370	\$157,032	\$1,014,402

**PROGRAMS PROPOSED FOR TRANSFER
FROM LANE COUNTY HEALTH & HUMAN SERVICES
TO THE LANE COUNTY SHERIFF'S OFFICE
(ALL FIGURES ESTIMATED AFTER SUPPLEMENTAL BUDGET #1)**

SHERIFF'S OFFICE NOW

Sheriff's Office programs with Community Corrections Act funding in FY 07/08:

PROGRAM	FTE	CCA FUNDING	OTHER REVENUE	GENERAL FUND	TOTAL BUDGET
Electronic Supervision	2.10	\$25,000	\$139,000	\$113,184	\$277,184
Jail Security	101.25	2,688,841	4,780,974	3,825,544	11,295,359
Medical Services	17.15	35,106	213,179	2,307,385	2,555,670
Population Management	10.55	350,845	0	852,597	1,203,442
Community Service	2.05	156,458	21,000	32,735	210,193
Forest Work Camp	19.25	297,935	2,448,332	459,462	3,205,729
Community Corrections Center	15.30	901,831	557,500	721,767	2,181,098
Parole & Probation	0.00	0	0	0	0
Subcontracts	0.00	0	0	0	0
Community Corrections	0.00	0	0	0	0
Total	167.65	\$4,456,016	\$8,159,985	\$8,312,674	\$20,928,675

Sheriff's Office program previously in H&HS with no Community Corrections Act funding in FY 07/08:

PROGRAM	FTE	CCA FUNDING	OTHER REVENUE	GENERAL FUND	TOTAL BUDGET
Domestic Violence Monitoring	0.00	\$0	\$0	\$0	\$0
Total	0.00	\$0	\$0	\$0	\$0

SHERIFF'S OFFICE IF THE TRANSFER IS APPROVED

Sheriff's Office programs with Community Corrections Act funding in FY 07/08:

PROGRAM	FTE	CCA FUNDING	OTHER REVENUE	GENERAL FUND	TOTAL BUDGET
Electronic Supervision	2.10	\$25,000	\$139,000	\$113,184	\$277,184
Jail Security	101.25	2,688,841	4,780,974	3,825,544	11,295,359
Medical Services	17.15	35,106	213,179	2,307,385	2,555,670
Population Management	10.55	350,845	0	852,597	1,203,442
Community Service	2.05	156,458	21,000	32,735	210,193
Forest Work Camp	19.25	297,935	2,448,332	459,462	3,205,729
Community Corrections Center	15.30	901,831	557,500	721,767	2,181,098
Parole & Probation	54.22	\$4,065,489	\$1,396,267	\$319,304	\$5,781,060
Subcontracts	0.00	1,239,335	280,349	0	1,519,684
Community Corrections	0.00	365,277	0	0	365,277
Total	221.87	\$10,126,117	\$9,836,601	\$8,631,978	\$28,594,696

Sheriff's Office program previously in H&HS with no Community Corrections Act funding in FY 07/08:

PROGRAM	FTE	CCA FUNDING	OTHER REVENUE	GENERAL FUND	TOTAL BUDGET
Domestic Violence Monitoring*	1.00	**	\$0	\$201,617	\$0
Total	1.00	\$0	\$201,617	\$0	\$201,617

* Current grant ends June 30, 2008.

** This is a FOPPO represented employee. Domestic Violence Monitoring services are consistent with the other supervision services proposed for transfer to the Sheriff's Office.



F. Douglass Harclerod
Lane County District Attorney

LANE COUNTY DISTRICT ATTORNEY'S OFFICE
125 EAST 8th AVENUE, ROOM 400
EUGENE, OREGON 97401-2926
FAX ONLY (541) 682-3890
(541) 682-4261

October 22, 2007

Board of County Commissioners
125 East 8th Avenue
Eugene, OR 97401

Re: Moving Parole and Probation Functions to the Sheriff's Office

Dear Commissioners:

I am in support of moving Parole and Probation from Health and Human Services to the Sheriff's office. I believe this should occur for several reasons which I will describe below.

1. Currently we have two "supervisory authorities" for corrections programs. The Sheriff's office through the Corrections Division is one supervisory authority and the Parole and Probation department is the other supervisory authority. Having one supervisory authority encompassing all of the corrections programs in the Sheriff's office as well as the Parole and Probation department would allow for "one stop shopping". I believe in operational situations that ultimately somebody needs to be in charge and take responsibility for the overall operation. Things run better, more efficiently, and there is somebody directly responsible for producing a quality result in the overall operation.
2. The mission of the Corrections Division of the Sheriff's office and the mission of the Parole and Probation operation are similar. Both organizations supervise criminal offenders. Each operation is linked closely together by the offenders they are supervising. In my opinion, the mission of supervising offenders in Parole and Probation is much closer to the mission of the Corrections Division in the Sheriff's office than it is to the mission of Health and Human Services.

Moving Parole and Probation
Page 2

3. The Sheriff has agreed to a three year trial period so the Board of Commissioners can "take back" the Parole and Probation department if in three years they deem it to be better placed in another department.

I hope my analysis is helpful to you.

Yours very truly,

F. DOUGLASS HARCLEROAD
District Attorney

FDH: amp

c: Rob Rockstroh
Bill Van Vactor
Tony Bieda
Russ Burger

January 16, 2008

TO: Board of County Commissioners

RE: In the Matter of Transferring Parole and Probation 1/23/08 Agenda: Comments

FM: Rob Rockstroh, Director H&HS

OVERVIEW OF PAROLE AND PROBATION OFFICERS (POs)

Placement of P&P staff has been an on-going issue here and in other parts of the state. I believe some of the issue and complication is driven by the fact that POs are not strictly law enforcement, as police officers are, nor are they social workers. They are hybrids that include the skill sets of both, and their primary work is involved in supervising offenders, most of which are felons.

If you look at the knowledge requirements in the PO class specifications you will see that an entry-level PO must have knowledge of social/behavioral sciences, intervention and counseling techniques, criminal law and the justice system, and law enforcement, constitutional issues, and corrections programs geared toward rehabilitation and reformation.

I am not opposed to the transfer as proposed by the Sheriff's office, but I do have some concerns, none of which would lead me not to support the requested transfer. For ease of reading, my first comments will follow the sequence of the Sheriff's agenda memo. The end of this memo will be additional comments that I hope aid in making a decision.

COMMENTS ON AGENDA MEMO

In the middle of page 3, there are two recommended structures for the Supervisory Authority Team (SAT). I think either one could work, but I believe that 3 persons are not sufficient for a comprehensive dialogue. I do have to recognize that they have done good work. One function of the SAT has been as the initiating committee for budget recommendations for the community corrections funding received from the Oregon Department of Corrections. The SAT makes budget recommendations to the Adult Community Safety Committee, who makes recommendations to the full Public Safety Coordinating Council (PSCC), who makes recommendations to the Board of Commissioners as the final authority.

I would prefer a five-person committee that could include one of the County Commissioners serving on the PSCC, the Sheriff or designee; the Presiding Judge, or designee; the H&HS director, or designee, and the Chair of the Adult Safety Subcommittee or the Chair of the PSCC. The preference would be not to use designees.

Near the top of page 5 a "trial period" is noted. I understand the concept, but I do have a concern about giving some stability and certainty to staff. The charter language may preclude giving more than a trial period. I wouldn't recommend sending the unit back to H&HS. I would hope that we would create a separate Department of Corrections within our Lane County structure. I know there are costs associated with this; this is a programmatic structure I have supported for many years.

The *Analysis* section (pages 7-12) has many sections and I want to highlight only a few of them. On page 8, I am very pleased to see that a PO position can be added. I appreciate the Sheriff's work to accomplish this.

Also on page 8, I do like the issue of better communication to improve things. It has worked within the Defendant/Offender Management Center (DOMC), commonly called the Sherman Center, and perhaps this could be expanded to more staff.

On page 8, I applaud the work that has gone on to use the same assessment tools. We need to have consistency and commonality about how we define risk in our community. The Sheriff's Office has done a great service to the community in initiation and maintaining the DOMC with all of the involved partners. I think an enhanced DOMC has the greatest potential to improve the local community corrections system.

Page 10 discusses labor relations issues. I think it is significant that POs are now strike-prohibited and subject to binding interest arbitration. The fact that they are represented by the same law firm, should make it easier to operate out of one labor relations staff in the Sheriff's Office. The Sheriff is an elected official and a co-employer, a status that I do not have. I like the idea of the Office of Professional standards and I do think consistency would be very helpful.

On page 11, the memo comments on the Sherman Center/DOMC as being the future for corrections and criminal justice. I thoroughly agree. As the memo says, it is an excellent spot to coordinate services and I also think it will help dispel the notion that treatment and custody must be mutually exclusive.

The issue of accountability is important. On page 11 there is a brief paragraph about the Sheriff being responsible for both of the programs' outcomes. There is a value in having one authority for accountability. Also, the Sheriff, as an elected official, has discretionary immunity and is a co-employer, which can give him more direct accountability and responsibility for policies and personnel issues.

On page 12, the memo points out that support services that the Sheriff's Office provides would not be available if P&P became a separate department. Both the SO and H&HS require support staff who can accomplish a variety of complex tasks. A stand-alone Lane County Department of Community Corrections would have to create and maintain their own support. This is an important issue for what I consider a preferred model of Community Corrections.

ADDITIONAL COMMENTS

Insufficient Funding

The criminal justice/law enforcement system is lacking significant money to be able to hold offenders accountable. I do not see a current system redesign that will result in a significant increase in savings or accountability, but the possibility of some consolidation and tighter accountability may help on the margin. Given our current fiscal situation in the general fund, even a marginal increase should be looked at.

Intergovernmental Agreement Goals

As a piece of background, the current intergovernmental biennial agreement with the Oregon Department of Corrections provides Lane County with over \$21 million for the 2007-2009 period. These funds are the prime source of money for Parole & Probation and a significant source for the Sheriff's Office. All of the IGA goals will be the responsibility of the Sheriff with a transfer of the P&P function and the related DOC funding. In the IGA under *Duties and Responsibilities of County* it says that the "*County will meet the goals for community corrections in Oregon described below.*"

1. *Reduce criminal behavior*; this has two indicators for recidivism related to felonies.
2. *Enforce Court, Board of Parole and Post-Prison Supervision, and Local Supervisory Authority*; this has two indicators for positive case closures.
3. *Assist Offenders to Change*; this has a measure for employment rates and one for rate of participation in treatment programs.
4. *Provide Reparation to Victims*; this has indicators for restitution/fines collected and for community service hours.

Initiative 40

We have a potential issue with Initiative 40, which is Kevin Mannix' mandatory prison sentencing proposal. I have heard that DAs are looking at an alternative to this initiative. Recently I received a document from DOC that shows an estimated reduction in community corrections by \$16.5 million for the 2009-2011 biennium. I do not know if the potential cut triggers the "opt-out" language that allows counties to have the P&P functions revert back to the state. We may have to look at this in the near future.

Office Space

We have the opportunity to rethink space requirements now. Currently H&HS is in the process of remodeling Charnelton Place as the replacement for the Public Health Annex and to consolidate some H&HS services.

For years the old Courthouse has been overcrowded. What has been discussed informally over the years has been the possibility that H&HS Admin and Human Services Commission Admin could move somewhere else and that the District Attorney's Office could move to the H&HS space. That would leave additional room in the Courthouse for potential growth of the Court. In the informal discussions there has been no funding specified for this.

If the Sheriff were to take P&P under his umbrella, it may make more sense for P&P not to move to Charnelton Place as planned. The anticipated move date is May 2009.

If the H&HS staff were to move to Charnelton this would consolidate services and create more efficient processes through a better redesign of work areas that could be shared space or shared staffing. This is not meant to be any sort of analysis, but I do see potential in such a consolidation. I do not know all the financial implications related to funding the Charnelton Building purchase, but P&P does come with some of its own funding. It has paid commercial rates to the State for years and that funding could be used to assist in the lease/purchase of other space. This would leave a gap in funding of the Charnelton Place building, and we would have to figure out how to reallocate costs to the programs moving into the remodeled building.

Lane County Department of Community Corrections

My preferred model for community corrections would be to establish a stand-alone Lane County Department of Community Corrections. I have this concept in writing since March 2000. It gets complicated because of funding and charter issues, but I believe that a separation between law enforcement and supervision may offer some healthy system tension. I do not believe that we are ready to create a separate Department of Corrections. I think that a separate unit within the Sheriff's Office, the Division of Community Corrections, may be a step in the right direction.

If the transfer were to be approved, I believe we could administratively transfer all P&P employees effective April 1, 2008 and we could complete the budgetary transfers to be effective July 1, 2008.