

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING A )  
LEGISLATIVE POSITION RELATING TO )  
JAILS )

RESOLUTION NO. 85-531

Introduced by the  
Executive Officer

WHEREAS, There is a need for a uniform corrections system in Oregon that assures the public safety and meets the basic needs of individuals housed in system facilities; and

WHEREAS, The state has the responsibility to establish a statewide system of corrections facilities that provides equitable custody and assures uniform public safety throughout Oregon; and

WHEREAS, There is a lack of state-maintained space in Oregon to house all sentenced felons and there is need for enhanced State Corrections Division funding to provide for such space; and

WHEREAS, There is inadequate space in county jails in the Portland metropolitan region to house all sentenced felons as well as other sentenced and presentenced offenders; and

WHEREAS, State funding provided to local jurisdictions for housing sentenced felons in local jails in the region is insufficient to cover costs; and

WHEREAS, Local jurisdictions in the region have employed options to incarceration available in the corrections system, and have made use of alternative programs that help reduce jail populations; and

WHEREAS, The region nevertheless faces a breakdown in the corrections system because of inadequate facilities; now, therefore,

BE IT RESOLVED,

1. That Metropolitan Service District hereby adopt the goal of developing a rational, long-term policy, through a partnership between the counties and the state, for the care and custody of persons accused or convicted of crimes, with the specific objective of defining fiscal responsibility between the state and the counties in this region.

2. That the state of Oregon, for its part, is recommended to accept increased fiscal responsibility for the care and housing of sentenced felons.

3. That the state is recommended to specifically accept fiscal responsibility for the housing of sentenced Class A and B felons, either by providing the necessary space for such housing or through reimbursement to local jurisdictions with temporarily house such felons until adequate state-operated space is available.

4. That the Oregon State Legislature is urged to approve new law which assures that all criminal offenders convicted of Class A and B felonies and sentenced to incarceration by any Circuit Court in Oregon be housed in a state-operated secure custody facility.

5. That to limit the need and cost of the fiscal impact of this change, state and local authorities will continue their efforts to reduce the use of secure custody facilities through presentence and post-sentence options established under the Community Corrections Act.

6. That local authorities will continue to provide for the care and housing of Class C felons, sentenced misdemeanants and presentenced defendants in the system.

7. That to assist local jurisdictions in meeting this responsibility, the 1985 State Legislature is requested to:

a. Provide additional funding to the State Corrections Division for the Community Corrections Act to improve local correctional services; and

b. Allow the Corrections Division to retain the Class C felon payback to allocate to counties to address jail overcrowding conditions. These funds would be used in this region to establish and operate alternative correctional facilities to house Class C felons sentenced to local correctional facilities.

If such funding is not adequate to pay full costs of such facilities, the state should provide additional funding to cover the full costs of the alternative facilities.

ADOPTED by the Council of the Metropolitan Service District  
this 24th day of January, 1985.

A handwritten signature in red ink, appearing to be 'Ernie Bonner', written over a horizontal line.

Presiding Officer  
Ernie Bonner

SS/srs  
2603C/405-3  
01/24/85

CONSIDERATION OF RESOLUTION NOS. 85-531  
AND 85-536 ESTABLISHING A LEGISLATIVE POSITION  
RELATING TO JAILS AND AGREEING TO CONTINUE THE  
REGIONAL ADULT CORRECTIONS TASK FORCE

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Date: January 5, 1985

Presented by: Steve Siegel

FACTUAL BACKGROUND AND ANALYSIS

On September 25, 1984, the Council of the Metropolitan Service District (Metro) passed Resolution No. 84-502 establishing the Regional Adult Corrections Task Force to prepare a) a 1985 Legislative Action Plan and b) a long-term strategy to resolve adult corrections problems. The Task Force was composed of representatives of the County Commissioners, Sheriffs and District Attorneys in the tri-county area and the Metro Council. The group concluded its mission in December 1984 by recommending that the two attached companion resolutions be adopted by the three counties and Metro.

The primary focus of the Task Force was jail overcrowding. The term "jail overcrowding" is a misnomer in that the courts prohibit the actual physical overcrowding of jail facilities.

The "overcrowding" problem actually manifests itself in terms of a) early releases, b) using alternative facilities and programs in ways they are not best utilized, and c) using jail facilities in ways they are not best utilized. In the tri-county area there are approximately 517 sentenced offenders with a sentenced prisoner jail capacity of 309 beds. There are 371 sentenced offenders in jails, the remainder are either in other residential facilities or on furlough or intensive street supervision.

To begin to resolve the problem, the Task Force recommends a partnership be formed. In this partnership the State would be responsible for A and B felons, the counties would maintain, care and housing responsibility for C felons, misdemeanants, unsentenced and pretrial offenders. There are currently 142 sentenced A and B felons in county jails and 17 more in alternative county programs. The legislative proposal calls for an increased State allocation to the Corrections Division to house, or at least temporarily reimburse counties for, the A and B felons. The proposal also calls for increased Community Corrections Act funds, which have not increased since its inception, for counties to meet their requirements.

In addition to the legislative proposal, the Task Force recommends that the Regional Adult Corrections Task Force, staffed by Metro's IRC, be continued for policy and planning coordination.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolutions No. 85-531 and No. 85-536.

SS/srs  
2604C/405-2  
01/08/85

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The motion carried and the Resolution, as proposed by Presiding Officer Bonner, was adopted.

8.3 Consideration of Resolution No. 85-531, for the Purpose of Establishing a Legislative Position Relating to Jails

Steve Siegel said staff would present information at this time on Resolutions No. 85-531 and No. 85-536 because the two matters were closely related. He then introduced Deke Olmsted, Director of Justice Services for Multnomah County, and Don Barney of Don Barney & Associates, currently under contract with Metro to conduct criminal justice planning activities.

Mr. Siegel explained the Council had charged staff with recommending what role Metro should play in the area of criminal justice activities. The Council had awarded a contract to Barney & Associates and established a Criminal Justice Task Force to: 1) develop a criminal justice agenda for the 1985 legislative session in relation to overcrowding of state prisons; and 2) determine Metro's long-term role in the area of criminal justice.

Mr. Olmsted said the Metro Criminal Justice Task Force had provided the vehicle for reaching a consensus on regional jail policy. He said the recommendations of the Task Force, contained in Resolution No. 85-531, had been approved by the Commissions of Multnomah, Clackamas and Washington counties and would be submitted as draft legislation, probably through the State Senate Justice Committee. In summary, he said the Resolution would request the state to provide adequate space to house Class A or B felon sentenced to a period of incarceration. Mr. Olmsted explained this action would save local government thousands of dollars.

Councilor Van Bergen said Clackamas County jails housed a substantial number of federal prisoners awaiting trial while it appeared many county prisoners were being released due to lack of jail space. He asked if there were any provisions for a cooperative federal housing arrangement to correct this situation. Mr. Olmsted said this Resolution did not address that specific problem but he was familiar with the federal/county arrangement because it also existed in Multnomah County. Multnomah County, however, bought additional space and then rented it out at a profit to the federal government. This insured space for Multnomah County inmates, he said.

Mr. Barney spoke on behalf of the Task Force, recommending its continuation as a standing committee as proposed in Resolution No. 85-536. He said the Task Force was an important forum for local government officials to reach a consensus on criminal justice issues such as the issue addressed in Resolution No. 85-531.

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Mr. Barney briefly reviewed a draft document entitled "Regional Criminal Justice Planning: Results of a National and Regional Survey on the State of the Art," prepared by Don Barney & Associates and dated January 1985. The findings of this report supported the continuation of the Regional Criminal Justice Task Force and Metro's key role in its success. He said the final report would contain commendations from the Task Force about what their first year agenda should be.

Councilor Waker said Mr. Barney had made an excellent proposal, but he was concerned that Metro could not provide the finances necessary to fund such an ambitious program. Mr. Siegel responded the Inter-governmental Resource Advisory Committee would review this matter and most likely, they would recommend the program would be funded from local dues at an approximate annual cost of \$10,000.

Councilor Myers asked if staff had reviewed a recently introduced bill that would create a state criminal justice planning council. Mr. Barney said he was familiar with the proposed legislation. It was his understanding the council would serve as an umbrella organization and there would still be a need for some regions, especially the Portland metropolitan area, to examine local needs and then communicate them to a state-wide council. Councilor Myers said he assumed if the bill were adopted, a careful effort would be made to avoid duplication of data collection efforts. He requested staff make copies of this proposed legislation available to all Councilors.

Presiding Officer Bonner proposed that item 4 of Resolution No. 85-536 be eliminated because it was redundant. Councilors Kirkpatrick, Waker and DeJardin disagreed, stating item 4 contained important elements not addressed in other parts of the Resolution.

Motion: Councilor Kirkpatrick moved adoption of Resolution No. 85-531 and Councilor Waker seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Kafoury and Oleson

The motion carried and the Resolution was adopted.